CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-EIGHTH CONGRESS, SECOND SESSION.

VOLUME XXXVIII.

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CONGRESSIONAL RECORD,

FIFTY-EIGHTH CONGRESS, SECOND SESSION.

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He also presented a petition of the congregation of the Methodist Episcopal Church of Point Marion and of sundry citizens of Dayton and Titusville, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of Finishers' Union No. 140, Amalgamated Wood Workers' International Union, of Shelbyville, Ind., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a memorial of the Retail Lumber Dealers' Association of Indiana, remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a memorial of Strain & Bro., of Princeton, Ind., remonstrating against the passage of the bill (S. 2259) to regulate shipping in trade between ports in the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes; which was ordered to lie on the table.

He also presented a petition of the Indiana Rural Carriers' Association, of Bluffton, Ind., praying that an appropriation be made to increase the salaries of rural letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of W. M. Hunter, of Versailles, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Retail Lumber Dealers' Association of Indiana, and of the Stoltz-Schmitt Furniture Company, of Evansville, Ind., remonstrating against the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

He also presented petitions of the Indiana State Medical Society, of Indianapolis; of Garrett Pigman, of Liberty, and of M. L. Hall, of Newport, all in the State of Indiana, praying for the enactment of legislation to increase the efficiency of the medical department of the Army, and also that an appropriation be made for the construction of a general hospital for the Army in the District of Columbia; which were referred to the Committee on Military Affairs.

Mr. WETMORE presented a petition of the Sarah E. Doyle Club, of Providence, R. I., praying for the establishment of a national forest reserve in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PERKINS presented a petition of Maywood Post, Department of California, Grand Army of the Republic, of Corning, Cal., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of California, praying that lands in severalty be given to landless Indians in northern California; which were referred to the Committee on Indian Affairs.

Mr. KEAN presented a petition of Vineland Grange, No. 11, Patrons of Husbandry, of Vineland, N. J., and a petition of Haddon Grange, Patrons of Husbandry, of Camden, N. J., praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Gabriel R. Paul Post, No. 101, Department of New Jersey, Grand Army of the Republic, of New Jersey, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Plainfield, Paterson, Stanhope, South Dennis, Andover, Dennisville, and Elwood; of the Woman's Christian Temperance Union of Dennisville; of the congregations of the Presbyterian, North Reformed, First Reformed, Baptist, and Holland Reformed churches of Passaic; of the congregation of the Reformed Church of Clifton; of the congregation of the Methodist Episcopal Church of Dunellen, and of the congregation of the Methodist Episcopal Church of Perth Amboy, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented petitions of sundry citizens of Plainsville, Detroit, Croton, Chesaning, East Wright, Waldron, and Plainwell, and of the congregations of the Congregational and Methodist Episcopal churches of Williamston, all in the State of Michigan, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of Pixley Post, No. 102, Department of Vermont, Grand Army of the Republic, of Enosburg Falls, Vt., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Chester, Bethel, and Brattleboro, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Juniciary.

Mr. CARMACK presented a petition of the congregation of the United Brethren in Christ Church of Whitepine, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. MONEY. I present a petition of the Choctaw Indians of Mississippi, praying for an extension of the time allowed them to join their nation in the Indian Territory. I ask that the petition be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Memorial of Mississippi Choctaws, praying for an extension of time within which their right to remove to the Choctaw country may be permitted.

The honorable the Senate and House of Representatives:

Your memorialists, full-blood Mississippi Choctaws, residents of Mississippi and of Indian Territory, most humbly pray that those who shall have been identified by the United States Commission to the Five Civilized Tribes may be permitted, at any time prior to the completion of allotments, to file their applications to said Commission for allotments, and that they be not required to conform to any other rules relative to their enrollment or allotment than other citizens of the Choctaw Nation by blood.

Your memorialists respectfully submit that by the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," it was provided by article 41 that Mississippi Choctaws should, within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country and furnish proof of such settlement within one year after the date of their said identification as Mississippi Choctaws, under penalty of being barred from their rights as Choctaws.

Many of your petitioners do not understand the English language. At the request of the Choctaw Nation, through its delegate, Congress has heretofore provided that no contracts made by Mississippi Choctaws relative to the lands to be allotted them in the Choctaw-Chickasaw Nation should be valid. This cuts off from the Mississippi Choctaws the opportunity of employing attorneys willing to incur the expense of attending to the various requirements imposed by the statutes.

These requirements were inserted in the act of Congress upon the insistence of the delegates and attorneys of the Choctaw-Chickasaw Nation, with a view to depriving your petitioners of their rights, knowing that your petitioners were very misinformed and entirely without means, and that many of them did not understand the English language.

Your memorialists are further required, after having resided upon the lands of the Choctaw-Chickasaw Nation for a period of three years and before the expiration of four years, to furnish proof of the fact of the three years' residence as a further condition of enjoying the right of Choctaw citizenship. Your memorialists humbly pray for an amendment of the present law, as follows, to wit:

"Mississippi Choctaws, identified by the United States Commission to the Five Civilized Tribes as full-blood Choctaws, shall have the right, at any time prior to the closing of the allotment office of the Choctaw-Chickasaw country, to make application and have allotted to them and to their children, born of them prior to September 28, 1902, lands the same as other Choctaws by blood, without being required to comply with any other condition than that imposed upon other Choctaws, and any conditions making a distinction against the said Mississippi Choctaws are hereby repealed."

Your memorialists respectfully submit that ingenious conditions have been inserted in the law, at the request of the attorneys of the Choctaw-Chickasaw Nation, by virtue of which many Mississippi Choctaws would be barred. Said attorneys have a contract with the Choctaw Nation by which said attorneys receive a fee from the Choctaw Nation for each applicant for citizenship defeated by said attorneys, as your memorialists are informed and believe; for example, your memorialists were required, within six months after the date of identification, to make bona fide settlement within the Choctaw-Chickasaw country, when it was well known that your memorialists were exceedingly poor; when it was well known that your memorialists, under the Mississippi statutes, could not leave their landlords during the crop season; when under that statute it was a misdemeanor for anyone to invite a Mississippi Choctaw to leave his landlord when under contract with or in debt to his landlord; that such removal could only be accomplished by a compromise with the landlord and the payment of the indebtedness of the Mississippi Choctaw, before he could be allowed to remove; when, by the skillful contrivance of the attorneys of the Choctaw Nation, the Mississippi Choctaws were cut off from financial support by being refused the right to contract with regard to the right of their prospective inheritance in the Choctaw country; that under these artful conditions many of your memorialists were prevented within the six months from making bona fide settlement in the Choctaw country; that these attorneys, having a pecuniary interest as aforesaid, have invoked the courts against your memorialists, as will appear by Exhibit A.

The attorneys for the Choctaw Nation have further ingeniously contrived and invented various other pitfalls for the Mississippi Choctaws who by incompetency or ignorance or poverty may neglect to make due proof of three years' bona fide residence and prior to the termination of a fixed four-year term.

Your memorialists respectfully insist that these conditions are imposed for the artful purpose of making fees for the attorneys of the Choctaw Nation, to the great harm of your memorialists, and without serving any good cause either to the Choctaw Nation or to the United States.

Your memorialists have heretofore set up their rights in the premises to the Congress of the United States by various petitions, as will appear from the following:

Memorials of December, 1896, and January, 1897, and September, 1897.
H. R. Report No. 3080, Fifty-fourth Congress, second session.
House bill No. 10372.
Senate Document No. 129, Fifty-fourth Congress, second session.
House Document No. 274, Fifty-fifth Congress, second session.

Public No. 162, approved June 28, 1898, Curtis Act.

Emma Nabors v. Choctaw Nation, Supreme Court United States, October term, 1898, brief of appellants.

House Document No. 425, Fifty-sixth Congress, first session.

Senate Document No. 263, Fifty-sixth Congress, first session.

Indian appropriation act, approved May 31, 1900. By this act (Public, No. 131, p. 18) it was provided as follows:

"*Provided*, That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotments: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the land to be allotted to said Mississippi Choctaws shall be null and void."

These particulars we pray shall be reenacted as above prayed for. Your memorialists call attention to the fact that this last proviso prevented us from receiving proper and necessary pecuniary assistance, and the provisions of the Curtis Act (Public No. 162, sec. 19, p. 8) prohibits us pledging any money which might ultimately be due us per capita, the law saying: "The same shall not be liable to the payment of any previously contracted obligations."

Your memorialists were thus cut off from pecuniary assistance when it was well known to the Choctaws that we were too poor to remove ourselves, and they themselves so memorialized Congress of the United States, and made that representation through the Choctaw general council, declaring that we were too poor to emigrate ourselves into the Choctaw Nation. (P. 3, House Report No. 3080, 54th Cong., 2d sess.)

Your memorialists call attention to the various endeavors to deny them the right conceded to them by Congress. The rights of your memorialists are further set up in House Report No. 2522, Fifty-sixth Congress, second session; House Document No. 490, Fifty-sixth Congress, second session, and Senate Document No. 319, Fifty seventh Congress, first session, and by the Choctaw-Chickasaw agreement (Public, No. 228), approved July 1, 1902, in sections 41, 42, 43, and 44.

Your memorialists humbly submit that putting the Mississippi Choctaws who have been identified upon the same basis as other Choctaws will serve an important part in disentangling a portion of the complicated conditions brought about in allotting the lands of Indian Territory, and will serve to prevent delay in final settlement.

THE MISSISSIPPI CHOCTAWS,
By CHARLES F. WINTON, *Attorney*.
R. L. OWEN, *Counsel*.

To Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, as the Commission to the Five Civilized Tribes:

You are hereby notified that the Choctaw and Chickasaw nations or tribes of Indians will, on the 18th day of January, 1904, at 2 o'clock p. m., or at such time as may be fixed by the court, apply to the Hon. Charles W. Raymond, judge of the United States court for the western district of the Indian Territory, to grant a temporary restraining order against you, as the Commission to the Five Civilized Tribes, as prayed for in the bill in equity, a copy of which is hereto attached and marked "Exhibit A."

CHOCTAW AND CHICKASAW NATIONS OR TRIBES OF INDIANS.
By MANSFIELD, MCMURRAY & CORNISH, *Attorneys*.

In the United States court for the western district of the Indian Territory, sitting at Muscogee. The Choctaw and Chickasaw nations or tribes of Indians, plaintiffs, *v.* Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, as the Commission to the Five Civilized Tribes, defendants. Bill in equity.

The plaintiffs, the Choctaw and Chickasaw nations or tribes of Indians, for cause of action against the defendants state:

That under the laws of the United States and the treaties between said nations and the United States they are the owners of all the lands embraced within the area known as the Choctaw and Chickasaw nations; that the individual members of said tribes own said lands in fee simple, the character of their holding being fixed by the following provisions of article 1 of the treaty of 1855 between the United States and the Choctaw and Chickasaw nations or tribes of Indians:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each and every member of either tribe shall have an equal undivided interest in the whole: *Provided*, No part thereof shall ever be sold without the consent of both tribes; and that said lands shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

That under the provisions of the treaty entered into between the United States and said nations or tribes of Indians on April 23, 1898, commonly known as "the Atoka agreement," and the agreement supplementary thereto, entered into on the 21st day of March, 1902, and approved by act of Congress of July 1, 1902, the Commission to the Five Civilized Tribes is authorized and empowered, in strict conformity with said treaties, to allot said lands in severalty among the members of said tribes, as therein provided.

That, among other things, said supplementary treaty contains the following provision in regard to Mississippi Choctaws:

"SEC. 41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement with the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the said treaty of 1830 who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation. All of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll.

"SEC. 42. When any such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall upon due proof of such continuous bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

"SEC. 43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children; and if the father be dead, the mother may apply; husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound minds may be made by duly appointed guardians or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

"SEC. 44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he, and his heirs and representatives if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for cause, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser."

That the defendants, as the Commission to the Five Civilized Tribes, have no power and authority to receive proof of the settlement of any person identified as a Mississippi Choctaw, entitled to allotment as provided in said treaty, after the expiration of six months from the identification of said person as a Mississippi Choctaw, entitled to benefits under the provisions of said supplementary agreement, nor has the Commission any power, after proof of such settlement, to enroll such person and allot to him a share of the lands of said tribes, as prescribed in said agreement.

The plaintiffs further state that on the 14th day of February, 1903, the defendants, as the Commission to the Five Civilized Tribes, identified, under the provisions of said agreement, all the persons so applying for identification as Mississippi Choctaws in the case of King Brandy et al. pending before said Commission, viz, King Brandy, Joe Baptieste, William Cole, Mary Baptieste, and her two minor children, Sam and Louisa Baptieste, and Celestine Brandy.

That the six months within which said persons so identified as Mississippi Choctaws could under the provisions of said treaty made bona fide settlement within the Choctaw and Chickasaw country expired on the 14th day of August, 1903, and that up to and including that date none of said persons removed to and made bona fide settlement within the Choctaw-Chickasaw country.

That notwithstanding this failure to comply with the law, and notwithstanding said defendants, as the Commission to the Five Civilized Tribes have no lawful power and authority to do so, the defendants are threatening, and will unless restrained permit said persons to remove to and make settlement in the Choctaw-Chickasaw country and take possession of the lands belonging to these plaintiffs, to the exclusion of bona fide members of said tribes, and are threatening, and unless restrained will permit said parties to make proof of such settlement to said Commission, and will unless restrained enroll said persons as Mississippi Choctaws, and make to them an allotment of lands as provided in said supplementary agreement.

That the plaintiffs, the members of the Choctaw and Chickasaw nations will thus be deprived of their common property of the approximate value of $40,000, to the great damage of these plaintiffs, and in violation of their legal and treaty rights.

Plaintiffs further state that said threatened action by the defendants is unlawful, to the great damage of plaintiffs, and constitutes an injury to them for which they have no adequate legal remedy.

Wherefore, the premises considered, the plaintiffs pray that the defendants be enjoined from taking such threatened action, and that upon final hearing that a decree be entered perpetually enjoining them from taking such action in regard to all of such persons or in regard to any persons similarly situated.

CHOCTAW AND CHICKASAW NATIONS OR TRIBES OF INDIANS.
By MANSFIELD, MCMURRAY & CORNISH, *Attorneys*.

I, R. P. Harrison, clerk of the United States court of the western district of the Indian Territory, do hereby certify that the attached is a true and correct copy of an order of court made on the 18th day of January, 1904, as the same appears from the original on file in my office.

Witness my hand and the seal of said court at Muskogee, in said Territory, this 19th day of January, A. D. 1904.

[SEAL.] R. P. HARRISON, *Clerk*.
R. A. BAYNE, *Deputy Clerk*.

In the United States court in the Indian Territory, western district, sitting at Muskogee. The Choctaw and Chickasaw Nations or Tribes of Indians, plaintiffs, *v.* Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, W. E. Stanley, as the Commission to the Five Civilized Tribes, defendants.

Now, on this 18th day of January, 1904, come the above-named plaintiffs and defendants, by their respective attorneys, and the application for an injunction, filed in the above-entitled cause, having been presented to, seen, and considered by the court, and the court having heard the evidence introduced in support thereof, and the argument of the counsel, and being fully advised in the premises, doth order that the temporary restraining order prayed for in said bill should issue.

Wherefore it is by the court ordered and adjudged that Tams Bixby, Thomas B Needles, Clifton R. Breckinridge, and W. E. Stanley, individually and as the Commission to the Five Civilized Tribes, be, and they are hereby, restrained, until the further order of this court, from enrolling King Brandy, Joe Baptieste, William Cole, Mary Baptieste and her two minor children, Sam and Louisa Baptieste, and Celestine Brandy as Mississippi Choctaw, and from making to them an allotment of land, as provided in said supplemental agreement, and that the restraining order be in full force and effect from and after the filing with the clerk of this court a bond in the sum of $2,000, to be conditioned as by law required, the sureties on said bond to be approved by the clerk of the court.

This January 18, 1904, at Muskogee, Ind. T.

C. W. RAYMOND, *Judge*.

[Form No. 191.]

SUMMONS.

UNITED STATES OF AMERICA,
Indian Territory, Western District, ss:

The President of the United States of America to the United States marshal for the Indian Territory, western district:

You are commanded to summons Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, as the Commission to the Five Civilized Tribes, to answer on the first day of the next October term of the United States court in the Indian Territory, western district, at Muskogee, being the 3d day of October, A. D. 1904, a complaint filed against them in said court by the Choctaw and Chickasaw nations or tribes of Indians, and warn them that upon their failure to answer the complaint will be taken for confessed, and you will make due return of the summons on the first day of next October term of said Court.

Witness the Hon. C. W. Raymond, judge of said court, and the seal thereof, at Muskogee, Ind. T., this 19th day of January, A. D. 1904.

[SEAL.] R. P. HARRISON, *Clerk*,
By R. A. BAYNE, *Deputy*.

(Indorsed on back as follows:) 278—1110. No. 5208. Summons. The Choctaw and Chickasaw Nations *v.* Tams Bixby et al. Summons issued the 19th day of January, 1904; returnable October term, 1904. Mansfield, McMurray & Cornish, attorneys for plaintiff.

Mr. LONG presented a petition of sundry citizens of Morland, Kans., and a petition of sundry citizens of Dickinson County, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 4621) granting an increase of pension to George Draper; which were referred to the Committee on Pensions.

He also presented petitions of Griffin Post, No. 266, of Ada, and of Frontier Post, No. 353, of Spearville, of the Department of Kansas, Grand Army of the Republic; of Princeton Circle, Ladies of the Grand Army of the Republic, of Princeton, and of Lincoln Circle, No. 1, Ladies of the Grand Army of the Republic, of Kansas, all in the State of Kansas, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Jackson County, Lyons, and Canton, all in the State of Kansas, praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of Connecticut. At the request of the officers of the National Woman's Christian Temperance Union I present their memorial against the passage of bills having for their purpose the union of the Indian Territory and the Territory of Oklahoma as a State, and I ask that their memorial, not including the exhibits, may be printed as a document. I can say that I do not think I agree with the purpose of the memorial, but the memorialists represent a very respectable body of women in the United States, and I think they are entitled to present their memorial and have it printed as a public document.

The PRESIDENT pro tempore. Does the Senator desire any reference of the memorial?

Mr. PLATT of Connecticut. Let it be referred to the Committee on Territories.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the papers he sends to the desk be printed as a Senate document.

Mr. PLATT of Connecticut. Not including the exhibits, the memorial proper.

The PRESIDENT pro tempore. Not including the exhibits. Is there objection? The Chair hears none. The memorial will be referred to the Committee on Territories.

Mr. FRYE presented petitions of sundry citizens of Madison, Orino, Bingham, and Auburn, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the board of trustees of the Republic Chamber of Commerce and Mines, of Ferry County, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 4250) to appropriate the sum of $40,000 to the Cape Cod Pilgrims' Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims, reported it with an amendment to the title, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 535) for the relief of Charles R. Hooper, reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Interstate Commerce, to whom was referred the bill (S. 4385) to incorporate the Mississippi Valley Interstate Commerce Association, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 3067) for the relief of Joseph A. Jennings, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3678) to provide for the creation of an additional land district in the district of Alaska, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9891) giving the consent of Congress to the removal of the restrictions on the sale of Puyallup allotted lands, and confirming and legalizing sales thereof since March 3, 1903, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. CLAY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 4113) to authorize the Secretary of the Treasury to adjust the accounts of the Grand Rapids and Indiana Railway Company for transporting the United States mails, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 2994) to amend an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, so that the provisions of said act shall be extended to and include the States of Oregon, Washington, and California, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2993) to amend the first section of an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, reported adversely thereon, and the bill was postponed indefinitely.

He also (for Mr. GAMBLE), from the same committee, to whom was referred the bill (H. R. 5511) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals, reported it without amendment, and submitted a report thereon.

ROADS AND ROAD BUILDING.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, 12,000 copies of the hearing before the Committee on Agriculture and Forestry of the Senate on Tuesday, January 26, 1904, on Senate bills 3477 and 2539.

HISTORY OF DEPARTMENT OF JUSTICE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Pennsylvania [Mr. PENROSE] to print copies of a history of the Department of Justice, to report it favorably with amendments; and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed from stereotype plates and bound in cloth 2,000 copies of a history of the Department of Justice from 1789 to 1904, written by James S. Easby-Smith, including biographies of all the Attorneys-General and Solicitors-General; and that there also be printed from plates, etched or engraved by Max and Albert Rosenthal, and bound in said history portraits of the Attorneys-General and Solicitors-General, 1,200 copies for the use of the House of Representatives, 600 copies for the use of the Senate, and 200 copies for the Department of Justice.

The amendments of the Committee on Printing were, in line 2, after the word "printed," to strike out "from stereotype plates, and bound in cloth, 2,000" and insert "the usual number of;" in line 9, to strike out the word "bound" and insert the word "inserted;" and in line 10, after the words "Solicitors-General," to strike out "1,200 copies for the use of the House of Representatives, 600 copies for the use of the Senate, and two" and insert "and that in addition to said usual number there be printed and bound in cloth one;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed the usual number of copies of a history of the Department of Justice from 1789 to 1904, written by James S. Easby-Smith, including biographies of all the Attorneys-General and Solicitors-General; and that there also be printed from plates etched or engraved by Max and Albert Rosenthal, and inserted in said history, portraits of the Attorneys-General and Solicitors-General; and that in addition to said usual number there be printed and bound in cloth 100 copies for the Department of Justice.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

PROTECTION OF WATER SUPPLY OF PORTLAND, OREG.

Mr. PERKINS. I am directed by the Committee on Forest Reservations and the Protection of Game to report back favorably with an amendment the bill (S. 3036) for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon.

Mr. MITCHELL. As that is a local bill and there are reasons why it should be passed into a law as speedily as possible, I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of the bill just reported.

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. It will be read for information.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Forest Reservations and the Protection of Game was, in line 13, after the words "President of the United States," to strike out the words "on June 21" and to insert in lieu the word "in:" so as to make the bill read:

Be it enacted, etc., That from and after the date of the passage of this act it shall be unlawful for any person or persons, except forest rangers and other persons employed by the United States to protect the forest, and Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, to enter, for the purpose of grazing stock or for any other purpose whatever, upon any part of the reserve known as the Bull Run Forest Reserve, in the Cascade Mountains, in the State of Oregon, which reserve was established by proclamation of the President of the United States in 1892, as provided by section 24 of an act of Congress entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, and which reserve includes within its area the water supply of the city of Portland, State of Oregon; and any person or persons, save those hereinbefore excepted, who shall engage in grazing stock, or who shall permit stock of any kind to graze within said Bull Run Forest Reserve, or who shall enter upon said forest reserve, or be found therein or in any part thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof in the district court of the United States for the district of Oregon shall be fined not less than $100 nor more than $1,000, in the discretion of the court. And the Secretary of the Interior is hereby authorized and directed to enforce the provisions of this act by all proper means at his command, and to exclude from said forest reserve stock of all kinds and all persons, save as hereinbefore excepted.

The amendment was agreed to.

Mr. PETTUS. I move, in line 9, to strike out the words "or for any other purpose whatever." It seems to me that it is a very stringent sort of a law to say that anyone who enters upon that reserved land at all—who walks on it—is guilty of an offense and may be punishable by a fine of $1,000.

Mr. MITCHELL. What is the suggestion of the Senator from Alabama? What is the amendment proposed by him?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 9 strike out the words "or for any other purpose whatever."

Mr. PETTUS. Grazing stock on this land ought to be prohibited, of course.

Mr. MITCHELL. How will the bill read if amended as proposed?

The Secretary read as follows:

And Federal and State officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, to enter, for the purpose of grazing stock, upon any part of the reserve known as the Bull Run Forest Reserve.

Mr. MITCHELL. I have no objection to the amendment.

The amendment was agreed to.

Mr. TELLER. I understand that this is a purely local measure.

Mr. MITCHELL. It is.

Mr. TELLER. And that it applies simply to a forest reserve in the State of Oregon.

Mr. MITCHELL. That is right.

Mr. TELLER. For that reason I am not going to make any objection to the bill. I wish to say, however, that upon any general legislation touching forest reserves I shall want to be heard. I make no objection to it.

Mr. MITCHELL. It is purely local. It is to protect the water supply of the city of Portland.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON CLAIMS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WARREN on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Claims be, and the same is hereby, authorized to employ during the Fifty-eighth Congress a stenographer, from time to time as may be necessary, to report such hearings as may be had by the committee or its subcommittees in connection with any matter which may be before the committee, and to have the same printed for its use; that it may sit during the sessions of the Senate, and that any expense in connection with the foregoing shall be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. LONG introduced a bill (S. 4874) for the relief of J. A. McCreary; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 4875) to further promote the efficiency of the militia, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DILLINGHAM introduced a bill (S. 4876) granting an increase of pension to James W. Ryan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 4877) to determine the quantity of the so-called hammer blow, centrifugal lift, and tangental throw of the counterbalance in locomotive driving wheels; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CULLOM introduced a bill (S. 4878) granting an increase of pension to William D. Shaffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4879) granting an increase of pension to Robert Bivans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 4880) granting an increase of pension to John T. Rader; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 4881) granting an increase of pension to Henry Russell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 4882) granting an increase of pension to Hermann Schaub; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced a bill (S. 4883) granting an increase of pension to Eli Newsom; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4884) granting an increase of pension to Charles H. Wilsey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 4885) to correct the military record of the late Capt. Marcus Coon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MORGAN. I introduce a joint resolution and ask that it be read at length and referred to the Committee on Interoceanic Canals.

The joint resolution (S. R. 58) as to a ship railway at Panama was read the first time by its title, and the second time at length, and referred to the Committee on Interoceanic Canals, as follows:

Resolved, etc., That the Isthmian Canal Commission is directed to examine the question of the practicability of constructing and maintaining a railroad structure for the transportation of vessels and their cargoes across the highlands on the route of the Panama Canal, between the sea levels or tide levels on each side of the same, at or near Gatun on the Caribbean side and the Rio Grande on the Pacific side.

And whether such railway structure can be constructed at less cost along the proposed line of the Panama Canal through the Culebra and Emperador heights or on the present route of the Panama Railroad or some other route in that vicinity.

And said Commission is instructed to report to Congress their estimates of the cost of such construction and as to its practicability with all convenient dispatch.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN submitted an amendment providing for the condemnation and acquiring by the United States of 1,280 acres of land at Cape Henry, Virginia, owned by the Lynn Haven Beach and Park Company, for the purpose of constructing thereon fortifications and other works of defense, intended to be proposed by him to the fortifications appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $59,000 for grading and macadamizing Fourteenth street from its present terminus at Lydecker avenue to the junction near Brightwood of said street extended with Piney Branch road, and proposing to appropriate $7,500 for enabling the Commissioners of the District of Columbia to purchase the pieces or parcels of ground necessary for the right of way of said street, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $7,500 for grading Clifton street from Eleventh street NW. to Thirteenth street NW., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,000 for grading, repairing, and macadamizing pavement of gutters and improvement of Thirty-seventh street, and other streets in Burleith subdivision in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $4,000 for building a laundry at the Mount Pleasant, Mich., Indian school, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment providing for the appraisement of all town lots and parts of lots included within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw nations at or near Sulphur Springs, in the Chickasaw Reserve, Indian Territory, and providing for the payment of such appraised value of said lots to the persons who were bona fide holders or claimants of the respective lots immediately prior to the vesting of title thereto in the United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

EXCLUSION OF MATTER FROM THE MAILS.

Mr. HOAR. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads consider and report whether any further legislation be needed to secure, either by providing for an appeal to the courts or otherwise, the rights of persons whose correspondence is excluded from the mails under any discretion now exercised by the authorities of the Post-Office Department.

Mr. HOAR. Mr. President, I ask leave to say a word about the resolution and to call the attention of the members of the Committee on Post-Offices and Post-Roads to it.

I have been applied to by very worthy and respectable citizens in my own State who complain that the correspondence of persons who undertake to give medical advice by mail or who have medical preparations for sale—medicines of all sorts—is excluded from the mails, their business destroyed, and the persons who wish to consult them prevented from doing so under the discretion given to the Post-Office Department.

The provision is that "no circular or letter concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretenses shall be carried in the mail," and that all such letters and packages shall be returned to the writer or destroyed, or otherwise disposed of as the Postmaster-General shall require.

Undoubtedly that is a most healthy, wise, and desirable provision of law and authority of law in general, but it would seem that it authorized the proper official of the Post-Office Department to break up a business where he might think the person engaged in it was deluding the public or was getting money under false pretenses on a very imperfect inquiry, perhaps without the possibility of a full hearing. It appears to me the committee may properly consider whether the public safety may not be insured by providing in the case of a person complaining of the action of the Post-Office Department for some prompt and summary application to the court for a judicial hearing. This resolution does not undertake to determine that question, but merely submits it to the Post-Office Committee.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

CENTRAL DISPENSARY AND EMERGENCY HOSPITAL.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the board of charities of the District of Columbia is hereby directed to transmit to the Senate the full testimony taken by said board at all hearings or investigations of the Central Dispensary and Emergency Hospital, and also any report or reports that said board may have made on matters connected with the investigation of said hospital.

H. SMITH WOOLLEY.

Mr. CARMACK submitted the following resolution; which was read:

Resolved, That the Secretary of the Treasury of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Treasury Department in relation to the appointment of H. Smith Woolley, a former deputy internal-revenue collector of the district of Idaho, whose name is now before the Senate for confirmation as assayer in charge at Boise, Idaho.

Mr. ALLISON. Let the resolution lie over.

Mr. CARMACK. It will go over.

The PRESIDENT pro tempore. The resolution will go over under the rule.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass.;

A bill (H. R. 6931) for the relief of the estate of Mary P. Gilmore;

A bill (H. R. 6937) for the relief of the estate of Elizabeth S. Cushing;

A bill (H. R. 7535) for the relief of Jacob Swigert, late deputy collector, seventh Kentucky district;

A bill (H. R. 7718) for the relief of the estate of Artemus E. Gibson;

A bill (H. R. 8505) for the relief of the estate of Cyrus D. Hottenstein, deceased;

A bill (H. R. 10511) for the relief of the estate of Mary Keating;

A bill (H. R. 10688) for the relief of Johann A. Killian;

A bill (H. R. 10925) directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa.; and

A bill (H. R. 11928) for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 199) for the relief of John H. McLaughlin;

A bill (H. R. 2009) for the relief of the estate of Sven J. Johnson;

A bill (H. R. 2010) for the relief of the heirs of John A. Dolan;

A bill (H. R. 2193) for the relief of David Tweed;

A bill (H. R. 2591) for the relief of W. S. Feland, late deputy collector, second Kentucky district;

A bill (H. R. 3393) for the relief of the Columbia Brewing Company, of Shenandoah, Pa.;

A bill (H. R. 11337) for the relief of G. H. Dearen;

A bill (H. R. 11178) for the relief of Miss Lelia G. Cayce;

A bill (H. R. 4407) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady;"

A bill (H. R. 4573) for the relief of Eugene Patenaude;

A bill (H. R. 4637) authorizing and directing the Secretary of the Treasury to pay James L. Anderson the sum of $598.28;

A bill (H. R. 6984) for the relief of Kate R. Sharretts and Edward A. Sharretts, administrators of George E. W. Sharretts;

A bill (H. R. 7190) for the relief of the Bank of North Wilkesboro; and

A bill (H. R. 9457) for the relief of Alexander S. Rosenthal.

The bill (H. R. 10891) for the relief of Julius A. Kaiser was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 4570) to provide an American register for the steamer *Beaumont* was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10058) for the relief of Kirby Thomas was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 10516) for the relief of Edward J. Farrell was read twice by its title, and referred to the Committee on Military Affairs.

CREEK AND CHEROKEE INDIAN LANDS.

The joint resolution (H. J. Res. 118) authorizing the Secretary of the Interior to use $5,000 of the amount appropriated by the act approved February 18, 1904 (Public No. 22), for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory was read twice by its title.

Mr. ALLISON. That House joint resolution is a proper measure to be considered, and it is rather imperative. I ask that it be put upon its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the army appropriation bill.

Mr. KEAN. I should like very much to ask unanimous consent——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from New Jersey?

Mr. PROCTOR. At this stage of the army appropriation bill I do not think I ought to yield to anyone. I have had several applications. I trust that in a very few minutes the Senator will be able to get in his matter.

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate proceed with the consideration of the army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes.

Mr. PROCTOR. Yesterday I offered an amendment, which was withdrawn, in regard to the settlement of accounts in the Philippines. That amendment has been submitted to the Senator from Tennessee [Mr. CARMACK] and the Senator from Texas [Mr. CULBERSON]. I will now offer it again, to come in after line 10, on page 50. I will say that if any Senator objects to it I will withdraw the amendment; but the Senators referred to say that it is entirely satisfactory.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 50, after line 10, insert:

The Secretary of War is authorized, if in his judgment the conclusion be an equitable one, to declare the existing open accounts between the civil government of the Philippine Islands and the Government of the United States to be settled and satisfied and to direct the transfer of the title of the following launches: The Lexington, Leader, Frankfort, San Antonio, Guy Howard, Ogden, Sultana, Troy, Philadelphia, Johnny, Q. M. D., Julia Suerte, and Pittsburg to the Philippine government, and to direct that the same be dropped from the returns of the Quartermaster's Department. The order of the Secretary of War in this behalf, with respect to the accounts of the Ordnance, the Subsistence, the Quartermaster's, and the Signal Corps shall be taken as a balancing and final adjustment and settlement of such accounts. To facilitate such adjustment and to avoid a deficit in the Ordnance and Subsistence departments for the current fiscal year there is hereby appropriated, out of funds in the Treasury of the United States not otherwise appropriated: For the Ordnance Department, purchase of arms, ammunition, and equipment, $50,000; for the Subsistence Department, purchase of supplies, $144,680.44; which funds shall be available to replace like ordnance stores and subsistence supplies for not exceeding two years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CARMACK. My impression is that the object of this amendment is stated in the following extract from the letter of the Secretary of War:

My own impression is, however, that the Commission will think it fair if all the claims for and against the two governments should be declared satisfied and the accounts allowed to stand as if evenly balanced.

If just a balance is declared and the accounts between the two governments closed, he is satisfied, as I understand it. That is the substance.

Mr. LODGE. That is the substance of it, and the purpose of the amendment. It was drafted by the Secretary of War, I understand.

Mr. CARMACK. Now, what is the exact meaning of this latter part of the amendment:

To facilitate such adjustment and to avoid a deficit in the Ordnance and Subsistence Departments for the current fiscal year there is appropriated, etc.

Mr. LODGE. Because in the accounts of the Ordnance and Subsistence Departments those amounts appear as credited to the civil government, with no offset such as the civil government maintains there really is, and it is necessary to make this appropriation in order to cover that deficit. I think it is only a question of bookkeeping, as a matter of fact.

Mr. CARMACK. That is what I think. I have no objection to the amendment.

The amendment was agreed to.

Mr. BACON. I desire to ask the Senator from Vermont a question with reference to——

Mr. PROCTOR. Will the Senator from Georgia suspend for a moment? I think the Senator from Colorado [Mr. TELLER] has an amendment to offer.

Mr. BACON. Certainly.

Mr. TELLER. I have a formal amendment that I should like to move. Yesterday I offered an amendment, on page 15, striking out certain words, and did not strike out enough. If the Secretary will turn to the amendment made yesterday, on page 15 of the bill as it now stands, I desire to strike out, after the word "shall," in line 20, the words "when retired, be retired with," and insert simply the word "have." It then will read "shall have the rank and retired pay." The chairman of the committee agrees that that is a proper amendment to carry out the idea.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 20, at the end of the line, strike out the words "when retired, be retired with" and insert in lieu the word "have;" so that as amended it will read:

Field, line, and staff officers of the Army below the grade of brigadier-general, with creditable records, who served during the civil war, who have heretofore been or may hereafter be retired, shall have the rank and retired pay of the next higher grade.

Mr. ALLISON. May I make a single suggestion to the Senator from Colorado? Does the amendment as now modified increase the retired pay only hereafter? Is the word "hereafter" there?

Mr. TELLER. If the Senator will look at the RECORD, on page 2991, he will see there just what we did in this matter yesterday. I do not think this changes the amendment of yesterday, except to render it a little clearer and to make it a little better English.

Mr. ALLISON. It now applies to officers who have been retired in the past.

Mr. TELLER. It is the purpose of the provision as it now stands to give those who have been retired under the operations of law one advanced grade, and also when they shall be retired.

Mr. ALLISON. I understand.

Mr. TELLER. We are just applying to the Army the rule we apply to the Navy, and we are applying it to those who were unfortunate enough to be retired a year ago and those who will be retired a year hence.

Mr. ALLISON. I understand that. It only applies to the future as respects the increased pay they shall receive, and does not in any way constitute a claim?

Mr. TELLER. Oh, no. I understand what the Senator means. It does not create a claim for back pay.

Mr. ALLISON. That is what I want to understand.

Mr. TELLER. Oh, not at all. There is no proposition of that kind.

Mr. ALLISON. That ought to be made clear, I think.

Mr. PROCTOR. I think in the amendment, after "shall have," the word "hereafter" should be inserted.

Mr. TELLER. Very well; put in the word "hereafter."

Mr. ALLISON. I think so.

The PRESIDENT pro tempore. The Senator from Colorado modifies his amendment. The modification will be stated.

The SECRETARY. Strike out the words "when retired, be retired with," and insert "have hereafter."

Mr. TELLER. "Shall hereafter have" would be the better way.

Mr. PROCTOR. "Shall hereafter have."

The PRESIDENT pro tempore. The amendment will be so modified. The question is on agreeing to the amendment offered by the Senator from Colorado as modified.

The amendment as modified was agreed to.

Mr. BACON. Mr. President, I desire to make an inquiry of the Senator from Vermont. I notice that on page 2 of the bill there is an appropriation for the Army War College. The question I desire to ask the Senator from Vermont is whether or not any part of the $15,000 there appropriated can be used for the expenses of the erection of the statue of Frederick the Great in the War College grounds. If the Senator desires it, I will state my reasons for making the inquiry before he replies.

There has been sent to the House of Representatives by the Secretary of the Treasury an estimate of the cost of the erection of that statue, and in that way the matter is officially brought to the attention of Congress that it is proposed to erect a statue of Frederick the Great in the grounds of the War College. I am not sure, although the language is "absolutely necessary expenses," whether that would be considered as one of the absolute necessary expenses, and whether any part of this appropriation of $15,000 would be available for that purpose.

Mr. PROCTOR. I do not think that any expense for that purpose would come under this appropriation at all. It is a matter which was not considered. It is not provided for. If such a monument is erected there, it will have to be provided for in some other way.

Mr. BACON. I will call the attention of the Senator to the fact that under some other provision of the bill some portion of that expense may be provided for.

On the second page of the Document of the House of Representatives No. 584, of the present session of Congress, a House document which I hold in my hand, there is a statement by the Chief of Engineers as to this expense and where the money, in part, is to be procured. In order that the Senate may be in possession of all the document informs us of, I will read on the first page a communication from the Secretary of War to the Secretary of the Treasury, as follows:

WAR DEPARTMENT,
Washington, March 1, 1904.

SIR: I have the honor to forward herewith, for transmission to Congress, an estimate ($8,000) of appropriation for "Dedication of statue of Frederick the Great," required by the War Department for the service of the fiscal year ending June 30, 1905.

Very respectfully,
WM. H. TAFT,
Secretary of War.

The SECRETARY OF THE TREASURY.

The Secretary of the Treasury transmits that to the Speaker of the House of Representatives with this note:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 2, 1904.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War, of the 1st instant, submitting an estimate of appropriation for dedication of statue of Frederick the Great, $8,000.

Respectfully,
L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The estimate is made by General Mackenzie, as Chief of Engineers, and in the course of it he makes the following statement:

These expenses generally stated are cost of preparing foundation, raising and adjusting the statue in place; material and labor for erection of stands; hire of chairs to seat guests; cards of invitation to guests and the hire of carriages for the use of distinguished persons invited to attend the ceremony. The transportation—

Now, here is the point to which I call the attention of the Senator:

The transportation of troops to and from the grounds, it is expected, will be defrayed from the appropriation for the support of the Army.—*A. Mackenzie, brigadier-general, Chief of Engineers, United States Army.*

So there is in this bill the anticipation, at least, of the Chief of Engineers, in making this estimate, that a part of the expenses of this ceremonial will be defrayed out of the money appropriated by this appropriation bill.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. PROCTOR. Mr. President, I will say to the Senator from Georgia that this item of appropriation is exactly what it was a year ago, before the matter he is referring to was under consideration. The amount is the same, and the language of the appropriation is word for word identical with the appropriation of last year.

Mr. BACON. I have noted that fact, but still I was uncertain, as there is no specification as to what would be included under the term "necessary expenses," that it might be within the discretion of some officer to consider that a part of the necessary expenses of the War College grounds, and this is to be put up as one of the features of the War College.

Now I will yield to the Senator from Colorado [Mr. TELLER] for a question.

Mr. TELLER. I want to ask a question of the Senator from Georgia for information. By what authority is this statue of Frederick the Great to be erected? I ask whether Congress has taken any action or whether it is simply the Executive who has acted?

Mr. BACON. Well, Mr. President, this communication is, so far as I know, the only official communication to Congress upon the subject; and what we know about that we gather from common reports and from what seem to be well-recognized and authentic newspaper statements on the subject, that the statue was not accepted by Congress, but that it was accepted by the President of the United States.

It is true, as stated by the Senator from Vermont [Mr. PROCTOR], that the provision of this bill with reference to the War College is an exact copy of the provision in the former appropriation bill for the War College; and the only suggestion which I have to make to the Senator on this subject is one I have already expressed partially, that in each of the bills, while there is a specification of any number of the expenses to which this $15,000 shall be applied, there is a general provision in each, covered by the general term "necessary expenses," and, as I stated before, it is entirely within the range of possibility that some officer who may have a discretion in determining what are necessary expenses, may conclude that the statue of Frederick the Great is intended to be one of the features of the War College grounds and that it is a necessary expense to erect it.

Then, again, I call the attention of the Senator further to the fact that while that might be considered to be entirely improbable, one part of the expense of the erection of that statue is the transportation of troops to and from—possibly to and from the capital. I do not know that. It speaks of the transportation of troops to and from the grounds, and it says that that expense is to be defrayed out of the general provisions of this appropriation bill. So, even if the specific items as to the War College could not be construed to justify the devotion of any portion of this $15,000 to this particular purpose, there is, at least in the mind of General Mackenzie, who has had this estimate made, and that of the Department—that there is at least in his mind a portion of the money appropriated by this bill to be devoted to that ceremonial.

As the matter is up, I desire to say a few words on this subject. It is, perhaps, a very ungracious thing to do; it is certainly a very unpleasant thing to do; but I think, Mr. President, there are some matters of sufficient importance to require a man to perform an unpleasant duty, if he regards it as a duty. I confess that I do not regard this as a slight or immaterial matter.

I desire to say first, Mr. President, that nothing is farther from my desire than to say anything here which should be considered as in any manner an affront to the German Emperor or in any manner disrespectful or offensive to him; nor would I be willing that anything that I should say should be considered in any manner as disrespectful or offensive to the great people over whom he presides as Emperor. There is no greater race than the great German race. There is with them and the great English-speaking people a common origin of race, and the same blood largely courses in the veins of each people; but there are many who are famous in English as well as in German history whose statues I would not be willing to see erected in Washington.

I should be more than glad to see erected in this capital the statues of a great many Germans whose names could be easily selected, men who have illustrated in their lives and achievements those things which have advanced the civilization of the world and have conduced to progress and to humanity. Germany's history is full of the names of such men, those who have glorified Germany and honored all mankind, and if the German Emperor or the German people were to offer to this nation a statue of Goethe or Wagner, or any of many other Germans whose names might be suggested, men who have been famous in literature, philosophy, invention, art, and science, I should be very glad, as a Member of Congress, that Congress should accept it and should erect such a statue as a representative here of the German people in the capital of this nation, and to bear whatever of expense might be required for that purpose. I want to say, further, that so far as the expense of this matter is concerned, it does not weigh the shadow of a feather; that is not the consideration at all.

But, having premised that, I take opportunity to say that I do not believe that it is in accord with the wishes of the people of the United States that the statue of Frederick the Great should be erected within the limits of the capital of the United States. I may be mistaken in that, Mr. President. I do not think I am, however, from the discussion of this matter which has been had in the press of the United States and from the very considerable number of letters which I have received on the subject. If I am mistaken, then I know there are some who deeply regret the situation, and I wish to state in my place that I do most sincerely and deeply regret it.

I want to say another word, in order that I may not be misunderstood. I said that I wished to do nothing that might be considered as disrespectful or in any manner an affront to the German Emperor. Neither do I wish to say anything which shall be disrespectful to the President of the United States. I recognize the fact that the President has been put in a very embarrassing position by the offer of this statue, and I regret that he did not refer the matter to Congress, where the authority to accept and erect a statue in this city properly belongs.

Mr. President, statues are erected for high purposes. They are erected frequently and most often as the testimonial of the gratitude of a nation for distinguished services performed to a nation and to its people—services of great devotion and great personal sacrifice and great accomplishment for the good of the people. Certainly no consideration of that kind can be considered in this case, because all connected therewith is entirely foreign in all particulars to the history of this Government.

There is a still higher motive which prompts the erection of statues, and that is when the person whose effigy is set up constitutes an ideal for the admiration and emulation of the people, that all who look upon it, be they high or low, may be stimulated to similar performances and similar efforts and endeavor.

Sir, I submit, in all respect to all who are connected with this matter, that the erection of a statue of Frederick the Great in the capital grounds of the United States can not be in that view. There is no single thing connected with the history of Frederick the Great which would make him an ideal for the emulation of the people of the United States, except so far as courage and heroism and devotion to his kingdom are concerned, which we all accord him as one of the greatest warriors known to history. There is no doubt about that.

Mr. QUARLES. I should like to inquire of the Senator, if he will permit me, why he speaks of locating this statue in the Capitol grounds?

Mr. BACON. I do not mean this Capitol building.

Mr. QUARLES. Is not the distinct proposition to locate the statue on the grounds of the War College?

Mr. BACON. When I speak of the capital grounds, I mean the capital of the nation, not the grounds around this building.

Mr. QUARLES. But is not the proposition to erect this statue on the grounds of the War College?

Mr. BACON. Undoubtedly, and I have stated that in the very beginning of my remarks; but the War College is a part of the city of Washington.

Mr. QUARLES. Yes; it is located at the Washington Barracks.

Mr. BACON. Very well, then, it is a part of the city of Washington; and when I spoke of the capital grounds, I repeat, I did not mean the squares which surround this building. I am using the word which is spelled with an "a"—"t-a-l," not "t-o-l." I am speaking of the capital of the nation.

I repeat, Mr. President, that of course there are qualities which were displayed by Frederick the Great which are to be admired, and which give him high rank in history, but nothing, I respectfully submit, that can possibly appeal to the people of the United States as an ideal to be emulated by the citizens of the United

The PRESIDENT pro tempore. The Senator from Vermont moves that the Senate proceed with the consideration of the army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes.

Mr. PROCTOR. Yesterday I offered an amendment, which was withdrawn, in regard to the settlement of accounts in the Philippines. That amendment has been submitted to the Senator from Tennessee [Mr. CARMACK] and the Senator from Texas [Mr. CULBERSON]. I will now offer it again, to come in after line 10, on page 50. I will say that if any Senator objects to it I will withdraw the amendment; but the Senators referred to say that it is entirely satisfactory.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 50, after line 10, insert:

The Secretary of War is authorized, if in his judgment the conclusion be an equitable one, to declare the existing open accounts between the civil government of the Philippine Islands and the Government of the United States to be settled and satisfied and to direct the transfer of the title of the following launches: The Lexington, Leader, Frankfort, San Antonio, Guy Howard, Ogden, Sultana, Troy, Philadelphia, Johnny, Q. M. D., Julia Suerte, and Pittsburg to the Philippine government, and to direct that the same be dropped from the returns of the Quartermaster's Department. The order of the Secretary of War in this behalf, with respect to the accounts of the Ordnance, the Subsistence, the Quartermaster's, and the Signal Corps shall be taken as a balancing and final adjustment and settlement of such accounts. To facilitate such adjustment and to avoid a deficit in the Ordnance and Subsistence departments for the current fiscal year there is hereby appropriated, out of funds in the Treasury of the United States not otherwise appropriated: For the Ordnance Department, purchase of arms, ammunition, and equipment, $50,000; for the Subsistence Department, purchase of supplies, $144,680.44; which funds shall be available to replace like ordnance stores and subsistence supplies for not exceeding two years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. CARMACK. My impression is that the object of this amendment is stated in the following extract from the letter of the Secretary of War:

My own impression is, however, that the Commission will think it fair if all the claims for and against the two governments should be declared satisfied and the accounts allowed to stand as if evenly balanced.

If just a balance is declared and the accounts between the two governments closed, he is satisfied, as I understand it. That is the substance.

Mr. LODGE. That is the substance of it, and the purpose of the amendment. It was drafted by the Secretary of War, I understand.

Mr. CARMACK. Now, what is the exact meaning of this latter part of the amendment:

To facilitate such adjustment and to avoid a deficit in the Ordnance and Subsistence Departments for the current fiscal year there is appropriated, etc.

Mr. LODGE. Because in the accounts of the Ordnance and Subsistence Departments those amounts appear as credited to the civil government, with no offset such as the civil government maintains there really is, and it is necessary to make this appropriation in order to cover that deficit. I think it is only a question of bookkeeping, as a matter of fact.

Mr. CARMACK. That is what I think. I have no objection to the amendment.

The amendment was agreed to.

Mr. BACON. I desire to ask the Senator from Vermont a question with reference to——

Mr. PROCTOR. Will the Senator from Georgia suspend for a moment? I think the Senator from Colorado [Mr. TELLER] has an amendment to offer.

Mr. BACON. Certainly.

Mr. TELLER. I have a formal amendment that I should like to move. Yesterday I offered an amendment, on page 15, striking out certain words, and did not strike out enough. If the Secretary will turn to the amendment made yesterday, on page 15 of the bill as it now stands, I desire to strike out, after the word "shall," in line 20, the words "when retired, be retired with," and insert simply the word "have." It then will read "shall have the rank and retired pay." The chairman of the committee agrees that that is a proper amendment to carry out the idea.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, line 20, at the end of the line, strike out the words "when retired, be retired with" and insert in lieu the word "have;" so that as amended it will read:

Field, line, and staff officers of the Army below the grade of brigadier-general, with creditable records, who served during the civil war, who have heretofore been or may hereafter be retired, shall have the rank and retired pay of the next higher grade.

Mr. ALLISON. May I make a single suggestion to the Senator from Colorado? Does the amendment as now modified increase the retired pay only hereafter? Is the word "hereafter" there?

Mr. TELLER. If the Senator will look at the RECORD, on page 2991, he will see there just what we did in this matter yesterday. I do not think this changes the amendment of yesterday, except to render it a little clearer and to make it a little better English.

Mr. ALLISON. It now applies to officers who have been retired in the past.

Mr. TELLER. It is the purpose of the provision as it now stands to give those who have been retired under the operations of law one advanced grade, and also when they shall be retired.

Mr. ALLISON. I understand.

Mr. TELLER. We are just applying to the Army the rule we apply to the Navy, and we are applying it to those who were unfortunate enough to be retired a year ago and those who will be retired a year hence.

Mr. ALLISON. I understand that. It only applies to the future as respects the increased pay they shall receive, and does not in any way constitute a claim?

Mr. TELLER. Oh, no. I understand what the Senator means. It does not create a claim for back pay.

Mr. ALLISON. That is what I want to understand.

Mr. TELLER. Oh, not at all. There is no proposition of that kind.

Mr. ALLISON. That ought to be made clear, I think.

Mr. PROCTOR. I think in the amendment, after "shall have," the word "hereafter" should be inserted.

Mr. TELLER. Very well; put in the word "hereafter."

Mr. ALLISON. I think so.

The PRESIDENT pro tempore. The Senator from Colorado modifies his amendment. The modification will be stated.

The SECRETARY. Strike out the words "when retired, be retired with," and insert "have hereafter."

Mr. TELLER. "Shall hereafter have" would be the better way.

Mr. PROCTOR. "Shall hereafter have."

The PRESIDENT pro tempore. The amendment will be so modified. The question is on agreeing to the amendment offered by the Senator from Colorado as modified.

The amendment as modified was agreed to.

Mr. BACON. Mr. President, I desire to make an inquiry of the Senator from Vermont. I notice that on page 2 of the bill there is an appropriation for the Army War College. The question I desire to ask the Senator from Vermont is whether or not any part of the $15,000 there appropriated can be used for the expenses of the erection of the statue of Frederick the Great in the War College grounds. If the Senator desires it, I will state my reasons for making the inquiry before he replies.

There has been sent to the House of Representatives by the Secretary of the Treasury an estimate of the cost of the erection of that statue, and in that way the matter is officially brought to the attention of Congress that it is proposed to erect a statue of Frederick the Great in the grounds of the War College. I am not sure, although the language is "absolutely necessary expenses," whether that would be considered as one of the absolute necessary expenses, and whether any part of this appropriation of $15,000 would be available for that purpose.

Mr. PROCTOR. I do not think that any expense for that purpose would come under this appropriation at all. It is a matter which was not considered. It is not provided for. If such a monument is erected there, it will have to be provided for in some other way.

Mr. BACON. I will call the attention of the Senator to the fact that under some other provision of the bill some portion of that expense may be provided for.

On the second page of the Document of the House of Representatives No. 584, of the present session of Congress, a House document which I hold in my hand, there is a statement by the Chief of Engineers as to this expense and where the money, in part, is to be procured. In order that the Senate may be in possession of all the document informs us of, I will read on the first page a communication from the Secretary of War to the Secretary of the Treasury, as follows:

WAR DEPARTMENT,
Washington, March 1, 1904.

SIR: I have the honor to forward herewith, for transmission to Congress, an estimate ($8,000) of appropriation for "Dedication of statue of Frederick the Great," required by the War Department for the service of the fiscal year ending June 30, 1905.

Very respectfully,
WM. H. TAFT,
Secretary of War.

The SECRETARY OF THE TREASURY.

The Secretary of the Treasury transmits that to the Speaker of the House of Representatives with this note:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 3, 1904.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War, of the 1st instant, submitting an estimate of appropriation for dedication of statue of Frederick the Great, $8,000.

Respectfully,
L. M. SHAW,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The estimate is made by General Mackenzie, as Chief of Engineers, and in the course of it he makes the following statement:

These expenses generally stated are cost of preparing foundation, raising and adjusting the statue in place; material and labor for erection of stands; hire of chairs to seat guests; cards of invitation to guests and the hire of carriages for the use of distinguished persons invited to attend the ceremony. The transportation—

Now, here is the point to which I call the attention of the Senator:

The transportation of troops to and from the grounds, it is expected, will be defrayed from the appropriation for the support of the Army.—*A. Mackenzie, brigadier-general, Chief of Engineers, United States Army.*

So there is in this bill the anticipation, at least, of the Chief of Engineers, in making this estimate, that a part of the expenses of this ceremonial will be defrayed out of the money appropriated by this appropriation bill.

Mr. TELLER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. PROCTOR. Mr. President, I will say to the Senator from Georgia that this item of appropriation is exactly what it was a year ago, before the matter he is referring to was under consideration. The amount is the same, and the language of the appropriation is word for word identical with the appropriation of last year.

Mr. BACON. I have noted that fact, but still I was uncertain, as there is no specification as to what would be included under the term "necessary expenses," that it might be within the discretion of some officer to consider that a part of the necessary expenses of the War College grounds, and this is to be put up as one of the features of the War College.

Now I will yield to the Senator from Colorado [Mr. TELLER] for a question.

Mr. TELLER. I want to ask a question of the Senator from Georgia for information. By what authority is this statue of Frederick the Great to be erected? I ask whether Congress has taken any action or whether it is simply the Executive who has acted?

Mr. BACON. Well, Mr. President, this communication is, so far as I know, the only official communication to Congress upon the subject; and what we know about that we gather from common reports and from what seem to be well-recognized and authentic newspaper statements on the subject, that the statue was not accepted by Congress, but that it was accepted by the President of the United States.

It is true, as stated by the Senator from Vermont [Mr. PROCTOR], that the provision of this bill with reference to the War College is an exact copy of the provision in the former appropriation bill for the War College; and the only suggestion which I have to make to the Senator on this subject is one I have already expressed partially, that in each of the bills, while there is a specification of any number of the expenses to which this $15,000 shall be applied, there is a general provision in each, covered by the general term "necessary expenses," and, as I stated before, it is entirely within the range of possibility that some officer who may have a discretion in determining what are necessary expenses, may conclude that the statue of Frederick the Great is intended to be one of the features of the War College grounds and that it is a necessary expense to erect it.

Then, again, I call the attention of the Senator further to the fact that while that might be considered to be entirely improbable, one part of the expense of the erection of that statue is the transportation of troops to and from—possibly to and from the capital. I do not know that. It speaks of the transportation of troops to and from the grounds, and it says that that expense is to be defrayed out of the general provisions of this appropriation bill. So, even if the specific items as to the War College could not be construed to justify the devotion of any portion of this $15,000 to this particular purpose, there is, at least in the mind of General Mackenzie, who has had this estimate made, and that of the Department—that there is at least in his mind a portion of the money appropriated by this bill to be devoted to that ceremonial.

As the matter is up, I desire to say a few words on this subject. It is, perhaps, a very ungracious thing to do; it is certainly a very unpleasant thing to do; but I think, Mr. President, there are some matters of sufficient importance to require a man to perform an unpleasant duty, if he regards it as a duty. I confess that I do not regard this as a slight or immaterial matter.

I desire to say first, Mr. President, that nothing is farther from my desire than to say anything here which should be considered as in any manner an affront to the German Emperor or in any manner disrespectful or offensive to him; nor would I be willing that anything that I should say should be considered in any manner as disrespectful or offensive to the great people over whom he presides as Emperor. There is no greater race than the great German race. There is with them and the great English-speaking people a common origin of race, and the same blood largely courses in the veins of each people; but there are many who are famous in English as well as in German history whose statues I would not be willing to see erected in Washington.

I should be more than glad to see erected in this capital the statues of a great many Germans whose names could be easily selected, men who have illustrated in their lives and achievements those things which have advanced the civilization of the world and have conduced to progress and to humanity. Germany's history is full of the names of such men, those who have glorified Germany and honored all mankind, and if the German Emperor or the German people were to offer to this nation a statue of Goethe or Wagner, or any of many other Germans whose names might be suggested, men who have been famous in literature, philosophy, invention, art, and science, I should be very glad, as a Member of Congress, that Congress should accept it and should erect such a statue as a representative here of the German people in the capital of this nation, and to bear whatever of expense might be required for that purpose. I want to say, further, that so far as the expense of this matter is concerned, it does not weigh the shadow of a feather; that is not the consideration at all.

But, having premised that, I take opportunity to say that I do not believe that it is in accord with the wishes of the people of the United States that the statue of Frederick the Great should be erected within the limits of the capital of the United States. I may be mistaken in that, Mr. President. I do not think I am, however, from the discussion of this matter which has been had in the press of the United States and from the very considerable number of letters which I have received on the subject. If I am mistaken, then I know there are some who deeply regret the situation, and I wish to state in my place that I do most sincerely and deeply regret it.

I want to say another word, in order that I may not be misunderstood. I said that I wished to do nothing that might be considered as disrespectful or in any manner an affront to the German Emperor. Neither do I wish to say anything which shall be disrespectful to the President of the United States. I recognize the fact that the President has been put in a very embarrassing position by the offer of this statue, and I regret that he did not refer the matter to Congress, where the authority to accept and erect a statue in this city properly belongs.

Mr. President, statues are erected for high purposes. They are erected frequently and most often as the testimonial of the gratitude of a nation for distinguished services performed to a nation and to its people—services of great devotion and great personal sacrifice and great accomplishment for the good of the people. Certainly no consideration of that kind can be considered in this case, because all connected therewith is entirely foreign in all particulars to the history of this Government.

There is a still higher motive which prompts the erection of statues, and that is when the person whose effigy is set up constitutes an ideal for the admiration and emulation of the people, that all who look upon it, be they high or low, may be stimulated to similar performances and similar efforts and endeavor.

Sir, I submit, in all respect to all who are connected with this matter, that the erection of a statue of Frederick the Great in the capital grounds of the United States can not be in that view. There is no single thing connected with the history of Frederick the Great which would make him an ideal for the emulation of the people of the United States, except so far as courage and heroism and devotion to his kingdom are concerned, which we all accord him as one of the greatest warriors known to history. There is no doubt about that.

Mr. QUARLES. I should like to inquire of the Senator, if he will permit me, why he speaks of locating this statue in the Capitol grounds?

Mr. BACON. I do not mean this Capitol building.

Mr. QUARLES. Is not the distinct proposition to locate the statue on the grounds of the War College?

Mr. BACON. When I speak of the capital grounds, I mean the capital of the nation, not the grounds around this building.

Mr. QUARLES. But is not the proposition to erect this statue on the grounds of the War College?

Mr. BACON. Undoubtedly, and I have stated that in the very beginning of my remarks; but the War College is a part of the city of Washington.

Mr. QUARLES. Yes; it is located at the Washington Barracks.

Mr. BACON. Very well, then, it is a part of the city of Washington; and when I spoke of the capital grounds, I repeat, I did not mean the squares which surround this building. I am using the word which is spelled with an "a"—"t-a-l," not "t-o-l." I am speaking of the capital of the nation.

I repeat, Mr. President, that of course there are qualities which were displayed by Frederick the Great which are to be admired, and which give him high rank in history, but nothing, I respectfully submit, that can possibly appeal to the people of the United States as an ideal to be emulated by the citizens of the United

States in the effort to preserve and develop the institutions of this country and to contribute to the great consummation which we all hope for it.

Sir, I shall use no words of disrespect or disparagement to the memory of Frederick the Great, and what I say is not influenced by any partisanship; it is influenced by what I conceive to be the duty of this Government as the great Republic of the earth, as the advocate and promoter and exemplar of free institutions, as the great type of liberal, free government; and I submit that it is not consistent with such a character of government, or with the traditions of this Government, or with the hopes that we have for it in the future that there should be set up within the capital city of the nation the statue of the man who, in whatever degree he may be and is entitled to the appellation of "The Great" as a warrior and an autocrat, was still to as great an extent as any other who has ever lived in modern times the type of absolutism in government.

Mr. President, our people on holidays take their children to walk around to view this beautiful Capitol building and to note the monuments which are found in the parks all over the city; and they point out to them, "There is Washington;" "There is General Greene;" "There is General Hancock;" "There is General Scott;" "There is Franklin;" and "There is Webster;" and the father points out each one to his children as an ideal to be emulated. When one of them comes in front of the statue of Frederick the Great and points it out to his child, and says, "My son, there is the statue of Frederick the Great," what is he to tell him? To what is he to point him as the ideal which he desires that son to emulate as one of the supporters of this Government; to what is he to point him as the feature which he shall emulate considered from the standpoint of personal liberty, the right of the people to self-government, and the preservation of free republican institutions? There are those of German blood whose statues can be pointed to as furnishing ideals to be emulated. We have already in this city the statue of the famous founder of a school of medicine, and Congress has already appropriated money for the erection of a statue in the capital of the renowned Baron von Steuben, who distinguished himself as a soldier during the Revolution in assisting us in achieving our independence. The memories of such Germans I am glad for this Government to honor with statues in our capital.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from Nevada?

Mr. BACON. For a question.

Mr. STEWART. Will the Senator allow me to make a suggestion as to what a father is to point his child on such an occasion?

Mr. BACON. I do not yield for a speech, Mr. President.

Mr. STEWART. Frederick the Great was a remarkable character——

Mr. BACON. I know I stand in need of the knowledge which the Senator possesses, but I can not yield to him for a speech.

Mr. STEWART. No speech, but I will tell the Senator something.

Mr. BACON. I know I need the Senator's information very much.

Mr. STEWART. You do.

Mr. BACON. But I decline to yield to the Senator. He can give us the information he desires after I get through.

Mr. STEWART. I do not want to ask a question. I merely want to make a suggestion for your information.

Mr. BACON. If you will simply make the suggestion without making a speech, I will consent that you make it.

Mr. STEWART. Frederick the Great, in his independence and his warlike record, was a remarkable character.

Mr. BACON. Well——

Mr. STEWART. Does not the Senator wish me to state it?

Mr. BACON. No; not if the Senator desires to go now into a panegytic on Frederick the Great. That would interrupt to too great an extent what I have to say.

Mr. STEWART. I do not. I only want to state the facts.

Mr. BACON. The Senator will have plenty of time to do that after I get through.

Mr. STEWART. Very well; I shall not interrupt the Senator again.

Mr. BACON. As I have said, I am perfectly willing to yield to the Senator for a question, but not for a speech.

Mr. STEWART. I shall not interrupt the Senator again.

Mr. BACON. But as to the Senator making a eulogy on the character of Frederick the Great, now is not the time for it. The Senator can take his own time for that purpose.

Mr. President, there is another subject which I think one of importance in connection with this question, and that is as to the authority by which a statue can be erected in the city of Washington or in its parks or streets or public grounds. I have made inquiry of Senators and of others, and I have not been successful in ascertaining that in any instance any statue has ever been erected in the city of Washington upon any of its public grounds except by the authorization of Congress.

As to whether or not the President of the United States has the right to accept a statue in the name of the people of the United States, there may be room for argument, and while not prepared to deny that, I do not concede it, except so far as to say that if there is such an acceptance it ought to be for the purpose of submitting the question to Congress whether or not it shall be accepted; but as to the erection of a statue on the public grounds I can have no hesitation in the opinion that it is a matter exclusively for the determination of Congress.

I base that opinion not only on my judgment of the law, but also upon what, so far as I can ascertain, is the unbroken custom of Congress. Without pretending to get any great number of them, I have here several resolutions which have been adopted by Congress for the authorization of the erection of statues. Here is one when Stilson Hutchins proposed to donate to the United States a colossal statue of Benjamin Franklin. It was a joint resolution, approved July 19, 1888—not a mere concurrent resolution which is not brought to the attention of the President, but a joint resolution which has the effect of law, approved by the President July 19, 1888. It provides:

That authority is given to erect the statue under the supervision and direction of the Commissioners of the District of Columbia, upon such part of the streets or public spaces in the city of Washington, D. C., as the said Commissioners may designate.

In 1895 the physicians and surgeons of the United States raised a fund for the erection of a statue to the memory of Samuel D. Gross. A joint resolution was thereupon introduced in Congress, the preamble of which provided:

Whereas the physicians and surgeons of the United States of America have raised a fund for the erection of a bronze statue to the memory of Samuel D. Gross, M. D., LL. D., D. C. L., late professor of surgery in the Jefferson Medical College, of Philadelphia, whose labors in the cause of his profession as surgeon and as author have caused his name to be respected in the civilized world as one of the benefactors of his race and have added luster to the entire medical profession of the United States.

Upon that presentation and application, Congress passed the joint resolution, which was approved March 2, 1895, providing:

That permission be, and the same is hereby, granted to the American Surgical Association and the Alumni Association of the Jefferson Medical College to erect said statue in such place in the city of Washington, D. C., as shall be designated by the Superintendent of Public Buildings and Grounds, etc.

In 1902, in the present Administration, there was a proposition to erect a statue to Benjamin F. Stephenson, the founder of the Grand Army of the Republic, and yet it was thought necessary to come to Congress for the authority; and a resolution was passed, and approved May 3, 1902, as follows:

Resolved, etc., That permission be, and is hereby, granted the Grand Army of the Republic of the United States of America to erect a statue to the memory and in honor of the late Benjamin F. Stephenson, founder of the Grand Army of the Republic of the United States of America, on one of the public reservations of the city of Washington, D. C., other than the grounds of the Capitol or Library of Congress, to be designated by the Secretary of War, the Joint Committee on the Library, the superintendent of public buildings and grounds, and the committee of the Grand Army of the Republic appointed by it for that purpose: *Provided*, That the statue, with pedestal, shall cost not less than $15,000, and that it shall be presented to the people of the United States by the said Grand Army of the Republic.

As I say, that resolution was approved by the present Executive.

Many Senators now here remember when Mr. Hutchins proposed to donate a statue of Webster. Even then permission had to be obtained from Congress. It would look as if there was ever a man in the world whose statue might be erected in this capital without any distinct and direct permission it would be a statue of the great Senator; and yet it was necessary to come to Congress for the permission.

Senators will remember it. Permission was given to erect a statue of Webster in one of the parks of this city, so restricting it that its location should be under the control of the Joint Committee on the Library, and specifically providing that it should not be upon the Capitol grounds.

As to most of the statues in this city they are made by a direct appropriation by the Government, and they are erected by the Government.

Mr. TELLER. Are they not all erected by the Government?

Mr. BACON. No; I have just spoken of one that was not. The Senator from Colorado asks me if all the statues in the District of Columbia are not erected by the Government. I tell him no, that the statue of Webster, for instance, was presented by a private citizen.

Mr. TELLER. I do not mean that; I mean are they not all erected by authority? I think there is no exception.

Mr. BACON. I was going on to say——

Mr. LODGE. May I ask the Senator a question?

Mr. BACON. The Senator will pardon me until I finish my sentence. I was going on to say that whereas authority and distinct permission were required where a statue was presented by

an organization or a private individual, where these public statues were erected, their authorization is the very act by which the erection was directed. Now, I yield to the Senator from Massachusetts.

Mr. LODGE. Are not the statues in all those cases the Senator has cited on public grounds in the city and not any of them on military reservations? That is to say, they are on those grounds which are under the direct government of Congress as representing the city government of Washington.

Mr. BACON. Does the Senator for a moment doubt that every inch of ground within the District of Columbia is under the control of Congress?

Mr. LODGE. Under the control of Congress, undoubtedly, but not under the control of Congress as the representative of the city of Washington.

Mr. BACON. If the Senator will pardon me, I am not talking about Congress being the representative of the city of Washington.

Mr. LODGE. I wish the Senator would produce some case of Congressional authorization for a monument on a military reservation anywhere.

Mr. BACON. Well, I do not know——

Mr. LODGE. I mean that the land of the War College is a military reservation, wholly apart from the government of the city of Washington.

Mr. BACON. But how about the District of Columbia? The authority of Congress is not limited to the city of Washington.

Mr. LODGE. No.

Mr. BACON. It is just as great in one part of the District as it is in another.

Mr. LODGE. Unquestionably; and it is just the same all over the United States. But that is not my point. I mean that all the statues to which the Senator has referred are on city grounds. They are none of them on military reservations.

Mr. BACON. But, Mr. President——

Mr. LODGE. And city grounds do not stand in the same light as West Point and the War College.

Mr. BACON. Very well.

Mr. LODGE. Can the Senator give any instance where Congressional authority has been given to put up a statue at West Point?

Mr. BACON. I do not know whether there have been any erected there or not without Congressional authority. But that is not material to the point I make.

Mr. LODGE. There have been statues erected at West Point—one within a year, I think.

Mr. BACON. I am speaking about this capital here.

Mr. LODGE. But this reservation of the military War College stands legally on the same footing as West Point. It is under the control of the Secretary of War, and not of the Commissioners of the District of Columbia.

Mr. BACON. I am not speaking of the Commissioners of the District of Columbia; I am speaking of the fact that this city of Washington is the capital of the United States. Congress has the same authority over one part of the territory of the United States as it has over another. But I am not to be diverted to anything else than the question immediately before us, which is the erection within the District of Columbia, if the Senator pleases—if he prefers that to the limits of the city itself—of a statue on the public grounds connected with the capital of the United States.

Mr. LODGE. The Senator misapprehends. I only wished to ask him if he did not think there was a distinction between grounds under the control of the War Department—under the Secretary of War—and grounds under the control of the District of Columbia—the city grounds. I have no desire to divert the Senator. His discussion is altogether too serious for that.

Mr. BACON. I am glad the Senator recognizes it as such. I recognize it as serious. It is only a difference in degree.

Mr. President, of course if the President were to require that statue to be erected within the grounds around this Capitol building it would be a very much more marked thing than to erect it in the grounds of the War College; but the War College is none the less a part of the District of Columbia, under the paramount and absolute control of Congress.

Mr. McCOMAS. Will the Senator allow me to ask him a question?

Mr. BACON. Yes, sir.

Mr. McCOMAS. The Senator is right in saying that many of the statues erected in the District of Columbia required acts of Congress for their emplacement. The Senator has mentioned many such, but he omitted the statue of Martin Luther, for instance, another great German, for whose statue an act of Congress was necessary to place it on the parking.

Mr. BACON. I am very glad that the statue of that great German is there.

Mr. McCOMAS. Yes; the municipality has control of the streets, alleys, parks, and parking places. Congress has given them that control.

Now, I put this to the Senator: All the acts, therefore, granting permission for the erection of statues giving authority to obstruct the parks, public places, streets, etc., are essentially municipal. After the Spanish-American war many large guns were placed at the State, War, and Navy building——

Mr. BACON. I hope the Senator will limit himself to a question and make his speech afterwards.

Mr. McCOMAS. This is my question. At the State, War, and Navy Department building many large Spanish guns were placed in front of the building after the Spanish-American war, and I put it to the Senator: Is it not true that if you wanted to put Spanish cannon at that point where Martin Luther's statue is or where Webster's statue is, or the like, it would require the authority of Congress, as the municipal government here, before you could locate those cannon at those places? Where, however, it is sought to locate them in an inclosure of the Department it requires no action of Congress, nor does it require any act of Congress to locate a statue in the inclosure of the War College or other like place.

Mr. BACON. Mr. President, I am not going to stop to discuss whether or not the putting of a cannon, which can be put up to-day and removed to-morrow if need be, and which is a matter which has no special significance except that it is a trophy of war, is to be considered in the same light at all as the question of the erection——

Mr. McCOMAS rose.

Mr. BACON. I hope the Senator will pardon me. It is not to be considered in the same light at all with the erection of a statue, which is for one of the purposes I indicated in the early part of my remarks—either as evidence of the love and gratitude of the people for services performed, or else as the erection of an ideal to be admired and emulated by our people.

Mr. McCOMAS. Will the Senator answer my question? Could you place on any grounds of the municipality, any of the places you have named, even a pedestal of granite with a cannon on it unless you have the authority of Congress?

Mr. BACON. Do you mean in the public parks?

Mr. McCOMAS. Any of the places.

Mr. BACON. I suppose the general authority which is given to the District may cover a thing of that kind. However, there is no use for us to go after anything but what we have before us.

Mr. McCOMAS. I want respectfully to deny——

Mr. BACON. As I do not wish to be diverted from the point, I decline to answer it, if the Senator puts it in that way. If the Senator wants me to say so more particularly, I want to present this case, and I say it is belittling it; it is not recognizing it as a serious matter, when you come to talk about the question whether or not the putting up of a cannon is something to be compared with the erection of a statue of Frederick the Great in this capital.

Mr. President, if we want to erect statues, even if we have no motive of gratitude to influence us—if we want to erect them as ideals, this country has furnished plenty of men in civil life and in military life, statues of whom could be put up as ideals to be emulated and admired by our people.

Mr. CARMACK. Robert E. Lee for instance.

Mr. BACON. Well, everybody of course knows what I think about that in common with all other Southerners. But confining now the list to the names of those who lived and died prior to the period of the civil war, we are rich in the number of great men, illustrious in deeds and in attainments and in sacrifices, worthy ideals for the pride and emulation of our people.

We can go back to Revolutionary times, and there are plenty of men. There is no statue in this capital to Hamilton, and there ought to be one to him. There is none to Jefferson, and there ought to be one to him. There is none to Jay or to Story or to Taney. There is none to Zachary Taylor, as a Senator sitting by me suggests. There is none to the elder Adams or the younger Adams, both of whom should have statues in this capital. There is none to Madison or Monroe. There is none to Clay or Calhoun or Benton or Crawford; and the list might be extended almost indefinitely of our own great men whose effigies should stand in bronze or in marble upon the streets and in the parks of this capital. There is none to numbers of men, civilians and soldiers, who in the Revolutionary war distinguished themselves in achieving for us our independence. There is none to Patrick Henry, or to Samuel Adams or to John Hancock. Why should we, if we are looking for ideals, go outside of our own country, and if we do go outside let us confine ourselves to those whose lives can furnish ideals to be emulated by our people, and not put up in the capital of the nation statues of men who in their lives stood for that which is diametrically opposed to every tradition and principle of this Government.

Mr. President, this is a serious practical matter, not simply as

to the erection of a statue of Frederick the Great, but as to the future. I said I recognize the fact that the President of the United States is put in an embarrassing position; but is the acceptance and erection of a statue to be put on the ground that it was offered by a foreign monarch and could not be declined? Is that precedent to be established? If so, then whenever another foreign monarch offers a statue it is simply a question of courtesy as to its acceptance and its erection in the capital grounds, and this precedent will make it an impossibility in the future for any President, if the right of the President is recognized and the duty of the President is recognized, to fail to do otherwise than to accept any statue that may be offered here. We can all recall the names of many heroes of other governments whose statues we would not wish to see accepted and erected in Washington. Do we desire to see in the public places of our capital the monumental statues of Louis XIV, of Peter the Great, of Charles V, of the Duke of Alva and of Napoleon, and of others of like achievements? To this the American people will say no!

I merely wish now, as a matter reflective of public opinion on this subject, to read parts only of two editorials which appeared in the Washington Post on this subject. I will not read all of each editorial, because they deal with personalities, and I do not wish to complicate this matter with personalities. I have no object in the presentation of this matter except to protect this country against being the dumping ground of the statues of men who have been the heroes of other nations, but who have stood for things which we do not admire, which are not consistent with our traditions or with our principles, and are inconsistent with all that we look forward to and hope for in the future.

Mr. President, I will first read from an editorial in the Washington Post of January, 1904:

A communication published in our issue of Monday, the 18th instant, gives a great many excellent reasons why the United States Government should not make room upon any public reservation for a statue of Frederick the Great of Prussia.

We do not believe that history furnishes the record of a monarch who represented a more absolute antithesis of the republican idea. He was the very incarnation of autocracy, the very prophet of the gospel of the divine right of kings. The proposed monument will constitute a mockery of every principle Americans have been taught to honor and revere. From that pedestal, should the project ever be realized, will look down upon us the effigy of a sovereign who despised the multitude; who recognized no law save that of his personal caprice; who believed, as utterly as he believed in the existence of light and air, that the people were created for his service, to live according to his pleasure or to die for his ambitions, just as he might will. The only difference between Frederick the Great and Tiberius or Nero is one of circumstance, environment, and custom.

I do not read the remainder of that editorial. What I have read is sufficient to express the idea. Now, on the 1st of March of this year, this month, there was an editorial in the same paper, from which I read this extract:

The semiofficial announcement that the grounds of the American War College are to be adorned not only with a statue of Frederick the Great, but with effigies of Bonaparte and perhaps other illustrious campaigners, suggests the thought that our authorities, while they are about it, might as well enlarge and amplify their present scheme. Why not, in fact, convert the college grounds into an al fresco Valhalla and gather there the sculptured war gods of all lands and times.

Mr. President, on the question of authority, I wish to say this: The devotion of any part of the public grounds to the erection of a statue is a permanent alienation of that much of the ground. It is a permanent dedication of it. It is a permanent disposition of it; and the authority to alienate or to permanently dedicate or dispose of public ground is committed by the Constitution of the United States to Congress and does not otherwise rest within the discretion or power of any person.

I want to say one single other word in regard to Frederick the Great. It has been contended and urged through the press that he was a friend of the American colonies in their struggle with Great Britain, and that he even sent a sword to Washington, but all who are familiar with the history of those times know two facts. First, that there was not a single thought or utterance of Frederick the Great which was in sympathy with the principles for which the American colonies were struggling, and that, therefore, no such sympathy could have impelled him to any utterance of friendship.

Again, the fact is known that there was by him no recognition of the independence of the United States as there was by the Government of France. But the material thing, which I say is known to every man who is familiar with the history of those times, is that Frederick was the inveterate, unalterable foe of Great Britain and hated everything English with all the intensity of his nature, and that anything which he ever did or said which might be construed into friendship for the American colonies was not on account of any recognition of the righteousness of our cause or desire for the success of the principles which were involved, but purely on account of his hatred of the English people.

Mr. LODGE. The Senator surely does not mean to say that Frederick was not the ally of Great Britain in the Seven Years' war?

Mr. BACON. Certainly, I do not mean to say that.

Mr. LODGE. I understood him to say that Frederick was always the foe of Great Britain.

Mr. BACON. I did say he was the foe of Great Britain.

Mr. LODGE. He certainly did not like George the Third. He made that very obvious.

Mr. BACON. Of course.

Mr. LODGE. But he was the ally of Great Britain all through the Seven Years' war.

Mr. BACON. He was the ally on occasions, as the most inveterate of national enemies will be allies of each other when it is to their interest to become so. But although he was closely related to him in blood, he was a most inveterate, outspoken, vehement enemy of the ruler of the English people of that time. Everybody knows that who knows the history of those times.

Mr. CARMACK. I think, although the Senator from Massachusetts probably knows better than I do, that England and France got into war, and France having joined the alliance against Frederick, he was in that way brought to the support of England. That is my recollection as to how it came about.

Mr. LODGE. They were engaged in common in war with France. France was at war with England.

Mr. BACON. Whether or not this statue is erected upon the public grounds of this capital, there is no doubt about what the German Emperor intended when he offered it. It was immediately after the erection of the statue of Rochambeau that this proffer was made, and it was made to offset that gift from France. Rochambeau had fought to secure our independence. The German Emperor would have made a complete offset to the erection of that statue if he had sent to us one of the Baron Von Steuben, who also fought in our Revolutionary Army. I repeat that nothing is farther from my desire than to do or say anything which can be offensive to the German Emperor. I have no doubt his offer was made in the best spirit. I would be delighted, if he would give us the effigy of some other man, to have it accepted.

In such case, however, I would want Congress to accept it, because Congress is the only one that has the power to do it, both on the ground which I have stated as to the exclusive right of Congress to say what shall be done with the public domain and what use shall be made of it, and upon the ground that it has been recognized from all time, so far as I know and so far as I have been able to find by somewhat diligent search, that the question as to what statues shall be erected and where they shall be erected is a matter exclusively within the province of Congress.

Mr. STEWART. Mr. President, I believe that there is no question before the Senate regarding Frederick the Great or anybody else in connection with the appropriation bill; but inasmuch as I think the character of Frederick the Great has been grossly misrepresented, I think I ought to make a short statement to go with it.

Frederick the Great, it is true, was a great warrior. He was, in fact, the founder of the German Empire, and there are millions of people in this country, American citizens, who revere his name and idolize him almost as much as we do that of our own Washington. He had many qualities besides his great military genius which people admire, and inasmuch as there are many millions of Germans here who know something of his character and admire it much, I think it would be a very ungracious thing not to give place to a statue of him.

Our relations with the German Empire are friendly. We want to cultivate that friendship. The statue has been presented by the Emperor, and we ought not to raise any sharp issues about the political opinions of Frederick the Great. He knew the opinions and the hearts of the common people, which few rulers can appreciate. That, added to his military genius, enabled him to found the German Empire. Why should we not have his statue here and have his life written up? There is something for the youths to admire. I think his great character ought to be understood if we are going to discuss it. I think it would have been more in keeping with friendly relations with Germany and more satisfactory to German-Americans to have erected the statue without any criticism. I regret the harsh words which have been said, because they must grate on the feelings of millions of Germans who are citizens of the United States. I am sure the people will not object to his statue being erected at the capital of the nation. I regret that there should have been this harsh criticism of this gift of the Emperor of Germany.

Mr. GORMAN. I wish to ask the Senator in charge of the bill whether the amendment in lines 6, 7, and 8, on page 2, has been reconsidered. That proviso was stricken out. I call the attention of the Senator to it. As it came to us, $20,000 was for contingent expenses; but the proviso was:

Provided, That no portion of this sum shall be used by the Chief of Staff in the office of the executive department of the War Department at Washington.

That was stricken out, and in lieu of it the provision, as I un-

derstand, on page 1 was inserted giving $3,000 for contingent expenses for that office.

I suggest to the Senator that if the proviso was stricken out, then in the discretion of the Secretary of War any part of the $20,000 could be used for that office as well as the $3,000.

Mr. PROCTOR. The amendment makes the measure conform to just what we have had for several years past, or as long as I can remember. The amendment on page 1 merely gives the Chief of Staff the amount for contingent expenses that has been given the Commanding General of the Army.

Mr. GORMAN. There is no objection to that.

Mr. PROCTOR. The matter on page 2, which was stricken out, was new matter inserted in the bill this year by the House. The committee found no special reason for inserting it and thought it might cause some embarrassment. They thought it much better that it should be stricken out and go into conference.

Mr. GORMAN. But taking out the proviso will leave, in addition to the specific appropriation of $3,000, any proportion of the $20,000 that the Secretary may give to that office. It is a small matter. I only wanted to call the attention of the Senator to it.

I understand the other provision, on page 23, as to the payment of our troops in Philippine coin has been reconsidered.

Mr. PROCTOR. On what page?

Mr. GORMAN. Page 23 at the bottom. If not, I desire to except the amendment. I refer to the amendment which provides—

That within the discretion of the Secretary of War it shall be lawful to pay the salaries of officers and the pay of enlisted men, as herein provided, to the extent of 25 per cent thereof, in Philippine currency, at the ratio of 2 Philippine pesos for $1 in United States currency.

Mr. PROCTOR. That amendment was disagreed to.

Mr. GORMAN. Disagreed to?

Mr. PROCTOR. At my request.

Mr. GORMAN. That is all I desire to inquire about the bill.

Mr. President, I am not going to take up the time of the Senate to any great extent in a discussion of this bill. The bill as framed appropriates over $77,000,000. As a matter of course, it will pass. Nothing that can be said on this side will by any possibility reduce the appropriations to be carried by the bill. The country seems to have permitted up to this time without a murmur, or with scarcely a murmur, these tremendous appropriations that have been made on account of preparations for war and the maintenance of the men in uniform. It has grown in the past eight years beyond all conception of the American people. It is the inauguration of a system for which the party in power is responsible.

They have said and said with force that with the acquisition of colonies a very large increase in the Navy was absolutely necessary, and also with a great deal of force that up to the time of the pacification of the inhabitants of the Philippine Islands a large army was necessary; but now we are informed that peace reigns everywhere. The islands are pacified. There is no disorder or war in our new possessions. And yet this appropriation bill carries seventy-seven or seventy-eight million dollars for an army of sixty-odd thousand men.

During the time General Grant was President of the United States, immediately after the close of a war that cost millions of dollars, while our country was threatened on its western borders by nearly all the Indian tribes, while the political necessities of the Government, in the judgment of those in power, required an immense number of troops to be stationed in the States of the Union south of the Potomac, the average expenditure under those conditions on account of the Army during the last three years of his Administration was only $27,781,000 per annum.

But, Mr. President, the expenditures on account of the Army have grown during the last eight years until they have reached their present enormous proportions, and we are spending in a time of peace nearly $80,000,000. During the whole four years of Mr. Cleveland's first Administration only $95,000,000 was expended on account of the Army; during the four years of General Harrison's Administration, $97,000,000; in Cleveland's second Administration, $94,000,000, while under Mr. McKinley's first Administration $240,000,000 was expended. And now, during the last four years, including the appropriations in this bill, the enormous sum of $360,442,000 will have been expended.

Mr. President, I submit that there is no earthly necessity for such wasteful expenditure of the people's money. It has been said, I think by the distinguished junior Senator from New York [Mr. DEPEW], that these appropriations for defense should be regarded in the nature of insurance. Well, sir, that may be true to some extent, but I submit that the premium, the amount the people are paying for this insurance, is too great. Our peace is no better secured now than it was under General Grant's Administration, and yet it costs for the Army alone, for every man, woman, and child in the United States to-day, a sum equivalent to a tax of nearly four dollars and a half to keep up this great military establishment at home, and about $8 per capita for the whole military establishment—fortifications, Army, and Navy.

Total army, navy, and fortification appropriations.

1886-1889, first Cleveland Administration, cost per capita	$2.99+
1890-1893, Harrison's Administration, cost per capita	3.27+
1894-1897, second Cleveland Administration, cost per capita	3.09+
1898-1901, first McKinley Administration, cost per capita	6.30+
1902-1905, second McKinley-Roosevelt Administration, cost per capita	8.93+

I submit, sir, that there is no necessity for it. There is no wisdom in it. The appropriations for fortifications which have been made and those that are to follow this bill are most extravagant. One hundred and forty million dollars are to be expended for the purpose of erecting fortifications along the seacoast and on the frontier of this country, one-half of which probably will be useless in the course of a very few years because of the improvements which are being made in methods of defense. But, Mr. President, I can do nothing except to enter a protest, a feeble one though it may be, against a policy which requires this enormous expenditure of the people's money.

I shall insert in the RECORD one or two tables, which I will not tax the time of the Senate to read, showing how these appropriations have grown and grown until they have reached this enormous sum in a time of peace.

Appropriations for the Army.

First Cleveland Administration (1886-1889):	
1886	$24,014,052.50
1887	23,753,057.21
1888	23,724,718.69
1889	24,471,300.00
Total	95,963,128.40
Estimated average population for the four years	59,336,750
Appropriations per capita for the four-year period	$1.61+
Harrison's Administration (1890-1893):	
1890	$24,316,615.73
1891	24,206,471.79
1892	24,613,529.19
1893	24,308,499.82
Total	97,445,116.56
Estimated average population for the four years	64,475,312
Appropriations per capita for the four-year period	$1.51+
Second Cleveland Administration (1894-1897):	
1894	$24,225,639.73
1895	22,502,884.68
1896	23,252,608.09
1897	23,978,402.73
Total	94,349,535.28
Estimated average population for the four years	69,003,000
Appropriations per capita for the four-year period	$1.35+
First McKinley Administration (1898-1901):	
1898	$23,120,344.30
1899	22,193,392.00
1900	80,430,294.06
1901	114,229,005.55
Total	240,973,035.91
Estimated average population for the four years	75,393,847
Appropriations per capita for the four-year period	$3.20+
Second McKinley-Roosevelt Administration (1902-1905):	
1902	$115,734,049.10
1903	91,730,133.41
1904	77,889,752.83
1905 (as passed by the House)	75,089,957.88
Total	360,442,890.22
Estimated average population for the four years	81,067,500
Appropriations per capita for the four-year period	$4.44+

The PRESIDING OFFICER (Mr. GALLINGER in the chair). If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. KEAN. I ask unanimous consent for the present consideration of Senate bill 4594.

Mr. FAIRBANKS. Mr. President, I rise to move to take up Calendar Order No. 170.

Mr. LODGE. I hope the Senator from Indiana does not wish to take up the public-building bill for five minutes. At 2 o'clock the unfinished business comes up.

Mr. FAIRBANKS. I suppose it is within the power of the Senate to take up the bill.

Mr. LODGE. I hope the Senator from Indiana will not try to set aside the Philippine shipping bill. It relates to the repeal of a law which goes into effect, unless the bill is passed, on the 1st day of July, 1904, and we must have action on it. I do not wish to antagonize the Senator's bill, but I shall have to do so, of course, if he tries to displace the unfinished business. I shall have no choice.

Mr. FAIRBANKS. The Senator in effect displaced the public-building bill the other day.

Mr. LODGE. I beg the Senator's pardon; the shipping bill was not up.

Mr. FAIRBANKS. The shipping bill was taken up after the public-building bill was partially considered.

Mr. LODGE. I think if the Senator will look at the Calendar he will find that the resolution of the Senator from Georgia [Mr. BACON] remained the unfinished business.

Mr. FAIRBANKS. Be that as it may, it is within the province of the Senate to decide now which bill shall first be considered. However, if the Senator's bill can be disposed of without delay this afternoon, so that the bill to which I refer may be taken up and considered also this afternoon, I shall not object to the Senator proceeding with the bill which is now the unfinished business.

Mr. ALLISON. The Senator has in mind the public-building bill which he has in charge?

Mr. FAIRBANKS. Yes, sir.

Mr. ALLISON. I should like to suggest to the Senator that the Senator from Maine [Mr. HALE], who is very much interested in that bill, wishes to be present during its consideration and that he was confined yesterday to his house by illness.

Mr. LODGE. He is to-day.

Mr. ALLISON. He is much better this morning, and I think he will be able perhaps to be out to-morrow. So I hope the Senator will not press that bill in the absence of the Senator from Maine, who especially stated to me that he would like to be present when it is considered.

Mr. FAIRBANKS. The Senator from Iowa knows very well that I would not press the bill if the Senator from Maine [Mr. HALE] is temporarily detained from the Senate by illness.

Mr. ALLISON. I assume that the Senator would not.

Mr. FAIRBANKS. Certainly not. Both the Senator from Maine and the Senator from Iowa are in charge of appropriation bills, which have precedence over the bill which I wish considered. I wish to get it out of their way as soon as reasonably possible.

Mr. ALLISON. I will state to the Senator that the Committee on Appropriations, of course, has charge of a portion of the appropriation bills, but not of all, and so far as that committee is concerned, there will not be an opportunity for the consideration of any appropriation bill for a week or ten days except the fortifications appropriation bill, which I presume will take very little time. So I hope there will be an opportunity for reaching the other bills, which I know are important, during the next few days. I would be very glad if the Senator would consent to delay the public-building bill for a day, so that the Senator from Maine may be here.

Mr. FAIRBANKS. My only desire, as the Senator knows, is that the public-building bill may not be unduly delayed by appropriation bills. But if the Senator is correct in his statement, and I have no doubt he is, that there will be no important appropriation bill before the Senate for some days to come——

Mr. ALLISON. Except the fortifications appropriation bill.

Mr. FAIRBANKS. Except the fortifications appropriation bill, and that there will probably be a chance to consider the public-building bill and other bills in the meantime, I will withhold my motion for the present.

Mr. ALLISON. Very well.

AMERICAN INSTITUTE AT PARIS, FRANCE.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 4594) to incorporate the American National Institute (Prix de Paris), at Paris, France.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALLISON. I wish the Senator from New Jersey would explain the bill. It seems, from a casual reading, to be the incorporation of a company to transact business in France.

Mr. LODGE. The bill was reported from the Committee on Foreign Relations. It is all right.

Mr. KEAN. I will say to the Senator from Iowa that it is simply an incorporation in order to allow the holding of property by these people, who have had property given to them in Paris. There is no obligation of the United States in any way to pay anything. The bill was carefully drawn so as to avoid any expenditure by the United States.

Mr. ALLISON. What I fear, Mr. President, is that at some time this corporation may appear here for some appropriation. If the Senator can assure me——

Mr. KEAN. I will state that I have also had that same fear, and I have tried to avoid in the bill any reference to any appropriation.

Mr. ALLISON. I am very glad that that has been discussed.

Mr. COCKRELL. I have had the same fear and I want to avoid it. Therefore I offer this amendment——

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Mr. LODGE. Mr. President——

Mr. COCKRELL. Let my amendment be read and printed.

Mr. LODGE. I will yield temporarily, if this bill is not going to take any debate. I do not see why it should. It is a unanimous report of the committee and was most carefully prepared.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the unfinished business be temporarily laid aside. The Chair hears no objection. The Senator from Missouri offers an amendment, which will be read.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That the passage of this act shall in no manner, directly or indirectly, create any liability whatever on the part of the Government to aid such corporation at any time in any manner.

The amendment was agreed to.

Mr. DANIEL. I beg leave to inquire what is the occasion of requiring a corporation that wants to do business in Paris to report to our Secretary of State and to require the Secretary of State to report——

Mr. LODGE. If we are going to have the bill debated, I must insist on the unfinished business.

Mr. DANIEL. All right; go ahead with the bill.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I will yield to the Senator from Minnesota, but after that I must decline to yield for other bills.

Mr. STEWART. Will the Senator hear me before he decides that?

Mr. LODGE. This bill has been here a long time; it is in the way of other legislation, and I do not think, in justice to other Senators, I ought to yield further.

Mr. STEWART. Will the Senator listen to what I have to say before he decides against me?

Mr. LODGE. I yield to the Senator from Minnesota.

MISSOURI RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4124) to authorize the construction of a bridge across the Missouri River between Wanbliska, in Burleigh County, and Morton County, in the State of North Dakota.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, to strike out section 4 and to insert in lieu thereof the following:

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving for the space of 1 mile above and 1 mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, and the soundings, accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any change be made in the plans of said bridge during the progress of its construction or after completion such changes shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHIPPING BETWEEN UNITED STATES AND THE PHILIPPINES.

The Senate resumed the consideration of the bill (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes.

Mr. LODGE. I understand the bill is in the Senate.

The PRESIDENT pro tempore. The bill is in the Senate, and all the amendments up to the present time have been concurred in in the Senate.

Mr. LODGE. I desire to offer as a further amendment in the Senate the following proviso, to go at the end of the bill, at the end of section 8.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Add at the end of section 8 the following proviso:

Provided, That such of the navigation laws of the United States as are in force in the Philippine Archipelago in regard to vessels arriving in the Philip-

pine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. PATTERSON] is entitled to the floor.

Mr. LODGE. The Senator from Colorado has the floor.

Mr. PATTERSON I desire to yield temporarily to the Senator from Texas [Mr. CULBERSON].

Mr. STEWART. Will the Senator from Texas yield to me to make a request?

Mr. CULBERSON. I have no objection myself; I do not, however, desire to take the floor on the bill and then yield against the suggestion of the chairman of the committee who has the bill in charge.

Mr. STEWART. I simply want to make a request.

Mr. LODGE. I desire, of course, to go on with the bill.

Mr. CULBERSON. I have no objection myself to yielding to the Senator.

Mr. STEWART. I can make a speech on the bill.

Mr. LODGE. I have no objection to the Senator making the request, of course.

Mr. CULBERSON. I have personally none in the world.

Mr. STEWART. The bill to secure pure milk was discussed at some length, and the Senator from Missouri [Mr. COCKRELL] had some objections to it. I laid it over for him to look over and prepare any amendment he might desire. He has prepared amendments, I have accepted them, and there is nobody else objecting to the bill. Now, I want to know if after this bill is concluded we can not take up that bill and have a vote on it? I do not think there will be a word said, except the Senator from Missouri will offer his amendments, and no further explanation will be desired. I ask unanimous consent that when the shipping bill is through I can have a vote on the milk bill.

Mr. FAIRBANKS. How long will it probably consume?

Mr. STEWART. It ought not to take over five minutes. There will be no debate.

Mr. FORAKER. I wish to say I gave notice a week ago that I would move for an executive session as soon as the appropriation bills were out of the way, in order that some executive business might be considered. That may take some time. I do not want to assent to a bill being taken up that will take any time. I have no objection if it only involves taking a vote.

Mr. STEWART. Will you give us ten minutes?

Mr. FORAKER. Oh, that is all right. I will not object to that.

Mr. PATTERSON. I do not think there ought to be in this sparse body now a unanimous consent given that will bind everyone; that is to say, if anybody wants to further discuss the bill the Senator from Nevada has in charge that the unanimous-consent agreement would prevent him from doing so.

Mr. STEWART. It will not do that. If anybody wants to discuss it further he can do so.

Mr. PATTERSON. That is all I care about in the matter.

Mr. STEWART. I do not believe there will be any more discussion required on the bill. Of course, it would not cut off any discussion.

Mr. CULBERSON. Mr. President, if this bill shall become a law, of which, of course, I have no doubt, it ought at least to express the purpose of the author of it. This I do not think it accomplishes in its present form.

Sections 1 and 2 of the bill taken together provide in effect that the coastwise laws in the United States in shipments between the United States and the Philippines shall apply both as to merchandise and passengers.

Section 3 of the proposed act provides that sections 1 and 2 shall have no application to trade in the islands themselves—that is to say, shall have no application to the interisland trade.

Section 6, as amended on motion of the chairman of the committee, provides in effect that after July 1, 1905, these laws shall have effect in ports of the Philippines. Sections 1 and 2, in connection with section 3, are inconsistent with a portion of section 6 as amended on the motion of the chairman of the committee to the extent which I have indicated.

More than that, Mr. President, section 6 of this bill as amended now repeals two important provisions of section 3 of the act of March 8, 1902; that is to say, in its present form it repeals the tonnage-tax provision of the act of March 8, 1902——

Mr. LODGE. If the Senator will excuse me, there is no repeal at all in the modified bill.

Mr. CULBERSON. I repeat, Mr. President, the effect of the act as now amended repeals all of section 3 of the act of March 8, 1902, except what is expressly reproduced in this amendment. That portion of section 3 of the act of 1902 levying a tonnage tax and that portion regulating the lighterage and harbor business in the Philippines are omitted from it, and consequently would be repealed.

Mr. LODGE. What repealed them?

Mr. CULBERSON. I will call the attention of the Senator to it in a moment. Section 6, as it now stands, reads:

SEC. 6. That section 3 of the act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," is hereby amended so that it shall read—

It then reproduces only the first proviso in section 3 of the act of 1902, thereby repealing the provision of that section of the act of 1902 levying a tonnage tax, and also the second proviso of section 3 of the act of 1902.

Mr. LODGE. Does the Senator think that the omission to reenact the part to which he refers repeals it?

Mr. CULBERSON. Unquestionably; because it provides that that section "shall hereafter read as follows," and the provisions to which I have referred are omitted from the reenacted clause.

Mr. LODGE. Certainly there was no such intention as that.

Mr. CULBERSON. So I understand; and I so stated at the beginning of what I intended to say. Mr. President, in order to perfect the bill, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. It is proposed to amend by striking out all of section 6 and inserting in lieu thereof the following:

SEC. 6. That on and after the passage of this act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries: *Provided, however*, That until July 1, 1905, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States: *And provided further*, That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this act, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Mr. CULBERSON. The effect of this amendment——

Mr. LODGE. May I ask the Senator from Texas if that is a reproduction of section 3 of the act of March 8, 1902, except that he changes the date to 1905 and has left out the words "or between ports in the Philippine Archipelago?"

Mr. CULBERSON. Precisely. That is the amendment.

Mr. LODGE. I think that is an improvement of the section, and that it puts it beyond any question about the repealing of those clauses. I have no objection to that as I understand it. I think it makes a better section.

Mr. CULBERSON. Mr. President, while I have the floor, I desire to say that this bill on its merits is unsatisfactory to me. There is doubt in my mind whether even by July 1, 1905, there will be sufficient American tonnage from the Atlantic ports to meet the demands of commerce. It is true that in the recent hearing before the Committee on the Philippines the shipping interests declared most emphatically that there would be ample tonnage as early as July 1, 1904, but this was earnestly and seriously controverted by a large number of American shippers who were present at the hearing. When to this is added the fact that the War Department (including the Insular Bureau) the Philippine Commission, and the Commissioner of Navigation in his report for 1903, express doubt upon the subject, there is certainly ground for apprehension that, if it be the part of wisdom to put the coastwise laws in operation in the Philippines at all, 1905 is too early to do so.

If the Philippine trade is not disordered and embarrassed by lack of American ships to move it, a monopoly in American ships will certainly be created by this act. The creation of a monopoly of this trade in American ships can but increase the freight rates materially, as all admit, notwithstanding what has been said about competition between American shipowners, because combinations between American ships will be added to the vicious policy of monopoly. It is estimated that the price of binding twine will be increased a cent a pound to American farmers by the increase in the freight rates between this country and the Philippines.

But, Mr. President, the fact that an indefensible monopoly will be created, with its accompanying increase of freight rates, is not the only serious and substantial objection to this bill. It contravenes the commercial policy of the United States respecting the Philippines which was announced upon a memorable and historic occasion. In the preliminary consideration of the treaty with Spain the American commissioners, among them the distinguished author of this bill [Mr. FRYE], declared to the Spanish commissioners that the policy of the United States in the Philippines would be that of an open door to the world's commerce. Necessarily and obviously such a policy would place both the ships and merchandise of all nations upon terms of equality in the Philippines.

This policy, so far as merchandise is concerned, was unconditionally embodied in the first section of the act of March 8, 1902;

but this bill proposes to reverse that policy as to ships by denying entry to Philippine ports of all except American vessels when entering Philippine ports directly or indirectly from the United States with American cargoes.

Undoubtedly, Mr. President, the United States may, for proper and satisfactory reasons, change its policy in this respect. But I can not conceive that justification for such action can be found in the single purpose to organize a monopoly in the trade between this country and the Philippines, which will be hurtful alike to the Filipinos and to the great body of American consumers of Philippine products.

[Mr. PATTERSON'S entire speech will be found in the Appendix.]

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on the amendment offered by the Senator from Texas [Mr. CULBERSON].

Mr. LODGE. That amendment, a substitute for section 6, I accept.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to. The question recurs on the amendment proposed by the Senator from Colorado [Mr. PATTERSON].

Mr. LODGE. I move to lay that amendment on the table.

Mr. TELLER. What is the question?

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts. The amendment of the Senator from Colorado is to strike out all after the enacting clause and insert a substitute.

Mr. GALLINGER. The motion is to lay on the table.

The PRESIDING OFFICER. The Senator from Massachusetts moves to lay the amendment on the table.

The motion was agreed to.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment. If there be no further amendment, shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I desire to ask permission to print as a part of my remarks in connection with this bill certain statements and testimony in regard to the shipping employed.

The PRESIDING OFFICER. Without objection it is so ordered.

The matter referred to is as follows:

"131 STATE STREET, BOSTON, MASS.,
"*February 15, 1904.*

"Hon. HENRY CABOT LODGE,
"*Chairman of the Committee on the Philippines,*
"*United States Senate, Washington, D. C.*

"MY DEAR SENATOR: I am told that it has been represented to the State Department that Senate bill 2259, favorably reported by your committee, and reserving to American ships American commerce with the Philippine Islands, transgresses the principle of the 'open door' in the Orient.

"This 'open door,' as I have understood and advocated it, means equal treatment for the merchandise of all nations in the matter of tariff dues. So far as I am aware, neither the United States nor any other government interested in the 'open door' has attempted to regulate the matter of ocean transportation. 'Four years ago,' so declares the British Board of Trade Report, 'Russia signified that she proposed to treat as 'coastwise traffic' the trade between her European seacoasts and the Asiatic ports in her control,' and it does not appear that any remonstrance against this course was ever entered by the State Department, which has so vigorously insisted upon equality of tariff opportunity in the various Asiatic 'spheres' of European influence.

"Indeed, Russia had long before this taken steps to bar foreign shipping out of her Asiatic commerce, and, as a matter of fact, this same thing has been done in a characteristic and effective way by every one of the maritime powers of Europe.

"There was a time, not so remote but that many men now living can recall it, when the best traffic of the Orient was conveyed in American ships. It was the swift-keeled Yankee clippers that brought the first of the season's tea and the choicest of Eastern spices and silks to Hamburg, Marseille, and London, as well as to Boston and New York. These were the years when the Stars and Stripes and the house flags of great American merchants were a familiar sight in every oriental harbor from the north gates of the Yellow Sea to Singapore.

"The best shipwrights and sailors of Europe could not compete on even terms with our fast and powerful clippers. And when steam began to come in the alert American merchants were quickest to recognize the change. Years ago, even before our civil war, iron screw steamers of a fine type were launched on our Atlantic coast for East India and China commerce. But clipper and propeller alike encountered a foe which they could not overcome. It was the lavish and persistent European subsidy.

"Great Britain set the first example by a treasury grant creating the steam line which is now world famed as the Peninsular and Oriental Company. She was followed by France with the Messageries Maritimes, by Spain and Holland, and by Germany. Steadily the American ships were crowded out of Eastern waters. They lost their share of the European trade. Presently they were fighting with their subsidized rivals for our own American trade with the Orient, and they have now lost almost all of this that comes to the ports of the Atlantic. The European governments did not ordain in so many words that our flag should be debarred from the carrying trade of their Asiatic dependencies, but that was the actual, the inevitable, and unquestionably the intended effect of enormous subventions like the $1,700,000 now given to the Peninsular and Oriental, the equal grants to the French Line, and the $1,330,000 bestowed for fifteen years upon the North German Lloyd Company. Not content with this huge payment, the German authorities now transport on the imperial railways at a merely nominal rate goods intended for export by German steamers, and one result is that Hamburg and Bremen, which used to be crowded with American ships, do not now see the Stars and Stripes from one year's end to another.

"Nor does the effect upon our American shipping cease with the specific European vessels that earn subsidy. Around the subsidized lines as a nucleus, fostered and supported by them, have grown up allied companies and large fleets of ordinary cargo craft that profit indirectly by, though not direct sharers in, these European subventions. An American vessel clearing from the Orient for a port of the United Kingdom or the Continent would feel now the emotions of the lonely and desolate Wandering Jew. To all intents and purposes the European powers that hold colonial possessions in the East have, by the adroit discrimination of subsidy, aided by cheap wage rates, banished the United States merchant flag from a trade where it long flew preeminent.

"Having thus forced American ships out of their colonial commerce, the European powers are now moving to force them out of our own colonial commerce also. Only two American steam lines now cross the North Pacific to the Orient—one, the Pacific Mail, from San Francisco; the other, the Boston Steamship Company and Northern Pacific Railway Service, from Puget Sound.

"Paralleling the Pacific Mail the Japanese Government has established a steam line with a subsidy of half a million dollars a year. Paralleling the course of the Boston and Northern Pacific ships the Japanese Government has created another steam line, with a subsidy of $330,000. Out of Vancouver, a few miles north of Seattle, the British Government has in operation a line of three British steamers, with the aid of another subsidy of $300,000. Some of these Japanese steamers run to Manila; the British steamers stop at Hongkong, a few hundred miles north of the Philippines. These subsidized foreign concerns, with dividends guaranteed out of their national treasuries, deprive our American ships of freight and passengers. Although the Boston Steamship Company's service is conducted by experienced and capable managers, it has never made any profit, and unless Congress passes this Philippine legislation or grants some measure of immediate relief these American ships will be withdrawn from the route or transferred to foreign colors.

"This is precisely the result sought by the European governments. Not content with fighting American shipowners abroad, their foreign rivals, grown emboldened, are fighting them right in our own country. It is a fact of much significance to the State Department that the memorial offered the other day in the New York Chamber of Commerce against the bill reserving to American ships American commerce with the Philippines was presented by the New York agent of the North German Lloyd Steamship Company, of Bremen, Germany, subsidized for its eastern service for $1,330,000 a year. Moreover, the memorial was seconded by the American representative of the British shipping and mercantile house of Smith, Bell & Co., Manila agents for eight British steamship lines with 300 steamers, among them the British-Vancouver Company, with a subsidy of $300,000 a year.

"'Under such competition,' wrote the late Hon. William C. Whitney, 'it is quite easy to conjecture what will become of the American flag and our resources in the way of a naval reserve in the North Pacific.'

"To sum up, the European powers, by subsidy, bounty, and other discriminations, have completely driven American shipping out of their commerce with their possessions in the Orient. They are now moving to the next and most effective step, of driving American shipping out of our own commerce with our own possessions in the Philippines. Because of the fierceness of party divisions in the United States and the apparent indifference of the Middle West to our maritime interests we, as a nation, have not thus far been able to meet subsidy by subsidy. But Senate bill 2259, extending to the Philippine trade the principle of coastwise protection—our historic national policy, over which our parties have never divided—offers a direct and consistent method of saving the remnant of our Pacific fleet and retaining in our own hands the

control of our own communication with our East Indian commercial ports and naval stations.

"Foreign governments which, by subsidizing their ships, have driven our ships out of the Orient and almost off the seas would show an egregious assurance if they objected to the pending measure as a violation of the principle of the "open door." As a matter of fact, this reserving to American ships of at least our American trade with our Philippine dependencies is an act of absolute self-defense against the aggressive maritime policy of Europe. We must do this or we shall soon be forced to the humiliating plight of not being able to reach the Philippines save by the grace of our rivals in trade under the flags of our possible enemies in war.

"Sincerely, yours,

"WINTHROP L. MARVIN."

[From the Marine Journal, New York, January 30, 1904.]

"THE PHILIPPINE CONTROVERSY.

"Foreign interference in national legislation against the interest of the American merchant marine was never so active and aggressive as at the present time. The representatives of foreign ships, aided by Anglo-Americans doing business with the Philippines, have camped on the trail of the Philippine bill introduced in the House and Senate and are making the fight of their lives for its defeat. The scene on the floor of the Maritime Exchange of the great port of New York, recently, where foreigners and foreign sympathizers succeeded in stifling the voice of patriotic Americans, through a majority in sympathy and membership, caused shame and mortification to those present who had been taught to revere the Stars and Stripes and all that they call for.

"There is no help for the condition that exists in the Maritime Association at the present time, as the foreign influence predominates. There is, however, hope in Congress for those who attempted to carry out that association's intention by placing the American-Philippine Islands trade in the same relations to the American ship as Hawaii, Porto Rico, and all other outlying possessions of the United States.

"The American shipping interest is to be congratulated that there are no treaty obligations with other nations or anything to prevent Congress giving the carrying trade between the Philippines and the United States exclusively to American vessels, and Congress, we believe, can be depended upon to do its full duty to the shipping industry in this particular, as it has done in the past to all other protected industries of the country, notwithstanding the opposition of foreign corporations and their Anglo-American representatives, who had hoped to thrive on the losses that would be sustained by American shipping through lack of proper protective legislation in their interest on the Philippine question."

[From the New York Commercial, Friday, February 5, 1904.]

"WHERE FOREIGNERS ARE AFRAID.

"The members of the Senate Philippines Committee and the Washington correspondents of the great newspapers of the United States were all amazed and disappointed at the very conspicuous absence of the foreign shipping agents from the public hearing of that committee on January 21. Although the committee had favorably reported the bill reserving the carrying trade between the United States and the Philippine Islands exclusively to American vessels, it was thought that it would be wise to give the opposition to the bill an opportunity to be heard.

"The foreign shipping agents only a week before had appeared in large numbers before the directors of the New York Maritime Exchange, there to record their opposition to the Philippines shipping bill. They had pointed out that it would inflict great injury on foreign shipping and confer a great benefit upon American shipping, on which account they did not want the Maritime Exchange to favor the bill's passage. These were the people of all people that the Senate Philippines Committee wanted to hear. What they said would be most enlightening and instructive to the committee, and the Washington newspaper correspondents would have seen to it that no point of value or interest would have been withheld from the American reading public.

"If their opposition was based on good grounds, why should not the foreign shipping agents appear before Congress and state the reasons for their opposition? The answer is that the foreigners lacked the courage to go to Congress and state their case. Instead, they worked upon the minds of the people who ship coal to and buy hemp from the Philippine Islands, pointing out to them that American ships would earn larger freights than foreign ships were earning, and that this was good reason why the coal and the hemp people should oppose the bill.

"But the Senate Philippines Committee was not deceived, the Washington newspaper correspondents were not deceived, and the American people are not deceived. They all looked straight through the coal people and the cordage manufacturers and saw skulking behind them the foreign shipping agents—those whose interests were in danger, but who lacked the courage to come out, man fashion, and say so.

"Congress is elected to promote and safeguard American interests. How sagacious the foreign shipping agents were in abstaining from presenting their case to Congress! But they performed a greatly needed and most valuable service when they so bravely and publicly stated their opposition at the meeting of the New York Maritime Exchange. For that emphatic expression, arrogant as it was, American shipping interests owe the foreign shipping agents a lasting debt of gratitude.

"In Congress lie all of the hopes of those advocating American shipping; hence they were in evidence at that public hearing. But it is the action of Congress that arouses the fears of the foreign shipping agents, and yet they lacked the courage to appear before Congress and say why their interests should be protected—why American shipping interests should be sacrificed. Congress understands; the people understand; the foreign shipping interests understand. The cat is out of the bag; the source of opposition to American shipping interests has shown itself at last—not before Congress, to be sure, but, most fortunately, where it could be seen and heard, in New York.

"And Congress will not fail to appreciate the delicate compliment paid to its members by the absence of the foreign shipping agents from the public hearing on the Philippine shipping bill. We should say, after carefully considering all of the facts in the case, that the chances for the passage of the Philippine shipping bill are most promising, thanks to the impulsive activity of the foreign shipping agents in New York and their discreet avoidance of Washington."

[From the New York Commercial, Saturday, February 6, 1904.]

"IT'S 'UP' TO CONGRESS.

"In the Seattle Post-Intelligencer of a recent date the attitude and the action of the foreign shipping element in the New York Maritime Exchange are discussed at length and condemned with earnestness and force. Our Pacific coast contemporary has no patience with those un-American and hostile commercial interests which seek to shape American policies and to control American maritime legislation.

"'It is this action of foreigners,' it says, 'working in the interests of foreign ships and against the interests of American ships, which goes into the record as the action of the maritime association of the foremost port of the United States. It is high time that the minority—the Americans who belong to this association—should withdraw from it and let it run under its own colors, and not masquerade as an American maritime association.'

"Happily, the prompt protests of the American minority—if it is really a 'minority'—prevented the foreigners from putting the association on record in that way, and thus from using such a record for lobbying against the Philippines bills. We hasten to inform our good American contemporary in Seattle that a compromise was effected between these discordant elements—an agreement to eschew further discussion of the Philippines bills in view of the wide divergence of opinion on the subject and because, for special reasons, harmony in the association is particularly desirable just now.

"The incident was valuable, however, in that the wide publicity given to it served to put our lawmakers at Washington on notice that only the most un-American and thoroughly selfish motives lead any members of the New York Maritime Exchange to oppose the two pending bills. The influence of these 'nitlanders' at Washington has thus been discounted long in advance. They can have no possible standing before either shipping committee in Congress. They would be 'laughed out of court' if they should ever appear there.

"In fact, their nerve failed them before the time arrived for the last committee hearing on the subject. They didn't dare put in an appearance.

"The one reason why these foreigners appear to dominate in the Maritime Exchange is the failure of successive Congresses through half a century to extend to foreign-trade American ships the same measure of protection that they have to the coastwise and lake craft. The time has not come for the Americans in the Maritime Exchange to withdraw. The time has come, however, for Congress to pass laws the effect of which would be to Americanize the institution. Once give our merchant marine the protection that is its right, and within a year or two 90 per cent of the exchange's membership would represent American interests."

[Statement of Mr. C. B. Orcutt, president of the Newport News Shipbuilding and Dry Dock Company. The Huntington Yard at Newport News, Va.]

"Mr. Chairman and gentlemen, I have listened with a great deal of interest to the discussions which have taken place here today, and from a shipbuilding standpoint I have noticed with special interest the statements which have been made that there will not be sufficient tonnage in which to carry the business offered, if the present bill before the committee is passed. As shipbuilders

we are very much interested in that problem, and we hope from our standpoint that it is true, for it will be manifestly necessary for new ships to be constructed, and that right speedily, to meet the situation if this bill passes.

"Well, now, what could our plant do in that connection? Mr. Chairman and gentlemen, I represent the Newport News Shipbuilding and Dry Dock Company, at Newport News, as already stated. We have an investment there of something like fifteen millions of money. We are employing to-day over 6,300 men, almost entirely in the construction of naval vessels. Now, if new tonnage is required for this Philippine business, it will be interesting to you, Mr. Chairman and gentlemen of this committee, to know what one individual shipbuilding concern can do in the way of bringing forth new tonnage.

"If we could find some one who would give us an order to-morrow for ten 10,000-ton ships, suitable for the Philippine trade, we would engage, Mr. Chairman, under contract and penalty clauses attached, to build the first one of those ships and deliver it, certainly in nine months' time. We would contract to deliver the additional nine ships one about every four months thereafter.

"What would happen? Instead of employing 6,300 men, our pay roll would run up to something like 10,000 or 12,000 men. And they would all be paid good wages."

[Part of statement of Mr. E. C. Plummer, secretary of the Atlantic Carriers' Association, before the House Merchant Marine Committee, February 27, 1904, the Philippine shipping bill being under consideration.]

"So I leave the question of tonnage and come to the one question which I believe is the problem which this committee will have to wrestle with: Will the restriction of this trade to American-built vessels cause a rise in freight rates so as to injure those people—so as to injure the public? There have been several gentlemen who have in part answered that question, but I want to answer it. I want to try to answer it so that it will be understood. I want to say that the immediate effect of this bill will probably be to raise the freights; and mind you, I qualify that—I say 'probably'—and I will explain later. And I want to say that the ultimate effect of it—and I look for the ultimate effect to come inside of three years—will be to reduce the freight rate, and I will explain why.

"Hawaii has been talked of, but that is not exactly a parallel case to the Philippines. Porto Rico is; and I have here actual charter parties which show that we are making freight rates to Porto Rico to-day lower than they were ever made in the world. That is not the result of subsidized French ships and that is not the result of the general ocean conditions, because that is a trade in which the subsidized French vessels did not engage, and that is a reduction that came straight from American competition. Now, let me explain.

"Before that trade was restricted to American vessels we would make one of these charter parties go to Porto Rico. We knew from experience we would find foreign tramp steamers waiting to take molasses and other crops back, and we knew the chances were our vessels would have to come back light—to run back to Georgia, for example, and get ties and come along—one of your little three-cornered voyages such as they make in the Pacific.

"Now, we know when we charter a vessel to go out there, not that we won't get a cargo, but the chances are we will get a cargo. Before this trade was restricted to our vessels we were considering $2.25 on molasses, an exceptionally low freight. To-day we are taking it at $1.60. It is a low freight, but it is better for us. Why? If we can go out there with a cargo and collect $1.60 on that and come back with another cargo and collect $1.60 on that, that comes pretty near $3.20 a voyage. Of course that is cut down by the port charges and expenses there, but still that leaves us something better than the $2.25 that we were paid originally. And here is a charter party between J. H. Flitner & Co., agents, of Boston, and the Boston Molasses Company to take molasses at 80 cents a barrel, which is at $1.60 the regular hogshead, and Flitner & Co.'s letter states right here—and I will leave this with you for your consideration—that it is the lowest rate he ever knew. Not only that, but as soon as the Americans discovered what the business was in the island they went to work and built three first-class vessels—the *Ponce*, the *San Juan*, and the *Pathfinder*—and put them in the business. So these people got better commercial advantages than they did before, and they got their stuff cheaper, and their products are carried away cheaper than they were before.

"That is what has happened by putting the American coasting laws on Porto Rico, and there is not another solitary explanation of it in the world.

"That is what is going to happen in the Philippines. Mr. THAYER spoke about our developing a certain type of vessels. That is exactly what will happen. When we know we can go to Manila with something on board and stand a show not of having those two English houses in Manila holding the whole thing in their hands and saying 'Come,' and he cometh very suddenly, but when we go there and it has to be an American vessel and those two English houses can not dictate and procure a foreign vessel, when we know that we have a cargo to take out and a cargo to bring back, then we get paid both ways and we can afford to carry the cargoes cheaper. There will be a type of vessel. The vessel will be of a large carrying capacity, and, although it will bring freight down to where it is to-day, yet it will yield a profit, so that I do not hesitate to tell you—and I think the chairman and those of you who are familiar with shipping will bear me out—that the result of putting this law in force will be to the benefit of all; for there is a trade where both parties are benefited, and you will see it. If the Government gives us the coal out and we have the products of this country to bring back, where we are paid on both legs of the run, we can afford to do both legs cheaper than where we make one leg for money and the other for loss. That ought to be plain to any man."

IMPORTS FROM THE PHILIPPINE ISLANDS.

Total imports from the Philippine Islands to United States in fiscal year ending June 30, 1903:

	Tons.
Manila hemp	55,512
Sugar	9,386
Tobacco and cigars	125
Total imports of merchandise	65,023

Hemp, a bulky article, would require for shipment 55,000 net tons of shipping.

The list of steam tonnage available for Atlantic-Suez Canal trade to the Philippines, as stated in report of hearing January 21, before Senate Committee on the Philippines, includes 74,764 net tons.

But good steamships in a year can make not one, but two, round voyages to and from the Philippines. So that all the Manila hemp brought to both coasts of the United States in the fiscal year 1903 could be conveyed by one-half of 55,000 tons, or 27,500 net tons of steamers, each steamer making two voyages.

The 9,386 tons of sugar and the 125 tons of tobacco making up the rest of our imports from the Philippines in the fiscal year 1903—sugar being a relatively compact and heavy article—could be conveyed in steamers of a dead weight capacity of about 9,500 tons, representing substantially a net tonnage of 5,000. So that our total imports from the Philippines for the fiscal year 1903 could have been conveyed in 27,500 net tons plus 5,000 net tons of steamers, or 32,500 net tons.

One-half the net steam tonnage on the Atlantic-Suez Canal available list—74,764 net tons.

In other words, the steam tonnage presented as available for the Philippine trade via the Suez Canal out of our Atlantic seaports is twice as large as would be required to convey our entire import commerce from the archipelago.

This estimate takes no account of the 145,000 gross tons of American steamers in oriental trade on the Pacific Ocean, or of the 100 large American deep-sea sail ships of 350,000 tons deadweight capacity.

SOME QUESTIONS AND ANSWERS IN REGARD TO AMERICAN SHIPBUILDING, AND THE PRESENT STATE OF THE MERCHANT MARINE OF THE UNITED STATES.

[Seattle, Wash., February 9, 1904.]

"*Question 1.*—Present condition of shipbuilding plants on the Pacific coast?

"Aside from Government work there is no shipbuilding of any importance in hand in any of the Pacific coast yards. Taken all together the Pacific coast yards are now building one coaster, 150 feet long, wood; one tug, 115 feet long, wood; two tugs, 55 feet long, wood; one coaster, 136 feet long, steel; one coaster, 185 feet long, steel. The remainder of the work in hand consists of engines, boilers, and repairs for existing vessels. No vessels of any kind for foreign trade are under construction.

"*Question 2.*—The amount of building done as compared with the last few years?

"The condition of the shipbuilding industry in the United States seems to have reached a crisis, and about the only hopeful thing that can be said about it is that it can not well get worse. Taking the whole country over there is not a single merchant vessel of any importance that has been laid down during the last year. For more than two years no order has been given for a single ship for the foreign trade of the United States. Practically all of the new construction the shipyards of this country have been doing lately has been Government, coastwise, and Lake vessels.

"*Question 3.*—Are conditions growing worse or better for this industry; and the reasons therefor?

"The prosperity and advancement of the shipbuilding indus-

try are dependent upon two things: First, demand for ships; second, competition on an equal footing with foreign builders.

"The work done for coastwise and island commerce can in no wise be regarded as a reasonable gauge or limit of the possibilities of the shipbuilding industry. In order that it may develop and prosper it must have the full field before it, with the opportunity not only to build American ships for competition with foreign-built ships, but to build ships in competition with foreign builders. The ability, advantages, and inclination are not wanting in this country necessary to vie with and eclipse European nations in shipbuilding; but the opportunity has not yet come, and in the present state of American commerce it never will. The conditions are undoubtedly growing worse, in regard to the demand for American ships, for three reasons: First, greater first cost as compared with foreign ships, entailing a greater amount of invested capital. Second, greater cost of operating as compared with foreign ships. Third, the growing and powerful effect of foreign subsidies.

"So serious has this become and so great is the handicap thus indirectly loaded upon American shipowners that, in the words of the president of one of the largest American steamship companies, 'the point has been reached when American ships will either be compelled to go out of commission or be transferred to foreign flags.' The cost of American-built ships is from 25 per cent to 75 per cent greater than that of English-built ships. This is partly due, of course, to the higher wages paid and partly to the protective tariff upon shipbuilding materials, but even these could be overcome if there were sufficient work to keep American shipyards continually busy for a sufficient length of time to enable them to develop methods and systems to bring the shipbuilding art to one of manufacturing and to reduce the percentage of fixed expenses. This has been done in other lines of industry, the examples of which are well known. American engines and bridges are built in successful competition with foreign work by sheer force of system and introduction of piecework and specializing, as regards both plant and labor.

"So long as the cost of production, therefore, is so much greater in the United States than it is in Europe there is no hope of competing on an equal footing with the latter; but if by any means a stimulus be given to American shipping which will permit of its competing on anywhere near an equal basis with foreign vessels, and creating a demand for ships from American owners, the development of the shipbuilding industry will be such that by the time the commerce of our own country is carried in our own ships our shipyards will be in a position to reach out for foreign work. The fact is, however, that of recent years the work in our shipyards, confined necessarily to a limited field, has been extremely spasmodic, and the development of this industry has been hampered because of the constantly decreasing demand for American ships.

"*Question 4.*—Is there necessity for Government aid; if so, in what way do you think the Government can best help?

"Statistics of work done by American shipyards, and of that on hand and in prospect at the present time, demonstrate the necessity of aid from the General Government, and this must take the form of legislation in but two directions: First, protection to the product of American shipyards; second, the creation of a demand for American ships by removing the handicap under which they are at present operated and placing them on an equal footing with foreign ships in the commerce of the world.

"The case is urgent, and affects not only the shipbuilding industry, but that of the entire nation. Our merchant marine is gone. We have need of 20 per cent of the world's steam tonnage to handle our commerce, and we have ships to handle less than 9 per cent of it. We had 108,000 tons more registered tonnage before the civil war than we have now, and instead of our merchant fleet doing the majority of the carrying business of the world our own commerce is practically in the hands of foreign ships—last year it amounted to $100,000,000. We are building up a great navy for the protection of American commerce, and, at the present rate of decline, by the time it is completed there will be nothing to protect. We are going to build the Panama Canal, but by the time it is completed we will have no merchant marine to receive its benefits.

"Our merchant ships have been 'run out of business' by the extra cost of operating, caused by our shipping laws and by the subsidies received by their competitors. This state of affairs is positively inexcusable, as it is appalling, and would warrant desperate means for recovery.

"The first sure and effective means by which American ships can obtain any considerable share of the foreign trade of our country is by the policy of subsidies. It may not be theoretically correct, but its result will be to place American shipping on an equal footing with its competitors at least, and the benefits received thereby will be far-reaching. All other maritime countries seem to find it necessary. England has always recognized the necessity of fostering her merchant marine and of striving for supremacy on the sea, in business as well as in war, and does not hesitate to adopt any means to secure that end. Consider the latest subsidy contract for twenty years with the Cunard Company—$350,000 a year for each ship, $13,000,000 loaned at 2½ per cent interest to build them. The Canadian steamers on the Pacific receive $110,000 a year from their own government and an additional subsidy from the British Government. French ships are heavily subsidized. Japan subsidizes her ships as high as $260,000 a year for one line.

"Germany is a protected country, but the last few years have witnessed a tremendous impetus to her shipping and shipbuilding. This has been due partly to the general expansion of German trade, but it has been backed up and balanced by subsidies, and by a remission of duties upon shipbuilding materials, to which the Government was forced to come by the same conditions as now confront the United States, and it has been successful to a surprising degree. It is out of the question to suppose that American ships can enter such a field as this or that American capital will be invested in ships without equal advantages, and with the added load of 50 per cent greater cost of operating.

"It is said that the great ocean greyhounds of the Atlantic could not be operated continuously without the substantial subsidies paid them by their Governments. How is it possible for any ship without such aid, let alone one that has cost more in the first place, and that has absolutely no advantage, to compete with them? Subsidies to our own ships may not be logical or consistent with our general policies, but such is the nature of the competition that we have to face that it is absolutely necessary, and nothing else will succeed with the same certainty.

"Aside from this, there is no time to experiment or argue over the matter. The case demands something positive and sure, and money thus spent will be returned with compound interest to all classes of producers in the country, not only by holding the commerce which already exists, but by opening up new channels of trade. It is a comparatively small commission to the shipowner, and, after all, it does no more than to place him on the same basis with his competitors.

"*Question 5.*—What, in your opinion, is the length of time the shipyards of the Pacific coast can run without Government aid?

"It is questionable whether the shipyards on the Pacific coast could have been maintained as long as they have, certainly not of anything like their present magnitude, if it had not been for the Government contracts, which have furnished not only them, but the principal eastern yards, with the most, if not practically all, of the work that has been done for the last few years at any rate.

"So that, under existing circumstances, the length of time these shipyards can run can be said to be limited by the completion of Government contracts, or the continuance of the liberal policy of building Government vessels. On this basis it would be possible to tide over the deadlock in the shipping business by providing sufficient Government work to keep the important shipyards busy and by such legislation as would serve to distribute the work to some extent. This can only be done by providing that a certain proportion of vessels appropriated for shall be built on the Pacific coast and by allowing a percentage on all Pacific coast contracts sufficient to balance the unavoidably greater cost, thus placing all builders on an equal footing. Both of these methods have been customary in the past and had the desired effect; but the latest appropriations have had no such provision, and the '4 per cent differential' formerly allowed to Pacific coast bidders was revoked by act of Congress a year ago. The consequence is that since that time all Government contracts have been made with eastern shipyards.

"While a liberal and considerate policy in this direction would serve to aid the shipbuilding industry for a few years, and possibly to uphold it temporarily, it could not be advocated as a solution, for its operation is necessarily limited, and permanent good can only be done by such legislation as will benefit the shipping business in general, as already outlined. As the effects of the latter, however, even if undertaken at once, could not be expected to be other than gradual, it is also regarded as equally important that aid should be given also by the National Government in the way first mentioned to tide over the interim.

"*Question 6.*—What special advantages has Puget Sound as a location for a great shipbuilding industry?

"First. On account of many well-known natural advantages it is unquestionably the best suited locality for a general shipping center that there is on the Pacific coast, and, other things being equal, such a location is particularly well suited for a great shipbuilding industry.

"Second. It is the only location on the Pacific coast where coal can be had direct from the mines in the immediate vicinity.

"Third. Not only is the transportation of steel and other shipbuilding materials from the eastern mills more direct and rapid than at any other locality on the coast, but the same advantages that make it desirable for shipbuilding will in the future result in the establishment of factories for the production of such materials.

"Fourth. Particularly is this the case with steel and iron, which are practically the only materials which need be seriously considered in connection with shipbuilding. There is the greatest probability, amounting to almost a certainty, that sooner or later the production of steel and iron on Puget Sound will be practically accomplished on a large scale. One thing is certain, that if steel and iron are ever produced on the Pacific coast, it will be on Puget Sound; and this of itself, without any other consideration, would positively settle the question of the most desirable location for a shipbuilding plant.

"Fifth. Until this is done, and even if it should never be accomplished, Puget Sound is preeminently more advantageously situated as regards steel and iron than any other point on the coast, being connected by direct rail routes with the Great Lakes, which are at present the center of the steel and iron industry of the United States.

"Sixth. Compared with locations on the eastern coast, Puget Sound possesses an immense advantage in a mild climate, which interferes with the carrying on of work to a minimum extent.

"Seventh. Wooden shipbuilding has naturally always flourished on Puget Sound for evident reasons, and in this regard there is no comparison whatever with any other location on the coast. But wooden shipbuilding cuts no figure with the general industry in modern times and must be considered as entirely separate therefrom.

"Eighth. On the basis that Puget Sound will be the center of commerce and manufacturing on the Pacific coast, which it surely will be, the ready transportation on this inland sea between the mills and factories situated at various points on its shores and the innumerable excellent harbors with deep water offer unequaled possibilities for the development of a great shipbuilding industry.

"The following items of statistics will serve to an appreciation of the force of the arguments above presented:

"In round numbers, the world's steam tonnage amounts to 25,000,000 tons, four-fifths of which is used on salt water. Over half of this tonnage is owned by Great Britain, while the United States comes in with but 1,276,046 tons. Most of our tonnage is engaged in the domestic trade, and only eight companies of any importance (owning over 10,000 tons each) run their vessels in the foreign trade, or even in the trade of the Philippines, Hawaii, or Porto Rico.

"The Hamburg-American Line alone earns yearly $13,000,000 in passenger and freight receipts from the foreign trade of the United States.

"The steamship requirements of our trade with the several grand divisions of the world are, approximately:

	Steamers.	Gross tons.
Europe	700	3,200,000
North America	250	400,000
Asia-Australia	100	400,000
Africa	80	380,000
South America	110	300,000
Tank steamers	70	250,000
Total	1,335	4,930,000

"At present only 8.8 per cent of the requirements is being covered by American vessels. To do our own business we need 20 per cent of the world's steam tonnage employed in foreign and colonial trade.

"The conditions of the subsidy agreement of 1903 between the British Government and the Cunard Steamship Company are as follows:

"'1. The Cunard Company is to build two large steamers of high speed for the Atlantic trade.

"'2. The agreement is to remain in force for twenty years from the time of the completion of the second vessel.

"'3. The Cunard Company pledges itself until the expiry of the agreement to remain a purely British undertaking.

"'4. During the period of the agreement the Cunard Company is to hold at the disposal of the Government the whole of its fleet, including the two new vessels, the Government being at liberty to charter or purchase all or any of the vessels at agreed rates.

"'5. The Cunard Company also undertakes not to unduly raise freight rates or to give any preferential rates to foreigners.

"'6. The Government is to lend the money for the construction of the two new vessels charging interest at 2½ per cent per annum.

"'7. The Cunard Company is to repay the loan by annual payments extending over twenty years.

"'8. From the time the new vessels begin to run the Government is to pay the Cunard Company £150,000 per annum.'

"The British Admiralty, which inquired into the whole subject of subsidies for merchant vessels suitable for auxiliary cruisers in time of war, reported as follows:

"'We have inquired carefully into the initial cost of vessels possessing a speed of 20 knots and upward, and also into the amount of annual subsidy which would be required by a commercial company toward making good the loss which would be sustained in peace time by running such vessels.

"'These costs may be provided either by—

"'First. The Admiralty guaranteeing a sum representing the first cost of each ship, thus enabling a shipowner to raise the capital at 3 per cent instead of 5 per cent which he would otherwise have to pay.

"'Second. The contribution by the Admiralty of a lump sum toward the first cost of the ship, thereby reducing the outlay on the part of the owner.

"'Third. An annual payment extending over an agreed period.'

"Adopting the principle of an annual payment, they estimate the subsidies to be paid to vessels of varying speed as follows:

Average ocean speed.	Annual subsidy.
20 knots	£9,000
21 knots	19,000
22 knots	40,000
23 knots	67,500
24 knots	110,500
25 knots	149,000
26 knots	204,000

"The difference in the cost of wages paid to the crew of an American ship and of a British crew, of exactly the same number and for exactly the same ship, is seen in the following example of a vessel which was transferred from the British to the American flag:

	American.	British.
Captain	$125.00	$100.00
First officer	75.00	47.50
Second officer	60.00	35.00
Chief engineer	125.00	90.00
First assistant engineer	70.00	60.00
Second assistant engineer	60.00	35.00
2 oilers	80.00	50.00
Steward	40.00	30.00
Cook	35.00	26.50
8 sailors	200.00	a120.00
6 firemen	210.00	129.00
2 coal passers	60.00	43.00
Per month	1,140.00	764.00
Per year, difference		4,512.00

a Six sailors.

"The crew under the American flag was greater in numbers by two men than under the British flag.

"The registered tonnage of the merchant fleets of the several maritime nations of the world are as follows:

	Tons.
United States	873,000
Italy	1,180,000
France	1,480,000
Norway	1,660,000
Germany	2,960,000
British Empire	14,800,000

"The United States has developed the most marvelous foreign commerce of all the nations of the world. We are sending into other lands nearly $5,000,000 worth of American products and commodities every day; but it is a significant fact that American ships convey less than 9 per cent of our exports and imports. The tribute paid to foreign ships for conveying merchandise to and from the United States amounted to over $100,000,000 last year.

"An idea of the relation of the shipbuilding industry in the United States to that in Great Britain is given by the following figures for 1903: The United States launched 188 vessels of 493,144 tons; Great Britain launched 1,258 vessels of 1,409,630 tons.

"The total new construction for the Navy now under way is as follows: 38 vessels of all kinds, 354,214 tons; value, $88,284,516."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. CULLOM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9480) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes," having met,

after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 47, 56, 57, 74, 93, 130, 131, 132, 133, 140, 141, 145, 146, 147, 149, 156, 159, 161, 162, 168, 174, 175, 176, 185, 211, 212, 214, and 228.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 76, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 134, 135, 136, 137, 138, 139, 142, 143, 144, 148, 150, 151, 153, 154, 155, 157, 160, 163, 164, 165, 166, 169, 172, 173, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 213, 218, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 229, 230, 231, 232, 233, and 235, and agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Insert after the word "otherwise" in said amendment the words "hereafter specifically;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-two thousand seven hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two bookkeepers, at one thousand five hundred dollars each;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand five hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the matter inserted by said amendment insert after the word "dollars," in line 10, page 65 of the bill, the following:

"Provided, That whenever the Secretary of the Treasury shall determine that it is necessary for the proper operations of the mint at Denver, Colorado, the following force may be appointed in lieu of the foregoing at the yearly compensation herein stated, namely: Superintendent, at four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk, at two thousand five hundred dollars; weigh clerk, at one thousand six hundred dollars; clerk, at one thousand four hundred dollars; two calculating clerks, at one thousand four hundred dollars each; and two clerks at one thousand two hundred dollars each, and any unexpended balance of the foregoing appropriation shall be available for payment of this latter force;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For wages of workmen, including not exceeding six thousand six hundred and twenty dollars for other clerks and employees, twenty-two thousand dollars;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: Add after the word "assistants" at the end of the matter inserted by said amendment the following: ", said estimates not to exceed the number employed and rates of compensation then actually paid;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and sixteen thousand nine hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with amendments as follows: In line 5 of said amendment strike out the words "law clerk, two thousand dollars;" in line 6 strike out the words "clerk of class two;" and in lieu of the sum named in lines 7 and 8 insert "eight thousand one hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirty-two thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In the last line of said amendment strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with amendments as follows: In line 2 of said amendment strike out the word "fifteen" and insert in lieu thereof the word "twelve;" in line 3 strike out the word "fifteen" and insert in lieu thereof the word "twelve;" in line 5 strike out the word "sixteen" and insert in lieu thereof the word "twelve;" and in line 10 strike out the word "fifty-six" and insert in lieu thereof the word "forty-six;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and seventy-two;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and twelve;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-four;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and eleven thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand five hundred and seventy dollars;" and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: Strike out the word "permanently" inserted by said amendment, and on page 151 of the bill, in line 7, after the word "incapacitated," insert the words "otherwise than temporarily;" and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: Add at the end of the amended paragraph, after the word "President," the following: "*Provided*, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four;" and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
FREDERICK H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CULLOM. This is a final agreement.

The report was agreed to.

BUILDING FOR DEPARTMENT OF STATE, ETC.

Mr. FAIRBANKS. I move that the Senate proceed to the consideration of the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

Mr. FAIRBANKS. I will let the bill go over for the present, owing to the absence of the Senator from Maine [Mr. HALE]. It will go over as the unfinished business.

ABATEMENT OF NUISANCES.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

Mr. GALLINGER. The Senator from Ohio withholds that motion for one moment. I move that the bill (H. R. 6289) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of the District of Columbia, and for other purposes, be recommitted to the Committee on the District of Columbia. This is done because some very good people desire to have a further hearing on the bill.

The PRESIDING OFFICER. Without objection, the request of the Senator from New Hampshire is agreed to, and the bill is recommitted to the Committee on the District of Columbia.

ROADS AND ROAD BUILDING.

Mr. CULBERSON. Will the Senator from Ohio yield to me to enable me to make a request?

Mr. FORAKER. I yield to the Senator from Texas for that purpose.

Mr. CULBERSON. There has been printed a hearing before the Committee on Agriculture and Forestry, United States Senate, Tuesday, January 26, 1904, a pamphlet consisting of about 115 pages, on the subject of roads and road building. I ask unanimous consent that it may be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that the hearing which he sends to the desk may be printed as a Senate document. Is there objection? The Chair hears none, and the order is made.

Mr. GALLINGER. In connection with the request made by the Senator from Texas, I ask that 1,000 additional copies of the document be printed and deposited in the document room of the Senate. There are a great many calls for it, I will say.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that 1,000 additional copies of the document sent to the desk by the Senator from Texas be printed and deposited in the document room. Is there objection?

Mr. CULBERSON. It has been suggested to me that during the morning hour the Senator from South Carolina [Mr. LATIMER] made some request about publishing the document. I am not certain about it, but if it has already been ordered printed a further order is unnecessary.

The PRESIDENT pro tempore. The Chair is not informed of

any such request. The Chair hears no objection. The order will stand as agreed to.

Mr. CULBERSON subsequently said: Mr. President, I am informed that this morning the Senator from New York [Mr. PLATT] reported from the Committee on Printing a resolution, which was passed, providing for the printing of 12,000 copies of the hearing before the Committee on Agriculture in reference to good roads. I therefore move to reconsider the vote by which the order subsequently offered by me for the same purpose was passed; so that only the 12,000 copies provided for by the resolution of the Senator from New York will be printed, as I believe that number is sufficient.

The PRESIDENT pro tempore. The Senator from Texas moves that the vote by which the Senate on his motion ordered the printing of the hearing before the Committee on Agriculture and Forestry in regard to good roads may be reconsidered. In the absence of objection, the order is reconsidered.

SANITARY DAIRY PRODUCTS.

Mr. STEWART. I ask unanimous consent for ten minutes to-morrow morning to close up the consideration of the milk bill.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. STEWART. I want just ten minutes in the morning hour.

Mr. FORAKER. I yield for that request to be made.

The PRESIDENT pro tempore. After the routine morning business?

Mr. KEAN. I am afraid that will interfere with the Senator from Indiana [Mr. BEVERIDGE], who is very much bent upon Alaskan legislation, to which the Senate has agreed to give to-morrow.

Mr. STEWART. My request is for the morning hour. I ask that this time be given in the morning hour.

Mr. KEAN. The Senator from Indiana has the day, after the routine morning business, for Alaskan bills.

Mr. STEWART. I do not want more than five minutes, and I ask that that time be given immediately after the routine morning business.

The PRESIDENT pro tempore. There is unanimous consent already given that immediately after the routine morning business to-morrow the Alaskan bills shall be taken up for consideration.

Mr. STEWART. After the routine business?

The PRESIDENT pro tempore. After the routine morning business.

Mr. STEWART. Then I am closed out. I give notice, however, that if I am to be cut off in every direction there will be no more unanimous-consent agreements of that character.

Mr. FORAKER. The Senator from Nevada gave notice an hour or more ago that he would like to have ten minutes for the bill he has in charge. I do not wish to cut him out if he can have a vote.

Mr. STEWART. The Senator from Missouri [Mr. COCKRELL] is not in his seat. If he were here, we could dispose of the bill now.

Mr. GALLINGER. I will vouch that the Senator from Missouri will not object, if the Senator has reached an agreement with him.

Mr. STEWART. I have; but he has the amendments in his desk. If the Senator from Missouri can be found, and the pages can find him in a moment, we can dispose of the bill now.

Mr. FORAKER. I will do all I can to aid the Senator.

Mr. STEWART. I have sent for the Senator from Missouri.

Mr. FORAKER. I understand that the Senator from Nevada wants me to withhold my motion for ten minutes.

Mr. STEWART. For only five minutes after the Senator from Missouri comes in.

Mr. CLAY. I ask the Senator what bill he has reference to—the bill in regard to pure milk?

Mr. STEWART. The milk bill.

Mr. CLAY. The Senator does not hope to pass the bill in ten minutes?

Mr. STEWART. I do; and in less time, unless the Senator from Georgia wants to make a speech on it.

Mr. CLAY. I never want to make a speech; but I think Senators whose constituents will be affected by the bill will want to be heard upon it.

Mr. STEWART. No; the Senator from Missouri is the only one who was not satisfied, and I laid the bill aside for him to prepare amendments. He has prepared them, and I have agreed to them. He is going to offer the amendments, but he has stepped out of the Chamber; and I suppose we can not do it now.

Mr. KEAN. If there is nothing before the Senate——

Mr. FORAKER. My motion is before the Senate.

Mr. STEWART. But the Senator is not going to move to go into executive session for ten minutes.

Mr. FORAKER. However, I do not want to lose my right to make the motion.

Mr. STEWART. The Senator from Missouri will be here in a minute.

Mr. FORAKER. I do not want to lose the floor. Let me inquire of the Senator what is the objection of the Senator from Missouri to the bill?

Mr. STEWART. There are some amendments which he wants to make. I have agreed to his amendments. He has been here all day, ready to let the bill pass in a moment. I am told he will be here in a minute or two, but I do not know whether he will or not.

The PRESIDENT pro tempore. There is no difficulty about the Senate going into executive session and then returning to legislative session.

Mr. FORAKER. We can return to legislative session later on, I suggest.

Mr. STEWART. All right.

Mr. FORAKER. I renew my motion, then.

Mr. COCKRELL entered the Chamber.

Mr. STEWART. The Senator from Missouri is here.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that Senate bill 2402 may be considered.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill (S. 2402) to secure sanitary dairy products for the District of Columbia.

Mr. COCKRELL. I move in section 1, on page 4, line 18 of the amendment, after the word "act," that the following words be inserted:

A board of milk inspection, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies herein provided for; and the said Commissioners shall, before the appointment of such board, appoint.

So that it will read:

That there shall be appointed by the Commissioners of the District of Columbia, within thirty days after the passage of this act, a board of milk inspection, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies herein provided for, etc.

Mr. GALLINGER. I want to ask the Senator if he does not think the language is unfortunate?

That there shall be appointed by the Commissioners of the District of Columbia—

A board, two of whom the Commissioners will scarcely appoint, will they?

Mr. COCKRELL. The health officer is appointed by the District Commissioners, and I thought I would not change the phraseology any more than was necessary. That was a small matter, already in the bill, and I wanted to make as few changes as possible.

Mr. GALLINGER. It occurred to me that the language employed would be hardly proper if the board of milk inspection is to be composed as the Senator proposes.

Mr. COCKRELL. I think the suggestion is a good one; but I was anxious to adopt as many words as possible of my friend from Nevada [Mr. STEWART].

Mr. GALLINGER. I knew that.

Mr. COCKRELL. All I want is to get in the main proposition.

Mr. STEWART. I hope we shall not consume time in a discussion about phraseology. Let us get the bill through.

Mr. GALLINGER. I will suggest that it read:

A board of milk inspection is hereby created, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies, to be appointed by the Commissioners of the District of Columbia.

Mr. COCKRELL. I think myself that is better, and I will modify my amendment in that way. I will read it over.

A board of milk inspection is hereby created, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies, to be appointed by the Commissioners of the District of Columbia.

That strikes out all down to and including the word "Columbia," in line 19, and then it will read:

A board of milk inspection is hereby created, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies, to be appointed by the Commissioners of the District of Columbia, and who shall be familiar with the dairy business.

Mr. GALLINGER. "And who shall possess."

Mr. COCKRELL. Yes.

And who shall possess a knowledge of analytical chemistry.

Then, after the word "and," in line 21, insert "said board of milk inspection;" in line 25, at the beginning of the line, strike out the words "superintendent of dairies" and insert "board of milk inspection;" after the word "chemist," in line 25, insert "and one bacteriologist;" then, in line 1, on page 5, after the word "under," strike out the word "his;" then, in line 2, after the word "direction," insert "of said board;" so as to read:

And shall, under direction of said board, perform such other duties relating to.

After the word "to," strike out "his" and insert "their;" so as to read: "relating to their profession." Then, on the same page, in line 6, s trike out the word "superintendent" and insert "said board."

Mr. GALLINGER. And strike out the word "the" before "superintendent."

Mr. COCKRELL. No; I want it to read: "of the said board." That leaves in the word "the." Then, in line 17, after the word "the" where it occurs the second time, strike out "superintendent" and insert "said board;" then, at the end of line 21, insert "the superintendent of dairies shall have, under said board, charge of the inspection of milk and cream herein provided for, and he may, in his discretion, suspend any inspector and report the same to said board;" then, in line 24, after the words "per annum," insert "the bacteriologist, $1,800 per annum;" then, on page 6, line 4, after the words "in all," strike out "twenty-three thousand" and insert "twenty-four thousand eight hundred;" then, in line 9, after the words "authorized the," strike out the word "terms" and insert "offices."

In other words, instead of a superintendent of dairies having charge of everything, it is to be a board of milk inspection, composed of the health officer, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies. Then a bacteriologist is added. This board controls. The bacteriologist is to get a salary of $1,800 a year, and the total amount is increased by that sum. Those are the only changes.

The PRESIDENT pro tempore. The Secretary will read the first section of the substitute as it will stand if the amendments proposed by the Senator from Missouri [Mr. COCKRELL] are agreed to.

The Secretary read as follows:

That a board of milk inspection is hereby created, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies, to be appointed by the Commissioners of the District of Columbia, and who shall be familiar with the dairy business, and who shall possess a knowledge of analytical chemistry, and said board of milk inspection, who shall be charged with the enforcement of all laws relating to the production and sale of milk and cream in the District of Columbia.

There shall also be appointed by the said Commissioners, on the recommendation of the board of milk inspection, one analytical chemist and one bacteriologist, who shall assist the superintendent of dairies and shall, under direction of said board, perform such other duties relating to their profession as may be required by the health officer of the District of Columbia, one clerk, and one skilled laborer. And there shall also be appointed by the said Commissioners, on the recommendation of the said board, six inspectors, who shall be qualified veterinary surgeons, who have been graduated after a proper period of study by a school of veterinary medicine authorized by law to confer the degree of doctor of veterinary medicine or some similar degree, whose duty it shall be to inspect all places and dairy farms where milk is produced for sale in the District of Columbia. No person, firm, or corporation refusing to such inspectors free access to the premises to be inspected shall bring any milk or cream into the District of Columbia. And there shall also be appointed by the said Commissioners, on the recommendation of the said board, eight inspectors, who shall be experienced in the dairy business and whose duty it shall be to inspect all milk and cream brought into the District of Columbia for sale, and also to inspect all places within the District from which milk or cream is sold.

The superintendent of dairies shall have, under said board, charge of the inspection of milk and cream herein provided for, and he may, in his discretion, suspend any inspector and report the same to said board. The superintendent of dairies shall receive a salary of $3,000 per annum; the analytical chemist, $2,400 per annum; the bacteriologist, $1,800 per annum; the veterinary inspectors of farms and places where milk is produced, $1,300 per annum each; the inspectors and the clerk, $1,000 per annum each; and the skilled laborer, $900 per annum: in all, $24,800, which sum is hereby appropriated, one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated; and from and after the appointment by the said Commissioners of the inspectors herein authorized the offices of such inspectors as are now provided for by law for the enforcement of the laws relating to the production and sale of milk in the District of Columbia shall cease and determine.

It shall be the duty of the officers herein provided for to execute the provisions of this act and all laws and regulations relating to the production and sale of milk and cream in the District of Columbia, and for that purpose shall at all times have access to farms and other places where milk or cream is produced, to dairies from which milk or cream is sold, and to wagons or other vehicles used in the business of distributing milk or cream. And the superintendent of dairies may suspend the permit of any person who obstructs free access to the officers herein named at any hour of the day or night to his premises or property used in the business of producing milk or cream to be sold in the District of Columbia or of selling milk or cream in said District.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment reported by the Committee on the District of Columbia in the nature of a substitute as it has been amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until tomorrow, Thursday, March 10, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 9, 1904.

MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

Henry B. Richardson, of Louisiana, for appointment as a member of the Mississippi River Commission, vice Benjamin M. Harrod.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

John Barrett, of Oregon, now envoy extraordinary and minister plenipotentiary to the Argentine Republic, to be envoy extraordinary and minister plenipotentiary of the United States to Panama, vice William T. Buchanan, resigned.

Arthur M. Beaupré, of Illinois, now envoy extraordinary and minister plenipotentiary to Colombia, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic, vice John Barrett, nominated to be envoy extraordinary and minister plenipotentiary to Panama.

William W. Russell, of the District of Columbia, now secretary of the legation at Panama, Panama, to be envoy extraordinary and minister plenipotentiary of the United States to Colombia, vice Arthur M. Beaupré, nominated to be envoy extraordinary and minister plenipotentiary to the Argentine Republic.

INDIAN AGENT.

James H. Monteath, of Montana, to be agent for the Indians of the Blackfeet Agency, in Montana, to take effect March 16, 1904, at expiration of his present term. (Reappointment.)

PROMOTION IN THE ARMY—PAY DEPARTMENT.

Capt. William B. Schofield, paymaster, to be paymaster with the rank of major, March 3, 1904, vice Gilbert, retired from active service.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 9, 1904.*

The House met at 12 o'clock m.

Prayer by Rev. J. J. DOLLIVER, of Fort Dodge, Iowa.

The Journal of yesterday's proceedings was read and approved.

SWEARING IN OF A MEMBER.

Mr. SULZER. Mr. Speaker, I desire to present the credentials of William Bourke Cockran, a Member-elect to this House from the Twe fth Congressional district of the State of New York.

The SPEAKER. The credentials of the Member-elect will be read.

The Clerk read the credentials.

Mr. SULZER. Mr. Speaker, Mr. Cockran being present, I ask that the oath of office be administered to him.

The SPEAKER. The gentleman will present himself at the bar of the House to take the oath.

Mr. Cockran (who on coming forward was greeted with loud applause on the Democratic side) was duly qualified by taking the oath prescribed by law.

BRIDGE ACROSS TENNESSEE RIVER NEAR GILBERTSVILLE, KY.

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 4387.

The bill (S. 4387) to authorize the Chicago, St. Louis and New Orleans Railroad Company to construct a bridge across the Tennessee River near Gilbertsville, Ky., was read.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. House bill No. 12444, corresponding in its provisions with the Senate bill just passed, will, in the absence of objection, lie on the table.

There was no objection.

ADDITIONAL LAND OFFICE IN NORTH DAKOTA.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1487) creating an additional land office in the State of North Dakota was read, as follows:

Be it enacted, etc., That all that portion of North Dakota lying south of the twelfth standard parallel and west of the range line between ranges 90 and 91 west of the principal meridian be, and the same is hereby, created into a separate land district, to be known as the Dickinson district, and the land office for said district shall be located at the town of Dickinson until such time as the President may, in his discretion, remove the site of said land office from said town.

SEC. 2. That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for

said district; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said State.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WILLIAMS of Mississippi. I should like to hear some explanation of the bill.

Mr. SPALDING. Mr. Speaker, this is a bill creating a new land district in the State of North Dakota and locating a land office. The present Bismarck land district is something like 300 miles in extent east and west, and there are about 9,000,000 acres of land unentered in that district.

Mr. WILLIAMS of Mississippi. Is this a Senate bill?

Mr. SPALDING. It is.

Mr. WILLIAMS of Mississippi. And has it received the favorable action of the Senate?

Mr. SPALDING. Yes, sir.

Mr. WILLIAMS of Mississippi. And has it been referred to the House committee?

Mr. SPALDING. It has been so referred and has received the favorable consideration of that committee.

Mr. WILLIAMS of Mississippi. Are the reports of both committees unanimous?

Mr. SPALDING. Yes, sir.

Mr. WILLIAMS of Mississippi. Then I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

HEAD TAX ON CITIZENS OF NEWFOUNDLAND.

Mr. GARDNER of Massachusetts. I ask unanimous consent for the present consideration of the bill which I send to the Clerk.

The bill (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States was read, as follows:

Be it enacted, etc., That section 1, chapter 1012, of the Statutes at Large of the United States of America (57th Cong., 2d sess.), is hereby amended by inserting in line 4, after the word "Canada," the word "Newfoundland;" so as to read as follows:

"That there shall be levied, collected, and paid a duty of $2 for each and every passenger not a citizen of the United States, or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be called the 'immigrant fund,' to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this act.

The duty imposed by this section shall be a lien upon the vessels which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy. The head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section 32 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

Mr. STEPHENS of Texas. Mr. Speaker, owing to the confusion, it has been impossible for me to understand the bill as read.

The SPEAKER. The House will be in order.

Mr. STEPHENS of Texas. I should like to hear some explanation of this matter, reserving the right to object.

Mr. GROSVENOR. I wish to reserve the right to object. I want to know what this bill is. It strikes me as a very strange bill to come here under unanimous consent.

Mr. GARDNER of Massachusetts. The only change which this bill makes in the existing statutes is the insertion of the word "Newfoundland" between the words "Dominion of Canada" and the words "Republics of Cuba and Mexico." The reason for this change is this: The committee last year probably did not realize that Newfoundland is not a part of the Dominion of Canada. The purpose of the previous legislation was to exempt from the head tax——

Mr. UNDERWOOD. Mr. Speaker, I do not like to object to this bill without knowing what it is; but I should be glad to hear the gentleman's statement so that I may understand the matter.

Mr. GARDNER of Massachusetts. Mr. Speaker, I will explain again that this bill proposes to amend the immigration law which passed last year. That bill imposed a head tax of $2 on everyone coming to the United States, except those coming from contiguous territory. It exempted citizens of the Dominion of Canada and the Republics of Cuba and Mexico, but, probably by mistake, did not exempt citizens visiting us from Newfoundland, because most people did not realize that Newfoundland is not a part of the Dominion of Canada. The result has been that people coming down from Newfoundland to do business in Boston and elsewhere in our New England fishing towns have been much annoyed by the imposition of this head tax of $2, from which it was intended to exempt all people traveling on business from contiguous territory.

I will say that I have resolutions from the Boston Chamber of Commerce, and I present a letter from the Commissioner-General of Immigration, Mr. Sargent, saying that there is no objection to this bill. The committee is unanimously in favor of it.

Mr. PAYNE. Is that the only change in the existing law?

Mr. GARDNER of Massachusetts. The only change is the insertion of the word "Newfoundland" between the words "Dominion of Canada" and the words "Republics of Cuba and Mexico."

The SPEAKER. Is there objection?

Mr. COWHERD. Mr. Speaker, I should like to ask the gentleman a question. I should like to ask if tourists coming to this country are compelled to pay that two-dollar tax?

Mr. GARDNER of Massachusetts. Mr. Speaker, I understand such to be the case, except those who come from Canada, Cuba, and Mexico; but for the gentleman's information I will tell him that I believe there is a great deal of controversy about that question as to just what is the meaning of the words "in transit" in the immigration law. That is entirely apart from the subject-matter of this bill, however. The question with regard to just what the words "in transit" mean has not yet been definitely determined; whether a tourist returning by the same route is in transit or not is a matter now under discussion with the Commissioner of Immigration. But all this has no reference to the bill now under consideration.

Mr. COWHERD. I understand that; but what I wanted to call to the attention of the gentleman and the committee is this: I am informed that tourists, especially those landing on the Pacific coast at Vancouver and other places, who desire to go through the United States and who would patronize our railroads are compelled to pay this additional tax and to submit to certain inconveniences, with the result that the traffic goes to the Canadian roads. I think that condition ought to be remedied.

Mr. GARDNER of Massachusetts. Mr. Speaker, I understand the difficulty which the gentleman alludes to, but it is apart from the subject-matter of this bill. I know there is that difficulty, and it is claimed in my part of the country also that it diverts traffic; but that has nothing to do with the subject-matter of this bill.

The SPEAKER. Is there objection? The Chair hears none.

Mr. BAKER. Mr. Speaker, there has been so much disorder——

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GARDNER of Massachusetts. I yield.

Mr. BAKER. There has been so much noise that it has been impossible to hear the gentleman's explanation, and I should like to have an explanation of the bill.

Mr. GARDNER of Massachusetts. Mr. Speaker, this is a bill to amend the immigration and naturalization act passed last year. The amendment proposes to insert the word "Newfoundland" between the words "Dominion of Canada" and the words "Republics of Cuba and Mexico." Citizens coming from Mexico, Cuba, and Canada are not required to pay the head tax at present. People coming from Newfoundland to do their shopping in Boston are compelled, owing to an accidental omission in the law, to pay that head tax of $2, most people last year not realizing that Newfoundland was no part of the Dominion of Canada.

The Commissioner-General of Immigration, in a letter which I have, says that he has no objection to the amendment. It is a matter which is simply a source of irritation to people doing their shopping in Boston and transacting their fishing business in the New England towns like Gloucester.

Mr. BAKER. I understand this does not affect the general immigration law.

Mr. GARDNER of Massachusetts. This does not affect the general immigration law in the slightest. It only extends to Newfoundland the exception that now exists for the Dominion of Canada.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GARDNER of Massachusetts, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1734. An act to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.;

S. 3205. An act authorizing the Secretary of the Interior to acquire the title to lands within certain Indian reservations;

S. 3298. An act to amend section 2326 of the Revised Statutes of the United States, relative to mining claims;

S. 952. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to the Court of Claims.

Senate concurrent resolution No. 39.

Resolved by the Senate (the House of Representatives concurring), That there be printed the usual number of copies of a history of the Department of Justice from 1789 to 1904, written by James S. Easby-Smith, including biographies of all the Attorneys-General and Solicitors-General; and that there also be printed from plates etched or engraved by Max and Albert Rosenthal, and inserted in said history, portraits of the Attorneys-General and Solicitors-General; and that in addition to said usual number there be printed and bound in cloth 100 copies for the Department of Justice.

LICENSING OF CUSTOM-HOUSE BROKERS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13416) providing for the licensing of custom-house brokers, and for other purposes.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the collector or chief officer of the customs at any port of entry or delivery shall issue a license to any reputable and competent person desiring to transact business as a custom-house broker or agent of importers: *Provided*, That such license may be revoked for reasonable cause at any time by the Secretary of the Treasury after a reasonable notice and hearing has been given: *And provided further*, That from and after the 1st day of July, 1904, no person shall transact business as a custom-house broker or agent of importers without a license granted in accordance with this provision; but this act shall not be so construed as to prohibit any importer from transacting business in person at a custom-house pertaining to his own importations.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

Mr. PAYNE. I ask my colleague to withhold the objection for an explanation of the bill.

Mr. FITZGERALD. I am perfectly willing to withhold it until the gentleman makes an explanation, but I certainly shall insist upon the objection.

Mr. PAYNE. I think if my colleague was informed on the subject he would not object.

Mr. FITZGERALD. That may be possible; I have some information on it.

Mr. PAYNE. Mr. Speaker, this bill was reported by the Committee on Ways and Means unanimously after a hearing both of the Secretary of the Treasury and a committee who came here from the custom-house brokers in the city of New York. The brokers objected to the bill as originally drawn and presented before the committee. After they had been heard the bill was amended and this substitute introduced and reported to meet all the objections of the brokers, so that the bill in its present form has the indorsement both of the Treasury Department and of this committee of custom-house brokers who came here in the first place to oppose the original bill. I hope my colleague will not object.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I simply desire to say that a great many persons residing in my district have written to me in reference to the proposed legislation, and I should prefer an opportunity to look into the matter before giving my consent. I suggest that the gentleman withdraw the bill to-day, in order that we may have an opportunity to look into it.

Mr. PAYNE. Oh, certainly, if the gentleman desires to look into it.

Mr. FITZGERALD. The bill was only brought in a day or two ago.

Mr. HAY. Mr. Speaker, I rise to call for the regular order.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] is recognized.

LEASES OF POST-OFFICES, PREMISES, ETC.

Mr. OVERSTREET. Mr. Speaker, what I understand as the regular order for to-day is the so-called "Hay resolution" agreement upon which for three hours of general debate was made of record on last Monday. In view of the demand of Members for time for debate, I am constrained to ask unanimous consent—and I do so after consultation with my colleagues on both sides of the aisle—for a postponement until Monday next of the consideration, which I will say frankly would result in the debate on the post-office bill, which would afford more latitude of debate than really would be afforded under the special order. Therefore I have now asked for unanimous consent——

Mr. WILLIAMS of Mississippi. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Mississippi?

Mr. OVERSTREET. I yield.

Mr. WILLIAMS of Mississippi. If the gentleman will couple with his request also the request for unanimous consent that the time for debate be extended, so that instead of an hour and a half on each side we have two hours and a half, it would be well to do that.

Mr. OVERSTREET. I am quite content to do that, and ask that the time shall be five hours; the time to be controlled——

Mr. WILLIAMS of Mississippi. To take it up on Monday after the reading of the Journal.

Mr. OVERSTREET. To be controlled the same as has already been agreed.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the special order go over until Monday next, immediately after the reading of the Journal, and that there be five hours of general debate instead of three. Is there objection?

Mr. HAY. Mr. Speaker, I do not see any reason why the debate shall not go on to-day, with two hours and a half on a side. Therefore I object.

Mr. OVERSTREET. Mr. Speaker, I call for the regular order, which I assume is now before the House.

The SPEAKER. The gentleman is correct.

Mr. OVERSTREET. And I move that the order be postponed until immediately after the reading of the Journal on Monday next, at which time it shall be debated for five hours instead of three hours, the time to be controlled equally by the gentleman from Tennessee [Mr. MOON] and myself.

Mr. WILLIAMS of Mississippi. Mr. Speaker——

Mr. HAY. I make the point of order that the gentleman can not proceed except by unanimous consent. To-day was the day fixed, immediately after the reading of the Journal, to consider the resolution which is now before the House, as I understand it, and without unanimous consent that order can not now be changed.

The SPEAKER. The Chair will state that a motion to postpone to a day certain the consideration of the resolution, free from the motion to enlarge the time for debate, is in order. It is for the House to determine what order of business it will consider.

Mr. OVERSTREET. Then, Mr. Speaker, I give notice that should the motion prevail——

Mr. HAY. I object, Mr. Speaker, to the gentleman indulging in any debate. I think the gentleman must make his motion without debate.

Mr. OVERSTREET. I move, Mr. Speaker, that the special order be postponed until Monday next, immediately after the reading of the Journal, at which time I shall ask consent for a longer period of general debate.

The SPEAKER. The gentleman from Indiana moves to postpone the consideration of the resolution until Monday next.

Mr. WM. ALDEN SMITH. Mr. Speaker——

Mr. COOPER of Wisconsin. A parliamentary inquiry, Mr. Speaker. Is there any opportunity of debate on the motion of the gentleman from Indiana?

Mr. OVERSTREET. I have not yielded the floor, except for a parliamentary inquiry.

The SPEAKER. The gentleman from Indiana has the floor.

Mr. OVERSTREET. My attention was called by some Member making an inquiry, and I had not completed my motion.

The SPEAKER. The motion is debatable only as to the desirability of postponing the consideration of the resolution until Monday next, and the gentleman from Indiana is entitled to the floor.

Mr. OVERSTREET. Mr. Speaker, my object in rising was very largely in proceeding to make such a motion, in view of the limited time which had originally been fixed for debate, and in view also of the condition, the parliamentary condition, of the House which permits the post-office appropriation bill, with general debate, to be considered at this time, that it would afford the House a latitude in debate upon this resolution that could not obtain under the restriction of the special order.

I believe that many Members who question seriously the wisdom of the motion to lay the resolution upon the table, or those who do not feel clear in their opinion, with myself, would generally look upon that with favor. If we proceed now with the regular order, and if those Members who are opposed to my position should prevail in their efforts to refuse to lay the resolution on the table, then the resolution would be before the House without any proper determination in the minds of many of the Members what further proceedings they would desire to take. I say that in all fairness to Members who do not favor the motion to table, and I believe, Mr. Speaker, that the postponing of this regular order would enable Members not only to discuss the resolution

in the general debate on the post-office appropriation bill, but enable them further to determine more satisfactorily to themselves just what procedure they would desire in the event of their own preference.

Mr. WM. ALDEN SMITH. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. OVERSTREET. I yield to the gentleman from Michigan.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Indiana, if his motion prevails, if it does not operate to take the subject-matter of the pending motion out of our hands until Monday next?

Mr. OVERSTEET. Oh, the gentleman thoroughly understands the latitude in general debate upon appropriation bills.

Mr. WM. ALDEN SMITH. It is equivalent to placing this motion upon the table, is it not?

Mr. OVERSTREET. No, I think not. I will say to my friend it will operate to postpone the vote upon the resolution until there has been more general debate upon the subject.

Mr. WM. ALDEN SMITH. So that anything that is said by any Member upon the floor is said just as it would be said in Committee of the Whole, and without any power to deal with the resolution whatever?

Mr. OVERSTREET. Oh, no; the gentleman understands, I think, fully the latitude in general debate. It gives opportunity to Members to express themselves without going——

Mr. WM. ALDEN SMITH. And Members must be content to print their remarks in the RECORD.

Mr. OVERSTREET. And it would give us until Monday for general debate in addition to the time to be given on Monday before the vote is taken.

Mr. GROSVENOR. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Ohio?

Mr. OVERSTREET. I yield.

Mr. GROSVENOR. I understand the gentleman from Indiana to make the proposition, if I rightly understood him, that if this motion is agreed to he will at once move to go into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, at which time gentlemen who were prepared to talk this morning may possibly, if they can get permission——

Mr. OVERSTREET. That is exactly my notion; and if I could have had my way I should have asked that the gentleman from Ohio be given the floor after the committee had taken charge of the bill.

Mr. GROSVENOR. The gentleman from Ohio will seek the floor at the earliest possible opportunity.

Mr. OVERSTREET. And the gentleman from Indiana will be very glad to yield the floor to him.

Mr. GROSVENOR. I quite agree, then, with the motion of the gentleman from Indiana.

Mr. OVERSTREET. That is right.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield to me?

Mr. OVERSTREET. Yes, sir.

Mr. HEPBURN. Mr. Speaker, it is my opinion that there is a great deal of confusion in the minds of gentlemen because of the form and character in which propositions are presented to the House. Now, I understand that we have, in a formal way, only one proposition. In an informal way we have a second one. The formal proposition is to be found in the report that was made by the Post-Office Committee upon the resolution introduced by the gentleman from Virginia [Mr. HAY], that resolution contemplating, if I read it correctly, an investigation as to certain matters that were referred to in the report made by the Fourth Assistant Postmaster-General some weeks ago. That report also embodies all of the testimony, as I understand, that is to be found in the Post-Office Department bearing upon those particular matters referred to in that resolution of the gentleman from Virginia.

Now, the committee, as I further understand, have unanimously reported favoring the laying of those resolutions on the table, and conclude their report in this language: "Believing that no investigation would elicit further facts than herein set out, your committee recommends that the resolution referred to do lie upon the table." I understand further there is no minority report, and therefore the report is a unanimous finding of the whole committee upon this matter that is now formally before the House. Therefore, I take it, the gentlemen upon the committee, including the minority, without they propose their own stultification, will vote to lay that resolution on the table.

But the difficulty is presented by another report upon another subject (not now before the House for consideration) made by the minority of the Post-Office Committee, and that is found in the recommendations that are signed by Messrs. JOHN A. MOON, J. M. GRIGGS, W. S. COWHERD, D. E. FINLEY, and THEODORE F. KLUTTZ, in which they recommend not an investigation as directed or contemplated by the resolution of the gentleman from Virginia, but an entirely different character of investigation—broader, more full, and in such a manner as could not be had under the resolution that is now before us. There is, therefore, but one formal proposition now before the House, and that is embodied in the recommendation of the whole committee that the subject do lie upon the table. I undertake to say that when that is disposed of at a later time in the proper manner by a formal resolution, the gentlemen of the minority will strive to bring this subject before the attention of the House in a way that at least will be satisfactory to them.

Mr. WM. ALDEN SMITH. May I ask the gentleman a question?

Mr. HEPBURN. Certainly, if the gentleman from Indiana will yield to me.

Mr. WM. ALDEN SMITH. The gentleman is quoting from this report that no investigation would elicit further facts than are herein set out. I am prepared to say that an investigation would elicit further facts respecting Members of the House, absolving Members from criticism, and that these facts have been suppressed. [Applause.]

Mr. HEPBURN. Very well; that is a subject I have no knowledge of. But I undertake to say that the situation will be met by these opponents of ours when the time comes, when they embody the allegations that are found in this document, the minority report upon the post-office appropriation bill, that are entirely distinct from the subject-matter before the House, I imagine that they know what they are about and that they will give the gentleman the opportunity to get out that alleged suppressed information.

Mr. WM. ALDEN SMITH. We ought to have that opportunity on this side.

Mr. HEPBURN. Yes, we ought to have it on this side; but I undertake to say that there is not a Member of this House that desires to screen anybody in this matter. I for one want to go to the very bottom of it. If there is crime, I want the crime punished. We have shown our purpose; we have shown our willingness. Where has there ever been a time when the authority of this Government has been so strenuously asserted to bring criminals to justice as there has been in relation to this matter? That is an earnest of what this House will do when the time comes to act, and therefore I think, Mr. Speaker, that there is but little difficulty about this; that we can very well follow the lead of our Democratic brethren, who advise to lay on the table the only matter that is now properly pending before this House.

Mr. WILLIAMS of Mississippi. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Mississippi?

Mr. OVERSTREET. I will yield five minutes to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I have listened with much attention, as I always do, to the gentleman from Iowa. The gentleman from Iowa is right about one thing; we on this side do want to go further. The gentleman is right; we want the corruption in the Post-Office Department investigated—not by the friends of the men who have been guilty of the corruption, but by the House of Representatives. [Applause.] By a committee of the House of Representatives. The gentleman is wrong, in another respect, when he says that from all appearances before him we are going to be given an opportunity to do that. We are going to be given the opportunity under the agreement to offer an amendment, or a substitute, involving a general investigation, but the chairman of the Post-Office Committee has reserved the right to make a point of order against the proposition. If neither he nor anybody else on that side makes the point of order, then we will have the opportunity to investigate the well-known and partially ventilated frauds in the Post-Office Department by a committee of this House, to be selected by the Speaker of this House, in whom every one of us has absolute confidence. [Applause.]

I had not thought, Mr. Speaker, to say a word on this subject to-day. I had not thought of participating in the debate. Now, as far as the resolution investigating Members of Congress is concerned, the matter of privilege, on which the gentleman from Virginia [Mr. HAY] was recognized, it may be true, as the committee thinks, that they have elicited all the information they could elicit. It may be true, as the gentleman from Michigan [Mr. WM. ALDEN SMITH] seems to think, that all the information to be elicited has not been elicited. But that does not touch the broader question of the duty before this House, viz, the right of this House to investigate fraud in the Post-Office Department, and it does not touch this question that somebody at the Post-Office Department has somehow included in a report the name of man after man in the House of Representatives and in the Senate, guilty of not even apparent wrong, guilty of no technical violation of law even, guilty of no moral obliquity, guilty of nothing that

bears upon or even touches upon criminality. What was the motive of it?

Mr. ROBINSON of Arkansas. To muddy the waters.

Mr. WILLIAMS of Mississippi. Yes. What was the motive? Was it not to give Congress notice that the Department had something held over Congress—that Congress had better let the Department alone? [Applause.]

Now, are you going to meet it or are you going to lie down under it? Is the gentleman at the proper time going to make the point of order and make it in the name of his party, or is he going to fail to make it and let the House vote upon the question of a general investigation? Are you going to be permitted under the rules of this body to have a standing committee, or the present standing Committee on the Post-Office and Post-Roads, examine into the corruptions in the Post-Office Department, to examine into them not from the standpoint of gentlemen in the Post-Office Department, intertwined, as they necessarily are, with one another upon lines of personal friendship and political affiliation, but by an outside body standing above them and beyond them and aloof from them, capable of being impartial, capable of running the auger down to where it strikes water?

Now, gentlemen of the House, the Post-Office Department has put 150 of you upon a list, and sent your names out to the newspapers of the country under a heading of "Men charged with violations and irregularities"—charged with what the people understand to be criminality. There are not upon that list over six cases of violations of even technical law; but the names of the balance of you, not guilty even technically of anything, have been handed in with the others and appear here under this resolution. Now, is it time for you to examine them?

Mr. WM. ALDEN SMITH. I desire to correct the gentleman from Mississippi, if he will give me the opportunity.

Mr. WILLIAMS of Mississippi. Certainly.

Mr. WM. ALDEN SMITH. The gentleman said a moment ago, without quoting what I said, that I believed some facts had been suppressed. What I said, in answer to the gentleman from Iowa, was this: He quoted from the conclusions in this report on page 3, where it says, "No investigation would elicit further facts than herein set forth." I said that to my own knowledge there had been suppressed facts which, if elicited, would relieve the Member charged of any criticism whatever. [Applause.]

Mr. WILLIAMS of Mississippi. I accept the gentleman's correction, of course. I did not hear the gentleman make that addition. I thought he meant that facts had been suppressed that carried with them criminality. Understanding the matter as he states, of course he can have no objection to laying the motion upon the table so far as concerns Members.

But I was leaving that question out of what I wanted to discuss and was merely trying to outline the two views upon it and leave it wherever it might happen to fall. I wish to urge an investigation of the Post-Office Department by this House. That is what I want done.

Mr. OVERSTREET. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, as I understand, the question before the House is whether or not the House will postpone the consideration of this resolution for five or six more days. I can see no purpose and no reason why the consideration of this resolution should be postponed. Every fact (so the Post-Office Committee tells us) which can be elicited has been put before this House. Two days have been given in which gentlemen could ascertain the facts in their own cases. The Members of this House owe it to themselves to have this matter settled as soon as possible.

And I do not altogether agree with my friend from Mississippi [Mr. WILLIAMS]. I believe there ought to be an investigation of the Post-Office Department; but I believe that along with that investigation there ought to be also an investigation of these charges. We ought not to eliminate the investigation of ourselves, which has been asked, in order to get an investigation of the Post-Office Department. Let us have both, and let us have it as soon as possible. I hope that the motion to postpone will be voted down. [Applause on the Democratic side.]

Mr. OVERSTREET. I yield five minutes more to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I do not know what warrant the gentleman from Mississippi has for entertaining a suspicion that a fair investigation of all proper matters will not be had by this House. I want to call his attention to what has already been done. The gentleman from Virginia introduced a resolution, with various preambles, as follows;

The House having under consideration the following resolution:

Whereas Fourth Assistant Postmaster-General J. L. Bristow, in his report to the Postmaster-General, dated October 24, 1903, and which report has been transmitted to a committee of this House, has charged that "long-time leases for post-office premises were canceled and the rent increased upon the recommendation of influential Representatives;" and

Whereas it is charged in the same report that "if a Member of Congress requested an increase in the clerk hire allowed a postmaster Beavers usually complied, regardless of the merits of the case;" and

Whereas certain cases of an aggravated character are cited on pages 133, 134, and 135 of said report to sustain the above charges; and

Whereas on page 145 of said report it is charged that Members of Congress have violated section 3739 of the Revised Statutes, and that "in the face of this statute Beavers has made contracts with Members of Congress for the rental of premises, either in their own names, the names of their agents, or some member of their family;" and

Whereas these charges and others contained in said report reflect upon the integrity of the membership of this House, and upon individual Members of this House whose names are not mentioned: Therefore, be it

Resolved, That the Speaker of this House appoint a committee, consisting of five Members of this House, to investigate said charges; that said committee have power to send for persons and papers, to enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer, and to have power to sit during the sessions of the House, and to exercise all functions necessary to a complete investigation of said charges, and to report the result of said investigation as soon as practicable.

Mr. Speaker, that resolution was referred to the Committee on the Post-Office and Post-Roads. That committee, in pursuance of their duty, addressed to Hon. Henry C. Payne, Postmaster-General, this letter:

SIR: I have the honor to request that there be furnished direct to this committee, by the Fourth Assistant Postmaster-General, all information which can be communicated by such official with reference to allowances for clerk hire in offices where those allowances have been discontinued, together with all information relating to leases which have been made to Members of Congress, and whether discontinued and renewed at a higher rate.

Now, that was the call. It called for the information that was the basis of these alleged charges by the Fourth Assistant Postmaster-General. That information has been furnished. The committee had it before them. The committee have examined it and the committee arrived at the conclusion that, believing no investigation would elicit further facts than are herein stated—

Your committee recommend that the resolution referred to do lie upon the table.

And upon the strength of that testimony that is sent here the gentleman from Mississippi [Mr. WILLIAMS] acquits every Member of this House referred to in that long list, the proofs of which furnish the basis of these charges, of all criminality and improper conduct, and only suggests impropriety with regard to half a dozen Members.

Therefore there has been a complete investigation of these matters that are referred to in this resolution, and the committee themselves, acting upon the proofs that they have secured, have found the erroneousness of these various whereases, and have, therefore, with unanimity, recommended that the subject embodied in the resolution do lie upon the table.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, as one of the Members under indictment [laughter] I desire to say a word on the motion of the gentleman fron Indiana [Mr. OVERSTREET] to postpone the vote on the resolution of the gentleman from Virginia [Mr. HAY].

Mr. Speaker, the Post-Office Department is a business department of the Government. They deal with matters of pure business up there and with nothing else. They buy supplies, they rent buildings, they hire employees, they receive and disburse money. No Member of the House of Representatives, no member of the Senate of the United States, ought to have any relations with that purely business Department upon which he is not willing to have shed the light at any moment without a moment's notice. [Applause.]

No Member of the House of Representatives whose name is in this list, as my name is, coupled with that of A. W. Machen, whom the country and the world knows to be a convicted felon on his way to the penitentiary, has a right to stand up in the House of Representatives and ask for a moment's delay upon this resolution [applause] or for a moment's delay in the investigation of the charges against himself. Who knows better than I do whether I am guilty? If I am guilty, I want delay always. [Applause.] If I am guilty, I can never have too long a delay. I would rather there would never be a hearing if I am guilty. [Applause.]

The gentleman from Iowa [Mr. HEPBURN] sought to inject politics into this. I thought he tried to line us up upon this side by suggesting that possibly some gentleman on the other side of the Chamber would introduce a resolution to investigate everybody and everything connected with the Post-Office Department—a dragnet resolution. That is not the resolution reported by the Committee on Postal Affairs. That committee struck out the words "or other irregularities," which were in the original resolution.

Mr. OVERSTREET. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Indiana?

Mr. COOPER of Wisconsin. Yes.

Mr. OVERSTREET. That committee did nothing of the kind, and I know the gentleman does not care to make a misstatement.

That part which is stricken out was stricken out by the gentleman from Virginia.

Mr. COOPER of Wisconsin. On a point of order.

Mr. OVERSTREET. Certainly. The committee reported back——

Mr. COOPER of Wisconsin. The words that were stricken out——

Mr. OVERSTREET. Were stricken out in the House.

Mr. HAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Virginia?

Mr. COOPER of Wisconsin. Yes.

Mr. HAY. I know the gentleman from Indiana does not want to misrepresent me, but he has done it twice now. He says that those words were stricken out by me. They were stricken out, as the gentleman knows, upon a point of order made by the gentleman from Massachusetts [Mr. GILLETT].

Mr. OVERSTREET. But the gentleman, as the RECORD will show, offered the resolution anew with the words stricken out.

Mr. HAY. Of course I did; otherwise I could not have had it considered.

Mr. COOPER of Wisconsin. Mr. Speaker, is this to come out of my time?

The SPEAKER. Yes.

Several MEMBERS. Ask an extension of time, then.

The SPEAKER. The gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Iowa thought to line us up on this side by suggesting something which might be introduced on the other side. There was applause on that side at that, and I thought I heard mutterings if not words of approval upon this side at the suggestion of the gentleman from Iowa. Why, there is no politics in this. The Republican party has never in its platform, neither has the Democratic party in its platform, suggested that graft in the Post-Office Department was legitimate.

There is nothing in the platform of either party which countenances dishonesty in executive officers. There is no possible way to make politics out of this. The chief criminal convicted was a Democratic appointee, and another man whom we expect to see follow him on the same road is a Republican. There is no possible political capital to be made out of it, because one of the most honest men that this country ever saw in public place is the President of the United States, Theodore Roosevelt, and he has directed these prosecutions of men in his own party from the very inception of that investigation.

Mr. WM. ALDEN SMITH. And has employed Democrats to do it.

Mr. COOPER of Wisconsin. And, as suggested by the gentleman from Michigan, has employed Democrats to superintend the prosecution.

I have heard a word said here by some of my friends on this side that Mr. Bristow was to blame for the report which comes in here at the hands of the Committee on the Post-Office and Post-Roads. The Committee on the Post-Office and Post-Roads had submitted to them a specific resolution introduced by the gentleman from Virginia [Mr. HAY].

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. If the gentleman from Wisconsin does not desire any further time, I yield to the gentleman from Tennessee [Mr. MOON] five minutes.

Mr. MOON of Tennessee. Mr. Speaker, have we any time in our own right on this side or not?

The SPEAKER. Not until the hour of the gentleman from Indiana [Mr. OVERSTREET] has expired.

Mr. OVERSTREET. I shall be glad to give further time if the gentleman desires it.

Mr. MOON of Tennessee. Very well.

Mr. Speaker, the statements made upon this floor by the gentleman from Iowa [Mr. HEPBURN] indicate very clearly a misunderstanding of the situation of the measure before the House.

It will be remembered that the Postmaster-General in his report, made by Mr. Bristow, the Fourth Assistant, charged the membership of this House with improper conduct and violation of law. Thereafter the gentleman from Virginia [Mr. HAY] presented a resolution to this House asking for an investigation of the membership and a general investigation of the Department. It was properly held that there was matter in the resolution that was not of a privileged character. The House, under the ruling of the Speaker, finally submitted for consideration to the Post-Office Department a strictly privileged resolution. The scope and authority conferred in that resolution was an inquiry into the propriety of the consideration of the conduct of Members of the House in connection with the Post-Office Department. That committee had no power to go further than an inquiry of that sort. It had no power to make an investigation of its own. It could and did obtain the facts merely to meet the question submitted by the committee to the House.

Upon the submission of the charges made by the Department against the membership of this House, the committee felt it unnecessary, in view of the character of those charges, to proceed further in order to enable it to make a proper report, under the resolution, to the House. The committee was of the opinion that the law had been violated in a few instances; that Members of Congress in making pressure upon the Department had produced a violation of the regulations of the Department which have the force and effect of law in a number of instances. But inasmuch as none of the acts of the Members of the House involve moral turpitude of any character, the committee were of the opinion that it should present to this House the statement as made in this report in connection with this matter, and thus submit the facts to the House in its possession. It could not do less in the public interest.

It depends upon how the House looks at these facts as to the conclusion that ought to be reached. It was impossible for us to prophesy what the judgment of this House would be. The judgment of the committee was that the membership of the House, in view of all the charges made, were not guilty of acts that required investigation. In other words, the charges made by the Department against the membership of this House, except in very few instances, upon their face show that an investigation is not proper against the membership of this House; that they have done nothing that will authorize this body to inquire into their conduct further in connection with the Department. If the Department, in making the charges in the first place, are not able to present a state of facts that will justify the committee in saying that there ought to be further investigation, then what must be done with the resolution? There is but one course to be pursued about the resolution under such facts. It is to recommend that it lie on the table.

The gentleman from Iowa complains that the minority of the committee in another bill—the post-office appropriation bill—has recommended to this House a general investigation. I will say to the gentleman and to the House that his position is correct; that we do recommend a general investigation, and we do so in the post-office appropriation bill report, for the simple reason that we can not make such a recommendation upon a resolution of inquiry to investigate the membership of the House that was strictly privileged in its character. The resolution of inquiry that we propose is not privileged in its character, and therefore it can not properly come as a minority recommendation on a resolution to investigate the membership of the House, which is privileged. But while that is true——

Mr. COWHERD. My friend will remember that the minority proposed in committee a substitute.

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. I yield the gentleman five minutes more.

Mr. MOON of Tennessee. The minority of the committee realizing from the facts that had been developed in the general investigation and the proof that was before the committee required an investigation of the Post-Office Department in order to lay the ground for the action which will be sought to be taken under this resolution, in committee offered a resolution as a substitute or as an amendment for this, for the purpose of presenting the question to this House. There is, although this be a privileged resolution, but one thing in the way of an honest investigation of the Post-Office Department, and that is the objection on the part of the majority of this House, by the interposition of a point of order. [Applause.] There is no inconsistency in the two resolutions coming from the committee on the bill and resolution.

The facts have been presented by the minority with a double view. We propose to offer you an opportunity for an investigation under this resolution if in the interest of honor, of truth, and justice you are willing to waive the point of order behind which you stand to be protected as a shield against investigation. [Applause.] Yield that point, and all is well; the investigation can proceed; and if any gentleman thinks he ought to make further defense to the charges made by the Department, the way will be open for his defense. If, Mr. Speaker, the point of order shall be interposed; if this House, by its majority, shall prevent an investigation under this resolution, then the Committee on the Post-Office and Post-Roads—I mean the majority of the committee—are standing ready with another proposition, in the shape of a minority resolution, and will ask for an appropriation of money in the post-office bill to have a committee appointed by the Speaker of this House in that measure to investigate this Department. In other words, we are determined that if there be no investigation of these frauds—these thieves being yours, and not ours—that you shall have the responsibility of their protection and not the Democratic party. [Applause on the Democratic side.]

Mr. OVERSTREET. I yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the proposition before the House is the question as to whether or not we shall postpone a

matter that involves the honor of a large number of the Members of this House.

The gentleman from Indiana gives as his reason why this question should not be considered now, why the membership of this House should not now have an opportunity to answer to the country the charges that have been made against them, that there is a post-office bill pending, and that we can not spare the time from the consideration of a general post-office appropriation bill to consider a question that involves the character and honor of this House. Now, Mr. Speaker, I think that whatever may be the outcome of this matter, that whatever position this House may take as to whether it will lay this resolution on the table or not, it is not a question that will bear postponement. The House of Representatives of the United States was once a great parliamentary body. Has it come so low that a subordinate officer of this Government may charge the membership of this House with high crimes and misdemeanors, wipe his feet on the membership of this House, and we must postpone our answer and the consideration of those charges, forsooth, because we have pending before us an appropriation bill, and that should first pass?

The gentleman from Indiana says that he has not the time to grant additional time to the membership of this House to answer these charges now; that he can not give more than an hour and a half to a side to-day, but if we let it go over until Monday he is willing to give two hours and a half to a side. I say that when a charge comes before this House involving the membership of this House the question of time should not be one that should be considered at all. I say that if the gentleman from Indiana does his duty to this House and the Members of the House he will present his resolution and let the time run on in unlimited debate until every colleague of his here who has been unjustly accused has an opportunity to answer those charges before the bar of this House. No man who is innocent is afraid to face such charges as these, and if a man is guilty he should be required to face them before the bar of the House.

There is no man who has read this report who does not know that scores of his colleagues here on the floor have been unjustly and unfairly maligned by one of the great Departments of this Government. Under those circumstances are we to run away from the situation; are we to say to the country that we are not prepared to discuss the question now; that we must, forsooth, hurry up for a few days an appropriation bill? I say, No! I say, there is no matter of more importance that can come before the House of Representatives than one that involves the integrity of the membership of the House, and we should show the country that we are prepared to take it up and discuss it and investigate it now—not to-morrow or next week or next month, but now.

Mr. OVERSTREET. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. HILL] five minutes.

Mr. HILL of Connecticut. Mr. Speaker, I desire to say that the time having arrived as set by the House for the disposition of this question, I hope we are going ahead and dispose of it, and not leave it until next Monday, unless some gentleman is prepared to give some good and substantial reason why that should be done. [Applause.] I do not expect, when I take my part in this question, to accept time from anybody. [Applause.] I propose to rise in my place and on the score of the highest personal privilege make my remarks. I do not care whether it is to-day or Monday. Now, if any gentleman can give any good and substantial reason why we should postpone it I am ready to vote to postpone; without such reason I am ready in a dignified way to proceed to the business at hand. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, it has been stated by the gentleman from Indiana and others that the report of the Committee on the Post-Office and Post-Roads, recommending no further investigation is necessary, is unanimous and shows that no further investigation is necessary. On that point I wish to state that when this matter was under consideration we had before us the report from the Fourth Assistant Postmaster-General, or the Postmaster-General, I may say, consisting of more than a thousand pages and giving what purported to be full answers to a letter written by the chairman of the Committee on the Post-Office and Post-Roads to the Postmaster-General asking for information and all facts relative to the cases where Members of Congress had secured improper allowances for clerk hire in the matter of separating mail, and also where Members of Congress had used their influence in securing the cancellation of long-time leases for post-office premises and new leases at increased rentals. Mr. Speaker, that was the state of facts at the time we made that report; and I wish to say now that we took the statement that this was full and all that could be given to be true.

Since that time I have made some investigation, and I find that the report brought to this House does not show all the facts in connection with the cases where an allowance was made for clerk hire in separating the mail and where long-time leases for post-offices were canceled and the rentals were increased. I wish to say that I shall not vote for the report of the committee. I shall vote against it. I believe that when the integrity of the Members of this House is assailed, and charges are made against them, that there should be a full and fair investigation. The facts should be brought here that will answer fully and completely each and every charge made, whether true or false, and I for one say that if there is a single charge affecting me or my course in this matter I want all the facts brought out. In many instances the report is garbled and incomplete.

I know of my own knowledge one case in particular where the facts as given in the report to the Committee on the Post-Office and Post-Roads, included in the report to the House, do not state all the facts. I know of cases where facts are suppressed and where, if the real facts were given, there would not have been any necessity of including any mention of the Member or of the post-office where it is claimed an unusual and extraordinary allowance was made for clerk hire in separating the mail, or for the increase of rental. So, Mr. Speaker, standing here and speaking for myself, I say that I want an investigation by the House, and I think that the Members of this House are entitled to it. [Applause.] I think no delay is necessary. I believe that when a question like this is before the House the earliest opportunity for consideration should be taken advantage of, and I shall vote for an immediate consideration. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I now withdraw my motion to postpone, having gained about one hour for debate for the benefit of the House. I understand that now, under the order of the House, there are three hours for debate, an hour and a half to be controlled by the gentleman from Tennessee [Mr. MOON] and an hour and a half by myself.

Mr. WILLIAMS of Mississippi. Mr. Speaker, would it not be in order to ask unanimous consent to extend the time on both sides? I do not want to do it myself, and I will ask the gentleman from Indiana if he will not do it?

Mr. OVERSTREET. Let me state to the gentleman from Mississippi that I have no disposition to put any special restrictions on the debate; but when I asked the consideration of a motion to postpone, it gave me an hour, under the rule, that I could distribute. I have endeavored to be courteous to both sides, and I have reached a point now where nobody wants the floor. Possibly at the end of three hours we may find that nobody then wants the floor. I think we can let the debate run on for the present. I tried to be fair with the House, and if there appears to be a proper demand for an extension at the end of three hours unanimous consent can be asked at that time. I think it would be well not to make it now.

Mr. WILLIAMS of Mississippi. Then later on, possibly, the request may be made.

Mr. OVERSTREET. I suggest, Mr. Speaker——

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Would not each Member of the House of Representatives whose name appears in this report be entitled to address the House as a matter of personal privilege, in view of the heading of the pages of the report "Charges concerning Members of Congress?"

The SPEAKER. The Chair will say, in answer to the parliamentary inquiry of the gentleman, that that matter will be ruled upon when it arises. In the opinion of the Chair it is not in order at this time.

Mr. COOPER of Wisconsin. Will the gentleman from Indiana permit a suggestion?

Mr. OVERSTREET. I am going to make a request for unanimous consent, which will perhaps comply with the gentleman's views. Mr. Speaker, I ask unanimous consent that general debate may proceed on the report and resolution until 5 o'clock, the time to be equally divided, and to be under the control of the gentleman from Tennessee and myself, and that to-morrow immediately upon the reading of the Journal, a vote be taken to lay on the table.

Mr. BURLESON. Why not vote to-day?

Mr. OVERSTREET. Five o'clock is pretty late.

Mr. BURLESON. I object.

Mr. MANN. Mr. Speaker, I ask to have the resolution reported to the House.

The SPEAKER. Without objection, the resolution will be reported.

There was no objection.

The Clerk read as follows:

Whereas Fourth Assistant Postmaster-General J. L. Bristow, in his report to the Postmaster-General dated October 24, 1903, and which report has been transmitted to a committee of this House, has charged that "long-time leases

for post-office premises were canceled and the rent increased upon the recommendation of influential Representatives;" and

Whereas it is charged in the same report that "if a Member of Congress requested an increase in the clerk hire allowed a postmaster Beavers usually complied, regardless of the merits of the case;" and

Whereas certain cases of an aggravated character are cited on pages 133, 134, and 135 of said report to sustain the above charges; and

Whereas on page 145 of said report it is charged that Members of Congress have violated section 3739 of the Revised Statutes, and that "in the face of this statute Beavers has made contracts with Members of Congress for the rental of premises, either in their own names, the names of their agents, or some member of their families;" and

Whereas these charges and others contained in said report reflect upon the integrity of the membership of this House, and upon individual Members of this House whose names are not mentioned: Therefore, be it

Resolved, That the Speaker of this House appoint a committee, consisting of five Members of this House, to investigate said charges, and in connection therewith any frauds or irregularities in the conduct of the Post-Office Department; that said committee have power to send for persons and papers, to enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer, and to have power to sit during the sessions of the House, and to exercise all functions necessary to a complete investigation of said charges, frauds, and irregularities, and to report the result of said investigation as soon as practicable.

In lines 3 and 4 strike out the words "and in connection therewith any frauds or irregularities in the conduct of the Post-Office Department."

In line 10 strike out "frauds, and irregularities."

Mr. OVERSTREET. Mr. Speaker, in order that we may economize the time, I request that for a while there shall be no interruption.

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. I ask if the situation is not this: That by unanimous consent debate is to proceed, and then there will come up before the House the motion to lay on the table: that the vote immediately after the conclusion of the debate will not be on the resolution, but on the motion of the gentleman from Indiana to lay that on the table?

The SPEAKER. Yes, if the gentleman makes the motion.

Mr. COOPER of Wisconsin. I understood that was the agreement day before yesterday.

Mr. OVERSTREET. That is the report, that the resolution lie on the table, and naturally at the conclusion of general debate that motion will be made.

The SPEAKER. The special order requires that at the end of three hours' debate the vote shall be taken upon the motion to lay the resolution upon the table.

Mr. COWHERD. There was in addition an agreement that the minority might offer another resolution.

The SPEAKER. That is included in the special order.

Mr. OVERSTREET. Mr. Speaker, I desire to be entirely respectful to Members, but in view of the running debate which has just passed and for the purpose of economizing time, I request that I may not be interrupted until an explanation of the report by me may be made.

Mr. Speaker, there is no intention on my part, nor do I deem it at all necessary, to enter upon any discussion of the Bristow report itself, which has heretofore been made public. The story of that investigation and of the fact that it was inaugurated and conducted by the Department itself and upon its own motion is now not only history, but familiar to all the citizens of this Republic. Whatever may have been the result of that investigation—how many officials or nonofficials were found to have violated the statutes under which they were properly indicted—nevertheless, neither that investigation itself nor the prosecution of those indictments has changed the usual order and channel of recommendations of Members of Congress who seek to obtain consideration of requests made by their constituents. These recommendations, under the natural order of things as well as the regulations of the Department, necessarily pursue the same channel of consideration which obtained in the Department prior to the investigation. Necessarily and naturally those recommendations at once went to the same divisions controlled by the gentlemen who may have been either indicted or summarily removed.

The mere fact that a Member of the House had made a recommendation upon a proper request from one of his constituency, which took it to that division, would put no imputation upon him or his acts, simply because some officer who had been employed in that division had been guilty of either malfeasance or misfeasance in office, whether he had been merely removed or indicted and convicted upon his trial.

I suggest this for the reason that naturally the investigation itself, conducted under the direction of the Department itself, brought under the notice of the officers conducting that investigation all of the recommendations of the Members of the House, which naturally had followed the channel of inquiry into those divisions which were under investigation. Such practice has obtained since the foundation of that Department. Such practice must obtain so long as that Department shall be one of the great divisions of the Government.

The investigation of these divisions of the Department (whatever may be the criticism in connection with it) has resulted in the concrete fact of indictments, which have been relentlessly prosecuted under the officers of the Government, prompted and approved by the Administration and all law-abiding citizens. Those indictments have been followed as consistently and as persistently as the conditions required and have already resulted in some convictions, and may possibly result in others. Whatever we may do with that portion of the investigation relative to the recommendations of Members of the House, which naturally pursued the ordinary channel through the divisions under investigation, nevertheless the wisdom of the investigation and the thoroughness of it have been demonstrated outside of and beyond whatever connection Members of this body may have had with respect to the recommendations sent to them by their constituents.

Mr. Speaker, a second fact is well understood, that when that investigation had been concluded, because of the suggestion of the Department of Justice having control of the prosecutions, it was feared that complete publication of all the papers might in some manner embarrass and hinder the continuation of those prosecutions to their proper conclusion, it followed that an abstract of the report, consisting only and limited to some five or six thousand words, was given to the press. In that abstract appeared all of the language suggesting the conduct of the Members of the House which all the remainder of the publication has elicited. The language involved in the resolution now before this body was contained in the abstract of that report which was first given to the public.

Upon the assembling of this Congress, complaint and criticism were made that the report had not been given that publicity that it deserved and which the country expected should follow an investigation of that character. The Committee on the Post-Office and Post-Roads of this House, having control of and charged with the duty of preparing the appropriation bill, brought before this body a resolution which should give to the committee the authority to call for the papers which had been made out and considered in this investigation. That resolution (being resolution No. 41) read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads is hereby authorized to request the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department.

That resolution, Mr. Speaker, was passed by this body early in the month of December. Under that authority the committee, with the honest intention of careful scrutiny of the estimates of the Department before they made recommendations for appropriations, called for the report of the Fourth Assistant Postmaster-General and made that report public. Criticism was at that time made upon the committee for the speed with which it had recommended that publication. Charges were made on the other side of this Chamber that the committee should go further and make additional publication. Comment was made within the committee, on both sides of the table, relative to the propriety of such publication. That publication resulted in showing to the country that no Member of the House had any intention of withholding from the fullest possible publicity any matter connected with that investigation.

When these reports were published there ceased at once the demand of the public for copies, because when once the thing had been made known which theretofore they had been unable to obtain they discovered it was needless to go into exaggerated accounts of the investigation, which was found to have been thorough and comprehensive. Nevertheless, Mr. Speaker, from the very beginning it has been claimed by the press of this country, supported, I believe, by public sentiment, that all references in that investigation to the recommendations made by Members of Congress should be given equal publicity. Acting under the authority of House resolution 41, the Committee on the Post-Office and Post-Roads addressed to the Postmaster-General a letter under date of January 25, 1904. I quote from the letter without reading all of it:

In view of the references of the Fourth Assistant Postmaster-General in his report to you under date of October 24, 1903, to the action of Members of Congress in recommending increase of clerk hire, and cancellation of leases and their renewal at a higher rate, I request that this committee be furnished at the earliest practicable date a complete list of all cases referred to in said report relating to allowances for clerk hire in offices where those allowances have subsequently been discontinued, and also of all cases where leases of post-office premises have been canceled and renewed at a higher rate, together with a statement in detail giving a full explanation of the facts connected with each case.

The Postmaster-General, in obedience to that request, sent to the committee all of the cases which the committee has received, which were later published in connection with this report and as a part of it.

Mr. MADDOX. Will the gentleman from Indiana now, on that point, allow me to ask him a question?

Mr. OVERSTREET. I dislike to be discourteous. I will yield for this question, but I trust that I will not be interrupted further.

Mr. MADDOX. You wrote for all those cases?

Mr. OVERSTREET. I have just quoted the letter.

Mr. MADDOX. I find on examination of the report——
Mr. OVERSTREET. I would much prefer to have the gentleman take some time——
Mr. MADDOX. Here is what I want you to answer as you go along.
Mr. OVERSTREET. I will yield again, if you will put it in the form of a question.
Mr. MADDOX. Why does he not include in the official report now the names that he included in the first instance when he charged Members of both Houses? Why are they not in this report now? How were they kept out and why were they kept out?
Mr. OVERSTREET. Nevertheless, Mr. Speaker, the committee having authority already conferred by this body, which I have read, received upon this request all of the papers which were contained in the report transmitted to the House upon this resolution.
Mr. MADDOX. Mr. Speaker——
Mr. OVERSTREET. I decline to yield further at this time.
The SPEAKER. The gentleman declines to yield.
Mr. OVERSTREET. Mr. Speaker, we had then before us the references which the Fourth Assistant Postmaster-General had made in his investigation to the conduct of Members of the House. The Committee on the Post-Office and Post-Roads, seventeen in membership, representing seventeen States of this Union, are as representative men as you will ordinarily find upon any committee of this House, so far as geographical distribution and ordinary intelligence are concerned. They represent both of the great political parties of the country.

Notwithstanding we are upon the eve of a national Presidential campaign; notwithstanding the fact that partisanship always as now runs high; notwithstanding efforts are constantly being made by opposing newspapers in politics to fasten upon and exaggerate the conduct of their opponents for political reasons, nevertheless it must be said, to the credit of the membership of that committee, that it was unanimous in its belief that all of the cases submitted by the Fourth Assistant Postmaster-General under that request failed to disclose that there had been any violation of law on the part of Members, save and except a strictly technical violation of the letter of the law in the three cases where the property of Members has been rented to the Government. With those exceptions there had been no violation of any law in any of the cases which were before the committee.

More than that, that membership unanimously believed that there was no impropriety nor act of moral turpitude upon the part of any Member mentioned in all of those cases.

This resolution had demanded of that committee a recommendation that the Speaker of the House appoint a committee of five to investigate the charges contained in the "whereases" of the resolution. The committee believed then, and believe now, that with the exception of the exhibits of post-office inspectors, to be used as evidence in the trial of these indicted men, this last report from the Department covered the remaining portions of the investigation which had not theretofore been made public.

Now, we were confronted with this situation: If we reported back to the House this resolution with a recommendation that it be acted upon favorably and that the Speaker appoint such a committee, that in itself, we then believed and now believe, would have carried an imputation upon Members of this body that we believed an investigation was proper because of some misconduct which was disclosed in those cases.

Mr. FINLEY. Will the gentleman yield?
Mr. OVERSTREET. Just for a question.
Mr. FINLEY. Is it not a fact that the members of the Committee on the Post-Office and Post-Roads believe that in the report which had been sent to them by the Postmaster-General all the facts were set out in detail and a full statement made of each and every case? Is that not true?
Mr. OVERSTREET. I think the gentleman is correct. They believed that all of the details were practically before them.
Mr. FINLEY. And all of the essential facts.
Mr. OVERSTREET. All of the essential facts.
Mr. FINLEY. The committee believed that, and acting on that belief they reported that. Now, I ask the gentleman this——
Mr. OVERSTREET. My attention has just been momentarily distracted by a gentleman sitting near me. Will the gentleman be kind enough to repeat his question?
Mr. FINLEY. I say is it not true that the committee acted upon that belief, and then made the report which they did make on the resolution?
Mr. OVERSTREET. Acted upon what belief? I did not quite understand.
Mr. FINLEY. On the belief that they had a full statement in the report which had been made to the committee of every case and of all the facts and details connected with each case; is not that true?
Mr. OVERSTREET. I think, Mr. Speaker, that I am quite within the facts when I say that the committee, having called for the cases referred to in the original report of the Fourth Assistant Postmaster-General relative to the conduct of Members, believed that they had before them in the report which he sent to us the cases to which he had made reference in his original report.
Mr. FINLEY. Now, Mr. Speaker——
Mr. OVERSTREET. I do not care to yield any further.
Mr. FINLEY. One more question.
Mr. OVERSTREET. No; I decline to yield.
The SPEAKER. The gentleman declines to yield.
Mr. OVERSTREET. Now, Mr. Speaker, that was the unanimous belief of the committee, that a report recommending the appointment of an additional committee would itself carry to the House an imputation made by the Post-Office Committee, and believed by it to be true, that there were instances which warranted a further investigation as to the conduct of Members.

A second alternative was opened to the committee, and that was that we report to this body that we had these papers before us, that we had gone through them, that we found nothing in them that warranted further investigation, that we did not believe there was any violation of law, that we did not believe any Member had been guilty of moral turpitude or improper conduct, and therefore, in view of that, we recommended that the resolution lie upon the table.

But, Mr. Speaker, we would at once have been confronted with the inquiry: Why do you withhold from publication what you have on the files of your committees? Why do you continue to suppress the information which it is openly charged in the press you are withholding, which if given the light of day would involve and implicate Members of Congress in acts in violation of law and carrying with them moral turpitude?

Mr. Speaker, it has been well said upon this floor that there is no Member of this or the other body of Congress who seeks to suppress one piece of information where a Member of Congress is involved or even suspected or criticised for his act.

That thing which is secret and hidden is always taken up by those carping critics, both in and out of journalism, in their effort to magnify and exaggerate to the embarrassment, displeasure, and injury of the persons referred to. It remains as true to-day as when the statement was first made, that "trifles light as air become to willing ears truth as binding as holy writ." Your committee believes, therefore, that the proper, the open way, which would be approved by the country, was to say to this House that under the authority given it we have before us the remaining portions of the Bristow report yet unpublished; we have the references in his investigations to the acts of Members of Congress; and believing that these criticisms made by the press and by the carping critics that Members were guilty of violations both of law and propriety were unfounded, were "as sounding brass and a tinkling cymbal," that we give the whole thing to the House and the country, in view of the fact that there was nothing in that report which any fair-minded man could use in criticism of the conduct of the Members who had made the recommendations; that there was no further need of an additional committee, which must in the end be forced to the same conclusion, and that, therefore, the resolution which it had been considering should lie on the table.

Mr. Speaker, it is no new thing to the country to have public men and their conduct misjudged and their acts criticised by people as well as by the press. We are in the same company to-day that every public officer since the days of Washington has been obliged to appear in, where the full light of public opinion and the searchlight of the press necessarily are turned upon us. Your committee has believed, therefore, that the better policy was not to sit behind closed doors, with the blinds drawn, but with the window open and the blinds up, that the sun might shine in upon its doings, and, when the publications were made of all these transactions of the Members of this body, the same sunshine would dissipate those criticisms as it dissipates the frost upon the window in its noonday glory. We believed, therefore, that these statements contained in the report which we submit would be found by an investigating committee to be the same.

I think it entirely proper, Mr. Speaker, to make some personal and specific reference to the three cases where there is unquestionably, based upon the strict letter of the law, an apparent violation of the law. There were three individuals who rented their individual property for post-office purposes.

Mr. BOWERSOCK, a distinguished Member from Kansas, was the owner of a building in which the post-office had been for thirty years, more than a quarter of a century before he was honored by a seat in this body. That lease had continued from year to year and been renewed at its expiration, and when he became a Member of the House and had his attention called to the law, he deliberately and openly acted, with all propriety, in having the title of the lease changed. The Government desired his property and itself fixed the terms of rent.

In the case of Mr. LILLEY, of Connecticut, who owned property in the room in which the post-office had been for a number of

years under a lease between him and the Government, the rental of the property was entirely satisfactory to the owner and to the Government. After he became a Member he called the attention of the Department to his ownership, and openly and frankly offered to cancel the lease and withhold the property from Government use. The Government of itself, as in the first case, desired the room, and upon their request the lease was changed to another party, in order to answer the purposes of the Department.

In the case of Mr. WADSWORTH, of New York, the office has occupied a building owned by him for seventeen years. When he was elected to this body the office occupied that building. Upon a petition signed by Democrats as well as Republicans he fixed up that room for the benefit of that community and let the Government itself fix the terms of rent, and answered their demands for additional improvements and equipment for the office. After becoming a Member of this body, his attention being called to the statute, he willingly and openly offered to have the office changed, but, upon request of the Government, which desired the continuation of the rent, transferred the lease to another person. The Department and the committee itself considered the subject and agree in every instance that there was only a technical violation of the strictest possible letter of the law, and no impropriety could be charged to either one of these individuals.

Gentlemen are familiar with the methods of allowance for clerk hire and rent of buildings, which necessarily must pass through that division of the Department which has been under such a surveillance and severe investigation. The test upon which it is determined by the Department what allowance shall be made in specific instances for clerk hire at these several offices is a test of the Department under a regulation of its own making, and is a secret test to them alone, and unknown to the public and the membership of Congress. Therefore, whenever a Member of this House may recommend an increase of clerk-hire allowance at a third or fourth class office he has no knowledge, and could have no knowledge, of the regulations which determine by a test known only to the Department the fixed amount which that particular office was entitled to.

I defy any individual, however narrow his mind, to put any criticism upon such recommendation. The law relative to the lease of post-office property is contained in the post-office appropriation bills, and it is within the discretion and power of the Department to determine the amount of the allowance, limited only by the law as to the upset price in offices of certain sizes. Now, Mr. Speaker, in view of the fact that both of these situations relative to recommendations of clerk hire and rentals were not in violation of any law nor in any way improper to be recommended by Members, there could be no aspersion upon any Members any more than that aspersion which since Washington's day has unfortunately rested in the minds of narrow-minded people against all public officers of all stages and conditions. The committee, therefore, took the position that the House could only follow the rule which we have already agreed upon, that there is nothing to be concealed, nothing to be hidden; that we believe that there was no impropriety in these recommendations, and therefore would not add insult to injury by asking an investigation when we had before us facts which clearly demonstrated that such investigation would prove no more than we were in possession of already.

Now, Mr. Speaker, let us briefly analyze this situation and consider it in a calm manner. We all agree that we do not propose to withhold anything from public gaze. We all agree that there is nothing in these cases which have been made public. We all agree that the methods and practices pursued by Members are honorable and both in harmony and in keeping with long-established custom; therefore, what good can come from pursuing the investigation further, in view of the resolution which we now report to the House? That resolution, Mr. Speaker, is a privileged resolution. We were obliged to make some report upon it. The gentleman from Virginia and other Members of the House were frequently demanding a report and using the rule that unless we made report they could discharge the committee from its consideration and leave the committee criticised for nonaction and nonperformance of its duty. The committee, therefore, bring this to this body. Members criticise, claiming that the report does not show all of the transactions between a Member and the Department.

Whether the report shows all of the transactions or no, there is nothing in the report which impugns any moral turpitude or impropriety of conduct upon Members. Suppose, therefore, that the House shall take the other horn of the dilemma and vote down the motion to lay this resolution upon the table, and vote the resolution through. Then the Speaker appoints a committee of five Members of the House to make the investigation concerning these same references in the Bristow report on the conduct of Members, and that committee will come back to this body. I prophesy, although I am not a prophet nor the son of a prophet, that the same conclusion will be reached, that there is nothing in these statements impugning any moral turpitude or impropriety of conduct upon a Member. You will then have the situation of a report of a second committee of five instead of seventeen. Understand, gentlemen, the members of the Post-Office Committee entertain no sensitive view with respect to this matter. We do not ask any support simply because the defeat of the committee in its recommendation would be construed by us as any special reflection upon us. Whether we adopted it or not, you would have the same right. But, Mr. Speaker, that additional committee would necessarily pursue this inquiry to the same cases referred to in the Bristow report, involving or relating to the conduct of Members of the House.

Now, gentlemen, if you believe that Members of this body have been guilty of either violations of the law or such misconduct as to warrant censure, then such further investigation should be made. If you believe that there is no such act of violation by Members or impropriety of conduct worthy of censure, what good will there be in an additional investigation? Members may quarrel with a great Department of the Government; Members may exercise their freedom of speech and acts by criticising and abusing some of the officers of that great Department, but when your committee on investigation has withdrawn into its room under the authority of this body and prepares to perform its functions it will pursue that investigation of misconduct of Members referred to in the Bristow report, and when you return you will exonerate the Members of this body, I honestly believe, in view of the evidence which has come under the notice of our committee and of you gentlemen to this hour.

I know it is an embarrassment, Mr. Speaker, for Members to have their names appear in the press along with the names of men who have been indicted for misconduct in office. I can conceive why a Member should feel resentful and angry that that should be done, but Members must remember this, that there never has been a time when any Member of this House could decline or refuse to give the fullest possible publicity to all of the matters referred to in the Bristow report making reference to the conduct of Members of the House. That publicity has now been made. I believe that the same public sentiment, that the same public press which have for some months insisted upon complete publication of these matters, that in some instances, unfortunately and unfairly, have been guilty of criticism and charges not based upon the truth, will in their inquiry and reference to this additional publication have the fairness to make amends for those unfair criticisms and false statements and say frankly to the public that these recommendations have been in entire keeping with the system and practice which for years has prevailed between Members representing the great constituencies of this country and the Department with which they have had dealings.

I doubt if there are many Members of either branch of Congress who have not been called upon to make recommendation relative to the pension cases pending before the Pension Bureau. Hundreds of thousands of those letters of ours are on the files in that Bureau. In the multitude of business pressing for attention on Members of Congress brought to their attention by their constituents, it is reasonable to be expected that in many instances letters would be addressed to the Pension Bureau making recommendations for favorable action upon cases which were subsequently rejected. There is no more imputation to be placed upon Members of this body because recommendations were made by them to post-office officials upon request of their constituents than would properly lie against their recommendations relative to the pension cases pending before that great Bureau.

I think, Mr. Speaker, that in view of the fact that we have undertaken to conceal nothing, that we have at all times believed in the widest publicity, believed that this publication involved no proper criticism of immoral or improper conduct upon any Member of this House, that the ways of justice and the demands of the country have been fully complied with without the Members of this House being properly or fairly subject to any criticism whatever, and that there should be an end to the matter, and it should be regarded as a closed incident. I believe firmly, Mr. Speaker, that if that could be determined upon by this body that in less than twenty-one days it would appear in the public press that there had been a great to-do made by the press of the country over a very small matter, and that the Members of this House had acted openly and honorably, making a full disclosure of all the papers connected with the investigation, and, deeming that sufficient, had not felt justified in recommending the further investigation, and therefore I trust the motion to lay this resolution on the table will prevail.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. OVERSTREET. I yield to the gentleman.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman if we do not vote down the motion to let the resolution lie on the table, then how could we possibly get a hearing for the proposed amendment to investigate the Post-Office Department? In other words, is not this the parliamentary situation: This being

a motion to lie on the table, any other motion would be out of order until that motion was voted down?

Mr. OVERSTREET. Mr. Speaker, the parliamentary situation is just this: The resolution under consideration is purely a privileged resolution, because it has reference to the conduct of the Members of the House. A motion to amend that resolution, or to offer a substitute to the resolution, a proposition for an investigation of the Post-Office Department, would not be a privileged question. I think the gentleman will admit that himself. If the motion to lay this resolution on the table should be voted down, the substitute amendment for post-office investigation would be just as obnoxious to the rule then as if offered before the motion to table had been put.

Mr. WILLIAMS of Mississippi. But is there not this difference, that in the first case the Chair would just rule that this being a motion to lay on the table of course nothing is in order; but in the second place, unless some Member rose in his place and made the point of order, then the resolution would be considered?

Mr. OVERSTREET. I quite agree with the gentleman, that if nobody should interpose a point of order, the Chair would not interpose it of his own motion.

Mr. WILLIAMS of Mississippi. Then, I express the hope that no point of order will be interposed, so that the House may investigate the Post-Office Department as well as having the Post-Office Department investigate the House. [Laughter.]

Mr. OVERSTREET. Mr. Speaker, the gentleman, however, must understand that this committee has had before it a privileged resolution, a resolution dealing with the conduct of the Members of this body. The committee felt compelled to act by performing its duty under the rule, and made no effort to conceal its disposition to finally in some way make a report upon that privileged resolution.

It therefore became the unanimous agreement of that committee of representatives of both political parties that there was nothing known to the committee, although it had before it what it believed was all the papers from the Department relating to the Members of Congress referred to by the Fourth Assistant Postmaster-General in his report, and, there being nothing in it, having this information which we believed ought to be made public, we recommended that it lie on the table. It is entirely a different proposition as to the wisdom of a further investigation of the Department and in no wise properly related or germane to the proposition for an investigation of Members of the House. I will meet that proposition, if it shall arise, when it does arise. I think neither the committee nor myself have so far shrunk from any duty which it felt was properly imposed upon us, and bringing this resolution back to the House with that unanimous agreement which ninety days ago scarcely any individual in the country would believe possible, I should indulge the hope that the gentleman's party would stand by their representatives on that committee in their recommendation to lay this resolution on the table.

Mr. GROSVENOR. I hope the gentleman from Indiana [Mr. OVERSTREET] will now ask for an extension of the time of this debate.

Mr. OVERSTREET. I think I should.

Mr. GROSVENOR. On yesterday the gentleman said that an hour on a side was quite sufficient, but upon my substantial demand an hour was added to that time. Now, the gentleman has used an entire hour——

Mr. OVERSTREET. I acknowledge the justice of the gentleman's criticism, and I believe I should ask for an extension of time for this debate. As other Members sometimes do, I paid no attention to the time and spoke much longer than I had any intention of doing. I therefore ask unanimous consent, Mr. Speaker, that the debate on this question may continue until 4 o'clock to-morrow, the time to be equally divided between or controlled by the gentleman from Tennessee [Mr. MOON] and myself.

The SPEAKER pro tempore (Mr. LACEY in the chair). The gentleman from Indiana asks unanimous consent that the debate on this resolution be extended until 4 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. MOON of Tennessee. I yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not intend to enter into the main question presented here. I wanted three minutes for the purpose merely of answering the last remark of the gentleman from Indiana. I believe there would be—indeed, I know there would be—no desire on this side to oppose the report of the committee in favor of laying this resolution upon the table, provided the other side would promise not to raise a point of order upon a substitute to go further and investigate the Post-Office Department, and thus permit that substitute to be voted on. If we vote down the motion to lay upon the table, it will be for the purpose of getting a parliamentary entry for the resolution which we desire to offer. I desired to say just that much in response to the last words of the gentleman from Indiana.

Mr. HEMENWAY. Does not the gentleman from Mississippi admit that at the time this report was agreed upon it was further agreed that the gentleman from Indiana would reserve the right to make the point of order against the proposition that the gentleman now speaks of; and when gentlemen on the other side go back upon that agreement do they not go back upon their representatives upon the Post-Office Committee?

Mr. WILLIAMS of Mississippi. I was not addressing myself to the question whether we were or were not going back upon the members of the committee. I was addressing myself simply to the point of explaining why we would vote down the proposition to lay on the table, if we should so vote. I am not talking now as to whether we are or are not going back upon the minority members of the committee. I decline to discuss that question. The minority, I think, the gentlemen will find capable of taking care of themselves.

Mr. HEMENWAY. I do not blame the gentleman for declining to discuss it——

Mr. WILLIAMS of Mississippi. This is not the time to discuss it.

Mr. HEMENWAY. Because he must go back upon the minority members of the committee if he does what he now announces he will do.

Mr. WILLIAMS of Mississippi. I think the gentlemen of the minority on the committee, who may be called on to face that parliamentary situation, will take a different view in the course they may now feel called upon to pursue.

Mr. BURLESON. Why can we not, when voting to lay the resolution on the table, also vote to investigate the Post-Office Department?

Mr. WILLIAMS of Mississippi. That is what we want the opportunity to do. If we vote down the motion to lay on the table, we want an opportunity to offer a substitute to go further and investigate the Post-Office Department, thereby including both purposes—to wit, the purpose of further investigating alleged irregularities in so far as Senators and Representatives and also in so far as employees of the Post-Office Department are concerned.

Mr. HAY. The gentleman will permit me to say that, so far as I am concerned, I do not exactly agree with him that the only reason we propose to vote to lay this resolution on the table is to get an opportunity for a wider scope. I want the wider scope, but it does not seem to me that we ought to put ourselves in the position of voting for the general investigation and voting down the investigation of Members of Congress.

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman is putting words into my mouth that never proceeded therefrom.

Mr. HAY. I so understood the gentleman.

Mr. WILLIAMS of Mississippi. What I said was this: That I was satisfied there would be no objection on this side of the House to voting for the motion to lay this resolution on the table if the other side would make no point of order upon a substitute to go further and investigate the employees of the Post-Office Department. I believe the substitute would pass, and therefore the motion to lie on the table would be unnecessary.

Mr. HAY. That is exactly where I differ with the gentleman from Mississippi.

Mr. OVERSTREET. Will the gentleman from Mississippi permit me just one question? I want to ask him this question: Suppose an amendment calling for an investigation of the Post-Office Department were subject to a point of order before the motion to lay on the table was put, would it not still be subject to a point of order after such motion had been voted down?

Mr. WILLIAMS of Mississippi. At least one point of order would be out of the way. The other point we will argue when we get to it. I am not certain whether the second point of order would lie; but what I want to state is this: That an agreement can be entered into whereby we shall vote that the resolution lie on the table, provided you will agree that a substitute to investigate the Post-Office Department by a select committee of the House may be voted for.

Mr. OVERSTREET. But the gentleman said a moment ago that if such a point of order should be interposed, then the only course that could be pursued would be first to vote down the motion to table and then offer the amendment.

Mr. WILLIAMS of Mississippi. Yes.

Mr. OVERSTREET. Now, would the offering of the amendment after the motion to lay upon the table had been voted down give it an additional or different parliamentary status than it occupied before?

Mr. WILLIAMS of Mississippi. It would leave it less obnoxious to a parliamentary objection. There would be at least one point of order out of the way. Now, can we not enter into an agreement——

Mr. BURLESON. By unanimous consent.

Mr. OVERSTREET. Then the gentleman from Virginia [Mr. HAY] will object.

Mr. WILLIAMS of Mississippi. I do not think the gentleman would object, provided we could get what we want.

Mr. OVERSTREET. You had better get together on that side first.

Mr. HAY. I do not know that we are any further apart on this side than you are on the other, for that matter.

Mr. BOWIE. May I ask the gentleman a question?

The SPEAKER. The time of the gentleman has expired. Does the gentleman from Tennessee yield?

Mr. MOON of Tennessee. Yes.

Mr. BOWIE. I want to know whether, in the proposition you have just submitted to the gentleman from Indiana [Mr. OVERSTREET], you meant that this side would be willing to vote for the motion to lay on the table this resolution?

Mr. WILLIAMS of Mississippi. I would agree to vote for the motion to lay on the table, provided they would vote for the other resolution as a substitute, to wit, providing for the appointment of a select committee by the Speaker to investigate the Post-Office Department.

Mr. BOWIE. Together with this House?

Mr. WILLIAMS of Mississippi. To investigate it, everybody, including the employees of the Post-Office Department.

Mr. BOWIE. So you do not propose, then, to eliminate the investigation of Members of the House?

Mr. WILLIAMS of Mississippi. Oh, no.

Mr. MOON of Tennessee. Does the gentleman from Indiana desire to proceed?

Mr. OVERSTREET. I would prefer that you go on now for a while.

Mr. MOON of Tennessee. Mr. Speaker, after a moment I shall yield to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

I feel that we ought to be entirely frank about this condition. In my opinion there is but one thing for the House to do if it repects itself or if it respects the country, and that is to enter into a general investigation. That investigation of the Department will necessarily, in view of the facts that have been adduced before the country, reach into this House. There is no use denying that proposition. It will, I fear, reach with force and power in places into this House. We want the investigation to cover the Department and to cover everybody connected with it, and whoever is guilty, whether in this House or in the Department, let him be exposed.

The membership of the House accused are entitled to a vindication at the hands of the House, if that membership believes that the charges made against them constitute a substantial indictment. The Department ought to be vindicated if they have been guilty of no wrong; but I take it that no sensible man, in view of the developments, will say aught less than that crime yet uninvestigated has been committed in the Department. Now, what is the position of the committee?

Mr. WILLIAMS of Mississippi. Before the gentleman goes further, I want to state this: Some gentlemen were telling me that I did not make myself clear. I thought I had. What I meant is exactly what the gentleman has just said. Of course, if our resolution amending this were adopted, then it would be a general investigation of the entire Post-Office Department, and would involve its dealings with the Members of the House and Senate, as well as everything else.

Mr. MOON of Tennessee. Any parliamentary advantage that is taken here will be perfectly understood by the country. You had as well understand that now as hereafter. [Applause.]

The resolution is a privileged one. The committee are confined by the scope of that resolution to exactly what they have done. The committee could not have done less nor more, they could have done nothing else sensibly but recommend, in view of the facts, that the resolution lie upon the table, because we do not believe that you have been guilty of crime or intentional wrong. If you insist that you are, we are ready and willing that you shall further investigate yourselves; but we know that the Department has been guilty, and we insist upon that investigation, which will necessarily cover you. Well, what is the attitude of the resolution?

There has been presented to this House a privileged resolution and a report on it and a recommendation that the resolution lie on the table. In my judgment the point of order is clearly well taken, when a resolution by way of amendment or substitute is offered asking for a general investigation under a specially privileged resolution, report, and motion, because it will not be germane to the privileged resolution. Then, the point of order can be successfully interposed by the gentlemen on the other side to a general investigation under the present status. Then, in order to obtain a general investigation we must overrule the Speaker in a correct decision on a point of order. So, after all, if we have an investigation properly under this resolution it must be by the unanimous consent of the House and the withholding, in my judgment, of the point of order. Honestly willing, as in my opinion you are, to have an investigation, why interpose the only thing that will prevent a general investigation?

If you withhold the point of order under the parliamentary situation that will exist, the resolution can be amended; and if you feel that you need further vindication, which we do not think you do, you can obtain it, and you can investigate the Department that has made these charges and confessed to these crimes. So do not attempt to get away from that question. If an investigation of this Department is prevented, it will be by reason of a parliamentary objection behind which you shield the crime of the Department. The question, then, is can you afford it, gentlemen? Can you afford to be acquitted on a technical ground of this sort? That is the only issue before you. We are not going to insist upon the Chair holding otherwise than he ought to hold, and, as far as I am concerned, I am not willing to vote to overrule the opinion of the Chair if he holds that this objection can properly be interposed, and, in my judgment, he will do so.

So at last it goes back to you. Are you going to shield the criminals in this Department by the proposition that the amendment proposed is subject to the point of order? The country will say to you certainly, if you do it, that you are afraid of any further investigation yourselves; that you know if an investigation is opened up in the Department, that it is going to involve you gentlemen who are charged. We say that under the proof before us we do not see that you are guilty of any crime; but the country will say that there is some other proof there that has not come out; that the Department has something else that it does not want to give that will expose the Administration Members or the Democratic Members, as the case may be, and that therefore the House hid behind the point of order in order to protect the Department secondarily, but to protect itself primarily, from these charges. I do not believe that honest men can afford to do it.

Mr. Speaker, I yield ten minutes to the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN].

The SPEAKER. The gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] is recognized for ten minutes.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, this is the first time in my career I have ever risen to comment upon the use of my name in connection with any charge; and I would not rise now if the report made by the Post-Office Department to the Post-Office Committee of this House had been fair, full, or honest. I know that is a serious statement, but if gentlemen will bear with me I will convince them that the same insincerity, indirection, and dishonesty that the people of this country believe exist in that Department characterize the statement that it forwarded to the committee of this House.

I want to say, so far as I am concerned, I believe that no good or respectable man who knows me or who knows of me will ever suspect my conduct in regard to the renting of the post-office at Oxford, N. C. But hereafter some backbiter of a meaner mold or some malicious enemy may call up this very matter—may point to this Post-Office Department statement, and accusingly refer to the use of my name, and call upon my friends for some explanation of it. Gentlemen, just as that Department has treated my name it has treated the name of many gentlemen upon that side as well as upon this side of the House.

In instances of prominent Republicans that Department has been careful to put in every fact that would completely justify the Member's conduct, while in reference to other Members on both sides it has failed to do so. I agree with the distinguished gentleman from Iowa [Mr. HEPBURN] that this is not a political matter. Mr. Speaker, our consideration of it is not political. Our conduct upon it should not be political. But I assert here and now that the report sent to our committee is characterized by politics and is partisan.

I can understand how the distinguished gentleman from Iowa may think nothing else can be discovered by further investigation, because for him, in reference to the renting of the post-office at Afton, Iowa, that Department was careful to incorporate every material fact that would show that he had done nothing except what a diligent Representative was required to do. The same is true in reference to stating the facts in regard to the renting of the office in the town of Franklin, Ind., represented by the chairman of the Committee on Post-Offices and Post-Roads. The same is true in stating the facts in regard to the rental of the post-office at Watseka, Ill., represented by the distinguished Speaker of this House, and in other instances of recommendations by leading Republicans.

But, gentlemen, when the author of that report comes down to men of not so much influence with that Department, whether they be on that side or on this side, there is in my judgment a willful, deliberate suppression of material and important facts, facts which were not overlooked, facts which could not be overlooked, facts which were a part of the record filed in their cases and suppressed, in my judgment, for the purpose of giving a false impression to the country and misleading the public.

Gentlemen, it is not a small thing to trifle with the reputation of a man established through years of busy and stirring life. It

is not an idle thing for that Department to mingle your name and mine in a list intended to represent to the country scandal and suspicion. There must have been some evil and deliberate purpose on the part of him who so abominably performed his duty under the letters sent to the Department by the chairman of the Post-Office Committee under the resolution pending before it. The Bristow report had made charges reflecting upon the membership of the House.

Mr. Bristow had made the charge, among others, in the language of the resolution, that "long-time leases for post-office premises were canceled and the rent increased upon the recommendation of influential Representatives."

By that he intended to charge and did charge undue influence exercised by influential men over the Department. The letter of the chairman of the Post-Office Committee to the Postmaster-General requested that that committee—

be furnished at the earliest practicable date a complete list of all cases referred to in said report relating to allowances for clerk hire in offices where those allowances have subsequently been discontinued, and also of all cases where leases of post-office premises have been canceled and renewed at a higher rate, together with a statement in detail giving a full explanation of the facts connected with each case.

The charges were serious, yet when the accuser was called upon to substantiate them he had not the intelligence or the courage to clearly specify the cases he had in mind and cite the evidence upon them, but evasively he lugs in 176 cases of post-office rentings. He brings in every case, however worthy, free from suspicion and commendable in every respect, in which diligent Representatives had endeavored to serve their petitioning constituents in the matter of rentings. He brings all in in senseless response to proper inquiries about his charges. Is such conduct honest? Is it courageous? Was it in answer to inquiries? Ah, no. He was endeavoring to confuse the situation for partisan purposes. He knew that the country demanded a Congressional investigation of the Post-Office Department.

He undertook, in my judgment, to blackmail into silence Congress and the country. He may have thought that upon placing that report before the committee Congress would become alarmed, would fail to publish it, and quit the talk of investigation. Since he had to name some he determined to drag everyone in it. If he must name his friends, he would also name all others, though entirely blameless. He would put the legislative branch of the Government under the same suspicion which rests upon his Department, and intimidate it into inactivity. Will you say that he shall thus stop our investigation? Let our conduct hereafter answer to the country. If we have no full investigation, it shall be your fault, not ours.

But, Mr. Speaker, I want to call your attention to direct, positive testimony of suppression, willful and deliberate. Take the renting in the town of Oxford, the only instance in which my name is mentioned in this entire report. Concerning my conduct upon this as upon all other matters I challenge the strictest scrutiny, and defy every calumniator to bring his accusation, whether made directly or indirectly, into the light. I was astonished to find the Oxford renting mentioned, because I knew that any faithful and honest attempt to enlighten Congress in compliance with the resolution and the letter of the committee would confine the accuser to instances directly or indirectly sustaining his charges.

In Oxford there had been no long-time lease. In Oxford there was no lease canceled. And with all due modesty it had never occurred to me that the most imaginative person could class me as an influential Representative with the Post-Office Department as now or then constituted.

An honest brief of the case would have disclosed the most material facts in the whole record, but they are deliberately omitted. He first reports a letter written by myself—dated House of Representatives, United States, etc., but written during vacation while I was at my home in Roxboro, N. C.—in which, on behalf of the Odd Fellows Lodge of Oxford, the owner of the building occupied by the post-office, I recommended an increase of rent. I closed that letter by asking that an agent be sent there to ascertain the facts and hoping that the rent would be increased to a proper and just amount.

Then follows, Mr. Speaker, in this report, a letter from the Department, replying to mine. Then a letter from the postmaster at Oxford, saying that the rent then paid, $200, was enough. I shall not quote the entire report on Oxford, but shall ask leave to print it with my remarks. Then follows a second letter from the Department to myself, informing me of the refusal to increase the rent. The date of that is November 15, 1901. The only other publication is a letter of February 18, 1902, more than three months thereafter, to me saying that in compliance with my recommendation, the proposition for an increase of the rent, etc., had been allowed.

What is the false inference that they wickedly intended the country should draw from that? They intended to leave the impression that there were no further facts and that the Department had yielded to my undue influence and favorably acted upon my recommendation, etc. What were the facts? What transpired during those three months which the Department suppressed? I will not, Mr. Speaker, refer to any matters of a personal character or that gave me more knowledge than the Department had. I shall only refer to matters filed in the Department and which in the record of the case are attached to those published in the report. On yesterday I went to the Department, read the record, and demanded copies of certain papers in that record, which I will ask to insert in the RECORD at the end of my remarks. Gentlemen, here are facts similar to those that were incorporated in the report in the cases of the prominent Republicans I have mentioned. The postmaster's first letter was dated November 13, 1901. On January 8, 1902, the postmaster writes again and says, "You will remember that I advised you not to grant the increase." In it she states that the owner of the building occupied by the postoffice wanted an increase of rent to $300 a year, and she recommended it. This letter was suppressed in the report.

On January 14, 1902, the postmaster writes the Department again and states that another party is offering $300 a year for the premises—mind you, this is exclusive of furniture, safe, etc.—and the postmaster again recommends paying the increase and gives her reasons for it. This letter is suppressed in that report.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield the gentleman five minutes more.

Mr. WILLIAM W. KITCHIN. On the 14th of January, 1902, the postmaster sends to the Department a letter, which it has on file in the Oxford case, from Mr. H. M. Shaw, a reputable attorney in that town, a distinguished gentleman, an old friend and college mate of mine, I will say by the way, who was representing the Odd Fellows' Lodge, the owner of the building, in which he reviewed the entire situation, in which he stated to the postmaster that the Odd Fellows had an offer of $600 a year for that room and the room adjoining it, but that they preferred the post-office to remain there, but if the Government would not increase the rent the post-office must move, as there was a bona fide offer for the property at an increased rate. Gentlemen, this important letter of Mr. Shaw is suppressed in that report.

There is a petition filed by myself on February 1, 1902, signed by ninety-three of the best citizens of that town, saying that the rent demanded, which was $300 a year, was fair and reasonable, and protesting against changing the post-office site, and asking that it be kept in that place. That petition is suppressed in that report. When I filed that petition or protest, as the brief puts it, the Department requested me to get two propositions from the Odd Fellows, one with safe, furniture, etc., and one without them. The Department gave me two blank forms, which I forwarded.

The Odd Fellows made them two propositions—one at $300 a year for the naked room, and one at $360 a year to be furnished by the Odd Fellows. A copy of both propositions I have here and will insert in the RECORD. When the Department received these propositions it accepted the proposition for the furnished room. No honest man, knowing the facts, can for a moment tolerate the insinuated imputation against myself or the good people of Oxford.

Now, another thing. In the letter of the Postmaster-General of March 2 he says:

These cases—

Which includes the Oxford case—

at the date of my communication of February 5 were withdrawn from the files of the Department and were under investigation by inspectors and others.

Gentlemen, I went to the Department yesterday morning, saw the papers in the case, and examined the last report. It is by Mr. Wood, the assistant superintendent, and states that in his opinion the rent was not excessive. Its date is January 25, 1904. He did, however, recommend new furniture.

Now, I have nothing else to say, so far as the Oxford case is concerned, but gentlemen on that side of the House, can you permit any man mentioned in that report, who may not have an opportunity to explain the facts in his case, to rest under such suspicion that a blackmailer or a backbiter may assail him when you have it in your power to require full investigation? Will you do that? Will you be intimidated or will you rise to the height of courage and let this whole matter have the light of day thrown upon it. Honest men do not dread the light, and all others should have it and be driven from the public service.

We ought to have an investigation. The general public of the United States ought to have it because they suspect that Department. So, thanking the gentleman from Tennessee for the limited time I have been permitted to occupy, I now yield the floor, first asking permission, Mr. Speaker, to insert these papers in the RECORD. [Applause.]

The SPEAKER. The gentleman from North Carolina asks

unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following are the papers referred to:

[From the report of the Post-Office Department to the House Committee on the Post-Office and Post-Roads.]

OXFORD, N. C.

At Oxford, N. C., in 1901, when the salary of the postmaster was $1,600, the allowances were $200 for rent and $54 for fuel and light. On November 5, 1901, Hon. W. W. KITCHIN addressed a letter to the Postmaster-General stating the owners of the premises desired an increase in rent to $360 per annum. The postmaster, when asked for a report on the subject, stated the adjoining store, same size as post-office premises and under the same management, was rented at $300 per annum, that no increase in rental had been demanded for it, and expressed the opinion that the Department was paying enough rent. The application for increased rental was denied.

Following entry appears in the brief of the case:

"February 1, 1902. Hon. W. W. KITCHIN called up case and will endeavor to get proposition from Odd Fellows. He files protest against removal of post-office from present quarters."

On March 25, 1902, the allowance for rent was increased from $300 to $360 per annum, effective April 1, 1902.

The following correspondence appears in the files:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., November 5, 1901.

Hon. POSTMASTER-GENERAL, *Washington, D. C.*

DEAR SIR: On behalf of the Odd Fellows' Lodge of Oxford, N. C., the owner of the building used by the post-office in that town, I have been requested to recommend an increase in the rents paid by the Government for the rooms occupied by the post-office. Believing that the rent should be increased, I cheerfully recommend it. My information is that the present rent is only $16⅔ per month. The lodge wants an increase to $30 per month. The premises are, in my opinion, the most suitable and convenient in the town. My information is that when the contract at $16⅔ was made there were several vacant stores or storehouses in Oxford; that now there is not one; that rents are much higher now in that town than they were then. Allow me to ask that you consider this matter and, if need be, send a special agent to Oxford, N. C., to find all the facts and report to the proper officer of your Department. I hope that the rent will be increased to a proper and just amount.

Yours, truly,

W. W. KITCHIN,
Member of Congress, Fifth North Carolina District.

NOVEMBER 11, 1901.

Hon. W. W. KITCHIN,
House of Representatives, United States.

SIR: Replying to your letter of the 5th instant, in which you urge an increase in the allowance for rent of post-office premises at Oxford, N. C., I beg to advise you that while the present allowance is less than what is sometimes granted offices of this grade, the amount requested by the owners of the premises, namely, $360, is considerably in excess of what is made for an office doing the business of the one at Oxford.

The postmaster has been requested to submit a report on the subject, when the matter will be further considered.

Very respectfully,

_____,
First Assistant Postmaster-General.

OXFORD, N. C., 11-13-1901.

Hon. W. M. JOHNSON,
First Assistant Postmaster-General, Washington, D. C.:

For the present I think the Post-Office Department is paying enough for post-office premises here. The store adjoining this, and the same size as this, and under the same management, pays only $300 per year rental. No increase in rental has been demanded of it.

The dimensions of the room we are in is 21 feet width by 66 feet long. The postmaster owns the fixtures and furniture. Advise me if any further demands are made for increase in rent.

Respectfully,

E. C. PEACE, P. M.

NOVEMBER 15, 1901.

Hon. W. W. KITCHIN,
House of Representatives, United States.

SIR: Referring to matter of increase in allowance for rent of post-office premises at Oxford, N. C., as recommended in your letter of the 5th instant, I beg to state that the matter has been investigated to some extent, and information received that room adjoining the present post-office premises, of the same size and under the same management, rents for the amount now allowed for room used by the post-office. It is also shown that no increase in rent has been requested for room adjoining post-office. Under the circumstances an increase can not be favorably considered.

Very respectfully,

_____,
First Assistant Postmaster-General.

FEBRUARY 18, 1902.

Hon. W. W. KITCHIN,
House of Representatives, United States.

DEAR SIR: In compliance with your recommendation, the proposition of Oxford Lodge, No. 103, I. O. O. F., by H. M. Shaw, special commissioner, to lease the room now occupied by the post-office at Oxford, N. C., at the annual rental of $360, has this day been accepted for a term of five years from April 1, subject to the provisions and requirements of the form of lease used by the Department. It is understood that the lessors will provide all necessary boxes, fixtures, and furniture, a fire and burglar proof safe, etc.

Very respectfully,

_____,
First Assistant Postmaster-General.

The following papers are suppressed in the report:

OXFORD, N. C., *January 8, 1902.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

SIR: The owners of the building now occupied by the post-office want an increase in rent from $200 per year to $300 per year. You will remember that I advised you not to grant the increase, for I thought we could get another building more satisfactory to us, but I now think it best to give them the increase as every building in town is now occupied and rents have increased considerably. I can't get another building like the one we are in for less than $300 per year, and it would be expensive moving the office if they should rent this building to some one else. The box rent of this office amounts to $300 per year. We furnish the boxes. Our sales have increased several hundred dollars more than they were last year. Please let me know whether you will grant the increase, and in case we have to move out if the Department will bear the expense of moving or whether the postmaster has to foot the bill.

Respectfully,

E. C. PEACE, P. M.

OXFORD, N. C., *January 14, 1902.*

Hon. J. M. MASTEN,
Acting First Assistant Postmaster-General, Washington, D. C.

SIR: Replying to yours of the 11th instant will say that I am informed that a party is offering $300 per year for the building now occupied by the post-office. I will give you a little history. About ten years ago the post-office was moved into the present brick building. At the time it was moved about half the storehouses in town were vacant and rents were almost nothing. The postmaster's salary was then $1,500 per year; now every available building in town is rented at good prices and $25 per month or $300 per year is cheap for this building. The postmaster's salary is $1,600, and will be increased to $1,700 the beginning of the fiscal year.

We are at present located in one of the best buildings in town, centrally located, and easily reached by all classes of people. If site is changed it will greatly inconvenience every one. Our sales of stamps, etc., are rapidly increasing, also box rents. The rents from boxes put in by the postmaster and owned by her amounts to $300 per year; this costs the Post-Office Department nothing. We have plenty of room, building is 63 feet long and 21 feet wide. We are informed that the Post-Office Department pays nearly $400 for the rent of the office in our neighboring town of Henderson, N. C. We do nearly the amount of business that they do.

The man that owns the building in Henderson also furnishes the outfit; here in Oxford the Odd Fellows furnish the building and the postmaster the boxes. The office in Henderson is not fixed as nice as ours nor have they as large, roomy building. In conclusion, we think $300 per year for this building reasonable enough, considering the increasing prosperity of the town and post-office revenues, and feel sure that if the Post-Office Department won't pay it other people will take advantage and rent the building for themselves

Respectfully,

E. C. PEACE, *Postmaster.*

OXFORD, N. C., *January 14, 1902.*

Mrs. ELLA C. PEACE,
Postmaster, Oxford, N. C.

MY DEAR MRS. PEACE: I desire to say to you, as a committee appointed by the Oxford Lodge, I. O. O. F., No. 103, that we desire an advance in the rent that the Government is now and has been for several years paying for the building or room occupied as a post-office, viz, $200 per annum, and desire that you call the attention of the Post-Office Department at Washington to the facts as I shall attempt to relate them, and request an increase of rent, to begin at once.

It is well known that when this room was let to the Government for a post-office numbers of business houses and residences in Oxford were vacant and had been vacant for some time; that rather than have them remain vacant the owners, when they could induce some one to occupy them at a very small sum, were only too glad to let them. Because of this fact the room in the Odd Fellows building, now occupied as post-office (and the room adjoining it, in the same building), was rented for $200 per annum. The room adjoining is not so large as the one occupied by the post-office, and we rented that for a term of five years at $200 per annum. The lease has expired and we are demanding more for it. We have not made a demand on the Government for an advance until we were in a position to make a demand for an advance on the other room.

It is also well known that at the present time, and for several months, vacant houses and stores have been in great demand, and at present there is not a vacant house or store in town that is desirable or conveniently located for business—in fact, no storehouse and not to exceed three or four cottages, if so many, and they can be rented when desired.

It is also well known that rents on all classes of property have increased, and especially on that well located for business purposes. There is not a store of the character and size of the room occupied by the post-office, and so conveniently located, that is not bringing as much as $25 per month, and in several instances more; but $25 is the lowest that such rents for. Furthermore, we are offered $50 per month for the room occupied as post-office and the one adjoining, and the parties desire to make the contract for a term of five years. You perhaps know the parties, and that they are financially responsible on their contracts.

We prefer, however, that the post-office should remain where it is. It is in the center of the town, in a good building, and more conveniently located for all classes of its patrons than any building in town. And we speak with some knowledge of the sentiments and desires of the business public with reference to this matter.

It is a fact well recognized, we think, that the post-office receipts at Oxford have increased very materially within the past year; that business is better with all classes of our citizens; that the population of the town has recently and is now increasing very perceptibly.

We are advised that the Government pays $27.50 per month for the room used as a post-office in Henderson, and we know that it is not near so large or desirable as the room occupied here for the same purpose. We think our room worth quite as much as that. As stated, we are offered $50 per month for the two rooms, and the room used as a post-office is larger and more desirable than the room adjoining.

For these reasons we think that we should have $30 per month for this room. The other (smaller room) will bring $25. But if we can get no increase from the Government we shall, in justice to ourselves, have to rent to the party making us the offer mentioned. We prefer, however, as representing a big majority of the business men of the town, to have the Government pay us a fair price for the room and keep the post-office where it is.

We request that you refer this matter to the Department and advise us of what we may depend upon.

Yours, very truly,

H. M. SHAW,
For Oxford Lodge, I. O. O. F., No. 103.

To the honorable the FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.:

The undersigned patrons of the post-office at Oxford, N. C., being informed that the postmaster contemplates a removal of the office upon the grounds that he can rent a room at a lower price than that demanded by the Odd Fellows for the room now occupied by the post-office, desire to respectfully call the attention of the Department to the following:

1. That the present office is the most centrally and most conveniently located for all parties of any building in Oxford that can be rented for a post-office.

2. The rent asked by the Odd Fellows, viz, $25 per month, is reasonable and fair.

3. That to remove the office to any other place in town would be to the inconvenience of a great majority of its patrons and against the wishes of a vast majority of our citizens.

We therefore respectfully request the Department that the post-office be allowed to remain where it is now and has been for a number of years.

H. M. Shaw, attorney at law; J. Burton Williams, M. D., physician; Paris Dry Goods Company, merchants; W. B. Currier, tobacconist; F. W. Hancock, druggist; R. L. Hamilton, druggist; F. P. Hobgood president Oxford Seminary for Girls; W. M. Pinnix, student; J. W. Cannady, student; T. D. Wallen, tobacconist; W. F. Lyon, deputy register of deeds; H. G. Cooper, cashier Bank of Granville; T. W. Jackson, merchant; E. T. Crews, auctioneer.

R. W. Ray, livery and sales stables; D. H. Currier, proprietor Osborn House; J. P. Floyd, tobacconist; Henry F. Osborn, clerk; Parham Bros. Co., merchants; U. I. Howell, merchant; U. U. Gune, tailor; C. H. Easton, merchant; W. S. Shaler, salesman; J. C. Haskins, salesman; J. Y. Paris, salesman; J. B. Powell; P. H. Montgomery, teacher; Ben. W. Brown, salesman.

S. D. Booth, M. D., physician; W. S. Lynch, jeweler; E. K. Howard, merchant; Usry & Medford, wholesale grocers; L. R. Hunt, lumber, coal, and fertilizer; J. W. Hunt, clerk; Joseph M. Baird, clerk; H. H. Howard, tinner; W. E. Faucette, clerk; George L. Ferguson, engineer; T. W. Winston, clerk; John Webb, tobacco; Walter P. Stradley, attorney; E. T. Rawlins, merchant; W. D. Stimeon, jeweler; H. G. Williams, merchant.

T. B. Pendleton, baker; J. P. Stedman, drugs; Benjamin K. Hays, physician; L. F. Day, harness maker; D. S. Fuller, merchant; J. L. Fuller, secretary and treasurer J. F. White Company; J. S. Bramm, merchant; W. H. Hunt, cashier First National Bank; C. D. Ray, vice-president First National Bank; S. H. Cannady, M. D.; J. M. Currier, buyer for a jobbing company; C. J. Cooper, banking; J. A. Webb, secretary and treasurer Oxford Furniture Company; S. W. Cooper, tobacconist.

J. C. Horner, principal Horner Military School; J. T. Britt, editor Public Ledger; W. V. Marmalucey, tobacconist; S. C. Hobgood, farmer; P. Bullock, horse dealer; R. H. Marsh, Baptist minister; John S. Hardaway, Baptist minister; J. R. Pace, Baptist minister; J. M. Wheeler, chief of police; Louis de Lacroix; F. A. Spencer, railroad; S. H. Brown; C. A. Carroll, merchant; R. W. Lyon, warehouseman.

H. J. Robards, salesman; Howell Brothers, merchants; C. H. Landis, hardware; J. S. Hall, furniture and undertaker; J. D. Brooks, general merchant; J. Coler Wood, furniture and coffins; A. McCullin, minister; H. T. Harding, superintendent graded schools; E. L. Crusey, deputy sheriff.

C. J. Turner, jailer; C. H. Bogg, Long Brothers, merchants; J. S. King, salesman; W. G. Jones, salesman; F. B. Blalock, salesman; E. D. Hunt, salesman; J. G. Hunt, clerk superior court; G. C. Shore, principal of Mary Potter M. School; B. S. Royster, attorney.

OXFORD, N. C., *February 4, 1902.*

To the POSTMASTER-GENERAL,
Washington, D. C.:

Oxford Lodge, No. 103, Independent Order of Odd Fellows, hereby agrees to lease for use of the post-office at Oxford, N. C., the room 64 feet by 24 feet (inside measurement), on the first floor, east room of the three-story brick building, premises known as "Odd Fellows building," situated on Hillsboro street at head of Main street, on the north side of Hillsboro street, now occupied as the post-office in Oxford, N. C., for a term of five years from February 1, 1902, at the annual rental of $300, payable quarterly, and subject to the provisions and requirements of the form of lease used by the Post-Office Department.

Said lodge further agrees to place said room in a condition in every way satisfactory for use as a post-office, and to keep said room in good repair and proper condition to the satisfaction of the Post-Office Department during the term for which the premises hereinbefore described may be leased.

Said lodge will have the room ready for occupancy by the post-office at once, after the receipt of the notice of acceptance of this proposition by the Post-Office Department.

OXFORD LODGE, No. 103, I. O. O. F.,
By H. M. SHAW,
Special Committee to Lease Lodge Building.

OXFORD, N. C., *February 4, 1902.*

To the POSTMASTER-GENERAL,
Washington, D. C.:

Oxford Lodge, No. 103, Independent Order of Odd Fellows, hereby agree to lease for use of the post-office at Oxford, N. C., the room 64 feet by 24 feet (inside measurement) on the first floor, east room, of the three-story brick building, premises known as Odd Fellows building, situated on Hillsboro street, at head of Main street, on the north side of Hillsboro street (now occupied as the post-office), in Oxford, N. C., for a term of five years from February 1, 1902, at the annual rental of $360, payable quarterly, and subject to the provisions and requirements of the form of lease used by the Post-Office Department.

Said lodge further agrees to furnish said described room with boxes and drawers of a modern pattern in sufficient number, together with all the necessary fixtures and furniture (including free-delivery furniture when necessary) requisite to place said room in a condition in every way satisfactory for use as a post-office, and to keep said room, boxes, fixtures, and furniture (including said free-delivery furniture) in good repair and proper condition to the satisfaction of the Post-Office Department, and to furnish all additional boxes, fixtures, and furniture (including additional free-delivery furniture) that may be deemed necessary during the term for which the premises hereinbefore described may be leased.

Said lodge further agrees to include the furnishing of satisfactory fireproof and burglar-proof safe and necessary closets and urinals, and will keep said vault and fixtures in good repair and condition during the term of the lease.

Said lodge will have the room ready for occupancy by the post-office at once after the receipt of the notice of acceptance of this proposition by the Post-Office Department.

OXFORD LODGE, No. 103, I. O. O. F.,
By H. M. SHAW,
Special Committee to Lease Lodge Building.

Mr. OVERSTREET. Mr. Speaker, I now yield thirty minutes to the gentleman from Ohio [Mr. GROSVENOR]. [Applause.]

Mr. GROSVENOR. Mr. Speaker, the subject-matter of this debate is one of very serious importance. There is not a man who has been connected with the action of Congress for a series of years but what is conscious of the fact that the people of the country, incited thereto, no doubt, in a large part by false publications, have come to look with suspicion upon the members of the two Houses of Congress. I have never known a question of doubt to be solved by the press of the country in favor of the integrity of a Congressman. [Laughter.]

Here we have a pretty good specimen of the readiness with which the newspaper press of the country, and concurred in by all the people of the country, grasp the publication of a statement, and assume evil where they might assume good. So, Mr. Speaker, I shall not treat this matter as a matter of nonimportance. I shall treat it as deserving of the most serious consideration by every Member of this House and by every American citizen in the United States. [Applause.]

I hold in my hand a newspaper published in the city of New York, and I read from it only for the purpose of pointing out that which was substantially repeated in substantially all the newspapers of the United States yesterday morning; not always in the text of the article, but sometimes in that insidious and dangerous approach upon libel and slander called the "headlines," but generally, at least in substance, now adopted in all of the newspapers:

Our latter-day statesmen never dream of adopting that motto from "Eikon Basilike," "More than the law gives me I would not have." They choose rather to pervert an old proverb by asserting that he who steals an egg without being caught is justified in stealing an ox. When men of the standing of Congressman HILL of Connecticut, Senator CULLOM, Speaker CANNON (that watchdog of the Treasury), Congressman PAYNE of New York, and HEPBURN of Iowa are taken red-handed, no one can marvel that Beavers, Machen, and the small fry of Department subordinates rush for loot, with the cry, "Now or never!"

That is from a paper that generally is one of the conservative publications in the United States, and this is an editorial on its editorial page, and is in substance and effect in accord with 95 per cent of the press of the country to-day. And the question, Mr. Speaker, that comes home to us, and comes in a form that can not be answered but in one way, What are we going to do about it? Treat it as a matter of indifference? Treat it with levity? Treat it as though it was a matter of no concern, or shall we do that which the sound judgment of this House must demand—force to the wall the libelant—force the libelant to take it back?

Mr. Speaker, what is this paper here for? What does that document mean; what was its purpose? Has the country wrongly construed the presence of this infamous document in this House? Has this House, with the serious faces that I see about me, misunderstood the purpose and purport of that document? Is this a little, trifling matter thrown in here by the understanding of somebody who does not know any better? Or is it a designedly willful and malicious libel upon 191 members of the House and Senate? Libels do not always have to speak out a charge of crime, Mr. OVERSTREET; it is not necessary.

Let us review the circumstances of the country a few months past. A discovery was said to have been made, and was made, as it turns out, that in two divisions of the Post-Office Department there was wrong going on. I submit that the investigation that the gentleman from Indiana took nearly an hour in apologizing for is an outrage, in violation of every principle of American jurisprudence. [Applause.] When was a Department officer of this Government transformed of his own motion into a grand jury? And if it shall be answered, as it may be, perhaps, that it was wise and judicious to have an investigation carried on through the Department by the inspectors of the Department, and if the answer is in accord with the suggestion, let me return the answer—what right had that document to be published to the American people before action of any tribunal had settled the truth of it, a mere ex parte statement, unsupported by any evidence whatever, put out with a great flourish of trumpets that has been followed by every imaginable attempt to pervert public opinion and turn aside public justice?

I am a lawyer, and I believe I know what the law of my country requires, and I know that the testimony given before a grand jury was never in any civilized country permitted to be published in the newspapers for the purpose of persuading the jury that was to try the case afterwards.

Now, then, what next? I have asked what is the purpose of this document, and what is it here for? Can any man give an answer that will put respectability upon that paper? What is it here for? It is here for some purpose. It is here to convince the American people of something. What is it? Is it here as a mere report containing nothing, as the gentleman from Indiana says—meaning nothing; having no purpose, no effect—a mere brutum fulmen? I guess not. It comes at a time when the public nerve of this country is acute with the pain of the disclosures of the rascalities in the Post-Office Department. [Applause on the Democratic side.] It comes at a time when a resolution has been offered on the other side of this House in substance and effect charging wrongdoing, as the Member well might.

I am not criticising the gentleman from Virginia. In answer to that, this document comes into this House. In answer to that, without the slighest intimation of its purpose, this document comes in here and is published to the world—as our friends on

the other side will say, dragged out of the Committee on the Post-Office and Post-Roads. I deny that. It comes here legitimately from that committee, and comes here as the committee, in my judgment, had a right to bring it and ought to have brought it, and could not have done less than brought it under the circumstances of the case. But in answer to the letter of the chairman of the committee that called upon the Post-Office Department for certain information, what right had that document to come here? The purpose of the letter was to furnish evidence for or against the resolution offered by the gentleman from Virginia, which in its series of preambles, in effect, charged wrongdoing. And the letter of the chairman of the committee must be construed as conforming to that and asking of the Post-Office Department, "What have you got now that will support these charges of wrongdoing and rascality? What have you got? Let us have all that you have got that charges wrongdoing upon Members of the House of Representatives." And thereupon comes this document. And I am answering my own question.

It came here with a deliberate, cold-blooded, and malicious intent to cast upon this Congress the stain of having 151 dishonest Members, and a large number in the Senate. And you may go and wash in all the pools of forgetfulness this side of Siloam and you will never wash the impression out of the public minds of the people of the United States. That is what it was done for. It was done for no other purpose.

When these newspapers broke out all over the United States with a scream, with a cry, on the day before yesterday, why did not somebody go and publish—we have a great many interviews these days—why did not somebody go and say it was never intended that 151 Members of the House of Representatives should be smirched by that report?

Now, I do not care to have anything that is personal grow out of this matter. I care nothing about anything that has been said about me. I was glad to hear the distinguished gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] say that he defied criticism of himself at home. They may take all they have said about me and publish it in every household in my Congressional district, and I will defy any man to take one vote from me by reason thereof.

But let me show you the infinite rascality of this report. [Laughter.] Here is a report about a little village in one of the counties of my Congressional district. Now, I leave it to any fair-minded man, first, to answer me why that was put in here; and, second, why was not the truth told plainly?

South Bloomingville, Ohio, February 27, 1900: Upon the recommendation of Hon. C. H. GROSVENOR the allowance for separating clerk hire at this office was fixed at $50 per annum from April 1, 1900.

Report of the postmaster, dated February 8, 1900, showed he was entitled to this amount.

March 28, 1900. Allowance was increased from $50 to $230 from April 1, 1900. Nothing to show who recommended this increase.

The author of that document was called upon to tell what Members of Congress had secured increases of clerk hire. That is what he was asked for, and he showed a reduction at the post-office in my district, and said he did not know who did it. What did he send it here for? That is enough for any fair-minded man to know in estimating the character of this publication.

Then comes the city of Nelsonville, and in regard to that I shall, with the leave of the House, publish every word that this document shows; and if there is one man on the Democratic side of this House, or on the Republican side, who will say that I did anything improper, that I pressed anything too hard, that there is one thing in the whole of that correspondence that criticises me as a business man, as a lawyer, as a gentleman, as a Congressman, I will resign my seat to-morrow; and if nothing of that kind can be found, I condemn the man who sent that into this House for some purpose.

A MEMBER. He ought to resign himself.

The printed matter referred to by Mr. GROSVENOR is as follows:

NELSONVILLE, OHIO.

In 1900 salary of the postmaster at this place was $1,600, with an allowance of $175 rental and $54 for fuel and light.

The following is taken from the brief on papers bearing upon this office:

"May 13, 1901. P. M. incloses a demand from owner of room for increase in rent to $300 per annum."

"May 15. Wrote P. M. look for other quarters."

"June 5. P. M. reports no vacant rooms in the city that would meet the requirements; there might be one or two vacant next fall which will rent for $25 or $30 per month. Agent for present P. O room has an applicant who will pay $30, but says (agent) will lease present room for one or four years to Department for $300 per annum."

"June 11. Wrote P. M. re other quarters and report."

"September 18, 1901. Hon. C. H. GROSVENOR states this is an important office. He states that P. M. can make a contract for present room at $20 per month, which is not half what the property can be rented for for business purposes, and he (GROSVENOR) asks that P. M. be authorized through him to make this arrangement. Lease G. W. B."

"October 3, 1901. Wrote Hon. GROSVENOR $240 rent would be allowed from October 1."

"December 20, 1902. Hon. C. H. GROSVENOR refers letter of P. M., who states present premises in bad condition; plastering is falling and floor is in bad shape, and is too small for accommodation of business; have asked owner to repair premises and he refuses; two parties are erecting business blocks, one nearer the depot, who offers to equip room with modern fixtures and lease to Department for term of ten years at small increase in allowance for rent, fuel, and light, and Hon. GROSVENOR recommends favorable action."

"December 27, 1902. Wrote Hon. C. H. GROSVENOR inclosing circular re change of site. If satisfactory terms submitted and change indorsed by patrons, P. M. will be authorized to move post-office."

"January 19, 1903. Hon. C. H. GROSVENOR called and urged prompt action re better quarters for post-office."

On May 13, 1901, the postmaster wrote to the Postmaster-General as follows:

"NELSONVILLE, OHIO, *May 13, 1901.*

"Hon. POSTMASTER-GENERAL, *Washington, D. C.*

"DEAR SIR: I inclose you notice I received this morning from agent of building which is occupied by post-office; also letter which I received February 18, demanding increase in the rent. He is now allowed $175 per year. He says he must have $300 or we must vacate the room. An early reply as to what I shall do in the matter will be appreciated.

"Very respectfully,

"JAS. T. SHEPPARD, *Postmaster.*"

On May 15, 1901, the Acting First Assistant Postmaster-General wrote to the postmaster as follows:

"In reply to your letter of the 13th instant, with inclosure, relative to vacating present post-office premises or paying increase for rent, you are advised that you should look for other quarters for the office and report your action before making any change, and the matter will be further considered.

"You should have protected yourself with a written contract when you assumed charge of the office, in order to avoid such a demand.

"You may be obliged to pay the increase in rent demanded by owner of premises."

On June 5, 1901, the postmaster wrote to the First Assistant Postmaster-General as follows:

"Pursuant to instructions from you, I have looked for new quarters for office. There is not a vacant room in the city that would meet the requirements for office. There will no doubt be one or two rooms for rent in the fall—nothing definite. They will rent for $25 or $30 a month. Mr. Poston, the agent for the room we now occupy, has always been very fair with us, and has rented at an extremely low rate. He now has an applicant who offers $30 a month. He has asked us $25, and will lease for one or four years. The room is conveniently located for all the patrons of the office. I think the Department should allow him more rent than he is now receiving. He is now allowed $175 per year, which he thinks entirely too little. What shall I do about this matter? An early reply will be greatly appreciated."

On June 11, 1901, the First Assistant Postmaster-General wrote the postmaster as follows:

"The allowance for rent is made to assist postmasters in third-class post-offices to procure satisfactory quarters for post-office purposes. It is not intended that the Department is obliged to pay the full rental value of premises, especially where postmasters do not elect to protect themselves with a written contract.

"You should endeavor to secure a less expensive room in which to conduct your office, and report what can be done before taking any action in regard to change in site."

Under date of September 18, 1901, Hon. C. H. GROSVENOR wrote a letter as follows:

ATHENS, OHIO, *September 18, 1901.*

Hon. W. M. JOHNSON,
First Assistant Postmaster-General, Washington, D. C.

DEAR SIR: The Nelsonville post-office is a large one and a very important one, and I find there is an unpleasant situation there. It appears that there was a verbal contract of rent when Mr. Shepard took the office, at a very low figure. Nelsonville is the largest town in the county of Athens, nearly double the size of our town here, and has a large public square around which the business is transacted, and the post-office must be situated on this square. Mr. Shepard can make a contract for his post-office at $20 per month, which is not half what the property can be rented for for business purposes, and I wish there could be authority sent to him, through me, authorizing him to make the contract for a certain number of years at $20. I think this can be done if done at an early date.

Yours, truly,

C. H. GROSVENOR.

Under date of October 3, 1901, the Acting First Assistant Postmaster-General wrote to Mr. GROSVENOR as follows:

"Replying to your letter of the 18th ultimo, relative to increase in allowance for post-office premises at Nelsonville, Ohio, I beg to advise you that the present allowance of $175 will be increased to $240 per annum, effective October 1, 1901, with the understanding that the postmaster will protect himself with a written contract for a term of years on basis of this allowance.

"This action is in accordance with your recommendation."

Under date of November 8, 1902, the postmaster wrote to Hon. C. H. GROSVENOR as follows:

"Some time in August Mr. Sisson and I spoke to you about our present post-office, and you told me to come home and write you the particulars.

"The room we now occupy is unfit for the office. The plastering is falling in, the floor is in bad shape, and the town has entirely outgrown my present fixtures. I could rent at least 300 more boxes if I had them. In addition to this, the room is unsafe. There is no protection whatever against burglars. I have asked Mr. Poston, who lives in Logan, Ohio, to repair office, and he refuses to do so at present. We have two different parties who are building business blocks here, one nearer the depot than the present site, who offer to put in modern, up-to-date fixtures, tile floor, etc., if the Department will lease room at a small increase over what they now allow for rent and lease the room from five to ten years. The town is improving every day. New buildings going up and general improvements. The citizens feel * * * ."

Under date of December 20, 1902, Hon. C. H. GROSVENOR wrote letter as follows:

"Mr. GEORGE W. BEAVERS, *Post-Office Department:*

"MY DEAR SIR: I send you the letter of Mr. Sheppard, the postmaster at Nelsonville, Ohio. It is a disgrace to the United States Government that in a town like Nelsonville, the largest town in the county, there should be such inferior accommodations for the post-office. I am ashamed to look the people of the town in the face. Can you help me out in this matter in any way? A little piece of the letter is lost, but that does not change the sense of it all."

Under date of December 27, 1902, the Acting First Assistant Postmaster-General wrote to Mr. GROSVENOR as follows:

"Replying to your letter of the 20th instant, forwarding a communication from the postmaster at Nelsonville, Ohio, regarding the question of securing more suitable quarters for the post-office at that place, I inclose a circular letter for report from the postmaster regarding proposed change. If satisfactory terms are submitted, and the change will be indorsed by principal patrons of post-office, the postmaster will no doubt be authorized to move post-office as requested."

Under date of January 19, 1903, the Acting First Assistant Postmaster-General wrote Hon. C. H. GROSVENOR as follows:

"Referring to your visit to the Department to-day in regard to securing better quarters for the post-office at Nelsonville, Ohio, I have the honor to advise you that Mr. Guy T. Gould, an assistant superintendent of the salary and allowance division, has been directed to visit Nelsonville at his earliest convenience with a view of securing satisfactory quarters, properly equipped with boxes, fixtures, and furniture, under a lease for a term of years.

"Upon receipt of Mr. Gould's report I will advise you."

Under date of January 29, 1903, Assistant Superintendent Gould wrote to Mr. George W. Beavers as follows:

"I have a letter dated January 20, from Hon. C. H. GROSVENOR, M. C., stating that you would assign to me a case bearing upon Nelsonville, Ohio, for investigation. I have no such case as yet."

Under date of February 9, 1903, Assistant Superintendent Gould submitted report of his investigation, in which he states:

"I have secured herewith proposition from Thomas S. Barron to erect new premises just a block from the present quarters, for a room 20 by 63, reserving in the lobby 7 by 12 feet in front for use of news stand, at an annual rental of $420, to include new equipment, heat, light, fire and burglar proof safe, water, etc.

"The office is of the third grade. The postmaster's salary is $1,700. I heartily recommend the acceptance of this proposition at once. The premises are to be ready by June 1, 1903."

Under date of February 26, 1903, a letter was written to Hon. C. H. GROSVENOR as follows:

"Referring to the matter of securing better quarters for the post-office at Nelsonville, Ohio, I beg to advise you that it has been decided to accept the proposition of Mr. Thomas S. Barron to erect and equip a room for this purpose, in accordance with the recommendation of Assistant Superintendent Gould. The postmaster has been advised accordingly."

On an envelope in this file there appears a memorandum as follows:

"February 24, 1903. Hon. C. H. GROSVENOR called, and says no other bid will be submitted, and recommends action.

"C. P. G.
"G. W. B."

The following is taken from the brief of papers in this file:

"November 16, 1903. Allowed $420 for R., F., and L. from July 1, 1903."

Mr. GROSVENOR. What did he send that here for? There is nothing about the lease. The lease of the house is confessedly away below what it ought to be. The necessity for the new house is admitted by everybody, their own agent especially. What did he send it in here for?

He points out again that in the town of Gloucester the clerk hire was cut down on some occasion, but he forgets to tell that there was a distinct change in the whole manipulation of the lines of carrying there. He has failed to mention that, and then he does not say that I had anything to do with it. Again, I ask, what was that done for?

Again, in the little post-office of Hazael, in Meigs County, Ohio, he puts the fact that there was a clerk hire of $100, and that it was reduced, and then puts my name opposite to it, but does not say that I had anything to do with it, and I never did have anything to do with it, as I remember. But, gentlemen, I want to call your attention—I will not stop to read it—to the original report made on December 15, 1903, by the Postmaster-General, on pages 134 and 135. Take up now the case of Conyer, in the State of Georgia. You will find there about as strong a case as there is in the whole of this pretended assault upon Congress. You will find that a count was ordered and the report showed the office entitled to $160 per annum. Then you will find that only $100, however, was allowed.

Then you will find that the Congressman called personally, and as a result the allowance was increased to $820. Then the increase of $720 was paid to a clerk recommended by the Congressman. After a while that clerk went out of office and the pay was again cut down. Now, take this report that is called for by Mr. OVERSTREET's letter and tell me where Connors post-office appears? There is a cut down from $850 to $160, and there is no reference to the gentleman who manipulated that. In other words, it is not mentioned in this book anywhere.

Now go to another one, to Port Deposit, in the State of Maryland. There you will find an outcry showing an increase in the allowance of $500. Ethel W. Colvin was designated as the clerk at that salary. On February 17 he was advised that the increase had been authorized to take effect March 1. On February 27, the postmaster having refused to appoint Miss Colvin, the Congressman wrote stating that fact and suggesting that the allowance be reduced to $60, which was immediately done. Now take that and hunt for Port Deposit in that report, and find it if you can. Then tell me what the meaning of all this is. What is it done for? Why was it done, and for what purpose was it done?

I do not care to go further. Here are 151 Members of this House, past and present, put into a list that was drawn out of the Post-Office Department upon a request made by the Post-Office Committee of this House that the men that had done something that they were being censured for should be named, that man's name among others.

Mr. BARTLETT. The gentleman referred to Port Deposit, Md. It is in this latter report, but not charged to the Congressman, but to the post-office inspector.

Mr. GROSVENOR. That is an explanation that ought to be made. In the original report it was charged against the Congressman that the change was made upon the recommendation of the Congressman, both up and down, but in the tabulated statement in this latter report the fault is laid at the door of somebody by the name of Maxwell, said to be an inspector of the Post-Office Department.

Now, that is the sort of a document that is injected into the minds, the knowledge, and observation of the American people just on the eve of a Presidential election, and if the injury could only fall upon the men who brought the trouble here I would not say one word in extenuation. The gentleman from North Carolina [Mr. WILLIAM W. KITCHIN] has sized it up precisely. It had furnished the storehouse, replenished and full of ammunition, for every blackmailer and every criticiser of the Congress. What would you do now? This is said to be a very trifling matter, not a matter of any special importance at all, but I should like to see the gentleman from Indiana [Mr. OVERSTREET], in one of the wards of the city of Indianapolis, meet a great big crowd of people while making a speech defending the Republican party and the House of Representatives and the legislation of this body, and have sombody hold that up and ask him, "What do you think of that?"

How long do you think that audience would stand while he was explaining away that they had a committee, and the committee made a report, and part of the committee said it meant one thing and part of the committee said it meant another thing, and they concluded just to drop it and run away from it and say they were all honest men? Can any self-respecting Congressman ever again write a letter to go into the hands of the men who will treat these letters in this way? Can any self-respecting Congressman ever enter the office of a man who will produce such a document as that? It is not a trifling matter, gentlemen of the House of Representatives, and there is not one of you who does not feel, whether your name is on this, as we call it, "roll of honor," or whether it has been omitted because you have come too recently into Congress [laughter], there is not one of you who does not feel to-day that a great, crying, infinite wrong has been done against an innocent body of self-respecting gentlemen of your country. There is not a Democrat on this floor, whether his name is mentioned in that book or not, who does not feel that a wrong has been done and done against the body and done against the United States of America, and it will go and be translated and printed in every known language of the world, to show the people of foreign countries that the American Congress had in it 151 rascals in a single Congress. That is what it means, or it does not mean anything.

Take the horn of the dilemma that you please, and the gentleman who got it up and perpetrated it will not have to repeat the prayer or appeal that Dogberry closed his service as a magistrate with, as described by Mr. Shakespeare. He has written himself down, and he need not appeal to his friends to do it. [Laughter.]

What are the duties of a Congressman? Is there disclosed in that book—aside from those three real estate transactions, which I by no means condemn, and which the Department never did condemn, for they never canceled the leases; and that is the answer to the whole of it; if anybody has been implicated by those leases, the Post-Office Department is particeps criminis to the wrong, for it has continued the leases, as I understand, and is going straight ahead with them——

Mr. WILLIAMS of Mississippi. Will my friend permit an interruption right there?

Mr. GROSVENOR. The time is up.

Mr. WILLIAMS of Mississippi. There is one case up there where it is not only true that the Department never canceled the lease, but the only manner in which the gentleman's name became connected with this report is that, having first made a lease to the Department and being subsequently elected a Senator of the United States, and being apprised of the law, he went down to the Department and requested that his lease be canceled, and they declined to do it.

Mr. GROSVENOR. That was the case of a Member——

Mr. WILLIAMS of Mississippi. Senator OVERMAN of North Carolina——

Mr. GROSVENOR. And that was exactly the case in——

Mr. WILLIAMS of Mississippi. And then it was explained by the Department that the law did not apply to him, because the lease was made before he was a Senator.

Mr. GROSVENOR. And that same thing——

Mr. WILLIAMS of Mississippi. If he had not been oversensitive about the observance of the law, and gone down to cancel the lease, he would not have been in this book. [Laughter.]

Mr. GROSVENOR. Certainly not. I beg a moment or two more, and then I am through.

What is the duty of a Congressman? Why, what is the duty? It seems to me I have been spending a great deal of idle time or wrongfully spending my time if it is not the duty of a Congressman to help his constituents in every matter of this character. It is his duty to give his opinion; and if the Post-Office Department has got some scoundrel there whose judgment is to be warped or broken down by the judgment of a Congressman, they

had better turn him out. [Laughter and applause.] I think the judgment of this House of Representatives, in gross or in detail, would be a wonderful advantage to the Post-Office Department in a great many of their performances down there. [Laughter and applause.] What are we here for [great laughter], in the language of one Flannigan, of Texas? [Renewed laughter.] Why are we here? Why, since the time that I have been a Member of this House I have sent more than 5,000 documents to the Pension Office. I have not made a very profound impression upon that organization yet. [Laughter.] But I am giving my opinion that a man ought to get a greater rate of pension.

Now, is it possible that some day, when somebody wants to attack somebody, that they will drag out of that Pension Office every recommendation that I and all the rest of you have made touching the subject of pensions. Would that be possible? And yet that is just exactly as justifiable and proper as the attack made here upon Congressmen for having recommended that there be an increase or reduction of pay of a clerk or that there be a new lease of a post-office or a change in the post-office.

What is it here for?

I quit where I began. I say that the purpose and intent of that document can have no other effect. It was born for that purpose. "It was conceived in sin and born in iniquity," and it has traveled its guilty course until it has struck the public of the United States as a great attack upon a body of men which I believe in all sincerity as free from wrongdoing, corruption, crime, or irregularity of conduct as any equal number of men on the face of the earth. [Loud applause.]

Mr. MOON of Tennessee. Does the gentleman from Indiana desire to proceed?

Mr. OVERSTREET. I can go on if the gentleman prefers. I yield five minutes to the gentleman from Connecticut [Mr. LILLEY].

Mr. LILLEY. Mr. Speaker, I wish to add a few facts that should, but do not, appear in connection with the use of my name in this report. Having stated these facts, I am content that my fellow-Members, my constituents, and the public at large shall form their own conclusions as to whether there has been anything reprehensible in my conduct.

The Winsted, Station A, post-office was located in the Beardsley Block when I purchased it. When the lease expired last spring, J. M. White, assistant superintendent of the salaries and allowance division, called upon me and stated that he was unable to find a satisfactory location, and asked me if I would not be willing to lease the property to a third party, Mr. C. S. Newcomb. He would then negotiate with him. I replied that if it was satisfactory to the Government I would lease to Mr. Newcomb at the same price that the Government had heretofore paid, namely, $350.

Mr. White corresponded with the Department and then notified me that such an arrangement was satisfactory. Thereupon I leased the property to Mr. Newcomb. Afterwards I learned through Mr. White that the Government had negotiated with Mr. Newcomb for a five-year lease, and that in addition to the privileges they had heretofore enjoyed Mr. Newcomb entered into agreement to furnish heat and light, substantially a new equipment, and to make certain additions, renovations, and repairs, at a cost equal to a yearly rental of $175 for these five years.

Quoting from Mr. Bristow's report: "The rent is practically the same as under the former lease." Mr. Bristow further says that he referred to this case not because there was any fraud indicated in the transaction.

In reference to Torrington, no impropriety is mentioned in the Bristow report. The facts are that during the seven and a half years ending January 1, 1904, the Government has paid me in gross rental $2,500, and I have furnished in equipment, heat, and light more than $4,000, so that in this case I have received nothing for my store, which would have rented for mercantile purposes at $1,000 per year, but am out $1,500. In other words, I have paid the United States Government for the privilege of having its post-office in my building during those seven and a half years $9,000.

This Torrington lease was made before I ever thought of becoming a candidate for the honor of representing Connecticut in this House, and within twenty-four hours of the time when I discovered that there was a clause in the statutes which might be construed as affecting my standing as a Member of this body, I came to Washington, called upon First Assistant Postmaster-General Wynne, and requested a cancellation of my lease. Mr. Wynne replied to me that he did not think this would be necessary, but would consult Assistant Attorney-General Robb and notify me at my hotel as soon as he had obtained his opinion.

In the course of one or two days I received a request to call at Mr. Wynne's office, to which I immediately responded, and was told by Mr. Wynne that this statute had no bearing whatever on my case. (This statute was passed in 1808. In 1809 the then Attorney-General of the United States, the Hon. C. A. Rodney, rendered an opinion that where a lease had existed prior to the becoming a Congressman of any member of Congress the lease was not invalid. Though far-fetched, perhaps, the principal basis for this opinion seems to be that there might occur cases in which it would be to the advantage of a man owning property which was leased to the Government at much less than he could get from some other party to get himself elected to Congress and thus invalidate the lease.

Assistant Attorney-General Robb states as his opinion that a lease, legal when made, can not be changed in status by the lessor becoming a member of Congress. And the holding of property by a Congressman under these conditions is not even a technical violation of the statute.)

And at my request a letter was written to me, which, in closing, I will read.

HON. GEORGE L. LILLEY,
Waterbury, Conn.

MY DEAR SIR: Referring to the memorandum prepared by Mr. White, the assistant superintendent of the salary and allowances division, stationed at Boston, in which is quoted an act of Congress on contracts between the Government and a Member of Congress, I find that the statute cited has no bearing whatever on your case as stated to me.

The contract between the Post-Office Department and yourself for the use of certain quarters in Torrington for postal purposes was made before your election. I am informed by the law officer of this Department that a contract made by the proper officer of the Government with a person who, during the existence of same, is elected a Member of Congress, is not affected by such election.

This declaration is based upon an opinion to be found in volume 5, Opinions of Attorney-General, page 697. That opinion was rendered by the Hon. C. A. Rodney in 1809, one year after the passage of the act of Congress referred to, and to which Mr. White called your attention. It is unnecessary for me to quote that opinion, which may be found by reference to the volume indicated. In that opinion you will discover that there is no need for this Department to take any notice of your election, so far as it relates to the contract with you as the owner of the Torrington property occupied as the post-office.

Having officially called attention to your doubts on the subject, and having had the subject investigated, I take great pleasure in writing this letter at your request. The lease is in effect. The rent will be paid to you or your agent.

Very sincerely,
R. J. WYNNE,
First Assistant Postmaster-General.

OCTOBER, 1903.

Mr. OVERSTREET. I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER of Pennsylvania. Mr. Chairman, five minutes will not give a man against whom there appears an indictment containing six counts very long time in which to defend himself, but such time as the gentleman has given me I propose to employ to the best of my ability. I have never quite understood all the duties of a Representative in this House until this report appeared. Now I conceive one of them to be a very singular and conspicuous inactivity. For seven years I have spoken for my people when requested, and as long as they permit me to stay here, thereby intrusting me with the responsibility, I will continue to speak, whether Mr. Bristow should be at home or abroad. [Applause.] Between my constituents and this Post Office Department I prefer to commit myself to my constituents, who have always been fair, having never failed in their patience or shown an unwillingness to listen. There have been in my district postmasters serving many years and who have never been allowed one cent of compensation for separating mails. I discovered their rights and insisted with the Department that they should be squarely treated. Why were they not informed of them by the Department authorities and their allowances made without the necessity of Congressional interference or intercession?

One old man, living within 3 miles of the town in which I live, for forty years has been a postmaster and had separated mails all that time. I requested the Department to count his mail, and it was discovered that he had earned and was entitled all these years to $70 each year.

During these forty years of service to his Government he had not asked for compensation, because he was ignorant of his right that entitled him to it, and I suppose the bureau officer, whose duty it was to impart the information, justifies his failure by the uncomplaining spirit manifested by the postmaster. If this progressive old gentleman had depended alone upon the supposedly unfailing, automatically working justice of the Government, he would be left to-day without more to sustain him than the recollection of a well-spent life and the wish found in the motto: "God bless our happy home." [Applause.]

I shall continue, notwithstanding the suggestion made by the gentleman from Ohio, General GROSVENOR, to go to the Department upon legitimate errands, and those whose duty it may be to listen to the demands of my constituents will not close the doors with me on the outside of them or terrorize me from the performance of a plain duty by publishing but a part of what I may say or write upon the subject of my errand. What my constituents are entitled to have they shall have, Bristow or no Bristow. [Applause.] I never asked for anything more, and it is cowardly to

assail me under such a cover as is presented in this report. My description of the act applies to the author and the finisher of this remarkable document, man or mouse. On the last page of this exhibit I am charged by an inference with having secured a renewal of the lease of the Coatesville post-office at an increased rate.

If gentlemen see fit to read—I would not recommend them to do it, because I have not read any part of this report except that referring to me [laughter], and therefore would not recommend them to read this—you may find yourselves sufficiently employed to read the part of this solemn document that refers to yourselves [laughter]. I received the remonstrance of nearly 150 business men from the borough of Coatesville, protesting against the removal of the post-office site. Was it my place to have the protest presented? Yes; and it received the attention of the Department. If it had been sent to the office of the Fourth Assistant Postmaster-General, it would have been acted upon promptly, for no one has ever said that Bristow lacks diligence. I insisted that my constituents should be heard, and in this I was successful.

The history of my connection with this affair is this, and I had no other: When this great protest reached me I paid a visit to the place, so that I might be the better informed whether those protesting were in earnest or had only signified their wishes in order to be polite or accommodating. After satisfying myself of the earnestness of the protestors, by letter and telegram, I insisted that an inspector should be returned to the place to learn of the people where the location should be made to best accommodate them, as well as to conserve the interests of the Government. The inspector was returned and made his report upon conditions as he found them. In this report he states he called upon me, but that I told him I did not care to have anything to do with settling the controversy, preferring to leave it to the wisdom of those interested to determine.

The inspector further reports that he made his recommendation after examination only. Why were these facts not cited in the report made to this House? This is not one of the cases called for by the committee. Then why was it reported with nothing but my letters and telegrams, together with the garbled conclusion drawn by the responsible person? I do not complain of the disclosure of my correspondence upon this or any other subject; but I do object to the design of the person who only selects a part of a record which seems to suit a purpose not entirely concealed. In this case, as well as in all others affecting my relations with the Post-Office Department, I except not to that which is published, but criticise those who failed to publish the whole record, as well as conclusions and inferences not justified by admitted facts.

This officer succeeded in reducing the rent asked $225. I helped the Government to this extent, and where is my credit? I am afraid that this one meritorious act of mine, having appeared on the last page of the book, it may be lost. Therefore I will have it put in the RECORD, so it may be bound and secure. In a letter addressed to me on this very same post-office, the writer says:

DEAR SIR: Upon the recommendation of Assistant Superintendent Norris, the Department has decided to renew the lease of the post-office premises at Coatesville, Pa. I trust this is satisfactory to you.

This is signed "First Assistant Postmaster-General."

My clients got what they were entitled to have—a full and additional hearing—and they will continue to get it if I know how to help them. [Laughter and applause.]

A MEMBER. You mean "constituents."

Mr. BUTLER of Pennsylvania. I mean my constituents.

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. I yield five minutes more to the gentleman.

Mr. BUTLER of Pennsylvania. Of the renewal of the lease at Westchester—please be kind enough to turn to the bottom of page 173—I know nothing whatever. I did not know that the lease to the Westchester post-office had expired until the postmaster at that point told me inspectors were looking for another site and had failed to find it. I did not know that there was any controversy over it. I was never consulted about it, and Bristow says so in this report. He merely finds a memorandum in the record to refer to me. I did not know when the lease was renewed. I did not know the terms of the lease. I had heard that two inspectors had traveled the town over for two days endeavoring to find another site, and failed.

I was called upon at Westchester six or nine months ago by two post-office inspectors (so new their boots still squeaked), who had a record touching this lease, in which there appeared the words "Hold for Congressman BUTLER." They inquired of my relation to this renewal, and I informed them, as I have informed the House, that I knew nothing whatever of the subject, and had nothing to do with it, directly or indirectly. I had no information for them, because I had none. I further told them that neither Beavers nor anyone else had ever spoken to me on the subject beyond the postmaster (who was present at this interview), when he informed me of the ineffectual attempt to find another site. These two young inspectors (or one of them) then said if they had been hunting for a site in Westchester they would have put the mail in the street before they would have made such a lease. The interview then took on some spirit, and I remember saying: "In which case you would have been put from the town."

I do not know whether the rent is excessive for so much accommodation. The business was not at that time mine, and is not now. Those responsible may settle the question. On page 45 you will find a place called Berwyn, Pa., where the salary allowance was increased. In this report it is said there is no evidence that I had anything to do with it. It is in my district. The author of this report says I was informed. I don't know whether I was or not. I imagine if I was I sent the formal notification to the postmaster.

I do remember in this case that some one, and I assume it was the postmaster at the point, informed me that there should be an allowance made for the separation of mail at his office. I further remember that upon one occasion during a session of Congress I was in the Post-Office Department and called the attention of Mr. Beavers, or some one in his office at the time, to the fact that the postmaster at Berwyn requested an allowance for separating service, and I wished he would look into the situation to see whether the allowance could be made, and if so for as much as the postmaster should receive.

I have no further knowledge touching this case except that I am advised by the record that I was notified some time later that upon my recommendation the allowance of $500 was made. I did not know then, neither do I know now, whether that was the usual allowance to make at Berwyn. I don't know whether it had ever been allowed prior to this time. It is perfectly plain that the appropriation of money at this point for the separation of mail was legitimate and within the rules of the Department. The amount to be appropriated was not for me to settle. The Department had its own rule, unknown to any except to officers, for fixing the proper amount. I see by the record that a further count of the mails showed that the allowance was excessive and was therefore reduced. In one place in this report it is shown that the allowance was discontinued. That is not true; it was only reduced. Furthermore, it is shown by this report that it is an open question whether or not the amount was excessive at the time. Of this I know nothing, and it was not my business to ascertain. That responsibility was upon another, whom I assume performed it to the best of his ability. I notice further that the record states this to have been a summer resort. This appears in a lead-pencil memorandum on the record not in my handwriting. While Berwyn has many visitors in the summer, I did not ask for the allowance because of increased work or unusual business.

Following the idea of the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], it seems to have been the studied attempt to include everything that tends to the disadvantage of the Member without disclosing what he really did or said in the premises. The purpose seems to be to do some one in some way some hurt. The third point spoken of in this report is Downingtown, Pa., where an increased allowance for clerk hire is said to have been made upon my recommendation. The rule of this House requires such a statement to be denied parliamentarily, if denied at all; therefore, under restraint, I only say that this statement is not true. I answer these indirections found in this report so as to satisfy the country how unfair this whole report is, not only tending in a covert way to defame me, but as well every Member of this House, by connecting our names with those who are at this time convicted of crime.

I have no criticism to make of Fourth Assistant Postmaster-General Bristow for any act of his life, personal or official, except the one which we are now considering. It is a pleasure to join with the whole country in commending him for the good he has done. But while on the track of those who may have done wrong he should not forget that even innocent people are sometimes found upon the same highway where guilty ones may be. Yet General Bristow does not seem to intend to injure anyone by this report, because this sentence is found in his letter to the chairman of the Post-Office Committee of the House:

In this connection it is proper to say that in a large majority of cases which have already been examined where the increase was made upon the recommendation of a Member of Congress the recommendation of the Member appears to have been simply formal, and shows upon its face that he expected the executive officer to allow only what the office was entitled to under the law and rules of the Department.

I quote this part of General Bristow's letter at this time because it entirely covers the case upon which I am about to comment. An examination of the Post-Office record in the Downingtown case shows that on January 30, 1903, I wrote a letter to George W. Beavers, inclosing a long communication from the postmaster at Downingtown, in which he stated that he was paying more for clerk hire than he was receiving from the Govern-

ment. He further said that he had just made a count of his mail, and believed that he was entitled to an increase. In my letter I called the attention of Mr. Beavers to this count, and said to him that I wished he would give the postmaster at Downingtown an additional allowance, if, quoting the exact language in my letter, "you can find in the report enough that will warrant you in giving it to him." The salary allowance was increased, and I assume it was increased because the business of the post-office warranted it.

Why was not this letter of mine containing the language quoted here included in the report made to this House? It is not one of the cases asked for by the Post-Office Committee; therefore, why was it included, except for some purpose that is not apparent on the face of the report? Why did not this report say that I had recommended the postmaster should have what his record showed him entitled to have and no more? This is my act. The conclusion of him who made this report is either carelessly drawn or purposely incorrect.

At Kennett Square, Pa., referred to on page 47 of this report, is found the memorandum of its author that the allowance of $500 for clerk hire was restored upon my recommendation. The record of the Department shows that this office had had this allowance many years and that it was discontinued in January, 1901. I was informed of this fact at the time of its discontinuance by the postmaster, who requested me to have the salary restored if possible. Knowing the heavy and accumulating business at Kennett Square, I went to the Department, informed Mr. Beavers of the wish of the postmaster, and, I have no doubt, supplemented the wish of the postmaster with my own. I know I did not get a definite answer that day, because Mr. Beavers had to examine the situation before he could reply. At a later date I received a letter stating that the clerk-hire salary had been restored. I sent the letter to the postmaster, and have no further knowledge of the facts.

The author of this report is so much in doubt about the impropriety of the restoration of this salary that he himself raises the question. It may have been restored without authority at the time, or it may have been with authority. I do not know what justified the restoration. I did not inquire at the time. I only knew the salary had been allowed at this point, knew for some reason not stated to me that it was discontinued, and followed this information with the request for a restoration. The reasons for allowing this salary were sufficient at one time to secure it; these reasons were, of course, of record. I did not know them. They concerned the Department and not me.

The last case cited in which my name is mentioned is that of Newtown Square, Pa. In a conversation with the postmaster at that point he informed me of the increase of business at Newtown Square during certain periods of the year and asked me to ascertain whether it would be possible for him to obtain an allowance for clerk hire during those periods. I subsequently saw some one in Mr. Beaver's office (presumably him) and stated the wishes of the postmaster. At this time I remember inquiring about how much could be allowed for such an office. An examination of the record of the office was made, when it was determined the sum usually allowed for similar services was about $150. The person with whom I talked informed me that such allowance could only be made upon application of the postmaster, setting forth the conditions. I notified the postmaster of this. He addressed such letter to the Department and sent it to me. I forwarded it, with the request that he be allowed $150, calling Mr. Beavers's attention to my conversation.

This allowance was made upon the written request of the postmaster, which I forwarded and which I urged might be made. It was proper at the time because the condition of business warranted it. It was only intended to be a temporary allowance, to be discontinued at such time as the shrinkage of business would demand. The authority for the allowance in this case is found in the Postal Laws and Regulations, section 309: "Whenever unusual business accrues at any post-office the Postmaster-General shall make a special order allowing reasonable compensation for clerical services." The inquiry in my mind is, Why did not the compiler of this report include the letter of the postmaster, setting out the conditions of his post-office which warranted the authorities to make a special order allowing reasonable compensation for clerical services?

Nothing more was done in the case than that which the authorities had a full right to do, and no complaint is made in this report that the salary was excessive, only discontinued, it is stated, because no separating service was performed. It was never stated that there was any separating service at this point, and the reason for discontinuance was that the state of business at the point no longer warranted the salary.

I have spoken of my relation to these cases and mean now to speak for my constituents, who are all honest, faithful officials who have at no time made the least attempt to impose upon the Government in order to obtain additional compensation for either themselves or their clerks. They have been truthful in all their statements made to the Department upon the affairs of their offices, and I invite either this House or any Government official to examine every connection which they may have had with the subjects under consideration. Some of these postmasters are now defraying a part of the expenses necessary to a satisfactory conduct of their offices out of their private funds. This is a wrong which can not be righted until Congress passes a law allowing third-class postmasters clerk hire, as is now allowed for second-class offices.

The custom practiced by Members of Congress related in this report has existed since the foundation of the Government. It will be observed as long as the present form of government exists and as long as the disposition to oblige remains a part of human conditions. Every man in this House esteems it a pleasure to speak for those he represents and to see that even justice is at all times meted out to them. If the Member does not interest himself for his constituents, who will? We consider our constituents our families, to whom our minds in almost fondness turn.

Oftentimes a complaint comes that the business has not received the attention it requires. Who is there to make the inquiry if the Member refuses? Who will present the constituent's side to a bureau chief if the Member declines? Is the bureau chief in the habit of listening long to complaints made by those in private life? Must your constituent hire a lawyer or messenger every time he has business for the consideration of a Department? Such little offices have always been and always will be performed by the Member. It is a part of his pleasures of life to take care of those who have taken care of him, and these are his constituents. This flare of red flags will not frighten us from the performance of acts of kindness for our people at home. There is nothing wrong in all this, and the Department offers this opinion unasked for. It is the manner in which these acts spoken of are related and their connection with a department involved in some scandals that arouse an indignation hard to master.

There should be no difficulty between the executive and the legislative branches of the Government to embarrass the lawful operations of either. There will be none occasioned by a document which when dissected and read in composure shows an awkwardness almost ludicrous. I have no apology to make for my acts, but I have for this speech and this show of temper. I have been tempted to examine and discuss the cases referring to myself in order that I might show the House and the country how absolutely hopeless and helpless the author of our trouble is in his attempt to do something which no doubt at this time he wishes he had left undone.

In conclusion, if these remarks should reach the ears of Mr. Bristow, they will not discourage me from doing business with him at the same old stand, as I have done a hundred times, and when there is any occasion for me to go to him or his department I will go, when I will endeavor to see that my constituents are not imposed upon, but get everything that they are justly entitled to and no more. [Applause.]

Mr. OVERSTREET. I now yield to the gentleman from Connecticut.

Mr. HILL of Connecticut. Mr. Speaker, I will not accept time from the gentleman from Indiana. I demand time in my own right on a question of privilege.

The SPEAKER. One question of privilege is already before the House. The Chair is of opinion that there can be but one question of privilege at a time.

Mr. HILL of Connecticut. I desire to take the floor in my own time.

The SPEAKER. The Chair can not recognize the gentleman on a question of privilege when there is a question of privilege already before the House.

Mr. HILL of Connecticut. I do not wish to be confined to five minutes.

Mr. HEPBURN. Mr. Speaker, can not this be done by unanimous consent? And if so, I ask unanimous consent that the gentleman from Connecticut be permitted to present his question of privilege at this time.

The SPEAKER. Anything can be done by the House by unanimous consent.

Mr. HILL of Connecticut. I desire, Mr. Speaker——

Mr. OVERSTREET. Mr. Speaker, I dislike very much to have it appear that I am denying the gentleman time. I am not objecting to it, but I am offering him time.

Mr. HILL of Connecticut. I understand that.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the gentleman from Connecticut shall be heard upon the question of privilege.

Mr. MOON of Tennessee. Mr. Speaker, does that come out of the time allowed for general debate?

The SPEAKER. The Chair is informed that general debate closes to-morrow at 4 o'clock.

Mr. MOON of Tennessee. If the gentleman from Connecticut will indicate how much time he wants, I will offer no objection.

Mr. HILL of Connecticut. I do not know. I may want five minutes and I may not want over ten. I rise in my place as a Member of this House who has been charged by a coordinate branch of the Government in an official document with doing things that I ought not to do, and I rise in my place as a Member of this House on a question of privilege, with a right to be heard under the rules of the House.

The SPEAKER. The Chair has already ruled that but one question of privilege can be considered at one time. Now, then, the Chair can not recognize the gentleman at this time, but the Chair has recognized the gentleman from Iowa to ask unanimous consent that the gentleman from Connecticut may be heard.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I think if the gentleman from Iowa will couple that request with a request that the time for debate be extended for the same length of time that is occupied by the gentleman from Connecticut there will be no objection.

Mr. HEPBURN. I will couple my request with that proposition, Mr. Speaker.

The SPEAKER. The gentleman from Iowa couples with his request for unanimous consent the further request that the time which may be occupied by the gentleman from Connecticut may be added to the total time for debate upon the question of privilege, that is to say, after 4 o'clock to-morrow.

Mr. MOON of Tennessee. I would like to ask the gentleman from Connecticut how much time he will occupy?

Mr. HILL of Connecticut. I will be as brief as I can.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Connecticut. Mr. Speaker, I shall not endeavor to go into the details of the lease of the post-office in Norwalk. That needs no defense before my constituents. I propose to take up another branch of the subject of more interest to the Members of this House. When this publication was made day before yesterday I considered with myself what I should do. I did not know what course I should pursue. Yesterday I went to the Post-Office Department and submitted the following request:

First, I called for a copy of all the papers on file in regard to the Norwalk (Conn.) case, including pencil marks of every kind and character from beginning to end.

Second, I called for a copy of the instructions, if there were any in writing, given to the inspectors who went to Norwalk, and by what authority they were given.

Third, I wanted copies of all penciled memoranda and everything; copy of instructions, if in writing, given to the parties who had made up these cases for submission to Congress.

Fourth, if they were not in writing, I asked for a statement, so far as it could be given, from the party who gave such instructions for the preparation of this document.

I received this reply:

I beg to transmit herewith copies of all papers on file in this office in regard thereto, including penciled memoranda and a full synopsis of the report of Inspectors Pendleton and Birdsey.

In reply to specific inquires 2, 3, and 4, the honorable Fourth Assistant Postmaster-General states this is a part of the letter included in the reply made to me by the First Assistant Postmaster-General, Hon. R. J. Wynne; and a part of that letter is the reply from the Fourth Assistant Postmaster-General.

The investigation of Norwalk, Conn., was made the same as other lease cases affecting the salary and allowance division; and this action was taken under the general instructions of the Postmaster-General to investigate thoroughly that division.

That does not answer my question.

Copies of papers were sent to the Committee on Post-Office and Post-Roads of the House of Representatives by order of the Postmaster-General, on the request of the chairman of that committee.

That does not answer my question.

The persons who prepared these papers were directed—

And the word "directed" has been rewritten over some other word. What it was I do not know—

to make exact copies of correspondence between the Department and Congressmen. Under the rules of the Post-Office Department—

Note this, gentlemen—

Under the rules of the Post-Office Department, inspectors' reports can not be furnished unless the Postmaster-General should personally order it.

Now, what I wanted to know, first, was this: Who, by what authority, and under what instructions, if in writing, and if not in writing an official statement of those instructions—by what authority an inspector was sent on the 8th day of last October to the city of Norwalk, Conn., to investigate my action?

Second, I wanted to know who made up these papers. Of course I knew that they were called for by the committee. I knew that in the official correspondence they went to the Postmaster-General. I wanted to know who edited this document, for I had examined the inspector's reports in the morning, and I had found very material garbling in that report, and I wanted to know who edited this document.

Now, I said that I did not think it necessary—and I do not—to go into the details of the lease of the Norwalk post-office. It never was called for under this document. It has no bearing upon this question. It was not an increase of a lease. The time had expired, and the landlord, according to the report, which I will read to you, prepared by the inspectors themselves, stated he did not want to lease the building again.

It was a new transaction entirely, and if I ever have an opportunity I will show absolutely that I refused to have anything to do with the matter until a committee of the Merchants' Association of Norwalk, appointed, as I recall it, on my request, had settled upon a location for the new post-office. And that has been my uniform rule for the last five or six years, ever since we had a contest in the town of Westport over the location of a post-office. I have made it a rule to refuse to take any action under such circumstances and have for years held that "location" was a business matter to be decided by the Post-Office Department.

I am going to read to you now the document prepared by those inspectors, giving their own statement of this case, and sent to the Department, which was refused me when I called for it, as shown by this statement. Having received this communication last night, that I could not have it without further direction of the Postmaster-General, I went to the office this morning and I was told that I could read it. I took my own stenographer and proposed to copy it, but was told that I could not.

I said to myself, I will see whether I can or not. I went to the Postmaster-General's office; he was not there. I went to the office of the First Assistant; he was not there. I went to his chief clerk; he sent me to the Second Assistant. I went to the Second Assistant. Said he, "Mr. HILL, you are entitled to it; go down and copy it." I went, and I have the copy here. [Applause.] I am going to read to you this report. Before I do it I simply want to say that here is a petition from the leading citizens of Norwalk asking me two years ago to get a better post-office.

We, your fellow-townsmen, your friends and neighbors, most earnestly urge you to use all the influence you have to give us a better post-office in the city of Norwalk.

There was another petition protesting against the site. I filed that. I did not secrete it and keep it out. It is here, and every speck of paper relating to the whole thing from beginning to end, petitions and everything else, are here, and I am entirely willing that they should all be written on the sky for all mankind to read if they choose. There is absolutely nothing about it that in any way any man could make any criticism upon. It has no business to be in this document.

Now, let me read you this report. I will not say, as some have said here, that this is prompted by malice. I do not know. I do not know who has done it. I have not yet been able to reach a conclusion as to who edited this. The nearest that I have come to it yet is a statement by the chief inspector, Mr. Cochran, made to me yesterday, that it was done by five or six clerks. I said to him: "Mr. Cochran, is it fair between man and man that that report concerning me should have been made in that way?" Said he, "No, sir." There is a gentleman sitting right in front of me to whom he told that same thing to-day. Now, I do not know who has done it. I propose to find out. I will read this report:

Subject: Increased allowance for rent at Norwalk, Conn.
Case No., Special 30406.
C. H. Pendleton, G. F. H. Birdseye, post-office inspectors.

POST-OFFICE DEPARTMENT.
OFFICE OF THE POST-OFFICE INSPECTOR,
Boston, Mass., October 10, 1903.

Hon. W. E. COCHRAN,
Chief Post-Office Inspector, Washington, D. C.

SIR: We have the honor to report that, in compliance with your instructions, we visited Norwalk, Fairfield County, Conn., on the 7th and 8th instant, and investigated the matter relating to the increase of the allowance for rent at that office from $550, with heat and equipment, to $800 per annum, with heat and light, but without equipment, under a lease for the term of ten years from August 1, 1902, the Norwalk Club Company, by Ira Cole and George M. Holmes, executive committee, lessors.

This office formerly occupied a room of about 1,100 square feet, in a store owned by the said Ira Cole, on Wall street, at a rental of $550, including heat and fixtures, under a five-year lease, which expired March 31, 1902.

The fixtures were obsolete and unfit for use, except a small number of lock boxes. The premises were inadequate for the service, and Mr. Cole would not furnish new fixtures and did not desire to renew the lease.

The Norwalk Club Company submitted a proposition to rent the premises now occupied by the post-office, being on the first floor of a two-story brick block owned by the said company, the room being 23 feet wide by 93 feet deep, less a projection of 5 feet 6 inches wide by 25 feet 6 inches deep, the room containing 1,942 square feet, and a carriers' swing room in the basement, 17 feet by 23 feet, for an annual rental of $900 with heat and light, and $1,100 with heat, light, and equipment.

Now, notice the difference. I said I would not justify or go into the details of the matter; but I want to call your attention to the fact that the size of the room was more than double, that it added

a swing room in the basement in addition, and that the company themselves spent $800 or more within my knowledge to meet the requirements of the Post-Office Department in this matter. This report continues:

Assistant Superintendent White, to whom the matter had been referred by Beavers, recommended the acceptance of the latter proposition, but through the influence of Congressman E. J. HILL Beavers accepted the former proposition and instructed Mr. White to obtain the necessary equipment, and to supervise the fitting up of the office.

Why should he not have done it? One was at $1,100 and the other was at $900. One was with equipment and one was without; one was at least a hundred dollars less than the other. Why should he not have done it?

We ascertained that an agreement was made with the Corbin Cabinet Lock Company, of New Britain, Conn., to furnish for $1,859.50 the necessary fixtures, except a desk and chairs furnished by Orpin Brothers, of Boston, Mass., for $85.50, and except a safe, which was owned by the Government, making a total expense for the fixtures of $1,936.

Mr. White, in a report to Beavers under date of October 30, 1902, states that the Corbin Cabinet Lock Company secured the contract under a competitive bid, but there is nothing in the papers in the case to show that there was any other bid.

Now, note that. Pretty quick I will read to you where they withdraw all that.

We ascertained that the room adjoining the post-office, in the same building and being of the same dimensions, and having like advantages as the post-office premises, rents for $600 per annum, without heat, light, or fixtures, and that the lessee painted and papered it at his own expense.

We learn that it costs the lessors of the post-office premises $75 per annum for heat, and that the cost of light during the past year was $84.12. It will thus be seen that if the post-office was rented on the same basis as the said adjoining room the rent would be $759.12 per annum. However, it is claimed that $800 is low annual rental for the said store, but it would appear that it is all the property is worth, as it was formerly rented to the Norwalk Library for $400 per annum and was vacant for some considerable time previous, and also as the club, when contemplating the erection of the building, were satisfied with a guaranty of $500 per annum for five years for each of the two rooms in the block from the said Ira Cole, from whom the block was purchased and who is an owner of nearly one-quarter of the stock of the club company.

I will not take the time of the House to dispute these facts. I will say simply that they are absolutely disputable and answerable in every respect.

The premises are situated about one block from the former post-office location and at one side of the business center of the town, but are fairly central and within the 80-rod limit of the railroad depot, and the room is well adapted for the post-office purposes in every respect.

We were told by Postmaster B. S. Keith that the fixtures were provided by the Department through the influence of Congressman E. J. HILL, who resides at Norwalk, and who owns twenty shares (par value $25, being 580 shares in the company) of the stock of the Norwalk Club Company, who are the lessors.

Mr. HILL being in California, we were unable to interview him. In view of the fact that he is a part owner of the post-office premises, though only one twenty-ninth—

That is a mistake. The building cost $28,000, and I, among a company of 150 gentlemen or more, who formed the Norwalk Club, had subscribed $500 toward its building thirteen years before, upon which I never received a cent in the way of dividends or interest, and it constituted me, as a matter of fact, the actual owner of one fifty-eighth of the cost and one twenty-ninth of the stock ownership.

Mr. HILL being in California, we were unable to interview him. In view of the fact that he is a part owner of the post-office premises, though only one twenty-ninth, and that he was instrumental in securing the lease, as shown by the papers in the case, it is evident, to say the least, that the clause in the lease which provides "that no Member of or Delegate to Congress shall be admitted to any share or part of this contract or agreement, or to any benefit to arise thereupon," has been violated.

Now, that is the statement of the inspector. It would have been perfectly proper for the gentleman who edited this document, if it had been true, to have put it there. What did he do? He went on and quoted correspondence and finally finished his statement with the statement of the fact that I owned $500 interest in a $28,000 building, and left it there for you and for the country to believe that I had either legally or technically done wrong.

Yet when that document was written, gentlemen, and sent to you, penciled across the margin of that statement on that report, and at the time this document was edited, was the pencil mark which you see signed "J. P. J.," the chief inspector, who branded that statement as "error," and yet the gentleman who edited that book and sent it here deemed it wise and proper not to put in that statement. Now, was it malice, was it ignorance, or what was it? I do not stand here asking an excuse from the people of this country and this House for violating even a technical provision of law. I have violated none. I will read you the law—the very next section; and I want to call your attention to the fact that this document quotes on this subject only section 3739, and puts these cases in here, entirely omitting section 3740, which follows next.

SEC. 3740. Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, when such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of (or Delegate to) Congress, when the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

There sit before me scores of men—stockholders in national banks, stockholders in railroad companies—every one of them under contract with the United States Government to greater or less extent, and this provision is put in there, not to excuse technical irregularities, but that the statutes should show that there was no irregularity, technical or otherwise.

It has been proper for a director of a national bank to sit on this floor, as it is for a director of the railroad company or anybody else; and these gentlemen who edited that report knew it.

But that is not all. That is the least part, and the very least part of it. Let me read:

At the time this lease was executed there was only one other proposition submitted, known as the "Weed" proposition, which Mr. White reported as not feasible, in which opinion we agree.

The proposition for $1,200. Of course it was declined; of course he reported against it.

Since writing the above—

I do not know when these reports were made up. They seem to have been made up in sections. I told you a moment ago that it stated that there were no competitive bids for fittings.

Since writing the above we have ascertained that there were competitive bids for furnishing the fixtures from the Yale & Towne Manufacturing Company and from John McLane, of Milford, N. H., and that the Corbin Cabinet Lock Company, who fitted up the office, were the lowest bidders.

Judging from other rentals in the same locality, we are of the opinion that $800 would be a very liberal rent for the room, including heat and light, as furnished by the lessors for $900.

Now, gentlemen, for the closing clause.

Now, I have shown to you, first, that this was not a continuation of a lease; that it was not a renewal of a lease for the same premises; that the Government was compelled to withdraw from that building; that it was fairly and fully decided and tried; that the fixtures were bid for by competitive bids. Now, then, what? I own $500 out of a $28,000 cost of that building in an incorporated company with a capital of $14,500.

Now, then, read this last clause. I want to submit it to you gentlemen fully, as I submitted it to the First Assistant Postmaster-General yesterday and to the chief inspector of the Department yesterday, whether I had been fairly treated in submitting these papers as they stand in that book, and both of them told me "No."

This report closes as follows:

No irregularities were disclosed in the lease except as to part ownership of the building by Congressman HILL, which, according to Revised Statutes, No. 3740, seems to be admissible. We would therefore recommend that the case be closed.

Very repectfully,

C. H. PENDLETON,
G. F. H. BIRDSEYE,
Post-Office Inspectors.

That is not in that document sent to Congress; that is not there. Who struck it out? Who left this out? Gentlemen, I told you in the start that I had tried to follow this down. I asked these questions. I have been refused an answer specifically by the Fourth Assistant Postmaster-General.

I am going to have an answer to those questions. I am going to vote for a resolution to investigate myself and investigate the Fourth Assistant Postmaster-General. [Applause.] Somebody, I can not yet find out who, has sent to Congress what purports to be a true statement. It is false; it is scandalous. The man who withholds the truth when the truth is necessary to full knowledge is just as responsible as the man who falsely states the facts or what may be the facts. [Applause.] I do not know who he is. I have not yet discovered him, but I propose to do so. [Applause.]

I am going to find out and I am going to know who edited this most remarkable document. Fully realizing that I do not know who he is, I say that that document wholly misrepresents the case. I submit the facts just as I find them. [Applause.]

Mr. OVERSTREET. Mr. Speaker I shall be glad if the gentleman from Tennessee will take charge of the time.

Mr. MOON of Tennessee. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. THOMPSON].

Mr. THOMPSON. Mr. Speaker, the mention of my name in this report [laughter and applause] and insinuations made thereby is a matter of such small import to me that I hardly deem it necessary to submit any remarks to this House on the subject; but since the newspapers have sent out the report, under the head of "The post-office scandal," that certain Members of Congress are connected with it, I desire to make a brief statement in reference to why my name was mentioned.

Some years before I was elected to Congress, or before I ever thought of being a candidate, I erected a building in the town of Tuskegee, in which I live, and at the suggestion of the postmaster at that time provided in that building a room for the post-office, which he agreed to rent and occupy. When that building was completed, according to the agreement, he moved in and occupied it. When I was elected to Congress the post-office was still in the building, for which I was paid at a fair rental value. The Bank of Tuskegee occupies a portion of the same building and paid for

its portion $25 per month, and the post-office paid $20 per month for its portion thereof.

On one occasion I went down to the Post-Office Department in Washington, as I thought I had the right to do, and submitted a request from the Tuskegee postmaster asking for an additional clerk in his office, submitting a letter in which he stated that the work had grown to such proportions that his clerical force was inadequate. Mr. Beavers very promptly and courteously called up the Tuskegee case, and upon investigation stated: "You are not entitled under the schedule list to any increase in clerk hire in your post-office, and I can not give it to you, but you are entitled to an increase in the rent."

"Well," I said, "an increase was asked for by the postmaster some time ago, with a view of having new furniture placed in the office with a lot of improved letter boxes and an iron safe, which he was not able to furnish, and which the landlord did furnish at a cost of $800, and if that office is entitled to additional rent under the schedule rate I hope you will grant it." A few days afterwards I received a letter from Mr. Beavers stating that the increase had been granted, which letter has been published in the report of the committee now under consideration.

Mention is made as to the ownership of the building by means of an addenda or note to that letter, and I simply wish to now incorporate in my remarks a communication from Mr. Wynne, the First Assistant Postmaster-General, containing an opinion from the Assistant Attorney-General on this subject, and in which he clearly sets forth that where a building was occupied as a post-office and owned by a person who afterwards became a Member of Congress this fact did not invalidate the contract nor render the owner incapable of continuing the lease of his property to the Government under the law.

The distinguished chairman of the Committee on Post-Offices and Post-Roads has thoroughly exonerated every Member of Congress who had his property leased to the Government before he was elected, but in addition to the clear statement on his part, I now respectfully ask that the following opinion be incorporated in my remarks:

MY DEAR SIR: Referring to the memorandum prepared by Mr. White, the assistant superintendent of the salary and allowance division, stationed at Boston, in which is quoted an act of Congress on contracts between the Government and a Member of Congress, I find that the statute cited has no bearing whatever on your case as stated to me.

The contract between the Post-Office Department and yourself for the use of certain quarters in Torrington for postal purposes was made before your election. I am informed by the law officer of this Department that a contract made by the proper officer of the Government with a person who, during the existence of same, is elected a member of Congress is not affected by such election.

This declaration is based upon an opinion to be found in volume 5, "Opinions of Attorney-General," page 607. That opinion was rendered by the Hon. C. A. Rodney in 1809, one year after the passage of the act of Congress referred to, and to which Mr. White called your attention. It is unnecessary for me to quote that opinion, which may be found by reference to the volume indicated. In that opinion you will discover that there is no need for this Department to take any notice of your election, so far as it relates to the contract with you as the owner of the Torrington property occupied as the post-office.

Having officially called attention to your doubts on the subject, and having had the subject investigated, I take great pleasure in writing this letter at your request. The lease is in effect; the rent will be paid to you or your agent.

Very sincerely,

R. J. WYNNE,
First Assistant Postmaster-General.

When this report appeared in print yesterday, I addressed a letter to the honorable First Assistant Postmaster-General, and asked him if the rate allowed for rent at Tuskegee was in excess of the rate allowed for post-offices of a similar character in other parts of the country, and I herewith submit his reply:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 9, 1904.

Hon. CHARLES W. THOMPSON,
House of Representatives.

SIR: In reply to your request of this date for information concerning the allowance for rent at Tuskegee, Ala., I beg to state that the present allowance ($300 per annum) is within the scale fixed by the Department for rent at post-offices of the third class, and was within the scale at the time the allowance was increased from $240 to $300, on April 1, 1902. The receipts of the office at that time were $5,805 and the salary was $1,700, and under the scale in use $300 is the maximum allowance for an office of this grade.

The receipts of the Tuskegee office for the last fiscal year amounted to $6,775, and the salary of the postmaster was fixed at $1,800. The scale allowance for an office of this grade is $350 for rent and $60 for fuel and light. An examination of the records shows that the post-office was moved to its present building many years ago—before you were elected to Congress. The post-office premises are not under a lease to the Government, but are simply rented by the month. There is nothing in the papers to indicate that the rent is excessive nor is any reduction in the rent contemplated.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

In my letter to him I requested that if the rent was excessive, to please reduce it. His letter shows that the rent allowed at that post-office is $50 per annum less than the schedule rate, and the rent allowed at other places in this Government for post-offices of a similar character.

Now, I can not say what the object of the author of this infamous document was, but I do believe that it was sent here for the purpose of intimidating the Members of this House so that they would not insist upon their rights and the rights of their constituents. And I give notice here that any such insinuation remotely reflecting upon me will not deter me one moment from endeavoring earnestly and faithfully, and to the utmost of my ability, to advocate the cause of my constituents before Mr. Bristow or any other officer in any Department of this Government. [Applause.]

In many cases I have applied to Mr. Beavers either to ask him for an increase for postmasters in my district who were serving the Government for the paltry sum of $100 per annum, furnishing their own house and boxes, and in nearly every instance he granted the increase, saying that they were entitled to it according to law, and in no case did he ever grant an increase in my district that was not authorized by law. In any case not warranted by the statute I neither asked him to do it, nor did I want him to do it; but where a postmaster was entitled to it, I think, sir, it was the duty of the Government to give it.

It can not be denied that the Departments generally wait for Representatives to go and demand of the Government that justice be done to these officers and employees; and because Members of Congress, forsooth, are forced to go there and demand justice they are criticised here by this extraordinary report, made manifestly for sensational purposes, with malice toward all and charity toward none. [Applause.]

Mr. ROBINSON of Arkansas. Mr. Speaker, I desire briefly to express my views upon the proposition now pending before this body. I may enjoy the unique position described by the distinguished gentleman from Ohio [Mr. GROSVENOR] of being a Member of this House who has arrived so lately upon the scene as to be unable to get into the RECORD. [Laughter.]

I am not mentioned in the report; nor is any other Member from Arkansas.

The discussion before this body on this occasion and the report of the Post-Office Department submitted in connection with the report of the Post-Office Committee reveals, to my mind, a remarkable state of affairs. In the beginning, for fear that, as other gentlemen seem to have done, I fail to make clear what my position on this resolution is, I want to state now and here that I believe it is the duty of every self-respecting Member of Congress to vote for the Hay resolution and against the proposition to let it lie on the table.

The resolution is as follows:

[Fifty-eighth Congress, second session, House of Representatives. Resolution No. 118.]

Whereas Fourth Assistant Postmaster-General J. L. Bristow, in his report to the Postmaster-General, dated October 24, 1903, and which report has been transmitted to a committee of this House, has charged that "long-time leases for post-office premises were canceled and the rent increased upon the recommendation of influential Representatives;" and

Whereas it is charged in the same report that "if a Member of Congress requested an increase in the clerk hire allowed a postmaster Beavers usually complied, regardless of the merits of the case;" and

Whereas certain cases of an aggravated character are cited on pages 133, 134, and 135 of said report to sustain the above charges; and

Whereas on page 145 of said report it is charged that Members of Congress have violated section 3739 of the Revised Statutes, and that "in the face of this statute Beavers has made contracts with Members of Congress for the rental of premises, either in their own names, the names of their agents, or some member of their families;" and

Whereas these charges and others contained in said report reflect upon the integrity of the membership of this House, and upon individual Members of this House whose names are not mentioned: Therefore, be it

Resolved, That the Speaker of this House appoint a committee, consisting of five Members of this House, to investigate said charges; that said committee have power to send for persons and papers, to enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer, and to have power to sit during the sessions of the House, and to exercise all functions necessary to a complete investigation of said charges, and to report the result of said investigation as soon as practicable.

In addition to adopting this resolution, I believe it is our duty to vote for a proposition to investigate thoroughly the Post-Office Department, which has confessedly been unable to conduct its affairs with a fair degree of seeming propriety. [Applause.] We have heard in the last few months a shameless story of fraud and crime, going to the very foundation of the Post-Office Department and extending through many of its divisions.

It has been said heretofore that this is a government of the people, for the people, and by the people. But incidents which have transpired, and which have been brought to light, indicate that this is rapidly becoming a government of the Departments, for the Departments, and by the Departments. [Applause and laughter.]

It has been stated by a gentleman upon the floor of this House to-day that many evidences easily within the reach of the Post-Office Department have been suppressed in connection with the report that has been made here. This shows conclusively to my mind that there is no merit, no reason for the proposition to pass this matter by lightly and without consideration. If there is anything which ought to appeal to a gentleman who regards his honor

sacredly, it is a charge that reflects upon his personal and official integrity.

It has been asked here what is the purpose of this report? It contains the names of many gentleman, giving, among other things, what is supposed to be evidence of their misconduct in connection with clerk hire for postmasters and increases in salaries.

It has been asked what is the purpose of piling up here a record which it would take any Member of this body from one to two days to digest by careful consideration; and that, too, consisting of circumstances entirely irrelevant to any matter under investigation? It has been variously answered. It has been said that certain malicious parties in the Post-Office Department, for the purpose of wreaking some spite or vengeance against Members of this body, have returned this document here. I want to tell you what the sole purpose is. I believe it is an attempt to muddy the waters; it is a deliberate attempt to intimidate this House and to prevent them from further investigating the Post-Office Department. That, in my judgment, is the only purpose which it can tend to serve. The statement has been made by one member of the Post-Office Committee that there is nothing in this report which involves moral turpitude upon the part of any Member.

The statement has also been made by another Member that if an investigation of this matter can be had, it will, in his judgment, reach with power into this House. I do not know what that statement means, unless it be that there is something here that ought to be investigated. But whether this report indicates moral turpitude on the part of Members named therein, or not, the fact remains that throughout the entire country the rumor has gone, the cry has rung, that 151 Members of the American Congress have been guilty of misconduct in office. In flaming headlines every newspaper in the country has made the charge. And now, gentlemen of the American Congress, it remains for you to say whether or not you will investigate the matter and determine this question upon sworn testimony or dispose of it upon the unverified report submitted from the Department, the author of which report is not known and can not be ascertained; a report which is manifestly incomplete, inaccurate, and unjust.

I believe that one reason why this resolution should not lie on the table, but should be passed, is the fact that confessedly the report which came from the Post-Office Department is not a complete report, does not give the evidence in full, and omits cases referred to in the report dated December 15, 1903, as "aggravated cases," which ought to be investigated. Another reason is that this report is based entirely upon ex parte and irresponsible testimony. Who ever heard of an indictment being brought and prosecuted and determined entirely upon ex parte testimony, and that, too, when nobody had ever been placed under oath? [Applause.]

Is there any such degree of sanctity attaching to the procedure of the Post-Office Department that would warrant us in a matter of so great concern in receiving as true the unverified statement of one of its clerks? It has given to the Government the greatest scandal known to modern times, a scandal that is a stench in the nostrils of every law-abiding, self-respecting citizen—a scandal which shows conclusively that officers employed in that Department have robbed and stolen and plundered from the Government for years and years, and that every effort to investigate their conduct save only by and through officers and employees of the Department has been defeated.

The time is now imminent, the issue is pertinent, whether this state of affairs shall continue or whether now, once and for all time, we shall determine the question whether the Post-Office Department, under the laws of this country, shall stand for an honest and economical administration, or whether men high in authority shall be permitted to pillage and plunder the Treasury of the United States and then go unwhipped of well-deserved justice upon a plea of the statute of limitations.

Let us commence investigating in time. Let us begin before the statute of limitations can run against other crimes which may have been committed and have not been brought to light. Then we shall not have the spectacle of officers going to the remote parts of this continent to escape investigation and trial upon charges of dishonesty in office, to which there can be no answer except that punishment is barred by the statute of limitations.

Mr. Speaker, it is perfectly manifest that injustice has been done, whether intentionally or otherwise, to many Members of this body. By reference to page 186 of the report submitted with the report of the Post-Office Committee, we find a case which is extremely interesting, from the fact that it shows nothing more than that the Member mentioned had discharged his duty. In order that you may see for yourself how absurd any suggestion of misconduct is in this case, I submit the whole record of it.

I omit the name of the Member for the reason that I do not care to insert it in the RECORD without first conferring with him, which I have had no opportunity of doing.

GEORGETOWN.

At Georgetown, when the salary of the postmaster was $1,900, the allowances up to December 18, 1900, were $275 for rent and $30 for fuel and light, making a total of $305 per annum.

On December 13, 1899, the postmaster at Georgetown advised the Department the building in which the post-office was located was owned by a Masonic lodge and that they contemplated building a new building on the site then occupied by the building in which post-office was located. Postmaster further stated that the lodge proposed to furnish temporary quarters for the post-office in another building, and wanted the post-office to occupy a room in the new building when it was completed. On December 19 the postmaster was given permission to move the post-office to temparary quarters until the new room proposed by the Masonic lodge was completed.

On August 10, 1900, postmaster was authorized to move the post-office to the building that had been completed on the old site of the post-office, provided that no additional expense for rent was incurred by the change. The postmaster was instructed to report the date of the change of site.

The following memorandum appears in the files of the case:

"NOVEMBER 20, 1900.

"Memorandum for Mr. Du Paul: Hon. —— —— called and stated that the Masons of Georgetown are erecting a fine building and propose to lease a room for the post-office, equipped with boxes, fixtures, and furniture. He requests that the proposition (which will be at the rate of $350 per annum for rent) be accepted. Hon. —— —— was given blank propositions and will have them properly filled out and filed."

On December 26, 1900, the postmaster at Georgetown informed the Department that he had moved to the new quarters in Masonic Temple on December 18, 1900.

A proposition, under date of December 4, was submitted by officers of the Masonic lodge to lease a building, 27 by 42 feet, for a term of five years from December 1, 1900, at an annual rental of $350. This proposition did not include the furnishing of fixtures, etc.

On January 2, 1901, Department informed the postmaster that the proposition from San Gabriel Lodge, No. 89, A. F. and A. M., to lease a room at $350 per annum had been received, and that Hon. —— —— had called at the Department on November 30 and was advised that a proposition to lease a room in the new Masonic Temple at $350 per annum would be favorably considered, but with the understanding that the lessor would furnish complete post-office outfit of boxes, furniture, and fixtures. The letter further stated that the proposition submitted did not include the equipment, and as the rental had been increased $75 over the amount then paid for the same room, the postmaster was informed to confer with the officers of the lodge and have them amend the proposition by agreeing to furnish the post-office outfit.

On January 30 postmaster forwarded to the Department another proposition from the lodge, dated December 18, 1900, which proposed to furnish the room in Masonic Temple and complete equipment at the rate of $350 per annum. On February 5, 1901, the following letter was written to Congressman ——:

FEBRUARY 5, 1901.

Hon. —— ——,
House of Representatives, United States.

DEAR SIR: Referring to your personal visit to this office on the 4th instant, relative to increase in allowance for rent of post-office premises at Georgetown, I beg to advise you that in accordance with your recommendation the allowance for this office will be increased to $400 per annum, effective July 1 next.

Very respectfully,

—— ——,
Superintendent.

On the same date this letter was written the postmaster was advised that it had been decided to allow $400 rent per annum for the premises occupied by the post-office, effective July 1, 1901.

On February 14, 1901, the postmaster addressed a letter to the honorable First Assistant Postmaster-General, stating that he understood from the Department that he had been allowed $350 for rent and $30 for fuel and light from December 18, 1900, to June 30, 1901, and that from the latter date he would be allowed $400 for rent and $30 for fuel and light. February 19 the postmaster was advised, in answer to his letter of February 14, that he should secure a proposition on the basis of $400 to cover expenses of rent, fuel, and light. On February 26, 1901, the postmaster was advised that it had been agreed with Congressman —— that $400 would be allowed from July 1 for rent, and that the allowance then made for fuel and light for the Georgetown post-office would be continued.

On March 11 officers of the Masonic lodge submitted another proposition to rent same room in their building for $400 per annum from July 1, 1901, to be furnished with complete equipment, and heat and light to be furnished by the Post-Office Department.

On June 15, 1901, the lease was prepared in the Department on the basis of $400 per annum and sent to the postmaster at Georgetown for proper execution and record.

LOCKHARDT.

At Lockhardt, where the salary of the postmaster was $1,700, the allowances up to July 1, 1901, were $175 for rent and $38 for fuel and light, a total of $213 per annum. On February 12, 1901, Post-Office Inspector James W. Bass reported that from a personal investigation he did not believe the office was as centrally located as it should be, and there was not sufficient room to properly handle the business. He suggested that there might be more room provided by a rearrangement of the fixtures. On April 2, 1901, the postmaster reports that the building in which the post-office was located was entirely too small to accommodate the patrons and transact the business of the office, and that the allowance of $175 per annum for rent was not sufficient to secure another building of the proper size.

On April 13, 1901, the postmaster reported that the best proposition that had been made for furnishing premises for a post-office was by the owners of the building in which the post-office was then located. The offer made was to extend the length of the room 30 feet and arrange the room to best possible advantage, for an annual rent of $240. On April 19, 1901, the postmaster was advised that an allowance of $240 for rent would be made, to take effect from July 1, 1901, if proposed changes and improvements were completed at that time, and instructed the postmaster to make report on July 1. Postmaster was further instructed to secure written contract for the premises to cover the remainder of his term of office.

On the brief of the case the following indorsements appear:

"Lease $240. June 1, 1901. G. W. B. Increase to $300. July 1, 1901. G. W. B. Advise ——, M. C."

On June 18, the following letter was written to the Hon. —— ——:

JUNE 18, 1901.

Hon. —— ——,
House of Representatives, United States.

SIR: Referring to your personal visit relative to increase in allowance for rent, fuel, and light for post-office premises at Lockhardt, I beg to advise you that an allowance of $300 per annum will be approved for this office, if the improvements to the post-office building are made by July 1.

Very respectfully,

—— ——,
Acting First Assistant Postmaster-General.

On the same date that the additional rent was allowed postmaster at Lockhardt was advised that it had been decided, upon recommendation of Hon. ——— ———, to allow $300 for rent at that office, which was to take effect July 1, 1901, provided the improvements the owners of the premises had agreed to make had been completed by that date.

On June 22 the postmaster reported that the improvements agreed upon had been made by the owners of the premises occupied by the post-office, and further stated that the allowance of $48 per annum for fuel and light was not sufficient, and that it would require $48 per annum to properly light the building.

On June 28 the postmaster was informed that the estimate for lighting was too high and was requested to state why a reduction in price of lighting could not be secured. On September 19, 1901, postmaster reported that it would require $3 per month to properly light the post-office premises, and requested that the allowance for heating and lighting be increased to $55 per annum.

On the brief of the case, under date of September 26, 1901, is indorsed: "Allowed $300 for rent, $55 for fuel and light from July 1, 1901."

The SPEAKER. The time of the gentleman from Arkansas has expired

Mr. ROBINSON of Arkansas. I should like to have five minutes more.

Mr. MOON of Tennessee. I yield the gentleman five minutes.

Mr. ROBINSON of Arkansas. By referring to page 36 we find that upon the recommendation of a Member of this body a postmaster's allowance was increased $200, effective December, 1899; that in September, 1903, this allowance was discontinued; that subsequently the recommendation was renewed, and that a special inspector was appointed to investigate the matter. He reported in favor of an increase of $300. Yet this report ostensibly criticises the Member of Congress for recommending the increase of $200, when an inspector of the Post-Office Department recommends an increase of $300.

To further illustrate the manifest injustice of any allusion (in connection with charges of misconduct) to this incident, I submit the entire statement of the matter as it appears in the document returned by the committee from the Department:

LIBERTY.

Allowance, $50. November 18, 1899, postmaster asked increase.
November 28, 1899, Hon. ——— ——— personally recommended increase.
November 28, 1899, increased from $50 to $200, effective December 1, 1899, and so advised Mr. ———.
December 31, 1900, directed postmaster make count of transit mail handled, which he did and reported on January 16, 1901, showing him entitled to an allowance of $40.
January 22, 1902, postmaster requested increase for local work.
January 28, declined, but sent him circular for another count of transit matter handled. No report.
April 24, 1902, Hon. ——— ——— recommends increase. April 25, 1902, declined.
May 26, 1903, asked Railway Mail Service to make count of transit mail handled.
August 19, 1903, Railway Mail Service reports, showing office entitled to no allowance.
September 1, 1903, allowance of $200 discontinued from September 1.
September 21, ——— ——— and (December 2) Hon. ——— ——— recommend restoration of allowance.
September 23, referred to inspector, and ——— and Mr. ——— advised.
December 10, 1903, inspector recommends $50 for separating and $250 for unusual business. No action yet taken.

It may well be stated that nothing in the document makes any direct charge of misconduct on the part of these Members, or of either of them, and that the facts as they appear in the statement directly contradict any such assertion. Still the coupling of these with other transactions of Beavers, charged by the Department as being improper, is a manifest injustice to these gentlemen and only tends to confuse and bewilder—in fact, to cover up—the real issue with a cloud of irrelevancies.

"But," gentlemen of the committee say, "this report is not a reflection on any Member of this body; it exonerates everybody." That is one of the objections to it. It brings in here a statement which on its face exonerates many Members, while it covers up details and circumstances and omits instances heretofore charged by the Department as being reprehensible and which perhaps deserve and require an investigation on the part of this House.

In the course of the discharge of duty a Member may find it necessary to go to one of the Departments when he is requested to make a recommendation upon a matter of this kind. Under these circumstances, what is the duty of an American Congressman? Should he sit here idle and merely register the will of the Department? Has the time come when a man elected to this body and intrusted with the responsibility of representing his people shall make himself a mere automaton to do only what some clerk in the Post-Office Department recommends he should do, and that, too, when that clerk's hands may be filled with ill-gotten gain filched from the United States Treasury? Shall not the Member rather rely on his own judgment, do what he thinks is right, and that without fear of disfavor from other officers?

This proposition ought to be determined in all seriousness by Congress. You may treat it lightly if you want to; you may laugh at it and say, "It means nothing." But this publication has already served a vicious purpose. Many Members on this floor who, according to the report itself, have committed no offense are the victims of the judgment of some unknown officer in the Post-Office Department that they have been guilty of improprieties at least and their names coupled with scandalous transactions.

True, the report does not charge misconduct against any Member. But misconduct is charged upon Beavers to the effect that on the recommendation of Members of Congress he made allowances that were not meritorious. Thus, by innuendo, and thus alone, some Members are charged with having made recommendations that were not meritorious and proper.

It appears to me, Mr. Speaker, that this matter should be treated with earnestness. That the American Congress out of respect for itself, and from a sense of loyalty to duty, should investigate this matter fully and freely and make its report to this body.

[Here the hammer fell.]

Mr. ROBINSON of Arkansas. I ask leave to extend my remarks.

Mr. COOPER of Wisconsin. Will the gentleman permit me one suggestion before he takes his seat? I have just been informed by an old and honored Member of the House of Representatives that in a conversation the night before last with General Bristow, that gentleman, who is very feeble, trembling from illness, told him that he (General Bristow) had never seen this report as it is now printed. Therefore, I think the abuse of him ought to stop.

Mr. ROBINSON of Arkansas. I thank the gentleman for this suggestion. It has been stated on the floor of this body that nobody knows where this report comes from. I have not said one word about Mr. Bristow; but I do say, Mr. Speaker, that this is another illustration of my general argument that this extension of authority to clerks in the Post-Office Department to make reports upon important matters like this ought to be prevented. There ought to be a change in this regard, so that this indiscriminate coupling of honest men's names with those of rascals may never be permitted to happen again. [Applause.]

Let us pass this resolution and adopt a proposition to investigate the Post-Office Department. Let us probe these matters carefully under our oaths of office, to the end that the public may know the true state of facts and violators of the law receive just punishment.

The SPEAKER. The gentleman asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1734. An act to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.—to the Committee on Rivers and Harbors.

S. 3205. An act authorizing the Secretary of the Interior to acquire title to lands within certain Indian reservations—to the Committee on Indian Affairs.

S. 952. An act to refer the claim of John S. Mosby against the United States for the value of certain tobacco to Court of Claims.

Senate concurrent resolution No. 39:

Resolved by the Senate (the House of Representatives concurring), That there be printed the usual number of copies of a history of the Department of Justice from 1789 to 1904, written by James S. Easby-Smith, including biographies of all the Attorneys-General and Solicitor-General; and that there also be printed from plates etched or engraved by Max and Albert Rosenthal, and inserted in said history, portraits of the Attorneys-General and Solicitors-General; and that in addition to said usual number there be printed and bound in cloth 100 copies for the Department of Justice—

to the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9480) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 118. Joint resolution authorizing the Secretary of the Interior to use $5,000 of the amount appropriated by the act approved February 18, 1904 (Public, No. 22), for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

H. R. 8160. An act to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota; and

H. J. Res. 106. An act amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 23, 1901, providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3204. An act permitting the Kiowa, Chickasha and Fort Smith Railway Company to sell and convey its railroad and other property in the Indian Territory to the Eastern Oklahoma Railway Company, and the Eastern Oklahoma Railway Company to lease all its railroad and other property in the Indian Territory to the Atchison, Topeka and Santa Fe Railway Company, and thereafter to sell its railroad and other property to said the Atchison, Topeka and Santa Fe Railway Company;

S. 334. An act for the relief of N. F. Palmer, jr., & Co.;

S. 255. An act for the relief of the Farmers and Mechanics' National Bank, of Philadelphia, Pa.;

S. 721. An act for the relief of Darwin S. Hall;

S. 833. An act for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired); and

S. 2696. An act authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, and so forth.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM, from the Committee on Appropriations, presented a conference report on the legislative, executive, and judicial appropriation bill; which, in accordance with the rule, was ordered to lie over and be printed in the RECORD.

The conference report and the accompanying statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9480) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 47, 56, 57, 74, 93, 130, 131, 132, 133, 140, 141, 145, 146, 147, 149, 156, 159, 161, 162, 168, 174, 175, 176, 185, 211, 212, 214, and 228.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 76, 78, 79, 80, 83, 84, 85, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 134, 135, 136, 137, 138, 139, 142, 143, 144, 148, 150, 151, 153, 154, 155, 157, 160, 163, 164, 165, 166, 169, 172, 173, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 190, 194, 195, 196, 197, 198, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 213, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 229, 230, 231, 232, 233, and 235, and agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "one clerk of class four;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Insert after the word "otherwise" in said amendment the words "hereafter specifically;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-two thousand seven hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two bookkeepers, at one thousand five hundred dollars each;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand five hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the matter inserted by said amendment insert after the word "dollars," in line 10, page 65 of the bill, the following:

"*Provided*, That whenever the Secretary of the Treasury shall determine that it is necessary for the proper operations of the mint at Denver, Colorado, the following force may be appointed in lieu of the foregoing at the yearly compensation herein stated, namely: Superintendent, at four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk, at two thousand five hundred dollars; weigh clerk, at one thousand six hundred dollars; clerk, at one thousand four hundred dollars; two calculating clerks, at one thousand four hundred dollars each; and two clerks at one thousand two hundred dollars each, and any unexpended balance of the foregoing appropriation shall be available for payment of this latter force;"

And the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For wages of workmen, including not exceeding six thousand six hundred and twenty dollars for other clerks and employees, twenty-two thousand dollars;" and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: Add after the word "assistants" at the end of the matter inserted by said amendment the following: ", said estimates not to exceed the number employed and rates of compensation then actually paid;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and sixteen thousand nine hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with amendments as follows: In line 5 of said amendment strike out the words "law clerk, two thousand dollars;" in line 6 strike out the words "clerk of class two;" and in lieu of the sum named in lines 7 and 8 insert "eight thousand one hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirty-two thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In the last line of said amendment strike out the words "five hundred;" and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with amendments as follows: In line 2 of said amendment strike out the word "fifteen" and insert in lieu thereof the word "twelve;" in line 3 strike out the word "fifteen" and insert in lieu thereof the word "twelve;" in line 5 strike out the word "sixteen" and insert in lieu thereof the word "twelve;" and in line 10 strike out the word "fifty-six" and insert in lieu thereof the word "forty-six;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and seventy-two;" and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and twelve;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-four;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and eleven thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-seven thousand five hundred and seventy dollars;" and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: Strike out the word "permanently" inserted by said amendment, and on page 151 of the bill, in line 7, after the word "incapacitated," insert the words "otherwise than temporarily;" and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: Add at the end of the amended paragraph, after the word "President," the following: "*Provided*, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four;" and the Senate agree to the same.

HENRY H. BINGHAM,
FREDK. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

S. M. CULLOM,
F. E. WARREN,
H. M. TELLER,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9480), making appropriations for legislative, executive, and judicial expenses for the fiscal year 1905, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report, namely:

On amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, which relate to the Senate: Provides for the number and compensation of the employees of that body and for the various items of contingent expenses as proposed by the amendments of the Senate.

On amendments numbered 27, 28, 29, 30, 31, 32, 33, 34, and 35, relating to the House of Representatives: Increases the salary of the secretary of the Speaker to $3,000; provides for clerks at $2,000 each to the Committees on Labor and Territories instead of session clerks, and provides for an additional clerk in charge of pairs at $1,400 in the office of the Sergeant-at-Arms.

On amendments numbered 36, 37, 38, and 39, relating to the Library of Congress: Appropriates $7,300, as proposed by the Senate, instead of $5,000, as proposed by the House, for miscellaneous and contingent expenses of the Library, and provides for an additional telephone operator at $900 in the office of the Superintendent.

On amendments numbered 40, 41, and 42: Makes correction in the total of a paragraph and provides for a clerk of class 4 instead of a clerk of that class who shall be a physician in the office of the Secretary of the Treasury.

On amendments numbered 43, 44, 45, 46, and 47: Provides for an additional clerk at $1,200 and an additional clerk at $1,000, instead of two clerks at $900 each, in the division of customs, Treasury Department, and strikes out the provision proposed by the Senate for an additional assistant appraiser of customs at the port of Boston.

On amendments numbered 48, 49, 50, 51, 52, 53, 54, and 55: Provides, as proposed by the Senate, as additional in the division of loans and currency, Treasury Department, one clerk at $900, one expert counter at $720, two laborers at $660 each, and two paper counters and laborers at $620 each.

On amendments numbered 56 and 57: Strikes out the provision for one additional clerk at $1,800, as proposed by the Senate, in the office of the Auditor for the State and other Departments.

On amendments numbered 58, 59, 60, 61, and 62: Provides, as proposed by

the Senate, for six additional watchmen at $720 each and three additional charwomen at $240 each in the office of the Auditor for the Post-Office Department.

On amendments numbered 63, 64, and 65, relating to the office of the Public Health and Marine-Hospital Service: Makes corrections in text of the bill and provides, as proposed by the Senate, that the Public Health and Marine-Hospital Service shall remain under the jurisdiction of the Treasury Department until otherwise hereafter specifically provided by law.

On amendment numbered 66: Appropriates, as proposed by the Senate, $3,600 for rent for the office of Life-Saving Service.

On amendments numbered 67, 68, 69, 70, 71, 72, and 73, relating to the contingent expenses of the Treasury Department: Appropriates $13,500 as proposed by the Senate instead of $12,000 as proposed by the House for purchase of coal, etc.; $17,000 as proposed by the Senate instead of $15,000 as proposed by the House for gas, electric current, etc.; $10,000 instead of $12,500 as proposed by the Senate and $9,000 as proposed by the House for miscellaneous items; and $11,500 as proposed by the Senate instead of $10,000 as proposed by the House for contingent and miscellaneous expenses in the office of the Auditor for the Post-Office Department.

On amendment numbered 74: Strikes out the provision proposed by the Senate fixing the rates of compensation to and per diem allowance of internal-revenue agents.

On amendments numbered 75, 76, and 77: Provides for one additional clerk at $1,200 and one additional clerk at $1,000 in the office of the assistant treasurer at Boston.

On amendments numbered 78, 79, and 80: Provides, as proposed by the Senate, for a silver and redemption teller at $1,800 and for three additional clerks at $1,200 each in the office of the assistant treasurer at Chicago.

On amendments numbered 81 and 82: Provides for one additional bookkeeper at $1,500 in the office of the assistant treasurer at New Orleans.

On amendments numbered 83, 84, and 85: Increases, as proposed by the Senate, the compensation of six assistant tellers from $900 to $1,100 each and omits one assistant teller at $1,200 in the office of the assistant treasurer at New York.

On amendments numbered 86, 87, 88, and 89: Provides, as proposed by the Senate, for one assistant assorting teller at $1,500, one assistant bookkeeper at $1,200, and one laborer at $660 in the office of the assistant treasurer at St. Louis.

On amendments 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, and 104: Relating to mints and assays offices, provides the necessary force and appropriations for the operation of the mint at Denver, Colo., as soon as the same shall be opened for coinage purposes; appropriates as proposed by the Senate for the mint at New Orleans, La., to be operated for coinage purposes instead of conducting the same as proposed by the House as an assay office, and makes certain verbal corrections in the text of the bill.

On amendments numbered 105, 106, and 107: Specifies the appropriations for Alaska as for the "district" instead of the Territory of Alaska.

On amendments 108 and 109: Appropriates $360,000, instead of $385,000, as proposed by the Senate, and $225,000, as proposed by the House, for temporary clerks for the War Department, and inserts a provision requiring the Secretary of War to submit estimates in detail for all of the said temporary clerks not in excess of the number employed and at rates of compensation actually paid.

On amendment numbered 110: Inserts the provision proposed by the Senate authorizing the employment of certain technical services in the office of the Chief of Ordnance, War Department.

On amendments numbered 111, 112, 113, 114, 115, 116, 117, and 118: Increases the clerical force in the office of the Bureau of Insular Affairs, as proposed by the Senate, with aggregate compensation from $95,240 to $79,800.

On amendments numbered 119 and 120: Increases, as proposed by the Senate, the amount for rent for the Ordnance and Signal Offices from $2,100 to $2,500.

On amendments numbered 121, 122, 123, 124, 125, 126, 127, 128, and 129, relating to the Hydrographic Office: Makes the changes proposed by the Senate with reference to employees therein, involving a total increase in compensation of $90.

On amendment numbered 130: Strikes out the appropriation of $2,000, proposed by the Senate, for seasonal pilot charts of the South Atlantic and South Pacific oceans.

On amendments numbered 131, 132, and 133: Strikes out the increase in salary, proposed by the Senate, of one clerk from $1,200 to $1,400 in the Bureau of Supplies and Accounts.

On amendments numbered 134, 135, 136, 137, 138, and 139: Provides, as proposed by the Senate, for additional force of four clerks, at $1,800 each; four clerks, at $1,600 each; and a reduction of one clerk, at $1,400, and one clerk, at $1,200 in the General Land Office.

On amendments numbered 140 and 141: Appropriates for 225 clerks at $1,000 each, as proposed by the House, instead of 249 clerks at $1,000 each in the Pension Office.

On amendment numbered 142: Segregates the appropriation for producing the Official Gazette of the Patent Office, as proposed by the Senate.

On amendments numbered 143 and 144: Appropriates $23,200, as proposed by the Senate, instead of $27,200, as proposed by the House, for rent for the Geological Survey.

On amendments numbered 145, 146, and 147: Strikes out the increase proposed by the Senate in the appropriations for the office of the surveyor-general of the Territory of Arizona.

On amendment numbered 148: Provides for a telephone operator at $1,000 instead of $900 in the office of the Postmaster-General.

On amendments numbered 149, 150, 151, and 152, relating to the office of the Third Assistant Postmaster-General: Strikes out provision proposed by the Senate for one assistant superintendent, classification division, at $2,000, and provides for one additional clerk at $900 and one additional laborer at $660.

On amendments numbered 153, 154, and 155: Provides as proposed by the Senate for one additional messenger instead of an assistant messenger in the office of the Fourth Assistant Postmaster-General.

On amendment numbered 156: Appropriates $12,800 as proposed by the House instead of $9,300 as proposed by the Senate for rent of buildings for the Post-Office Department.

On amendments numbered 157 and 158: Provides for a solicitor for the Department of Commerce and Labor at $4,500, and for one clerk at $1,600, one clerk at $1,200, and one messenger at $840, in his office.

On amendments numbered 159, 160, 161, 162, 163, 164, 165, 166, and 167, relating to the office of the Secretary of Commerce and Labor: Provides for the following employees additional to those proposed in the bill as passed by the House, namely: For one clerk at $1,800, one clerk at $1,200, two clerks at $1,000 each, two clerks at $840 each, and one fireman at $660.

On amendment numbered 168: Strikes out the appropriation of $25,000 proposed by the Senate for experts and temporary assistants in the office of the Secretary of Commerce and Labor.

On amendments numbered 169, 170, and 171: Appropriates for one special attorney for the Bureau of Corporations $4,000, and for compensation of special attorneys, special employees, and temporary assistants in the Bureau of Corporations $46,000, instead of $56,000 as proposed by the Senate.

On amendments numbered 172, 173, and 174: Appropriates $15,300, as proposed by the House, instead of $25,000, as proposed by the Senate, for per diem in lieu of subsistence for special attorneys, special examiners, and temporary assistants in the Bureau of Corporations.

On amendments numbered 175 and 176: Strikes out the increase proposed by the Senate of one clerk at $1,000 and one clerk at $900 in the Bureau of Corporations.

On amendments numbered 177, 178, 179, and 180: Appropriates for one clerk at $1,800 instead of a disbursing clerk at $2,000 in the Bureau of Labor, and provides that hereafter the Department of Labor shall be known as the Bureau of Labor.

On amendment numbered 181: Authorizes the Bureau of Labor to pay in advance subscriptions for newspapers and periodicals.

On amendments numbered 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, and 199: Provides for the following employees additional to those proposed in the bill as it passed the House, in the Census Office, namely: One geographer, $2,000; four expert chiefs of division, at $2,000; one clerk, at $1,600; six clerks, at $1,400 each; twenty-three clerks, at $1,200 each; eight clerks, at $1,000 each; one expert map mounter, $1,000; one engineer, $1,000; one electrician, $1,000; five skilled laborers, at $900 each; two firemen, at $720 each; one unskilled laborer, at $720; increases the compensation of four expert chiefs of division from $1,800 to $2,000; strikes out eight clerks, at $1,800 each; forty-six clerks, at $900 each; one clerk, at $720; one skilled laborer, at $900; one skilled laborer, at $840; one skilled laborer, at $780, and one skilled laborer, at $720.

On amendments numbered 200 and 201: Appropriates $438,400, as proposed by the Senate, for securing information for census reports, instead of $454,000, as proposed by the House, for special agents in the Census Office.

On amendments numbered 202, 203, 204, 205, and 206: Provides for the transfer of 13 special agents, as proposed by the Senate, instead of 12 special agents, as proposed by the House, to the classified service of the Census Office, and strikes out, as proposed by the Senate, the appropriation of $14,000 for transcript of registration records.

On amendments numbered 207, 208, 209, and 210: Appropriates $2,500, as proposed by the Senate, instead of $5,000, as proposed by the House, for purchase of books, periodicals, and manuscripts for the Census Office.

On amendments numbered 211, 212, 213, 214, and 215: Provides for two clerks at $1,000 each in the Bureau of Statistics additional to the force proposed for said Bureau in the bill as it passed the House.

On amendment numbered 216: Appropriates $4,000, instead of $5,000 as proposed by the Senate and $2,000 as proposed by the House, for payment for expert services in the Bureau of Statistics.

On amendment numbered 217: Appropriates $3,500, as proposed by the Senate, to enable the Bureau of Statistics to collate and arrange the tariffs of foreign countries.

On amendments numbered 218 and 219: Provides for one clerk at $1,600, two clerks at $1,400 each, two clerks at $1,200 each, and two clerks at $1,000 each, additional to those proposed in the bill as it passed the House, for the Bureau of Immigration.

On amendment numbered 220: Strikes out the provision proposed by the House authorizing the detail of two inspectors to the Bureau of Immigration at Washington.

On amendments numbered 221, 222, 223, and 224: Makes verbal corrections in the text of the paragraph relating to the Bureau of Standards.

On amendment numbered 225: Appropriates $74,000, as proposed by the Senate, instead of $75,000, as proposed by the House, for apparatus, machinery, etc., for the Bureau of Standards.

On amendments numbered 226 and 227: Appropriates $11,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for fuel, light, etc., for the Bureau of Standards, and makes $500 of the appropriation for grading grounds immediately available.

On amendment numbered 228: Appropriates $75,000, as proposed by the House, instead of $100,000, as proposed by the Senate, for contingent expenses of the Department of Commerce and Labor.

On amendments numbered 229, 230, and 231: Fixes the compensation of the reporter of the court of appeals, District of Columbia, at $1,500, as proposed by the Senate, instead of $1,200, as proposed by the House, and appropriates $500, as proposed by the Senate, for file cases and filing facilities for said court.

On amendments 232 and 233: Appropriates $3,500, as proposed by the Senate, instead of $4,500, as proposed by the House, for books for libraries of circuit courts of appeals and provides that $1,500 of the amount appropriated shall be expended for the library of the eighth circuit.

On amendments numbered 234, 235, and 236: Modifies section 3 of the bill so as to read as follows:

"SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such service.

"No part of any money appropriated by this or any other act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for by this act or any other act, other than the President of the United States, the heads of Executive Departments, and the Secretary to the President: *Provided*, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July 1, 1906."

The bill as finally agreed upon appropriates $28,356,913.22, being $177,620 less than as it passed the Senate, $268,278 more than as it passed the House, $1,154,787.26 less than the estimates submitted to Congress, and $362,608.35 more than the appropriations for the current fiscal year.

HENRY H. BINGHAM,
FREDK. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

LEASES OF POST-OFFICES, PREMISES, ETC.

Mr. MOON of Tennessee. Mr. Speaker, I yield ten minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Speaker, I have not been mentioned in this list of gentlemen who are indicted here or who have received honorable mention, and I do not know so well about this. I have been thinking about it since I have read this report, as to whether this will do me any good with my constituents or not. I am inclined to think that they will believe I have not been doing anything up here at all. [Laughter.] I know I have written quite a number of letters, in substance just like some of these that are printed here, and I expect to continue it if my constituents demand it. But I have some curiosity beyond this. Perhaps I have not incurred the enmity or the malice of the Post-Office Department, and therefore they have not included me in this indictment. Now, to-day, gentlemen of the House, I tried to get the chairman of the Post-Office Committee [Mr. OVERSTREET] to au-

swer a question. I should like to have his attention now. He refused to answer the question. The gentleman from South Carolina put the same question to him and he dodged it again. I am going to ask the House now. I will put the question to the House myself. This indictment, or, in other words, this resolution, offered by the gentleman from Virginia [Mr. HAY], was based upon nine distinct cases mentioned by Mr. Bristow in his report to your committee, or, in other words, to the President.

Mr. OVERSTREET. Originally.

Mr. MADDOX. Originally. You said to-day that you had invited, and the RECORD shows that Congress did invite the giving of the names of all the parties who had in any respect violated the law.

Mr. OVERSTREET. The language of the letter was:

A complete list of all cases referred to in said report.

Mr. MADDOX. Mentioned in the report. I undertake to say that you have not mentioned in this report of "rascals," as some of you have called it, a single one of the original nine that Mr. Bristow saw proper to mention in his original report. I wanted to find why that is. If those gentlemen were in that original report, and if they were sought out by Secretary Bristow and mentioned as cases——

Mr. BARTLETT. Aggravated cases.

Mr. MADDOX. Aggravated cases, I wanted to find out why it is that you did not put them in this report or demand that they be put in there?

Now, the gentleman from Ohio [Mr. GROSVENOR] has fished up this report and he finds one case from Georgia which he says is a very aggravated case. It is here to show for itself whether it is an aggravated case or not, but I want this House to know that Conyers, Ga., is not in the Seventh district, which I represent.

Mr. BARTLETT. It is not in the Sixth district either, I want to say.

Several MEMBERS. Next.

Mr. MADDOX. I think any gentleman can find where it is by consulting the directory.

Mr. GAINES of Tennessee. Where is it?

Mr. MADDOX. Now, gentlemen, it is this matter that I want to call the attention of the committee to. It has already been published that certain men were mentioned as having violated the law before you made inquiry of the Department, and yet the cases referred to were left out of your report. Now, why did you refuse to answer? That is what I want to know.

Mr. OVERSTREET. The gentleman, possibly unintentionally, says that I left it out.

Mr. MADDOX. No; I ask you why you allowed it to be left out.

Mr. OVERSTREET. I stated that we called upon the Postmaster-General to submit a statement in detail and in full explanation of all cases referred to in Mr. Bristow's report submitted to him. Then we submitted to the House all of those papers in our report. We carried that report into the House.

Mr. MADDOX. Then why did not the Department bring it out?

Mr. OVERSTREET. You must ask the Department that. I do not know.

Mr. MADDOX. This resolution here is based upon these nine cases. Your attention was called to each and every one of them, and yet here is a list that goes to the country mentioning Members of this House as violators of the law, when the nine cases to which the Secretary calls the attention of the President and of Congress are entirely left out of the list of "rascals," so called.

Mr. OVERSTREET. The gentleman asks me to answer him?

Mr. MADDOX. Yes.

Mr. OVERSTREET. In a letter addressed to the Postmaster-General under authority of the committee this language was used:

In view of the references of the Fourth Assistant Postmaster-General in his report to you under date of October 24, 1903, to the action of Members of Congress in recommending increase of clerk hire and cancellation of leases and their renewal at a higher rate, I request that this committee be furnished at the earliest practicable date a complete list of all cases referred to in said report relating to allowances for clerk hire in offices where those allowances have subsequently been discontinued, and also of all cases where leases of post-office premises have been canceled and renewed at a higher rate, together with a statement in detail giving a full explanation of the facts connected with each case.

Mr. MADDOX. Your letter was full enough, so far as that is concerned.

Mr. OVERSTREET. And the facts, the papers in entirety, sent to the committee in response to that letter are printed in this report without modification.

Mr. MADDOX. Yes, that is all right, so far as the letter is concerned.

Mr. OVERSTREET. But what the gentleman complained of was that we left out something. I can only say that we did not leave out anything.

Mr. MADDOX. There were nine cases, or alleged cases, on which this indictment, if it is an indictment, is based. That is left out of the report, and why are the other eight cases left out, and why not give to this House the benefit of the names of the gentlemen charged?

Mr. OVERSTREET. Because they were not sent to the committee.

Mr. MADDOX. They were not sent to the committee, and yet the gentleman stated, when I interrupted him here, or attempted to interrupt him, that you had a full and complete statement of all these things.

Mr. OVERSTREET. So far as submitted.

Mr. MADDOX. The gentleman's report says that you have not got it.

Mr. OVERSTREET. I said so far as submitted.

Mr. MADDOX. Now, Mr. Speaker, I shall oppose the tabling of this resolution. I trust there is manhood enough in this House, that have got respect enough for the honor, integrity, and dignity of the House, to refuse to table the resolution, but take it up and amend it, and let us investigate this subject and see who the rascals really are, and let the country know who they are. [Applause on the Democratic side.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KINKAID, for ten days, on account of important business.

To Mr. ROBERTSON of Louisiana, for one day, on account of sickness in his family.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendments to the naval appropriation bill, now on the Speaker's table, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House disagree to the Senate amendments to the naval appropriation bill and ask for a conference. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, has the report been printed?

Mr. FOSS. The bill has been printed.

Mr. WILLIAMS of Mississippi. Is it a conference report?

Mr. FOSS. It is going into conference. We are just asking to go into conference.

Mr. WILLIAMS of Mississippi. It is a request that the bill be put in conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana.

CONFERENCE REPORT.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to submit a conference report, and ask that it be printed in the RECORD.

The SPEAKER. The gentleman from Indiana presents the following conference report, to be printed in the RECORD.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate concurrent resolution No. 21, Fifty-eighth Congress, first session, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment on lines 7 and 8.

C. B. LANDIS,
J. B. PERKINS,
F. C. TATE,
Managers on the part of the House.
T. C. PLATT,
L. E. MCCOMAS,
A. P. GORMAN,
Managers on the part of the Senate.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles E. Flanary, administrator of estate of Chadwell Brittain, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Tom*, John Bailey, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Hope*, Ephraim Hutchins or Abel Nutt, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a

copy of a communication from the Secretary of War submitting an estimate of appropriation for shooting galleries, ranges, etc., at Fort Des Moines, Iowa—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Comptroller of the Currency submitting a request for an increased number of copies of his report—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for alterations in the United States appraiser's warehouse in New York—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a statement as to useless papers in the internal-revenue division of his office—to the Joint Select Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a list of civilian engineers employed on river and harbor work between July 1, 1902, and June 30, 1903—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12150) to establish storm-warning stations at St. James, Beaver Island, Lake Michigan, reported the same with amendment, accompanied by a report (No. 1531); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRANTLEY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12904) providing for holding of courts of the eastern division of the northern Federal judicial district of Georgia at Athens, Ga., reported the same with amendment, accompanied by a report (No. 1534); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13352) transferring the county of Pierce, in the State of Georgia, from the eastern to the southwestern division of the United States district court for the southern district of Georgia, reported the same without amendment, accompanied by a report (No. 1535); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8481) granting a pension to Ora Agnes Carter, reported the same with amendment, accompanied by a report (No. 1532); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3266) granting a pension to Rev. James M. Simms, reported the same with amendment, accompanied by a report (No. 1533); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11187) granting an increase of pension to Fyanna Myers, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HARRISON: A bill (H. R. 13671) to provide for the construction and operation of a ship canal across the Isthmus of Panama from and out of the Caribbean Sea into the Pacific Ocean, and for the use, occupation, sanitation, and control of the zone of land and land under water, granted in perpetuity to the United States by the treaty between the Republic of Panama and the United States of November 18, 1903—to the Committee on Interstate and Foreign Commerce.

By Mr. VOLSTEAD: A bill (H. R. 13672) to modify the mining laws applicable to the district of Alaska, and for other purposes—to the Committee on the Territories.

By Mr. JENKINS: A bill (H. R. 13673) to amend section 2 of chapter 438, volume 26, United States Statutes at Large, "An act to authorize the President of the United States to cause certain lands heretofore withdrawn from market for reservoir purposes to be restored to the public domain, subject to entry under the homestead law with certain restrictions," so that any isolated or disconnected tract or parcel thereof may be ordered into market and sold for not less than $1.25 per acre—to the Committee on the Public Lands.

By Mr. ROBINSON of Arkansas: A bill (H. R. 13674) to amend an act approved December 16, 1878, and to authorize the Secretary of the Interior to grant additional water rights to hotels and bath houses at Hot Springs, Ark., and for other purposes—to the Committee on the Public Lands.

By Mr. SHERMAN: A bill (H. R. 13675) for the conveyance of lands belonging to the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: A bill (H. R. 13676) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law—to the Committee on Claims.

By Mr. GIBSON: A bill (H. R. 13677) to prohibit the misuse of certain words in the District of Columbia—to the Committee on the Judiciary.

By Mr. OTIS: A bill (H. R. 13678) to provide for the erection of a monument in commemoration of the battle of White Plains—to the Committee on the Library.

By Mr. MANN: A bill (H. R. 13679) amending the statutes relating to patents—to the Committee on Patents.

By Mr. HEARST: A bill (H. R. 13680) to prevent wasteful departmental appropriations by requiring estimates of expenditures to specify in detail the items thereof—to the Committee on Expenditures in the Treasury Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 13681) granting an increase of pension to Emma Thurston—to the Committee on Pensions.

By Mr. BINGHAM: A bill (H. R. 13682) granting a pension to Mary Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13683) granting a pension to Anna M. G. Vernon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13684) granting a pension to Rebecca A. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13685) granting an increase of pension to George W. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13686) granting an increase of pension to Isaac Harris—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 13687) granting an increase of pension to Henry A. Davies—to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 13688) removing charge of desertion from the military record of William Kirtley—to the Committee on Military Affairs.

Also, a bill (H. R. 13689) removing charge of desertion from miliary record of James McGee—to the Committee on Military Affairs.

Also, a bill (H. R. 13690) granting an increase of pension to C. H. John—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13691) granting an increase of pension to Emeline B. Kerns—to the Committee on Pensions.

Also, a bill (H. R. 13692) granting an increase of pension to Harriet E. C. L. Bonham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13693) granting an increase of pension to Mary F. Parcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13694) granting an increase of pension to John N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13695) granting an increase of pension to Mary B. Root—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13696) granting a pension to W. H. Nichols—to the Committee on Pensions.

Also, a bill (H. R. 13697) granting a pension to Sarah E. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13698) granting a pension to John T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13699) granting a pension to Harriet Bonham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13700) granting a pension to Sanford Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13701) granting a pension to George Hermon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13702) granting a pension to James Hanners—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13703) granting a pension to Joseph M. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13704) granting a pension to Levi Long—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 13705) for the relief of John F. Fritz—to the Committee on Claims.

Also, a bill (H. R. 13706) for the relief of John F. Fritz—to the Committee on Claims.

By Mr. DAYTON: A bill (H. R. 13707) granting an increase of pension to George H. Rodeheaver—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 13708) for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferwerda, deceased—to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 13709) granting an increase of pension to William Henson—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13710) granting a pension to Ellen Holbrook—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 13711) granting an increase of pension to Peter C. Applegate—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 13712) granting an increase of pension to Urbanus Hubbs—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 13713) for the relief of Mary Jane Pollard—to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 13714) granting a pension to Walter A. Smith—to the Committee on Pensions.

By Mr. NEVIN: A bill (H. R. 13715) to remove the charge of desertion from the record of Joseph S. Stoop—to the Committee on Military Affairs.

Also, a bill (H. R. 13716) granting a pension to Paul E. McGuire, alias Charles Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13717) granting a pension to Charles J. Terwilliger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13718) granting a pension to Julia A. Mendenhall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13719) granting a pension to Mary G. Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13720) granting an increase of pension to William L. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13721) granting an increase of pension to J. B. Raymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13722) granting an increase of pension to Edward Sauer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13723) granting an increase of pension to William Daily—to the Committee on Invalid Pensions.

By Mr. OTIS: A bill (H. R. 13724) for the relief of G. L. Geering, administrator of the estate of Albert H. Geering, deceased—to the Committee on Claims.

By Mr. OVERSTREET: A bill (H. R. 13725) for the relief of James N. Robinson and Sallie B. McComb—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 13726) granting a pension to Emma Swanner (now Clark)—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13727) granting a pension to William Shick—to the Committee on Invalid Pensions.

By Mr. SHIRAS: A bill (H. R. 13728) granting a pension to Isabella McDowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13729) granting a pension to Margaret W. Goodwin—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 13730) granting a pension to J. G. Harvey—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13731) granting a pension to Andrew W. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13732) granting an increase of pension to William C. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13733) granting an increase of pension to John B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13734) to remove the charge of desertion from W. P. Fowler—to the Committee on Military Affairs.

Also, a bill (H. R. 13735) granting a pension to David W. West—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 13736) removing the charge of desertion from the military record of Barney Owens—to the Committee on Military Affairs.

Also, a bill (H. R. 13737) granting an increase of pension to James Howard Stevens—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the Chamber of Commerce and Mines of Illinois, for equality in freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Resolutions of the Philadelphia Maritime Exchange, for completion of Port Judith (R. I.) breakwater—to the Committee on Rivers and Harbors.

Also, petition of General Hector Tyndale Circle, No. 65, Ladies of the Grand Army of the Republic, Department of Pennsylvania, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Philadelphia, Pa., protesting against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. AIKEN: Papers to accompany bill H. R. 13563, for relief of W. M. Gibson—to the Committee on War Claims.

By Mr. ALEXANDER: Petition of patrons of rural free delivery route No. 1, of Marilla, N. Y., to increase pay of carriers to $850 per annum—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: Petition of the Altmayer & Flatau Liquor Company, of Macon, Ga., protesting against passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BASSETT: Resolutions of the Drug Trade Section of the New York Board of Trade and Transportation, in favor of a reduction of duty on alcohol—to the Committee on Ways and Means.

By Mr. BENNY: Petition of George H. Beach and 14 other voters of Kearny, N. J., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Philadelphia Maritime Exchange, urging completion of the breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

Also, resolutions of the American Association of Masters and Pilots of Steam Vessels, favoring the construction of a light-house at Diamond Shoals, North Carolina—to the Committee on Rivers and Harbors.

By Mr. BOWERSOCK: Petition of members of Kansas City Circle, No. 86, Ladies of the Grand Army of the Republic, favoring passage of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURTON: Petition of Rev. C. H. Lemmon and 16 others, for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of D. V. Exline and other citizens of Cleveland, Ohio, protesting against passage of eight-hour bill—to the Committee on Labor.

Also, resolutions of the Brotherhood of Boiler Makers and Ironship Builders of America, for the passage of bills for extension of the coastwise trade—to the Committee on the Merchant Marine and Fisheries.

Also, petition of D. V. Exline and 12 others, of Cleveland, Ohio, protesting against passage of the so-called "anti-injunction bill"—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Resolutions of Chase Post, Department of Kansas, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of the Kansas City Commercial Club, for the improvement of the Kansas and Missouri rivers—to the Committee on Rivers and Harbors.

By Mr. CAMPBELL: Petition of voters of Chanute, Kans., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of Leo C. Veeder and 28 others, of Cherryvale, Kans., protesting against the cutting off of privileges to rural carriers and asking for an increase to $850 per annum—to the Committee on the Post-Office and Post-Roads.

By Mr. DENNY: Petition of Baltimore Christian Endeavor Union, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DIXON: Papers to accompany bill H. R. 11990—to the Committee on Claims.

By Mr. DUNWELL: Resolution of the Consolidated Stock and Petroleum Exchange of New York, in favor of bill H. R. 7871—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of William Adelsperger, of Toledo, Ohio, to pension Union ex-prisoners of war at $2 for each day confined in rebel prisons—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of Dodge & Canfield, of Providence, R. I., protesting against the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. HILDEBRANT: Resolutions of the Miami Quarterly Meeting of the Religious Society of Friends, of Waynesville, Ohio, in favor of the Hepburn bill—to the Committee on the Judiciary.

Also, resolution of the Ohio State Grange, indorsing postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of the Colonna Art Society, of Bridgeport, Conn., in favor of establishing a forest reservation in the White Mountains, New Hampshire—to the Committee on Agriculture.

By Mr. HITT: Resolutions of Helpers' Division, No. 69, Brotherhood of Boiler Makers and Iron-ship Builders of America, in favor of bills H. R. 7056 and S. 2263—to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON: Petition of George W. Bennum and 64 other voters of Sussex County, Del., for passage of bill H. R. 12041, to simplify the pension laws—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the Methodist Episcopal Church of Perth Amboy, N. J., favoring passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of New Kensington Post, No. 636; John H. Randolph Post, No. 407, and Stahlstown Post, No. 596, Grand Army of the Republic, of Pennsylvania, for passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the American Association of Masters and Pilots of Steam Vessels, favoring the construction of a light-house on Diamond Shoal, North Carolina—to the Committee on Rivers and Harbors.

Also, petition of the Presbyterian Church of Derry, Pa., favoring passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Resolutions of Gabriel R. Paul Post, No. 101, Grand Army of the Republic, of New Jersey, urging the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of George H. Ackerman and Hugo Munzer & Sons, against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KEHOE: Resolutions of the city council of Catlettsburg, Ky., for passage of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of G. W. Rogers & Co. and others, of Maysville, Ky., opposing passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. LILLEY: Resolution of the board of selectmen of Southington, Conn., in favor of a Government appropriation for building good roads—to the Committee on Agriculture.

By Mr. LITTLEFIELD: Petition of the Boiler Makers and Iron-ship Builders of Bath, Me., for the development of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. LIVERNASH: Resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of bill S. 3168, to beautify grounds in the Presidio—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of construction of a road from Rampart to Glen Gulch, Alaska—to the Committee on Agriculture.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., against removal of the naval training station from Goat Island to San Diego, Cal.—to the Committee on Naval Affairs.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., to establish on the coast of California a Federal station for investigation of the fisheries interests—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of bill S. 1748, for the establishment of a life-saving station at Halfmoon Bay—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of San Francisco, Cal., in favor of bill S. 2263—to the Committee on Interstate and Foreign Commerce.

By Mr. LONGWORTH: Petition of business men and citizens of Cincinnati, Ohio, protesting against the Hepubrn bill—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of the old soldiers of Frontier Post, No. 353, Grand Army of the Republic, of Spearville, Kans., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Hutchinson (Kans.) Typographical Union, for the passage of the eight-hour bill—to the Committee on Labor.

By Mr. NEVIN: Petitions of C. H. Cook and 11 others, David Logan and others, A. Stewart and 11 others, J. E. Thomas and 43 others, and United Brethren Publishing House, all of Dayton, Ohio, in favor of the Hepburn-Dolliver bill; protest of M. A. Nipgen, of Dayton, Ohio, in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OTJEN: Remonstrance of J. H. Heman and 160 other citizens of Milwaukee, Wis., against the Hepburn bill—to the Committee on the Judiciary.

Also, protest of Figge, Doyle & Co. and others, of Milwaukee, Wis., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PALMER: Petition of the East Pennsylvania Conference of the United Evangelical Church, relating to closing of the Lewis and Clark Exposition on Sundays—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the Eastern Pennsylvania Conference of the United Evangelical Church and the Patterson Presbyterian Church, of Philadelphia, requesting passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of the Westminster Presbyterian Church, of Wilkesbarre, Pa., to require complete Sunday closing of the Lewis and Clark Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of J. K. Harding and 29 other voters of Planis, Pa., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of Matthews & Servis Company, of Rochester, N. Y., protesting against the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. RIDER: Resolutions of the Drug Trade Section of the New York Board of Trade and Transportation, for a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIBLEY: Petitions of residents of Glen Hazel, Elk County, Pa.; residents of Warren, Pa., and Rev. John C. Ludwig and others, of Glade Run, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SIMS: Petition of the Adamsville (Tenn.) Anti-Liquor League, for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Resolution of Independence Grange, No. 275, of Clarkston, Mich., for the passage of the Currier Grange good-roads bill—to the Committee on Agriculture.

Also, petition of the Anti-Saloon League of Lansing, Mich., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. SMITH of Illinois: Petition of citizens of Balcom, Ill., favoring the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. STERLING: Petition of Aaron Weider Post, No. 75, Grand Army of the Republic, of Fairburg, Ill., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of L. C. Lawrence and 25 others, of Saline, Mich., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Papers to accompany bill for an increase of pension to Maj. John B. Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Marie S. Benson; papers to accompany bill granting an increase of pension to John B. Tucker; papers to accompany bill granting a pension to Andrew W. Bond—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Resolutions of the New York Board of Trade and Transportation, favoring a lower tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Yacht Masters and Engineers' Association of Brooklyn, N. Y., favoring bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

SENATE.

THURSDAY, *March 10, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

I. P. WATTS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of I. P. Watts, administratrix of the estate of Charles Baker, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and are of no permanent value or historical interest. The Chair will refer this communication and the accompanying papers to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and appoints as the committee on the part of the Senate, to join such

committee as may be appointed by the House, the Senator from Alabama, Mr. PETTUS, and the Senator from Kansas, Mr. LONG. The communication and accompanying lists will be printed.

VISITORS TO WEST POINT.

The PRESIDENT pro tempore appointed Mr. WARREN and Mr. GORMAN members of the Board of Visitors on the part of the Senate to attend the next annual examination of the cadets at the United States Military Academy, at West Point, N. Y.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSS, Mr. DAYTON, and Mr. MEYER of Louisiana managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 255) for the relief of the Farmers and Mechanics' National Bank, Philadelphia, Pa.;

A bill (S. 334) for the relief of N. F. Palmer, jr., & Co.;

A bill (S. 721) for the relief of Darwin S. Hall;

A bill (S. 833) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service, retired;

A bill (S. 2696) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.60, and so forth;

A bill (S. 3204) permitting the Kiowa, Chickasha and Fort Smith Railway Company to sell and convey its railroad and other property in the Indian Territory to the Eastern Oklahoma Railway Company, to lease all its railroad and other property in the Indian Territory to the Atchison, Topeka and Santa Fe Railway Company, and thereafter to sell its railroad and other property to said the Atchison, Topeka and Santa Fe Railway Company;

A bill (H. R. 8160) to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota; and

A joint resolution (H. J. Res. 106) amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 23, 1901, "providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Gen. George M. Sternberg, of Washington, D. C., praying that an appropriation be made providing for the grading of California avenue from Phelps place to Massachusetts avenue, in that city; which was referred to the Committee on Appropriations.

He also presented the petition of D. W. Baker, of Washington, D. C., praying for the enactment of legislation to increase the salaries of the judges of the police court of the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of the Master Plumbers' Association, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation providing for the payment of compensation to former members of the plumbing board who served the District of Columbia from 1893 to 1898; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Southern Branch of the National Dental Association, remonstrating against the enactment of legislation authorizing the establishment and organization of a corps of dentists in the United States Navy; which was referred to the Committee on Naval Affairs.

Mr. FAIRBANKS presented a memorial of the Manufacturers' Association of Evansville, Ind., remonstrating against any change being made in the present metric system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a memorial of the Retail Merchants' Association of Linton, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Indiana Grain Dealers' Association, of Indianapolis, Ind., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Owen County Medical Society, of Spencer, Ind., praying for the enactment of legislation to increase the efficiency of the Medical Department of the United States Army; which was referred to the Committee on Military Affairs.

He also presented petitions of Lodge No. 360, of Lafayette; of Eagle Lodge, No. 384, of Peru; of Subordinate Lodge No. 84, of Indianapolis, and of Rock City Lodge, No. 324, of Wabash, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of Indiana, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented petitions of Governor Mount Circle, No. 9, of Indiana; of W. T. Sherman Circle, No. 8, of Aurora, and of P. H. Sheridan Circle, No. 26, of Vincennes, all of the Department of Indiana, Ladies of the Grand Army of the Republic, in the State of Indiana, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of Local Grange No. 1733, Patrons of Husbandry, of Madison, Ind., praying for the establishment of a Bureau of Public Highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Medical Society of Allen County, Ind., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Fertig & Kevers, of Indianapolis, Ind., remonstrating against the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 281, Brotherhood of Carpenters and Joiners, of Indianapolis, Ind., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the South Union Church, of Amboy; of the congregations of the Methodist Episcopal, Second Methodist Episcopal, and First Presbyterian churches of Princeton; of sundry citizens of Moores Hill; of the congregations of the Trinity Congregational and Central Avenue churches, of Indianapolis; of the New Garden Quarterly Meeting of Friends, of Salem; of the congregation of the Blue River Friends' Church, of Salem; of the Pastors' Club of Laporte County, and of the congregation of the Roberts Park Methodist Episcopal Church, of Indianapolis, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of Joseph Smith Post, No. 215, Department of Michigan, Grand Army of the Republic, of Fulton, Mich., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Allegan, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BALL presented sundry papers to accompany the bill (S. 4020) to modify and simplify the pension laws of the United States; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1493) to correct the military record of Thomas W. Ferree; which were referred to the Committee on Military Affairs.

Mr. BERRY presented a petition of sundry citizens of West Fork, Ark., praying that an appropriation be made providing for the construction and maintenance of public highways; which was referred to the Committee on Agriculture and Forestry.

Mr. DOLLIVER presented a petition of the congregation of the Methodist Episcopal Church of Modale, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Sioux City, Mapleton, Whatcheer, and Belmond; of the congregation of the Methodist Episcopal Church of Whatcheer; of the congregation of the United Brethren Church of Toledo, and of the congregation of the United Brethren Church of Arlington, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of sundry citizens of Delhi, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MCCOMAS presented a petition of the Baltimore Christian Endeavor Union, of Baltimore, Md., and the petition of Rev. R. M. Strayer and sundry other citizens of Oxford, Md., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MITCHELL presented sundry papers to accompany the

bill (S. 4891) granting an increase of pension to Elizabeth G. Illsley; which were referred to the Committee on Pensions.

Mr. DIETRICH presented a petition of the Woman's Club of Lincoln, Nebr., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the congregation of the Christian Disciples' Church of Fremont, and of sundry citizens of Fremont and Norfolk, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of the Christian Endeavor Society of the Brainerd Presbyterian Church, of Elwood, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. SIMMONS presented petitions of sundry citizens of Belhaven, Winston and Winston-Salem, Rockford, Ayden, and Reidsville, all in the State of North Carolina, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of Local Lodge No. 159, Brotherhood of Boiler Makers and Iron-ship Builders, of Wilkesbarre, Pa., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Maritime Exchange of Philadelphia, Pa., praying that an appropriation be made to permit the prompt resumption and completion of the easterly shore arm breakwater at Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Mount Pleasant and Mohnsville: of the congregation of the Zion Methodist Episcopal Church, of Mohnsville; of the congregation of the Church of God of Mount Pleasant; of the congregation of the First Reformed Church of Mount Pleasant; of the Woman's Home Missionary Society of the First Presbyterian Church of West Pittston; of the Woman's Home Missionary Society of the Methodist Episcopal Church of Pittsburg; of the Woman's Foreign Missionary Society of the Methodist Episcopal Church of Pittsburg; of the congregation of the United Presbyterian Church of Allegheny; of the Ministerial Association of Kittanning, and of the congregation of the First Baptist Church of Bradford, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a memorial of Dooley & Dooley, of Rockville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Akin-Erskine Milling Company, of Evansville, Ind., praying for the passage of the so-called "Brownlow good roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Fertig & Kevers, of Indianapolis, Ind., remonstrating against the passage of the so-called "anti-injunction bill" and also the eight-hour bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Evansville Manufacturing Association, of Evansville, Ind., remonstrating against any change being made in the present system of weights and measures; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a petition of the Union Selling Company, of Indianapolis, Ind., praying for the enactment of legislation to regulate shipping between the United States and the Philippines; which was ordered to lie on the table.

He also presented petitions of the Studebaker Brothers Manufacturing Company, of South Bend, Ind.; of the Kingman Plow Company, of Peoria, Ill.; of the M. Rumely Company, of Laporte, Ind., and of the Wayne Works Company, of Richmond, Ind., praying that an appropriation be made to relieve the flood conditions in the Kaw Valley in Kansas and Missouri; which were referred to the Committee on Commerce.

Mr. FRYE presented a memorial of the Allegheny Turn Verein, of Allegheny, Pa., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 4248) to establish a fish hatching and fish station in the State of Idaho, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 130) to establish a fish-culture station in Narragansett Bay, in the State of Rhode Island, reported it with amendments, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 1750) to provide an American register for the British ship *Pyrenees*, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 844) to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4277) for the relief of John M. Hill, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 1665) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 8th instant proposing to appropriate an additional sum of $6,000 for the completion of the Battery Point post light, in the State of Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 8th instant proposing to appropriate $5,000 for additional employees' quarters at the Robinson Point post light, in the State of Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 8th instant proposing to appropriate an additional sum of $6,000 for an additional suitable building or dwelling, cistern, oil house, and other improvements in connection with the New Dungeness light-house station, in the State of Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

LONG ISLAND (NEW YORK) IMPROVEMENT.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by him on the 10th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted of the cost of dredging Lloyds Harbor to a depth of 12 feet and otherwise improving the channel between Huntington Bay and Cold Spring Harbor, Long Island, New York, so as to meet the demands of commerce.

AMBROSE CHANNEL, NEW YORK HARBOR.

Mr. DEPEW. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4416) for the establishment of aids to navigation for lighting Ambrose channel, New York Harbor, New York, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLEE introduced a bill (S. 4886) granting a pension to Mary A. Massey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 4887) granting an appeal to the Supreme Court of the United States from the judgment of the Choctaw and Chickasaw citizenship court, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HEYBURN introduced a bill (S. 4888) granting an increase of pension to Pierpont H. B. Moulton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 4889) providing for the

selection and promotion of officers on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4890) for the relief of Edward P. Thompson; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 4891) granting an increase of pension to Elizabeth G. Illsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 4892) granting a pension to Malinda A. Powell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4893) granting an increase of pension to David F. Magee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4894) granting an increase of pension to Thomas W. Brewer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4895) granting an increase of pension to Frank B. Sears; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEARNS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4896) granting an increase of pension to Elizabeth L. Kinney;

A bill (S. 4897) granting an increase of pension to Reuben Allred; and

A bill (S. 4898) granting an increase of pension to Eugene H. Dunning.

Mr. DRYDEN introduced a bill (S. 4899) granting an increase of pension to Laura M. Gillmore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4900) to remit the sentence of general court-martial against Milton Ostheim, late a private of Company H, Twelfth United States Infantry, and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4901) for the relief of Emaline Johns; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4902) granting a pension to Moses P. Osborn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4903) granting a pension to Ellen Downs; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills; which were severally read twice by thier titles, and referred to the Committee on Pensions:

A bill (S. 4904) granting a pension to Henry J. Hefner;

A bill (S. 4905) granting a pension to L. G. McAvoy (with accompanying papers);

A bill (S. 4906) granting a pension to Martin M. Rice (with accompanying papers); and

A bill (S. 4907) granting a pension to Isaac Carter (with accompanying papers).

Mr. COCKRELL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4908) for the relief of Joab Lawrence;

A bill (S. 4909) for the relief of Hampton L. Lee and T. D. Chouteau;

A bill (S. 4910) for the relief of Jacob Kern; and

A bill (S. 4911) for the relief of the firm of Walbridge, Holland & Brown.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4912) for the relief of Thomas S. Lutterloh;

A bill (S. 4913) for the relief of the Cape Fear and People's Steamboat Company; and

A bill (S. 4914) for the relief of John G. Young (with accompanying papers).

Mr. McCUMBER introduced a bill (S. 4915) granting an increase of pension to Daniel Taylor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4916) to provide for the disposal of timber on public lands, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KEAN introduced a bill (S. 4917) to amend section 29 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States;" which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL submitted an amendment proposing to appropriate $35,000 to pay the Tillamook tribe of Indians, of Oregon, in full satisfaction of all demands or claims against the United States for lands described in the agreement between the United States and the said Indians dated August 7, 1851, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 to pay the Clatsop tribe of Indians, of Oregon, in full satisfaction of all demands or claims against the United States for lands described in the agreement between the United States and the said Indians dated August 7, 1851, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BARD submitted an amendment providing that in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Yuma and Colorado River Indian Reservations in California and Arizona, the Secretary of the Interior is authorized to divert the waters of the Colorado River, and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment providing that in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nev., the Secretary of the Interior is authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HOPKINS submitted two amendments relating to the salaries of deputy clerks in the Indian Territory, intended to be proposed by him to the Indian appropriation bill; which were ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. FORAKER submitted an amendment authorizing the Secretary of the Interior to sell such lands in the Indian Territory as are covered by coal and asphalt leases, subject to the right of the lessee to use so much of the surface as may be needed for coke ovens, miners' houses, store and supply buildings, and such other structures as are generally used in the provision and shipment of coal, coke, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment providing for the payment, out of any funds in the Treasury of the United States belonging to and due, or which may hereafter become due, to the Choctaw Nation of the sum of $220,698.75 to the attorney and representative of such Choctaw Nation, as per contract duly executed by said nation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CARMACK submitted an amendment providing for the appointment of two assistant inspectors of buildings at $1,200 each and also three assistant inspectors of buildings at $1,000, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

EDWARD A. KEELER.

Mr. CULLOM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms be, and he hereby is, authorized and directed to place upon the rolls of the Senate as a messenger the name of Edward A. Keeler, at the rate of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

SPEECH ON NAVAL APPROPRIATION BILL.

Mr. DEPEW. I ask permission to incorporate in the speech on the naval appropriation bill I made the other day some official figures and diagrams.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and leave is given.

H. SMITH WOOLLEY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

Resolved, That the Secretary of the Treasury of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Treasury Department in relation to the appointment of H. Smith Woolley, a former deputy internal-revenue collector of the district of Idaho, whose name is now before the Senate for confirmation as assayer in charge at Boise, Idaho.

Mr. ALLISON. I move the reference of the resolution to the Committee on Finance. That committee has considered and is considering——

Mr. CARMACK. I can not hear the Senator.

Mr. ALLISON. I move the reference of the resolution to the Committee on Finance.

Mr. CARMACK. Mr. President, is debate in order under the motion?

The PRESIDENT pro tempore. It is.

Mr. CARMACK. I have only a few words to say respecting the resolution.

Mr. HOAR. Mr. President, I rise to a question of order. This seems to me to be clearly under the Senate rules a matter of executive business. It relates to papers in regard to a pending Executive appointment. I do not wish to interfere with the Senator from Tennessee, but I ask him to consider himself whether it does not belong, under our rules, to executive business.

Mr. CARMACK. I think we had a very long debate here with respect to this very question of calling upon the President for information respecting appointments.

Mr. TELLER. Two months.

Mr. HOAR. Let the resolution be read again, so that the Senate will understand what it is. Some Senators were not attending.

The PRESIDENT pro tempore. The resolution will be again read.

Mr. NELSON. Will the Senator from Tennessee yield to me for a minute?

Mr. CARMACK. With pleasure.

Mr. NELSON. I would be very glad if the Senator would let this matter be passed over until to-morrow morning. This day has been given to Alaskan legislation. We had one day given last week, and the Committee on Appropriations took it, and then we asked for this day. The Senator will do us a great favor if he will give us this day and let the resolution go over.

Mr. CARMACK. I shall be very glad to let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over.

Mr. CARMACK. But it must be understood also that the confirmation of this man will go over, too.

Mr. KEAN. That is executive business.

Mr. ALLISON. I suggest to the Senator from Tennessee that he allow this question to be discussed in executive session. It is rather an important matter, and the Committee on Finance——

Mr. CARMACK. I think I have a right to discuss the matter in open session.

Mr. ALLISON. Very well, Mr. President. As the resolution has gone over, I shall make no further suggestion about it to-day.

The PRESIDENT pro tempore. The resolution has gone over, retaining its place.

Mr. CARMACK. It has not gone over yet.

The PRESIDENT pro tempore. It has gone over, retaining its place on the table.

Mr. CARMACK. There is so much confusion in the Chamber I can not hear what is going on.

The PRESIDENT pro tempore. The resolution has gone over, retaining its place.

Mr. HOAR. I give notice that when the resolution, of which I know nothing whatever of the merits, comes up I shall raise the question under the rule that the debate ought to proceed in executive session, and I hope some Senator will second that suggestion.

Mr. ALLISON. I shall be glad to second it.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. In the absence of the chairman of the Committee on Naval Affairs, I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. PERKINS, and Mr. TILLMAN were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States was read twice by its title, and referred to the Committee on Immigration.

PROOF OF LOYALTY IN LAND-ENTRY CASES.

Mr. PETTUS. I ask unanimous consent for the present consideration of the joint resolution (S. R. 44) as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880, shall be construed to abolish the necessity for proof of loyalty in the cases mentioned in said act, and no proof of loyalty shall be required in the cases mentioned in said act.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ROADS, SCHOOLS, ETC., IN ALASKA.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following bill.

The SECRETARY. A bill (S. 3728) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes.

The PRESIDENT pro tempore. The bill was reported from the Committee on Territories with amendments.

Mr. NELSON. I ask unanimous consent to dispense with the formal reading of the bill, and that it may be read for action on the amendments.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the formal reading of the bill may be dispensed with, that it be read for amendment, and that the amendments reported by the committee shall first receive consideration.

Mr. GALLINGER. Mr. President, it is not a very long bill. I think it ought to be read.

PENSIONS FOR TOTAL BLINDNESS.

Mr. MCCUMBER. With the consent of the Senators having the Alaskan bills in charge, I ask the Senate to proceed to the consideration of the bill (S. 671) to increase the pensions of those who have lost both eyes or have become totally blind from causes occurring in the military or naval service of the United States.

Mr. BEVERIDGE. As I understand from the Senator from North Dakota that the bill to which he refers is a pension bill, is very short, and will not cause any discussion, I shall be glad to yield to him for that purpose.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of $100 per month.

Mr. HOAR. I should like to have the last two lines read again.

The PRESIDENT pro tempore. The last two lines will be read.

The Secretary read as follows:

Provided, however, That this act shall not be so construed as to reduce any pension under any act, public or private.

The bill was reported to the Senate without amendment.

Mr. GALLINGER. Before the bill is finally acted on, I wish to ask the chairman of the Committee on Pensions how large an appropriation will be required to carry out the provisions of the bill?

Mr. MCCUMBER. In answer to the inquiry of the Senator from New Hampshire, I will state that it will require $201,600, there being exactly 600 on the list.

Mr. GALLINGER. I will simply say, and I shall occupy but a moment, that some years ago, when I was chairman of that committee, an investigation was made on this subject, and the responses from the several pension agencies led me to understand that it would take a very much larger amount than that named by the Senator. I presume that a great many of these ex-soldiers have died since then, and I take it that the figures the Senator from North Dakota has given are correct.

I have been in favor, for a great many years, of the passage of a bill of this kind. I think this class of soldiers is among the most deplorable of the various classes, and I certainly will favor the passage of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE.

Mr. LONG. Will the Senator from Indiana yield to me to call up a bill?

Mr. BEVERIDGE. I yield to the Senator from Kansas.

Mr. LONG. I ask unanimous consent to call up the bill (S. 4620) to amend section 8 of an act approved April 15, 1902, authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, in line 9, after the word "April," to strike out "first" and insert "fifteenth;" and in the same line to strike out "seven" and insert "six;" in line 10, after "April," to strike out "first" and insert "fifteenth;" and in line 11 to strike out "nine" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That section 8 of the act of Congress authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo., approved April 15, 1902, shall be amended so as to read as follows:

"SEC. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced by April 15, 1906, and completed by April 15, 1908."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSIONS BY BREVET.

Mr. COCKRELL. I ask the Senator from Indiana to yield to me to allow me to have another bridge bill passed. It already has been passed by the House and was reported favorably from the Committee on Commerce of the Senate. It will take only a few moments.

Mr. BEVERIDGE. I shall be very glad to yield to the Senator from Missouri, but I have agreed to yield first to the Senator from Wyoming [Mr. WARREN]. I desire to state that, after yielding to the Senator from Wyoming and the Senator from Missouri, I feel that it would not be expedient to yield further this morning.

Mr. WARREN. By the kind courtesy of the Senator in charge of the pending bill, I ask leave to call up the bill (S. 4164) to amend section 1209 of the Revised Statutes—a very short bill.

Mr. BEVERIDGE. I understand the bill will occasion no discussion.

Mr. WARREN. It will occasion no discussion. If it does, I will withdraw it.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment to strike out, after line 5, the following:

SEC. 1209. The President, by and with the advice and consent of the Senate, may confer commissions by brevet for distinguished conduct and public service on the part of commissioned officers of the Army in time of war and in the presence of the enemy.

And in lieu thereof to insert:

SEC. 1209. The President, by and with the advice and consent of the Senate, may confer commissions by brevet for gallant and distinguished conduct on the part of commissioned officers of the Army in war and in the presence of the enemy or in armed conflict in and during the China relief expedition or the insurrection in the Philippines, stating the time and place of such gallant and distinguished conduct.

So as to read:

That section 1209 of the Revised Statutes of the United States be, and it is hereby, amended so as to read as follows:

"SEC. 1209. The President, by and with the advice and consent of the Senate, may confer commissions by brevet," etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 1209 of the Revised Statutes, relating to brevets."

MISSOURI RIVER BRIDGE.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (H. R. 9053) to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROADS, SCHOOLS, ETC., IN ALASKA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3728) to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane and destitute persons in the district of Alaska, and for other purposes, which had been reported from the Committee on Territories with amendments.

The PRESIDENT pro tempore. The bill will be read.

Mr. GALLINGER. Before the Secretary proceeds to read, I wish simply to say that in asking that the bill be read I have no disposition to delay its consideration, and assume it will not. Some of the friends of the bill had an idea, I understand, that if read through in its entirety it would then have to be read through again for amendment. As I understand the matter, after it has been read through the amendments of the committee will then be submitted without a complete reading of the bill the second time. Am I not correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. GALLINGER. So it will not delay the consideration of the bill if it shall take the usual course.

Mr. BEVERIDGE. I have no objection to the bill taking the usual course in being read, if that is the ruling of the Chair.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendments reported by the Committee on Territories will be stated.

Mr. NELSON. Before that is done, I desire to offer an amendment which has been suggested by the Senator from Colorado [Mr. TELLER]. I ask to have that considered first. In section 1, page 1, line 3, after the word "liquor," I move to insert "licenses."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. In section 1, page 1, line 3, after the word "liquor," it is proposed to insert "licenses," so as to read:

That all moneys derived from and collected for liquor licenses, occupation, or trade licenses outside of the incorporated towns in the district of Alaska shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the "Alaska fund," and to be wholly devoted to the purposes hereinafter stated in the district of Alaska.

The amendment was agreed to.

Mr. BEVERIDGE. I now ask, Mr. President, that the committee amendments may be stated.

The PRESIDENT pro tempore. The amendments reported by the Committee on Territories will now be stated.

The first amendment of the Committee on Territories was, in section 1, page 2, line 1, before the words "per cent," to strike out "10" and insert "5;" and in line 3, after the word "insane," to strike out "and destitute;" so as to read:

Five per cent of said fund, or so much thereof as may be needed, shall be devoted to the care and maintenance of insane persons in said district.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 13, after the word "shall," to insert "in all cases;" so as to read:

The engineer officer of the board shall in all cases supervise the work of construction and see that the same is properly performed.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 13, after the word "trust," to insert:

In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters.

The amendment was agreed to.

The next amendment was, on page 6, section 5, line 16, before the word "resident," to strike out "thirty" and insert "twenty;" so as to read:

That the clerk of the district court shall have the power, and it shall be his duty, in the division to which he is appointed and in which he resides, upon petition, as hereinafter specified, to establish by order in writing a school district at any camp, village, or settlement outside of the limits of any incorporated town, but such school district shall not embrace more than 40 square miles of territory nor contain less than twenty resident white children between the ages of 6 and 18 years.

Mr. TELLER. I should like to call the attention of the Senator who has the bill in charge to that amendment. It seems to me that twenty is a pretty large number. A very good school can be organized, I know, with a considerably less number—say twelve or fifteen.

Mr. NELSON. What would the Senator suggest?

Mr. TELLER. I would suggest "twelve."

Mr. NELSON. Very well; I will accept that amendment. There is no objection to it.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado will be stated.

Mr. NELSON. It is to take the place of the committee amendment.

The PRESIDENT pro tempore. The Chair so understands.

It is to strike out "thirty" and insert "twelve," instead of inserting "twenty."

The amendment was agreed to.

Mr. TELLER. I should like to ask the Senator if he means to exclude the Indian children from these schools?

Mr. NELSON. Yes. The purpose of the bill is to leave them under the Interior Department, separate and distinct. These schools are intended for white children or civilized children of the Eskimos.

Mr. TELLER. I do not want to interfere with the Senator in charge of the bill, but I thought in some sections of Alaska there might not be any Government schools under the Interior Department, and that it might be well to allow the Indian children to be included. I do not know, however, that this bill would prevent that.

Mr. NELSON. I will state to the Senator that the bill meets with the approval of Doctor Jackson, of the Bureau of Education, who is interested in the schools in Alaska. I submitted the bill to him, and he concurs in its provisions.

Mr. TELLER. I think that these schools should be maintained. I have no idea of abandoning them, and I do not believe that this bill will exclude them.

Mr. NELSON. Not necessarily.

Mr. TELLER. I hardly think it would.

The next amendment of the Committee on Territories was, on page 7, section 5, line 19, after the word "office," to insert:

In case a vacancy in the membership of said board occurs from death, resignation, removal, or other cause, such vacancy may be filled by a special election, upon ten days' notice, called by the remaining members of the board upon the petition of five qualified voters.

The amendment was agreed to.

Mr. PETTUS. Is there any regular rule about the order in which amendments shall be considered, Mr. President?

The PRESIDENT pro tempore. No, sir.

Mr. PETTUS. I desire to make a motion to amend.

The PRESIDENT pro tempore. That is in order.

Mr. PETTUS. On page 12, line 4, I move to amend——

The PRESIDENT pro tempore. If the Senator will withhold that motion for a moment, the Chair will state that there are some committee amendments preceding the point where the Senator desires to amend.

Mr. PETTUS. Mr. President, I will withhold the amendment until that point in the bill has been reached.

The next amendment of the Committee on Territories was, on page 11, section 7, line 7, after the words "shall be," to strike out "on the same footing and be;" in line 8, after the words "provided for," to strike out "in the same manner as Indian schools in the States and Territories of the United States" and insert "by an annual appropriation;" and in line 13, after the word "Territories," to strike out "aforesaid" and insert "of the United States;" so as to make the section read:

SEC. 7. That the schools specified and provided for in this act shall be devoted to the education of white children and children of mixed blood who lead a civilized life. The education of the Eskimos and Indians in the district of Alaska shall remain under the direction and control of the Secretary of the Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the States or Territories of the United States.

The amendment was agreed to.

The next amendment was, on page 11, section 8, line 25, after the words "insane person," to strike out "(naming him);" so as to read:

No person shall be adjudged insane or committed as such, except upon and pursuant to the following proceedings, to wit: Whenever complaint in writing is made by any adult person to a commissioner that there is an insane person at large in the commissioner's district, the commissioner shall at once cause such insane person to be taken into custody and to be brought before him, and he shall then immediately summon and impanel a jury of six male adults, residents of the district, to inquire, try, and determine whether the person so complained of is really insane.

The amendment was agreed to.

Mr. BEVERIDGE. Now the amendment of the Senator from Alabama is in order.

The PRESIDENT pro tempore. Will the Senator from Alabama please state his amendment?

Mr. PETTUS. On page 12, section 8, line 4, after the words "jury of," I move to strike out "six" and insert "twelve;" so as to read: "a jury of twelve male adults." There can be no lawful jury of six to put a man in an insane asylum.

Mr. NELSON. I want to say, in reply to the Senator from Alabama, that this is not the trial of a criminal offense. It is simply an inquest to determine whether or not a man is insane. We have made the number of the jury six for the reason that in a great many mining camps it will be difficult to get a jury of twelve men.

Mr. PETTUS. It may be difficult, Mr. President, but it can not be done lawfully with less than twelve men, as has been decided over and over again.

Mr. NELSON. As I have stated, Mr. President, this does not refer to criminal cases, and I think there is no obstacle in the law to doing this. If a jury could be obtained of twelve men, there would be no objection to it; but, I repeat, that in a great many mining camps—and I have consulted with people in Alaska regarding it—it would be extremely difficult to get a larger jury than six men. I think the amendment, for that reason, ought not to be adopted.

Mr. PETTUS. Mr. President, the difficulty of obtaining six other men ought not to authorize the unlawful confinement of a citizen of the United States. It would be unlawful if he should be confined in a lunatic asylum on the verdict of six men. Six men are not a jury, Mr. President.

Mr. GALLINGER. Mr. President, I am not going to controvert the position of the Senator from Alabama [Mr. PETTUS]; but, if I recollect correctly, in the States we commit men to asylums upon the certificate of two physicians. I apprehend that if there were physicians in Alaska who could be obtained for this purpose, the provision for such a jury might not be found in this bill.

Mr. PETTUS. The Senator from New Hampshire [Mr. GALLINGER] is right. There have been and there are now laws all over the United States authorizing men to be committed to asylums upon the certificate of two physicians; but wherever such a law has been brought to the attention of the supreme court of the State, such commitment has been held to be unlawful and false imprisonment.

Mr. GALLINGER. I do not know how that may be, but I know we are going right along doing that thing constantly in every city of New England at the present time.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS].

The amendment was rejected.

The next amendment of the Committee on Territories was, in section 8, page 12, line 14, after the word "can," to strike out the words "without great difficulty;" so as to read:

And in case there is a physician or surgeon in the vicinity who can be procured, the commissioner shall cause such surgeon or physician to examine the person alleged to be insane, and after such examination to testify under oath before the jury in respect to the mental condition of said person.

The amendment was agreed to.

The next amendment was, in section 8, page 12, line 20, after the word "offered," to strike out "or that can be readily procured;" and in line 23, after the word "evidence," to strike out "that may be procured;" so as to read:

All witnesses that may be offered shall be heard and shall be permitted to testify under oath in said matter, and after having heard all the evidence, the said jury shall retire to agree upon a verdict, and if the jury unanimously, by their verdict in writing, find that the said person so charged with being insane as aforesaid is really and truly insane and that he ought to be committed to the asylum or sanitarium aforesaid, and the commissioner approves such finding, he shall enter a judgment adjudging the said person to be insane and adjudging that he be at once conveyed to and thereafter properly and safely kept in the said asylum or sanitarium until duly discharged therefrom by law.

The amendment was agreed to.

The next amendment was, in section 8, page 13, line 22, after the word "proceedings," to strike out "from first to last;" so as to read:

And all the compensation, mileage, fees, and all other expenses and outlays incident to said proceedings shall be audited and allowed by the district judge of the division in which said proceedings are pending and had, and when so audited and allowed shall be paid by the clerk of the court in such division as the incidental expenses of the court are by him paid and from the same fund.

The amendment was agreed to.

The next amendment was, on pages 14 and 15, to strike out section 9, as follows:

SEC. 9. That the said commissioners shall be ex officio superintendents of the poor in their respective districts outside of the limits of incorporated towns, and as such they shall have the power, and it shall be their duty, to grant temporary and limited relief in urgent cases and when absolutely necessary to indigent and destitute persons residing in the district outside of the limits of incorporated towns, and who are unable to provide themselves with the necessaries of life and have no relatives or friends to aid them in that behalf. If such indigent and destitute persons are not addicted to drunkenness or gambling the relief may be given directly to them; but if addicted to drunkenness or gambling the relief given shall consist in hiring board and lodging for them for a limited time. No more than $100 shall be allowed in any case in any period of three months. If the commissioner grants such relief he shall issue his order upon the clerk of the court for the division in which his district is situate, requiring the clerk to pay a specified sum, never more than $100, to the indigent and destitute person, if he be fit to receive the same, as hereinbefore defined, and if he be not so fit, then to the person who has been hired and employed by the commissioner to board and lodge such indigent and destitute person. The order shall specify for what purpose the same is given, and if for board and lodging it shall specify the time and the rate. The clerk of the court shall pay said order as a part of the incidental expenses of the court. In case of any person, resident in Alaska, who is hopelessly and permanently destitute and indigent, and who is always likely to remain such, permanent or continuous relief shall not be given by the court commissioner, but only by the judge of the district court, who shall have authority in his division in cases outside of incorporated towns to grant and allow such reasonable relief from time to time in each of such cases as the facts and circumstances may warrant. But no relief shall be granted at any time for a longer period than one year. The sum allowed for such relief by the judge shall be paid by the clerk of his division out of the funds in his hands as a part of the incidental expenses of the court.

The amendment was agreed to.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

Mr. GALLINGER. There is an amendment renumbering section 10.

Mr. NELSON. "Section 10" should be stricken out and "section 9" inserted.

The PRESIDENT pro tempore. That is done without an order of the Senate.

Mr. NELSON. Very well.

Mr. MALLORY. I desire to ask the Senator from Minnesota who, I believe, has charge of the bill if he can state approximately how much per annum will be realized from these license taxes?

Mr. NELSON. Certainly; and I shall be very glad to state it. I have a report here which shows that during the last fiscal year there was realized from these license and occupation taxes in the district of Alaska an aggregate of $330,257.64. Of this amount $128,163.04 went to the incorporated towns under existing law. Under existing law there are ten incorporated towns in Alaska, and they get all the license money collected in their towns. Outside of the incorporated towns the total amount would be $102,094.60, which would be effective under this bill to be applied to roads, schools, and the care of the insane.

Mr. MALLORY. One-quarter of it would go to the schools, I believe?

Mr. NELSON. Twenty-five per cent, or as much as may be necessary, for schools outside of the incorporated towns, 5 per cent for the care of the insane, and the balance for the construction of roads, bridges, and trails.

Mr. MALLORY. So I understand. I should also like to ask the Senator another question. Referring to page 11, section 7, I notice it is provided there by the amendment of the committee that—

and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation.

Is that the practice now by the Government?

Mr. NELSON. That is what we now do in all the States and Territories outside of Alaska. They are provided for by an appropriation in the Indian appropriation bill. Under existing laws 50 per cent of this license money outside of incorporated towns may now be applied for educational purposes in general, but there is no provision for the establishment of school districts, and nothing is said as to whether it shall be devoted to white schools or to Indian schools. The plan of this bill is to leave the education of Indian children and Eskimos to be provided for in Alaska as it is provided for in the Territories and States.

The license money that is paid by the people of Alaska is their own money. It is a unique tax, not found anywhere else in the country. We felt that it is not right that that tax, paid by the people, should be applied to the education of the Indians and Eskimos when we do not so apply such taxes to that purpose anywhere else in the country. We felt that that small tax, paid by the white people of Alaska, should be devoted to roads, schools, and the care of the insane, and that the Government should provide for the Eskimos and the Indians there as it does in all other parts of the country.

Mr. MALLORY. The inquiry I wish to make is in regard to the principle on which it is proposed—and which probably has been practiced heretofore—to educate these Indians and Eskimos. With the other Indians of this country we have some treaty stipulations and have other arrangements whereby we probably are obligated to look after their education to some extent; but I do not understand that we have any such relations with the Indians and Eskimos of Alaska. I should like to ascertain on what principle we propose to pay money out of the Treasury of the United States for the education of these Indians with whom we have no treaties?

Mr. NELSON. I suppose it is on the same principle that we apply money to the education of the Indians throughout the country. The Indians and Eskimos are of the same class. They are in a certain measure the wards of the Government; and the Government of the United States has for years felt it its duty to take care of the Indians, look after them, to provide for them and for their schools, and their maintenance in various ways. We have a large number of Indian schools scattered throughout the country; and if the Senator will examine the Indian appropriation bill he will find that provision is made in that bill every year for the education of Indian children.

Mr. MALLORY. I understand that perfectly, and I understand that there is an obligation on our part to do so.

Mr. NELSON. There is no technical legal obligation in the sense that it could be enforced in a court; but there is that great moral obligation that rests upon us in respect to these people as in respect to the Indians in other parts of the country.

Mr. QUARLES. I would call the attention of the Senator in charge of the bill to a verbal correction which I think perhaps might well be made, although it might not be considered necessary. At the top of page 2 there is this provision—

5 per cent of said fund, or so much thereof as may be needed.

One construction might be put upon that, that in addition to the 5 per cent you could draw out of the funds so much as may be needed.

Mr. NELSON. I think not. The phrase there is intended as a limitation. If the Senator will observe the remainder of that section, he will see that if that amount should not be needed for that purpose it would be available for roads and bridges.

Mr. QUARLES. I was going to suggest to the learned Senator that if he put in the phrase "or so much thereof as may be needed," immediately after the word "district," in the fourth line, it would obviate any possible doubt as to the construction of the clause.

Mr. NELSON. Very well; I have no objection to that. The Senator can move the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Wisconsin will be stated.

The SECRETARY. On page 2, section 1, line 2, it is proposed to strike out "or so much thereof as may be needed;" and insert the same words after the word "district," in the fourth line.

Mr. HOAR. Would it not be better to say "or so much of the 5 per cent as may be needed?"

Mr. BEVERIDGE. "Or so much of the 5 per cent as may be needed."

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

Mr. QUARLES. On page 2, line 2, after the word "much," strike out "thereof" and insert in lieu thereof the words "of such per cent."

Mr. GALLINGER. Of said per cent.

Mr. CULLOM. Of said per cent.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. HOAR. I desire to have the attention of the Senator in charge of the bill. On the same page, page 2, section 2, it is provided that "the said engineer officer shall, during the term of his said detail and appointment, reside in said district." I am afraid that will be construed to give him a legal residence there.

Our engineer officers, like other officers of the United States, wherever they go, maintain their own citizenship and residence in their States, as we do in ours. It is very important to them, not only in the matter of voting, with respect to which they do not want to be separated from the rest of their fellow-citizens, but in regard to the disposition of their property when they die, the place where the will has to be proved, and especially if a child of an engineer officer is a suitable person to be appointed to West Point or Annapolis from the State in which he lives, his Senator or Representative could not appoint the boy. So I suggest as a substitute for the word "reside" the word "abide." I suppose what the Senator means is that the officer shall be there while he is performing his duties.

Mr. NELSON. I have no objection to the amendment. I suggest that we strike out "reside" and insert "abide."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes."

MUNICIPAL CORPORATIONS IN ALASKA.

Mr. BEVERIDGE. We desire to call up for consideration next the bill (S. 3338) to amend and codify the laws relating to municipal corporations in the district of Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with amendments.

The first amendment of the Committee on Territories was, in section 4, page 6, line 1, after the word "elected," to insert "and who shall take care that the ordinances and resolves of the council be faithfully executed;" so as to read:

SEC. 4. That the said common council shall have and exercise the following powers:

First. To adopt rules and by-laws for their proceedings, and to elect one of their number president of the council, who shall also be ex officio mayor of the town and who when chosen shall continue to hold the position of president and ex officio mayor during the term for which the council was elected, and who shall take care that the ordinances and resolves of the council be faithfully executed.

The amendment was agreed to.

The next amendment was, in the same section, page 7, line 14, after the word "property," to insert "of the person against

whom the tax is levied;" and in line 16, after the word "value," to strike out the words "of the person against whom the tax is levied;" so as to read:

Seventh. To assess, levy, and collect a poll tax of not less than $2 nor more than $4 per year on all male residents over 21 and under 50 years of age who are not active members, serving without pay, of a volunteer fire company in the town. Such tax shall be a lien upon and may be collected from any real or personal property of the person against whom the tax is levied except wearing apparel and household furniture less than $300 in value.

The amendment was agreed to.

The next amendment was, in the same section, page 8, line 6, before the word "family," to insert "a;" in the same line, before the word "householder," to insert "a;" and in line 9, before the word "execution," to strike out "or" and insert "on;" so as to read:

Provided, however, That all property belonging to the municipality, all property used exclusively for religious, educational, and charitable purposes, and the household furniture of the head of a family or a householder not exceeding $200 in value, shall be exempt from such tax: *Provided further*, That the laws exempting certain property from levy and sale on execution shall not apply to said taxes or the collection of the same.

The amendment was agreed to.

The next amendment was, in the same section, on page 9, line 21, after the word "same," to insert "shall be transferred to the treasurer of said board;" so as to read:

All money available for school purposes, except for the construction and equipment of schoolhouses and the acquisition of sites for the same, shall be transferred to the treasurer of said board, shall be expended under the direction of said board.

The amendment was agreed to.

The next amendment was, in the same section, on page 10, line 14, after the word "town," to insert "and to publish all ordinances;" so as to read:

Thirteenth. To take such action by ordinance, resolution, or otherwise, as may be necessary to protect and preserve the lives, the health, the safety, and the well-being of the people in the town and to publish all ordinances.

The amendment was agreed to.

The next amendment was, in the same section, on page 11, line 6, after the word "town," to insert:

Provided, That said treasurer shall pay over to the treasurer of the school district all moneys available for the maintenance of schools.

So as to read:

The treasurer appointed by the council shall be the custodian of all the moneys of the town: *Provided*, That said treasurer shall pay over to the treasurer of the school district all moneys available for the maintenance of schools.

The amendment was agreed to.

The next amendment was, in section 6, page 12, line 24, after the word "compensation," to insert:

Any officer of the town, whether elective or appointive, may be removed from office for malfeasance, misfeasance, or nonfeasance in office, by the district court, in proceedings initiated upon the complaint of a taxpayer, and in which the officer complained of shall have full opportunity to appear and defend himself.

The amendment was agreed to.

The next amendment was, on page 13, section 8, line 21, after the word "repealed," to insert:

And the provisions of this act shall apply to and govern all municipal corporations heretofore created in the district of Alaska.

The amendment was agreed to.

Mr. NELSON. In line 9, page 5, before the word "Tuesday," I move to strike out "third" and insert "first;" and in line 10, after the word "of," to strike out "July" and insert "April;" so as to read: "On the first Tuesday in April."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COAL-LAND LAWS IN ALASKA.

Mr. NELSON. I now desire to call up the bill (S. 2814) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment in the nature of a substitute.

Mr. NELSON. I wish to make a brief statement with respect to the bill, and then I shall leave it in charge of the Senator from New Hampshire [Mr. BURNHAM]. The bill originally introduced by him was referred to the Interior Department. The Department reported a substitute, and the committee have recommended the substitute with the exception of one slight amendment.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment reported by the Committee on Public Lands will be stated.

The amendment was to strike out all after the enacting clause and to insert in lieu thereof the following:

That any person or association of persons qualified to make entry under the coal-land laws of the United States, who shall have opened or improved a coal mine or coal mines on any of the unsurveyed public lands of the United States in the district of Alaska, may locate the lands upon which such mine or mines are situated, in rectangular tracts containing 40, 80, or 160 acres, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be readily and easily traced. And all such locators shall, within one year from the passage of this act, or within one year from making such location, file for record in the recording district, and with the register and receiver of the land district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands located, and a reference to such natural objects or permanent monuments as will readily identify the same.

SEC. 2. That such locator or locators, or their assigns, who are citizens of the United States, may receive a patent to the lands located by presenting, at any time within three years from the date of such notice, to the register and receiver of the land district in which the lands so located are situated an application therefor, accompanied by a certified copy of a plat of survey and field notes thereof, made by a United States deputy surveyor or a United States mineral surveyor duly approved by the surveyor-general for the district of Alaska, and a payment of the sum of $10 per acre for the lands applied for; but no such application shall be allowed until after the applicant has caused a notice of the presentation thereof, embracing a description of the lands, to have been published in a newspaper in the district of Alaska published nearest the location of the premises for a period of sixty days, and shall have caused copies of such notice, together with a certified copy of the official plat or survey, to have been kept posted in a conspicuous place upon the land applied for and in the land office for the district in which the lands are located for a like period, and until after he shall have furnished proof of such publication and posting, and such other proof as is required by the coal-land laws: *Provided*, That nothing herein contained shall be so construed as to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district.

SEC. 3. That during such period of posting and publication, or within thirty days thereafter, any person or association of persons having or asserting any adverse interest or claim to the tract of land or any part thereof sought to be purchased shall file in the land office where such application is pending, under oath, an adverse claim, setting forth the nature and extent thereof, and such adverse claimant shall, within sixty days after the filing of such adverse claim, begin an action to quiet title in a court of competent jurisdiction within the district of Alaska, and thereafter no patent shall issue for such claim until the final adjudication of the rights of the parties, and such patent shall then be used in conformity with the final decree of such court therein.

SEC. 4. That all the provisions of the coal-land laws of the United States not in conflict with the provisions of this act shall continue and be in full force in the district of Alaska.

Mr. BURNHAM. In section 1, line 25, page 3, after the word "mines," I move to strike out the word "or" and to insert "are."

The amendment to the amendment was agreed to.

Mr. BURNHAM. On page 4, line 15, section 2, I move to strike out "may" and insert "shall."

The amendment to the amendment was agreed to.

Mr. NELSON. The whole amendment is a substitute.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee as a substitute.

The amendment was agreed to.

Mr. KEAN. I should like to have the report read. I will state to the Senator from Minnesota and the Senator from New Hampshire that I have no objection whatever to the bill, but I have objection to the bill which follows, creating an additional judge in the district of Alaska.

Mr. NELSON. That bill has not been called up.

Mr. KEAN. But it is the next bill to be called.

The PRESIDING OFFICER. The Senator from New Jersey calls for the reading of the report.

Mr. NELSON. The Senator does not call for the report in this case?

Mr. KEAN. I call for the report in this case.

The PRESIDING OFFICER. The Senator from New Jersey asks for the reading of the report. The report will be read.

Mr. BURNHAM. Do I understand the Senator from New Jersey desires the reading of the report on this coal bill?

Mr. KEAN. That is what I desire.

The PRESIDING OFFICER. That is the request of the Senator from New Jersey. The report will be read.

The Secretary proceeded to read the report submitted by Mr. NELSON, from the Committee on Public Lands, March 2, 1904.

Mr. NELSON. The balance is simply the bill which has just been read.

The PRESIDING OFFICER. And agreed to.

Mr. NELSON. And agreed to. It has already been read.

The PRESIDING OFFICER. Does the Senator from New Jersey desire a further reading of the report?

Mr. KEAN. I do not.

The PRESIDING OFFICER. The Senator from New Jersey withdraws his request for the further reading of the report.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL JUDGE IN ALASKA.

Mr. BEVERIDGE. I ask that the bill (S. 3336) to provide an additional district judge for the district of Alaska, and for other purposes, be next considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Territories with amendments.

Mr. NELSON. I ask unanimous consent that we may proceed to consider the amendments now.

Mr. KEAN. I object, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. BEVERIDGE. I hope the Senator will let the amendments be considered now, and if, after the amendments have been agreed to, there should be any objection to the bill itself——

Mr. KEAN. I should like first to have the Senator from Indiana explain the necessity for this bill.

Mr. NELSON. We can explain it.

Mr. KEAN. I am opposed to creating useless offices.

Mr. BEVERIDGE. I suggest to the Senator from New Jersey that it will serve his purpose just as well if he will permit the bill to be perfected by the consideration of the amendments, and then when the bill is perfected, if that Senator or any other Senator has any objection to the bill, going to the merits of the measure, it will be explained and the discussion will proceed. I suggest that merely as a method of expedition. I hope the Senator will permit the amendments to be considered now, and if it suits his convenience just as well, we will discuss the bill afterwards.

Mr. KEAN. I think the Senator had better explain it first, because I do not see any necessity for the bill, to begin with. Let us begin at the beginning and not at the end.

Mr. BEVERIDGE. Does the Senator see any objection at all to the method proposed of perfecting the bill?

Mr. KEAN. None whatever. I am opposed to an additional judge in Alaska.

Mr. BEVERIDGE. I understand that.

Mr. KEAN. I do not see the necessity for it.

Mr. BEVERIDGE. Understanding the fact that the Senator is opposed to an additional judge in Alaska, or that other Senators may be opposed to it, I am merely submitting to the Senator whether it would not be better or serve his purpose just as well to permit the amendments to be considered and the bill to be perfected and then discuss the bill. If there is to be any extended discussion we will not press the bill to-day.

Mr. KEAN. Very well; I will allow it to go that way.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee shall first receive consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill. The first amendment was, in section 1, page 2, line 3, after the word "divisions," to strike out:

The first division shall include all that part of the district of Alaska east of the one hundred and forty-first degree of west longitude. The second division shall include all that part of the district of Alaska west of the one hundred and sixtieth degree of west longitude and north of Bristol Bay. The third division shall include all that part of the district of Alaska not within the said first and second divisions and south of a due east and west line running through the summit of Mentasta Pass. The fourth division shall include all that part of the district of Alaska not embraced in the first, second, and third divisions aforesaid.

And to insert in lieu thereof:

Division No. 1 shall consist of all that part of the district of Alaska lying east of the one hundred and forty-first meridian of west longitude. Division No. 2 shall consist of all that territory lying west of a line commencing on the Arctic coast at the one hundred and forty-eighth meridian; thence extending south along the easterly watershed of the Colville River to a point on the Rocky Mountain divide between the headwaters of Colville River on the north and west and the waters of the Chandlar on the south; thence southwesterly along the divide between the waters of the Colville River, the Kotzebue Sound, and Norton Sound on the north and west and the waters of the Yukon on the south to the one hundred and sixty-first meridian of west longitude; thence along said meridian to the Kuskokwim River; thence southwesterly along the center of the channel of said Kuskokwim River to the Bering Sea, the said division to include all the islands lying north of the fifty-ninth parallel of north latitude. Division No. 3 shall consist of all that territory lying south and west of the line starting on the coast of the Gulf of Alaska at the one hundred and forty-first meridian of west longitude; thence northerly along said meridian to a point due east from Mount Allen; thence west to summit of Mount Allen; thence southwesterly along the southerly watershed of the headwaters of Tannana River, thence westerly along the divide between the waters of the Gulf of Alaska on the south and the waters of the Yukon on the north to the summit of Mount McKinley; thence continuing westerly along the divide between the waters of the Gulf of Alaska and Bristol Bay on the south and the waters of the Yukon and Kuskokwim on the north to the one hundred and fifty-ninth meridian of west longitude; thence northwesterly to the Kuskokwim River on the one hundred and sixty-first meridian of west longitude; thence southwesterly along the center of said river to Bering Sea, said division to include the Alaska Peninsula, the Aleutian Islands, and all islands along the coast of this district south and west of the said district and all lying south of the fifty-ninth parallel of north latitude. Division No. 4 shall consist of all that part of the district of Alaska lying east of the second division and north of the third division.

The amendment was agreed to.

The next amendment was, in section 1, page 4, line 11, after the word "Valdez," to strike out "Kodiak, Dutch Harbor and at the most convenient and accessible place, to be determined by the judge," and insert "Unalaska, and Dillingham;" so as to read:

One general term of court shall be held each year at Valdez, Unalaska, and Dillingham, at the head of Bristol Bay, in the third division, and such additional terms at either of said places as the judge may direct.

The amendment was agreed to.

The reading of the bill was continued to line 2 on page 5.

Mr. NELSON. I desire to move an amendment there, suggested by the Attorney-General in a letter I have. I move to strike out, after the word "stenographer," in line 2, page 5, the words "under the same terms and conditions as are or may be provided for district courts in the United States" and to insert in lieu thereof the following:

At such compensation as shall be fixed by the district judge, subject to the approval of the Attorney-General.

So as to make the clause read:

Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court, at such times and places in the district as they or any of them, respectively, may deem expedient or as the Attorney-General may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court, and to employ an official court stenographer at such compensation as shall be fixed by the district judge, subject to the approval of the Attorney-General.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor, which, by unanimous consent, is temporarily laid aside in order that the Senate may proceed with the consideration of proposed Alaskan legislation.

The reading of the bill was resumed. The next amendment of the Committee on Territories was, in section 2, page 5, line 24, after the word "same," to insert "except the money derived from licenses:" so as to read:

He shall also collect and receive all moneys arising from the fees of his office from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 2, page 6, line 22, after the word "provided," to strike out "and also register of wills for the district;" so as to read:

He shall be ex officio recorder of instruments, as hereinafter provided, and shall establish secure offices where terms of his division of the court are held for the safe-keeping of his official records.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 25 on page 7.

Mr. NELSON. At the suggestion of the Attorney-General, after the word "attorneys," line 23, page 7, section 3, I move to insert "and one or more clerical assistants."

Mr. PLATT of Connecticut. Is that instead of assistant attorneys?

Mr. NELSON. It is for clerical assistants.

Mr. PLATT of Connecticut. But does the provision for assistant attorneys stay in? I thought the bill provided for the appointment of assistant attorneys.

Mr. NELSON. The bill provides for the appointment of "one or more assistant district attorneys," but the Attorney-General suggests that one or more clerical assistants be provided for. This is an amendment suggested by the Attorney-General.

The amendment was agreed to.

Mr. NELSON. I move the following amendment, also in harmony with the other and recommended by the Attorney-General. After the word "attorneys," in line 25, I move to insert "and clerical assistants:" so as to read:

Who shall receive such compensation as the Attorney-General may fix, to be paid as other assistant United States district attorneys and clerical assistants are paid.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 11, on page 8, in section 4.

Mr. NELSON. On page 8, line 8, after the word "quarterly," at the suggestion of the Attorney-General, I move to insert the following:

Duly verified by the oath of the commissioner or deputy marshal rendering the account.

So as to read:

That an accurate detailed account of all fees earned and expenses incurred by commissioners and deputy marshals shall be prepared in duplicate, quarterly, duly verified by the oath of the commissioner or deputy marshal rendering the account, and forwarded to the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law.

The amendment was agreed to.

The reading of the bill was continued to the end of section 4, line 19, page 8.

Mr. NELSON. At the suggestion of the Department of Jus-

tice. I move, in line 13, after the word "Justice," to insert "for revision;" so as to read:

After approval by the judge the original of each such account shall be forwarded by the clerk to the Department of Justice for revision, and the duplicate filed in the court.

The amendment was agreed to.

Mr. NELSON. At the suggestion of the Department of Justice I move, in line 15, after the word "year," to insert "or in excess of that rate for a less period;" so as to read:

All net fees earned in excess of the sum of $3,000 per calendar year or in excess of that rate for a less period by any commissioner or deputy marshal shall be annually paid to the clerk of the proper division of the court, for the use of the United States, such payment to be accompanied by a verified detailed statement of such deputy or commissioner.

The amendment was agreed to.

The next amendment of the Committee on Territories was, on page 8, line 20, after the words "Sec. 5," to strike out the following:

That the marshal for each division of the district of Alaska shall reside during his term of office at the place designated as the residence of the judge of such division of the court.

And to insert in lieu thereof the following:

That four United States marshals shall be appointed for the district, one of whom shall be assigned to each district; the marshal for each division shall reside during his term of office at the place designated as the residence of the judge of such division of the court.

Mr. NELSON. On page 9, line 1, I move to strike out the word "district" and insert the word "division;" so as to read:

That four United States marshals shall be appointed for the division, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 9, line 11, after the words "Sec. 7," to strike out the following:

That this act shall take effect and be in force on and after the 1st day of July, 1904. All acts and parts of acts inconsistent with this act are repealed.

And to insert in lieu thereof the following:

That nothing in this act shall be construed to limit or terminate the term of office of either of the judges, district attorneys, or marshals now serving in Alaska; but each shall serve out the term for which he was appointed regardless of this act. The judge, district attorney, and marshal now serving in the third division of said district shall hereafter have their residence and hold their respective offices in the fourth division created by this act: *Provided*, That the President may in his discretion change the assignment of any of said officers from one division to another.

Mr. NELSON. At the suggestion of the Attorney-General, in line 18, I move to strike out the words "regardless of this act" and insert in lieu thereof the words "unless sooner removed;" so as to read:

That nothing in this act shall be construed to limit or terminate the term of office of either of the judges, district attorneys, or marshals now serving in Alaska; but each shall serve out the term for which he was appointed unless sooner removed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 9, after line 23, to insert the following as a new section:

SEC. 8. That this act shall take effect and be in force on and after the 1st day of July, 1904. In so far only as the provisions of this act are in conflict with other or prior acts, the other or prior acts are hereby repealed.

The amendment was agreed to.

Mr. BEVERIDGE. The bill having been perfected——

Mr. NELSON. I have two more amendments to offer.

Mr. BEVERIDGE. Very well.

Mr. NELSON. They should come in before section 8 in the amended bill. These are amendments suggested by the Department of Justice. First, I offer an amendment as an independent section, to come in preceding the last section of the bill.

The SECRETARY. After section 7 insert:

SEC. 8. That section 771 of chapter 80, title 2, of said act approved June 6, 1900, be, and the same is hereby, repealed; and the Attorney-General is authorized and directed to prescribe a schedule of fees for the services rendered by United States commissioners acting as ex officio probate judges.

The amendment was agreed to.

Mr. NELSON. I also offer an amendment, at the suggestion of the Attorney-General, as an independent section, to come in next after the one just adopted.

The SECRETARY. It is proposed to insert the following additional section, to follow the section just agreed to:

SEC. 9. That when, in the opinion of the Attorney-General, it will be impossible for the accounts of any court official or other person whose account pertains to United States courts in Alaska to be transmitted to the Department of Justice within the period prescribed by law, the Attorney-General may modify, as he may deem proper, any requirement of law concerning the time when such accounts shall be rendered and transmitted.

The amendment was agreed to.

Mr. BEVERIDGE. The bill now having been perfected, I think it proper, in view of the question asked by the Senator from New Jersey [Mr. KEAN], to make a brief statement, which statement will be amplified if the occasion demands.

Mr. FORAKER. Before the Senator from Indiana proceeds, I should like to make an inquiry. Is the purpose of the Senator from New Jersey to oppose this measure so that there is to be discussion and debate on it?

Mr. KEAN. I certainly am opposed to it.

Mr. BEVERIDGE. I do not think there will be a great deal of debate. I do not know, but I imagine not. I think, after the large general reasons are given for this bill, the Senator from New Jersey will not want to address the Senate at any great length.

Mr. FORAKER. I only wanted to learn how much time it was likely to occupy. If it is going to lead to protracted debate——

Mr. BEVERIDGE. My statement will not occupy three minutes.

Mr. FORAKER. Very well.

Mr. BEVERIDGE. Mr. President, the district of Alaska is one judicial district, divided into three divisions. The three judges not only have judicial functions as judges elsewhere have, but many of them have administrative functions. For example, under the scheme of government of the district of Alaska a variety of licenses are provided for. Those licenses must be granted by the judges. Oftentimes they require considerable and extended investigation. Commissioners must be appointed for this, that, and the other; fees must be accounted for by the commissioners and clerks, and audited by the judges. So the judges in Alaska not only have their judicial duties to perform, but a large variety of administrative functions as well. That is the first point.

The second point is that these three divisions cover an immense tract of territory. One illustration goes to show and will bring the attention of the Senate to the extreme difficulty of a judge properly performing his duties and of justice being properly administered there. In one division—I think it is the third or the second—the judge, in traveling from one place to another in holding court, by the nearest possible route, must travel 1,400 miles, and if he travel by the easier route he must travel 2,800 miles.

Mr. KEAN. Do I understand from the Senator from Indiana that this bill does not propose to divide any other district than the third judicial district of Alaska?

Mr. BEVERIDGE. I did not hear the Senator from New Jersey.

Mr. KEAN. I say to the Senator from Indiana that, if I understand this bill, it creates four judicial districts in Alaska.

Mr. BEVERIDGE. It does.

Mr. KEAN. And the only district that is divided is the third district.

Mr. BEVERIDGE. The Senator will find that that is inaccurate.

Mr. KEAN. It is practically accurate, though it may not be exactly, so far as distance is concerned.

Mr. BEVERIDGE. I will make this general statement, and if there is any detail desired, the Senator from Minnesota [Mr. NELSON], who was on the subcommittee which went to Alaska and investigated these conditions on the ground, can, from that personal investigation, answer the Senator more definitely. I merely want to make this broad, general statement.

I say that in one district, for example, there must be traveled by the nearest route 1,400 miles, and by the other route, which is the easier route, 2,800 miles.

These two statements, Mr. President, upon their face indicate that there should be greater facilities for the administration of justice and for the discharge of the administrative duties which are laid upon the judges in Alaska.

It is said—and that is the only argument I have heard against this bill, which I say those two statements on their face sufficiently answer—that no new cases were brought within a certain time—within perhaps the past year—and that, therefore, no additional judges are required. But one of the very reasons why no cases were brought was because of the impracticability of men who might want causes to be tried, or who might have grievances to lay before the court, or have other business, of getting at the court.

These are the broad, general outlines of the reasons for this bill, Mr. President. If the Senator from New Jersey has any objection to the bill I think the committee will be very glad indeed to have him state it. I am satisfied that the subcommittee—the Senator from Minnesota [Mr. NELSON] and the Senator from New Hampshire [Mr. BURNHAM]—will answer the Senator in detail.

Mr. KEAN. Mr. President, the Senator from Indiana knows very well that I have no objection to the bill itself, but only to dividing Alaska in four districts. The present condition of affairs in Alaska, so far as I can find from the Attorney-General's report, is entirely satisfactory. I am informed that there are no cases undecided in the third district of Alaska, that all the judicial business has been attended to, and that no necessity is shown for dividing the district.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him?

Mr. KEAN. Certainly.

Mr. BEVERIDGE. Mr. President, the point which the Senator

from New Jersey has made had force with me, as it must with every other Senator and every man, when first stated, to wit, that the business of that district had been attended to, and that no new case had been filed. If that is true, it is answered by the very fact of this bill, that it is practically impossible for a large number of residents or citizens of Alaska to get justice because they have no opportunity to get to the courts, the distances being so great and travel almost impossible save during four months in the year.

Mr. KEAN. I have not the report of the Attorney-General in regard to the third district of Alaska before me. His report is printed, but it fails to show any returns whatever from that district. Therefore I can not answer what the Senator says. I suppose that some business was done in that district during the last year; but I am informed that there is not a single undecided case in that district at the present time. Probably the Senator from Minnesota can tell me as to that.

Mr. NELSON. When the Senator gets through, I will state the facts in the case.

Mr. KEAN. I shall be very glad to hear what the Senator from Minnesota has to say regarding the subject.

Mr. NELSON. I can not limit myself to just exactly a question. When the Senator is through, I will answer him.

Mr. BEVERIDGE. I suggest to the Senator from New Jersey [Mr. KEAN] that he make to the bill all the objections he has, so that when the Senator from Minnesota [Mr. NELSON] rises to answer him, he will have all the objections which exist to this bill before him and answer them. I think the whole thing can be done very briefly.

Mr. KEAN. I yield now to the Senator.

Mr. NELSON. Mr. President, to understand the merits of this bill and the necessity for it one must be familiar with the conditions which prevail in Alaska. As a matter of fact, whatever civil government they have in Alaska, is practically a government in the hands of the judges and court commissioners. We have a governor in Alaska with scarcely any power. He is commander in chief of the militia, and they have no militia. He sends an annual report here to Washington. He is empowered to look after the seal fisheries and has some other little duties of a merely nominal character; but the whole civil government, as I have said, is in the hands of the district judges and the court commissioners.

Among the duties of the judges are these: First, they, in addition to the judicial functions which ordinarily pertain to judges, have the appointment of court commissioners. It is their duty to divide their several districts into what are known as "recording districts."

The court commissioners are not only performing what might properly be called the duties of court commissioners, but they are also ex officio probate judges, ex officio justices of the peace, ex officio notaries public, ex officio coroners, ex officio recorders and registers of deeds. In fact, they perform all the duties of county officers in organized States.

They also have in Alaska a system of license fees. In addition to the ordinary liquor licenses they have a system of occupation and trade licenses. The applications for such licenses must be made to the district judge in each case and must be considered and passed upon by him. He must pass not only on liquor licenses, but also upon a multitude of trade and occupation licenses, as Senators will see if they will examine the report of the committee. Then the judge in each division has to divide his division into recording divisions and appoint a court commissioner to each division; and the distances which judges have to travel to perform their duties in that country are immense.

Besides, Mr. President, I want to call the attention of the Senate to the fact that the judges there are not able to perform the duties imposed upon them.

The statement which has been made that the report of the Attorney-General shows that there was no business performed in the third division during the last year is incorrect. The statement not only indicates that there was not a single criminal case in that district, but it indicates that there was not a single civil case, which I know to be not true.

Last summer the subcommittee of the Committee on Territories, of which I was a member, were at the little town of Rampart, on the Yukon River, while the district court was in session.

Mr. DILLINGHAM. Will the Senator allow me to inquire whether any report was received from that district in time to go into the published report of the Attorney-General?

Mr. NELSON. I think not.

Mr. DILLINGHAM. I understood, Mr. President, that, owing to the great distances to be traveled there, no report was received in season to be published by the Department. I am told that is the fact.

Mr. KEAN. If no report has been received to show that it is necessary, that, Mr. President, is so much the more reason for not passing this bill.

Mr. NELSON. I will state some other reasons for passing the bill, and, if Senators will allow me, I will go to the map hanging here on the wall of the Senate Chamber and illustrate.

The subcommittee were attending court last summer at Rampart, on the Yukon River, about there [indicating on the map]. We found there, when we were attending the court of Judge Wickersham, a court commissioner who said it took him twenty-nine days to come down there from the Koyukuk River to attend court. He had to go all the way down that river, a distance of 600 miles, and then up the Yukon River 300 miles, and he had to spend twenty-nine days to get there to attend court. While the court commissioner was here in the city he informed me that he had twenty-nine cases where the men had been bound over to appear before the district court for various offenses. He tried to get the judge to go to the Koyukuk River to hold court, but the judge did not go there; and what to do the commissioner did not know. Finally he got the men to go into court and plead guilty to a minor offense—an offense within the jurisdiction of court commissioners—and so the twenty-nine cases were disposed of.

Let me show on this map the territorial divisions of Alaska. This [indicating] is the one hundred and forty-first meridian of longitude, which divides Alaska from the Yukon district in Canada. This strip here [indicating] is the Alexander Archipelago, and the strip which was in dispute between us and England and which has recently been settled. This [indicating] constitutes the first judicial division of Alaska, both under this bill and under the existing law.

The other two divisions of Alaska are divided under existing law by this blue line here [indicating], the division between the second district and the third district. By this bill we propose to make four divisions, dividing them in the way shown by the red lines on this map [indicating].

The first division remains as it is in the existing law, the second division includes all that part of Alaska west of the red line, and the third division includes all of Alaska south of this red line [indicating]. The fourth division includes the part which is here shown [indicating].

If you will observe, Senators, these lines are somewhat irregular, because they follow the mountain divides in order that the different creeks and mining camps between the divides may be all in one judicial district. So here this irregular crooked line [indicating] follows the divide between the waters that flow into the Pacific Ocean and the waters that flow into the Yukon River.

Judge Wickersham last summer held court at Rampart, on the Yukon River. After he got through at Rampart, which is about there [indicating], he had to go down the Yukon River 900 miles or more to St. Michael, and there he was met by a United States revenue cutter, which took him around Bering Sea to Bristol Bay, right in there [indicating], and the revenue cutter had to stay there until he got through.

After he concluded his work at Bristol Bay the revenue cutter took him down by way of Dutch Harbor up to Valdez, where he held court. His headquarters were at Eagle, on the Yukon River, and in order to reach Valdez from Eagle the judge must either travel up the Yukon River and the Lewis River, which is its chief tributary, by steamboat and then across the White Pass Railway to Skagway, and from there by ocean steamship by way of Juneau and Sitka to Valdez, a distance of over 1,400 miles, or else he would be obliged to go down the Yukon River to St. Michael, which is at this point on the map [indicating], and from there by way of Dutch Harbor to Valdez by steamship, which is a distance of over 2,800 miles. To reach Unalaska or Dutch Harbor from Eagle he is obliged to go over the same route, a distance of over 2,200 miles, and from there he is obliged to take steamship to Bristol Bay at this point [indicating], an additional distance of 417 miles.

Mr. FAIRBANKS. May I interrupt the Senator for a moment?

Mr. NELSON. I shall be very glad to have Senators ask me any questions they please.

Mr. FAIRBANKS. I merely desire to say that Judge Wickersham is perhaps one of the best judges who has ever been sent to Alaska.

Mr. NELSON. He is a very good judge, indeed.

Mr. FAIRBANKS. He is a judge of splendid ability, of undoubted integrity, and of vast industry. He advised me when recently here that he was over a year—if I recollect, some thirteen or fourteen months—in going to all the points to which he was obliged to go in his judicial district.

Mr. NELSON. Judge Wickersham ought to have gone up the Koyukuk River, as I described, where those twenty-nine cases were to be tried, but it was impossible for him to go. He would have to go down the Yukon River 200 miles, and then up around this narrow river here [indicating], which is only navigable during extreme high water.

There is another fact to which I want to call the attention of Senators, and that is that any additional expenses incurred for the

salaries of an additional judge, marshal, clerk, and attorney will be more than saved by the saving that is made in the traveling expenses of these officials under existing conditions. If you count the traveling fees of the United States marshal, the United States clerk, the attorney, and the judge, with their headquarters at Eagle, going from there all over that Territory and attending to their functions, you will find their traveling fees amount to a great deal more than will the salaries if this new district is established.

Alaska is a much neglected country. It is our duty to give the citizens of Alaska all the facilities possible under their limited scheme of government.

If the judges of Alaska, like the judges of other Territories, simply had judicial functions to perform and had a limited amount of travel, if they could travel as do the judges in the Territories of Arizona and New Mexico, two judges could do the work; but under the conditions in that Territory, the immense distances, the very short summer of three or four months—which is the only season when they can get about in the district—it is an utter impossibility for the judge of the third judicial district to go around and hold court in places where he ought to hold court in that district.

If Senators saw the conditions up there as the subcommittee saw them, I do not think a voice would be raised against this bill. The little civil government they have in Alaska is through the judges and court commissioners. If you do not give the people there those facilities in full measure, you deprive them of the benefit of what little civil government they have.

Mr. President, I am unwilling to take up the time of the Senate any longer. If Senators desire any further information, I shall be glad to give it to them; but I sincerely trust, on behalf of the people of Alaska, that the Senate will pass this bill.

Mr. DILLINGHAM. Mr. President, I want to add to what the Senator from Minnesota has said, as bearing upon the question whether there is business in that district to be done, what Judge Wickersham testified to before the subcommittee when we met him at Rampart, where he was holding court. When asked about this proposition, he said:

> It will have to be done soon. This is a very large judicial division. It extends from the British line to the outer Aleutian Islands—from the Pacific to the Arctic Ocean. The judge is compelled to travel all the time when he is on the coast. It is almost impossible for the business of the court in the interior of the district to receive attention. Heretofore it has received fair attention, but the business is rapidly increasing, and I recommend the creation of another judicial division by dividing the third judicial division—

Then he goes on to state how the division should be made.

Mr. CULLOM. And you have made it accordingly.

Mr. DILLINGHAM. We have made it accordingly, and Judge Wickersham has approved this bill.

In addition to that, in this Yukon basin lies the great, broad, mining region of Alaska. There are probably 100,000 square miles of territory watered by the creeks which flow into the Yukon River, upon every one of which are found deposits of gold, and in all of that district we did not find a man who would not abandon his claim rather than to fight for it because of the expenses of getting it to court. Every miner we met said: "We will abandon our claims before we will bring a suit, because we can not get into the courts without going great distances, and the expense of going is prohibitive in its character."

That complaint met us the whole length of the Yukon River for 1,500 miles. It met us in the Aleutian Islands, and when we came around to Valdez, the city which is located on Valdez Bay, on the southern coast of Alaska, we were met by the bar there, who told us that they had not been able to get an order during the entire season. There are Senators present in the Chamber who know that the court that was held by Judge Wickersham only came there after the assembling of Congress last November, and at least one Senator was detained there during the November session to try cases.

There is no reason, as it seemed to the committee, why the people of Alaska should be subjected to this hardship, and we are a unit in recommending the passage of this bill.

Mr. BEVERIDGE. I express the hope that the Senator from New Jersey, who asked for some reasons for the passage of the bill, is probably satisfied by the reasons given by the two members of the subcommittee, its chairman [Mr. DILLINGHAM] and the Senator from Minnesota [Mr. NELSON]; and will permit the Senate to pass the bill.

Mr. KEAN. Mr. President, I agree with what the Senator from Vermont [Mr. DILLINGHAM] has stated in regard to what Judge Wickersham said; but the judge did not say that there was any immediate necessity for this bill. He did say that eventually he thought the district would have to be divided, but as the subcommittee that visited Alaska, and for whom I have profound respect, seem to think that this is the proper time to take such action—although I can not see from anything that I have read in the report of the Attorney-General or from any information I have had that this legislation is necessary—I will withdraw my opposition.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PLATT of Connecticut. I should like to make an inquiry as to how many new officials this bill creates?

Mr. NELSON. It creates only the following: One judge, one United States attorney, one marshal, and one clerk of the court, and, of course, such deputies as the clerk and the marshal may need. It does not create any other officers.

Mr. PLATT of Connecticut. Does it create any new officers in the courts that are already held?

Mr. NELSON. None at all. It leaves those courts and their officers just as they are.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELEGATE IN CONGRESS FROM ALASKA.

Mr. BEVERIDGE. I ask the Senate next to consider, in Alaskan legislation, Calendar No. 1131, being the bill (S. 3339) providing for the election of a Delegate to the House of Representatives from the district of Alaska.

Mr. KEAN. That bill can not be passed now.

Mr. PLATT of Connecticut. I do not think that bill can pass without a good deal of discussion.

Mr. PATTERSON. Let it be taken up and made the unfinished business.

Mr. BEVERIDGE. Yes; let it be made the unfinished business.

Mr. PLATT of Connecticut. I thought I had the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut is entitled to the floor.

Mr. PLATT of Connecticut. I wish to say that there are several Senators who have serious question with regard to this bill who are not here to-day, and who I know will desire to take part in the discussion of it when it is considered.

Mr. FORAKER. I have no objection to the bill being taken up and made the unfinished business.

The PRESIDENT pro tempore. There is unfinished business now.

Mr. FORAKER. However that may be, it is a bill, as the Senator from Connecticut [Mr. PLATT] has suggested, that will be debated at more or less length. I am not willing to delay my motion longer; and as the Senator from Indiana [Mr. BEVERIDGE] has indicated that he would be willing to let the bill go over if there was debate, I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I indicated to the Senator from Ohio that I would not press the bill now if it would involve long discussion. I had supposed that the unfinished business which was before the Senate when the unanimous consent for the consideration of these Alaskan bills was given for to-day was disposed of. What is the unfinished business?

The PRESIDENT pro tempore. The Secretary will state the title of the bill which is the unfinished business.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. BEVERIDGE. I had forgotten that for the moment. I should not want in any wise, of course, to interfere with that bill. I will not press the Alaskan Delegate bill to-day.

Mr. PATTERSON. Mr. President, is there not some method by which this bill may have the right of way at some future time for discussion in the Senate? It is a very important bill, and one in which the people of Alaska feel a deeper interest, perhaps, than almost any other bill.

Mr. BEVERIDGE. That can only be done by unanimous consent, for we can do anything by unanimous consent. This bill might be made the unfinished business after the public building bill, with which I would not think of interfering, is disposed of; but, of course, there would not be unanimous consent given for that, so it is useless to ask it.

Mr. PATTERSON. You can not know that until you try.

Mr. BEVERIDGE. I have a bare suspicion that there will be objection.

Mr. PLATT of Connecticut. You may be sure of it.

Mr. TELLER. I want to call attention to the fact that we gave unanimous consent the other day to consider Alaskan bills to-day. I think we have got the consent of the Senate——

Mr. BEVERIDGE. We have.

Mr. FORAKER. That is subject to the rules of the Senate, under which rules I have the right to move that the Senate proceed to the consideration of executive business.

Mr. TELLER. I do not think the Senator has that right——

Mr. FORAKER. I understand I have.

Mr. TELLER. Until we dispose of the Alaskan bills; and if we can not dispose of them to-day, under the unanimous-consent order, they go over. We have got the entire day, if we want it.

Mr. FORAKER. I understand that the right to move an executive session is a privileged motion.

Mr. TELLER. It is not, Mr. President, unless the Senator chooses to do what has never been done in this Senate, that I know of, while we are acting under a unanimous-consent agreement.

Mr. FORAKER. I understand that all unanimous-consent agreements to consider legislative business are made subject to the right of a Senator to make a motion to proceed to the consideration of executive business.

Mr. TELLER. Not at all.

Mr. FORAKER. I do not pretend to be as familiar with the rules as most Senators are, and I may be in error about it; but that has always been my understanding. I have had that motion made at my expense a number of times since I have been in the Senate.

Mr. TELLER. I doubt that very much. I think the Senator is mistaken.

Mr. FORAKER. I make the motion for an executive session.

Mr. BEVERIDGE. The language of the unanimous-consent agreement looks as though the Senator from Colorado might be right about this. The unanimous-consent is:

That on Thursday, March 10, after the routine morning business, the Senate would consider the Alaskan bills for that day——

Mr. TELLER. "Only."

Mr. BEVERIDGE. Yes—

only, not to interfere with appropriation bills, and that at 2 o'clock that day the unfinished business may be laid aside temporarily for that purpose.

That is the unanimous-consent agreement.

Mr. FORAKER. Rule XXII says——

Mr. TELLER. We know what the rule is.

Mr. FORAKER. Apparently we do not.

Mr. TELLER. Yes, we do.

Mr. FORAKER. I will read it:

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business.

It might just as well be said because we have unanimous consent to consider Alaskan bills that we can not move to adjourn or we can not move to take a recess. I am reading each motion in the order in which it is stated in the rules of the Senate. I may be mistaken; and, inasmuch as the Senator thinks I am, I will modify what I said a while ago; but my impression is that this motion has been made at my expense a time or two. By that I simply mean that when I had unanimous consent for the consideration of legislative business, it being protracted beyond what was anticipated and important executive business being on hand to be considered, that motion has been made, and I have always had to yield to it under this identical rule. At any rate, I make the motion for an executive session.

Mr. TELLER. I want simply to say that, of course, the Senator can make that motion. He can set aside any unanimous-consent agreement, if the Senate at any time wants to do that; but I recall no case, except one, in which that attempt has been made since I have been in the Senate, and that did not succeed. There has been a uniform rule that we would carry out in letter and spirit, although not obliged to do so, any unanimous-consent agreement. Of course the Senator can make his motion, and the Senate can dispose of it in any way they see fit, but I do not believe that——

The PRESIDENT pro tempore. It is a matter over which the Chair has no control.

Mr. TELLER. But I do not believe there will be many more unanimous consents granted in the Senate.

Mr. FORAKER. I do not want to be put in the attitude of interfering with a unanimous-consent agreement.

Mr. TELLER. That is what you are doing.

Mr. FORAKER. I am either right or I am wrong. If I am wrong, I will withdraw the motion. If I am right, I want to insist upon my right without being subjected to criticism.

Mr. PLATT of Connecticut. I should like to say one word about this matter. Does the Senator from Colorado contend that under the unanimous-consent agreement the Senate had to stay in session to-day until all the Alaskan bills were disposed of? Suppose it came time for adjournment?

Mr. TELLER. The unanimous consent was for this day only, meaning of course until the time of adjournment. There has never been any sticking in the bark or pettifogging in the Senate about the rules. If we were through now with the Alaskan bills, anything else could come up, or if those in charge of the bill should ask to have it laid aside, I suppose that could be done.

Mr. NELSON. Will the Senator from Colorado permit me?

Mr. TELLER. Certainly.

Mr. NELSON. Speaking for myself, I have no desire to have the bill laid aside. I prepared the bill and spent some time on it, and I want to say to the Senator from Colorado that I never introduce a bill or prepare a bill and spend time on it for the fun of it. I mean just what the bill means, and for myself I believe in passing the bill, and want it passed.

Mr. TELLER. So do I. It is one of the bills which I supposed we had agreed should be considered to-day.

Mr. BEVERIDGE. I call the attention of the Senator from Colorado to the fact that the bill has been favorably reported by the committee of which I have the honor to be chairman.

Mr. TELLER. It was just as much to be before the Senate as any other bill, and why a Senator should have the privilege of violating, as I think myself, the spirit and the letter of the unanimous-consent agreement, I do not understand. I understand he can make the motion——

Mr. BEVERIDGE. Yes.

Mr. FORAKER. Of course I can make it.

Mr. TELLER. Because anybody can decline to accept a unanimous-consent agreement; but it would be a new chapter in our history.

Mr. FORAKER. I think it is a matter we ought to have an understanding about. When I consent to join in a unanimous consent for the consideration of legislative business, I have never understood and do not understand now, and will not, unless there is a ruling to the contrary, that I am thereby cutting myself off from the right to join with other Senators in proceeding to the consideration of important and pressing executive business that may not have been foreseen at that time or may have arisen after the unanimous-consent agreement was made. I understand that we always understand when we make a unanimous-consent agreement that we have reserved the right to move to adjourn, to adjourn to a day certain, to take a recess, or to go into executive session.

Mr. PLATT of Connecticut. I supposed I had the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut did have the floor.

Mr. PLATT of Connecticut. Now, these unanimous-consent agreements——

Mr. FORAKER. Will the Senator yield to me just a moment, inasmuch as I have but a word to add? I was not aware that I was interfering with the Senator from Connecticut. I thought I had the floor. I thought I had been recognized. If not, I want to say a word.

As to these bills, I have never read them, but I am very much interested in the general subject of a Delegate not only for Alaska, but for Porto Rico, and whenever that bill comes up I want to discuss the question, and it is going to take time. It will take more time than we have this afternoon.

Mr. BEVERIDGE. It is clear, even if the Senator did not want to go into executive session, that it is absolutely impossible to pass this bill to-day. It is clear to everybody that there is going to be extended discussion here, and that the discussion upon this matter will take a collateral direction. Therefore I will not press the bill, because we can not get it through to-day.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Connecticut is supposed to have the floor.

Mr. PLATT of Connecticut. If I have the floor, I should like to make a few remarks about the unanimous-consent agreement.

I do not think anything is gained in the Senate by asking for unanimous-consent agreements in a very thin Senate, and then pressing them against the understanding of Senators who were present at the time unanimous consent was obtained. If I am not very much mistaken, and if I am the Senator from Indiana will correct me, when that consent was obtained I asked him if he intended to include this bill, and whether it would be pressed to-day, and was informed, according to my recollection, that he did not intend to press this bill to-day. I certainly did not understand that this bill was to be considered to-day under the unanimous-consent agreement, as I understood it.

Mr. TELLER. I did.

Mr. PATTERSON. So did I.

Mr. PLATT of Connecticut. It is not worth while to attempt to be technical about these matters and to press a unanimous-consent agreement against the understanding of Senators as to what that unanimous-consent agreement embraces.

Mr. BEVERIDGE. Everybody in this Chamber who asks for unanimous consent knows that in order to get unanimous consent he has to get it. When this question came up objection was made by the Senator from Maryland [Mr. GORMAN]. Later in the day, after reviewing the whole matter, the Senator from Maryland very graciously and courteously permitted us to have unanimous consent. The general understanding in the talks with

Senators was, as stated on the floor when the unanimous-consent agreement was asked for, that these were bills of pressing and practical importance and would not involve discussion or opposition. I so stated openly, and if any person asked me privately I so stated privately. Even if that statement had not been made, I will say, as chairman of the committee, that in view of the fact that it is perfectly clear that there is going to be extended discussion upon this matter and that the bill can not be passed to-day, especially in view of what the Senator from Ohio says about the breadth of the discussion he desires to make in this matter, it would not be wise to press the bill to-day.

The Senate has been very good to the Committee on Territories in giving it this day, and the Senate has been extremely good to us to pass three or four bills here to-day, and in view of what is perfectly clear to everybody, that the day would be consumed in discussion without progressing a single step, I shall not press the bill.

Mr. TELLER. Mr. President, it is very plain that the Senator from Indiana who is chairman of the committee and has this matter in charge has secured the passage of those bills which he thinks important, and those which others of us think more important are now to be sidetracked.

Mr. BEVERIDGE. No. Will the Senator permit an interruption?

Mr. TELLER. That is the situation substantially as I understand it.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. TELLER. Certainly.

Mr. BEVERIDGE. I think perhaps a more accurate statement would be that the committee called up the bills in the order of their importance, but also the bills which would provoke no resistance. Therefore the judicial bill came last, because it might bring some resistance. Immediately when that was through I called up the Delegate bill. It was not a question of calling up those bills which the committee considered important and sidetracking the others. It was because of what was stated in the request for unanimous consent that we had bills which would provoke no resistance.

Those we have brought up, and with respect to the ones that do provoke resistance we have to do what must be done under the circumstances—let them go over. I would not have got unanimous consent if I had not stated that they were bills which were of practical moment and would not provoke resistance.

Mr. TELLER. The unanimous consent was not obtained upon any theory that the chairman would withhold some bills——

Mr. BEVERIDGE. No.

Mr. TELLER. Or that we should cease when such bills as he was interested in had been passed. I have a greater interest in the bill that is still unpassed, and believe quite as much good will come to the people of Alaska by its passage as any other bill which has been passed, and I believe it is demanded in the best interest of the people. I believe it is the duty of the Senate to pass that bill, and if there is opposition to it I do not see why we should not have that opposition presented to-day just as well as at some other time.

The Senator from Indiana knows very well—at least I think he does—that if he had said "I propose to call up certain bills, but there is one bill"—naming it—"which I do not," he would not have gotten consent. And if he privately gave any assurance that he would not call it up, it was, speaking mildly, hardly fair to us who sat by and gave our consent.

Mr. BEVERIDGE. No, that would hardly be fair.

Mr. TELLER. This may not be the most important question, but I should like to know hereafter, when I give my consent that a bill may be taken up at a certain time or that a day shall be devoted to some particular interest, whether I am going to be at the mercy of any Senator who moves to adjourn, improperly and out of time, and claims that it is a privileged motion, or who, in order to displace the unanimous consent, moves that the Senate go into executive session. If that is to be the way, we might as well abandon all efforts to do business by virtue of unanimous-consent agreements, because we shall cease to do business in that way in a very short time.

Every Senator who has been here any length of time knows that it is very desirable to do business in this way, and I am very anxious myself to maintain that rule unbroken and undisturbed. If anything happens, as the Senator from Ohio suggested, then it is always within the power of the Senate to withdraw its unanimous consent by the same method. Having set down by unanimous consent a bill for a certain day, the Senate may, by unanimous consent, say, "We will dispose of it some other day, and we will now take up some other matter." The Senate is not tied up except it is no longer at the mercy of one individual, nor is it at the mercy for that particular time even of the majority. Unanimous-consent agreements can not be enforced except by the consent and good faith of those who make them, and it does not make any difference whether the Senator approves of it or not if he did not declare his opposition, and it does not make any difference whether he was here or not when it was done.

The case I refer to was where a Senator said, "I was not here when it was done, and if I had been here I should not have agreed to it." That is the only case I recall where there was an attempt to set aside a unanimous-consent agreement, and it was not done.

Mr. PATTERSON. Mr. President, I cooperated with the Senator from Indiana in securing this unanimous-consent agreement——

Mr. FORAKER. Mr. President, I understood that I had the floor, and I made the motion that the Senate proceed to the consideration of executive business, which motion was stated by the Chair. Then I withheld it out of courtesy to Senators who wanted to say something. To what extent am I to be regarded as withholding that motion—so that there may be a general debate? As I understand, I have the right to press the motion at any time. If the Senator from Colorado wants to speak briefly, I shall not object.

Mr. PATTERSON. I want to talk briefly.

Mr. FORAKER. But I do not want, for reasons the Senator can well appreciate, to have the Senate go into a general discussion that will occupy the whole afternoon.

Mr. PATTERSON. I will occupy but a few moments.

Mr. FORAKER. Then I withhold the motion.

Mr. PATTERSON. Mr. President, I cooperated with the Senator from Indiana in securing unanimous consent for this day for the consideration of Alaskan bills. When he made the request, prior to the consent being given, objection was made by some Senators on this side of the Chamber, who objected to setting aside special days. At his request I interviewed those Senators and succeeded in removing the objection.

Now, I want to say that under those circumstances I have a right to insist, so far as I properly may, upon my understanding of that unanimous-consent agreement being carried out, and that was that this day should be devoted to the consideration of these five bills that pertain to the district of Alaska. I wish to say that this is the most important of the entire five, more important to the people of Alaska than either one or all of the other four bills which have already received the sanction of the Senate.

Alaska is an immense stretch of country. It is eight or ten thousand miles, and some portions of it are more than that, away from the capital. It has no legislative body of its own. It is utterly impossible for it to attend to its local business by means of any local legislative body.

The result of it is that it must depend for the transaction of its business upon what is done here in the city of Washington, and the Senators who comprised the subcommittee will bear me out that wherever we went in Alaska, wherever they met us and discussed the need of the district, the first and the loudest demand was made to be represented in Washington by some properly constituted agent, and that agent was a Delegate, who would represent the people of that district, who would have a right upon the floor of one of the bodies of Congress, in order that the necessities of that great stretch of territory and its sixty or seventy-five thousand people might receive proper consideration from those who hold in their hands the destinies of that Territory.

Mr. President, no other section of outlying territory controlled by the United States bears the same relation to the United States that Alaska does. Whether they are our island possessions or whether they are on the mainland, they have either local legislatures to attend to their local business or they have representatives here at the Capitol; and in most of the instances there are both. But Alaska has neither a local legislature nor has it an agent who legally represents it and who may go to the President or come to Congress and speak by authority and make known the wants of the people.

Mr. President, this measure, above all the rest, should receive the immediate consideration of this body, in order, if it is possible, to secure a law by the present Congress, and at this session of the present Congress, that will enable them to be represented in Washington by a Delegate properly chosen.

Mr. BEVERIDGE. Mr. President, I do not desire to and shall not detain the Senate for more than a moment, and that only because some reference has been made here to the obtaining of the unanimous-consent agreement.

It is true I am very much indebted, and so is the committee, to the junior Senator from Colorado, who was a member of the subcommittee and cooperated in getting the unanimous-consent agreement and aided the committee very much in that, as he does in all the business transacted before that committee.

But I call the attention of the senior Senator from Colorado and the junior Senator from Colorado to the fact that when this unanimous consent was asked it was stated:

> These Alaskan bills will, all together, occupy perhaps no more than two hours. They really must be disposed of. They are on concerns of immediate importance.

Then I went on to explain why it was I had deferred the prior day set aside by unanimous consent. When the Senator from Maryland objected that reason was given why the unanimous consent was asked for. The Senator from Maryland pointed out that we ought not to dispose a week in advance of the time of the Senate. Then this language was used:

The reason why I ask unanimous consent for this legislation at all is that they are bills which undoubtedly will not be objected to. They are things which concern practical matters there, such as municipal corporations, schools, and the building of roads. I hope the explanation is satisfactory to the Senator from Maryland.

Mr. PATTERSON. May I ask the Senator from Indiana a question?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. Suppose when we commenced upon the bills this afternoon a Senator had objected to a provision in the first bill and had precipitated a discussion?

Mr. BEVERIDGE. I would have passed that one over.

Mr. PATTERSON. Would the Senator immediately have abandoned it?

Mr. BEVERIDGE. Not immediately.

Mr. PATTERSON. Suppose when the second bill was reached the same thing had occurred. Would the Senator have abandoned it, too?

Mr. BEVERIDGE. Let me answer the Senator.

Mr. PATTERSON. They were all on the same footing when this unanimous consent was given.

Mr. BEVERIDGE. I will answer the Senator.

Mr. PATTERSON. There was no reservation, and there should have been no reservation in the mind of the chairman or any other Senator.

Mr. TELLER. There could not have been.

Mr. BEVERIDGE. I will answer the Senator from Colorado. When the Senator from New Jersey objected to the judge bill, I said that if after explanation it appeared that the Senator from New Jersey proposed to resist it very strenuously it would not be pressed. The point is that as to each one of these bills which has been reported favorably the committee stands here ready to support and press it; but we propose to get those passed first which will not provoke debate and delay. I think that is a commonsense method of which the Senator from Colorado will approve. That course has been followed, and the last bill was the judicial bill; and when the Senator from New Jersey objected to that I stated that if there were much objection to it it would not be pressed, and the Senator, after the explanation of the Senator from Minnesota, withdrew his objection.

Now, the reason why this is not pressed this afternoon is because we are helpless. It is perfectly clear from what has occurred that we can not get it passed during the rest of the day.

Mr. TELLER. Suppose we can not?

Mr. BEVERIDGE. Senators having indicated what they have, that they propose to debate this bill not only extensively and upon its merits, but upon collateral lines, involving a Delegate from Porto Rico, etc., it becomes a matter of practical common sense that we can not pass it this afternoon. But as to the obtaining of unanimous consent, I simply cite the RECORD.

Mr. PATTERSON. Mr. President, it seems to me that this bill ought to be considered and it ought to be considered now, and the Senators who are opposed to it should have an opportunity to state their reasons now, and let the Senate and the country know for what reason 65,000 people shall not be represented in any way, shape, or manner at the capital of the nation by a representative nominated by them and elected under our popular system. We may get through, and we may not. If we do not get through, we will at least have part of the record made, and the country will understand why it is that we are holding off from representation of any kind or character sixty or seventy-five thousand American citizens, eight or ten thousand miles away from the capital. Every other Territory that we have upon the mainland of the United States is represented at the capital by a properly chosen Delegate.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. If the Senator can get Senators here who have indicated their purpose to discuss the bill to give satisfactory assurance that we can get through with the discussion to-day we will press the bill. Otherwise it is not right for the Senate to occupy its time——

Mr. FORAKER. Mr. President——

Mr. GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield the floor?

Mr. PATTERSON. No, sir; I have not yielded the floor.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. PATTERSON. I desire to yield to the Senator from Maryland.

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. GORMAN. Just a moment, if the Senator will permit me. I wish to appeal to the Senator from Ohio to withdraw the motion that the Senate proceed to the consideration of executive business. While I think he has the parliamentary right to make the motion, or a motion to adjourn, nevertheless there was this agreement, made not without some hesitation on the part of gentlemen on this side of the Chamber who understood that Alaskan bills should be considered to-day, and understood it to mean up to the time of adjournment. Hence Senators who probably otherwise would have been here have absented themselves. I think the proper construction of the agreement is that Alaskan bills were to be considered during the legislative day.

Under the conditions which I have stated I suggest to the Senator from Ohio that we keep up the uniform practice of the Senate and that in order that we may have no misunderstanding we resume the consideration of these bills.

Mr. FORAKER. Mr. President, I appreciate in the fullest sense all that the Senator from Maryland has said; but I want to repeat, in answer to it, and then I am going to agree with him, that I have always understood it to be a part of every unanimous-consent agreement to consider legislative business that it was subject, as I said a moment ago, to the right to go into executive session just as, necessarily, it must be subject to the right to adjourn or to take a recess.

Those are privileged motions, as I read them a while ago, placed in the order in which I gave them.

Mr. CULLOM. And subject to appropriation bills.

Mr. FORAKER. And subject to the right of appropriation bills, as the Senator from Illinois suggests to me. So I made the motion to go into executive session in perfect good faith, supposing I had a right to do it without anybody taking any exception to it. But if there is the slightest question in the mind of any Senator here as to my right to do it, or if he feels that I am taking advantage of a mere technical right in the face of an obligation to continue the consideration of this business, I will only too gladly withdraw it.

I want to say to the junior Senator from Colorado, who was speaking a moment ago, that I have not made this motion because I am opposed to this measure, for I am in favor of it. I want a Delegate from Porto Rico.

Mr. TELLER. Help us pass this bill.

Mr. FORAKER. I will; but I want to get a good ready to help you pass it.

Mr. TELLER. You are ready now.

Mr. FORAKER. I am ready to express myself about it, of course. But we had this other business, which I thought was of equal importance, and I thought this might go over until we could all be present to discuss it. I think it is important that 65,000 people should have a representative of some kind at the national capital, and I think it far more important that a million people should have such a representative. They had a representative, who is called a "resident commissioner," but I know how inconvenient it is to have a resident commissioner instead of a Delegate——

Mr. PATTERSON. Alaska has not even a resident commissioner.

Mr. FORAKER. By reason of the fact that when I, as chairman of the Committee on Pacific Islands and Porto Rico, want to consult with him I can not see him on the floor of this Chamber I have to go out and hunt him up in the corridors, and stand around there and talk with him about public affairs and about the legislation they ought to have. It is a most inconvenient thing, and I do not see why they should not have a Delegate outright, the same as Hawaii has and the same as it is proposed Alaska shall have.

I wanted to say that much to show that my motion was not made to cut off the consideration of this subject, but only because I thought it was my right, and because I thought, from what the Senator from Connecticut said, that there was likely to be a protracted debate, and we would not have any executive session at all, perhaps, for the consideration of the business I have in charge in executive session.

Mr. TELLER. Have it to-morrow.

Mr. FORAKER. In view of what has now been said, I withdraw the motion to proceed to the consideration of executive business until later, when I will renew it.

Mr. PATTERSON. Until this day is ended.

Mr. FORAKER. Until we get through with the consideration, for this day, of this legislative business. I will want an executive session before we adjourn.

The PRESIDENT pro tempore. The Chair desires to say that it is not his duty to construe the meaning of a unanimous-consent agreement. It must be left to the Senators themselves. If a unanimous-consent agreement was reduced to the form of an order, then the presiding officer, without any hesitation, would rule whether or not a motion proposed to be made was in order. The bill will be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3339) providing for the election of a Delegate to the House of Representatives from the district of Alaska; which had been reported from the Committee on Territories with amendments.

The Secretary read the bill.

Mr. NELSON. I should like to have the committee amendments acted upon.

The first amendment was, in section 1, page 1, line 3, after the word "hereafter,' to strike out "be entitled to;" so as to read:

That the people of the district of Alaska shall hereafter be represented by a Delegate in the House of Representatives of the United States, chosen in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 6, before the word "receive," to strike out "only;" so as to read:

That in lieu of the rate of mileage now allowed by law to Representatives and Delegates in Congress the Delegate from Alaska shall receive his actual traveling expenses from his home to the city of Seattle and return, and from the said city of Seattle to the city of Washington and return the same rate of mileage as is allowed by law to Representatives in Congress.

The amendment was agreed to.

Mr. HEYBURN. I move, on line 15, page 2, to amend by striking out "five" and inserting "seven;" so as to read "1907." It fixes the length of the term of the first Delegate; and it is apparent that if we leave it as it is in the bill, the first Delegate would have only a short term in Congress to serve and it would throw two expensive elections close together. If the amendment is adopted as I suggest, the first Delegate will serve a short fraction of a term and one whole term, and thus avoid two elections so close together.

The PRESIDENT pro tempore. The Senator from Idaho offers an amendment, which will be stated.

The SECRETARY. In section 2, page 2, line 15, after the word "and," strike out "five" and insert "seven;" so as to make the section read:

SEC. 2. That the first election for Delegate from Alaska shall be held on the first Tuesday in August in the year 1904, and the Delegate then chosen shall hold his office for the term ending March 3, 1907, and that all subsequent elections for such Delegate shall be held on the first Tuesday in August in each year when there is a general election for Members of the House of Representatives, and the Delegate chosen at such subsequent elections shall hold his office for the same term as the said Members chosen at such general election.

Mr. NELSON. I have no objection to that amendment.

The amendment was agreed to.

The next amendment of the Committee on Territories was, in section 3, page 2, line 25, after the word "residents," to insert "in the precinct in which they vote," and on page 3, line 2, after the word "election," to strike out "in the precinct in which they vote;" so as to make the section read:

SEC. 3. That all male citizens of the United States 21 years of age and over who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents in the precinct in which they vote continuously for sixty days next preceding the election, shall be qualified to vote for the election of a Delegate from Alaska.

The amendment was agreed to.

The next amendment was, in section 5, on page 3, line 11, after the word "That," to insert "each of;" in line 12, after the word "shall," to strike out "each, in the division to which he is assigned;" in line 16, after the word "precincts," to insert "in the division to which he is assigned;" on page 4, line 4, after the word "or," to strike out "typewritten" and insert "written;" and in line 7, after the word "places," to strike out "at the polling place;" so as to make the section read:

SEC. 5. That each of the judges of the United States district court in the district of Alaska shall at least thirty days before each and every election, upon his own motion or upon the petition of interested voters, by an order entered in the records of the court, establish the necessary election precincts in the division to which he is assigned, outside of the incorporated towns, define the boundary and designate the polling place of each precinct, and appoint three judges and two clerks in each precinct to have charge of and supervise the election, not more than two of the judges and one of the clerks to be of the same political party where practicable: *Provided, however*, That no such precinct shall be established with less than fifty qualified voters resident therein. That the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by the order of the district judge or by law; and each precinct shall be known by the name of the polling place in the precinct. That a printed or written copy of the order establishing an election precinct as aforesaid and specifying the day of the election shall be posted in three conspicuous and public places in the precinct at least fifteen days before the election.

The amendment was agreed to.

The PRESIDENT pro tempore. All the amendments of the committee have been acted on.

Mr. NELSON. Mr. President, I do not intend to enter into any extensive debate on this subject, but simply to make a brief, plain statement as to how the case of Alaska strikes me in this matter.

If a bill of this kind had been brought up for consideration in the last Congress, with the information I then possessed I should undoubtedly have opposed the bill. But, Mr. President, seeing is believing. I spent two months last summer in and around Alaska with a subcommittee. We were in no sense a junketing committee. We aimed in every instance throughout our trip to ascertain the conditions in that Territory and to ascertain the wishes and feelings of the people.

First of all, I want to say that the people of Alaska are not like the people in the Philippine Islands, or in the Hawaiian Islands, or in Porto Rico. The white people in Alaska are our own people, of our own kith and kin. We met on that trip just as bright, intelligent, orderly, and good citizens as you will find in any of the well-ordered communities of the older States. There were men there from all the older States. We found them from Maine, Connecticut, Massachusetts, New York, from all over New England and the Middle States, and the Middle West; and they were a sober, industrious, hard-working, thrifty lot of people.

Before I went up there I had expected to find that a good deal of Alaska was a sort of disorganized mob; that to a large extent the people in the mining camps and in the white settlements along the river were a kind of hobo, the scum of civilization. I found nothing of the kind. Whatever bad elements had come to that country in the early mining rushes had entirely been eliminated, and I found conditions prevailing throughout Alaska as orderly and as peaceful as anywhere in all this broad land. I did not go to a place in Alaska but that I would feel perfectly safe in going there by day or night, unarmed, and entirely alone.

Now, those people in Alaska have to a large extent been neglected by Congress. Their government, as I said a moment ago in discussing the judicial bill, is of an anomalous character. The people have been neglected. Their civil government, what little there is of it, is a government in the hands of three district judges and about forty-three court commissioners. Their whole government consists of that, and it is of such a limited character, compared with the great area of the country and the great variety of settlements and mining camps, it is surprising that even that little government can preserve law and order as they do in that country.

The government would be entirely defective if it were not for the fact that they are among the best of American citizens, citizens who believe in preserving law and order and maintaining good government there, although there are no legal provisions to cover a great many cases. For instance, outside of the incorporated towns—and there are only ten in Alaska—there is no system by which they can lay out a road; there is no system by which they can establish a school district; there is no system by which they can take an insane person and legally commit him to an insane asylum; there is no system by which they can provide for the destitute.

Now, in respect to Alaska, in the absence of a legislative Territorial government, those people stand before Congress and have the same rights for legislation and protection as the people here in the District of Columbia. They live at a great distance. They ought to have some one familiar with their conditions to represent their interests and their wants here.

Our committee spent eight months up there. We investigated conditions as far as we could; and yet, with the immensity of the region, although we traveled over 6,000 miles in and about that Territory, it seemed as though it was the mere outer shell of it that we got an opportunity to look into and examine.

That is a country of a great many more resources and possibilities than most of us imagine. Its agricultural resources are vast. Its mineral resources and its fishing industries are great and only demand development. The time will come, in my opinion, within the next fifty years, when Alaska will have over a million people. There are a great many sections of Alaska where I can not see why there is not as much show to make a permanent agricultural settlement and have a permanent population as in the northern part of Sweden and Norway, as in Russian Finland.

All those people think they ought to have some representative in Congress to voice their wishes. It was the universal feeling among all classes there that they ought to have a Delegate in Congress. When it came to the question whether the Delegate ought to be elected or appointed, the mass of the people—90 per cent of them—were in favor of an elective Delegate. They said any other than an elective Delegate is no Delegate at all. There were a few business interests, a few large mining companies, and a few other interests which were hostile to it, but outside of that the rank and file, the great body of the people of Alaska, want a representative in Congress.

Mr. President, since our committee returned from Alaska we have all of us spent a good deal of time in endeavoring to formulate and secure what little legislation we have passed or are attempting to pass here to-day. Nearly all of these bills have been prepared by members of that committee. We have given some study and consideration to the subject; but we are all loaded down and handicapped, as I know I have been, by the things

which concern our own States. My State, Minnesota, is a young and growing State which requires a vast amount of local legislation; and I have felt, although I have given as much time as I could to Alaskan matters, that I had not time to give them all the consideration which they deserve.

If the people of Alaska are permitted to send a Delegate here to represent them in the Congress—a man who is familiar with the conditions there and who would know their wants—we would have a responsible representative to whom we could look to aid us and to guide us in formulating legislation. It is not every year that the Senate or the other House of Congress will be likely to consider these affairs. If a representative committee from either House of Congress could be sent up there every year to investigate and report upon the conditions it would be some help, but that is impossible; it can not be done. The next best thing is to give those people a Delegate who can come here and represent them and present the wants and needs of that country.

Mr. President, I shall now briefly refer to the details of the bill. I aimed in preparing the bill to be as careful and conservative as possible; but, of course, I had to be guided by the limitations of civil government prevailing in Alaska. First of all, the bill provides that the different incorporated towns, of which there are ten, shall each constitute an election precinct. Outside of incorporated towns the bill provides that the judges of the district court shall, after due consideration, establish and define election precincts and appoint the judges and clerks of election; and that where there are three judges of election and two clerks, wherever it is practicable, no more than two judges and one clerk shall be appointed from one political party. We have provided for a system of inexpensive returns. To avoid expense the returns are all to be made by mail. In order to avoid any mistake we have provided for two sets of returns—one to be made to the governor and one to the clerk of the court in the division in which the precinct is established. The governor and ex officio secretary of the Territory and one of the judges of the courts are to constitute the board to canvass the returns.

Mr. President, I shall not further weary the attention of the Senate, but will conclude by saying that we have aimed to make this bill as perfect and as good as we possibly could under the conditions prevailing in the Territory of Alaska. I trust that the Senate will afford the people of Alaska this poor privilege of electing and sending a Delegate to Congress.

Mr. MALLORY. Mr. President, I should like to call the attention of the Senator from Minnesota to the sixth section of this bill, providing for the administering of oaths to the judges and to the clerks. The bill provides that those oaths shall be administered or shall be taken in writing before an officer qualified to administer oaths. I should like to inquire if there are justices of the peace in that country, or whether the commissioners who are appointed by the courts are the only judicial officers to administer oaths?

Mr. NELSON. Those oaths can be taken either before the court, the clerk of the court, the deputy clerk, or the court commissioners, who are, in that country, ex officio justices of the peace, and who are also ex officio notaries public.

Mr. MALLORY. I submit, Mr. President, that there will probably be considerable difficulty in getting an officer authorized ordinarily to administer oaths to do so in these remote mining precincts. I suggest that these judges be permitted, as judges are permitted in most of the States, to administer the oath to each other and to the clerks. I have written out an amendment to that effect, which I will send to the desk.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment of the Senator from Florida will be stated.

The SECRETARY. On page 4, section 6, line 11, after the word "writing," it is proposed to strike out "before an officer qualified to administer oaths;" and after the word "trust," in line 13, to insert:

And said judges are hereby authorized to administer said oaths to each other, respectively, and to the clerks.

Mr. NELSON. I have no objection to that amendment.

The amendment was agreed to.

Mr. MALLORY. I also call the attention of the Senator to line 3 on page 5, where the provision for depositing the ballots is found. The provision now reads:

Such ballots shall be folded by the voter so as not to disclose the vote, and by him handed to one of the judges of election, who shall immediately, in the presence of the judges—

I think it is customary in our State elections to have the ballot boxes exposed to the public, at least to the voter, and to allow the voter to see that his ballot is inserted in the box; at least I see no harm in permitting the voter to see that his ballot is properly deposited. I therefore suggest an amendment on page 5, section 7, before the words "the judges," in line 3, to insert the words "the voter;" so as to read:

In the presence of the voter, the judges, and the clerks.

In other words, to let the voter see that his ballot is put in the box while he is standing there.

Mr. NELSON. I have no objection to that amendment. It is all right.

The amendment was agreed to.

Mr. MALLORY. I have one other amendment. In line 13, on page 5, section 8, after the word "make," I suggest that the following words be inserted: "before one of the judges of election;" so that it will read:

And when so challenged, before being allowed to vote, he shall make before one of the judges of election and subscribe to the following oath.

Mr. NELSON. There is no objection to that.

The amendment was agreed to.

Mr. QUARLES. Mr. President, there is a verbal suggestion which I venture to make to the Senator in charge of the bill. On page 10, section 13, line 21, I suggest that the word "hereinbefore," after the word "crime," be stricken out, and that in lieu thereof there be inserted the words "by the provisions of this bill."

Mr. NELSON. There is no objection to that amendment.

The amendment was agreed to.

Mr. QUARLES. In the same section, in line 22, on the same page, after the word "acts," I move that the words "hereinbefore mentioned" be stricken out, and that there be inserted the words "made criminal by this bill."

The amendment was agreed to.

Mr. PLATT of Connecticut. To come in after section 13 and before section 14, so that of course it will be named section 14, I move the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 14. That nothing in this act contained shall in any way be taken or construed to imply or indicate that the territory embraced in the district of Alaska, or any portion thereof, shall at any time hereafter be admitted as a State.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. PATTERSON. Before the amendment is agreed to—and I will agree to it—I simply want to have put in the RECORD the reason why I agree to it. It is not that Alaska shall not be admitted as a State or that it shall not be subdivided and admitted as several States if at any future time its population and development justify that action, but that a provision of this kind can in no wise bind the hands of any subsequent Congress. Whether it be in the bill, or out of the bill, Congress would have the power to admit the Territory as a State at any time or to admit it as several States or to keep it out as long as it pleases.

For that reason, so anxious am I to have the people of this great district properly represented, or as well as it can be represented under the conditions, so far as I am concerned, I will make no objection to the amendment.

Mr. FORAKER. May the amendment just offered be again stated, Mr. President?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again read the amendment of Mr. PLATT of Connecticut.

Mr. FORAKER. Mr. President, has that amendment yet been disposed of?

The PRESIDING OFFICER. It has not been disposed of. The question is on agreeing to the amendment.

Mr. BEVERIDGE. May the amendment be read again, Mr. President?

The PRESIDING OFFICER. The amendment will be again read.

The Secretary again read the amendment of Mr. PLATT of Connecticut.

Mr. BEVERIDGE. I have just heard the amendment read, Mr. President; and while I am not prepared at this moment to accept it, neither am I prepared at this moment to oppose it. I want to think about it a little while. As I understand, the Senator from Ohio [Mr. FORAKER] has an amendment he desires to propose. Suppose we pass this amendment over and let the Senator from Ohio offer his amendment.

Mr. FORAKER. I have no objection.

Mr. BEVERIDGE. The amendment of the Senator from Connecticut has rather a broad and far-reaching scope. Any technical amendment, any ordinary amendment, any amendment merely changing phraseology may be readily accepted or not accepted; but, as I have said, I want to think about this amendment for a little while.

Mr. TELLER. Mr. President, if this amendment will satisfy the opponents of this bill, I shall be glad to agree to it. As I understand, the passage of this bill does not in the slightest degree

pledge Congress or the American people that Alaska shall be a State. I am satisfied that when the time comes that the people of the United States believe it ought to be admitted, either as one State or as several States, it will be admitted, and it will not be admitted until that time. The fact that we give those people a government and a Delegate in Congress rather implies that they are not fitted to become a State at the present time, but it does not imply that we are at some day to admit them, and certainly not unless they possess the proper qualifications.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. Certainly.

Mr. FAIRBANKS. I entered the Senate just as the amendment was being read. Is it the Senator's amendment?

Mr. TELLER. No; it is the amendment of the Senator from Connecticut [Mr. PLATT], who is opposed to giving Alaska a Delegate, as I understand, for fear it would imply—he will speak for himself, as I understand—or be some sort of a pledge that we are going to make a State of this Territory.

Mr. FAIRBANKS. I should like to have the Senator from Connecticut state what is the effect of the amendment which he has offered.

Mr. PLATT of Connecticut. Mr. President, I think I shall come to that as I go along. But first I want to make some observations on the rules of the Senate and the method of doing business in the Senate.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. PLATT of Connecticut. Certainly.

Mr. FORAKER. I thought I had the floor a moment ago to offer an amendment, and I made an inquiry——

The PRESIDING OFFICER. Does the Senator desire to offer an amendment to the pending amendment?

Mr. FORAKER. No; I do not want to amend the amendment, but I want to propose another amendment.

Mr. BEVERIDGE (to Mr. FORAKER). Present the amendment and let it lie over.

Mr. FORAKER. I think both amendments might just as well be submitted.

The PRESIDING OFFICER. Without objection, the proposed amendment will be received.

Mr. FORAKER. I offer the amendment which I send to the desk, to be added as a new section before the section at present numbered 14.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, after line 3, it is proposed to insert as new sections the following:

SEC. —. That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, 1904, and every two years thereafter, elect a Delegate to the House of Representatives of the United States, whose term of office shall commence on the 4th day of March next succeeding the date of his election. Such Delegate shall have a seat in the House of Representatives, with the right to debate, but not to vote, and shall be entitled to the same compensation for salary and other allowances and to the same rights and privileges as the Delegates from the Territories of the United States. No person shall be eligible to such election who is not a bona fide citizen and voter of Porto Rico, who is not 25 years of age, and who does not read and write the English language.

SEC. —. That the Delegate herein provided for shall be elected in lieu of the Resident Commissioner from Porto Rico to the United States, provided for by section 39 of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900: *Provided*, That all the provisions of this act shall apply to the present Resident Commissioner from Porto Rico to the United States, whose term of office is hereby extended to the date of the expiration of the Fifty-eighth Congress.

SEC. —. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. PLATT of Connecticut. Mr. President, before I come to the discussion of this bill, I want to submit some observations on the method of doing business in the Senate. I do so at the present time because I am just now smarting under what I conceive to be the injustice of those methods. I make no claim upon that ground to any delay of this bill, but it seems to me that the Senate of the United States ought to provide by its rules the method in which it will do business, and that the practice which has sprung up here of trying to do things by unanimous consent is in no way a substitute for rules which ought to be provided for the orderly transaction of the business of the Senate.

There never is a unanimous consent given here which does not bind some Senator in some way in which the Senator did not expect to be bound, and did not suppose he was bound. I have seen unanimous consent asked for and given when there were not ten Senators in the Senate; and because asked for and given under those circumstances, there was supposed to be some sort of an obligation upon the Senators not present, and who would not, perhaps, have given their assent if they had been present, that that unanimous consent should be kept to the letter, and the fraction of the letter, that "the pound of flesh" should be taken, and that nothing should by any means interfere with the carrying out of such a unanimous-consent agreement.

That is the case to-day. The Committee on Territories, at least many of the members of the Committee on Territories, have understood that I did not agree to the bill providing for the election of a Delegate from Alaska, and that whenever that matter should come before the Senate I should expect to be heard upon it. I did not suppose, as I stated in the early part of the day, and I had good reason not to suppose, that this bill would be pressed for passage at this time.

It is very remarkable, Mr. President, how these unanimous-consent agreements of ours work. If it were a bill of great importance—no, if it were the bill providing for the erection of a public building, which is now the unfinished business of the Senate, and there was any Senator in this Senate who said that he desired to be heard upon it, but that he was not ready at this time, by unanimous consent the Senate would let the matter go over until he was ready to discuss it.

More than that, if a Senator should rise in his place and say that another Senator, whom he knew wished to be heard in reference to the passage of a bill, was unavoidably absent, and he would ask that the matter might be temporarily postponed, or something of that sort, until that Senator could be present, there would be no objection on the part of any Senator in this Chamber. But when a Senator in my place understood, and had a right to understand, that this bill was not to be pressed to-day to its passage, and when other Senators understood that I was not ready to speak upon it, that I have not the documents to which I expected to refer, there is no sympathy to be shown to a Senator under such circumstances when a unanimous-consent agreement has been made which he did not understand to embrace the pressure of a bill such as this.

I do not think that I am making this statement because smarting, as I say I am, under the injustice of such a unanimous-consent agreement, but I think that I am justified in making it for the orderly transaction of the business of the Senate. I do not intend hereafter to give my assent to fixing a time for action upon any bill.

Mr. CULLOM. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. PLATT of Connecticut. Yes.

Mr. CULLOM. Was the bill that is now under consideration included in the number of bills to be considered to-day?

Mr. PLATT of Connecticut. Nominally and technically it is included, but by the understanding of Senators who were opposed to it it was not to be pressed for consideration to-day.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Indiana?

Mr. PLATT of Connecticut. Certainly.

Mr. BEVERIDGE. And probably the Senator might add at this stage that when the unanimous-consent agreement was asked for the reason why it should be granted was that it was to apply to bills which undoubtedly would meet with no opposition in the Senate, and not only that, but the nature of the bills was specified, such as road bills, care of the insane, etc. Unanimous consent was asked for and given to consider Alaskan legislation, and it was stated as a reason—I hope I do not interfere with the Senator from Connecticut——

Mr. PLATT of Connecticut. Not at all.

Mr. BEVERIDGE. And it was stated as a reason why the consent should be given that it should apply to bills of pressing and immediate importance which would undoubtedly meet with no opposition in the Senate, and, further than that, the nature of the bills was specified, and it is so found in the RECORD. I think it is only fair to the Senator from Connecticut that that should be stated, because that is the case on the record.

Mr. PLATT of Connecticut. I do not ask any personal consideration in this matter; I can take care of myself.

Mr. CULLOM. If the Senator will allow me, of course the only question involved in this thing, to my mind, is whether we are not pressing for the consideration of this bill, which, in fact, was not included in the class of bills that were to be acted upon to-day with reference to Alaska.

Mr. PLATT of Connecticut. Both Senators from Colorado had already stated, before the Senator came into the Chamber, that this was the bill in which they were most interested, and that they expected that this bill would be considered to-day.

Mr. CULLOM. I so understood.

Mr. PLATT of Connecticut. And other Senators understood it so.

Mr. CULLOM. But if the majority of the committee announced that this was not the kind of a bill to be considered——

Mr. PLATT of Connecticut. It was not announced.

Mr. CULLOM. It seems to me that takes it out of that rule, and that the Senate ought to regard what is the usual propriety in allowing the bill to go over until to-morrow.

Mr. PLATT of Connecticut. The courtesy of the Senate—I would rather not be interrupted——

Mr. CULLOM. I wanted to say that much anyway.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. PLATT of Connecticut. The courtesy of the Senate is a mysterious, a fearful, and a wonderful thing; it is to be exercised on occasions, and on other occasions it is not to be exercised. I think that the experience of this day most certainly points to the necessity of having some rule in the Senate by which the Senate can do business in an orderly way and the rights of no Senator and the privileges of no Senator and the understandings of no Senator be invaded or infringed upon.

I do not think that a previous question pure and simple ought to be adopted in this Senate; but I do think there ought to be some rule whereby debate can be limited to a reasonable time, and a time fixed for the taking of a vote otherwise than by unanimous consent, obtained in a thin Senate, when perhaps not more than five or six Senators are here. I think every Senator has a right to know when a vote is to be taken.

I called attention to this matter at the commencement of this Congress. I introduced an amendment to the rules which should operate, when a matter had been under reasonable discussion, to fix a time for a vote upon it; not an arbitrary time——

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. PLATT of Connecticut. Certainly.

Mr. PATTERSON. I wish to say to the Senator from Connecticut that there is no member of the Committee on Territories who desires to press this bill to a vote before the Senator from Connecticut has had the fullest opportunity to prepare himself to make remarks and to make his remarks, nor to prevent any other Senator from making remarks upon this bill. So I reiterate practically what I said before—an hour ago, perhaps, in this Chamber—that if we can only manage to have some arrangement made by which this bill will be considered definitely at some future time, we will be only too happy to agree that it may go over until that time, in order that every Senator who wishes to debate it may have the opportunity. But what we object to is that we, outside of the Senator with whom the Senator from Connecticut said he had some understanding, had no such understanding.

I have not been in the Senate very long, but I have been here long enough to know that unanimous consent as recorded is the rule by which the Senate is bound, and that when a Senator desires to have any exceptions made in the unanimous consent to its full and complete operation, that exception will be noted in the order.

Independently of that, I wish to repeat that if the Senator from Connecticut, who seems to be the chief opponent of this measure, for reasons that are satisfactory to him and, of course, for reasons which we are bound to respect though we may disagree with him, will simply undertake to make some arrangement by which the bill may be taken up again and not be practically indefinitely postponed, the members of the Committee on Territories will be only too glad to do so. A week or ten days from now will do.

Mr. PLATT of Connecticut. A motion to postpone to a day certain is always in order, but the Senator must not ask me to make any unanimous-consent agreements.

Mr. GALLINGER. Will the Senator from Connecticut permit me?

Mr. PLATT of Connecticut. Certainly.

Mr. GALLINGER. It is likewise always in order for a Senator to move that the Senate proceed to the consideration of a bill. So the consideration of this bill can not be absolutely prevented if it goes over to-day. It will be in order to move its consideration at any time when a Senator can get the floor.

Mr. PLATT of Connecticut. I should like to conclude what I have to say, if there is no objection.

At the executive session on March 18, 1903, I proposed to amend the rules, and submitted a resolution to that effect. I wish to read it now:

Resolved, That the rules of the Senate be amended by adding thereto the following:

"The Senate may, at any time when a bill, treaty, or other measure is under consideration, by a vote of three-fifths of the Senators present and acting, taken without debate, adopt an order fixing the time when debate upon such bill, treaty, or measure shall cease, and when a vote upon the same and all amendments pending or that may be then offered shall be taken without further debate; and in the order fixing the time for the taking of such vote may also limit the time which a Senator may occupy in debate between the adoption of such order and the final vote upon such bill, treaty, or measure."

Mr. President, I do not claim or insist that that is the only method by which the business of the Senate may be transacted reasonably, orderly, and with reference to the rights and privileges of each member of the Senate. I say in the amendment that three-fifths may limit debate and fix a time when a vote shall be taken, because I do not think it is fair that a bare majority should thus fix the time. But certainly I think that if three-fifths of the Senators present and acting consider that a bill has been properly debated, or that it will be properly debated within some time to be given it, and be thoroughly understood by the Senate, no harm can come to the minority of the Senate.

Now, what are rules for? They are for two purposes, I imagine. The one is for the transaction of business; to make it possible that a majority of the Senate shall be enabled to transact the business of the Senate. The other is that the rights of the minority in the Senate shall not be infringed. I do not think that the fixing of a time, when three-fifths of the Senate consider that that gives a reasonable time for debate, could be considered at all as an infringement of the rights of the minority.

The majority must be able to do business. It is the foundation stone on which our Government rests that the majority shall rule, and it applies equally as well to the Senate of the United States as it does to any other department of the Government or the Government itself. If three-fifths of the Senate can be permitted to vote only by the grace of the minority, then the power is taken out of the hands of the majority and is practically placed in the hands of the minority. That is not according to our system. It is not according to our idea.

Now, I am not going to take a great deal of time on this subject to-day; but I wish to call attention to the fact that we discuss matters at indefinite length here and in a dreary, half-hearted way, giving each Senator who wants to speak plenty of time in which to prepare his speech, extending the courtesy of the Senate to every individual member of the Senate who says that he wishes to discuss a matter, and so every important measure, every measure on which there is any real difference of opinion, drags along as the unfinished business from day to day, every once in a while the Senator in charge attempting to get a unanimous-consent agreement that a vote may be taken at a certain time.

The Senator from Ohio [Mr. FORAKER] asks me to yield to him under circumstances under which I think it is proper to yield.

Mr. FORAKER. I am very much obliged to the Senator for his courtesy. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE CROFT.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. G. W. CROFT, late a Representative from the State of South Carolina, and transmitted resolutions of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The resolutions were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 10, 1904.

Resolved, That the House of Representatives has heard with profound sorrow of the death of the Hon. G. W. CROFT, a Representative from the State of South Carolina.

Resolved, That the Speaker appoint a committee of thirteen Members to attend the funeral services.

Resolved, That as a further mark of respect to the memory of the deceased Member the House do now adjourn.

The message stated that the Speaker had appointed Mr. FINLEY, Mr. AIKEN, Mr. JOHNSON, Mr. LEGARE, Mr. SCARBOROUGH, Mr. LEVER, Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, Mr. RICHARDSON of Alabama, Mr. MCLAIN, Mr. HOUSTON, Mr. SIBLEY, Mr. WEISSE, and Mr. JACKSON of Ohio members of the committee on the part of the House.

Mr. LATIMER. Mr. President, I present the resolutions which I send to the desk, and ask unanimous consent for their present consideration.

The PRESIDENT pro tempore. The Senator from South Carolina submits resolutions, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. GEORGE W. CROFT, late a Representative of the Second district of the State of South Carolina.

Resolved, That a committee of six Senators be appointed by the President pro tempore to join a committee on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives.

The PRESIDENT pro tempore. Will the Senate agree to the resolutions?

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore appointed as the committee on the part of the Senate, under the second resolution, Mr. TILLMAN, Mr. LATIMER, Mr. FULTON, Mr. CLARKE of Arkansas, Mr. HOPKINS, and Mr. MCLAURIN.

Mr. LATIMER. Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 11, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 10, 1904.*

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We invoke Thy blessing, Almighty God, our heavenly Father, upon these Thy servants, that, guided by the light of truth and strengthened by the power from on high, all the deliberations of this House to-day may be in consonance with Thy holy will.

A great sorrow has come to us in the death of one of our Members, and our hearts go out in great sympathy to the bereaved family. We pray Thee that they may be upheld and sustained by the hope of immortality.

Hear us, O Lord, and bless us, in the name of Jesus Christ our Saviour. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2259. An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes;

S. 4124. An act to authorize the construction of a bridge across the Missouri River between Wanbliska, in Burleigh County, and Morton County, in the State of North Dakota;

S. 3036. An act for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon; and

S. 2402. An act to secure sanitary milk and cream for the District of Columbia.

The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House of Representatives was requested:

H. R. 10670. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes.

BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2259. An act to regulate shipping in trading ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

S. 4124. An act to authorize the construction of a bridge across the Missouri River between Wanbliska, in Burleigh County, and Morton County, in the State of South Dakota—to the Committee on Interstate and Foreign Commerce.

S. 3036. An act for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon—to the Committee on the Public Lands.

S. 2402. An act to secure sanitary milk and cream for the District of Columbia—to the Committee on the District of Columbia.

H. R. 10670. A bill making appropriations for the support of the Army for the fiscal year ending June 30, 1905, with Senate amendments—to the Committee on Military Affairs.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment, to fill a vacancy on the Committee on Ways and Means, of Mr. COCKRAN of New York.

DEATH OF HON. GEORGE W. CROFT.

Mr. FINLEY. Mr. Speaker, the sad duty is mine to announce to this House the death of the Hon. GEORGE W. CROFT, a Representative from the State of South Carolina, who died this morning at 7.30 o'clock at his residence in this city. Of his worth, of his virtues I shall not speak now, but at some future time I shall ask the House to consider that matter in a suitable manner.

As a mark of respect to him, I offer the following resolutions.

The SPEAKER. The gentleman from South Carolina offers the following resolutions, which the Clerk will report:

The Clerk read as follows:

Resolved, That the House of Representatives has heard with profound sorrow of the death of the Hon. G. W. CROFT, a Representative from the State of South Carolina.

Resolved, That the Speaker appoint a committee of thirteen Members to attend the funeral services.

Resolved, That as a further mark of respect to the memory of the deceased Member the House do now adjourn.

Mr. OVERSTREET. Mr. Speaker, before the question is put, and in view of the special order under which the House has been proceeding, having fixed 4 o'clock this afternoon for a vote, I think it proper to ask unanimous consent that the order heretofore fixed for to-day shall continue to another day. I had said that I would make the suggestion that it apply to-morrow until it was suggested that to-morrow being pension day the committee did not desire to be displaced. I therefore ask unanimous consent that the order applicable to to-day shall be available and continue until Saturday.

The SPEAKER. Is there objection?

Mr. MOON of Tennessee. Mr. Speaker, if the gentleman from Indiana will allow me to suggest, I think the better idea would be to let Saturday be taken for pensions and the House execute the pending order to-morrow.

Mr. OVERSTREET. I should prefer to let a representative of the Pension Committee state as to that.

Mr. GIBSON. I have no objection.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the order applicable to-day shall be applicable to-morrow, and that Saturday be devoted to pensions under the rule. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the first two resolutions offered by the gentleman from South Carolina.

The resolutions were unanimously agreed to.

The SPEAKER announced the appointment of the following committee: D. E. FINLEY, WYATT AIKEN, J. T. JOHNSON, GEORGE S. LEGARE, R. B. SCARBOROUGH, A. F. LEVER, HENRY C. LOUDENSLAGER, GEORGE R. PATTERSON, WILLIAM RICHARDSON, FRANK A. MCLAIN, HENRY A. HOUSTON, CHARLES H. WEISSE, AMOS H. JACKSON, and JOSEPH C. SIBLEY.

The SPEAKER. The question is on agreeing to the third resolution.

The resolution was agreed to; and accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned to meet to-morrow at 12 m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James H. Lemon, administrator of estate of Newton Shumate, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Tillett, administrator of estate of Andrew Bell, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12527) granting

an increase of pension to Jane Allen, reported the same with amendment, accompanied by a report (No. 1536); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8620) granting an increase of pension to Celia M. Viven, reported the same with amendment, accompanied by a report (No. 1537); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4141) granting a pension to Mary Shiver, reported the same with amendment, accompanied by a report (No. 1538); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3642) granting an increase of pension to James H. Martin, reported the same with amendment, accompanied by a report (No. 1539); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3434) granting an increase of pension to Samuel Parmley, reported the same with amendment, accompanied by a report (No. 1540); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4539) granting a pension to Jane E. Tatum, reported the same with amendment, accompanied by a report (No. 1541); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6706) granting an increase of pension to James Bliss, reported the same with amendment, accompanied by a report (No. 1542); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11301) granting an increase of pension to Ellen Caroline Steele, reported the same with amendment, accompanied by a report (No. 1543); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11563) for the relief of Julia A. Allison, reported the same with amendment, accompanied by a report (No. 1544); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11313) for the relief of Anna C. Ray, reported the same with amendment, accompanied by a report (No. 1545); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12029) for the relief of Jane Reynolds, reported the same with amendment, accompanied by a report (No. 1546); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12460) granting a pension to Annie M. Powell, reported the same with amendment, accompanied by a report (No. 1547); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12624) granting an increase of pension to Eva H. Wingate, reported the same with amendment, accompanied by a report (No. 1548); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3690) granting an increase of pension to George W. Gregory, reported the same without amendment, accompanied by a report (No. 1549); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1959) granting a pension to Mary Remington, reported the same without amendment, accompanied by a report (No. 1550); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3573) granting an increase of pension to Calvin E. Myers, reported the same without amendment, accompanied by a report (No. 1551); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3417) granting a pension to Garrett V. Chamberlin, reported the same without amendment, accompanied by a report (No. 1552); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1661) granting an increase of pension to Mary E. Riley, reported the same without amendment, accompanied by a report (No. 1553); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 106) granting an increase of pension to Carrie Wages, report the same without amendment, accompanied by a report (No. 1554); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3860) granting a pension to James Henry Martineau, reported the same without amendment, accompanied by a report (No. 1555); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 236) granting an increase of pension to Andrew Jackson Power, reported the same without amendment, accompanied by a report (No. 1556); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4078) granting an increase of pension to Thomas B. Steele, reported the same without amendment, accompanied by a report (No. 1557); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4246) granting an increase of pension to Louis Groverman, reported the same without amendment, accompanied by a report (No. 1558); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4284) granting an increase of pension to Rebecca Hankins, reported the same without amendment, accompanied by a report (No. 1559); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4285) granting an increase of pension to John H. Shands, reported the same without amendment, accompanied by a report (No. 1560); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3879) granting an increase of pension to Cyrus Q. Lemmond, reported the same without amendment, accompanied by a report (No. 1561); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3654) granting a pension to Hannah Hall, reported the same without amendment, accompanied by a report (No. 1562); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3919) granting a pension to Florence E. Foster, reported the same without amendment, accompanied by a report (No. 1563); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3651) granting an increase of pension to Mildred S. Ogden, reported the same without amendment, accompanied by a report (No. 1564); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 6375) for the relief of the executors of the estate of Henry Lee, deceased, reported the same without amendment, accompanied by a report (No. 1565); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13653) for the relief of C. L. Lynch, of the Cherokee Nation, Ind. T., and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HUGHES of West Virginia: A bill (H. R. 13738) to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme, in Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13739) to authorize the Blackberry, Ken-

tucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about 1 mile east of Matewan, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Interstate and Foreign Commerce.

By Mr. LOVERING: A bill (H. R. 13740) for the relief of the Western Alaska Construction Company's railroad—to the Committee on the Public Lands.

Also, a bill (H. R. 13741) to promote railroad transportation in Alaska—to the Committee on the Territories.

By Mr. MANN: A bill (H. R. 13742) in relation to the location of the navigable channel of the Calumet River, Illinois and Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: A resolution (H. Res. 246) opposing acceptance by the President of statue of Frederick the Great—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAPRON (by request): A bill (H. R. 13743) granting an increase of pension to David C. Welch—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13744) granting an increase of pension to Frederick C. Abel—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13745) granting an increase of pension to Henry J. W. Boeschee—to the Committee on Pensions.

Also (by request), a bill (H. R. 13746) granting a pension to Thomas B. Forgan—to the Committee on Pensions.

By Mr. CASSINGHAM: A bill (H. R. 13747) for the relief of Nathan Finnegan—to the Committee on Claims.

By Mr. CLARK: A bill (H. R. 13748) granting an increase of pension to William H. White—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13749) granting an increase of pension to Calvin Herring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13750) granting an increase of pension to Samuel B. Hogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13751) for the relief of Sebastian Kerber, alias Franz Heil—to the Committee on Military Affairs.

Also, a bill (H. R. 13752) for the relief of Lucinda E. Ladd, widow of Daniel B. Ladd—to the Committee on War Claims.

Also, a bill (H. R. 13753) for the relief of certain officers and enlisted men of the First Kansas Colored Volunteers, and for other purposes—to the Committee on War Claims.

Also, a bill (H. R. 13754) granting a pension to Solomon Laurence—to the Committee on Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 13755) granting a pension to William L. Lee—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 13756) granting a pension to Mary A. Shaw—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 13757) granting a pension to Henry J. Hefner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting a pension to Martin M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13759) granting a pension to Isaac C. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13760) granting a pension to L. G. McAvoy—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 13761) granting an increase of pension to John Dusharn—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 13762) granting an increase of pension to Albert F. Pepoon—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 13763) granting an honorable discharge to Hermann Hirt—to the Committee on Military Affairs.

By Mr. MADDOX: A bill (H. R. 13764) for the relief of the estate of Edward C. Johnson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13765) for the relief of the estate of Noah King, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13766) for the relief of the estate of J. W. W. Marshal, deceased—to the Committee on War Claims.

By Mr. MARSHALL: A bill (H. R. 13767) granting an increase of pension to Daniel Pew—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13768) for the relief of the estate of James P. Yancey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13769) granting a pension to Elisha P. Maconaughey—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13770) granting a pension to William Cross—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of Sergeant Ryon Post, No. 214, Grand Army of the Republic, Department of Missouri, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Allegheny Turn Verein, of Allegheny, Pa., against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Evangelical Association of Dawson, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of citizens of Philadelphia, against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of 75 citizens of Milton, 120 residents of Salem, 909 residents of Newburg, and 100 residents of Union, Oreg., in favor of Sunday closing of the Lewis and Clark Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. ALEXANDER: Petition of patrons of rural free-delivery route No. 1, of Angola, N. Y., favoring increase of salary to rural delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER: Petition of the Eagle Pencil Company, favoring bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the executive committee of the Interstate Commerce Law Convention, favoring bills H. R. 6237 and S. 2439—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Travelers' Protective Association of America, favoring amending the bankruptcy act—to the Committee on the Judiciary.

Also, petition of the Consolidated Stock and Petroleum Exchange of New York, in favor of bill H. R. 7871—to the Committee on the Judiciary.

Also, petition of rural letter carriers, relative to an increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of Travers Bros. & Co., of New York, against bill S. 2259—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Drug Trade Section of the New York Board of Trade and Transportation, favoring reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Resolutions of J. B. McPherson Post, No. 27, of Lake Geneva; Gurley Post, No. 224, of Blanchardville; A. D. Hamilton Post, No. 60, of Milton; T. L. Sutven Post, No. 41, of Evansville; L. H. D. Crane Post, No. 54, of Beloit; Harvey Post, No. 45, of Darlington; Henry Conklin Post, No. 171, of East Troy; Erastus Hoyt Post, No. 69; Pier Post, No. 206, of Argyle; R. B. Hayes Post, No. 76, of Elkhorn; H. S. Swift Post, No. 137, of Edgerton; Duane Patten Post, No. 270, of Sharon; Fred. S. Lovell Post, No. 230, of Kenosha; Wesley W. Patten Post, No. 90, of Brodhead, and George H. Thomas Post, No. 6, of Delavan, all in Wisconsin, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CURTIS: Petition of 12 soldiers, in favor of bill H. R. 7873—to the Committee on Invalid Pensions.

Also, resolution of the Topeka Circle, Ladies of the Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, resolution of Lawrence Circle, No. 75, Ladies of the Grand Army of the Republic, Department of Kansas, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of W. J. Guggenheimer and 40 others, of Lawrenceville, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FULLER: Memorial of the Union Furniture Company, of Rockford, Ill., relative to the anti-injunction and eight-hour bills—to the Committee on Labor.

Also, memorial of the Interstate Commerce Law Convention, relative to interstate-commerce legislation—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Board of Trade of Wilmington, Del., in favor of the Delaware Ship Canal—to the Committee on Rivers and Harbors.

Also, papers to accompany bill granting a pension to Mary A. Shaw—to the Committee on Invalid Pensions.

By Mr. HEMENWAY: Petitions of the Gibson Street Methodist

Episcopal Church, the Cumberland Presbyterian Church, the Second Methodist Episcopal Church, 31 members of the Methodist Church, and 50 members of the United Presbyterian Church, of Princeton, Ind., in favor of Sunday closing of the Lewis and Clark Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. KNAPP: Papers to accompany House bill granting an increase of pension to John Dushorn—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of citizens of Lee, Mass., favoring the passage of bill H. R. 11584—to the Committee on the Public Lands.

By Mr. LINDSAY: Resolutions of the Travelers' Protective Association of America, favoring amendment of section 64 of the bankruptcy act—to the Committee on the Judiciary.

By Mr. LITTAUER: Petition of the Christian Endeavor Society of the Second Presbyterian Church of Amsterdam, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LIVERNASH: Petition of William Wolff & Co. and 55 others, of San Francisco, Cal., against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of the Wolfe Tone Club, of Oakland, Cal., concerning avoidance of war—to the Committee on Foreign Affairs.

Also, resolutions of McCook Post, No. 26, Grand Army of the Republic, Department of California and Nevada, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: Two petitions of citizens of Cincinnati, Ohio, and petition of D. Goldstein & Co. and others, of Cincinnati, Ohio, all in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MADDOX: Papers to accompany bill for the relief of Noah King, deceased—to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of Edward C. Johnson, deceased—to the Committee on War Claims.

Also, papers to accompany bill for the relief of the estate of J. W. W. Marshall, deceased—to the Committee on War Claims.

By Mr. PAYNE: Petition of Hammondsport Vintage Company, of New York, in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers and affidavit to accompany bill granting an increase of pension to Henry Smith—to the Committee on Invalid Pensions.

By Mr. RIXEY: Papers to accompany House bill for the relief of the estate of James P. Yancey—to the Committee on War Claims.

By Mr. SPERRY: Petition of manufacturers of Wallingford, New Haven, and Guilford, Conn., relative to a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. VAN VOORHIS: Papers to accompany bill granting an increase of pension to James W. Swords—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *March 11, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. The Chair hears none.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Presbyterian Church of Lewinsville, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Catholic Church of Winchester, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR presented a petition of General H. C. Lee Post, No. 176, Department of Massachusetts, Grand Army of the Republic, of Huntington, Mass., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Lee, Mass., praying for the enactment of legislation to protect the wild animals and birds in the Wichita Forest Reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Holyoke, North Egremont, Alford, Spencer, Chelsea, and Springfield; of the Young Men's Christian Association of Suffolk County; of the Woman's Christian Temperance Union of Spencer; of the congregation of the Methodist Episcopal Church of North Egremont; of the Woman's Christian Temperance Union of North Egremont; of the congregation of the Universalist Church of Marlboro, and of the Woman's Christian Temperance Union of Lynn, all in the State of Massachusetts; of sundry citizens of Tamaroa; of the Baptist Young People's Union of Tamaroa, and of the Quarterly Conference of the Methodist Episcopal Church of Newton, all in the State of Illinois; of Union Lodge, No. 359, Independent Order of Good Templars, of Brothertown, and of Lodge No. 280, Independent Order of Good Templars of Fall River, all of in the State of Wisconsin, and of the congregation of the First Baptist Church of Visalia, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Redwood Falls, Wabasso, Orono, and Minneapolis, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of George H. Thomas Post, No. 5, Department of Washington and Alaska, Grand Army of the Republic, of Olympia, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Ballard, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MILLARD presented a petition of the congregation of the First Presbyterian Church of Seward, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CARMACK presented a petition of sundry citizens of Halls, Tenn., and a petition of the congregation of the Methodist Church of Halls, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented sundry papers to accompany the bill (S. 1337) for the relief of Sarah McClay, administratrix of Robert McClay, deceased; which were referred to the Committee on Claims.

Mr. BERRY presented a petition of the Woman's Cooperative Association of Little Rock, Ark., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented the petition of Dr. John W. Parsons, of Portsmouth, N. H., praying for the enactment of legislation to increase the efficiency of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Currier Grange, No. 126, Patrons of Husbandry, of Lebanon, N. H., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 5, United Association of Plumbers and Gas Fitters, of Washington, D. C., praying for the enactment of legislation providing for the payment of compensation to the members of the plumbing board who served the District of Columbia from 1893 to 1898; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry patrons of rural free-delivery route No. 1, of Contoocook, N. H., praying that an appropriation be made to increase the salaries of rural letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Webster, N. H., praying that an appropriation be made to increase the salaries of rural letter carriers and remonstrating against the enactment of legislation to prohibit them from carrying express matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Alton and Exeter, and of the Albert Perkins Christian Relief Corps, No. 4, of Epping, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of

intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Portsmouth Brewing Company, of Portsmouth, N. H., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of sundry citizens of Wabash County, Ill., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Evanston Prohibition Alliance, No. 29, of Evanston, Ill., and a petition of the Garfield Park Protection Association, of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented the memorial of H. L. Kramer, of Kramer, Ind., remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of St. Joseph Valley Grange, No. 534, Patrons of Husbandry, of South Bend, Ind., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Dodge Manufacturing Company, of Mishawaka, Ind., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented petitions of the Fall Creek Monthly Meeting of Friends, of Knightstown; of the congregation of the Edwin Ray Methodist Episcopal Church, of Indianapolis, and of the congregation of the United Brethren Church of Lapaz, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of Morton Post, No. 1, Department of Indiana, Grand Army of the Republic, of Terre Haute, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a memorial of S. Bash & Co., of Fort Wayne, Ind., remonstrating against the enactment of legislation to relieve foreign commerce and acts and contracts in reasonable restraint of trade and commerce among the several States from the provisions of the act to regulate commerce; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Studebaker Brothers Manufacturing Company, of South Bend, Ind., praying that an appropriation be made to prevent a repetition of damages by flood in the Kaw Valley in the States of Kansas and Missouri; which was referred to the Committee on Commerce.

He also presented a petition of the Terre Haute Brewing Company, of Terre Haute, Ind., praying for the enactment of legislation providing for the establishment of a bureau of commercial registration in the Department of Commerce and Labor; which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of sundry citizens of Summersville, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BEVERIDGE presented a petition of Lodge No. 360, Brotherhood of Boiler Makers and Iron-ship Builders, of Lafayette, Ind., and a petition of Lodge No. 384, Brotherhood of Boiler Makers and Iron-ship Builders, of Peru, Ind., praying for the enactment of legislation to develop the American merchant marine; which were ordered to lie on the table.

He also presented a petition of the congregation of the Meridian Street Methodist Episcopal Church, of Indianapolis, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchants' Association of Indianapolis, Ind., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Medical Society of Allen County, Ind., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Retail Lumber Dealers' Association of Indianapolis, Ind., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented petitions of the congregations of the Church of Christ of Highmore; of the German Baptist Church, of Parkston; of the Congregational Church of Highmore, and of sundry citizens of Highmore, all in the State of South Dakota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Woman's Christian Temperance Association and the Woman's Club of Somersworth, N. H., and a petition of sundry citizens of Sisseton, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3454) for the extension of Eighth street NW., or Wright's road, District of Columbia, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 3d instant, proposing to increase the appropriation for the Washington Home for Incurables from $2,000 to $4,000, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself February 8, proposing to appropriate $10,000 for the Columbia Polytechnic Institute for the Blind, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 5th instant, proposing to increase the salary of the two judges of the police court of the District of Columbia from $3,000 to $4,000 each, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. TELLER February 29, proposing to appropriate $4,000 for grading and macadamizing Twentieth street NE. from Brentwood road to Queen's Chapel road, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 2d instant, proposing to appropriate $24,000 for paving with asphalt Seventh street NW. from D street to E street and from G street to the north side of New York avenue, intended to be proposed to the District of Columbia appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself February 27, proposing to appropriate $10,000 for grading Grant street NW. between Eighteenth street and Nineteenth street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 5th instant, providing for a fourth assistant corporation counsel instead of a law clerk in the office of the corporation counsel of the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, reported an amendment proposing to appropriate $3,000 for the purpose of providing, under the direction of the board of education of the District of Columbia, free lectures to the people of the District of Columbia, to be given in the public schools or such halls as may be designated, intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 3d instant, proposing to increase the salary of the assistant surveyor of the District of Columbia from $1,800 to $2,500, intended to be proposed to the

District of Columbia appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. MCCOMAS on the 4th instant, proposing to appropriate $3,000 for grading and improving Flint and other streets in American University Park, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself February 27, proposing to appropriate $23,000 for a house and furniture for a chemical engine company, to be located near Bennings, D. C., including the cost of connecting said house with fire-alarm headquarters, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 3d instant, proposing to increase the appropriation for the improvement and protection of the harbor and river front of the District of Columbia, the enforcement of laws and regulations, construction and maintenance of wharves and buildings, and for other necessary items and services, from $3,000 to $5,000, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 4849) granting an honorable discharge to Peter Green, reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4598) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 3d instant, proposing to appropriate $100,000 to aid in the reconstruction and completion of the building of the National Homeopathic Hospital, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALGER, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3938) for the relief of George H. White; and

A bill (S. 3503) to amend the record of Maj. John Murphy.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 402) for the relief of James D. Vernay, reported it with amendments, and submitted a report thereon.

Mr. GORMAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 5th instant, proposing to appropriate $50,000 for constructing a bridge across Piney Branch, on the line of Sixteenth street extended, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

CHANGES IN RAILWAY TARIFF RATES.

Mr. ELKINS. I am instructed by the Committee on Interstate Commerce, to whom was referred the resolution submitted by the Senator from Wisconsin [Mr. QUARLES] January 13, relative to changes in railway tariff rates, to report it with amendments, and I ask for its immediate consideration. It is a resolution calling for information.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That the Interstate Commerce Commission is hereby directed to furnish the Senate, as speedily as may be practicable, a report showing the principal changes in railway tariff rates, whether resulting from the adoption of new rates or the amendment of freight classifications, and an estimate of the effect of such changes upon the revenues of railway corporations in the United States during each of the fiscal years ending June 30, 1900, 1901, 1902, and 1903, as compared with the revenue that would have been derived by them under the rates and freight classifications in force during the fiscal year ending June 30, 1899. And that said Commission also include in said report such estimate as may be practicable of the effect of such changes in rates and freight classifications upon the revenues of said railway corporations derived from the transportation of leading commodities, for example, iron and steel articles, coal, lumber, grain, flour, hay, and sugar, during the periods above mentioned.

The amendments of the Committee on Interstate Commerce were, in line 6, before the word "revenues," to insert the words "gross and net;" in line 10, before the word "revenue," to insert the words "gross and net;" and in line 13, after the words "eighteen hundred and ninety-nine," to strike out the remainder of the resolution and to insert "and also report the changes in cost of operation and maintenance of said railways for said years;" so as to make the resolution read:

Resolved, That the Interstate Commerce Commission is hereby directed to furnish the Senate, as speedily as may be practicable, a report showing the principal changes in railway tariff rates, whether resulting from the adoption of new rates or the amendment of freight classifications, and an estimate of the effect of such changes upon the gross and net revenues of railway corporations in the United States during each of the fiscal years ending June 30, 1900, 1901, 1902, and 1903, as compared with the gross and net revenue that would have been derived by them under the rates and freight classifications in force during the fiscal year ending June 30, 1899; and also report the changes in cost of operation and maintenance of said railways for said years.

The amendments were agreed to.

Mr. HOAR. I should like to make an inquiry of the Senator who reported the resolution. I have a very strong desire to have the information that is contemplated in it, but I should like to inquire as to the authority of the Senate over the Interstate Commerce Commission. The resolution, if I understand it, requires not merely the furnishing of copies of their records or archives, but requires them to give to the Senate their opinion as to the result of an important investigation. It may be a costly investigation, and of course I suppose in some mode there has been or will be provided the means for making the investigation.

I am entirely in favor of the purpose of the inquiry, but it seems to me very important for the dignity and authority of the Senate that we shall observe carefully the lines of our constitutional and lawful power.

I suppose the Interstate Commerce Commission is a tribunal by itself, not under any Department of the Government, not under the Department of the Interior, for instance. How is that?

Mr. ELKINS. It is an independent bureau. It is not in any Department at all.

Mr. HOAR. If it were a bureau of the Interior Department, of course we should address the Secretary of the Interior.

Mr. ELKINS. It is not in any Department.

Mr. HOAR. It is separate, as the Agricultural Commission was before the creation of a Department of Agriculture.

Mr. CULLOM. It is separate.

Mr. ELKINS. I will state for the information of the Senator from Massachusetts that this resolution has had the careful consideration of the committee, and that information was sought from the Commission as to the probable amount of work and the cost it would entail. We were informed that it would not be very great, owing to the fact that the Interstate Commerce Commission has the reports of all the railways made annually, and this is just asking for information from those reports.

Mr. HOAR. From their archives?

Mr. ELKINS. Yes. They have the information.

Mr. HOAR. I make no question about it.

Mr. CULLOM. And the resolution does not require any opinion, but merely a statement of the facts.

Mr. HOAR. I thought it inquired as to the probable cost of the changes.

Mr. CULLOM. That part of the resolution the committee struck out.

Mr. HOAR. Very well; that is the part stricken out.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ORDNANCE FOR PARK PURPOSES IN BOSTON.

Mr. PROCTOR. I am directly by the Committee on Military Affairs, to whom was referred the bill (S. 4576) donating certain obsolete ordnance to the city of Boston, to report it favorably without amendment.

Mr. LODGE. I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill transferring the custody of certain obsolete ordnance to the city of Boston."

PUBLIC BUILDING AT ASHEVILLE, N. C.

Mr. SIMMONS. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4051) to provide for the enlarging of the United States court building at Asheville, N. C., containing the United States court room, post-office, clerk's office, and internal-revenue offices, to report it favorably without amendment.

There is some urgency about this bill, it being a bill to make certain necessary additions to the building for the court-house,

post-office, and internal-revenue offices located at Asheville, and I ask unanimous consent that it be put upon its passage.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause the United States building at Asheville, N. C., which contains the United States court rooms, clerk's office, the post-office, and the internal-revenue offices, to be extended and enlarged so as to provide necessary and convenient accommodations for the courts, the post-office, and the internal-revenue offices, and provides that the total cost of extensions and enlargements shall not exceed $60,000.

Mr. ALLISON. I move to strike out section 2.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 2 in the following words:

SEC. 2. That this act shall be in force from its passage.

Mr. SIMMONS. What will be the effect of that?

Mr. ALLISON. It will have no effect whatever.

Mr. COCKRELL. The bill takes effect on its passage, of course.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 4918) granting an increase of pension to Merida P. Tate; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for increase of pension of Merida P. Tate, late first lieutenant, Forty-seventh Regiment Missouri Volunteers, together with the affidavits of Dr. J. T. White and J. C. Wallace and John Wood, and also a copy of the medical record of the claimant. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CARMACK (for Mr. BATE) introduced a bill (S. 4919) granting an increase of pension to W. C. Griffin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4920) granting an increase of pension to Mary Jane Mullins;

A bill (S. 4921) granting a pension to Lottie B. Galleher; and

A bill (S. 4922) granting a pension to Absalom Grubb.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4923) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased;

A bill (S. 4924) for the relief of the legal representatives of Richard M. Robinson, deceased;

A bill (S. 4925) for the relief of the legal representatives of Samuel R. Grundy, deceased;

A bill (S. 4926) for the relief of the legal representatives of Abraham Stevens, deceased;

A bill (S. 4927) for the relief of the legal representatives of the firm of Brown & Bryant;

A bill (S. 4928) for the relief of Anna E. Pennebaker, widow of Charles D. Pennebaker, deceased; and

A bill (S. 4929) for the relief of the heirs at law of Robert D. Salmons, deceased.

Mr. BURROWS introduced a bill (S. 4930) to extend the provisions of the act approved March 3, 1903, relating to the survey and platting of lands for town sites in the Indian Territory, to the Seminole Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4931) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them in the military or naval service of the United States;

A bill (S. 4932) granting a pension to Emanuel Peck; and

A bill (S. 4933) granting an increase of pension to Arthur T. Duncan (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 4934) for repayment of duty on refined sugar, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. McCUMBER introduced a bill (S. 4935) granting a pension to John Waarsteson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4936) granting an increase of pension to Emma J. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 4937) to promote the efficiency of the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 4938) regulating the use of telegraph wires in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4939) for the relief of Emily E. Bishop;

A bill (S. 4940) for the relief of the estate of D. U. Ford, deceased;

A bill (S. 4941) for the relief of Martha B. Moore;

A bill (S. 4942) for the relief of the heirs of Mrs. H. C. Henderson, deceased;

A bill (S. 4943) for the relief of the heirs of Jacob Allen, deceased;

A bill (S. 4944) for the relief of the estate of W. F. Gaines, deceased;

A bill (S. 4945) for the relief of the heirs of John C. McGehee, deceased; and

A bill (S. 4946) for the relief of the estate of John Graham, deceased.

Mr. PROCTOR introduced a bill (S. 4947) granting permission to George W. Hill, Henry E. Alford, G. B. Brackett, William A. Taylor, H. W. Wiley, M. A. Carleton, and John I. Shulte, all of the Department of Agriculture, to accept decorations tendered them by the Government of France; which was read twice by its title, and referred to the Committee on Foreign Relations.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I desire to give notice that on Wednesday morning, the 16th instant, I shall move to take up the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

HARRY HALLER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6582) granting an increase of pension to Harry Haller, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
GEORGE R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

JOHN WATT.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2809) granting an increase of pension to John Watt, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JOSEPH HINKLE.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4251) granting an increase of pension to Joseph Hinkle, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

DANIEL W. HUFFMAN.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2920) granting an increase of

pension to Daniel W. Huffman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment inserting in lieu thereof the word "thirty-six;" and that the House agree to the same.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JAMES H. HARGIS.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9583) granting an increase of pension to James H. Hargis, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

FRANK J. M'LAUGHLIN.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

WILLIAM J. SHEPARD.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4526) granting a pension to William J. Shepard, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JAMES R. HAUPTLY.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5555) granting an increase of pension to James R. Hauptly, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

FRANKLIN MOORE.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5367) granting an increase of pension to Franklin Moore, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JOSHUA HARLAN.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5865) granting an increase of pension to Joshua Harlan, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to an amendment inserting in lieu thereof the word "forty;" and that the House agree to the same.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JOHN HERZOG.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6025) granting an increase of pension to John Herzog, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

DAVID Z. BEIDLER.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6425) granting an increase of pension to David Z. Beidler, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

WILLIAM M. UNDERHILL.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8058) granting an increase of pension to William M. Underhill, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JONATHAN J. SMITH.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

CALEB ARNETT.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4136) granting an increase of pension to Caleb Arnett, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

JOHN G. FAIRCHILD.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2923) granting an increase of pension to John G. Fairchild, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

EDWIN A. FORMAN.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6705) granting an increase of pension to Edwin A. Forman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment inserting in lieu thereof the words "thirty-six;" and that the House agree to the same.

P. J. McCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

WILLIAM PITTENGER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3032) granting an increase of pension to William Pittenger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the rate of $50 per month.

P. J. McCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. Mr. President, I desire to give notice that to-morrow, immediately after the conclusion of the consideration of bills relating to the District of Columbia, I shall move that the Senate proceed to the consideration of the fortifications appropriation bill, House bill 12446.

H. SMITH WOOLLEY.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CARMACK on the 9th instant, as follows:

Resolved, That the Secretary of the Treasury of the United States be, and he hereby is, directed to transmit to the Senate copies of all documents and papers that have been filed in the Treasury Department in relation to the appointment of H. Smith Woolley, a former deputy internal-revenue collector of the district of Idaho, whose name is now before the Senate for confirmation as assayer in charge at Boise, Idaho.

Mr. CARMACK and Mr. HOAR addressed the Chair.

The PRESIDENT pro tempore. The pending question is on the motion of the Senator from Iowa [Mr. ALLISON] to refer the resolution to the Committee on Finance.

Mr. HOAR. I suggest that under the rule the debate on this matter ought to proceed in executive session.

Mr. CARMACK. I can not hear the Senator from Massachusetts.

Mr. HOAR. I rise to suggest that under the rule the debate on the matter should proceed only in executive session.

Mr. CARMACK. I wish to be heard on that, Mr. President.

Mr. HOAR. If that motion be seconded, I understand it is not debatable in open session——

The PRESIDENT pro tempore. It is not.

Mr. HOAR. And it is the duty of the Chair to order the doors to be closed.

Mr. PLATT of Connecticut. I second the motion.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. The doors will be closed.

At 12.30 p. m. the Senate, with closed doors, proceeded to consider the resolution.

During the consideration of the resolution with closed doors the Presiding Officer (Mr. KEAN in the chair) announced that the hour of 2 o'clock had arrived, and laid before the Senate the unfinished business at its adjournment yesterday, viz, the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor, which, by unanimous consent, was temporarily laid aside.

On the question, Will the Senate agree to the resolution? it was determined in the negative.

The Senate, at 2 o'clock and 7 minutes p. m., proceeded to the consideration of executive business. At 5 o'clock and 45 minutes p. m. the doors were reopened, and the Senate adjourned until to-morrow, Saturday, March 12, 1904, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate March 10, 1904.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Henry B. Richardson, of Louisiana, for appointment as a member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters."

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 11, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. GILLETT of Massachusetts. Mr. Speaker, I present the following privileged report.

Mr. HAY. Mr. Speaker, I call for the regular order. I understand there is a privileged question now before the House.

Mr. GILLETT of Massachusetts. I will say to the gentleman from Virginia that this is his matter.

Mr. HAY. Very well; we can take it up to-morrow just as well.

The SPEAKER. The gentleman from Virginia demands the regular order. The gentleman from Massachusetts rises for the purpose of making a privileged report—privileged under the rule. The Chair is of the opinion that the matter before the House, under the order of the House, perhaps without a special order, is a matter of the highest privilege, and the Chair recognizes the gentleman from Indiana on the demand for the regular order.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that ten days' general leave to print be accorded to Members.

Mr. COOPER of Wisconsin. I object.

Mr. WILLIAMS of Mississippi. Without further consideration, Mr. Speaker, I feel compelled to object to that. I will think it over, and later may consent to it.

Mr. OVERSTREET. Mr. Speaker, I make the request clearly for the purpose of accommodating Members. I am pressed for time by Members, whom I would like very much to accommodate, but I have not the time to grant. If there could be any extension of time, in view of the demands, I have no objection to it. I thought that was a fair way to accommodate the Members of the House.

Mr. TAWNEY. I understand, Mr. Speaker, that every Member of the House who is named in this report can rise to a question of personal privilege, and occupy as much time as he wants. Is not that the fact? If so, the debate should be extended sufficiently to allow Members who desire to speak on the proposition to do so.

The SPEAKER. The Chair ruled on that question on a former case. This is a question of the highest privilege, and is entitled to consideration. Another question of privilege can not take this question from the floor of the House, or prevent the House from deciding this question when it desires to do so. The House has determined by special order when it will decide this question of privilege.

Mr. TAWNEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. As to what a Member may do later, after this question of privilege is disposed of, the Chair will rule when the question is presented, if it should be presented. The gentleman will state his parliamentary inquiry.

Mr. TAWNEY. The Chair has practically answered the inquiry I was about to make, which was that after a vote is taken, will it then be in order for a Member of the House mentioned in the report, who has not addressed himself to the matter referred to, to rise to a question of privilege and address the House on the matter relating to him in the report?

The SPEAKER. The Chair will state that if a Member of the House rises hereafter to a question of privilege it is for the Chair to rule, subject always to the direction of the House.

Mr. OVERSTREET. Mr. Speaker, I would like to inquire under the present rule now in force at what time will the general debate close?

The SPEAKER. At twenty-five minutes past 4 o'clock to-day.

Mr. OVERSTREET. A further inquiry: How will the remaining time be apportioned, in view of the time which has already been used?

The SPEAKER. Assuming that debate starts now, at ten minutes past 12, there are one hour and forty-nine minutes under the control of the gentleman from Indiana and two hours and thirty-six minutes under the control of the gentleman from Tennessee [Mr. MOON].

Mr. OVERSTREET. In view of the demand for time from Members upon this side, more than I have time to yield, I ask unanimous consent that the order may continue until 4 o'clock on Monday instead of 4.25 to-day.

Mr. HAY. I object.

Mr. OVERSTREET. I ask that it be extended until 4 o'clock to-morrow.

Mr. HAY. I object.

Mr. OVERSTREET. I ask that general leave to print may be given to Members for ten days.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a moment ago I said I felt compelled to object to that request, but, being put again, I will say why. I think as a general principle that whatever is said upon a matter of this sort ought to be stated in open House, or else it ought to be said before a special committee organized——

Several MEMBERS. Louder!

The SPEAKER. The House will be in order and gentlemen will cease conversation.

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is not so much the fault of the House as it is mine; I have been suffering from a very severe sore throat and can hardly talk loud enough. I think it would be well that whatever is to be said to the country about so delicate a subject as this should be said in open House [applause] or else it should be said before a committee of this House under the sanctity of an investigation, and be printed and go to the country through that course. I shall for the present object, and I am inclined to think that I shall persist in the objection.

Mr. OVERSTREET. My purpose was entirely to afford accommodation to Members of the House.

Mr. WILLIAMS of Mississippi. I understand that, and I dislike to obstruct it.

Mr. OVERSTREET. Mr. Speaker, I now ask the gentleman from Tennessee [Mr. MOON] to occupy some of the time of which he has control.

Mr. MOON of Tennessee. I yield fifteen minutes to the gentleman from Missouri [Mr. COWHERD].

Mr. COWHERD. Mr. Speaker, in view of some criticism that has been made upon the floor, of more criticism that has been made in the cloakroom and by Members in their seats, of the committee that drings this report to the House, I want to call the attention of the House to the circumstances under which they sent this resolution to the Committee on Post-Offices and Post-Roads and ask them whether that committee could have done anything else than what they have done.

The gentleman from Virginia [Mr. HAY] on the 4th of January last presented to this House a resolution that was privileged—a resolution of the highest, highest privilege, It was stated in that resolution that certain charges had been made against the membership of this House. Had they been made? Why, sir, the facts are that there lay on the desk of every Member an official report from a great Department of the United States which contained those charges.

Was there any occasion to refer it to a committee to see whether the charges had been made? Why, sir, it had been published in a pamphlet sent out from the Post-Office Department that bore with it a letter of the President of the United States specifically approving that report and complimenting the gentleman that made those charges. Was there any occasion, then, to refer it to a committee to find out whether the charges had been made? Were those charges such as affected the membership of this House? The ruling of the Speaker on the question of privilege settled that, and no Member ever doubted that proposition or will deny it now. With this privileged resolution then in the hands of this House—a privileged resolution reciting charges affecting the character of Members, published in an official report, spread abroad by the Department with a letter from the President approving it, why did not the House act on it when the House had it in its hands? I will tell you why it did not. Here is the proof in the debate upon this very question when it first came before this body. The gentleman from Michigan [Mr. WM. ALDEN SMITH], who has spoken strongly in regard to this report, rose and asked the gentleman from Virginia why he did not first by resolution of inquiry find out who were the Members charged. Here is what he said:

> Now, let me ask the gentleman from Virginia if it would not be better to get the names of the people who must be in the mind of the Fourth Assistant Postmaster-General, rather than make a general charge against the House of Representatives?

The gentleman from Virginia replies:

> I am not making a charge.

Then the gentleman from Michigan answers:

> Well, it is an insinuation—

That is what he thought then—

> that the House ought to have this information before it acted on the resolution.

But he was not the only Member who took that position. The distinguished gentleman from Ohio [Mr. GROSVENOR], one of the most experienced and ablest legislators in the House, and one of the recognized leaders of the majority, arose and said to the gentleman from Virginia [Mr. HAY]:

> Here are serious insinuations, or call them what you like, and no names are given, as I understand. Ought not this House before it attempts a general sweeping investigation, inasmuch as the presumption is that the Fourth Assistant Postmaster-General knows the names of the men against whom he has made this allegation, call upon him to furnish the House with the names of the men he means to attack and the evidence upon which he bases it? Then the House could act intelligently.

And the gentleman goes on to say practically what he would do as chairman of that committee:

> Send for the Fourth Assistant Postmaster-General and say to him, "What do you mean? Where are they? Put your finger on them, and give us the names and tell us what they did."

That is what the distinguished gentleman from Ohio said should be done with this resolution—send it to a committee, that it may get from the Post-Office Department the names of the Members the Department intended to refer to in this charge and the evidence upon which the Department based those charges. Gentlemen, under those circumstances that resolution came to the Committee on Post-Offices and Post-Roads.

Mr. COOPER of Wisconsin. Will the gentleman permit a question right there?

Mr. COWHERD. Yes, sir.

Mr. COOPER of Wisconsin. The gentleman from Missouri has just said that the gentleman from Ohio in a speech here declared that the House ought to ask the Fourth Assistant Postmaster-General to furnish the names of the persons whom he thought were guilty, and to supply the evidence. Your committee has done not only that, but you have brought in the names of 140 men against whom not a word of evidence affecting their character has appeared.

Mr. COWHERD. I am going to discuss that, if the gentleman will allow me to go on. I am not going to attempt to avoid anything. I am going to show the gentleman and the House that the committee has done only what in justice to the membership of this House it was compelled to do.

Now, then, when this resolution came before that committee it followed identically the suggestions that had been made.

Mr. SPALDING rose.

Mr. COWHERD. I can not yield. I have only fifteen minutes. Let me make my statement, and then let gentlemen interrogate me if they wish.

Mr. SPALDING. Allow me a single question.

Mr. COWHERD. Well, make it short.

Mr. SPALDING. Why did not your committee make some findings and a report instead of adopting the report of Mr. Bristow?

Mr. COWHERD. We did make a report, and I am going to read it, if you will allow me.

That committee first called upon the officer to ascertain whether he could give us this information. He first sent the evidence as to the violation of the law.

Remember, the "whereases" in this resolution charge practically four things, and I mention them in the order we took them up in committee, though not in the order they appear in the resolution itself:

First. A violation of law by Members in leasing their property to the Government.

Second. That at the request of Members leases had been canceled on post-offices and new leases made at increased rates.

Third. That Beavers had made allowances for increased clerk hire regardless of the merits of the case when requested by Members.

Fourth. Certain charges mentioned upon specific pages in the report. As the evidence in these cases is set out in the original Bristow report, they were never investigated by the committee.

Now, the first information that came was in regard to the three cases where leases had been made of property belonging to Members. Upon examination of those we found, as you have found, that if there was any violation of law it was of the most technical nature. Then we demanded whether they could furnish us a complete list of all allowances of increase of clerk hire upon request of Members that Beavers had made, with the evidence in regard to each case. They said they would have to examine the files in all cases where clerk hire had been allowed, and this would cover twelve or fifteen thousand cases; that they could not examine them all and report within any reasonable time; "But," they said,

"we have found 900 cases where allowances were made and discontinued because they were in violation of law." Then we said, "Give us that list," and that is what the letter of the chairman of the committee calls for. That list was furnished to us. I want to say to this House and the country——

Mr. HEPBURN. Mr. Speaker, will the gentleman allow me to ask him a question there?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. COWHERD. Yes.

Mr. HEPBURN. I understood the gentleman to say that he was informed by the Postmaster-General that he had a list of fifteen hundred cases.

Mr. COWHERD. No.

Mr. HEPBURN. A number of cases.

Mr. COWHERD. No; I said there were in all about 12,000 cases—they told us—where allowances were made for clerk hire and separating service; that they had found in the Bristow investigation about 900 cases where there was an improper allowance, and the Department had since discontinued these allowances.

Mr. HEPBURN. Nine hundred that were contrary to law, I understood the gentleman to say. Was that statement made?

Mr. COWHERD. I am going to explain that, if the gentleman will allow me to get to it.

Mr. HEPBURN. I understood the gentleman to say that.

Mr. COWHERD. I did say they were contrary to law and they were in this way: There is affecting this question both a law and a regulation. Now, regulations in the postal service, where they have authority to make them, have the force of law. There is a law authorizing the Department to allow clerk hire at third and fourth class offices in case of unusual business, but there is no appropriation for it. The Department has, however, been accustomed to make such allowances out of the appropriation for separating service, though strictly speaking I believe that is in violation of the law. First, you have got a law but no appropriation; second, under the separating service you have got the regulation making allowances in proportion to number of pieces of mail handled. That was violated, but it is not a law.

Now, Mr. Speaker, if gentlemen will allow me to proceed, we got that list, and I say here and now, if we must answer whether the charge is true as alleged, that "if a Member of Congress requested an increase in clerk hire allowed a postmaster, Beavers usually complied regardless of the merits of the case," I say that charge is true; Beavers did usually comply regardless of the merits of the case. Are Beavers and the Department censurable for it? Yes. Are the Members of this House censurable for it? No. Let me explain. I have said there was a law providing for clerk hire in unusual cases of unusual business, like the case of a town with a few hundred inhabitants in winter, but many thousand in summer, because it is a summer resort; or a college town with a small number of inhabitants in summer and an increase of a thousand or two in winter. That is unusual business. The law says the postmaster can make an allowance for it, but we have not appropriated for it for a number of years.

Now, there is another case, the separating service. Many Members do not seem to understand that separating service is this: Here is a fourth-class post-office, A, on the railroad. Then there is a little star route that runs out from it that supplies the offices of B and C. The postmaster in that fourth-class post-office is paid according to the cancellation of stamps in his office, but every day in the year, and sometimes many times a day, he must separate from the mail he receives the mail for the offices B and C. He gets no compensation for that except what is allowed him for separating service. The Department had a regulation providing that the allowance for separating service should be based upon the average number of pieces of mail that the postmaster separated daily. You did not know what that regulation was, the postmaster at A did not know it. It was a secret regulation; nobody knew it but the Department, and when you, a Member of this House, received a letter from your postmaster at A. saying he was not receiving the separation fee allowed by law and that he had to pay out of his salary three hundred or four hundred dollars for clerk hire, how could you know whether it was true or not?

You took it to the Post-Office Department, as you had a right to do, and asked that that postmaster at A be made an allowance. You had a right to expect the regulations would be observed, but Beavers, instead of having the count made, as he ought to have done, in some instances, if you were a Member of sufficient importance, granted the request, regardless of the regulations. In other cases he had a count made, and when it showed that the separating fee should be a hundred dollars a year according to the regulations, he allowed you $500. Now, gentlemen, I say you are not to blame. In my humble judgment, and I do not set myself up as a judge of any man, there are a few cases where, after a count and ascertainment of what allowance would be proper, unusual allowances were made, and a request would follow shortly for an increase, and the increase would be granted, and in a few months another increase would be made. If there was nothing back of that but the separation service, as appears in this report, then it seems to me the Member was making unusual requests upon the Department, and the propriety of his conduct is a question between him and his constituency. It is not a violation of law, and therefore not a question for you to handle, as I understand it, and therefore, while reporting the facts as given by the Department, we do not believe there is anything in those facts calling for an investigation of the conduct of Members.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield to the gentleman ten minutes more.

The SPEAKER. The gentleman has ten minutes further.

Mr. COWHERD. Now, gentlemen, that is the answer to one charge, which answer came to us with the approval of the Post-Office Department. But the gentleman says, why did we not make a report? We did. We say:

> In the matter of increased allowances to the postmasters out of the fund referred to, the recommendations of Members appear clearly to have been in harmony with the long-established custom of referring to the Department applications from postmasters seeking increased accommodations.

And we quote with approval the statement of Mr. Bristow, as found at page 145 of his report:

> The executive officer is expected to do his duty in accordance with the law and the practice of the Department. Congressmen, as a rule, want their constituents to have what they are justly entitled to and no more. It is true that there are occasional exceptions to this rule, but happily such exceptions are few. But whatever may be the request of the Congressman, the executive officer has a plain duty which the Member of Congress expects him to perform.

Were we to edit this report? Were we to take out the case where a Member got only $50 more than the regulation required and leave in the case where a Member got a thousand dollars more? The names of many of this committee appear in that report. Suppose they had been edited out or their friend had been edited out and your name or your friend's had been left in? You would have lashed this committee off the floor of the House. You would have demanded our authority to edit an official report from a Department.

Now comes the question of increases of rent. We asked only exactly what the resolution called for, and that was in the letter of the chairman of the committee, cases where leases had been canceled and renewed at higher rates.

They sent, in response to that, this report, with some twelve or fifteen cases of that kind and with more than a hundred cases that were not called for. That report came to the Post-Office Committee. Some of those cases not called for were cases, however, where the rent had been increased upon request of a Member, sometimes doubled, and immediately a ten-year lease made with the three-months clause eliminated. Ought we to have edited that report? What man on the floor of this House would have permitted that committee to take an official report from that great Department and say what part of it reflecting on Members we would publish and what part of it we should not?

Mr. BURLESON. Why did you not send it back to them and make them expunge that which you had not asked for?

Mr. COWHERD. If we had sent it back to be expunged or edited this committee and this House would have been pilloried before the country as attempting to procure changes made in a report reflecting on the Members.

Mr. BURLESON. You asked for specific information. The Department gave you information that you had not asked for concerning a hundred Members whose cases, as you state, were not embraced within your question, and then your committee brought the document containing this information before this House. I say it is an outrage.

Mr. COWHERD. I say that the committee could do nothing else than present it to the House as the Department sent it. [Applause.] Every man here knows that the fact of this report having been made had been published in the newspapers; every correspondent in Washington was besieging the doors of that committee demanding an inspection of that report. The great newspapers had published column upon column in commenting on the matter and speculating upon the nature of the report, so that it was due to the membership of this House and due to the committee that the facts be given. [Applause.] I say here and now that the membership of this House—I mean as to more than nine-tenths of you—that you have done nothing wrong, and you will take that volume back to your constituency and say, "Here is the proof that I was endeavoring to get what was due my constituents and only what was due them," and your people will stand behind you and will approve your conduct.

Mr. WM. ALDEN SMITH. Mr. Speaker, will the gentleman allow me?

Mr. COWHERD. I have only a very limited time.

Mr. WM. ALDEN SMITH. I would like to ask the gentleman from Missouri who edited this report? I have personally examined the files of the Post-Office Department in the case of the Stratford, Conn., post-office, where the influence is attributed to "White House." The files do not show the words "White House" at all; but in a memorandum the name "W. House" is written. Who had the right to assume that this meant White House, and that the beloved McKinley should thus be slurred by innuendo?

Mr. COWHERD. The Committee on the Post-Office and Post-Roads never added a word or took away a word from that report.

Mr. WM. ALDEN SMITH. Somebody has made the change.

Mr. COWHERD. If it was done at all it was done by the Department. [Loud applause.] The committee never made a change. [Renewed applause.] Now, what do you gentlemen say? You come here and say that that Department has lied about you. You say that that Department has published a malicious slander against the membership of this House. You say that that great Department did it on purpose and with malice aforethought, and then you say to the membership of this House, we will appoint a committee to investigate you who have been so cruelly slandered, but when it comes to an investigation of that Department that issued the slander it must be done by itself. [Loud applause on the Democratic side.] Are you going to say to the country that the Department that lied about you tells the truth about its own misdemeanors? [Loud applause on the Democratic side.] Did you not approve with uproarious applause the following statements as they fell from the lips of the distinguished Republican leader from Ohio [Mr. GROSVENOR]?

Mr. Speaker, what is this paper here for? What does that document mean; what was its purpose? Has the country wrongly construed the presence of this infamous document in this House? Has this House, with the serious faces that I see about me, misunderstood the purpose and purport of that document? Is this a little, trifling matter thrown in here by the understanding of somebody who does not know any better? Or is it a designedly willful and malicious libel upon 191 Members of the House and Senate?

And again, when at the conclusion of his remarks, he said:

I quit where I began. I say that the purpose and intent of that document can have no other effect. It was born for that purpose. "It was conceived in sin and born in iniquity," and it has traveled its guilty course until it has struck the public of the United States as a great attack upon a body of men which I believe in all sincerity as free from wrongdoing, corruption, crime, or irregularity of conduct as any equal number of men on the face of the earth. [Loud applause.]

The loud applause the stenographer has noted came as much from your side of the Chamber as from ours.

Now, you propose to say to the country the Department which published that document about you is the purest and the best on earth, and more capable than even yourselves of examining into its own iniquities? [Loud applause.] And yet that is the position you are prepared to take before the country.

Gentlemen, I am a partisan and a party man. I recognize party fealty as not only the right but the duty of a Member of Congress, but when the honor of the membership of this House, when the honor and the welfare of the people of the United States, aye, and of an honest and honorable management of a great Department of this country is involved, it is above all demands of partisanship or party fealty. [Loud applause on the Democratic side.]

The American people are not an hysterical people. You need not be afraid that the American people will censure any Member of this Congress for going to the Department and demanding his rights and the rights of his constituents. The American press is not a press of yellow journalism. In the first blush and heat of this discussion, before the facts were published, some great newspapers, without knowing all the facts, may have had editorials reflecting improperly upon honorable men. But when they have had an opportunity to examine the facts, they will exonerate and exculpate every man that only did his duty, and any man that did what he ought not to have done ought not to be exculpated; but I submit to you, gentlemen of the majority of this House, the American people are going to demand at your hands an honest, a thorough, and an efficient examination into the affairs of that Department that you have published to the country as being guilty of perpetrating a malicious slander upon your membership. [Loud applause on the Democratic side.]

Gentlemen, can it hurt you or the Department? I say here and now that the sunlight of publicity never has hurt an honest man or an honest department. [Applause.] If in dark and noisome places there is an unwholesome and unhealthy growth, the sunlight of publicity will kill it. If it is an honest and wholesome growth, that sunlight will only make it blossom into a better fruition for the service of the people of this country. [Applause.] Let me say in conclusion there is but one path you can tread with honor to this House and justice to the country, and that is a full examination of the entire postal affairs, both as to the Department and as to the membership of the House. [Great and continued applause.]

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. KLUTTZ] ten minutes.

Mr. KLUTTZ. Mr. Speaker, disdaining any apology for anything that I have done, secure in the confidence of my own people, conscious that I have acted absolutely within my right and my duties as a Representative in Congress, I should allow this remarkable report to pass without notice so far as it refers to me personally——

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I ask that we may have order.

The SPEAKER. If the Chair may be indulged for a moment. Debate closes at 4.25, and the time has been divided between the gentleman from Indiana and the gentleman from Tennessee, and all the time that is consumed in preserving order reduces the time of those who are entitled to speak in that time. The Chair, therefore, trusts that the House will preserve order the balance of the day without being admonished by the Chair.

Mr. KLUTTZ (continuing). And I should have nothing to say except for the fact that the names of honorable gentlemen who are not Members of this House, some living and some dead, have been lugged into this report in connection with my own, and I feel that it is my duty, as they have no standing in this forum, to say a few words in explanation of their connection with this report. This, Mr. Speaker, is a most remarkable report, and I am glad to learn that it was not prepared by Assistant Postmaster-General Bristow, although it came to us over his sign manual. If he had prepared it, I am sure it would not be the miserable, mischievous melange it is. It is divided into three parts, and the first part, as the gentleman from Missouri has well said, is, in some measure at least, responsive to the letter addressed to the Post-Office Department by the chairman of the Committee on Post-Offices and Post-Roads; and we have here thirteen tabulated pages of names of Members of this House, with a few Senators lugged in, including some who have passed out and some who are dead, who are arraigned here—for what? For a violation of any law? No; but for violation, as is alleged, of a secret regulation of the Post-Office Department, which was not known and could not have been known to the Members named in this report, who made these requests for additional clerical assistance for third and fourth class postmasters.

Has it come to this, Mr. Speaker, that a Department of this Government, a creature of this Congress, can rise above its creator and provide secret regulations, and thus determine in what manner a Member of Congress shall approach it, and then hold him up to public scorn and ridicule because, unwittingly, he has violated that secret and unknown regulation of the Department? It was a Roman tyrant, I believe, who wrote his laws in illegible characters and placed them so high above the roadside that his subjects could not read them, and then held them to a strict account for the minutest violation of those unknown laws; and that, Mr. Speaker, is the only parallel that I can find to this remarkable regulation of this Department. Lugged into this report is the name of the Hon J. C. Pritchard, an honorable and upright gentleman from my State, who was honored by his constituency as a Republican with a seat in the Senate of the United States, who now, by appointment of President McKinley, holds a place upon the bench of this District, and who, by his able, impartial, and upright bearing in the trial of Machen and others, has wrung compliments not only from Congress and from the press, but from the defendants themselves.

He is no longer a member of the Senate, and he is pilloried here, upon an inquiry confined to Members of this House, as having joined me in a recommendation for an increase of clerk hire for an overworked third-class postmaster at Lexington, in my district, and for making recommendations in several other similar instances. Why should this gentleman have been lugged into this report? Does some subordinate placeling of the Post-Office Department (for this report is said to have been prepared by subordinates), with the fear of the penitentiary hanging over him, and seeing himself walking in the footsteps of Machen, desire in advance to prejudice before this House and before the country the honorable and upright judge before whom his case may be brought to trial? I would not charge that, Mr. Speaker, but it seems to me that it is the only reasonable explanation of this outrage upon an honorable and upright judge. And then the name of my former Republican colleague, the Hon. James M. Moody, who now sleeps the sleep that knows no waking, is lugged into this report because, forsooth, he had recommended a little excess allowance of about $20 for a post-office in his district, the only single instance in which he is mentioned in this report.

Mr. Speaker, the hyena alone of all the animals disturbs and devours the physical remains of the dead, and is held in detestation above all the animal kingdom. [Applause.] More detestable, Mr. Speaker, is the hyena in human form, who would tear aside the cerements of the grave and seek to besmirch and deflower the fair reputation of the honored dead. [Applause.]

Brave, honorable, manly Jim Moody, the fair fame you left to your wife and children as a precious heritage shall not thus be besmirched without my indignant protest. [Applause.]

The third part of this report, Mr. Speaker, I say is utterly gratuitous and irresponsive to the inquiry of the chairman of the Post-Office Committee as directed to the Post-Office Department. Let me read:

On the 23d of January, 1904, Mr. OVERSTREET, chairman of the Post-Office Committee, addressed a letter to the Post-Office Department, as follows:

"SIR: I have the honor to request that there be furnished direct to this committee by the Fourth Assistant Postmaster-General all information which can be communicated by such official with reference to allowances for clerk hire in offices where these allowances have been discontinued—

Now, listen—

together with all information relating to leases which have been made to Members of Congress, and whether discontinued and renewed at a higher rate."

The inquiry was as to leases that had been made to Members of Congress and to no other. And then on the 25th day of January an additional letter was directed by the chairman to the Postmaster-General, in which he asked—

for all cases where leases of post-office premises have been canceled and renewed at a higher rate, together with a statement in detail, giving a full explanation of the facts connected with each case.

So he asked in the first letter for leases made to Members of Congress, and in the second letter for leases which had been canceled and renewed at a higher rate. I say that almost every case which has been put in this report and which is before the country does not come under either one of these inquiries, and that Members of the House, living and dead, have been dragged before the country not for making leases while Members of Congress, not for having these leases canceled and increased, but because, forsooth, as representatives of the people they have dared to go to this high and mighty Department and recommend that postal rents be increased in cases within their own personal knowledge and affecting their immediate constituents. [Applause.]

Mr. Speaker, during my service in Congress I have had the honor and the pleasure of going to every Department in this Government—the Treasury, State, the War, the Judicial, the Naval, the Agricultural, the Interior—and even to my august namesake in the White House, and in every case I have been treated with that courtesy and with that consideration which I believe is due to the Members of this body, and it now remains for the Post-Office Department to set itself up above Congress and to malign—if I may use the word, although, perhaps, it is too strong—to hold up to the country Members of Congress, simply because they have gone to that Department with the requests of their constituents, as they have done to every other Department of this Government. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield to the gentleman from North Carolina five minutes more.

Mr. KLUTTZ. And in that time, Mr. Speaker. I want to call attention briefly to the outrage which has been done my honorable friend the junior Senator from North Carolina [Mr. OVERMAN], in lugging his name into this report and in lugging in again the name of ex-Senator, now Judge, Pritchard in connection therewith.

In July, 1899, Mr. OVERMAN, then a private citizen, leased a post-office building to the Government. In January, 1903, nearly four years afterwards, he was elected to the United States Senate, taking his place there in March, 1903. After his election as Senator he went to the Post-Office Department and tendered back his lease and asked them to take it off his hands, because he did not want to appear even to technically violate the law. The Department refused to release him and said it was not in violation of law and that they wanted the lease continued. And yet because I recommended the lease, because Mr. OVERMAN happens now to be Senator, I am pilloried before the country and so is he, and so is Senator Pritchard, who joined with me in recommending that lease.

Mr. Speaker, the suppressio veri is just as bad as the suggestio falsi. The impression is sought to be created here that the lease was made by Beavers as a personal favor to me and not because of the report of the inspector, which was filed four days before my letter was written, and which Mr. OVERMAN, with some trouble, has secured from the Post-Office Department. The inspector's report is as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 9, 1904.

Hon. LEE S. OVERMAN, *United States Senate.*

SIR: In response to your personal request, I beg to transmit herewith a synopsis of a report made by a post-office inspector under date of July 30, 1899, on which the present lease covering post-office premises at Salisbury, N. C., was made, namely:

Advertised for proposals by posting notice in lobby. Received three; one from Mr. Edwin Shaver, at $1,200; one from W. F. Snyder, agent for building then occupied, at $740, and one from LEE OVERMAN. "The latter proposes to erect a building suitable for post-office purposes with all modern improvements, furnish complete equipment, heat, light, and a fire and burglar proof safe, at an annual rental of $700." The inspectors are strongly of the opinion that the proposition of Mr. LEE OVERMAN is the best and recommended acceptance and that he be directed to begin at once the erection of the building proposed "with the understanding that a lease for five years will be executed for said building on its completion."

Very respectfully,
R. J. WYNNE,
First Assistant Postmaster-General.

Mr. WILLIAMS of Mississippi. May I interrupt the gentleman?

Mr. KLUTTZ. Certainly.

Mr. WILLIAMS of Mississippi. At that time Mr. OVERMAN was not a Senator, and you had no interest in the property then or thereafter?

Mr. KLUTTZ. Mr. OVERMAN was not then a Senator, and I had no interest in the property then nor thereafter, have no interest in it now, and never expect to have any. Again, in the same report—and I shall ask leave to publish all the correspondence in the RECORD—Mr. OVERMAN, finding that after the establishment of the city delivery and the rural free-delivery routes, and the consequent increase of expenses in water, heat, and light, he was losing money, wrote me a letter, which is published, and which I laid before the Department, and an additional allowance of $150 was made from January 1, 1903. That is published here, without giving—and here again is a suppressio veri, worse than a suggestio falsi—without giving what Mr. OVERMAN at some trouble has procured from the Department, this fact, that on December 11, 1903, an inspector investigated and found as follows:

The inspector, December 11, 1903, investigated the question of cost of heat and found that for the fiscal year ended June 30, 1903, it cost for light $223, for heat about $100, and for water $10, and that much of this increase is brought about by increase of work at the post-office not anticipated by the lessor. The inspector concludes that, deducting cost of repairs, additional furniture, and interest on the cost of equipment (not less than $1,400), the lessor does not net more than $475 on the building, which he could rent without equipment, heat, light, or water at $600 per annum at least, according to prices prevailing in that locality. The inspector further says that the office needs a large safe very badly, and recommends that lessor be required to furnish same at once, and that if he fails to do so steps be taken to reduce the payment of rental to $725 per annum, the legal increase, as shown by the lease entered into between the lessor and the Government.

This shows that every statement in Mr. OVERMAN'S letter asking for the increase is more than confirmed, and that the Government was then, and is now, occupying his building at a rental of $150 less per annum than its actual rental value. And because Senator OVERMAN made this request, not as a matter of law, but as a matter of fairness and good conscience on the part of this Government, and because I recommended his application to be allowed this additional amount which the inspector says in substance he was entitled to, he has been brought into this report, and for no other ground and upon no other excuse. Is it not an outrage? [Loud applause.] Mr. Speaker, let us investigate these charges and this Department; let every Member of the House insist upon it by vote and by voice. I believe that the many honest officials and subordinates of the Department will welcome it, and that the country demands it. [Renewed applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. KLUTTZ. Mr. Speaker, I ask leave to incorporate these various papers from the report in my remarks to be published in the RECORD.

There was no objection.

The papers are as follows:

SALISBURY, N. C.

The post-office at Salisbury, N. C., was advanced to the second class July 1, 1899. The allowances on that date were $430 for rent and $60 for fuel and light. An inspector was detailed to make an investigation with a view to securing suitable quarters for the post-office under lease, and submitted three proposals, recommending the acceptance of a proposition from Hon. LEE S. OVERMAN for a five-year lease from January 1, 1900, at $700 per annum, including heat, light, and equipment. Mr. OVERMAN subsequently advised the Department that if he was to furnish water and pay water rent he desired to increase his bid to $725, and his proposition was accepted at that rate. Prior to its acceptance, however, the following letter was placed on file:

SALISBURY, N. C., *July 25, 1899.*

The FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

SIR: The transition of my home post-office at Salisbury from third to second class necessitates new and better office quarters, and a number of bids have been made for furnishing suitable places. Of all these, I respectfully suggest that offered by Mr. L. S. OVERMAN is best, as the location is within required limits, convenient to the public on the principal street, near the court-house, and if it is accepted Mr. OVERMAN will erect at once a handsome granite-front building and fit it entirely new, so that our rapidly growing town will have a creditable office. Even if his bid should not be lowest, I trust it will be accepted.

Very respectfully,
THEO. F. KLUTTZ,
Seventh District, North Carolina.

I cheerfully concur in the foregoing recommendation.
J. C. PRITCHARD.

The reply thereto was as follows:

[Acceptance of proposition to lease premises for post-office, Salisbury, N. C.]

JULY 27, 1899.

DEAR SIR: Replying to a letter of the 24th instant, signed by yourself and Senator Pritchard, in behalf of the acceptance of proposition submitted by Mr. L. S. OVERMAN for the leasing of his premises for post-office purposes, etc., I beg to state that the Department has this day accepted Mr. OVERMAN'S proposition, and the postmaster has been instructed to notify him accordingly.

Very respectfully,
_____,
First Assistant Postmaster-General.

Hon. THEO. F. KLUTTZ, *Salisbury, N. C.*

The following memorandum appears in the files of the case:
"$150 fuel and light additional promised Cong. KLUTTZ, R. F. D. G. W. B."
The correspondence concerning this increase follows:

HOUSE OF REPRESENTATIVES,
Washington, December 17, 1902.

Hon. GEORGE W. BEAVERS,
Chief Division of Salaries and Allowances, Washington.

SIR: Referring to our conversation of this morning, I beg to recommend that allowance for post-office building, light, heat, etc., at Salisbury, N. C., be increased $150 per annum, effective from January 1, 1903. The attached letter from the lessor, Hon. L. S. Overman, contains in full the just grounds upon which the increase is asked.

Very respectfully,
THEO. F. KLUTTZ,
Member of Congress, Seventh District, North Carolina.

OVERMAN & GREGORY, ATTORNEYS AT LAW,
Salisbury, N. C., December 10, 1902.

Hon. THEODORE F. KLUTTZ,
Washington, D. C.

MY DEAR SIR: Some two years ago, as you know, I leased to the Government a part of my building for the post-office, at an annual rental of $725, I to furnish fuel, lights, and all necessary furniture. I have kept my contract to the letter, and expect to do so; but at the time I made my bid I estimated the lights not to cost me more than $85 per year, fuel not exceeding $40, and water $25, which would net me the same rent as I am getting for a smaller store in the same building. Since that time the town has grown very rapidly, post-office receipts have increased greatly, the rural routes have been established, also free-delivery for the town, and there has been added additional clerks and a night clerk, making the expense on me more than double. The light bill quadrupled, and the fuel bill will be at least doubled as it has been heretofore. I attach two bills for lights for the last two months, one for $25.75 and one for $21.60, and you take in consideration the great increase, and increase in fuel, the rent of my building will not net me more than $450. This great increase in expense was not anticipated when the contract was made with the Government. But I am satisfied when this matter is represented to the Department that they will make me an additional amount for lights and fuel.

Prior to the establishment of the free delivery and the addition of the night clerk there was no need for lights at the post-office later than 10 o'clock. I would be glad if you will take this matter up with the Department and get me an additional allowance of such a sum that would be just and reasonable for this additional heavy expense. You know I can rent this room now for $700 without furnishing lights, fuel, or water. Buildings adjoining are renting for from $750 to $800. I beg you to say to the head of Department having this matter in charge that I expect to carry out my contract, but I appeal to them only to make this allowance as a matter of fairness rather than a matter of right, as I am satisfied the Government would desire to give me a fair and just compensation for this room in the way of rent.

Yours, truly,
LEE S. OVERMAN.

DECEMBER 17, 1902.

Hon. T. F. KLUTTZ,
House of Representatives, United States.

SIR: Referring to your personal recommendation to-day in regard to increasing the rental for the post-office at Salisbury, N. C., owing to the increased cost for heat and light caused by the introduction of rural free-delivery service at that office, I beg to state that it has been decided to allow the lessor $150 per annum additional, commencing January 1, 1903, making the total rental $875 per annum for said premises.

Trusting this will be satisfactory, I am, very respectfully,

———— ————,
First Assistant Postmaster-General.

DECEMBER 17, 1902.

Hon. H. A. CASTLE,
Auditor for the Post-Office Department.

SIR: Owing to the increased expense for heating and lighting the post-office premises at Salisbury, N. C., caused by the recent establishment of rural free-delivery service at that office, it has been decided to increase the rental in the sum of $150 per annum, effective January 1, 1903, making the total allowance for rent, fuel, and light $875 per annum. The lease on file in your office for post-office premises at Salisbury will not be changed.

Very respectfully,

———— ————,
First Assistant Postmaster-General.

The owner of the premises was elected a United States Senator, and took his seat March 4, 1903, and subsequently offered to surrender the lease, but the offer was declined, the lease not being invalidated by his election as Senator.

On January 26 the special allowance of $150 for increased cost of fuel and light from January 1, 1903, was discontinued to take effect January 1, 1904, the Assistant Attorney-General for the Post-Office Department having rendered an opinion that there was no legal authority for allowing a sum in excess of the amount named in a lease for rental of post-office premises.

Mr. OVERSTREET. I yield ten minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, it is provided by statute that—

The Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices, and where any such office is of the third or fourth * * * class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

Following the language of appropriation bills in recent years, the current appropriation bill provides—

For separating mail at third and fourth class post-offices, $1,300,000.

It will thus be observed that neither the general law nor the existing appropriation bill has put any limitation upon the discretion of the Postmaster-General as to allowances for the separating of mails except that they must not exceed the gross amount appropriated.

It is reported by this committee on the Hay resolution that for a long time a secret schedule has existed in the Post-Office Department under and by which it is determined how much shall be allowed each post-office for separating purposes. It is stated by the committee in its report that the regulation on this subject—

is one which has obtained for a number of years and has never been made public, for the obvious reason that it might lead to abuse in instances where postmasters might unfairly secure a larger number of pieces to be sent through the mail at the time of the test than would ordinarily pass through without such action upon their part.

It is true that this schedule is kept secret, as stated in this report; but I deny that this secrecy tends to protect the Government against fraud. The law itself provides that the compensation shall be allowed upon the separation of mail, and where application is made for an allowance for this purpose, in every instance a requisition is made or ought to be made upon the postmaster for a report of the mail separated by him in order that the Department may determine whether he ought to have an allowance or increase of clerk hire.

It is a matter of public law that the clerk hire allowed shall be based upon the amount of mail matter separated, and the postmaster knows the amount allowed will depend on the amount of separation done in his office, and that the more he reports separated the more he will get; but he does not know at what rate he will be compensated, because the schedule upon which the amount allowed him is fixed is a matter of secrecy. This rule does not tend to protect the Government from fraud, but tends directly to protect fraud in the Post-Office Department. Just so long as this schedule is kept secret every man occupying the place that Mr. Beavers occupied can say to one man, "You are getting all the clerk hire to which you are entitled under the secret regulations of the Department," while he can say to another man who has reported exactly the same amount of separation, "You are entitled to a greater amount as compensation for separating in your office."

Thus it will be seen that this system is well calculated to aid a man like Beavers in perpetrating fraud in the Department, but has no tendency whatever to protect the Government from fraud. I protest, therefore, against the existence of such a secret regulation at all. It may be of some use to preserve secrecy in the Navy Department as to some matters, in the War Department as to some, and in the State Department as to others; but when money is appropriated by Congress for clerk hire, in the discretion of the Postmaster-General, I deny his right, I deny the right of any subordinate in that office to say: "We have adopted a secret schedule which governs, controls, and binds the exercise of this discretion, and we will not reveal that to the people whose money we are spending, to the Congress that voted it, or to the postmasters for whose benefit it was appropriated."

That being the case, we are informed by this Department that unless the Congressman has some mysterious power that will enable him to discover what this secret regulation of the Department is, and if he, being unable to find out what it is, recommends an allowance for clerk hire in excess of that prescribed by this secret regulation, he is to be pilloried before the country, and his name is to be sent to a committee of Congress, to be heralded through the newspapers as engaged in the Post-Office graft. [Applause.]

I insist, Mr. Speaker, that this regulation has no place in the Post-Office Department; that if it exists at all it ought to be made as public as possible, in order that postmasters and Congressmen may know what their rights are; and I protest against this means by which the impression has been given to the country that Congressmen have been seeking to obtain irregular allowances for the postmasters of their districts, when Congressmen, postmasters, and people have alike been kept in ignorance by the Post-Office Department of what such postmasters were entitled to, and Congressmen were compelled to make recommendations without any information upon the subject.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. SMITH of Iowa. Most certainly.

Mr. CAMPBELL. Is it not true that the Bristow report, to which the gentleman now refers, specifically exonerates Members of Congress for what they did in that connection?

Mr. SMITH of Iowa. I think it can not be said to do so, when it is sent to Congress in response to an inquiry such as was made, based upon his former report as to turpitude on the part of Members of the Congress of the United States.

Mr. CAMPBELL. On page 146 of Mr. Bristow's report he says:

I do not offer any criticism against the Congressman. He did what Members of Congress usually do in representing the interests of their constituents before the Department, and had a right to expect the executive officer would do his duty in accordance with the interests of the public service.

Mr. SMITH of Iowa. Does the report of Mr. Bristow, as transmitted to the Post-Office Committee of this House, contain the information that is contained in the report of the committee to this House, that the Post-Office Department refused to let Members of

Congress know upon what schedule they were distributing the money voted by Congress for that purpose?

Mr. CAMPBELL. Mr. Bristow submitted a specific report to this committee.

Mr. SMITH of Iowa. And failed to inform this committee of the fact that if any recommendation had been made by a Congressman in excess of the schedule fixed by the Department it had been done not only in ignorance of the schedule, but that the Department had seen fit to be so presumptuous as to conceal from Congress the schedule under which it was distributing the funds.

Mr. CAMPBELL. But the trouble is that Mr. Bristow took to his bed on the 25th day of January, immediately after submitting his first proposition to your committee, and has been confined to his room ever since.

Mr. SMITH of Iowa. Mr. Speaker, I have not said one unkind word about Mr. Bristow. I do not know, therefore, why the gentleman rushes to his defense. I do not know who originated this secret scheme. I simply say that this secret schedule ought to be made public; that we have a right to know where the money that we vote is expended, and on what basis it is expended, and when we vote that money to be expended under the discretion of a particular department, that department has no right to adopt secret schedules which govern and control the exercise of that discretion.

Now, Mr. Speaker, if I have any time remaining I yield it back to the gentleman from Indiana [Mr. OVERSTREET].

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BABCOCK.]

Mr. BABCOCK. Mr. Speaker, I ask the indulgence of the House for a few moments. As my name appears in the report on the Hay resolution, I desire to state the facts concerning the cases cited in my Congressional district.

I have the honor to represent a district that has been growing from year to year, and since my first term in Congress the postal matter handled in the district has increased nearly 100 per cent. This has from time to time necessitated changes, increase of salaries, enlarged quarters, and additional clerk hire.

I have made it a practice, when called upon by postmasters in my district who believed that they were not receiving a proper allowance for clerk hire or for rent, fuel, and lights, to forward such requests to the Department and to ask that the proper investigations be made, and then, if in accordance with the rules and regulations, to grant the desired increases, believing that if just and proper allowances were made it would tend to increase the efficiency of the service and result to the benefit of the patrons of the offices.

In the three cases mentioned—Viroqua, Mineral Point, and Mauston—the postmasters paid for rent a small amount per annum more than they received as an allowance, and as a result of the investigations of the Department they were allowed the full amount expended by them for this item.

My recommendations for increased clerk hire on account of mail matter separted for offices on star-route lines in the cases of Boaz, Mauston, and Boscobel were based upon statements of the postmasters that they believed themselves entitled to larger allowances, and such proved to be the case after the investigations by the Department.

At New Lisbon an unusual and extraordinary condition existed, placing upon the postmaster unusual burdens and responsibilities, he being required to employ an extra clerk in addition to the day clerk, to remain in the office all night to receive and dispatch a daily average of about 50 registered packages and 150 other packages which came in on the midnight train of the Valley division of the St. Paul road. I give below full information and details of each of the cases mentioned:

NEW LISBON POST-OFFICE.

Report shows: Clerk-hire allowance, former, $670; present, nothing.

The facts in this case are as follows: New Lisbon is the terminus of what is known as the Valley division of the Chicago, Milwaukee and St. Paul Railway, which line of railroad extends north from that point some 200 miles, and passes through many thriving towns and cities.

Prior to 1901 this office was in receipt of an allowance for clerk hire of $240 per annum, and early in that year the postmaster made a request to the Department for an increase, owing to additional duties and responsibilities placed upon him. The postmaster was required to handle transit mail matter coming in on the night train from the Valley division, and to dispatch it from his office during the night on trains going east and west. The average daily number of registered packages delivered to his office at night and dispatched by him was about fifty, which necessitated his hiring a clerk, who remained at the post-office all night and cared for these registered packages. I indorsed the request of the postmaster to the Department, which investigated the matter and increased the allowance to $670 per year, which was the maximum allowance for a case of this kind.

On account of changes inaugurated by the Railway Mail Service in handling the mail at this place the Department made another investigation in August, 1903, which showed that under the changes made there was practically no transit matter handled through this office, and therefore discontinued the allowance, which was just and proper at the time it was made and in accordance with the rules and regulations of the Department.

The correspondence on this subject is as follows:

WASHINGTON, D. C., *January 22, 1901.*

Hon. W. M. JOHNSON,
First Assistant Postmaster-General, Washington, D. C.

DEAR SIR: I desire to call your attention to the conditions existing at the New Lisbon, Wis., post-office. It is the terminus of the Wisconsin Valley Branch of the St. Paul Railroad, 184 miles in length, which passes through a populous country, and I am advised that the postmaster has been obliged to employ a night clerk to handle the registered matter, which is very large.

I wish you would kindly give this office your attention, as I believe it is entitled to a greater allowance than $20 per month for clerk hire. I know that the postmaster pays his day clerk $30 per month, and in addition has to pay a night clerk out of his own pocket.

Very respectfully,

J. W. BABCOCK.

WASHINGTON, D. C., *January 24, 1901.*

Hon. J. W. BABCOCK,
House of Representatives.

DEAR SIR: I have your letter of the 22d instant, and in compliance therewith the postmaster at New Lisbon, Wis., has been directed to report the amount of transit mail handled at his office. When this information shall have been received action will be taken upon your recommendation that the allowance for clerk hire at that office be increased. I shall be glad to advise you further.

Very respectfully,

——— ———, *Superintendent.*

NEW LISBON, WIS., *February 2, 1901.*

Hon. J. W. BABCOCK,
Washington, D. C.

DEAR SIR: As instructed by the Post-Office Department, I have counted the number of letters that we handled passing through this office for one week, which was 1,038; also number of registered packages handled for the last three months, which was 4,174, an average of 1,391⅓ per month, and the business is rapidly growing. The responsibility of taking care over night of these registered packages is considerable and demands a reliable man. The amount asked for is not large for the work done.

Respectfully,

F. E. HURD, *Postmaster.*

NEW LISBON, WIS., *February 2, 1901.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: The number of pieces of mail handled at this office (between intersecting mail routes) for one week was as follows: First class, 674; second class, 78; third class, 118; fourth class, 198; total, 1,068 pieces, counted as instructed.

Whole number of registered packages for past three months was as follows: November, 1,115; December, 1,670; January, 1,389; total, 4,174; average of 1,391 per month.

The amount of ordinary mail usually is larger than the last week, indicating as it does the dull part of the year just now. It is the registered packages that pass through here which makes the work, and, as I stated in my letter asking for increased clerk hire, most of them come in at 11 p. m., midnight. They are all held here over night, making at times 50 to 100 on hand, which makes my responsibility larger. This business is growing rapidly and increasing the work and responsibility at this office. The amount asked for will not pay a good, responsible man.

Respectfully,

F. E. HURD, *Postmaster.*

WASHINGTON, *February 7, 1901.*

Hon. J. W. BABCOCK, *House of Representatives.*

DEAR SIR: Referring to previous correspondence, I beg to state that the allowance for clerk hire at New Lisbon, Wis., has been increased from $240 to $670 per annum from July 1, 1901. This amount is the maximum possible on the basis of the postmaster's report of the transit matter handled at his office.

Very respectfully,

——— ———,
Superintendent.

WASHINGTON, D. C., *October 6, 1903.*

Hon. C. M. WATERS,
Acting Superintendent Division of Salaries and Allowances.

SIR: Referring to your communication of September 26, 1903, bearing upon the request of the postmaster at New Lisbon, Wis., for clerk hire under section 309, Postal Laws and Regulations, 1902, I have to say that if you decide to cancel his allowance of $670 per annum for clerical assistance to take effect September 1, 1903, upon basis of the report received by your office from the Railway Mail Service, then this office is not entitled to any clerk hire whatever, as there are no conditions existing that would entitle the postmaster to clerk hire under section 309, Postal Laws and Regulations, 1902.

This town was practically wiped out of existence by fire some months ago and it is yet in chaos. I find there are no factories nor mail-order establishments. It is only a farming community and there is no possible show of extraordinary business being transacted under this section of the Postal Laws and Regulations.

Very respectfully,

G. T. GOULD,
Assistant Superintendent Division of Salaries and Allowances.

ST. PAUL, MINN., *July 1, 1903.*

Respectfully returned to General Superintendent Railway Mail Service, Washington, D. C. Your attention is invited to report made by Chief Clerk Beach, showing that for ten days from July 1 records kept by clerks on Chicago and Minneapolis line show very little transit mail matter dispatched to New Lisbon, Wis., post-office.

NORMAN PERKINS, *Superintendent.*

Case record, New Lisbon, Wis.
January 19, 1901, postmaster applies for increased allowance clerk hire.
January 22, 1901, Hon. J. W. BABCOCK recommends.
January 23, 1901, sent postmaster inquiry circular.
February 2, 1901, postmaster reports transit daily, 178; registers monthly average, 1,391; total, 1,569; pro rata, $670. Allowed from July 1, 1901.
August 3, 1903, Railway Mail Service reports practically no transit matter handled now.
August 24, 1903, discontinue allowance from September 1, 1903.

BOAZ.

Report shows clerk-hire allowance: Former, $140; present, $90; recommended by Hon. J. W. BABCOCK.

The facts in this case are, briefly, that this office in 1900 was in receipt of $40 per annum for clerk hire. The postmaster took the matter up through me, advising me that he believed an investigation would show that he was entitled to an increase, as he handled transit mail for a number of small offices on star-route lines. I recommended to the Department that the situation be investigated, which was done, and the allowance increased to $140 per annum based upon the report of the amount of transit matter then handled. In October, 1903, the Department made another investigation, as a result of which the present allowance is $90 per annum. Since 1900 a number of the small offices whose mail was then handled by the Boaz office have been discontinued by reason of the establishment of rural free delivery.

Case record, Boaz, Wis.
March 16, 1901, Hon. J. W. BABCOCK recommends increase.
March 19, 1901, sent postmaster inquiry circular.
April 29, 1901, postmaster reports: Transits daily, 177; registers monthly, 100; total, 277; pro rata, $140. Allowed $140 from July 1, 1901.
October 30, 1903, sent postmaster inquiry circular.
November 10, 1903, postmaster reports: Daily transits, 126; registers monthly, 37; total, 163; pro rata, $90. Reduced to $90 from December 1, 1903.

BOSCOBEL.

Report shows clerk-hire allowance—former, $220; present, $120; recommended by Hon. J. W. BABCOCK.

The allowance for clerk hire for this office had for some years been $140 per annum. In 1901 the postmaster believed himself entitled to an increase, and at his request I recommended that an investigation be made by the Department to determine whether an increase was warranted. The report was of such a character that an allowance of $220 per annum was made by the Department. After that time rural free-delivery routes were started from that office, which did away with certain smaller offices whose mail passed through the Boscobel post-office, and in 1903 the amount was reduced to $120 per annum.

Case record, Boscobel, Wis.
July 5, 1900, postmaster asks increase.
October 14, 1901, sent postmaster inquiry circular.
November 12, 1901, postmaster reports: Transits daily, 451; registers monthly, 40; total, 491; pro rata, $220. Allowed $220 from December 1, 1901.
June 16, 1903, sent postmaster inquiry circular.
July 4, 1903, inspector reports: Transits daily, 220; registers monthly, 30; total, 250; pro rata, $120. Reduced to $120.

MAUSTON.

Report shows clerk-hire allowance—former, $60; present, $50; recommended by Hon. J. W. BABCOCK.

For a number of years prior to 1899 the Mauston post-office handled transit mail for the Germantown and Suldahl offices, which were on star-route lines. About that time I transmitted to the Department a letter from the postmaster, asking for an allowance for this work. It was investigated, and the Department allowed $60 per annum. Later one of these offices was discontinued by reason of rural free delivery, and the amount was reduced in 1903 to $50 per annum.

VIROQUA.

Report contains the following correspondence concerning this office:

At Viroqua, Wis., where the salary of the postmaster was $1,700, the allowances up to January 1, 1903, were $300 for rent and $52 for fuel and light. On February 18, 1902, Congressman J. W. BABCOCK addressed the following letter to Hon. J. L. Bristow, Fourth Assistant Postmaster-General:

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 18, 1902.

Hon. J. L. BRISTOW,
Fourth Assistant Postmaster-General.

DEAR MR. BRISTOW: In case any application should come from Viroqua, Wis., for the removal of the post-office from its present location I would be glad to be notified before any action is taken in the matter.

At present the office is centrally located in a commodious brick building on a corner, where it is very convenient to all.

It seems that parties have built a new building there, and of course would like to rent their property, but I do not believe that any change should be made in the present location.

Yours, very truly, J. W. BABCOCK.

On Febuary 19 this letter was referred to the honorable First Assistant Postmaster-General, Division of Salaries and Allowances. On February 21 the following reply was made to Congressman BABCOCK:

FEBRUARY 21, 1902.

Hon. J. W. BABCOCK,
House of Representatives, United States.

SIR: In reply to your letter of the 18th, addressed to Hon. J. L. Bristow and referred to this office, I would state that no request has been received from the postmaster for permission to change site of the post-office at Viroqua, Wis. Your request to be advised before action is taken will be complied with.

Very respectfully, ——— ———,
First Assistant Postmaster-General.

On December 17 Congressman BABCOCK forwarded to the Department a letter from the postmaster at Viroqua, Wis., in which it was stated that the room occupied by the post-office had been improved and heated with steam, a 25-foot addition had been built by the owners, and the office was in splendid shape to accommodate the patrons as well as the post-office force, and requested that the Congressman ask the post-office authorities for a liberal increase in the allowance for rent, fuel, and lights. He suggested that the allowances for rent be fixed at $400, and for fuel and lights at $60 per annum. The following is the letter of Congressman BABCOCK forwarding the letter of the postmaster:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., December 17, 1902.

Hon. GEORGE W. BEAVERS,
Chief Salary and Allowance Division, Post-Office Department.

DEAR MR. BEAVERS: Inclosed please find copy of a letter received from the postmaster at Viroqua, Vernon County, Wis., in relation to an additional allowance for rent, fuel, and lights. I would be very glad if you could see your way clear to increase his present allowance for this office to the limit allowed by law, as I know that the owners of the building have expended a large amount of money to make the office convenient for the postmaster and the patrons.

Yours, very truly, J. W. BABCOCK.

On December 17, 1902, the following reply was made to the Congressman:

DECEMBER 17, 1902.

Hon. J. W. BABCOCK, *House of Representatives.*

SIR: Replying to your letter of the 17th instant, regarding increase in allowance for rent, fuel, and light for post-office premises at Viroqua, Wis., I beg to advise you that it has been decided to allow the postmaster at this place $160 for rent, fuel, and light. He has also been advised that a lease will be made, which feature has been taken up with him for further consideration. This action is based upon your recommendation in the matter.

Very respectfully, ——— ———, *General Superintendent.*

On December 17, 1902, the postmaster at Viroqua was advised that it had been decided to allow him $160 per annum for rent, fuel, and light, effective from January 1, 1903.

This correspondence explains the situation clearly; but I desire to state that my request to the Department to be notified if an effort should be made to change the location of the post-office was simply for the purpose of giving the parties who were opposed to any change an opportunity to submit their views to the Department prior to any action being taken.

I believed that with the increased facilities provided by the owners of the building the allowance for rent should be increased, and so recommended; but I simply asked for "the limit allowed by law." The net increase, it will be noted, was but $108 per annum.

MINERAL POINT.

The report also contains the following concerning the above post-office:

At Mineral Point, Wis., where the salary of the postmaster was $1,500, the allowances up to July 1, 1900, were $240 for rent, $54 for fuel and light.

March 7, 1899, the following letter was addressed to Hon. J. W. BABCOCK by the division of salaries and allowances:

MARCH 7, 1899.

Hon. J. W. BABCOCK, *House of Representatives.*

SIR: Referring to matter of rent for post-office premises at Mineral Point, Wis., I beg to inform you that the annual rent requested by the postmaster, viz, $300, is somewhat in excess of amount usually allowed an office of the $1,500 grade, to which class this office belongs.

The readjustment of postmasters' salaries, based on the business transacted for the year ending March 31, 1899, will soon take place, and the Department will then have data upon which to act. If it becomes necessary to increase the rent allowance for this office, the Department would prefer to have same date from July 1 next, as the appropriation for this purpose for the current fiscal year is already exhausted.

If the business transacted at this office shows any decided increase for the past year, an increase in rent allowance will be made, or the postmaster authorized to sublet space in post-office lobby in order to make up excess rent he will be compelled to pay.

Very respectfully, PERRY S. HEATH,
First Assistant Postmaster-General.

May 21, 1900, the postmaster at Mineral Point wrote Congressman BABCOCK that there had been no action taken toward increasing his allowances for rent, fuel, and light, and requested him to take the matter up with the Department and have the allowance for rent fixed at $300 per annum.

On May 25, 1900, the division of salaries and allowances wrote Congressman BABCOCK as follows:

MAY 25, 1900.

Hon. J. W. BABCOCK, *House of Representatives.*

SIR: Referring to request, made through your private secretary, for an increase in allowance for rent for post-office premises at Mineral Point, Wis., to $300 per annum, the amount paid by the postmaster at that place, I beg to advise you that the increase will be granted from July 1 next.

Very respectfully, ——— ———,
Chief of Salary and Allowance Division.

The postmaster at Mineral Point paid $300 per annum for rent of the post-office, and I urged the Department to make him an allowance to cover the full amount expended by him for this purpose. The increase amounted to $60 per annum.

MAUSTON.

The report refers to the Mauston post-office as follows:

At Mauston, Wis., where the salary of the postmaster was $1,600, the allowances up to November 1, 1902, were $250 for rent and $45 for fuel and light, a total of $295 per annum.

On October 10, 1902, Hon. J. W. BABCOCK forwarded a letter from the postmaster, who claimed he would be compelled to pay $300 rent from November 1, 1902, and stated that he did not know of a suitable room to be had at that time. He also stated that it cost him $75 per annum for fuel and light, and requested that the allowances be increased to cover these sums. The letter of Hon. J. W. BABCOCK forwarding the postmaster's letter is as follows:

NEW YORK, *October 10, 1902.*

Hon. GEO. W. BEAVERS,
Chief Salary and Allowance Division,
Post-Office Department, Washington, D. C.

DEAR MR. BEAVERS: I inclose herewith a communication from the postmaster of the county seat, Mauston, in my home county in Wisconsin, which explains itself, and would be gratified if you could arrange the increases he desires in the allowances for rent and fuel and light at the Mauston office.

Yours, very truly,

J. W. BABCOCK.

(In pencil:) 300 rent, 60 fuel and light. G. W. B.

The following letter was sent to J. W. BABCOCK in reply to the above:

OCTOBER 16, 1902.

Hon. J. W. BABCOCK,
1135 Broadway, New York City.

SIR: Replying to your letter of the 10th instant, relative to an increase in the allowance for rent, fuel, and light for the post-office premises at Mauston, Wis., I beg to advise you that your recommendation has been approved and an order issued fixing the allowance for rent at $300 and fuel and light at $60, effective November 1 next.

Very respectfully,

———— ————,
Acting First Assistant Postmaster-General.

This case is almost a duplicate of the Mineral Point situation, and is fully explained in the above correspondence. The increase involved was $65 per annum.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Speaker, however ungracious the comment may appear, it seems to me that we are unduly sensitive in regard to this subject so far as the same relates to ourselves, and that we should recall the fact that according to undoubted testimony there were gross frauds perpetrated in the Post-Office Department, and that without fear, favor, or affection, those abuses appear to have been thoroughly and exhaustively investigated so far as complicity by officers and employees of the Department are concerned, in which event our gratitude toward the chief officials of the Post-Office Department who have thus faithfully discharged a sacred duty will far exceed any temporary annoyance that we may feel because of our names being forsooth presented in an official communication in a manner which in many instances has been misunderstood and misconstrued by part of the newspaper press of the country, and not only that but by many of our colleagues.

Frequent reference during this discussion has been made to the inclusion of a great volume of cases in those stated in the report under consideration in which neither moral turpitude nor other occasion for criticism exists.

Now there is nothing in this report of the Committee on Post-Office and Post-Roads which purports to make up the list of either unlawful or unjust actions by anybody. In the first place, the Committee on the Post-Office merely called upon the Post-Office Department for information in the line of the resolution offered by the gentleman from Virginia [Mr. HAY]. In the second place, the Postmaster-General submitted to the committee a list of cases of leases of premises for post-offices and allowances for rent, etc., where Members of Congress have made any recommendation in connection therewith, instead of the more restricted list called for by the committee, and indignation has been voiced that the committee did not require the expurgation of the cases which were not within the inquiry; but for myself I gratefully express my appreciation that the committee have presented the case in connection with which is my name to the country as it appears in the communication to the committee, rather than sending the communication back in order that it might be expunged. I see, Mr. Speaker, you are holding up the gavel. Before that falls, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman has two minutes remaining.

Mr. WANGER. Then I desire to say that we are partly to blame ourselves for the view that the cases contained in these schedules are only cases or in any wise purport to be only cases which are subject to just criticism. Take the case in which my name figures personally, an increase of rent for the post-office at Ardmore, Pa. There was no lease canceled. The Government had no lease, and consequently the case was not called for. The office had not yet become a second-class office, but it was about to become of the second class, and the owners of the building submitted a proposition to the Government, which upon investigation was found to be most advantageous; so advantageous that Mr. Beavers, apparently anxious to do his full duty, desired a ten-year rather than a five-year lease, and in order, I suppose—for I have no personal knowledge upon that phase of the question—to secure a ten-year lease of that admirable room in a magnificent building and most desirable location in the prosperous and growing community of Ardmore, with its flourishing and increasing business and population and advancing rentals, he struck out the optional clause of revocation at the option of the Government.

This transaction will stand the fullest investigation, and I trust we may have all these facts presented to the country under an investigation authorized by the resolution of the gentleman from Virginia or a suitable substitute for the same.

I do not complain of the case being included in the list of offices where leases were canceled, because the point as to those revocations of leases which were condemned was that the revoked lease was succeeded by one at increased rental or other allowance. The lease entered into with the owners of the Ardmore building was at an apparent increase of rental and allowance, and therefore was as proper for investigation as if it had been preceded by a lease which was canceled.

My only criticism of the Committee on the Post-Office is that the report exonerates me and all of us without inquiry into the facts beyond the meager recital of some of them set out in the communication of the Postmaster-General to the committee.

Mr. TAWNEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. There seems to be a very general demand on the part of the Members who are mentioned in this postal report to make some remarks respecting the matters referred to, and it seems also that the House is in that kind of a parliamentary situation whereby the time for debate on this proposition can not be extended except by unanimous consent, which consent has been refused. My parliamentary inquiry is this: If at 4.30 o'clock, when the House takes the vote, if the House by that vote refuses to lay the report on the table, will the report then be amendable and would we then proceed just the same as if there was no special order as to closing debate at 4.30?

The SPEAKER. The Chair, in response to the parliamentary inquiry, states that if the House refuses to lay that resolution upon the table then it is open for any amendment that is germane, and is debatable at the pleasure of the majority, only to be cut off by the majority of the House ordering the previous question. [Applause.]

Mr. TAWNEY. Action can be taken on it after the House refuses to lay it on the table.

The SPEAKER. When the special order is executed and the House disposes of the motion to lay on the table, by either refusing to lay it on the table or otherwise, then the House can take such action as it chooses on the matter.

Mr. HEPBURN. A parliamentary inquiry. Is the gentleman correct in that statement, and is a vote by unanimous consent of any higher order or character than a vote by the majority? That is but one method of giving its consent, and I undertake to say that a vote by a majority can undo a vote of this other character.

Mr. TAWNEY. My understanding of the parliamentary situation is this: That an order for the consideration of a matter in the House, fixed by unanimous consent, amounts to a rule and can not be changed except by unanimous consent or by the adoption of a rule reported from the Committee on Rules.

Mr. HEPBURN. That will be binding on the committee, but not binding on the House itself.

Mr. TAWNEY. It is set aside only by an order of similar nature.

Mr. HEPBURN. But it is of no higher order—that is, an order made by unanimous consent is no higher than an order fixed in the ordinary way.

Mr. TAWNEY. I investigated the matter this morning and found this order can not be changed in any other way.

Mr. HEPBURN. It procures no superior or additional dignity from the fact that we are proceeding by unanimous consent.

The SPEAKER. If the gentleman will permit, the Chair will say that the House is now proceeding under a special order made by unanimous consent. That can not be changed by a vote, for the rule gives all the meaning of a rule to a special order, and that rule can only be changed as rules are ordinarily changed, by reports from Committee on Rules or by unanimous consent. The Chair states, however, that when this rule is exhausted, whenever the motion to lay upon the table this resolution is disposed of one way or the other—when it is laid on the table or not laid on the table—then the whole matter is before the House for amendment, and it would be subject to the ordinary rules of the House.

Mr. SPALDING. Mr. Speaker, it is with some diffidence that I rise to address myself to this resolution. That diffidence is occasioned in the first place because I feel compelled to dissent from some of the remarks made by several of the oldest and ablest Members of this body, Members for whom I have the highest personal respect, and for the further reason that I am constrained to dissent most emphatically from the manner of procedure which has been followed by the Committee on Post-Offices and Post-Roads in dealing with this resolution.

I fully appreciate the fact that in a body of this size, now hav-

ing under consideration more than 13,000 bills, Members must be almost wholly governed by the action and reports of the different committees. If one had the giant intellect necessary to digest all these bills, it would be a physical impossibility for him to examine them. We are therefore compelled in most matters to rely upon the committee report. It is in recognition of these facts that committees are provided.

I came here with the expectation of being governed generally by the reports of committees.

But this matter is an exception to the general rule. Committees usually have the facts before them which are too voluminous to be presented in detail to the House.

But in this case the committee has seen fit to incorporate in its report all the evidence it obtained. So each Member has the same opportunity to draw conclusions that the members of the committee had.

Now, considering this as very much of a tempest in a teapot, I wish to analyze briefly the situation. An investigation was made by the Post-Office Department, under charge of Hon. J. L. Bristow, the Fourth Assistant Postmaster-General, of frauds charged against that Department. He brings in an indictment in his report of Mr. Beavers, the gentleman who until recently had charge of the department fixing the allowances for clerk hire, rent, fuel, light, and other similar items of post-offices, and the rental of buildings for post-office purposes. As an incident connected with his indictment of Beavers the Department shows that it has a secret rule in use, and has had for many years, which enables its officials by the application of its principles to any given place to determine what allowance to make for these purposes.

Incidentally in his report Mr. Bristow states as one of the counts against Beavers that he exceeded in many instances in granting these allowances the amounts permitted under this secret rule, that it had been done at the solicitation of Senators and Members of Congress. But, fearing lest an improper construction should be placed upon this reference to Members of this body, he explains that they were ignorant of the schedule contained in the secret rule or regulation, and assumed that the Government official having charge of such matters would do his duty and not exceed the allowances permitted under Department regulations. The rule being secret, of course the Senator or Congressman could have no knowledge as to whether its terms were violated or not by Mr. Beavers.

I came here as the sole representative of a body of people numbering in the vicinity of 400,000, with something like 700 post-offices. The population in my State was rapidly increasing by a great influx of immigrants, and this naturally resulted in an enormous growth in the postal business and increased demands and necessities in the way of allowances from the Post-Office Department. Most of the requests for such increased allowances came to me, and as soon as I learned the method of procedure followed in these matters I availed myself of my privilege to visit the Department and request proper increases in many cases. In a short time the Department took my case under consideration and later informed me that, in view of the conditions which I have mentioned peculiar to my State, I would in every instance be allowed the maximum amount permitted for such purposes under their secret rule. Whether the maximum was allowed in all cases on my application or whether it was exceeded, I have no means of knowing.

But I find my name mentioned in several instances in this report, and I beg leave to state that, in my opinion, where it is mentioned once it might just as properly have been mentioned 100 times.

This matter of a Congressman acting on behalf of his constituents in the different Departments is no part of his official duty and is not required of him by law, but as a matter of convenience it has become a custom having nearly the force of law, not only in the Post-Office Department, but in the General Land Office, and in the Pension Bureau, and in all the other Departments.

I have been requested, I suppose, in more than a thousand instances to use my influence in the different Departments to secure what my constituents deemed their rights, and no part of my service as a Representative in Congress has given me greater pleasure than to aid the Post-Office Department in its effort to meet the changing conditions in North Dakota, and to serve the veterans of the civil war by securing, so far as possible, early and favorable consideration of their righteous claims in the Pension Bureau.

As to the wisdom of the different Departments recognizing Members of Congress in these matters, I do not now propose to offer an opinion. But it may be worth consideration by the proper committees in this body whether it would not be far better for all concerned, particularly in the Post-Office Department, to put all these matters on a strictly business basis and establish some rule of action by which each office can know and get that to which it is entitled.

For my efforts on behalf of my constituents I offer no apologies, and have none to offer. I only regret that in many instances I have been unable to secure what to them and to me seemed proper and adequate to meet conditions.

To illustrate this: The State of North Dakota has about thirty-five rural-free delivery routes. In proportion to population this is much less than those of some of the other States.

This shortage is not occasioned by lack of desire on the part of rural communities in my State for the service, because hundreds of petitions have been prepared and filed in the Department, but it is because the Department adheres to the rigid rule that no route shall be established serving less than 100 families, and in North Dakota the size of the farms is so great that in but few instances can 100 families be found in a drive of 25 miles from any post-office. This hundred-family rule I deem inequitable and unjust.

The gentleman from Virginia [Mr. HAY] introduced a resolution calling upon the Post-Office Department to furnish the information upon the basis of which the Members of this body were mentioned in the Bristow report and for an investigation. The Department furnished precisely what the Post-Office Committee called for and no more. That committee reported to this body the information given it by the Post-Office Department. It neglected to make findings or conclusions from the facts, and practically adopted the remarks made by Mr. Bristow in his report, which are the subject of complaint, and appended to the report the information obtained from the Department.

This information, taken in connection with the well-known custom, I believe, shows no infringement of law, so far as relates to allowances, on the part of any Member of this body. It shows that requests were made of Congressmen for increases in allowances, assuming that Mr. Beavers would not in any case exceed the allowance permitted by law or regulation.

I know in my own case no suspicion ever entered my mind that he would exceed his authority. But the Post-Office Committee puts this information together in such shape that from a casual examination one may almost be justified in drawing the conclusion that Congressmen have been guilty of asking increases in excess of those allowed by law or regulation, and doing it knowingly. Then they print the report, and head it, "Charges concerning Members of Congress." The construction that is put upon it can be very readily seen by the attitude of the press. The first paper which I received from my part of the country after this matter came up in the House bore great headlines, "Names of Congressmen linked with the Post-Office frauds," and in another place gave a list of the names. The public will not take the time to read through several columns of a newspaper, or the 218 pages of this report, to ascertain whether the facts justify such headlines or not.

To a very large extent the public forms its impression from the headlines of a newspaper, and even if subsequent careful reading does disclose that the headlines are unwarranted the impression first obtained remains. This resolution should have received careful consideration, and the information obtained from the Post-Office Department should have been properly classified—the material separated from the immaterial, and a report made showing the findings and conclusions of the committee. Had this been done this discussion would never have arisen. And I therefore contend that the Committee on Post-Offices and Post-Roads is solely responsible for the uprising and indignation of the Members of this body.

The investigation in the Post-Office Department was undertaken by direction of the President of the United States, a man whose integrity, patriotism, and love of fair play is unquestioned. The investigation was made by Mr. Bristow, carefully and thoroughly, and without fear or favor; and, in my judgment, the report which he submitted will stand as a lasting monument to the honor of the man who made it and the Executive who directed it. As it appears to me, the facts in the matter could have been determined by any Member of the House who cared to take the time and make an effort to read carefully the information submitted in connection with the report. But several distinguished Republican Members of this House have not pursued that course apparently, but have used very severe language regarding Mr. Bristow, and have by inference criticised the Chief Executive. The character of these statements has tended to dispel the illusions that had possessed my mind that some of these gentlemen were well-balanced statesmen and fittingly considered leaders of the Republican party.

Mr. Speaker, I was born and reared on a farm far from railroads and daily mails. The daily newspaper was not received. Religious instruction was received from two papers published in Boston, known as the Congregationalist and Zion's Herald, the latter edited by Gilbert Haven. Political inspiration was almost exclusively derived from the New York Tribune, edited by Horace Greeley. Brought up in an atmostphere impregnated by the teachings of these distinguished editors I was led to conclude

that everything that was which was Republican was right and everything that was which was Democratic was wrong, and I became a Member of this body deeply impressed with the idea that its Republican leaders were storehouses of political wisdom and the fountains of party sagacity. I held them in great awe, and to a considerable extent they were my idols. But I regret to say that scenes like those of yesterday and to-day have caused some of my impressions to vanish and some of my opinions to be mellowed, and many of my idols are shattered. There seems to be an ignorance on the part of many of the so-called leaders of the real sentiment of this body. They rest quietly in the belief that when certain committees make reports the membership will fall in line and support them.

I can best illustrate this from my own experience. Almost immediately upon the time being fixed for debate upon this report and resolution, I suggested to one of the distinguished leaders of this body that I might desire a little time to criticise the report of the committee, and I was informed that I had better consider the matter very carefully before doing so; that he did not think I would care to stand alone on the floor of this House and criticise the unanimous report of a great committee, or oppose the committee's recommendation to lay the resolution on the table. Time has disclosed the fact that the gentleman who made that remark is the one standing alone.

This leads to the question as to what should be done. There appears to be either of two courses open. First, to table the resolution, as recommended by the committee. If this is done it will be construed that this body dare not investigate its own membership. Second, a new and special committee can be appointed to investigate the so-called charges. Such action will admit of a charge that it is done for the purpose of whitewashing the Members named in the report. But it seems to me that such a committee can be named, constituted of men of such high reputation for integrity as to disarm all suspicion that the committee will shield any guilty person.

An investigation made with impartiality and thoroughness is due every Member mentioned and to the constituents of every such Member, and I trust that such action will be taken.

Personally I am not alarmed at anything contained in the report of the Post-Office Department or of the committee. They only go to show some activity on my part in behalf of my constituents, and the injustice done me, if any, consists in only naming a very minute fraction of the instances in which I have sought to serve them in such matters. We should be glad to have all the facts shown. This, however, can not be, and we must fall back upon the faith which our constituents have in our good intentions and their belief in the desire on our parts to serve them to the best of our ability. After all, little incidents like this will neither make nor unmake any Member of this body if he is worthy of the confidence which has been placed in him by his constituents. [Loud applause.]

Mr. OVERSTREET. Mr. Speaker, I yield twenty minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I have no criticism to make of the Committee on Post-Offices in sending this report to this House and I have no criticism to make upon the man who prepared that report. While there may be in it statements untruthful that affect other gentlemen, there are none, so far as I have been able to observe, of an untruthful character that affect myself. There is nothing in that report that concerns my action that I do not avow. There is nothing in that report that I would change. From first to last it exhibits, so far as it goes, the faithful manner in which I have tried to perform my duties toward my constituents. [Applause.] If I were to indulge in a criticism at all it would be for what is not stated in that report, for while there are six or eight cases that refer to myself, there might have been forty more. This report covers a period of little more than one year—less than two. It is twenty-three years since I first began to serve my constituents in this House and in the Departments, and if there is criticism just and proper to be urged against me for what is contained in this report, I undertake to say that I have been guilty during that twenty-three years more than ten thousand times. Not that I have gone to this Department that often, but to this and others.

Think of what you gentlemen like myself have done in connection with pensions. How many times have you suggested that under the proof as presented in your judgment a pension ought to be granted? Yet that is an attempt to move the discretion of an officer. What have I done more than that in this matter at bar? I have simply urged officers to exercise a discretion that was lawfully lodged in them in the interest of justice as I understood it. As an earnest of what I have said, I want to state that every copy of this report that I have been able to secure I have sent to my constituents to let them judge whether I have misapplied my time or misused my place as a Representative of theirs in this city. So far as the report is concerned, I intend to ask that I may include the portion of it that refers to me in my remarks.

There is one matter that they did not report that I would have been glad if they had, for it is the subject of the only criticism upon this subject that I have ever heard from any man living within the confines of my district. I asked that an officer, a chief clerk in the second-class post-office in my own town, be advanced in salary. I did not state the amount. They did state the amount of $1,500, and it was so made. That I entirely approved. It was a just allowance; it was within the limitation of the law. I want to state that emphatically. I hold in my hand a memorandum which I procured from the Postmaster-General, containing the law as they at the Department understand it, governing cases of this kind. I have it here and it is as follows:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., February 15, 1904.

Memorandum.

The act of Congress classifying clerks in post-offices was passed March 3, 1889, and provides for assistant postmasters for post-offices of the first class, salary graded in even hundreds of dollars not to exceed 50 per cent of the salary of the postmaster. This law provides for the position of chief clerk at offices of the second class, salary graded in even hundreds of dollars from seven hundred to fifteen hundred dollars, but does not provide for an assistant postmaster. Prior to July 1, 1900, the appropriation for clerk hire at first and second class post-offices included also the appropriation for assistant postmasters and chief clerks. In the appropriation act for the fiscal year beginning July 1, 1900, a separate appropriation was made for assistant postmasters, including assistant postmasters at second-class offices. The Department had always construed that the position of chief clerk in a second-class office was identical, so for as the duties are concerned, with the position of assistant postmaster.

When a separate appropriation was made for assistant postmasters and providing also for assistant postmasters at second-class offices a rule was adopted not to allow more than 50 per cent of the salary of the postmaster, graded in even hundreds of dollars, for the assistant postmaster in a second-class office. It was recognized, however, that the law did not limit the salary of an assistant postmaster to the 50 per cent. Consequently there were a number of exceptions to the rule, and a few assistant postmasters at second-class offices received more than 50 per cent of the salary of the postmaster. In the spring of 1903 it was decided that the rule not to allow more than 50 per cent of the salary of the postmaster to an assistant postmaster at a second-class office would be strictly adhered to, and this necessitated the reduction of all those receiving more than 50 per cent. The classification act will be found under section 287 of the Postal Laws and Regulations, edition of 1902. Authority for paying assistant postmasters will be found under the act of Congress making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904.

That is the law. The officer was chief clerk of a second-class office. That man works from half past 6 o'clock in the morning until 9 at night every week day and four or five hours every Sunday. No seven hours a day for him. For years he filled a county office in his county in which he received a larger salary. He performs each day efficiently twice as much labor as do some $1,800 clerks in this city.

Now, Mr. Speaker, a word with regard to a subject that is of importance to us all. I think that, strictly speaking, there is an interference with the executive branch of the Government on the part of a Member of Congress whenever a recommendation is made or whenever a suggestion with regard to how the executive office should be administered is made.

But here is a custom, grown up from the earliest days of the Republic, that makes the Member of Congress the means of communication in thousands and thousands of instances between the constituents interested and an executive department. They have no other agent here to represent them but ourselves. They frequently believe that they are the objects, or subjects, of maladministration or neglect. They believe that they have rights that are not observed. How natural it is under this custom to write to their Representative; and it is our pleasure to serve them. They know they have a friend here in him who will take an interest in their welfare and their withheld rights. How many thousands of times have your constituents written to you, gentlemen, that they have a claim before the Pension Bureau—a claim that has been neglected? Sometimes they will tell you that for ten years that claim has lain there unattended to, and urge upon you that time is flying fast with them; that they are approaching the end, and that if that claim is to have attention that will be beneficial to them, it must be now; and urge you in the name of humanity, in the name of good comradeship, in the name of old friendships and mutual kindnesses, as their Representative, to see to it that something is done in their behalf.

How often does it occur to them that they have furnished the proof that is abundant for the allowance of their claim? Their agent is hundreds of miles from the capital; they have no representative here but you. Are you to be denied the right to go to the Pension Office to examine these proofs, to say to the man that has it in charge—that perhaps has laid it away—that there is proof there that entitled the claimant to the affirmative action of the Government? How often does it happen that you are called upon to call attention of the Department to the fact that this statute is one that should have liberal construction rather than

a narrow technical one that is often given to it? The officer has a judgment to render, and you urge him to do justice to your constituent. If the statements contained in this report are a violation of duty, if they indicate crime on your part, is not this other? What is the difference?

The requests of our constituents are many, very many. Requests for aid in securing action, or favorable action, on pending pension claims come to me in great numbers. There are thousands of them every year. There are requests concerning rural free delivery, additional clerk hire in post-offices, additional rents for post-offices, additional allowances for fuel and for lights, for information or services concerning public lands, Indian claims, patents, claims for money, for aid in procuring public employment, to aid in securing promotion for almost all conceivable things. Indeed, one constituent by letter asked me to submit for him a case in the Supreme Court of the United States.

Are these letters—I receive more than a thousand every month—to be thrown in the wastebasket? For my part, I strive to render the service if I can and write the result to my correspondent in all instances. I think, Mr. Speaker, that you could find but few persons in the Eighth Iowa district who would complain that their Representative either neglected his correspondents or was neglectful of their requests.

Mr. Speaker, let me suggest that time and again in the presence of this House I have urged, when the consideration of the post-office appropriation bill was before the House, that the allowance for clerk hire in third and fourth class offices should be increased. I have suggested here that more than 50 per cent of all the people in the United States get their mail matter and all accommodations of that character at third and fourth class post-offices, while 48 per cent get theirs at first and second class offices. Twenty-one million dollars will be allowed for clerk hire in first and second class offices, and in the rural regions, such as I represent (there being only four second-class offices in my district), in these regions there is allowed, as the gentleman from Iowa [Mr. SMITH] has suggested a little while ago, $1,300,000. I have insisted that that was unjust, and I have insisted that there should be an enlargement of this appropriation, the expenditure of which we lodge in the discretion of the Postmaster-General.

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. I will yield to the gentleman five minutes more.

Mr. HEPBURN. Mr. Speaker, I have appealed to the discretion of the Members of this House to vote for the enlargement of that appropriation. After it was made I have appealed to the discretion of the Postmaster-General for the distribution, for the just and proper distribution, of that money so that the postmasters in third and fourth class offices in my district should have a just and proportionate share.

If the latter is a crime, is not the other? Where are you going to draw the line? Can I appeal to the discretion of a Member of this House and be without guilt, and then appeal to the discretion of an executive officer and be guilty? There is nonsense in the suggestion that I would be. [Loud applause.]

Mr. Speaker, I ask leave to extend my remarks in the RECORD.

There was no objection.

The following documentary matter is published under the consent granted to Mr. HEPBURN:

[Extracts from the Report of the Postmaster-General.]

AFTON, IOWA.

At Afton, Iowa, in 1901, when the salary of the postmaster was $1,500, the allowances were $180 for rent and $52 for fuel and light. On July 10, 1901, the postmaster reported that the Masonic lodge was erecting a new fireproof building, and would provide suitable quarters for the post-office at $240 per annum rent, stating the building would be completed by November 1, 1901. On September 4, 1901, the postmaster was advised that there would be no objection to the proposed arrangement provided no additional expense was incurred for rent, fuel, and light, as the appropriation for the current fiscal year had already been apportioned. It was suggested that he should make provision to sublet space in order to make up the additional rent required. The following entries appear on the brief of the case:

"Dec. 5, 1901. Hon. W. P. HEPBURN called and filed letter from Theo. F. Shunk, secretary Masonic lodge, stating lodge is erecting a brick building and will rent corner room for $400."

"Dec. 6th. Wrote Hon. HEPBURN $350 R., F., & L. equipment would be allowed; enclosed blank proposition."

"January 1, 1902. Theo. F. Shunk, secretary Masonic lodge, submits proposition to lease a room for $350 R., F., & L., no fixtures or safe."

"January 6, 1902. Wrote P. M. $350 R., F., & L. too high without fixtures.'

The letter of December 6 to Mr. HEPBURN was as follows:

DECEMBER 6, 1901.

Hon. W. P. HEPBURN,
House of Representatives, United States.

SIR: Referring to matter of allowance for rent, fuel, and light for the corner room offered by the Citizens' Bank of Afton, Iowa, for use of the post-office at that place, I beg to advise you that, after careful consideration of the matter, it has been decided to allow $350 per annum for rent, fuel, and light, complete equipment, etc.

I would state that the usual allowance for an office of the $1,400 grade is $277; for the $1,500 grade, $300, and for the $1,600 grade, $331 per annum for rent, fuel, and light.

A lease will be made on basis of $350 per annum. I inclose a blank proposition which should be filled out by owners of proposed premises and returned to this office.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

The following is the letter of same date to the postmaster and his reply thereto:

JANUARY 6, 1902.

POSTMASTER, *Afton, Iowa.*

SIR: A proposition from the trustees of the Masonic lodge has been received. I would state that if a lease is made the furniture and fixtures should be provided by the lessors on basis of $350 rent, fuel, and light per annum, otherwise a lower estimate should be submitted. As your report of July 1 last stated that new premises could be secured for $240 per annum, you should report what can be done now in regard to this matter.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

AFTON, IOWA, *January 10, 1902.*

Hon. FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: I have yours of the 6th instant and note what you say, and in reply will say that at the time I wrote you, viz, July 1, the Masonic lodge was just designing a new building and I could have availed myself of a new post-office at the rate you name, $240 per annum without heat and light; but they changed their plans to a certain extent, and, I understand, submitted a proposition to the Department at $350 per annum, including light and heat, which was accepted, I understand, and a lease forwarded for signature of trustee, which was signed properly and sent to Department. We notice the clause in lease requiring the lessors to furnish a set of boxes and fixtures, but this is unnecessary, as I have as fine a post-office outfit as can be bought, and don't need any more.

Very truly,

H. E. BOLINGER, P. M.

On January 17 a letter was written the postmaster, reviewing the facts in the case, in which it was stated:

Inasmuch as the rent for this room was previously stated by you as $240, it is considered that a complete equipment for the office should be furnished by the lessors on basis of $350, including heat, light, etc.

The owners of the premises declined to submit a proposition covering the equipment for the office, and their original proposition, on the basis of $350 for rent, fuel, and light, was accepted, with the understanding that the postmaster's equipment would be used.

ALLERTON, IOWA.

The post-office at Allerton, Iowa, was advanced to the third class October 1, 1899, the postmaster's salary being fixed at $1,000. On January 26, 1900, an allowance of $130 for rent and $44 for fuel and light was made to date from January 1, 1900. The salary of the postmaster was increased to $1,100 in 1901.

On January 14, 1901, Hon. W. P. HEPBURN transmitted a letter from the postmaster, who asked that his rent allowance be increased to $160 per annum, and stated that the owner of the building wanted $15 per month. The allowance for rent was fixed at $180 per annum from July 1, 1901, and a further allowance to cover rent, fuel, and light for the fourth quarter of 1899 was made, and the following letter on the same subject was written to Mr. HEPBURN:

JANUARY 14, 1901.

Hon. W. P. HEPBURN,
House of Representatives, United States.

DEAR SIR: Referring to the visit of your secretary to the Department to-day in regard to an increase for rent at Allerton, Iowa, I beg to state that the condition of the appropriation will not admit of any increase at present. However, the allowance for rent will be increased to $180 per annum, to take effect July 1. I will also allow the postmaster credit for $32.50 expended for rent and $11 expended for fuel and light for the quarter ended December 31, 1899.

I trust this will be satisfactory.

Very respectfully,

——— ———, *Superintendent.*

BEDFORD, IOWA.

At Bedford, Iowa, prior to July 1, 1901, the salary of the postmaster was $1,700, and the allowances were $180 for rent and $56 for fuel and light. On March 7, 1901, a proposal to lease the building then occupied for a term of five years from July 1, 1901, at $400, with equipment, heat, and light, was forwarded to the Department by Hon. W. P. HEPBURN, and accepted. Mr. HEPBURN's letter and the reply thereto are as follows:

HOUSE OF REPRESENTATIVES, *Washington, March 7, 1901.*

Mr. G. W. BEAVERS,
Chief Salary and Allowance Division, Washington, D. C.

SIR: I hand you herewith proposition of Mr. John J. Clark, postmaster at Bedford, Iowa, for leasing his building in which the post-office is now located for a term of five years. Mr. Clark has been in the city a few days, and he informs me that buildings similar to the post-office building, located on the same street, rent from $30 to $40 a month, without either light or heat furnished. Mr. Clark also pays out $960 a year clerk hire in order that he may give the patrons of the office the best service possible, and his clerk-hire allowance is $40.

In view of these facts, it would seem that you would be fully warranted in accepting his proposition, which I inclose. I earnestly hope that you can do this.

Your obedient servant,

W. P. HEPBURN.

The location is desirable for the post-office and has been so occupied to the satisfaction of the patrons for six or eight years.

W. P. H.

MARCH 8, 1901.

Hon. W. P. HEPBURN,
House of Representatives, United States.

SIR: In reply to your letter of the 6th instant, forwarding a proposition from Mr. John J. Clark, of Bedford, Iowa, relative to leasing post-office premises at that place, I beg to advise you that the proposition of Mr. Clark is accepted, in accordance with your recommendation, and leases will be prepared and forwarded to him for execution.

Very respectfully,

———,
Superintendent.

A subsequent proposal calling for reservation of a space 6 by 20 feet in the lobby for a news stand, without any reduction in the rent, was accepted after protest from the Department, the notification to Mr. HEPBURN of this action being as follows:

MARCH 27, 1901.

Hon. W. P. HEPBURN,
House of Representatives, United States.

SIR: Referring to the matter of leasing post-office premises at Bedford, Iowa, I beg to advise you that the proposition of Mr. Steele to lease the present post-office premises on a basis of $400 from July 1 next has been accepted, and he has been granted the use of space in the post-office lobby for other purposes. This action is in accordance with your wishes in the matter and desires of the postmaster.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

CORNING IOWA.

At Corning, Iowa, in 1901, when the salary of the postmaster was $1,800, the allowances were $300 for rent and $58 for fuel. The following entry appears on the brief of the case:

"Allow $460, R., F., & L. with lease. Get formal blank from P. M. (Advise W. P. HEPBURN, M. C.) G. W. B."

Notification of the decision was as follows:

AUGUST 13, 1901.

Hon. W. P. HEPBURN, *House of Representatives.*

SIR: Referring to matter of leasing post-office premises at Corning, Iowa, I beg to advise you that it has been decided to allow $460 rent, fuel, and light per annum from August 1. The lease will be made with owner of post-office premises.

Very respectfully,

———— ————,
Acting First Assistant Postmaster-General.

AUGUST 13, 1901.

POSTMASTER, *Corning, Iowa.*

SIR: It has been decided to allow $460 for rent, fuel, and light for present post-office premises, and also to make a lease for a term of five years. You will please have owner of premises fill out the inclosed blank forms, which should be returned to this office.

Very respectfully,

———— ————,
Acting First Assistant Postmaster-General.

ESSEX, IOWA.

The post-office at Essex, Iowa, was advanced to the third class on January 1, 1902, the salary of the postmaster being $1,000. On December 5, 1902, as shown by brief of the case, Hon. W. P. HEPBURN called and filed a letter from T. K. Elliott, cashier of the Commercial National Bank, offering to lease a room adjacent to the bank, and furnish heat and light, for $300 per annum. In response to this the following letter was addressed to Mr. HEPBURN:

DECEMBER 6, 1901.

Hon. W. P. HEPBURN,
House of Representatives, United States.

SIR: Referring to the matter of securing better quarters for the post-office at Essex, Iowa, as recommended by you, I beg to inform you that this office will be assigned to the Presidential grade on January 1, 1902, and salary of postmaster fixed at $1,000 per annum. The usual allowance for rent, fuel, and light for an office of this size is $174; for an office of the $1,000 grade, $196. As the Commercial National Bank will furnish a suitable room for the office it has been decided to allow $250 per annum if the bank people will provide the fixtures and furniture for use in the office.

As a change in site is involved, the postmaster should ask for permission to change site and the matter will be taken up for consideration.

I inclose a blank form of proposition, which should be filled out by the Commercial Bank and returned to this office.

Very respectfully,

———— ————,
First Assistant Postmaster-General.

Form of of proposal to lease the building referred to for five years from January 1, 1902, at $250 per annum, dated December 11, 1901, was referred to the Department with the following indorsement:

"Respectfully referred to chief of division of salaries, etc., together with the inclosed contract. I hope the matter may be closed up at once.

"W. P. HEPBURN."

The proposal was accepted, as shown by the following:

DECEMBER 17, 1901.

Hon. W. P. HEPBURN,
House of Representatives, United States.

SIR: Referring to matter of securing better quarters for the post-office at Essex, Iowa, I beg to inform you that the proposition of Mr. T. K. Elliott, as recommended by you, has been accepted, effective from January 1, next.

Very respectfully,

———— ————,
First Assistant Postmaster-General.

MOUNT AYR, IOWA.

At Mount Ayr, Iowa, up to July 1, 1902, when the salary of the postmaster was $1,700, the allowances were $240 for rent and $54 for fuel and light.

On May 17, 1902, Hon. W. P. HEPBURN submitted a proposition from Howard Tedford to lease the premises then occupied, with equipment, heat, and light, for a term of five years, at an annual rental of $460, which was accepted. Mr. HEPBURN's letter and reply thereto are as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
May 17, 1902.

Mr. GEORGE W. BEAVERS,
Chief Division Salaries and Allowances, Washington, D. C.

SIR: I transmit herewith certain papers relating to an increase in the rent allowed for the post-office building in Mount Ayr, Ringgold County, Iowa. I respectfully call your attention to the letters of Hon. George S. Allyn and Lloyd Talley, both reputable men, who estimate the value of said building at from $3,500 to $4,000. The other letters are from merchants renting buildings adjoining the post-office building, and from these letters it will be seen that the rent allowed for the post-office building is not nearly as high as other adjacent buildings of similar size are now renting for. The rent allowed is $20 a month, and I submit that this allowance does not pay a fair rate of interest on the money invested, when taxes, insurance, and necessary repairs are taken into consideration.

I submit herewith a proposition from the owner of said post-office building offering to rent the same to the Government for $460, he to furnish fuel and lights. I respectfully recommend that the proposition be accepted by the Department.

Your obedient servant, W. P. HEPBURN.

MAY 20, 1902.

Hon. W. P. HEPBURN, *House of Representatives.*

SIR: Replying to your letter of the 17th instant, relative to acceptance of proposition of Mr. Howard Tedford to lease room for post-office purposes at Mount Ayr, Iowa, I beg to advise you that his proposition has been accepted, effective July 1 next, in accordance with your recommendation.

Very respectfully,

———— ————,
General Superintendent.

Mr. OVERSTREET. I yield ten minutes to the gentleman from Indiana [Mr. HEMENWAY].

Mr. HEMENWAY. Mr. Speaker, I have just listened with pleasure to the gentleman from Iowa [Mr. HEPBURN], and I think he goes to the meat of this question. Large sums are appropriated for first and second class post-offices for clerical help in those offices.

But for separating-clerk hire for third and fourth class post-offices very small sums are appropriated. There was allowed in the last post-office appropriation bill for separating-clerk hire for third-class post-offices $1,300,000. It is charged that Members of this House, by using influence, induced the Post-Office Department to grant excess of clerk hire in this class of post-offices.

I want to call the attention of the House and the country to the fact that the Post-Office Department has refused to pay out the $1,300,000 appropriated for this purpose; that it has refused to properly apportion this money to these third-class offices; that in its apportionment for this fiscal year, which will close July 1, only $1,106,000 has been allotted, leaving a balance of $193,000 that stands yet to the credit of these offices on the books of the Department and will go back into the Treasury of the United States on the 1st of July, less $65,000, which was diverted to another appropriation,

In view of that fact, in view of the very limited appropriation that was made, I want to say that Members of Congress have a right to say to this Executive Department, "You should expend the money appropriated by Congress. You are an Executive Department; this money is appropriated for you to disburse, and when you refuse to disburse it and retain in the Treasury $193,000 that belongs to this poorly and inadequately paid labor you are violating your duty as an executive officer."

A Member of Congress has a right to go to that Department and say, "You ought to comply with this duty; you ought to apportion this money as the law contemplated." This appropriation was so limited that in many offices in the country young lackies are employed at from $15 to $20 per month and compelled to work twelve to fourteen hours per day and even at this low wage the postmaster is compelled to pay most of it out of his salary.

At one office in the district I have the honor to represent $100 clerk hire was allowed. The postmaster at that office receives a salary of $1,400. What does he have to do? He pays one clerk $35 a month to work fourteen hours a day. He pays a young lady $4 a week for working ten hours a day. He thus pays $628 clerk hire out of his salary of $1,400; and they say at the Post-Office Department that the $100 allowed to that office for clerk hire was excess clerk hire! I deny it.

I have the right to say to this Executive Department that a postmaster who is paying $35 a month to a young man who works fourteen hours a day, and who is as competent as any of the $1,800 clerks in the Department, and is paying $4 a week to a competent young lady who works ten hours a day, is entitled to a reasonable allowance for clerk hire. Yet, at the Department they say that $100 was excess clerk hire for that office.

Why, sir, that postmaster has only $772 left out of his salary, and if he paid these clerks the wages of a day laborer, and only required them to work eight hours a day—not seven hours or seven and a half, as they work in the Department—he would not have a nickel of his salary left. [Applause.] Yet, with $193,000, that ought to have been allotted to the credit of this branch of the service, the $100 allowance was discontinued.

Mr. Speaker, I am willing to go to the country upon this record. Notwithstanding the fact that the great press of the country has got wrong on some of these questions, they will get right. The press always gets right when they get the facts before them.

They will do justice in this matter when they realize that the third-class postmasters of this country are being compelled to pay out of their salaries this clerk hire and to employ clerks at wages that are a disgrace to humanity, a disgrace to this great Government of ours, to employ people at $4 a week to work ten hours a day, and to employ an active and competent young man competent to issue money orders, competent to handle the money of the Government, competent to register letters, competent to transact the general business of a post-office, at a salary of $35 a month, working fourteen hours a day.

Now, just a moment as to leases. In one city in the district there was a post-office down on a side street; and being a little proud of the district I represent, I said that the post-offices ought to be on the main business streets.

The post-office in this city was moved to a central location; a building was beautifully arranged for it; the second story of the building was taken out altogether, so that there was 18 feet of space from the floor to the ceiling; a skylight was put in; clean boxes and clean furniture put in; a fire and burglar proof safe put in; an arrangement that the mails might be brought in from an alley in the rear on a track in a car and put into the post-office in that way instead of dragging the mail bags along the ground.

The post-office was equipped by one of my constituents and rented to the Government for $600 a year, including heat, light, fire and burglar proof safe, boxes, and everything.

Now, the Government in turn rents my constituent's boxes to the people of that city, and at the end of the year the Government has got an income of $731 from the property of this gentleman, which they rent for $600, and the Government is $131 to the good, having received the use of the building, the use of the

boxes, the use of a fire and burglar proof safe, light, and heat, and getting a net profit of $131.

In another instance one of my constituents furnishes a building, heat, light, boxes, and everything complete. The Government rents the boxes to the people of the town in which my constituents live, and gets $18 a year more than the whole thing costs the Government. So the Government is $18 to the good; the Government is speculating upon my constituents.

The net result was that in seven towns of my district the post-offices were changed into new buildings with first-class equipments, and the buildings rented to the Government by constituents of mine, and for the seven buildings in seven towns and cities the Government is only out $180 a year. The box rents pay all but $180 a year.

Yet they say that is bad business. I am proud of the business transaction, and if the Government of the United States, through its Post-Office Department, will conduct its business as carefully as it has in these leases many thousand dollars will be saved. Now, see the difference. The minute an office pays $2,000, what results?

Why, the postmaster gets a deputy postmaster at a thousand dollars a year—one-half the salary of the postmaster. He gets clerks paid for by the Government; but the poor fellow who gets less than $2,000 salary has got to pay from his own pocket the clerk hire.

Why, I wrote my postmasters to find out how much they paid for clerk hire, and I find in one case in my district, by reason of free rural delivery, the postmaster has got to hire another clerk, and when he does that he will not have salary enough to pay the three clerks of his office.

I know a district in Pennsylvania, represented by a distinguished Member on this floor, where a postmaster is to-day paying out more clerk hire than he gets for salary, and yet this is the class of post-offices in which they say that excess clerk hire has been paid, notwithstanding this Executive Department of the Government has kept in the Treasury of the United States $193,000 of the appropriation made for this fiscal year that is yet unapportioned for the purpose for which it was appropriated.

Mr. WATSON. How much more have they asked for?

Mr. HEMENWAY. Gentlemen, it is not fair, it is not right, for an Executive Department to make that kind of a charge, in view of the fact that the appropriation has not been exceeded and the amount appropriated has not been paid out. [Applause.]

The Post-Office Department has asked for clerk hire for this same class of offices for the fiscal year 1905, $1,700,000. What do they want $1,700,000 for if they will not pay out $1,300,000 which they now have?

I have only risen for the purpose of calling attention to this fact—that not only has there not been excess clerk hire paid, but there is to the credit of these poor underpaid clerks $193,000 that ought to be allotted to them.

The clerks in offices paying more than $2,000 are fairly well paid and only work eight hours per day. The clerks in the Department at Washington are well paid and work seven hours per day.

The clerks in third-class offices work long hours, in many cases twelve to fourteen hours per day, and receive less pay than any other class of Government employees.

Mr. OVERSTREET. I yield two minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I shall vote for the pending resolution or some substitute therefor providing for a thorough and exhaustive investigation of the conduct of Members of the House in connection with alleged abuses in the Post-Office Department, but I shall oppose the proposition to investigate the business of the Department itself. I would not favor even an investigation of the Members of the House were it not for the fact that an impression seems to have gone abroad that certain Members have been guilty of irregularities in connection with practices in the Post-Office Department.

Official dishonesty is one of the gravest crimes against civilization. The business of the people has to be intrusted to public officers, and they are selected by the best means known to our system of politics, in order to secure efficiency and integrity. A public officer who violates the sacred trust confided in him deserves the severest punishment that the law provides. Members of this House are elected by their respective constituents in the belief that they are able and honest and that they will faithfully discharge the duties of their office. Members of this body can not afford to rest under the suspicion that their public conduct has been irregular in any degree.

I have carefully read the report submitted by the Committee on the Post-Office and Post-Roads in connection with the pending resolution, and I do not believe it reflects upon a single Member of the House in any degree.

I have been a Member of Congress for about seven years, and I am gratified to be able to say that I have never met with a body of men of a higher standard of morals, integrity, and ability than the House of Representatives has contained during that time. However, misinformation has been disseminated throughout the country respecting the relationship of the Members of the House to the Post-Office Department, and it is due to the public and to the House itself that a thorough and rigid investigation of every ground of suspicion be made. If there be a Member of this body who has abused the trust the people have reposed in him, it ought to be known without delay. If the membership is clean and innocent of irregularity, that fact ought to be known, in order that the people may be assured that their Representatives have faithfully discharged the duties that the law imposes upon them.

There is a grave misapprehension of the import of the report submitted by the committee. Newspaper criticisms of Members of Congress based upon that report are absolutely unjustified. About a year ago there was a suspicion that certain officers in the Post-Office Department were guilty of serious abuses of their official duty. The Postmaster-General designated Mr. Bristow to make an investigation of the alleged abuses. The investigation involved George W. Beavers, who was the superintendent of the salary and allowance division, and A. W. Machen, who was superintendent of the rural free-delivery service in that Department. Beavers, among other things, was charged with having been improvident and negligent in making allowance for clerk hire, rent, and fuel for post-offices throughout the country. It was claimed that he made these allowances without authority of law and simply upon the request of Members of Congress. It has never been charged that Mr. Beavers received any bribe or reward for making allowances on these lines, but it was charged that he committed these abuses simply as a matter of favor.

In the investigation that followed Mr. Bristow took up every case of allowance for clerk hire, rent, and fuel that had occurred during the entire administration of Mr. Beavers, and the investigation disclosed that Beavers was guilty of many irregularities in the particulars mentioned. He increased allowances for clerk hire and rent that were improvident and unauthorized, and in most instances the irregular allowances have been discontinued. In making his report to the Postmaster-General upon these matters Mr. Bristow included in the report only such facts as were required to illustrate the methods employed by Beavers in his official conduct. The conduct of Members of Congress was not under investigation. Their relationship to the salary and allowance division of the Post-Office Department was not the subject of inquiry, and it was only referred to in the report incidentally and in so far as it was necessary to fully show the facts in connection with each case where an allowance was made.

An examination of the record fully justifies and exonerates every Member of the House from blame so far as he was connected with the matter, but the report does not contain and does not purport to contain all of the record nor all of the facts as bearing upon the conduct of Members of the House. The reason for that is that the Members of Congress were not the subject of investigation. If they had been, the Bristow report would have contained all of the facts connected with their correspondence and recommendation of allowances for rent and clerk hire.

The Bristow report was given to the country, and indictments were returned by grand juries against Beavers, Machen, and others for alleged malfeasance in office. The names of Members of Congress were incidentally mentioned in connection with some of the alleged irregularities in these branches of the service, and it furnished a sufficient basis for sensational newspapers to create suspicion in the public mind respecting the rectitude of Members of Congress generally.

The resolution under consideration was introduced for the purpose of investigating the membership of the House and determining whether any Member was guilty of crime or irregularity. The resolution was referred to the Committee on Post-Offices and Post-Roads, and that committee requested the Postmaster-General to furnish it with information respecting the conduct of Members of Congress in connection with allowances for clerk hire, rent, and fuel. The Postmaster-General submitted a report which is palpably and manifestly taken from the original Bristow report. It uses such parts of the original report as relate to the particular matters referred to by the resolution, and the Committee on Post-Offices and Post-Roads submits that report, with the recommendation that the resolution be laid upon the table.

On investigation, it is ascertained that the report is not a full and complete statement of the conduct of Members of the House respecting allowances for clerk hire, rent, and fuel. The report was made in connection with the investigation of Mr. Beavers and not Members of the House. The reference to Members of the House is incidental only, and only such correspondence of Members of Congress is referred to as was thought to be necessary to show the manner in which Mr. Beavers administered his office. If the Post-Office Department had gone into the question with a

view of determining whether any Member of Congress had been guilty of irregularity, the report would then have contained everything that the record discloses and would have fully and completely exonerated every Member from suspicion; but coming, as it does, as a compilation chiefly of the Bristow report respecting Beavers, it gives a false impression to the public.

I am therefore in favor of the appointment of a committee that will honestly and thoroughly investigate the relations of Members of the House with the salary and allowance division of the Post-Office Department and disclose everything bearing upon that relationship. I am not in favor of a Congressional investigation of the Post-Office Department, because the investigation made under the supervision of Mr. Bristow has been comprehensive and complete. He has gone to the bottom of the whole business, and has laid before the country all of the facts that tend to show any irregularity or abuse of official discretion on the part of officials in that Department.

I regret that any criticism has been made upon the floor of the House of the conduct of Mr. Bristow. I believe him to be an able and upright official, and in the investigation of abuses in the Post-Office Department he has been fair and thorough in every particular. He has spared no one on account of favor or friendship, and has impeached no one through malice or prejudice.

Occasional official misconduct will exist under all Administrations and will continue as long as human nature is as weak and frail as it is in its present stage of development, but it is the duty of the administrators of the law to ferret out all crime in official life and to vigorously punish the criminals. The country is under great obligation to Mr. Bristow for the thorough and vigorous manner in which he has unearthed crime and peculation in the Post-Office Department. The result will be wholesome in all lines of public service, and I have not only no criticism to make of Mr. Bristow, but my feelings toward him are those of gratitude and respect. Crime in official conduct is not a party question, but it is a question that concerns all of the people of the country.

An investigation will show that Members of the House have frequently made recommendations to the Post-Office Department for increases of allowances for clerk hire, rent, and fuel for post-offices in their several districts. It is a universal custom, dating back so far that "the memory of man runneth not to the contrary." This custom has the force of law. No man could sit in this House who would refuse to respect it. Speaking for myself, I have often gone to all of the Departments to investigate matters and to make recommendations on the request of my constituents. I have addressed thousands of letters to the various Departments in behalf of my constituents. I have never failed to respond to a reasonable request of any constituent, however humble he might be or whatever might be his politics. I have regarded it as part of my duty to do this, and when postmasters in my district have written me asking an increase of clerk hire, I have always submitted their requests to the Post-Office Department and usually with the suggestion that I hoped that the request could be granted. Every postmaster in the district I have the honor to represent was appointed upon my recommendation. They are men of character and integrity, and I am sure that no one of them would request or expect a favor that would be contrary to the law.

In submitting such requests to the Post-Office Department I have always expected that the Department would give the requests due consideration and grant them if the law permitted and refuse them if it did not.

When a postmaster believes that he is entitled to an allowance for clerk hire, the question is to be decided by the superintendent of the salary and allowance division of the Post-Office Department. That official is in possession of the history of the post-office and the statistics of its business. The question of allowances for clerk hire for third and fourth class post-offices is made discretionary in the Post-Office Department, and that Department has established certain rules and regulations respecting the granting of such allowances. Members of Congress can not know the statistics of the various post-offices in their district, and it is impossible for them to determine whether a request is within the law and the regulations fixed by the Post-Office Department or not. They can only submit the request to the Department for decision.

Under the law third and fourth class postmasters must employ their own clerks and pay them out of their salary, excepting where they separate mail for offices supplied by the star-route service or where the conditions of the business are unusual. Clerks in first and second class post-offices are all paid by the Government, and the salary of the postmaster belongs to him free from all charges. Allowances for clerk hire in separating offices of the third and fourth classes are usually made upon a count of the items of mail sent out to the star-route offices. No Congressman is able to know the number of items of mail separated in that manner, and hence they make many recommendations which are not granted, as an investigation of the facts show that they are not authorized. I have submitted requests for postmasters and asked that they be considered and, if consistent with law and regulations, they be granted, and in all the cases of this kind that I have presented in only one instance was an allowance granted and afterwards discontinued, and that was at the post-office at East Chicago.

The law, among other things, provides that "whenever unusual business accrues at any post-office the Postmaster-General shall make a special order allowing reasonable compensation for clerical service." At East Chicago, Ind., the post-office is of the third class, and in 1902 the salary of the postmaster was $1,400 a year. The postmaster was required to pay all of the clerk hire out of his salary. Ordinarily, a postmaster can conduct an office of that class with one clerk in addition to his own personal services. But conditions were such at East Chicago that the postmaster was compelled to employ two and part of the time three clerks. East Chicago is an industrial town; its population is made up largely of factory employees and is composed of a great many nationalities. There are Hungarians, Poles, Bohemians, Italians, and a great many other nationalities. The population is shifting. Sometimes the factories are in operation and sometimes they are not. Many of the foreigners are unable to speak or write the English language and it is exceedingly difficult to administer the post-office under such conditions. A large number of money orders are sent to foreign countries; very few of the patrons rent boxes, but receive their mail through the general delivery, and conditions are such that it costs from four to five hundred dollars more to administer the office at East Chicago than it does to administer the average office of its class and receipts in other towns.

The postmaster in 1901 was paying out a large share of his salary for clerk hire. He was paying $30 a year for rent more than the Government allowed him. He made a personal visit to me and asked me to secure, if I could, an increased allowance of $30 a year for rent and an allowance for clerk hire. The office separated no mail for star-route offices. The postmaster was allowed $198 for rent and was paying $228. The allowance was a very small one for a town of that size.

I submitted the matter to the First Assistant Postmaster-General in the following letter:

WASHINGTON, D. C., *December 13, 1901.*

Hon. WM. M. JOHNSON,
First Assistant Postmaster-General.

MY DEAR SIR: I beg to invite your attention to the request of Robert Ross, postmaster at East Chicago, Ind., for additional allowance for rent and clerk hire. He now receives an allowance of $198 for rent, which fully paid his expenditure in that particular until a short time ago, when the rent was raised $2.50 a month—$30 a year. I hope you will make this additional allowance.

The city of East Chicago is growing very rapidly, and contains now a population, including recent additions, of near 5,000. The office is of the third class, and its receipts are exceptionally small in relation to the population. The population is made up largely of laborers in rolling mills and other factories. There are Hungarians, Poles, Slavs, and people of almost all nationalities, many of them unable to speak or write the English language. Their mail is largely foreign and it is exceptionally hard to handle.

The postmaster is required to keep two clerks, whose services are constantly required, in addition to his own personal service. If the mail were of the ordinary character one clerk would be abundantly sufficient. A large amount of business is done in the way of the sale of foreign post-office orders. The applicants are often unable to make themselves understood and mistakes occur, and it requires time and patience to handle the business. The salary of the postmaster is only $1,400 a year. He receives nothing at all in the way of allowance for clerk hire. After paying his assistants he has comparatively little left for his own services. I know the situation personally at East Chicago, and know it to be as I have stated above. I earnestly ask you to make an allowance of three or four hundred dollars a year for post-office clerk hire in view of the peculiar circumstances connected with that office. I am sure it is justly due the postmaster and the office.

I trust you will take this matter up without delay and give it favorable consideration.

Very truly, yours, E. D. CRUMPACKER.

On the 19th of December, 1901, I received a letter from the First Assistant Postmaster-General of the following tenor:

Referring to your recent recommendation, I have to advise you that an allowance of $300 per annum for clerk hire at East Chicago, Ind., has been approved, to take effect after January 1, 1902, and the postmaster has been so advised.

This is the only correspondence I had with the office in relation to the case. I based the request for allowance for clerk hire upon the facts contained in my letter. I honestly believed then, and believe now, that the postmaster was entitled to an allowance for clerk hire. The question was discretionary with the Postmaster-General, and it occurred to me that the East Chicago case was just such a one as the law contemplated in giving that discretion to the Postmaster-General. A uniform allowance to all third and fourth class post-offices would be unjust in some exceptional cases, and the statute was intended to cover just that class of cases.

The allowance was made and ran along until the summer of 1903. Mr. Bristow was directed to investigate the administration of the salary and allowance division, and discovered that the post-office at East Chicago had been granted an allowance of $300 a year for clerk hire, and it was not a separating office, and he ordered a post-office inspector to go there and investigate the

situation and ascertain whether conditions were such as to justify the allowance. Mr. D. J. Foster, the inspector in charge of that territory, carefully investigated the situation, and, on the 12th of June, 1903, made the following report to the post-office inspector in charge at Cincinnati, Ohio, which was forwarded, with his approval, to the Post-Office Department at Washington:

W. J. VICKERY, *Inspector in charge, Cincinnati, Ohio.*

SIR: I have the honor to report that on June 6 I personally investigated the above-numbered case, relative to the necessity for clerk-hire allowance at East Chicago (Ind.) post-office, and find as follows:

The East Chicago (Ind.) post-office is a third-class office, the force employed consisting of the postmaster, assistant, and two clerks. The business of the town is iron; the patrons of the office being mainly ironworkers, nearly all foreigners and requiring a foreign clerk to understand them. A large business is done in foreign registers and foreign money orders, and the general delivery is large. At the present time the business is lighter than ordinary, owing to the temporary closing of one of the mills. The constant changing or shifting of the foreign population causes more than ordinary work for the number of patrons compared with other offices of a like size.

The average business of the office at the present time in register and money order departments is about as follows:

Registers deposited, monthly average	125
Money orders issued, monthly average	520
Foreign money orders, monthly average	80
Money orders paid, average	200
Money-order deposits, monthly average	3,000

When both mills are in operation this is exceeded.

The expense for clerk hire at the present time is $936 a year, with other ordinary expenses of such an office. From the best information I can obtain as to the existing conditions, class of patrons, and work in the office, I would respectfully recommend that the allowance for clerk hire be continued, as I am satisfied the patrons require more labor and time than the ordinary patrons in an office of this size.

Very respectfully,

D. J. FOSTER,
Post-Office Inspector.

The report vindicates every statement I made in my letter recommending the allowance. It shows that conditions at that office were extraordinary, and that the allowance was properly made and ought to be continued.

Later on, A. R. Burr, a post-office inspector, visited the East Chicago office, making the regular annual inspection of the office that the Department requires, and learned that the postmaster was receiving an allowance of $300 a year for clerk hire and that the office was not a separating office. On the 15th of December, 1903, he made the following report to the Post-Office Department:

Mr. W. J. VICKERY,
Inspector in charge, Cincinnati, Ohio.

SIR: I have the honor to inform you that an inspection of the post-office at East Chicago, Ind., on the 13th ultimo, discloses the fact that this office has an annual allowance for clerk hire of $300. This office, which is of the third class, is in no sense a distributing office, there being no transit mail handled, nor are there any unusual conditions existing which warrants this allowance. The postmaster maintains that he is entitled to it by reason of the large number of foreign money orders issued. I find, however, by comparison that another office in the immediate vicinity transacts a larger foreign money-order business than this office and receives no allowance, and it is believed that the additional labor, which at this office is not great, does not warrant the allowance.

I would therefore recommend that the allowance of $300 per annum for clerk hire at East Chicago, Ind., be discontinued.

Very respectfully,

A. R. BURR, *Post-Office Inspector.*

The salary of the postmaster in the meantime had been increased by the increase of business from $1,400 to $1,700 a year.

Upon the strength of this report the allowance for clerk hire at East Chicago was discontinued. In my judgment the Post-Office Department erred in discontinuing the allowance. The inspector who went to East Chicago for the purpose of specially inquiring into the facts with a view of determining whether conditions were unusual and justified an allowance for clerk hire reported the facts in detail, and showed clearly that the allowance was properly made and ought to be continued. The other inspector made only a casual and a general inspection of the office. He admits that conditions were unusual, but he said not to such an extent as to allow $300 additional for clerk hire. He says in his report that another office in the immediate vicinity transacts a larger foreign money-order business than the East Chicago office and receives no allowance for clerk hire.

There is no argument in that at all. The other office which he refers to is Whiting; and while it may transact a larger foreign money-order business than the East Chicago office, its population is of a more permanent character, and the percentage of foreigners unable to speak the English language is much smaller, and besides there is no doubt that under the law the Whiting office is entitled to an allowance for clerk hire. The only criticism I have to make of the Post-Office Department is that it discontinued the allowance for clerk hire at East Chicago. No man can make a fair investigation of that office and come to any other conclusion than that it costs from three to five hundred dollars a year more to administer it than it does the ordinary third-class office with the same receipts and the same salary.

This is the only case among all the recommendations I have made that is mentioned in the report, and that is mentioned because the allowance was subsequently discontinued. It is not claimed that the superintendent of the salary and allowance division acted corruptly in the matter. It is not claimed that he made the allowance as a matter of favor, pull, or influence. It was requested on the ground stated in my letter. It was requested because I believed that the law authorized it, and I still believe so.

I believe it to be my duty to secure for my constituents whatever rights the law gives them. I believe it to be my duty to secure for the post-offices in the district I have the honor to represent all of the equipments, privileges, and allowances they are entitled to under the law. I have acted upon this assumption, and expect to continue to act upon it.

I have made thousands of requests to the various Departments of the Government in behalf of those who have reposed confidence in me by electing me to Congress. It is not only my duty, but I regard it as a pleasure to do what I can to help along the people of the district that I represent. I have made thousands of requests upon the Commissioner of Pensions to decide applications for pensions. I would feel unworthy of the confidence reposed in me if I did not make those requests.

If the report submitted by the committee carries any reproach with it at all it is upon the practice of Congressmen performing service at the Departments for their constituents. It may be impossible for a Congressman to know whether a constituent is entitled to a thing or not. He has the right to expect that administrative officers will do justice between the people and the Government.

While the custom of Congressmen performing errands upon the personal requests of their constituents may in some instances be liable to abuse and may be subject to criticism, yet it has a great many things to commend it. People living a thousand miles from the city of Washington have claims pending for pensions or for patents, or they may desire documents or information respecting matters of government, and the natural thing is to write their Congressman about it. The Congressman is allowed a clerk at public expense so he may attend to such matters. It is a great convenience to the people, and they will never consent to give it up.

Mr. OVERSTREET. Mr. Speaker, I should be glad if the gentleman from Tennessee [Mr. MOON] would occupy some time.

Mr. MOON of Tennessee. I yield to the gentleman from South Carolina [Mr. FINLEY] ten minutes.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] is recognized for ten minutes.

Mr. FINLEY. Mr. Speaker, some gentlemen in discussing the subject under consideration have stated that as far as they personally were concerned they had no objection to the report coming from the Post-Office Department to the Committee on the Post-Office and Post-Roads in so far as the same makes reference to them.

Mr. Speaker, I am mentioned in that report, and I do not take the floor now for the purpose of apologizing or excusing any act of mine in dealing with the Post-Office Department. For many years I have held offices of trust or profit in South Carolina, and at no time has it ever been necessary for me to excuse my conduct or to apologize for any act.

I will not vote for the report from the Post-Office Committee, but no doubt it will be said that "You are a member of the Committee on the Post-Office and Post-Roads bringing that report into the House."

Yes, Mr. Speaker, but what are the facts? J. L. Bristow, Fourth Assistant Postmaster-General, in his report filed on the 25th day of November last, on pages 138 to 145 of the report, cites many instances where specific abuses are alleged to have been perpetrated in the way of canceling long-time leases for post-office buildings and making new leases at a higher rate of rental. In a general way, he cites in that report that in some instances influential and prominent Members of Congress secured such action by the Post-Office Department, and in addition to this the charge is made that prominent Members of Congress in many instances secured increased clerk hire and allowances for separating the mails at third and fourth class post-offices when the same was not warranted by the rules of the Post-Office Department.

In the matter of allowances for separating the mails at third and fourth class post-offices Mr. Bristow was fair enough to state that the Members of Congress are not to be blamed for making an effort to secure such allowance.

In the report referred to, Mr. Bristow, at page 145, used the following language:

> The executive officer is expected to do his duty in accordance with the law and the practice of the Department. Congressmen, as a rule, want their constituents to have what they are justly entitled to and no more. It is true that there are occasional exceptions to this rule, but happily such exceptions are few. But whatever may be the request of the Congressman, the executive officer has a plain duty which the Member of Congress expects him to perform.

Mr. Bristow could not say less than this in reference to the matter. Members of Congress can not well abuse their influence in the way of securing increased allowance for separating the

mails at third and fourth class post-offices for the reason that no Member of Congress knows the rule or scale followed at the Post-Office Department and governing the Department in making such allowance. This rule or scale is a secret of the Department. I do not know the rule; neither does any other Member of Congress. So that the only course to pursue, when a request comes to a Member of Congress to secure increased allowance at a post-office for separating the mails, is to submit the matter to the Department. Then an investigation is ordered by the Post-Office Department, and the allowance asked for is either made or refused according to the secret rule or scale I have mentioned.

Mr. Speaker, the now noted Hay resolution was brought into this House, and is as follows:

[Fifty-eighth Congress, second session, House of Representatives. Resolution No. 118.]

Whereas Fourth Assistant Postmaster-General J. L. Bristow, in his report to the Postmaster-General, dated October 24, 1903, and which report has been transmitted to a committee of this House, has charged that "long-time leases for post-office premises were canceled and the rent increased upon the recommendation of influential Representatives;" and

Whereas it is charged in the same report that "if a Member of Congress requested an increase in the clerk hire allowed a postmaster Beavers usually complied, regardless of the merits of the case;" and

Whereas certain cases of an aggravated character are cited on pages 133, 134, and 135 of said report to sustain the above charges; and

Whereas on page 145 of said report it is charged that Members of Congress have violated section 3739 of the Revised Statutes, and that "in the face of this statute Beavers has made contracts with Members of Congress for the rental of premises, either in their own names, the names of their agents, or some member of their families;" and

Whereas these charges and others contained in said report reflect upon the integrity of the membership of this House, and upon individual Members of this House whose names are not mentioned; Therefore be it

Resolved, That the Speaker of this House appoint a committee, consisting of five members of this House, to investigate said charges; that said committee have power to send for persons and papers, to enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer, and to have power to sit during the sessions of the House, and to exercise all functions necessary to a complete investigation of said charges, and to report the result of said investigation as soon as practicable.

In the Bristow report there is a distinct charge, reiterated and repeated in the above resolution, that long-time leases were canceled at the instance of influential Members of Congress and new leases made at an increased rental, and if a Member of Congress requested an increased allowance at any post-office that Beavers usually complied with such request without inquiring into the merits of the case.

When this resolution reached the Committee on Post-Offices and Post-Roads, the chairman of the committee, acting at the instance of the committee, made inquiry of the Post-Office Department for a report and detailed statement in each and every case wherein this had been done.

Mr. Speaker, I am not apologizing for the committee or for myself when I say that the great majority of cases reported by the Post-Office Department do not come within the scope of the Hay resolution or the inquiry made by the Post-Office Committee. On the contrary, a very large per cent of the cases reported bear no relation whatever to the subject-matter under consideration by the Post-Office Committee.

This report from the Post-Office Department, consisting, as I recollect, of more than 1,000 pages of typewritten matter, purporting to give a detailed statement of more than 150 cases, was referred to the subcommittee of the Post-Office Committee.

I was not a member of that subcommittee, but the subcommittee was composed of both majority and minority members. They reported to the full committee that all of the facts that could be brought out, to which reference was made in the Bristow report, were contained in the report of the Post-Office Department to our committee. That report was not read before the full committee, and the committee acted upon the belief that the report was full and complete and contained all the information obtainable in reference to the cancellation of long-time leases for post-offices and securing renewed leases at higher rentals, and so the committee made its report to the House.

Prior to the report I had examined only one case, wherein mention was made of my name, and I knew that this case could not properly be included in the list of cases about which the committee were directed to make inquiry. I believed that a mistake had been made at the Post-Office Department in this one case. I knew of my own knowledge that no long-time lease, or any other lease, had been canceled and a new lease made at a higher rental. I knew that the record in that case was incomplete, in that there was not a statement showing that the Government of the United States did not, on June 10, 1902, or at any time before or since, have a lease on the post-office building at Yorkville, S. C.

I had intended when the report came up for consideration to take this matter up and state the facts in the case.

Since the report was made I have ascertained that what is true as to the Yorkville post-office is true in a large number of other cases, and I have no hesitancy in saying now that the report sent by the Post-Office Department to the committee is in many instances incomplete, facts and documents in the cases being suppressed to such an extent as to give a false impression and one calculated to deceive.

I believe that this was intentionally done for the purpose of browbeating Congress in the matter of making an investigation in the Post-Office Department. I think that I ought to say here what I have stated to many of my friends on the minority side of this Chamber before the opening of this debate, that I do not believe J. L. Bristow to be the author of this report. I do not believe that he compiled it, read it, or approved it.

My reasons for saying this, in brief, are: That he is not a fool; and, in addition to this, I believe him to be an honest man. This report contains statements and charges that are not true. Cases are cited in it relative to the lease of post-office buildings wherein the facts are willfully and deliberately misrepresented or suppressed. So, I repeat, Mr. Speaker, that J. L. Bristow, in my opinion, is not the author of that report. Who the author is I do not know. But, Mr. Speaker, the time is short when the House will know, and when we will know, who is the perpetrator of this fraud and slander upon so many Members of the House of Representatives. [Loud applause.]

Take the case of the Yorkville post-office. On page 174 the report charges that in 1902, when the salary of the postmaster at Yorkville was $1,500, the allowance for rent $125, and for fuel and light $34, $159 in all; that on June 10 the postmaster asked for an increase to $225 for rent, fuel, and light, and that on June 12 the increase was allowed at $225 from July 1.

On June 13 a letter advising me that the allowance had been increased to $225 was sent.

I have already stated, Mr. Speaker, that neither on June 10, 1902, nor at any time did the Post-Office Department hold a lease on the post-office building at the town of Yorkville, S. C.

On the 8th day of March I wrote the First Assistant Postmaster-General a letter, in which I requested a copy of all the record in relation to the renting of the post-office building at Yorkville. This was given me. With the permission of the House, I will incorporate in my remarks the record in full, as well as the letter of the First Assistant Postmaster-General above referred to, as follows:

YORKVILLE, S. C., YORK COUNTY, *June 10, 1902.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Salary and Allowance Division, Washington, D. C.

SIR: Beginning July 1, 1902, I wish to make the following changes with regard to the rent of the post-office:

I wish to rent it lighted and heated. For several years past heat and light have exceeded the amounts allowed, but as my tenure of office was then so uncertain I did not apply for the proper amounts. I find that the rents on the main street (where the post-office is located) are, for brick buildings, higher than I've been getting, so I now ask for an allowance for the room rented with heat and light of $225 per annum.

As I am the executrix of the estate of T. A. Moore, deceased, I suppose it will be unnecessary to file a letter from the landlord.

Respectfully submitted by

M. M. MOORE, *Postmaster.*

OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION.

RENT, FUEL, AND LIGHT—YORKVILLE, S. C.

Lease expires, ——, 189—. Lease includes heat, light, boxes, fixtures, furniture, vault, safe, water, additions.

Allowances.	1900.	1901.
Rent	$125	$125
Fuel and light	34	34
Salary	1,400	1,500
Gross receipts	3,190	3,602

June 12, 1902, allow $225 in all and lease July 1, 1902.—G. W. B.
Congressman FINLEY, home town.
June 10, 1902, postmaster asks for $225, rent, fuel, and light.
June 12, 1902, allowed $225 for rent, fuel, and light from July 1, 1902. Notified T. Sent circular release.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., June 13, 1902.

Hon. D. E. FINLEY, *Yorkville, S. C.*

SIR: Referring to your personal recommendation regarding an increase in allowance for rent, fuel, and light for post-office purposes at Yorkville, S. C., I beg to advise you that the allowance has been increased to $225 per annum, effective July 1, next.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 8, 1904.

Hon. D. E. FINLEY,
House of Representatives.

SIR: Replying to your letter of the 8th instant, I have the honor to inclose herewith copies of all papers bearing on allowance for rent, fuel, and light for post-office premises at Yorkville, S. C. I would state that the Depart-

ment has no lease, nor has had, on post-office premises at that place. When the allowance for rent, fuel, and light was fixed at $225 under date of June 12, 1902, as shown on face of jacket, the postmaster was instructed to protect himself, as well as the Department, with a personal lease. He was also advised that this lease, if made, would in no way be binding on the Department.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

Why did the Post-Office Department in this report include the Yorkville post-office among those cases wherein long-time leases had been canceled and new leases made at higher rental?

The inference is plain that the person making up this report for some purpose wished to include the Yorkville post-office when there was no fact or circumstance warranting him in so doing. The record shows that the Government did not have a lease, and that on June 10, 1902, the postmaster at Yorkville (who, by the way, is owner of the building) wished to secure an increased allowance for rent, fuel, and light on the ground that the rents on the main street at Yorkville, where the post-office is located, had advanced, and that the allowances for rent, fuel, and light were too low.

Yorkville is my home town, and the request made by Miss Moore, the postmaster, for increased allowance was entirely just and proper. She wrote informing me of the fact that she had made application for an increased allowance, and in the performance of my duty as Representative of the Fifth Congressional district of South Carolina I called at the Post-Office Department and requested that the application of the postmaster at Yorkville be considered, giving it as my opinion that the amounts asked for were reasonable. As a matter of fact, the amount is reasonable.

From the time the allowance for rent, light, and fuel was fixed at $159, to 1902, when the increase was made to $225, the population of the town had increased something like 25 to 30 per cent.

When the allowance for rent, light, and fuel was $159 at the Yorkville post-office, the same was lower than at any post-office in South Carolina paying a salary of anything like $1,500 per year. For illustration I cite the following-named post-offices in South Carolina as to salary and allowance for fuel, light, and rental:

Post-office.	Salary.	Allowance.
Abbeville	$1,600	$275.00
Bamberg	1,300	178.00
Barnwell	1,400	196.66
Beaufort	1,600	236.00
Bennettsville	1,600	350.00
Clinton	1,400	275.00
Gaffney	1,600	280.00
Lancaster	1,400	205.00
Marion	1,400	243.83
Pelzer	1,300	203.40
Winnsboro	1,500	179.78
Summerville	1,500	205.00
Yorkville	1,500	159.00

On June 10, 1902, the salary was $1,500, and the allowance for rent, light, and fuel was increased to $225. This is a smaller sum than is paid for similar allowance at any post-office in South Carolina where the salary is as large as $1,500 per year. And I may add that the salary is now $1,600 per year, because of the growth of the business of the office. So that, Mr. Speaker, the Yorkville post-office was not leased to the Government at the time the allowance was made; and that allowance, as it stands to-day, is lower than that of any other South Carolina post-office of the importance of Yorkville.

The meanness of those compiling the report from the Post-Office Department does not stop with wrongfully placing the Yorkville post-office in the category of cases wherein long-time leases were canceled at the instance of Congressmen and new leases made at increased rentals, but that office is also named in the report in the list of offices where the salary allowance for separating the mails has been reduced or discontinued. Why this should be done I am at a loss to understand, because the report of the Post-Office Department states as follows:

> Yorkville, S. C.: Salary of postmaster, $1,600; former allowance clerk hire, $200; present allowance clerk hire, $100.

And in the column marked "Excess" there is no entry whatever. There is no other mention of this matter in the report of the Post-Office Department sent to the committee, and the letter of the Postmaster-General transmitting this statement along with some 900 other cases makes this statement: That—

> Where no comment is made the allowance has been discontinued by reason of the introduction of rural free delivery and the consequent discontinuance of a star-route mail service, there being no separating service at such offices.

I can understand this, for within the past three years six rural free-delivery routes have been inaugurated at Yorkville, S. C., and there is no star-route service starting from that office. But it may be stated by some evil-minded person that this is put down for the reason that the amount was excessive at the time such allowance was made. This can not be true, for the reason that in a headnote to the list given by the Department there is this statement:

> NOTE.—Where no excess is shown the allowance was warranted at the time it was granted.

So, Mr. Speaker, I repeat that I am unable to give a reason why the Yorkville post-office is mentioned in the report from the Post-Office Department either as to allowance for rent, light, and fuel or for the allowance for clerk hire for separating service, except upon the theory that it was done for some sinister purpose.

I have served my State in many capacities of official life. I have now entered upon my twelfth year as a legislator, and I may say that in all of my career in public life, extending over a period of some fifteen or sixteen years, I have never been attacked for any official act of mine; I have never been criticised for a public act, and at all times I have served the people whose representative I am to the best of my ability, and, as I believe, to their satisfaction.

In the five years I have been a Member of Congress I have brought to the attention of the Departments hundreds of instances in which my constituents were interested, and I may say that in the matter of post-offices I have directly secured action in matters affecting probably one-half of the whole number in my Congressional district.

What I have stated is not an apology or a defense, but it is only proper that I should set the record right. [Loud applause.]

Mr. BURLESON. Mr. Speaker, the preparation and promulgation of this document presented to this body by the Committee on Post-Offices and Post-Roads is a wrong to many Members of Congress on both sides of the Chamber and to many at the other end of the Capitol. Some one is responsible for it. Whoever prepared it did so with a well-defined purpose. The question now is, Who is responsible for this report and what was the purpose behind its promulgation?

It has been repeatedly charged on this floor that Fourth Assistant Postmaster-General Bristow is its author, and for two days he has been accorded a full measure of abuse, and many denunciations have been heaped upon him because of this belief. So far as I am concerned, I acquit him of all responsibility in this matter, and will give you my reasons for so doing.

You have just heard the gentleman from South Carolina [Mr. FINLEY], who is a member of the committee which brought this document here—speaking, of course, in the light of all the information he has on the subject—state that he is confident that General Bristow did not compile this document, has not read and does not approve it. What further evidence do we have on the subject? Day before yesterday we heard the gentleman from Wisconsin [Mr. COOPER] emphatically assert that General Bristow, who is now confined to his home, feeble because of serious illness, had been asked about this document, and that he had never seen this report as it is printed.

Let us inquire further. Yesterday morning the Washington Post contained an article on the origin of this document. The ever-alert newspaper reporter, determined to get at the facts, went to the fountain source. Let us see what was ascertained. Let me read it:

> Not Bristow's work—Fourth Assistant did not prepare special report—He wrote only few pages.

These are the headlines. I will not read all the article, but only that part bearing directly on the issue involved. Hear what he said:

> Mr. Bristow did prepare the letters of January 25, as they appear on pages 4 to 7, inclusive, of the special report. On that day, however, he was taken ill with the grip, and has not been back to his office since but once, and then for about an hour. Directions were given to the officials in charge of his department to prepare the information, as requested by the Postmaster-General, regarding leases only.

There it crops out who is responsible. Directions were given to do what? To prepare this information as requested by the Postmaster-General. Thus it is disclosed who is responsible. These facts conclusively show that Henry C. Payne, the Postmaster-General, is the guilty man; this man who is known as the "smooth politician of the Cabinet," and who, it is also said, is at all times engaged in playing slick politics. General Bristow was at home sick at this time, and could have taken no part in the preparation of the report except as he has stated. Now, let us look at the document itself.

You find here double confirmation of the Postmaster-General's guilt. An examination of this document shows that the first three and a half pages are covered by the report of the Post-Office Committee and the letters of the chairman of that committee asking certain specific information of the Post-Office Department. The next three pages, from the fourth to the middle of the seventh, relate to leases of buildings (three of them), made to Mem-

bers of Congress. This is the work of Bristow, and you will find it signed by him. The remainder of this document was sent here, as I have shown, and as an examination of the document itself will show, by the slick politician of the Cabinet, the Postmaster-General. [Applause on the Democratic side.]

Now, what was the purpose of this report? Let us go back for a few months and note a few happenings at the inception of the scandals and frauds which completely envelop the Post-Office Department. Mr. Speaker, I am not versed in criminology. I make no pretension to a profound knowledge of that science; but I was the State's attorney, engaged in the prosecution of felons for eight years before I came to Congress, and during that period of my life I had exceptional opportunities for observing the characteristics of criminals.

I had many opportunities to note the methods resorted to by those who had violated the law in their efforts to escape the consequences of their illegal acts. I have observed, and we all know, that it is a common practice for one suspected of crime to make light of the charges brought against him and to belittle the evidence tending to show his guilt. Especially is this true when a criminal is first accused. If this ruse results in failure, the criminal then resorts to another common expedient. He attempts in some way to divert attention from himself to something else or to some other person.

Now, do you recall that when the first suspicions were rife in this land that there was fraud in the Post-Office Department the man who is responsible for this document, the head of the great Post-Office Department, was approached by emissaries of the press, that the matter involved in these serious charges was brought to his attention, and that he was pressed to give some statement with reference thereto? What did he do? How naturally he acted then! He made light of the charges and belittled the evidence adduced. Being further pressed by the vigilant news reporters, he was finally compelled to make answer, and then he spoke jestingly, saying: "You may state that the Postmaster-General just laughed."

I do not agree with my friend from Indiana [Mr. HEMENWAY] that the press always gets right when they get the facts before them. As I see it, some of them are never right, either before or after they get the facts. But, Mr. Speaker, in this particular case they were right; the Postmaster-General could not divert these sagacious gatherers of news. Feeling sure that they had struck a lead which would pan out, they insisted that the mirthful gentleman who was at the head of this Department of our Government should treat the charges with that seriousness which they deserved.

The Postmaster-General vehemently resisted investigation, protesting again and again that there was nothing whatever in the charges. Finally public opinion crystallized, and from one end of this country to the other the demand was made for an investigation. The Postmaster-General still resisted, but finally the pressure became so strong that the alert gentleman who was the one to be seriously affected if this universal demand was further ignored ordered an investigation of two divisions of this Department. The press of this country is justly entitled to credit for forcing this partial investigation, and I gladly accord it to them.

What followed? The Fourth Assistant Postmaster-General was directed by the President to examine the division of salaries and allowances and the division of free delivery. When these two divisions had been investigated two divisions that handle less than one-tenth of the vast sum appropriated by Congress to be expended by that great Department, it was conclusively shown that one reeked with rottenness and that the other was steeped in corruption.

A casual reading of the disclosures made during that investigation convinces any intelligent man that in one of these divisions bribery was an everyday occurrence, and that in the other thievery was a common practice. And yet, when the matter was first pressed upon the attention of the gentleman who, in my opinion, is responsible for this document, the press reports that "the Postmaster-General just laughed."

Mr. Speaker, as a result of Bristow's investigations, official after official has been discharged from the two divisions investigated, and man after man has been indicted, and four men—one an ex-official—have been convicted and sent to the penitentiary.

It has been hurled across this aisle that this ex-official is a Democrat. A Democrat indeed! A sublimated Democrat of modern type; one so pure that he could not stand for a debased currency! So supersensitive that he wanted honest money of the kind demanded by the Republican platform in 1896, at which time he joined the Republican party, voted that ticket, and commenced stealing. [Laughter on the Democratic side.] I do not pretend to trace any relation between cause and effect in this instance. I simply make a statement of facts with reference thereto. [Laughter.] I agree with the gentleman from Wisconsin [Mr. COOPER] that there is no politics in the subject-matter under discussion. But, Mr. Speaker, it is a coincidence, to say the least about it, when we note the fact that the Republican national machine somehow or other is every time either interested in those implicated or are in some way themselves connected with these frauds in the postal service. This interest manifested itself from the first development of Rathbone's venality in Cuba down to the period when its secretary hastily resigned to escape removal.

And it is also said that before he took this step there was considerable restlessness on the part of a certain high official, occasioned by fear of the effect which said secretary's continuance in that position would have on the contest in the coming November. And I venture the prediction that if a sweeping investigation is made of the Post-Office Department it will be speedily followed by the resignation of one more official of the Republican machine—its present head.

But, gentlemen of the House, this is a digression. I return to the discussion of this report. When the result of the investigation of these two divisions was known, when the public realized that fraud and corruption were there rampant, when it was known that bribery and theft had been practiced there time and time again, covering a period of years, there was an increased demand for a further investigation. It is true that there was an effort made to satisfy this public clamor when the gentleman at the other end of Pennsylvania avenue, after the report was published, complimented the mirthful gentleman at the head of the Post-Office Department upon the result of the investigation and the purification that had taken place in his Department.

But this attempt to forestall a further investigation of this rotten Department also failed. [Applause.] The demand for further investigation continued to make itself felt. It would not down. Instead of subsiding it continued to gather strength. It finally found expression in this body in the resolution introduced by the gentleman from Virginia [Mr. HAY]. That resolution struck terror to the soul of the mirthful gentleman who presides over this Department and who is responsible for this document. The thought of further investigation of his Department was to him intolerable.

Remember that the two divisions investigated spend less than one-tenth of the money we appropriate for the Post-Office Department. The thought of an investigation, for instance, of the expenditure of the $39,000,000 for transportation of the mail by the railroads made the Postmaster-General's blood chill. How could he avoid it? He had failed in the expedient first resorted to when he sought to laugh away these charges. This document is now prepared as a cunning ruse to divert attention from the never ceasing demand for an investigation of his Department and fasten it on the suspicion he endeavors to engender in the mind of the public with reference to Members of this body and the Senate. This is my reason for believing him responsible for this document.

I do not, however, absolve the Committee on Post-Offices and Post-Roads of all blame. I have said that they are censurable in one particular at least, as I will now show.

After the resolution of the gentleman from Virginia [Mr. HAY] had been considerably emasculated by technical parliamentary points of order urged against it by Members of the Republican side, it was, as we all know, referred to the Committee on Post-Offices and Post-Roads. During its consideration by that committee, its chairman, the gentleman from Indiana [Mr. OVERSTREET], addressed the Postmaster-General a letter intended to elicit certain information. I now read it:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
Washington, D. C., January 25, 1904.

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

SIR: I am in receipt of a letter of this date from Hon. J. L. Bristow, Fourth Assistant Postmaster-General, replying to my request made to you in my letter of January 23, in which he informs me that he has been unable to fully comply with my request, but can, if granted more time, send to the committee a complete list of cases relating to both clerk hire and leases referred to.

In view of the references of the Fourth Assistant Postmaster-General in his report to you under date of October 24, 1903, to the action of Members of Congress in recommending increase of clerk hire, and cancellation of leases and their renewal at a higher rate, I request that this committee be furnished at the earliest practicable date a complete list of all cases referred to in said report relating to allowances for clerk hire in offices where those allowances have subsequently been discontinued, and also of all cases where leases of post-office premises have been canceled and renewed at a higher rate, together with a statement in detail giving a full explanation of the facts connected with each case.

Very respectfully, JESSE OVERSTREET, *Chairman.*

You will note that as to leases of buildings, the request was for "all cases where leases of post-office premises have been canceled and renewed at a higher rate," etc., etc.

Now, gentlemen, let us see how this slick political member of the Cabinet answered this request. I read you his reply.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 16, 1904.

Hon. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

SIR: Further replying to your communication of January 25, 1904, I have the honor to transmit herewith an abstract of the files of the division of salaries and allowances concerning leases of premises for post-offices, and allowances for rent, fuel, and light at post-offices, where Members of Congress have made any recommendation in connection therewith.

Respectfully, yours,

H. C. PAYNE,
Postmaster-General.

Note now, that instead of giving the list as requested, the Postmaster-General furnishes a list where Members of Congress have made "any recommendation in connection therewith."

The gentleman from Missouri [Mr. COWHERD], a member of the committee, admitted here a moment ago that the committee asked of the Postmaster-General exactly what the Hay resolution called for. This is true, as is shown by the letter of the chairman, Mr. OVERSTREET. The gentleman also admitted that a proper response to that request would have brought twelve or fifteen cases. But the wily Mr. Payne sent in this report more than 100 cases that were not called for, thereby hiding the twelve or fifteen among the greater number.

I said then that this was an outrage, and I repeat it. It is no answer to this complaint for the gentleman from Missouri to say that the sunlight of publicity never hurts an honest man. The hurt is not to come from the sunlight of publicity, but from the fact that you have been the means of publishing far and wide the names of 100 gentlemen who you admit have been guilty of no wrong, not even an impropriety, in connection with this scandalous transaction.

The gentleman from South Carolina [Mr. FINLEY] who has just taken his seat says that he will not apologize for his committee or himself, but that as a matter of fact the great majority of cases reported by the Post-Office Department in this document do not come within the scope of the resolution or the letter of inquiry addressed by the committee to the Post-Office Department for information; that, on the contrary, they bear no relation whatever to the same. All I have to say is that he ought to offer some excuse for his committee. [Applause.]

With the lights before me, it looks as though the Postmaster-General overreached the entire committee. He has worked them. [Laughter.] I again ask, why did not this committee when this document was sent to them return it to the mirthful gentleman who has charge of the Post-Office Department and say to the slick politician: "You can not hide the names of those persons asked for by the committee by sandwiching them among the names of one hundred gentlemen who are guiltless of even impropriety. Take this and answer as we have asked."

A little practical sunlight would have come in very well just at this point. [Applause.] Why did they not say further to him: "You can't divert attention from the real issue here by any slick practices?" Now, permit me to show you on what flimsy grounds some gentlemen's names are dragged into this mire. Take this case of my colleague [Mr. STEPHENS of Texas], recognized by everyone in this Chamber as the soul of honor, against whom slander has never attempted even a whisper. He writes this letter, as it was his duty to do, and for this his name is published in this report.

HOUSE OF REPRESENTATIVES,
Washington, December 2, 1901.

Honorable FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: I inclose you herewith application for increase of clerk hire in the post-office at Quanah, Tex. Will you kindly look into this matter and allow same, if consistent, as this is getting to be quite an important office?

Very respectfully,

JOHN H. STEPHENS,
Member of Congress, Thirteenth District of Texas.

Can any man with a gentleman's instincts and feelings feel other than outraged at the wrong done him? Why was his name lugged in here? It is done to divert attention from the demand for investigation. Turn to page 55 of this document. Under the case of Union Springs I find a letter by my honorable and distinguished friend from Alabama [Mr. CLAYTON]. I will read it:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 27, 1904.

Hon. G. W. BEAVERS, *Chief, etc.*

SIR: I respectfully ask that the post-office at Union Springs, Ala., remain where it is—where the patrons wish it to remain. The owner, Dr. Seale Harris, will make all necessary repairs.

Yours, truly,

H. D. CLAYTON.

This letter caused his name to be embodied in the list of persons who are mentioned in connection with the Post-Office Department scandals. It was an injustice to him, I submit; such a wrong as would shock the sense of justice of a Hottentot fresh from the jungles.

Why was this done? Can you doubt that it was for the purpose of diverting attention from men who have committed crime in the Post-Office Department and dread its further investigation?

Take the cases of increase of rent at Georgetown and Lockhart, referred to day before yesterday by the gentleman from Arkansas [Mr. ROBINSON], where new buildings had been erected, and hence new leases a necessity. It was impossible that either could come within the class of cases mentioned by General Bristow or asked for in the letter of the chairman of the Post-Office Committee. Yet they are thrust into this list. The gentleman from Iowa [Mr. HEPBURN], whose name is mentioned in this document, has said that he does not object to it; that there is nothing in it he would change. He treats it as rather complimentary that he should have been mentioned.

Permit me to show you how it is being handled by the press of this country; and regardless of the opinion one may entertain of the reliability of the press, it is undeniable that the newspaper is an important factor in shaping public opinion, especially with reference to public men. Let us see what they are saying.

One paper, ordinarily fair, treats this matter under this headline:

Rank spoils system—How it operated under the régime of Beavers—Just to oblige Congressmen.

Under this headline is carried the name of every Member and Senator mentioned in this report.

Another paper states that certain Members were "taken red-handed with loot."

And a miserable yellow journal in New York treats the report under this heading: "'Graft' from Beavers for Congressmen."

The gentleman from Iowa may be able to salve his conscience with the thought that this does not hurt him; but there are others who resent it, who feel outraged that their names should have been improperly and unjustly connected with this scandal.

As I stated in the beginning, some one is responsible for this document, and its preparation was for a purpose. Now, gentlemen of the opposition, knowing who is responsible and knowing the purpose, I ask, will you interpose parliamentary objections, and thereby enable this very smooth individual to throttle all investigation of his Department, thereby accomplishing his purpose? Has the political situation become so desperate that, notwithstanding an imputation has been unjustly cast on more than 100 Members of this body, you will not permit a full investigation of this rotten Department?

Gentlemen, I say it was fear that threw this document before this body. That is what it was. What was the purpose? To involve the names of Members on both sides of this Chamber in this scandalous transaction, and thereby intimidate them from moving further in the direction that the public and the newspapers of the country are demanding. Are you going to be intimidated?

Every honest man whose name is in that document, in my humble opinion, when this matter is brought to an issue will vote not merely for an investigation of the connection of Members with the Post-Office Department, but also for a resolution providing for a broad and comprehensive investigation of the entire Post-Office Department, to the end that whoever has committed wrong may be brought to book. [Applause.] This action, and nothing short of this, is what the honest man wants. [Loud applause.]

Mr. MOON of Tennessee. I yield fifteen minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, not for the purpose of lodging any complaint against anybody so far as I am personally concerned, but for the purpose of having my remarks published in the greatest American daily newspaper, the CONGRESSIONAL RECORD, I desire to submit, in perfect good humor, a few remarks on this auspicious occasion. [Laughter.]

In the language of my distinguished friend, who formerly served here with us as an eminent member of this now discredited House, Governor Lanham, of Texas, a great man, and the governor of what in many respects is the greatest State in the Union——

A MEMBER. Except New York.

Mr. CLAYTON. The greatest State in every respect except Alabama. I do not make any other exception. I propose to submit, in the language of an old-fashioned and not highly lettered constituent of Governor Lanham, "a few incongruvial remarks." [Laughter.]

Now, Mr. Speaker, there is no occasion for any innocent man here to become angry at anybody. [Laughter.] As you observe, I am not at all angry. This report has not told a single lie on me. If there is any insinuation in it of any improper conduct on my part, I will resent it if anybody will call my attention to it. The only thing that I can have the right to complain of is that this report has not told the whole truth about the only matter in which my name is mentioned. Now, it not having told the whole truth, the author of this document, whoever he may be, was guilty of what the moral philosophers call suppressio veri—one way of intentionally doing wrong to an honorable man.

I am not going to weary the House by reading at length all the documents I have in my hand, but I shall read some of them and

insert all of them in the RECORD. Members do not generally care to hear documents read at length. In this so-called report now under consideration there is a letter from the Postmaster-General addressed to Mr. OVERSTREET, in the following language:

Further replying to your communication of January 25, 1904, I have the honor to transmit herewith an abstract of the files of the division of salaries and allowances, concerning leases of premises for post-offices and allowances for rent, fuel, and light at post-offices where Members of Congress have made any recommendation in connection therewith.

H. C. PAYNE,
Postmaster-General.

Now, on page 3 of this report the committee of this House says:

In a very limited number of leases, three in all, where the property was owned by Members of the House, it appears that the Government was itself desirous of securing the property for post-office purposes, and that the rental was entirely satisfactory to the Government, and that in each case the original lease of the building for post-office purposes was made at a time when the owner of the building was not a Member of the House.

Mr. Bristow, in his letter to the committee, under date of January 25, 1904, says, and the committee quotes it with approval:

In none of the above cases does it appear that the Government has paid an excessive rental. I referred to these cases in my report not because there was any fraud indicated in the business transactions, but solely because such contracts appeared to be in violation of the statute above mentioned.

Now, that is the finding of your committee in the matter of leases or rentals of buildings for post-office purposes. It is unnecessary for me to say more, but I desire to tell about my indorsement of a petition signed by all the people—business people—in the town of Union Springs, Ala.

Now, mark you, your committee has already found that in no case—barring three—has any Member of this House, in connection with the rent or lease of any building, been guilty of any violation of law or offended against any rule of propriety or even nicety, if you please. And in the three cases to which reference is made where Members were owners of the buildings they were owners of the buildings before their election to this House. One of these cases was in New York, one in Connecticut, and the third in Kansas. None of them was in Alabama or in any States other than the three mentioned. So far as the Members of this House from the States of this Union—including Alabama—are concerned in the matter of the rental or lease of post-offices, your committee has already found and formally reported that no Member was or is in any wise censurable for so much as even any strained breach of propriety, to say nothing of any violation of law.

This being the finding of your committee, and notwithstanding that fact, for some mysterious purpose—I do not know for what—I find appended to this report reference to the lease of the post-office building in that splendid little town of Union Springs, Ala., a town that can justly boast of a most intelligent, virtuous, and law-abiding population—people who love and respect the law, both human and divine—a flourishing community of the best sort of people, and who have on the floor of this House to-day what many of them think the best Representative obtainable in the whole United States.

I know how good they are. And I appreciate most highly their often-repeated confidence in me by uniting with the thousands of other good people in that district in sending me to Congress for several terms.

A MEMBER. Then you admit that your people have a most excellent Congressman? [Laughter.]

Mr. CLAYTON. Yes; I would admit it and say so, if I were not too modest. [Laughter.]

Now, let me refer to this report. It says:

At Union Springs, Ala., in 1902, when the salary of the postmaster was $1,500, the allowances were for rent $200, and for heat and light $34. An inspector reported that the premises occupied were unsatisfactory, and steps were taken with a view to securing more desirable quarters. While the question was pending, Dr. Seale Harris purchased the premises then occupied, and stated that he would renovate the same for $300 rent.

And this document further says:

On March 5, 1902, Doctor Harris submitted a proposal for the same room for a ten-year lease at $300 per annum, to include equipment, heat, and light.

Then this document proceeds to set out a letter from United States Senator PETTUS, of Alabama, a great and grand old man, against whom no slanderer has ever dared to utter a breath of scandal—this fine old gentleman, whose honored head to-day is crowned by the sunlight of three-quarters of a century, and who lives in the confidence and affection of his people. The letter that he wrote indorsing a petition of the citizens of Union Springs is set out in the report, as follows:

UNITED STATES SENATE,
Washington, D. C., January 28, 1903.

Hon. G. W. BEAVERS, *Washington, D. C.*

DEAR SIR: Some time ago I wrote the Department relative to the lease of the post-office at Union Springs, Ala., by Dr. Seale Harris. I have had several letters in regard to the matter from parties interested. Every business and professional man in the place has petitioned you to let the office remain where it is at present and where it has been located for many years.

The owner has submitted you a bid and specifications for additions and repairs which will make the building nearly double the present size and improve it every way; in fact, he submitted these plans to the postmaster and he approved them. Doctor Harris is one of my strongest friends in this section, and I am deeply interested in the matter. Besides, I think the wishes of the citizens, as shown in the petition sent the Department, ought to be considered. Believe me,

Very respectfully,
E. W. PETTUS.

And then the report sets out the following indorsement of the petition of the citizens of Union Springs:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 27, 1903.

Hon. G. W. BEAVERS, *Chief, etc.*

SIR: I respectfully ask that the post-office at Union Springs, Ala., remain where it is, where the patrons wish it to remain. The owner, Doctor Harris, will make all necessary repairs.

Yours, truly,
H. D. CLAYTON.

And then follows the second letter of Senator PETTUS, as follows:

UNITED STATES SENATE,
Washington, D. C., March 5, 1904.

Hon. HENRY C. PAYNE, *Postmaster-General.*

DEAR SIR: Dr. Seale Harris, of Union Springs, Ala., has filed an application to be allowed to make certain improvements on the post-office building at that place, and has also filed a petition signed practically by all of the people of Union Springs, requesting that his application be granted.

This improvement will be of benefit and convenience to the office, and as the people there generally want it I would be very glad if you will have the matter referred to the proper authority in your Department with a view of having it allowed.

Very respectfully,
E. W. PETTUS.

And then follows the letter from that great commoner of the great State of Georgia, lovingly called down in Georgia "STEVE" CLAY, an honest, typical, and sensible Georgia cracker [applause], whose every heart beat is for honesty and for high and intelligent purposes, and to whom the people of my district and State frequently appeal to represent them in post-office business, because the State of Alabama has no representative on the Senate Committee on Post-Offices and Post-Roads, that committee of which the Georgia Senator is a member and whose subcommittee has jurisdiction of the Alabama cases which go to the Senate. Here is the letter of Senator CLAY set out in this report:

UNITED STATES SENATE,
Washington, D. C., March 11, 1903.

Hon. R. J. WYNNE,
First Assistant Postmaster-General, Washington, D. C.

SIR: There is on file at the Post-Office Department a petition from every business and professional man in Union Springs, Ala., requesting the Department to re-lease the present post-office building. Senator PETTUS and Hon. H. D. CLAYTON, in whose district the office is located, have indorsed this petition and have written the Department asking that the petition be acted upon favorably, and I concur with them in their indorsement.

Respectfully,
A. S. CLAY.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield to the gentleman from Alabama ten minutes further.

Mr. CLAYTON. And then this document or post-office report concludes with the following statement:

March 17, 1903, Dr. Harris's proposal at $300 was accepted, and letters were written to Senators PETTUS and CLAY and Representative CLAYTON, as follows:

MARCH 17, 1903.

SIR: Referring to the matter of leasing the post-office premises at Union Springs, Ala., I beg to advise you that the proposition of Dr. Seale Harris to fit up present premises for use of the post-office at that place has been accepted.

Very respectfully,
ACTING ASSISTANT POSTMASTER-GENERAL.

This is the case of Union Springs, Ala., from which, however, the author of this document was careful to omit, for some unfair purpose doubtless, the petition of the people referred to in the letters and on file in the Department. Now, I here read into the RECORD the copy of this petition transmitted to me by the Post-Office Department, including all the names of the signers of the petition:

Petition of the citizens of Union Springs, Ala., in regard to post-office.

Whereas the building now occupied by the post-office in Union Springs is located directly in the business center of the city, being midway between the city hall and the county court-house, therefore situated most conveniently for all the business men in the city, and having heard no complaint at any time against the location of the post-office building; and

Whereas Dr. Seale Harris, the owner of said building, agrees to remodel and practically rebuild same; to increase the size of said building by more than 200 square feet; to purchase the desired equipment necessary for facilitating the rapid handling of the mails, and to otherwise make improvements in the construction and equipment of said building, which will greatly add to the comfort and convenience thereof; and since such improvements will entail considerable expense to the owner of said building;

We, the undersigned citizens, business and professional men, of Union Springs, Ala., respectfully request the Post-Office Department to continue the post-office in its present quarters, and we further request that the rental of said post-office building be raised sufficiently to warrant the said Dr. Seale Harris in making the necessary improvements above mentioned.

W. M. Pitts, cotton buyer; Hunter & Alexander, warehouse; A. M. Cope, cotton buyer; H. L. Lee, cotton buyer; J. C. Lawrence, editor of Bullock County Breeze; G. E. Pierce, cotton buyer; O. C. Moore, merchant; A. A. Moore, merchant; P. L. Cowen, merchant and city clerk; F. Anderson, hardware and plumbing merchant; W. M. Blount, president Union Springs and Northern Railway.

J. H. Hanson & Co., furniture dealers; B. E. Grider, manager Union Springs Dispensary; H. C. Chappell, manager Brown House; S. P. Rainer, cotton buyer; Henry P. Blue, cotton buyer; E. J. Pierce, auditor Union Springs and Northern Railway; W. H. Wilson, merchant; M. S. Stuckey, farmer; W. G. Lee; V. P. Fitzpatrick, clerk; W. R. Bickerstaff, member of city council.

Durr & Crossley, hardware merchants; Singelton & McAndrew, merchants; S. D. Horne, manager ice house; Albion Hixson; city marshal; T. M. Baskin; J. T. Hightower; A. L. Pierce, J. A. Weems, manager Dixie Warehouse; S. P. Rainer, jr.; J. L. Wright; A. D. Fielder; R. W. West; W. H. Thomas; J. S. Branscomb, merchant; T. S. Barksdale, merchant; R. C. Branscomb.

Feagin Bros.; C. L. Gholston, merchant; J. J. Shirley; C. M. Franklin, physician; Herod Rainer; A. H. Keller, teller M. & F. Bank; H. P. Chappell, coroner; D. W. McKay; L. M. Moseley, attorney; M. McLaurine; J. M. Ellis & Son, general merchants; J. M. Orr, dentist; E. H. Cope, grocer; W. C. Ellis, bookkeeper; J. Foster Pittman; W. H. Mitchell; J. J. Hart; W. E. Pierce, merchant.

W. B. Salter; J. B. Martin; M. N. Eley; W. B. Edwards; B. T. Eley, mayor, and president Bullock County Bank; T. F. McGowen, editor Union Springs Herald; A. Miles, merchant; P. F. Miles, N. L. King; W. A. Robertson; R. A. McKay; B. L. Perry; H. M. Howard; J. Pratt Irby; Lawrence & Dean, druggists; R. Tobe Brown; E. Troupe Randall; J. R. Rolfe; W. Thomas.

S. W. Napier; R. L. Prince, superintendent education Bullock County; G. N. Vaughn; W. A. Owen, tax assessor Bullock County; J. W. Roberson; W. S. Stakely, agent Southern Express Company; W. T. Hough; E. W. Robertson; W. A. Reynolds, M. D.; W. H. Fuller; Hayes & Fuller, druggists; M. W. Johnston, hardware merchant; J. A. Lynch, general merchant; Wm. Rosenthil & Son, jewelers; J. S. Stovall, proprietor Commercial Hotel; J. L. Thompson, merchant, B. P. Powell; F. B. Powell; F. B. Haynes.

J. T. Payne, merchant; N. B. Powell, merchant; D. A. Caylor, superintendent light and water works; A. J. Renfroe; W. J. Renfroe, manager Singer Sewing Machine Company; J. T. Robertson; C. H. Franklin, president cotton mills; J. L. Paulk, hardware store; J. A. Paulk; Hugh Foster, teller Bullock County Bank; J. H. Rainer, president Merchants and Farmers' Bank; J. H. Rainer, jr., cashier Merchants and Farmers' Bank; H. M. Hunter, M. D.; C. E. Gholston, merchant; E. C. Dawson, M. M. Baldwin, attorney at law.

E. S. Hall; J. K. Franklin, attorney at law; Russell & Smythe, general merchants; S. C. Cowan, M. D.; J. E. Griffith; C. C. Irby; J. G. McAndrew, judge of probate; I. F. Culver; J. D. Norman, attorney at law; D. S. Bethune, lawyer; W. C. Wilson, jr.; N. H. Frazer, tax collector; Charles L. Jinks, attorney at law; Ernest L. Blue, attorney at law; Ravenscroft & Feagin, druggists; M. Conn.

Rosenberg & Co., merchants; J. P. Harris; M. S. Jones; Busby Bros., merchants; C. A. Parham; W. N. McLean, merchant; J. S. Carlisle; Carlisle Bros., merchants; P. J. Barbaree; W. E. Reeves, merchant; M. Reeves; W. O. Foster, contractor; F. J. Carlisle & Son; W. C. Wilson; T. Dean, M. D.; P. W. Pope, G. Ft. Pa. U. S. and N. Ry.

This petition was filed with the post-office inspector January 19, 1903, and filed in the Post-Office Department January 26, 1903.

Now, here is a letter received from the Post-Office Department yesterday, which shows conclusively the legality and propriety of the lease of the Union Springs post-office. This is the letter:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 10, 1904.

Hon. HENRY D. CLAYTON,
House of Representatives.

SIR: In reply to your request for a statement of the allowance for rent at Union Springs, Ala., I beg to state that the premises occupied by the post-office are under a lease to the Department for a term of ten years, from May 1, 1903.

The lease covers a room 19 feet by 45 feet, complete equipment, heat, and light. At the time the proposition was accepted the office was entitled to an allowance of $300 for rent, fuel, and light, as a maximum under the scale adopted by the Department for making allowances for rent, fuel, and light for third-class post-offices. Since the lease was entered into, the business of the office has increased, and the office is now entitled to an allowance, as a maximum, of $331 for rent, fuel, and light under this scale.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

It will be observed that this petition states that the people of the town desired the post-office retained in its then present locality and that the owner would repair it, in order to meet the requirements of the case, and these people suggested that the rental of the office ought to be a sufficient amount to justify those repairs. Now, that is the petition which this letter of mine indorses, and that is all I have had to do with this case. It was a very respectful and sensible petition, and is signed by the probate judge, by the mayor, the city clerk, every doctor, every merchant, and every business man, and in short, so far as I know and believe—and I think I know ninety-nine out of every hundred of these men personally—it is signed by every patron of that office.

It was clearly my duty to indorse this petition, and I shall continue to indorse the petitions of those good and honest people who send me here to Washington for that purpose, as well as for other public purposes, and it was entirely proper and the duty of the Senators to also indorse this petition.

Now, Mr. Speaker, if this report uncovers any rascality or improper transaction by any Member of Congress it does not do so in the case of any Member of this side of the Chamber.

I have taken the pains to go through this document to see if any Democrat had even so much as offended against the law or propriety, and I have found none in the matter of post-office leases. As I have said, the report of your committee, made unanimously by Republicans and Democrats, says that there has been no infraction of law, no possible impropriety committed, except possibly in the three cases, one each in New York, Connecticut, and Kansas.

Mr. Speaker, what is all this document for? I think I can tell you. When the newspaper reporters—and all of them that I know are fair-minded, bright, and interesting men; some of them may sometimes for the sake of making a good story indulge in a little overornamentation, but all of them that I know are truthful, honorable, and gentlemanly—when this class of public servants—because they do serve the public in a high capacity, representing a noble calling—when these industrious young men heard of the Tulloch charges some months ago it was reported in the newspapers that they went to the distinguished perturbed, mentally disturbed, and incompetent person at the head of the Post-Office Department and asked him about the Tulloch charges, and ever since this man has been careful to resent the idea that Congress should investigate the Post-Office Department.

From that Department have come interviews in the public press saying, in effect, that Congressional investigation was unnecessary. I think this document is a part of an attempt to intimidate Congress, so that there will be no further investigation of that Department, but to have the investigation limited to the acts of Congressmen and Senators, to the end that an unnecessary and foolish investigation of these honorable men may be had and the further investigation of the thieves and rascals now in the Post-Office Department may be prevented. You will doubtless recollect it was reported that this man at the head of the Post-Office Department said to the newspaper reporters when they went to him for information about the Tulloch charges and in reply to questions: "In reference to the Tulloch charges, just say that when the Postmaster-General was asked about them the Postmaster-General laughed."

Mr. WILLIAM W. KITCHIN. "Just laughed."

Mr. CLAYTON. Then, later on, when these enterprising public servants were not content with the horselaugh of that distinguished individual they again asked him, and pressed it upon him, "What about the Tulloch charges of great corruption and dishonesty in the Post-Office Department," this man is reported to have said in reply "the Tulloch charges are all hot air." And yet this man of horselaughter, and perhaps of infinite jest, is engaged, I believe, with others, in an effort to prevent a Congressional investigation of the Post-Office Department. The truth is that this man and the others in authority ignored the Tulloch charges until the newspapers had so agitated the matter before the public that an investigation was forced upon the Post-Office Department.

This investigation was had, not originally by the efforts of Mr. Payne or of Mr. Roosevelt, but it was forced by the public press of the country, which demanded that the doors of the Post-Office Department be thrown open, that the blinds be torn down, that the curtains be cast aside, that the sashes in the windows be thrown up in order that the sunlight of truth and the fresh air of decency be turned in upon a corrupt Post-Office Department. [Applause.] Yet Mr. Hot-Air Man or this Mr. Horselaughter Man is publicly congratulated by the President of the United States for the distinguished services that by a violent stretch of the imagination he is supposed to have rendered the country in the conviction of Machen and his confederates. [Laughter and applause.]

Ah, gentlemen of the Republican side! Why do you seek to modify the Hay resolution, and why will you content yourselves with adopting a resolution reading, in effect, that we will appoint a special committee to investigate charges against Members of Congress and nobody else?

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Give me five minutes more.

Mr. MOON of Tennessee. I can yield the gentleman two minutes more.

Mr. CLAYTON. Yield me five; I have hardly started.

Mr. MOON of Tennessee. I can yield the gentleman two minutes.

Mr. CLAYTON. Oh, I should like to deliver a sermon on the text, "Turn on the lights and turn the rascals out." With the limited time, I will do the best I can. Now, you Republican gentlemen propose to adopt a modified resolution. The newspapers told us last night and this morning that the President sent for our estimable friend, the gentleman from Indiana, JESSE OVERSTREET, to go up to the White House yesterday, and that he sent for the Speaker to do likewise, and that the President was alarmed over the situation and indignation in the House of Representatives, and he seems to have gotten you all together, and you are going to adopt a miserable little resolution, limiting the inquiry to Members of the House.

What will the country say? I think I know. I believe the

public will say that there was and is a whole lot of venality, corruption, and fraud yet under cover in the Post-Office Department, but that because we are now on the eve of a Presidential campaign the Republican party contented itself by adopting a little whitewashing resolution. [Laughter and applause.] Now, that is the gist of it, as the lawyers would say. Rhetoricians would say that that is the heart or purpose of your resolution. I want to rip the whole stomach of the Post-Office Department open and show the corruption still covered up, as I believe, in the very vitals of that great Department. Now, will you vote down a resolution for that purpose? You have indulged in indignation and you have fulminated. Do all you Republicans wear collars of the dog-collar kind?

Mr. JAMES. And "stand pat."

Mr. CLAYTON. Do you stand pat on these charges? [Laughter.] I do not believe that there are more honest men than the Republican Members from the State of Indiana, for instance, that I see before me. I appeal to them and to all like them to vote for the fullest investigation. Can it be that the White House will influence you? Can a dog collar be put around your neck to pull you away from your duty? I appeal to you to turn on the lights and turn the rascals out. [Great applause.]

[Here the hammer fell.]

Mr. OVERSTREET. Mr. Speaker, I yield to the gentleman from Iowa [Mr. BIRDSALL].

Mr. BIRDSALL. Mr. Speaker, I have no personal interest in the report now under consideration by this House. I find, however, that the name of my predecessor, David B. Henderson, as honorable and upright a man as ever sat in this or any other Congress in the world, is mentioned in connection with the allowance of clerk hire at the office of Clarion, my own home. The man who was postmaster at the time complained of was J. C. Harwood, also my lifelong personal friend, and whatever inference of wrong may be drawn from the report of the transaction reflects upon him as well as Mr. Henderson. Mr. Harwood is now dead, and mourned by a community whom he had served faithfully and well as postmaster for sixteen years. It is due to his memory that the facts be stated fully and fairly. Hon. David B. Henderson voluntarily retired from public life and surrendered an exalted station therein, which he was peculiarly fitted by nature and education to grace and adorn. It is due to him that even the inference of wrong and the suspicion of evil should be dissipated within these walls, where for twenty years he was beloved and honored, and I certainly take pleasure in doing for him what his great heart would have prompted him to do for the least of mankind in the interest of justice. The injustice of this report comes in the fact that the material evidence bearing on the transaction is not published.

CLARION, IOWA.

On December 7, 1900, the allowance for separating clerk hire at this office was reduced from $240 to $120, the latter amount being based on a report of transit mail handled, made by postmaster on December 1, 1900.

On January 13, 1903, Hon. D. B. Henderson requested that the allowance be increased to $360 per annum.

On January 15, 1903, the allowance was increased to $360 per annum, but there is no report of the separating business on which to base such an allowance.

On June 29, 1903, on the basis of a report made by the Railway Mail Service, the allowance was reduced to $50, effective August 1, 1903, that being the maximum amount he was entitled to for the work then being done.

On August 8, 1903, on the recommendation of an assistant superintendent of the salary and allowance division, the allowance of $50 was discontinued, effective August 1, 1903.

This report carries the inference that the clerk hire was increased solely on Mr. Henderson's recommendation in January, 1903, from $120 to $360 per annum, and that in July, 1903, the entire allowance was cut off on the report of an inspector.

Now, what are the facts? In January, 1903, Mr. Harwood wrote to Mr. Henderson the following letter:

CLARION, IOWA, *January 10, 1903.*

MY DEAR COLONEL: Your letter relative to discontinuance of Florence post-office received several days ago and would have been answered before but for the fact I have been very busy.

Through inquiry of persons in that vicinity I learn that all patrons of the Florence office can be served by the rural free-delivery system, either from Eagle Grove or this place; hence I think it would be better if the office was discontinued, for it is only a nuisance to the postmaster and of no particular value to the public, for most people in that section are served by the rural carriers.

Colonel, if it is not imposing too much on your time and good nature, I would like a favor at your hands. Some two years and a half ago you secured me an allowance of $30 per month clerk hire. A year ago last November the Department cut the same to $10 per month, and it has so remained since.

In order to show you that the business of the office is steadily increasing, I give you the gross receipts for the past five years: 1898, $3,597.35; 1899, $3,958.44; 1900, $4,065.42; 1901, $4,557.54; 1902, $5,472.29.

As matters are, and have been for more than a year, I am compelled to pay $30 per month out of my own pocket for clerk hire. Last year the Government received from the office $3,560.96 net, and simple justice, it seems to me, entitles me to an increase in clerk hire.

Another reason why it should be increased is that commencing with next month four additional mail trains will be added on the Chicago and Great Western, with this as the end of a division. Both mean a large amount of additional work, and I am doubtful if one clerk and myself will be able to serve the public promptly, for in addition to handling mails we do a large money-order and registry business. In 1902 I issued 5,200 money orders and registered 967 letters and parcels. In addition to above considerations it takes fully one-third of one man's time to wait upon rural patrons who call for their mail after the carriers leave. I dislike to trouble you, Colonel, at the same time I think the clerk hire of the office should at least be raised to $30 per month.

Hurriedly and sincerely, J. C. HARWOOD.

This letter was referred to the First Assistant Postmaster-General, and with it went the following communication from Mr. Henderson:

WASHINGTON, D. C., *January 13, 1903.*

Hon. R. J. WYNNE,
First Assistant Postmaster-General, Washington, D. C.

MY DEAR GENERAL: I hand you herewith a letter from Mr. J. C. Harwood, postmaster at Clarion, Wright County, Iowa, one of the prominent and most reliable men in my district and one of the most intelligent and efficient postmasters that I have. I call attention to his suggestions in regard to an increase in the allowance for clerk hire in the Clarion post-office, and I can not too strongly urge his views upon your favorable consideration. I do hope that you can give him the $30 per month allowance which he requests. Clarion is a growing city, and the postal service is enlarged, especially as the result of rural free delivery and also the running of additional trains on the Great Western road.

Very truly, yours, D. B. HENDERSON.

On January 15, 1903, the following communication was sent to Mr. Henderson by the First Assistant Postmaster-General:

POST-OFFICE DEPARTMENT,
Washington, January 15, 1903.

Hon. D. B. HENDERSON,
House of Representatives.

MY DEAR SIR: Replying to your esteemed favor of the 13th instant, I am pleased to advise you that in accordance with your recommendation the allowance for clerk hire at Clarion, Iowa, has been increased from $120 to $360 per annum, to take effect January 1, 1903, and the postmaster has been so advised.

Very respectfully,

First Assistant Postmaster-General.

These letters indicate clearly that the allowance was made and based upon the statement of the postmaster, Mr. Harwood, with reference to the business of the Clarion post-office, which statement could be easily verified in the records of the Department by the Assistant Postmaster-General. The letters upon their face repel the suggestion, inference, and thought that the increase was asked by reason of any political influence or for that purpose, and it must be borne in mind that at this time Mr. Henderson had signified his intention to retire from public life. There is nothing in the transaction thus far, then, that casts any reflection whatever either upon Mr. Henderson, Mr. Harwood, or upon the Department. In June, 1903, Postmaster Harwood died, and, pending the appointment of a new postmaster, his son, Burt Harwood, was acting postmaster. Mr. Harwood had had in his employ as deputy or clerk one Robert Osier, who had been with him for five or six years, a thoroughly competent, active, and energetic man. He had been receiving $40 a month, $30 of which had been paid, as shown by Mr. Harwood's letter, out of the postmaster's own pocket.

I recommended Mr. Robert Osier to fill the place made vacant by Mr. Harwood's death. Pending his appointment it seems that an inspector was sent to Clarion, as usual, I believe, in cases where there is a change of postmasters in offices of this size. While he was at Clarion, according to his report to the Department, he had a conversation with Mr. Osier, in which he was told by the latter that he would be satisfied to conduct the office with the regular compensation, which is $1,700 per annum. I know from my own personal knowledge that after Mr. Osier's appointment he employed a clerk at $40 a month, and that he is paying such clerk out of his own salary. The report as made carried the inference that the increase of clerk hire made in January, 1903, was solely at the recommendation of Mr. Henderson, and that it was reduced upon the report of an inspector made in June or July, 1903, whereas the truth is that the reduction was made because of the willingness of the new postmaster to assume the duties of the office and pay for clerk hire (which, in fact, ought to be paid by the Government) out of his own salary.

With these facts upon the record, there forms not a suspicion of wrongdoing either upon the part of Mr. Henderson or Mr. Harwood. The following quotation from the report of the inspector will bear out the truth of the foregoing statement:

The office is now working under an acting postmaster, but the present efficient clerk has been appointed postmaster, and he says he is well satisfied to conduct the office for the regular compensation, which is $1,700 per annum. I would therefore recommend that the allowance of $360 be canceled as well as the $50 recently allowed upon the showing of the Railway Mail Service and as mentioned in your communication of July 10.

It is perfectly apparent that a rank injustice is being done by the Post-Office Department to the present postmaster at Clarion. I myself have some doubt whether he ever made such a statement as is credited to him by the inspector, but if in his anxiety to become postmaster he assumed to accept the office and pay for all his clerk hire out of his salary, it was and is, nevertheless, an injustice and a wrong for the Department to permit it to be done.

I can not understand why the author of this report, with this

evidence available in the Post-Office Department, did not set out the true facts upon which the action was taken in the Clarion office. It is more the subject of condemnation when, as in this case, the Member upon whom the aspersions are cast has left the Halls of Congress and has no opportunity to come here and defend himself. It is more the subject of condemnation when the postmaster upon whom suspicion has been cast has passed beyond this vale of tears. I knew J. C. Harwood personally for thirty years. A more upright, honorable, conscientious man never lived. Mr. Henderson needs no defense. His name and fame are enshrined not only in the hearts of the people of his district and of the State of Iowa, but in the hearts of the entire nation. A man of absolute integrity, of high ideals of public life and of absolute loyalty to his conception of them. I have little fear that his record can be tarnished or even suspicion cast upon it by some overzealous satrap in one of the Executive Departments of this Government.

This statement will entirely dissipate any suspicion or charge of wrongdoing against Mr. Henderson.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, whenever a man is charged with crime and convicted and is brought to the bar of justice, he is always politely asked by the judge if he has anything to say why the sentence of the law should not be imposed upon him. That little privilege has not been accorded the Members of this House, and I am allowed the enormous sum of five minutes to attempt to vindicate myself, a Representative on this floor charged with high crimes and misdemeanors, and I want to say, Mr. Speaker, that we may stay here until doomsday abusing officers in the Executive Departments of this Government and we will not satisfy the people. The question was very fairly presented to me this morning, when a distinguished citizen of this country came to my committee room to-day, a man whom I never saw in my life before, yet he took in the situation and presented the picture fairly to me.

He said: "The people think not only the Post-Office Department is rotten, but that Congress is rotten; they are so charged by the administrative officers of this Government to-day." He said: "First, the Fourth Assistant Postmaster-General charges Congress with corruption. He takes it to the Postmaster-General, and he stamps it with his approval; and then he takes it to the President of the United States, and the President of the United States puts his approval on it." And he said: "You gentlemen are up there day by day trying to deny the charges that the President of the United States has approved against you, and you will never satisfy the people." Now, I am in favor of an investigation. [Applause.] When I came here I promised my people whom I talked with on this subject I would favor an investigation, and I am in favor of an investigation now. I do not care who it hits, how deep it goes, or where it reaches. [Applause.] If I am unfit to stand upon this floor and represent my people, they ought to know it and we ought to be turned out, and I am not afraid of having the searchlight turned on anything I have done in daylight or darkness.

Now, Mr. Speaker, I say to-day briefly and hurriedly that the President of the United States owes it to the Congress of the United States to remove that man Bristow from office before the sun goes down [applause] in vindication of the Members of this House whom he has basely assailed and charged as criminals when there is not an iota of crime charged against a single man in that bill of details that has been furnished to this House. Not only that, Mr. Speaker, but unless this is done we can never satisfy the people whom we represent. I have nothing against Mr. Bristow. I never was able to look that man in the face in my life, and if there is a man within the sound of my voice who wants to jeopardize his standing by saying that he could look him in the face I will give him time to get up and say so. [Applause.] They undertake to charge in that report that we have been dealing with Mr. Beavers. I never talked with Mr. Beavers in my life. It took me just exactly nine months from the day I started in, if you will look at the record, to get light and fuel increase of $4, and I finally got rent increased, in one of the cases they charged me with, $100. We got $250 for the rent that the post-office inspector who was sent there at my request said was worth $300.

The SPEAKER. The time of the gentleman has expired.

The gentleman from Wisconsin asks unanimous consent that he may extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Speaker, I also ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CALDERHEAD].

Mr. CALDERHEAD. Mr. Speaker, I speak so slowly that I shall not be able to say in five minutes what is due to my portion of this record. Before I say anything on my own account, I desire to say a word for my colleague and friend [Mr. BOWERSOCK] from Kansas, who is at home and unable to speak for himself. His name appears in the report presented by the committee concerning a lease of a post-office at his own town of Lawrence.

The brief report that is here shows that the office was located in his building, and had been for thirty years; that at the time the renewal of the lease was called for he was invited to the Department himself, and after that time the lease was renewed in the name of his daughter, Mrs. Hill. The only line of explanation given in this report is that no record of a change of title appears. I only want to say for him that no record that can be made in that Department will impeach his integrity or honor at home or anywhere else. Nothing said about him by the officers of the Department, or any other officer, can stain his honor among the people who know him at home.

If he transferred that property to his daughter, he did it in entire good faith and for an ample consideration. He is a man of wealth in his own town, owns numerous pieces of property, and it would be an easy matter for him, in perfectly good faith, to transfer the property to any member of his own family. The Department made no objection to it; he transferred it in good faith, and I have no doubt if it is necessary at any time he can make a proper explanation.

Concerning myself, all that is presented here in this record is true. I asked for an increase of rent of post-offices. I have asked for an increase of clerk hire for different post-offices in my district, and I was right about it. Whenever the same occasion arises I will ask again at the same Department.

I understand the law to be, and have always understood it to be, that it is within the discretion of the Postmaster-General to assign the amount to each of these third and fourth class offices that is necessary for clerk hire. They have adopted a rule in the Department for a regulation of the Department by which they apportion the amount given by Congress for this service upon the transit of mail that passes through the office, but that is only a rule or regulation of the Department. It is only adopted for the purpose of securing a fair distribution of the funds. There is no violation of the law in it when any Member of Congress presents himself to the Department to explain the condition that requires additional clerk hire at any third or fourth class office.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. OVERSTREET. I yield the gentleman two minutes more.

Mr. CALDERHEAD. One more subject I desire to mention. The Fourth Assistant Postmaster-General in his first report presented to the President of the United States cited a case of my own, an application for an increase of rent at Manhattan. He gave a half a page of moral philosophy on the character of Beavers, and then presented me by name as having applied to Beavers to obtain from him as a favor an increase of that rent.

This report now presented to the House shows that that increase was allowed by the First Assistant Postmaster-General and not by Beavers. I never made any application to Beavers for that purpose. I never was friendly enough with him to ask him for anything I could avoid asking him for. The First Assistant himself made the order for increase, and he made it in accordance with the practice of the Department for forty years, upon showing all the facts under which the original lease was obtained. He had no doubt about his power to make it, and his letter was attached to the lease for the purpose of increasing the amount of rent.

They paid it for nearly a year upon that contract, and then, after this report was made, on the 26th of January, the attorney-general of that Department advised the First Assistant that he had no power to change a lease in that way, and therefore he must cancel that increased allowance. For the first time since his office was created the First Assistant discovered that he had no power to change the terms of a lease that had been made and signed, whether it was right or wrong. I have that case still pending before the Department. I intend to show the Department the injustice they are working to the owner of that building, and unless it is increased I will advise the owner to not further furnish the supplies required by it, and settle the case in the courts. There is no question of wrong conduct in it, and yet upon that the Fourth Assistant Postmaster-General and the President of the United States have certified to the world that I violated the law. They shall not do it without my protest here or anywhere else. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has again expired.

Mr. OVERSTREET. I will yield the gentleman two minutes more.

Mr. CALDERHEAD. Upon that statement, certified and approved by the President, I was entitled to the floor on a question of privilege immediately after that was made. I did not seek it

then because the Fourth Assistant was absent, and the information I thought necessary could not be directly obtained from him. Since that time this matter has been in the hands of the Post-Office Committee in this House, and I was entirely willing to await a proper opportunity under their report.

The Fourth Assistant Postmaster-General represented to the President that I had made a corrupt contract with Mr. Beavers. The attorneys, Conrad and Bonaparte, appointed by the President to review the report of Mr. Bristow, speak of this case, and, evidently misled by Mr. Bristow's report, say that instead of obtaining this increase in this way I ought to have prevented it.

They understood Mr. Bristow to report me as obtaining this as a favor from Beavers. I did not obtain it from him. This present report shows that it was the action of the First Assistant, whose duty it has always been to act on such cases. But Mr. Bristow's report is the report which the President has approved and sent to the country with the charge against me.

How much it affects me at home amounts to nothing. No man in the entire district or in the State where I live believed I was wrong or paid any attention to it. Since that time my people have testified to this by my renomination without a voice against me, for the fifth time in the same district. But I submit that, with all the sincerity of the President, and it is great; with all his earnestness and honesty, and they are great, I can not approve of a course which involves this reckless manner of mixing the character and good name of honest men with the character of criminals whom he is prosecuting. [Applause.]

Mr. Speaker, upon this subject I desire to extend my remarks in the RECORD, and I ask permission of the House to do so.

There was no objection.

The SPEAKER. The gentleman from North Dakota asks the same privilege.

There was no objection.

Mr. OVERSTREET. I ask the same privilege for the gentleman from Pennsylvania [Mr. BUTLER.]

There was no objection.

Mr. OVERSTREET. I yield three minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, I have long maintained that each State should have a Department officer here in Washington to attend to much of the Department work that now devolves upon the Representatives. It would relieve them from much responsibility and would leave them free to attend to their legislative duties. But as there are no such officers charged with this important work, it remains for Representatives to receive communications and requests from their constituents and, where necessary, present them to the constituted officers of the Government, with such indorsement of approval or disapproval as in their judgment may seem right. I have never hesitated to do this. Therefore, as to the matter in which I am interested here and in which I have been pilloried in this report, I have no apologies to make. I could not have done differently if I would. The letters that I have written require no explanation. I shall make none; and, if opportunity requires, shall do the same thing over again. The only indictment that could stand against me would be that which my constituents might very properly make in case of my failure to properly represent them at the Departments, as well as upon the floor of this House.

I do not care to extend my remarks in the RECORD, but leave the matter right here. [Applause.]

Mr. OVERSTREET. Before yielding to the next gentleman, I I wish to state that in the publication of the report brought in by the Committee on the Post-Office and Post-Roads there was inadvertently omitted a letter which I had addressed to the Postmaster-General, under date of January 23, which I ask the Clerk to read. It relates to this same subject-matter and should accompany the report.

The Clerk read as follows:

COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 23, 1904.

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

SIR: During the hearing before this committee recently the statement was made by Mr. Waters that from about 900 offices allowances for separating purposes had been taken away because the offices were not entitled to them. From a conversation had with Mr. Waters over the telephone it was understood that a statement had been made to the Fourth Assistant Postmaster-General in regard to these disallowances, and that a copy of this statement could probably be furnished without much difficulty.

I would be pleased to have you furnish me for use of the committee a copy of the statement referred to at the earliest opportunity. The committee desires to know what offices have been affected by these disallowances, what the allowance was before any reduction or discontinuance was made, and what it is now, and also the compensation allowed postmasters at each of the offices in question. It may be that all of this information is not easily obtainable without considerable delay; and if so, please advise me immediately. But in any event the committee desires to have such information as is now accessible as soon as possible.

Very respectfully,
JESSE OVERSTREET,
Chairman.

Mr. OVERSTREET. I yield five minutes to the gentleman from Pennsylvania [Mr. SIBLEY].

Mr. SIBLEY. Mr. Speaker, I believe that the report of the committee does me a manifest injustice. I find my name in that report. I am credited with getting an increase of rental in my home city from $970 to $1,200. The report does not state the reason why that increase was made—an increase which I think was entirely proper, and I believe I could convince any reasonable man that the increase should have been made. I am credited also with having in one instance secured an allowance for clerical hire in the Emlenton post-office.

I believe the report prejudices me with my constituency and places me in a false and improper attitude. I think the report is incorrect. I have a distinct recollection of having been instrumental in securing an increased rental for more than one building. And I know that I have been in securing, at least have recommended, more than two score increases in clerical hire.

I regret that my constituency will read this and will think I have been derelict in my duties. If I properly conceive my duty as a Representative in Congress, then, wherever the interests of my constituency are affected, it is my plain duty to act as their representative before the Executive Departments to present their claims and to see that, so far as my recommendation will go, justice be done them.

I have been to the Pension Office, and I think I have made more than 3,000, possibly more than 5,000, recommendations for new pensions or for increase in pensions previously granted.

Rising above any personal effect this report may have upon individuals is the question what are the rights, privileges, prerogatives, and duties of a Representative in Congress? The time has come when there should be a distinct declaration as to where our duties or rights begin and where they leave off.

I think there is not a Member of this House that has ever gone into an Executive Department and preferred a request where the interests of his constituents were involved, where their rights were being infringed, who has not demanded, "If it be consistent with the law and the good of the service, then I ask that the Department may take the action asked." Therefore I fear that in this report my constituents will think I have been derelict and unmindful of their interests in that I have secured but one increase in clerical allowance and but one increase in rentals of buildings. I have secured upon my recommendations a large number of both. I hope to secure many more when justice shall demand such increase. [Loud applause.]

Mr. OVERSTREET. I yield ten minutes to the gentleman from Nebraska [Mr. BURKETT].

[Mr. BURKETT addressed the House. See Appendix.]

Mr. OVERSTREET. I suggest that the gentleman from Tennessee proceed.

Mr. MOON of Tennessee. I will ask the Chair to recognize the gentleman from Virginia.

[Mr. SWANSON addressed the House. See Appendix.]

Mr. MOON of Tennessee. I yield ten minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I have the distinction, although I did not covet it, of having been mentioned twice in this report by the Postmaster-General, or by some one in his Department, concerning Representatives and Senators in Congress. So far as I am individually concerned, I have no criticism to make of any statement made in this report nor any apology to offer either to this House or to my constituency. My objections are rather to the facts and parts of the record which have been suppressed, either deliberately or ignorantly. I object because this report purports to be based upon an investigation made under the same general authority as that which attempted in part to ferret out the grafters and the thieves in this Department, and because of the inference attempted to be impressed upon the country that the membership of this House are in the same category.

I object because this is the first time in my public career that any man has attempted, either directly or by innuendo, to besmirch my character in connection with any public service. I object because I do not concede the right to Mr. Henry C. Payne, the Postmaster-General, or any of his subordinates, to send into this body an unjust and inferential accusation against its membership. I object because any statement, by innuendo or otherwise, that I have in the discharge of my public duties in connection with the Post-Office Department violated any law or committed any moral wrong is absolutely and unqualifiedly false.

Therefore I deem it due to myself and to this body that I should rise in my place and resent any imputation of wrong, and, in my humble judgment, the dignity of the House demands that each Member whose name has been mentioned in this report should similarly resent the imputation and demand the closest scrutiny and investigation.

I wish to say here that there is not a word or a line in this report or in the entire record, so far as concerns myself, which reflects upon my integrity as a Representative or as a man and which I would not be willing should be read by every citizen in my district. And yet, as illustrating how dangerous is the gossip monger and slanderer, some reputable newspapers both in and out of my State have suggested as to various Members that there must have been some wrongdoing or else they would not be so indignant or sensitive. Yet the contrary conclusion might and ought to have been stated.

A Representative occupies a peculiar position of trust and confidence. While actively engaged in the discharge of his public duties he is far removed from his constituents. They learn of his work only as the results are published in the press or appear in the RECORD. If the confidence of his constituency in his integrity should be impaired, to the same or greater extent would his usefulness be lessened. Why, then, should Members not be sensitive when their good name and reputation have been assailed in a report by some official of a coordinate department entitled "Charges concerning Members of Congress?" It is true that the reputable press of the country will soon discover the truth and will exonerate those who should be acquitted, but perhaps there may be newspapers which are not so careful, and there may be individuals not so just as to wish to distinguish between truth and falsehood.

Mr. Speaker, this is a great Government. We have been creating new Executive Departments and adding to their powers for more than a hundred years. Not only have we Departments covering our finances, our foreign relations, our Army and Navy, the administration of justice, matters concerning our public lands and other interior subjects, and the distribution of our mails, but our agricultural interests have developed a great Department, and we have recently extended a more complete and effective jurisdiction in the interest of the development of our manufactures and of labor and our foreign and domestic commerce. No one of these Departments comes nearer to every citizen of the Republic than the administration of the Post-Office Department. Each one of these divisions of the executive branch of the Government is intended in greater or less degree to render substantial advantage and benefit to the citizenship of the country.

The people of my district and my State are entitled to participate in these benefits in accordance with their vocation in life, their location, and their particular condition.

Each one of us is passing through or has passed through the embryo stages of our Congressional career. We know in the beginning how intricate this vast machinery appeared and how among our first duties was the attempt to master these details and ascertain as nearly as we could the relationship of our constituency to each of these governmental branches. Speaking comparatively, how much less must our people who are busily engaged in their daily occupations and who have little time to devote to these matters—I say how much less must they know regarding the intricacies of this Government and the benefits which they are entitled to receive. It is the duty of a Representative to inform himself and then to inform his constituents individually and collectively of any advantage which they may receive from any Department of the Government and to insist that they shall enjoy equal rights with those of other sections. And when a citizen or a community takes the initiative and prefers through their Representative a request to be admitted to participation in benefits, it is the duty of such Representative, with promptitude and zeal, to comply with their request and to insist that they shall receive every advantage consistent with the law of the land.

I subscribe to another proposition—that in the distribution of all these benefits of a nonpartisan nature a Member of Congress should discharge his duty to his constituents regardless of what may be the politics or the station in life of those who are entitled to them or who prefer requests. I have in an humble way endeavored to live up to this standard and to discharge my duty.

It is intimated in this report that the Members of Congress who have been mentioned were unduly influential with the Department. That really sounds ludicrous, so far as it applies to this side of the House. That a Democrat should exercise undue influence upon a Republican Administration will really be startling news to the country. I was certainly in entire ignorance that I possessed any such occult power and I shall not permit myself to be credulous on this point owing to the discredited source from which it comes.

One of the features mentioned in the report is the matter of securing allowances for clerk hire in third-class and fourth-class post-offices. Now, it must be remembered that this Administration never appoints a postmaster who can not furnish satisfactory evidence of his loyalty to the Republican party, and of this I have no complaint to make. It is a fact, however, that in all the districts represented in this House by Democrats that every postmaster is a member of the opposite party, unless perchance there was no Republican in the community who could fill the office. While allowances for clerk hire were in the interest of good service, yet the main beneficiary necessarily was the Republican incumbent of the office. So here is an additional absurdity—that Democratic Representatives have not only exercised undue influence upon a Republican Administration, but that they have done so in behalf of Republican postmasters. Now, I shall always endeavor to be just toward my political opponents, but I shall hardly commit a wrong in their favor.

The situation in this respect is really creditable. It shows that Members upon this side of the House in the discharge of their public duties stand ready to serve all of their constituents regardless of their party affiliations.

In this report of 218 closely printed pages I have twice received honorable mention. The first is on page 17, in connection with an allowance for clerk hire for the post-office at Williamston, N. C. This is a third-class post-office. Prior to 1903 this office had been receiving an allowance of $40 per annum for clerk hire. This was a sum totally inadequate for the work of the office. The records disclose this to be an important office, the work of which has been constantly growing, and particularly since the establishment of the several free-delivery routes leading from that town. The postmaster, Mr. J. M. Sitterson, made strong representations to his Representative as to the inadequacy of the allowance and insisted that he was entitled to a larger sum. This statement was verified by representations from the patrons of the office. Under these conditions it appeared to be the duty of the Representative to secure a larger allowance, and in February, 1903, I laid the matter before the general superintendent of salaries and allowances. I understood that the postmaster had been directed to keep a count of the separated matter, and that his report had been submitted, and on March 11, 1903, I was advised that the allowance had been increased to $150, to become effective on July 1, 1903; but before this date the order was rescinded and the amount was fixed at $50 per annum.

On February 29, 1904, the postmaster was notified that even this latter allowance of $50 had been discontinued, to take effect from February 1, 1904. These orders were made upon the ground that "no transit matter" was then handled at this office.

There is absolutely no excuse or justification for the Department including the matter of the allowance or disallowance for clerk hire at the post-office at Williamston, N. C., in this report made to Congress. There can not be even the slightest suggestion of wrongdoing upon the part of the Representative. It would seem, however, that it was included among those many third and fourth class post-offices in which an allowance was made and afterwards discontinued because the original allowance was contrary to the regulations. I wish to present briefly the law bearing upon allowances for clerk hire.

Section 308 of the Postal Laws and Regulation provides as follows:

> The Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third (or) fourth * * * class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

The post-office appropriation bill for the fiscal year ending June 30, 1904, contained this item: "For separating mail at third and fourth class post-offices, $1,300,000." There was no statute providing a method or standard for the distribution of this appropriation among the several third and fourth class offices in the country, but the Department formulated a regulation of their own which they held as confidential and of which there was no record. The only statement ever made was that the amount allowed was regulated by the number of pieces of mail handled in transit. The Postmaster-General in this report, on page 8, states: "The present law providing for allowances for clerk hire at third and fourth class post-offices on account of separating service and unusual business leaves the question of what shall be allowed entirely to the discretion of the Department." I did not know at that time, nor am I yet advised, and I presume every Representative was equally ignorant, as to whether there was any definite regulation upon the subject, but assumed that in any event it was largely a matter of discretion, which appears to be admitted.

This was the situation when representations were made to me concerning the Williamston office. I believed the request of the postmaster for an additional allowance was just, and I felt entirely justified in insisting that it should be increased. Therefore I have no excuse to make for any action of mine in connection with this increased allowance, but, on the contrary, I take pleasure in pointing to it as an effort made in the discharge of my duty.

In this connection it is proper to say that this clerical allowance for third and fourth class post-offices is never made unless it is applied for, no matter how meritorious is the situation. There is nothing in the regulations supplied to postmasters which indi-

cates that they are entitled to or may apply for same. In addition, instances have been brought to my attention of postmasters in my district who have made inquiries upon this subject which have either been ignored or have been met with evasive replies. Under these circumstances it is only natural that postmasters should apply to their Representatives, who in the discharge of their duty should investigate the case and when deserving should insist that the proper allowance be made. And yet by inference criticism is sought to be laid at the door of Congressmen who have responded to such requests and have visited the Department in pursuance of same. It is an unjust reflection; it is contemptible and deserves the severest censure.

My name appears in this report for the second time on pages 215 and 216, with reference to the leasing and equipment of premises for the post-office at Washington, N. C. To the end that nothing may be omitted, I shall insert here as a part of my remarks the full text of the report on this subject.

It appears to be a brief of the correspondence and actions taken in this matter and is full of various abbreviations, some of which I do not understand. Doubtless the Postmaster-General assumed that Congress was entirely familiar with the hieroglyphics of the Department.

WASHINGTON, N. C.

At Washington, N. C., in 1901, when the salary of the postmaster was $1,800, the allowances were $200 for rent and $50 for fuel and light, a total of $250. Correspondence concerning an increase in rental at that time is now in the field in the hands of an inspector. The following is from the brief of the case:

"Jan. 14, 1901. Hon. J. H. SMALL called and submitted letter from P. M. urging cofs. and inc. F. & L. allowance.
"Jan. 14, 1901. Ans. sent cir. re cofs. $450. R. F. L. would be allowed July 1.
"Jany. 16, 1901. Hon. J. H. SMALL ack. receipt of papers, &c.
"Jany. 22. P. M. returns circular and states rent of proposed room will be $360; no petition or map received.
"Jany. 28, 1901. Wrote P. M.—Petition and map. When received accept 5 years from July 1, 1901. $460 R. L. & F. Agreed to increase R. L. & F. to $460 rate, if balance of appro. warrants. Advise Cong. SMALL. G. W. B.
"Feby. 1, 1901. P. M. submits long petition endorsing change—also map.
"Feby. 9. Hon. J. H. SMALL called up case and was informed of present status and given several blank propositions.
"Feby. 20, 1901. P. M. complains of trashy fixtures lessor intends to move from old to new site.
"Feby. 20, 1901. Hon. SMALL submits prop. filled out by John C. Rodman, lessor, and urges closing of the case.
"Feby. 25, 1901. Wrote P. M. re fixtures.
"Feby. 23. Wrote P. M. accepting Dr. Rodman's prop. and auth. cofs.; ntfd. Hon. SMALL.
"March 7. P. M. asks if he can remove old furniture to new site.
"Mch. 15. Refd. case to inspector and notified P. M.
"Apl. 4, 1901. P. M. reports cofs. Apl. 4, 1901.
"May 20, 1901. Insp. Davis returns papers and reports Mr. Rodman has equipped P. O. satisfactory to P. M. and apparently to patrons. Room is good size, light, and desirable.
"May 23. Wrote P. M. enc. leases querie.
"June 6, 1901. Allowed $460 for R. F. & L. from July 1, 1901. Notified T.
"June 26. Sent leases for execution.
"July 9. Hon. SMALL urges increase in allowances.
"July 11. Wrote Hon. SMALL status and returned leases for proper execution.
"July 15. Leases returned.
"July 20. Hon. J. H. SMALL asks that inc. be allowed prior to July 1st.
"July 25. Ack'd amt. of old appropriation not known. The office was advanced to second class July 1, 1903."

There is nothing on the face of this exhibit which appears to be unusual or which places me in an improper light before this House or the public. The facts simply are that early in 1901 at the request of the postmaster, Mr. John B. Respess, and of other citizens of the city, I called at the Department and presented a letter from the postmaster to me and urged that the postmaster be authorized to negotiate for more commodious quarters for the office. This was followed later by the submission of a proposition from Dr. John C. Rodman for a lease of the premises, which were subsequently accepted and lease executed. The post-office was moved about April 1, 1901, although the lessor only received the old rental of $250 per annum up to the 1st of July, when the increased rate only became effective. Subsequently there was some complaint about the equipment in the office, and the papers were all placed in the hands of Inspector F. N. Davis during the fall of 1903, who entered into various negotiations for the leasing of other premises and for new equipment or for equipment in the premises now occupied. The inspector only made his report on February 26, 1904. A synopsis of this report shows that the inspector failed to enter into any arrangement for new equipment or different quarters, and makes some animadversions against the town which are entirely gratuitous.

On the 9th day of March I applied in writing to the First Assistant Postmaster-General for a copy of the entire record of this case. There may be some persons curious enough to inquire why this matter was inserted in the report by the Postmaster-General, and it may be imagined that the record would disclose something worthy of criticism in connection with this matter, and I deem it of sufficient importance to ask the consent of the House that I may insert in the RECORD a copy of every paper in connection with the leasing of premises for post-office at Washington, N. C., and for equipment of same, and which will be attached to my remarks as an exhibit.

I regret very much to have taxed the patience of the House with this explanation. I was at first inclined to ridicule this report in so far as my name was concerned. There appeared to be nothing on its face as worthy of censure or criticism. Further reflection, however, induced me to entertain a different opinion. I do not believe a single reputable person in my district would suspect my integrity or pay any attention to this remarkable production, but in years to come some censorious gossipmonger might refer to this matter, and at a time when a complete record could not be obtained.

Perhaps one good purpose may have been subserved by sending this report to the House. The people of the country have for several years suspected the administration of the Post-Office Department. These criticisms and charges became so general that they could be no longer ignored, and early in 1903 the President, in a great burst of apparent indignation, directed an investigation to be made, and Hon. J. L. Bristow, the Fourth Assistant Postmaster-General, was selected as the sleuth to ferret out the iniquities. What a parody this was, in beginning what was heralded as a complete investigation! This official set at work a large number of inspectors, and after months of searching they made a report. The Fourth Assistant Postmaster-General assumed in the beginning that every official in his division was spotless and pure, and not one of them was examined, not a book or transaction opened. Only the division of the First Assistant Postmaster-General came under the wrath and detection of the chief investigator. The Postmaster-General had said himself, in an early interview, that all the charges against the Department were nothing but "hot air." In the meantime Democrats in Congress, joined by a few independent Republicans, were insisting that the investigation had been partial, and that a Congressional committee should be appointed with authority to probe into the administration of the entire Department and to bring to justice, if possible, every grafter who had been indulging in peculation and enriching himself at the expense of the people.

Such suggestions were ignored by the Administration and ridiculed by Republican leaders. Under this cue certain officials in the Department grew bold. "What right," said they, "has Congress to investigate us?" They said in effect, "We will teach these pert legislators a lesson, and we will make a report showing how Members of Congress have had the temerity to approach our august presence and insist upon making representations for their constituents." Of course it would never do to include only Democrats in their report, so they embraced Members of both parties. It was either intended to intimidate or possibly to muddy the waters and to divert the attention of the country from the Department itself. Members of the majority ought now to realize the necessity of a complete Congressional investigation. They should rise above partisan considerations and join with us in an effort to turn on the light in the dark places and then turn the rascals out. Some Members upon the other side, in giving expression to their indignation, have unwittingly divulged their honest opinions.

The distinguished gentleman from Ohio [Mr. GROSVENOR], on day before yesterday, stated that this report was conceived in sin and born in iniquity. Certainly he should be willing to vote for a complete investigation. The author of this report seems to have enveloped himself in a shroud of mystery, and denial has already been made on behalf of Mr. Bristow. The gentleman from Connecticut [Mr. HILL] to-day made the distinct charge that the official who prepared this report was both a liar and a scoundrel. With the distinct knowledge on his part that at least one unworthy official exists, certainly he will be willing to vote for a committee of investigation.

It is intimated that the majority have resolved upon a plan for the appointment of a committee to investigate the references or charges made against Members in this report and to go no further. Let me say, Mr. Speaker, that the country will not be content with any such partial investigation. It will be regarded as an attempt to whitewash Representatives and to leave the real criminals unmolested. But one paramount issue stares us in the face and appeals to the judgment and the conscience of this House. You can not expect a Department to investigate itself; it is unnatural, and any attempt must necessarily be abortive.

We are expected not alone to be jealous of our own reputations and the dignity of this Chamber, but we are charged with the high duty of maintaining the honesty and the good name of every Department of this Government. [Applause.]

EXHIBITS.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 9, 1904.

Hon. JOHN H. SMALL,
House of Representatives.

SIR: In compliance with your request of the 8th instant, asking for a copy of the entire record of papers in the matter of lease for premises at Washington, N. C., I beg to transmit herewith a copy of all papers on file in this

office, including a synopsis of the several inspectors' reports on file, relating to the lease of post-office building at Washington, N. C.

Very respectfully,

R. J. WYNNE,
First Assistant Postmaster-General.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 8, 1904.

The FIRST ASSISTANT POSTMASTER-GENERAL.

DEAR SIR: I respectfully request that you furnish me a copy of the entire record or papers in the matter of lease of premises for post-office at Washington, N. C. I wish a complete copy, including this letter. I wish copies by 9th instant.

Respectfully, JNO. H. SMALL, M. C.

Synopsis of a report made by Post-Office Inspector F. N. Davis, dated February 26, 1904, relative to lease of premises for post-office at Washington' N. C.

Advises the case arises from complaint of the postmaster that the equipment in the post-office is inadequate; that lock boxes are unsafe, etc. Upon finding the condition of post-office in bad condition, advertised for proposals to secure other quarters, and three were received at a rental of $1,200 per annum each, or more than is paid by $500 a year for other premises in eastern section of the State, and bids were rejected. One T. W. Latham offers to make a lease for a building in the cheap part of town at annual rental of $750. The location would not be satisfactory to the patrons. It is alleged that the present lessor has sufficient influence in the town to prevent proposals being made by other parties at a reasonable rental. The room would be ample if a suitable equipment were furnished, consisting of new lock boxes, mailing cases, bag rack, etc. Suggests that the lessor be required to provide such additional equipment as may be approved by the Department and the postmaster.

SEPTEMBER 14, 1903.

To the POSTMASTER-GENERAL,
Washington, D. C.

I, John C. Rodman, hereby agree to lease, for use of the post-office at Washington, the room 21 feet 6 inches by 63 feet —— inches (inside measurement), on the first floor of the two-story brick premises known as "the Rodman Building," situated on part lot 19, block —, on the south side of Main street, between Market street and Whelar's alley, in Washington, for a term of five years from January 1, 1903, at the annual rental of $1,000, payable quarterly, and subject to the provisions and requirements of the form of lease used by the Post-Office Department, which I have read and carefully noted.

I further agree to furnish said described room with boxes and drawers of a modern pattern in sufficient number, together with all the necessary fixtures and furniture (including free-delivery furniture when necessary) requisite to place said room in a condition in every way satisfactory for use as a post-office, and to keep said room, boxes, fixtures, and furniture (including said free-delivery furniture) in good repair and proper condition to the satisfaction of the Post-Office Department, and to furnish all additional boxes, fixtures, and furniture (including additional free-delivery furniture) that may be deemed necessary during the term for which the premises hereinbefore described may be leased, cost of fixtures and furniture not to exceed $2,000.

I further agree to include the furnishing of satisfactory heat, light, water, the heating and lighting fixtures, and the plumbing in good repair and condition during the term of the lease.

I will have the room ready for occupancy by the post-office one hundred and twenty days after the receipt of the notice of acceptance of this proposition by the Post-Office Department and notice of requirements; will furnish safe and closet and urinals for $1,200 a year.

JOHN C. RODMAN.

SEPTEMBER 15, 1903.

To the POSTMASTER-GENERAL.
Washington, D. C.:

I, S. T. Nicholson, hereby agree to lease for use of the post-office at Washington, N. C., the room 24 feet by 82 feet (inside measurement) on the first floor of the three-story building, premises known as "Hotel Nicholson lot," situated on the north side of Main street, between Market street and Respus street, in Washington, for a term of five years, at the annual rental of $1,250, payable quarterly, and subject to the provisions and requirements of the form of lease used by the Post-Office Department.

I further agree to furnish said described room with boxes and drawers of a modern pattern in sufficient number, together with all the necessary fixtures and furniture (including free-delivery furniture when necessary) requisite to place said room in a condition in every way satisfactory for use as a post-office, and to keep said room, boxes, fixtures, and furniture (including said free-delivery furniture) in good repair and proper condition to the satisfaction of the Post-Office Department, and to furnish all additional boxes, fixtures, and furniture (including additional free-delivery furniture) that may be deemed necessary during the term for which the premises hereinbefore described may be leased.

I further agree to include the furnishing of satisfactory heat, light, water, a fireproof and burglar-proof safe or vault, and necessary closets and urinals, and will keep said vault, the heating and lighting fixtures, and the plumbing in good repair and condition during the term of the lease.

I will have the room ready for occupancy by the post-office ninety days after the receipt of the notice of acceptance of this proposition by the Post-Office Department.

S. T. NICHOLSON.

UNITED STATES POST-OFFICE,
Washington, N. C., December 19, 1903.

Mr. F. N. DAVIS, *Raleigh, N. C.*

MY DEAR SIR: Mr. Thomas W. Latham has to-day filled out blank proposal for lease of post-office building and mailed same to you.

The building he proposes to furnish is very undesirably located on Water street, and I do not think it advisable that this proposition be accepted.

Mr. Latham told us when you were here that he would furnish this Water street property for $450, and you will note that he submits proposition for $750.

I have several blank propositions out, and hope to be able to induce some one to submit an acceptable proposition within the next ten days.

Yours, very truly,

T. G. STILLEY, *Postmaster,*
By F. F. FAGAN, *Assistant Postmaster.*

Memorandum.

21 feet 6 inches by 63 feet. Safe owned by P. M. 5 yrs. from July 1, 1901. $460. Feb. 3, 1904.

Jog up the P. O. I.

C. M. W.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., February 5, 1904.

Hon. J. L. BRISTOW,
Fourth Assistant Postmaster-General,
Division of Post-Office Inspectors.

SIR: I beg to invite attention to communication sent your office under date of July 20, 1903, asking that an inspector be detailed to investigate the matter of requiring the lessor at Washington, N. C., to provide new equipment, boxes, fixtures, and furniture for the post-office premises.

It is desired to take action in this case as soon as possible, and I beg to request that the report of the inspector be forwarded at the earliest possible date.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., September 11, 1903.

Hon. J. H. SMALL, *Washington, D. C.*

DEAR SIR: I beg to acknowledge receipt of your favor of the 8th instant in regard to the equipment of the post-office at Washington, N. C.

Complaint having been made to the Department that the office is not properly equipped, the papers were referred to an inspector for investigation under date of July 20, 1903. This office, of course, has no means of knowing what additional fixtures are required and therefore can not advise the present lessor as to the cost of fitting up the office properly, but the inspector will, if requested, give the lessor full information. Until the inspector's report is received, I can not advise you as to the probable action of the Department, nor can the Department promise to hold the matter in abeyance until you arrive in Washington. However, your recommendations will be given careful consideration and will be complied with if possible.

Very respectfully,

——— ———,
Acting First Assistant Postmaster-General.

SEPTEMBER 28, 1903.

Mr. J. H. SMALL asks to be heard before case is finally decided.

C. M. W.

WASHINGTON, N. C., *September 8, 1903.*

GENERAL SUPERINTENDENT,
Division of Salaries and Allowances,
Post-Office Department, Washington, D. C.

DEAR SIR: On August 4 last I wrote a letter to Dr. Charles P. Grandfield, of your office, with reference to the reequipment of the post-office in this town and also about the rerenting of quarters for the post-office. I refer you to that letter, in which I said a personal interview would be more satisfactory, and asked you to hold the matter in abeyance until I could see you in person, and in reply I received a letter dated August 6 to the effect that you would take no action until after the receipt of the report of the inspector, when you would advise me further. I have had no further reply from your office concerning this matter.

I observe that the postmaster here has posted an advertisement asking for proposals for renting a post-office building with proper equipment. This I take to mean such equipment as may be necessary for a second-class office, being an office similar to this office.

Dr. John C. Rodman, the present lessor, desires to submit a proposition both for lease of building and equipment. As to the building, I may say that I feel quite sure the present building is adequate in every respect. As to the equipment, Doctor Rodman is not advised as to the details of same. He wishes to know the nature of the equipment, with necessary details. While he is desirous of furnishing such an equipment as may answer the demands of the office, still he wishes to furnish same at as reasonable a cost as the conditions permit.

Casually, I met a few days ago in Raleigh, Inspector F. N. Davis, who advised me of having sent to the postmaster here the papers authorizing him to advertise for proposals, which was my first knowledge that any action had been taken by your office.

Doctor Rodman can not make an intelligent proposal of rental until he knows the character and cost of the equipment and the length of lease which will be entered into by the Department.

Yours, very truly,

JNO. H. SMALL, *M. C.*

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., August 6, 1903.

Hon. J. H. SMALL, *Washington, N. C.*

SIR: I beg to acknowledge the receipt of your letter of the 4th instant, requesting that no action be taken in the matter of requiring the lessor to furnish new equipment until you arrive in Washington the early part of September. Your letter has been placed on file for consideration when the inspector's report shall have been received.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

WASHINGTON, N. C., *August 4, 1903.*

Dr. CHARLES P. GRANDFIELD,
Office of Division of Salaries and Allowances,
Post-Office Department, Washington, D. C.

DEAR SIR: I write you with reference to the post-office at this, my home town. The present building for the post-office here is leased from Dr. John C. Rodman, which expires about three years from this date. At the time of the leasing satisfactory arrangements were made about the equipment of the post-office, but Doctor Rodman has understood that eventually at least a partial new equipment will be required, and he stands ready to do whatever

is right and proper under all the conditions. At the time of the leasing this was a third-class office, but recently, as I understand, it has been advanced to second class. Now, if a new equipment is desired, the expenses would be much greater than is justified by the present rental. I understand that the postmaster and an inspector who has recently visited this office are favorable to the purchase of a new equipment.

Of course I further understand that you would be willing to materially increase the present rental. I would like to take up all this matter with you, but naturally so many details will arise as would make it unsatisfactory to attempt to arrange it by correspondence, and I would prefer, therefore, a personal interview with your office. It is not probable that I shall get to Washington before the early part of September. I am particularly desirous that this whole matter shall remain in abeyance until I can see you and the superintendent in person and go over the situation in detail, and I wish you to have this matter held up until this opportunity is presented. I assume that you will therefore do so, but I would appreciate a line to this effect. I write you personally on account of our long acquaintance and because I have not yet had the pleasure of meeting the new general superintendent, Mr. Waters.

Yours, very truly, JNO. H. SMALL, M. C.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., July 20, 1903.

POSTMASTER, *Washington, N. C.*

SIR: In reply to your letter of the 15th instant, relative to the post-office equipment, you are advised that the papers in the case have been referred to an inspector for investigation and report.

Very respectfully, ——— ———,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., July 20, 1903.

Hon. J. L. BRISTOW,
Fourth Assistant Postmaster-General,
Division of Post-Office Inspectors.

SIR: I beg to inclose herewith the papers relating to the leasing of premises occupied by the post-office at Washington, N. C., and would request that the same be referred to an inspector and an investigation made to ascertain if the lessor of the quarters should be required to provide a new equipment of boxes, fixtures, and furniture for the office. Attention is invited to the reports on the subject of Inspector Davis, dated May 10, 1901, and December 15, 1902. If, as stated, a new equipment is required, it would seem that the same should be provided by the lessor without greatly increasing the expense for rent, fuel, and light, in view of the fact that his original proposition stated that the room would be provided with an equipment of modern pattern.

The office at Washington was assigned to the second class on July 1 last, and the allowance for rent can now be increased if necessary. A report covering the inspector's views and recommendation is desired as soon as practicable.

Very respectfully, R. J. WYNNE,
First Assistant Postmaster-General.

UNITED STATES POST-OFFICE,
Washington, Beaufort County, N. C., July 15, 1903.

Hon. FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

SIR: Referring to my recent visit to your office in company with Hon. R. H. McNeill relative to securing additional allowance for clerk hire at this office, I beg to remind you that my recollection is that in the course of our conversation you intimated that you would send an inspector here to investigate the necessity for requiring the lessor of the building in which the post-office is located to provide a new equipment, but the inspector has not yet come.

As I have before stated, the present equipment is old and insufficient for the needs of the office. The locks are unsafe, and some of the keys will not only fit the locks they are intended for, but about ten or twelve other boxes.

We now have in this office 240 lock boxes and 7 drawers. We need 300 lock boxes and 100 lock drawers, besides all necessary furniture for the office, such as desks, tables, routing tables, chairs, etc.

Dr. John C. Rodman, the lessor of the building, is willing to fit it up with new fixtures entirely as soon as he hears from the Department, telling him what they will require and how much additional rent will be allowed.

I will state that it is my opinion that if prompt action be taken in this matter the Department will be very much benefited, as we are daily having calls from business men for boxes, which we are unable to supply.

We are also having complaints from box renters about the bad condition of their boxes.

Hoping to hear from you at your earliest convenience in regard to this matter, I beg to remain,

Yours, very respectfully, T. G. STILLEY, *Postmaster.*

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
DIVISION OF SALARIES AND ALLOWANCES.

Rent, fuel, and light, third-class post-offices (Washington, N. C.), beginning July 1, 1903.

[Lease includes heat, light, fixtures, furniture, additions, vault, safe, water. Expires July 1, 1906.]

Allowances.	1903.	1904.	1905.	1906.	1907.	1908.	1909.	1910.	1911.
Rent									
Fuel and light									
Salary									
Gross receipts									

Jan. 14, 1901, Hon. J. H. SMALL called and submitted letter from P. M. urging c. of s. and inc. F. and L. allowance.

Jan. 14, 1901, Ans.; sent cir. re c. of s.; $450 R., F., L. would be allowed July 1.

Jan. 16, 1901, Hon. J. H. SMALL ack. receipt of papers, &c.

Jan. 22, P. M. returns circular and states rent of proposed room will be $360. No petition or map received.

Jan. 28, 1901, wrote P. M.; petition and map. When rec'd accept 5-year from July 1, 1901. $460 R., L., and F.; agreed to increase R., L., and F. to $460 rate if balance appro. warrants. Advise Cong. SMALL.—G. W. B.

Feb. 1, 1901, P. M. submits long petition indorsing change; also map.

Feb. 9, Hon. J. H. SMALL called up case and was informed of present status and given several blank propositions.

Feb. 20, 1901, P. M. complains of trashy fixtures lessor intends to move from old to new site.

Feb. 20, 1901, Hon. SMALL submits prop. filled out by John C. Rodman, lessor, and urges closing of the case.

Feb. 25, 1901, wrote P. M. re fixtures.

Feb'y 23, wrote P. M. accepting Dr. Rodman's prop. and auth. c. of s.; not'f'd Hon. SMALL.

Mch. 7, P. M. asks if he can remove old furniture to new site.

Mch. 15, ref'd case to Insp. and notified P. M.

Apl. 11, 1901, P. M. reports c. of s. Apl. 4, 1901.

May 20, 1901, Insp. Davis returns papers and reports Mr. Rodman has equipped P. O. satisfactory to P. M. and apparently to patrons. Room is good size; light and desirable.

May 22, wrote P. M. enc. lease queries.

June 6, 1901, allowed $460 for R., F., and L.; June 26, sent leases for execution from July 1, 1901. Ntf'd T. July 9, Hon. SMALL urges increase in allowance. July 11, wrote Hon. SMALL status and returned leases for proper execution.

July 15, leases returned.

July 20, Hon. J. H. SMALL asks that inc. be allowed prior to July 1st.

July 25, ackd. amt. of old appropriation not known.

Aug. 13, 1901, sent leases for record.

Aug. 17, 1901, lease returned.

Feb. 15, 1902, P. M. writes rel. to outfit and suggests Dept. condemn same in order that a new one be furnished, whereby Dept. orders may be enforced.

May 25, wrote Mr. John C. Rodman re equip. (See Mr. Potter's files for reply.)

Nov. 13, 1902, referred to Asst. Supt. Wood.

Dec. 8, 1902, Asst. Supt. Wood submits report and states he has made careful investigation of needs of office and does not think an entire new outfit is needed. Asst. Supt. recommends the general delivery cases should be enlarged in accordance with ideas of P. M. and requests the lessor be notified to make alteration.

Dec. 12, 1902, wrote P. M. to notify lessor of changes necessary and report action in the case.

Dec. 23, 1902, James R. Ash refers report of Inspector Davis, who states lock boxes are in bad condition and recommends rent be withheld until proper equipment be put in the office.

Dec. 26, 1902, P. M. advised Inspector Davis suggests payment of rent be deferred until lessor complies with contract regarding additional fixtures; if P. M. thinks advisable, should act on suggestion.

Dec. 29, 1902, P. M. suggests if Dept. thinks proper he will demand of lessor that he put in on Mch. 1, 1903, necessary equipment and boxes. (See letter.)

Jan. 3, 1903, P. M. advised delay until July 1, re complete equipment and request only fixtures necessary.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., January 7, 1903.

POSTMASTER, *Washington, N. C.*

SIR: Replying to your letter of the 29th ultimo, you are advised that in calling upon lessor for certain fixtures and furniture for use in post-office you should not request him to provide any fixtures for the rural free-delivery service, as it is not contemplated that the lessors should provide this grade of furniture. The Department furnishes such fixtures. If you are certain that your office will be advanced to the second class July 1 next, it might be well to delay demand upon lessor for a complete new equipment, and only request such additions to present fixtures as are absolutely necessary.

Very respectfully, ——— ———,
First Assistant Postmaster-General.

WASHINGTON, N. C., *December 29, 1902.*

Hon. FIRST ASSISTANT POSTMASTER-GENERAL.

SIR: Replying to yours of the 26th, will respectfully say that since the receipt of Mr. Wynne's letter, December 12, we have been seriously considering the matter of adding to the present post-office outfit.

I have reached this conclusion: That a cabinet outfit is what this office needs, and to force the lessor of premises to put in a part of an outfit now and in such a short time complete the fixtures, making a pieced-up job at a cost exceeding that of a new outfit or a cabinet.

Mr. Wood advanced the idea, when here, that, as the office would go in the second class so soon, it would not be good judgment to ask for more than a general-delivery case.

Now, should this be done, it would necessitate a complete rearrangement of that part of the office, as the present one takes up all the room and is just half large enough.

Hoping that it will meet the approval of the Department, on Dr. Rodman's return from a professional trip I will notify him that on March 1, 1903, he will be required to place in the office a cabinet outfit consisting of general-delivery case for letters and papers, 600 or 800 lock call boxes and drawers, 1 mailing case (150 boxes), stamping table, separating table, bag rack and table, 3 rural free-delivery desks, money-order desks, cupboards for blanks, etc. This gives him time to make the arrangements, and we will do the best we can till then.

I merely suggest this, as the present equipment was accepted without approval and as a whole is insufficient and in bad repair; so much so that I can't see the advisability in putting in any additional fixtures.

Hoping that the above or a similar suggestion will meet your approval, awaiting an early reply,

Yours, respectfully,

JNO. B. RESPESS, *Postmaster,*
Per JNO. B. RESPESS, Jr., *Assistant.*

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., December 29, 1902.

POSTMASTER, *Washington, N. C.*

SIR: It is suggested by Inspector Davis that payment of rent of post-office premises be deferred until lessor complies with terms of his contract regard-

ing additional fixtures for accommodation of your office. If you think it advisable, you should act upon this suggestion.

Very respectfully,

———— ————,
Acting First Assistant Postmaster-General.

THE FIRST NATIONAL BANK,
Washington, N. C., April 4, 1902.

FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: On Friday, March 28, 1902, our mail, which contained thousands of dollars' worth of checks, sent to us in the regular course of business, was through error taken out of our box in the post-office, and when the party returned it to the office he put it back in the wrong box, thereby causing us a great deal of delay and worry, besides the risk of our mail getting into improper parties' hands. It seems that on account of the worn condition of locks on the boxes in this post-office through long use, that a number of the boxes can be opened by almost any of the keys. We hear a great many complaints along this line. Also complaints from parties who desire to rent boxes and can not for the reason there is none to rent. From the amount of mail matter delivered here and the constantly increasing demand for boxes, it does seem that we should have a post-office that could accommodate those desiring boxes and have such boxes as would furnish ample protection to our mail. I make this complaint for the benefit of the service, with the hope that we will in the near future have ample accommodation and protection.

I am, very truly,

A. M. DUMAY, *Cashier.*

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
DIVISION OF CORRESPONDENCE,
Washington, April 16, 1902.

Hon. J. L. BRISTOW,
Fourth Assistant Postmaster-General,
Division of Inspectors and Mail Depredations.

SIR: Inclosed herewith find a letter from A. M. Dumay, cashier of the First National Bank, Washington, N. C., who makes a complaint of inefficient service at the post-office of this place. Mr. Dumay states that the post-office equipment now in use is inadequate, and it is suggested that a post-office inspector be instructed to investigate the conditions with a view of making such improvements as may be necessary.

Very respectfully,

J. M. MASTEN,
Acting First Assistant Postmaster-General.

Synopsis of a report made by Post-Office Inspector F. N. Davis, dated December 15, 1902, regarding alleged inefficient service at Washington, N. C.

States report is made on complaint of A. M. Dumay, regarding alleged bad condition of the boxes and equipment. Finds upon investigation that the boxes are badly worn and that one key will frequently open a number of boxes; that keys are in poor condition, and also that the whole equipment is wholly inadequate for needs of postal service and so badly worn that it is unserviceable.

The rental paid is sufficient for the lessor to provide a decent equipment, but instead the office has been fitted out with worn-out furniture and a homemade cabinet. The rental should be withheld until suitable equipment has been provided.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., December 12, 1902.

POSTMASTER, *Washington, N. C.*

SIR: The report of Assistant Superintendent Wood regarding additional fixtures for use in your office has been received. In accordance with his recommendations, you are advised to notify lessors of the changes you deem necessary for the proper accommodation of the business of your office. Report your action in the case.

Very respectfully,

———— ————,
First Assistant Postmaster-General.

BALTIMORE, MD., *December 8, 1902.*

Hon. GEORGE W. BEAVERS,
General Superintendent of Salaries and Allowances,
Post-Office Department.

SIR: Referring to your letter of the 13th ultimo, initials "A. G.," respecting the condition of the equipment of the post-office at Washington, N. C., I beg to state that I have made a careful investigation of the present needs of this office, with the result that I do not think an entire new outfit is needed at this time. It seems probable that the office will be advanced to the second class in a short time, and when such change shall be made will be ample time to consider the question of requiring the lessor to furnish a new and modern equipment.

In connection with this case I regard it as quite important that the general-delivery cases should be somewhat enlarged in accordance with the ideas of the postmaster, and request that the lessor be notified to make the alteration.

Very respectfully,

GEO. L. WOOD,
Assistant Superintendent.

NOVEMBER 13, 1902.

Mr. GEORGE L. WOOD,
Assistant Superintendent Salary and Allowance Division.

SIR: The premises occupied by the post-office at Washington, N. C., are under a lease to the Department for a term of five years from July 1, 1901, at the annual rental of $460, including complete equipment, fuel, and light. The postmaster reports that the ownership of the boxes is in dispute, and that there is urgent need for a new outfit; that the general-delivery case is not satisfactory, and that there is not sufficient furniture. Please ascertain whether the lessor is complying with the terms of his contract, and whether a new outfit of boxes is necessary.

Very respectfully,

———— ————,
General Superintendent.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 25, 1902.

Mr. JOHN C. RODMAN, *Washington, N. C.*

SIR: This office is advised that the title to the box outfit in post-office premises is in dispute. It appears that former postmasters have been selling outright boxes in present equipment to individual patrons, giving title thereto. Under this condition of affairs, the postmaster is unable to enforce the rules of the Department in regard to collecting box rents and closing boxes against patrons who do not pay for use of same. It is further alleged that present equipment is old and entirely inadequate for the service required. Your proposition, which was accepted, calls for modern equipment of fixtures and furniture requisite for satisfactory use in post-office. You will please advise me at your earliest convenience what steps you will take in regard to complying with terms of your proposition.

Very respectfully,

———— ————,
Acting First Assistant Postmaster-General.

POST-OFFICE,
Washington, N. C., February 15, 1902.

Hon. W. M. JOHNSON,
First Assistant Postmaster-General.

DEAR SIR: In addition to the inclosed blanks, which are very poorly answered, I beg leave to offer this in way of explanation with all respects to the Department:

The present box outfit was bought in 1886, as best I can learn, by the postmaster and sold by him to the individuals, and from that time to about a year ago this same ex-postmaster has been selling and trading these boxes, and now claims about forty unsold. About a year ago we were notified by Inspector Davis that this was illegal. I had neither bought nor sold up to this time, nor have not allowed it done since that time. Now, I explained to Mr. Davis the situation when he was here, and I think convinced him that I could not comply with the new box-rent law. I would further say that this quarter we will rent what boxes we have. There are a few that are unrented or locked for rent.

Now, these boxes were bought by the parties holding them. We can lock them for rent, but we can't force them to surrender the keys. Now, I wish to suggest the idea that the present boxes be condemned by the Department—first, in order to start the new system, thereby complying with the wishes of the Department; second, because the outfit is worn out; by owning the boxes the owner feels at liberty, if he loses a key or his lock out of fix, to take it to a shop and have it ruined; in this way we are beginning to have complaint that one key unlocks three or four boxes; third, and last, the reason why the outfit should be condemned is that the outfit is not sufficient. Our general delivery is so heavy that it can hardly be handled. We are daily having application for boxes, and have not got them, for the above reason.

I respectfully say that the inclosed blanks were received during the busy holidays and were overlooked and not intentionally neglected.

The questions are poorly answered, but if you get an understanding of the situation I hope you will appreciate the fact that I have done the best I could. In conclusion, I would say that my term of office is about out. Congressman SMALL got the Department to agree to let matters stand till the end of my term.

Respectfully,

JNO. B. RESPESS, *Postmaster.*
JNO. B. RESPESS, Jr., *Assistant.*

AUGUST 13, 1901.

POSTMASTER, *Washington, N. C.*

SIR: The inclosed lease in duplicate having been executed by the Postmaster-General, you will deliver the documents to the lessor with the following instructions:

The lease marked "Original" is to be recorded at the lessor's expense in the proper office for registry of deeds of the county in which the post-office is located and afterwards returned to you to be forwarded to this office. The duplicate lease is to be retained by the lessor.

Please see that the "original" lease is returned to the Department without unnecessary delay.

Very respectfully,

———— ————,
Acting First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., July 25, 1901.

Hon. JOHN H. SMALL, *Washington, N. C.*

SIR: I beg to acknowledge receipt of your letter of the 20th instant, relative to increase in rent prior to July 1, 1901, for the Washington, N. C., post-office. It has not yet been determined how much, if any, of the old appropriation will be available.

On October 1, 1900, there were 53 offices advanced to the Presidential class; January 1, 1901, 112 more, and on April 1, 1901, 36, making a total of 201 new third-class offices. These offices, with few exceptions, received no allowance prior to July 1, 1901, the date the new appropriation took effect. However, when the balance of old appropriation is known, the matter will receive due consideration.

Very respectfully,

———— ————,
First Assistant Postmaster-General.

WASHINGTON, N. C., *July 20, 1901.*

Hon. GEORGE W. BEAVERS,
General Superintendent Division of Salaries and Allowances,
Post-Office Department, Washington, D. C.

MY DEAR SIR: I received yours of the 11th instant in reply to mine of the 9th instant. I beg to say that you misunderstood the purport of my letter. I was aware that an order had been made fixing the allowance for the post-office here at $460 per annum from July 1, 1901.

What I referred to was an increased allowance from the time of removal of the post-office to the present building up to July 1, 1901. You may recall that at the time you increased the allowance for this post-office, effective from July 1, that you stated at the time that the old rate would have to apply up to July 1, but if at the end of the fiscal year on June 30 you found that you had an available sum on hand, that you would be very glad to make an additional allowance for the period up to June 30, inclusive. It was this increased allowance to which I referred. I hope still that you will be able to make some increase for that period.

Yours, very truly,

JNO. H. SMALL, M. C.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., July 11, 1901.

Hon. JOHN H. SMALL, *Washington, N. C.*

SIR: Replying to your favor of the 9th instant, regarding increase in allowance for rent, fuel, and light for post-office premises at Washington, N. C., I beg to inform you that an order was made on June 6 fixing the allowance for this office at $460 per annum from July 1, 1901. This sum is the

full amount that can be allowed for any third-class office according to existing law.

Very respectfully,

_____ _____,
General Superintendent.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., July 11, 1901.

POSTMASTER, *Washington, N. C.*

SIR: The inclosed lease in duplicate is herewith forwarded to you, and your attention called to the fact that there is no witness to the signature of lessor. Please have this defect remedied, and return leases promptly to this office.

Very respectfully,

_____ _____,
Acting First Assistant Postmaster-General.

WASHINGTON, N. C., *July 9, 1901.*

Hon. GEORGE W. BEAVERS,
Superintendent Salaries and Allowances, Washington, D. C.

MY DEAR MR. BEAVERS: In connection with the renting by John C. Rodman of the post-office building in this town I wish to recall a very kind suggestion made by you. You stated at the time of rental that he would have to accept the old rental up to July 1, as the appropriation was so nearly exhausted, but you told me if I would remind you, that you would endeavor to give him an additional sum. The amount which he has received up to July 1 is entirely inadequate, and you will do me a personal favor as well as perform an act of justice, if you will see if you can make Doctor Rodman an additional allowance. Kindly give this matter favorable consideration and let me hear from you at your convenience.

Very sincerely,

JNO. H. SMALL, M. C.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., June 26, 1901.

POSTMASTER, *Washington, N. C.*

SIR: The inclosed lease in duplicate is herewith forwarded to you with instructions to have same executed by party named in body of lease before a notary public, whose seal must be affixed to each acknowledgment. If the leases are executed prior to July 1, it will be necessary to attach a $1 internal-revenue stamp to lease marked "original" at the place indicated on second page of lease, and have it canceled in the usual manner. After the leases have been executed they should be returned promptly to this office for further action.

If the leases are executed after July 1 it will not be necessary to attach an internal-revenue stamp.

Very respectfully,

_____ _____,
First Assistant Postmaster-General.

Washington, Beaufort County, N. C.

John C. Rodman, of Washington, Beaufort County, N. C. Room, 21 feet 6 inches by 63 feet inside measurement on the first floor of the two-story brick premises known as the "Rodman Building," situated on the southerly side of Main street, between Market street and Union alley, on part of lot 19 (near the southwesterly corner Main and Market streets), in Washington, Beaufort County, N. C. Said room fitted and supplied by the said party of the first part with a complete equipment of boxes, fixtures, and furniture, together with satisfactory fuel and light, the necessary closets on water, etc.

Drawn June 24, 1901. Third class. Safe owned by the postmaster. No f. d. furniture; no water. Five years from July 1, 1901, at $460, $2,300.

LEASES.

[Queries to be answered by parties proposing to lease premises for postal purposes at Washington, N. C.]

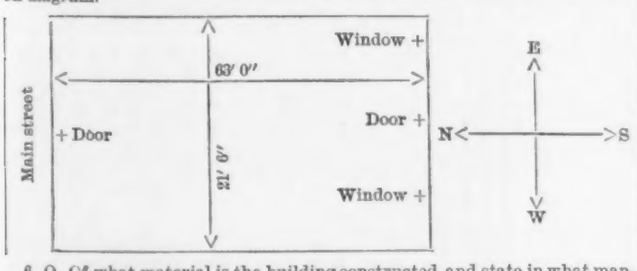
1. Q. Give the full name and residence of the person proposing to lease premises, or, if more than one, the full name and residence of each. If lessor is a bank or corporation, the full legal title should be given.—A. John C. Rodman, Washington, N. C.

2. Q. State whether the person or persons named above has or have full legal authority to execute a lease of the premises?—A. Yes; except that there is a mortgage upon the premises. The mortgagee will consent to the lease.

3. Q. State whether the above act or acts for himself or themselves, or as an officer or trustee, guardian, executor, attorney, etc., for others; and if as officers or trustees, guardian, executor, or attorney, attach copy of authority hereto.—A. For himself.

4. Q. How and where is the property located? State on what street or streets the office will have frontage, and if located on a corner, state on what corner. If located on a block between two street, name the streets. If there is an alley on the side or rear of the premises it should be shown in the diagram.—A. Washington, Beaufort County, N. C.; Main street, near the southwest corner of Market and Main streets.

5. Q. Draw diagram showing the inside dimensions of post-office room, and of offsets, if any, in feet and inches. Doors and windows should be indicated on diagram.



6. Q. Of what material is the building constructed, and state in what manner office is protected from entry thereto by force from the outside, and the different entrances thereto.—A. Brick; by doors and windows, wooden doors, glass windows.

7. Q. State date when lease commences and amount of annual rental agreed upon.—A. July 1, 1901.

8. Q. Is the building fireproof?—A. As much so as any brick building.

9. Q. What is the height of the building? How many stories? Has it a basement or cellar, and is either included in premises leased?—A. Thirty feet high; two stories.

10. Q. Has the post-office a fireproof vault, or a fire and burglar proof safe? If the latter, name the owner.—A. Has a fireproof safe belonging to postmaster, and by his consent used in office.

11. Q. How many boxes are in post-office; of what description; and owned by whom?—A. Two hundred and forty lock boxes; six drawers.

12. Q. How are the post-office premises to be heated and lighted, and at whose expense?—A. Lighted by gas, heated by stoves; at expense of lessor.

13. Q. How many tables, desks, etc.? Give full description, and by whom owned.—A. One assorting table, one canceling table, one mail-rack table, one slip case, one set mailing case, one lock secretary, one cupboard for blanks, one set pigeonhole boxes; owned by lessor.

14. Q. If only a portion of the building is to be used, state whether the post-office will be entirely separate from all the other apartments.—A. The post-office is entirely separate from all other apartments in the building, and will be kept so.

15. Q. If space is set apart for other business, state nature of business and the number of square feet so occupied. Dimensions of reserved spaces, if any, should be shown in the diagram.—A. The other apartment on lower floor is used by lessor as an office, but is entirely separate from the post-office building.

JOHN C. RODMAN.

JUNE 3, 1901.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., May 22, 1901.

POSTMASTER, *Washington, N. C.*

SIR: I inclose herewith "Lease queries," which should be answered by owner of post-office premises and returned to this office, when lease will be prepared and forwarded for execution. The inspector states that the office has been satisfactorily equipped with fixture and furniture.

Very respectfully,

_____ _____,
Acting First Assistant Postmaster-General.

Synopsis of a report made by Post-Office Inspector Davis, dated May 10, 1901, relative to fitting up post-office premises, Washington, N. C.

Inspector Davis stated the case called for information as to whether proposition of John C. Rodman, lessor of post-office premises at Washington, N. C., had been complied with. In his opinion, the room had been fitted up in a manner satisfactory to the postmaster and apparently to the patrons. The equipment is of home construction, but is new and presents good appearance. The room is of sufficient size, and well lighted.

POST-OFFICE,
Washington, N. C., March 22, 1901.

Hon. W. M. JOHNSON,
First Assistant Postmaster-General, Washington, D. C.

DEAR SIR: Yours of the 15th instant received, and will say that it will suit me much better to have an inspector come down and examine the new site before we occupy it. We hope to be able to move by April 1.

Respectfully,

J. B. RESPESS, P. M.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 15, 1901.

Hon. J. L. BRISTOW,
Fourth Assistant Postmaster-General, Division of Post-Office Inspectors.

SIR: Will you please detail an inspector to report whether the proposition of Mr. John C. Rodman, lessor of post-office premises at Washington, N. C., has been complied with? The papers in the case are inclosed for guidance of the inspector.

An early report is desired.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 15, 1901.

POSTMASTER, *Washington, N. C.*

SIR: In reply to your letter of the 7th instant, relative to transfer of fixtures from present post-office premises to new site, you are advised that you can act on your own judgment in regard to this matter; but it has been decided to refer the case to an inspector to report whether the proposition of Mr. Rodman has been complied with.

Very respectfully,

_____ _____,
First Assistant Postmaster-General.

POST-OFFICE,
Washington, N. C., March 7, 1901.

Hon. SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

MY DEAR SIR: I have the honor to inform you that I have just been informed by Dr. J. C. Rodman that the building is now ready for the removal of the post-office. I write to ask definite instructions. We have 240 lock boxes of modern style, and our cases for reception of general-delivery mail is amply sufficient for the use of the office. Our tables, cabinets, and safe (burglar proof) are amply large and convenient for use of the office, if we can be permitted to transfer them from the old to the new building. Please inform me at once in regard to this feature of our change. The office fixtures do not belong to the old building.

I have the honor to be, very respectfully, yours,

J. B. RESPESS, *Postmaster.*

FEBRUARY 23, 1901.

Hon. JOHN H. SMALL,
House of Representatives, United States.

SIR: In reply to your letter of the 20th instant, inclosing a proposition from John C. Rodman, of Washington, N. C., to rent a room for post-office

purposes on basis of $460 rent, including fuel and light, you are advised that said proposition has been accepted, effective from July 1 next.

The postmaster has been authorized to change site to Mr. Rodman's building.

This action is in accordance with your recommendation.

Very respectfully,

_____,
Superintendent.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., February 23, 1901.

POSTMASTER, *Washington, N. C.*

SIR: You are hereby authorized to move the post-office to building owned by Mr. John C. Rodman, on basis of present allowance for rent, fuel, and light for remainder of current fiscal year, when the allowance will be increased on July 1 next to $460 per annum for rent, fuel, and light, and a lease will be made for five years.

Report the date you take possession of Mr. Rodman's building.

Very respectfully,

_____ _____,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., February 25, 1901.

POSTMASTER, *Washington, N. C.*

SIR: In reply to your letter of the 20th instant, relative to furniture and fixtures for new quarters for post-office, you are informed that it is the practice of the Department to leave the matter of deciding on quality and kind of fixtures to be put in a post-office to the postmaster, especially in a third-class office.

If the matter can not be mutually adjusted by the postmaster and lessor, the case will be referred to an inspector for investigation.

Very respectfully,

_____ _____,
First Assistant Postmaster-General.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 20, 1901.

Hon. GEORGE BEAVERS,
Chief Division of Salaries and Allowances,
Post-Office Department.

DEAR SIR: Referring to the post-office at Washington, N. C., and the proposed lease of building from John C. Rodman, I herewith inclose proposition in writing from John C. Rodman for lease of building. You will note that there have been several alterations and interlineations, but I hope that the same will not materially affect the proposition as required to be made. As I understood, the provision for "free-delivery furniture" might be stricken out, and the word "fuel" be substituted for "light." As to the provision for a "fireproof and burglar-proof safe or vault," I wrote Doctor Rodman that as the postmaster already owned a proper safe he would have no trouble on this point; but there was really no necessity for striking out this clause. As to the provision for "necessary closets and urinals," I beg to say that we have no public water supply in our town, and there is no room on this particular lot for the maintenance of sanitary closets; but Doctor Rodman proposes to provide these at a very convenient distance, satisfactory to the postmaster. I hope this matter can now be closed at an early date.

Very respectfully,

JNO. H. SMALL, M. C.

FEBRUARY 19, 1901.

To the POSTMASTER-GENERAL, *Washington, D. C.*

I, John C. Rodman, hereby agree to lease, for use of the post-office at Washington, the room 63 feet by 23 feet (inside measurement), on the first floor of the two-story brick building, premises known as Rodman Con. Building, situated on my lot, plot 1, No. 19, on the south side of Main street, between Market street and Union alley, in Washington, for a term of five years from July 1, 1901, at the annual rental of $460, payable quarterly, and subject to the provisions and requirements of the form of lease used by the Post-Office Department, as herein set out and no further.

I further agree to furnish said described room with boxes and drawers of a modern pattern in sufficient number, together with all the necessary fixtures and furniture requisite to place said room in a condition in every way satisfactory for use as a post-office, and to keep said room, boxes, fixtures, and furniture in good repair and proper condition to the satisfaction of the Post-Office Department, and to furnish all additional boxes, fixtures, and furniture that may be deemed necessary during the term for which the premises hereinbefore described may be leased.

I further agree to include the furnishing of satisfactory fuel, light, the heating and lighting fixtures, and the plumbing in good repair and condition during the term of the lease.

I will have the room ready for occupancy by the post-office fifteen days after the receipt of the notice of acceptance of this proposition by the Post-Office Department.

JOHN C. RODMAN.

POST-OFFICE, *Washington, N. C.*

F. N. DAVIS, Esq.

DEAR SIR: It is likely that we will move our office across the street; is making calculation to move the old boxes to the new building, in spite of any explanation I can give to the contrary.

Now, if the Department expects us to keep a key deposit, etc., you know we can't do so in no other way than do away with the old and get new boxes.

By doing this and reduce the rent we could a hundred more, nearly sufficient to make good the present box rec. Hoping that you will act or submit the matter the proper department,

I am, respectfully,

JOHN B. RESPESS, Jr.,
Assistant Postmaster.

POST-OFFICE,
Washington, N. C., February 20, 1901.

Hon. W. M. JOHNSON,
First Assistant Postmaster-General:

I respectfully write you in regard to moving the post-office at Washington, N. C., the equipment of the new building, and the disposition of the old equipment, etc., as per instruction of Hon. JOHN H. SMALL, Member of Congress, First district.

The instruction we have had was $460 per year for building, furnished, including light and fuel. Now, does this mean that Doctor Rodman, owner of property, is to furnish nothing but light and fuel, or furnish the building only, moving a lot of old, worn-out stuff, such as an old desk top on rough scantling legs, one old table, one cupboard that we keep our blanks in, to which the mice have free access and use the top shelf for nesting, two old goods boxes which hold a part of the records of the office—the rest of the records are packed up exposed to rats or anything else—and a few old call boxes that are used for letter or mailing cases? This is the furniture now in use and has been for twenty years, except one secretary I had built since I took charge of the office, in which I keep my official envelopes, stamped envelopes, cards, etc. How will this look in a new building?

Again, the lock box now in use was bought about fifteen years ago by the postmaster and sold to individuals. No record was made of the sale and there has been no records kept since. If other offices have tried to adopt the key deposit under just such circumstances, would it not be better in the beginning to get right by getting new boxes? I mean, have Rodman get them, thus preventing so much annoyance to the Department and hardship on the postmaster.

I would further suggest, your honor, first, we have 240 boxes, rent 50 cents per quarter. Number rented this quarter, about 238. If the whole was rented, $120 would be the proceeds. Now, if we have 460 boxes, rent 30 cents, the proceeds would be the same and reduce the general delivery one-third, also making rent and key deposit 50 cents and the yield to the Government the same. I think now is the time to make this change, as we could sell the old boxes to the Plymouth post-office. I hope you will clearly understand the situation and give me an early reply.

By requiring the new outfit, as I suggest, you will greatly please the patrons, who are anxious to petition same if necessary.

Asking your pardon for such a lengthy communication,

I am, respectfully,

JNO. B. RESPESS, *Postmaster.*

Synopsis of report of Post-Office Inspector F. N. Davis, dated February 4, 1901, relative to new equipment for post-office at Washington, N. C.

Mr. Davis advises that the post-office is about to be moved across the street to a new building, and in his opinion the condition of the boxes in the post-office is such that it would not be desirable to move them into the new quarters. As rental is to be increased, the lessor should be required to provide a new equipment, and if he will take such action it would appear to be advisable to enter into a lease for the premises for term of ten years.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., January 23, 1901.

POSTMASTER, *Washington, N. C.*

SIR: Referring to question of relocation of the post-office, you are advised that in returning circular letter you have failed to submit a petition of a majority of the business men indorsing proposed change. Neither has a map been furnished showing present and proposed site of post-office. Please furnish the map and petition.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

Hon. W. M. JOHNSON,
First Assistant Postmaster-General:

Respectfully returned with the map and petition, as required.

The papers are a little soiled, as the weather is very rainy. It took only two hours to fill the list inclosed. It would only take time to get every person in Washington to sign. The list furnished is only the most prominent men, who get the most mail.

Respectfully,

JNO. B. RESPESS,
Postmaster, Washington, N. C.

WASHINGTON, N. C., *January 22, 1901.*

Hon. FIRST ASSISTANT POSTMASTER-GENERAL.

DEAR SIR: I don't think that Doctor Rodman will hold his building until July 1, but if leased in a reasonable time he will be willing to fit and furnish light, fuel, and lock boxes.

Respectfully,

JNO. B. RESPESS, *Postmaster.*

A petition.

We, the undersigned business men and patrons of the Washington (N. C.) post-office, do petition the Department to move the office from its present location to the Rodman Building, on the opposite side of Main street, as it will be equally as convenient to the public and afford ample room to transact the business of the office.

W. B. Rodman; W. S. Pendleton; W. D. Grimes; Chas. E. Waring; A. S. Wells; W. D. Brickman; G. E. Robertson; J. S. Campbell & Co.; W. A. Blount; Jno. G. Blount, jr.; H. H. Satterthwaite, F. W. Hoyt; E. W. Ayers; J. M. Gallagher; Knight & Cooper; H. R. Bright; W. B. Morton & Co.; P. A. Nicholson, M. D.; S. T. Nicholson, M. D.; Smith Paul.

Gazette-Messenger; W. Bragon & Co.; E. K. Willis; J. R. Meekins; C. J. Looky; W. L. Bennett; W. H. Peed, Olivar Cutler; W. H. Abeot; W. C. Mallison & Son; John C. Roehan; G. E. Buckman; D. S. Siddon; B. L. Lorsman; A. B. Smith; S. M. Blount; W. E. Swindell; C. T. Crodon; M. J. Haight; G. W. Wright.

S. H. Williams; W. Scott Fizzle & Son; E. T. Stewart; J. F. Buckman; J. B. Towle; W. D. Woolard; J. J. Whirtey; J. K. Hoyt; R. R. Handy; R. J. Manning; J. F. Thomas; O. B. Wynne; H. Susman; J. S. Hodges; J. B. Moore & Son; D. W. Bell; E. L. Dewson; Seth Bridgman; Thos. J. Latham; Thos. J. Latham, jr.; G. W. Morgan; Armistead L. Tayloe, M. D.; D. F. Tayloe & Co.; James R. Grest; Geo. N. Howard; D. D. Dupue; C. G. Morris; N. R. Robinson; C. F. Smith; W. J. Rhodes; A. H. Wilkinson; T. W. Phillips; W. C. Dudley; W. L. Dudley; McD. Borgoron; C. F. Bland; H. B. Clark; Carter & Tayloe, merchants; O. Brownly; F. G. Paul & Bro., S. H. Bennett; H. M. Armstrong; R. A. G. Barnes; Y. Harry Myers; Jno. Myers & Son; J. Harris; J. H. Rawlins.

H. B. Mayo; L. M. Nash; A. W. Thomas; Ed. L. Merrill; Frank L. Carty; D. Meede Field; R. H. Bonner; Jno. H. Fulford; Carl H. Richardson; M. F. McKeel; F. P. Whitney; Frank H. Bryan; Misses J. & P. M. Myers; J. M. Springer; Geo. A. Spencer; Geo. A. Hippenstock; J. W. Oliver; E. M. Little, jr.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., January 14, 1901.

Subject, change of site.

SIR: Please answer each of the following questions in space opposite thereto, and sign and date this sheet, and return it to this office as promptly as possible.

Very respectfully,
W. M. JOHNSON,
First Assistant Postmaster-General.

POSTMASTER, *Washington, N. C.*

1. Will proposed post-office site be centrally located and satisfactory to a majority of business men of the town?—It will; decidedly so.
2. Will it be within the 80-rod limit?—Yes; 80 feet.
3. Is present site within this limit?—Yes.
4. Will it be free from objectionable features, such as saloons, gambling dens, etc.?—It will.
5. State annual rent.—Present room, $250; proposed room, $360 rent alone.
6. Who owns proposed site?—Dr. John C. Rodman.
7. Give dimensions.—Present room, 12:11 by 73; proposed room, 21:6 by 63.
8. Is any other business transacted in same room with post-office at present?—None.
9. Will any other business be carried on in the same room with post-office?—No.
10. Will a new set of fixtures be provided for proposed room?—I think, if building was rented at once.

If yes, by whom?—Yes; by Doctor Rodman.

11. Is new building frame or brick?—Brick.

Submit a petition of a majority of the business men indorsing proposed change. Petition must be publicly circulated. Also a diagram or map of business part of town on which is marked present and proposed site. Principal business places must be indicated. Locate proposed site definitely by giving name of building or lot and block number.

Any additional facts bearing on the subject that will aid the Department in deciding the case should be submitted. A full statement in regard to other business in same room with post-office should be furnished.

JNO. B. RESPESS, *Postmaster.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 16, 1901.

Mr. GEORGE W. BEAVERS,
Superintendent Division of Salaries and Allowances,
Post-Office Department, Washington, D. C.

DEAR SIR: I have yours of the 14th instant relative to the post-office at Washington, N. C., authorizing the postmaster to rent the room proposed at $450 per annum, to include heat, light, and equipment, effective from July 1, next. I have forwarded all the papers to the postmaster.

Very respectfully,
JOHN H. SMALL.

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., January 14, 1901.

Hon. JOHN H. SMALL,
House of Representatives, United States.

DEAR SIR: Referring to our conversation to-day in regard to increasing the allowance for rent at Washington, N. C., I beg to state that in view of the condition of the appropriation it will not be possible to increase the present allowance before July 1 next. If, however, the postmaster can rent the room proposed (21½ by 63 feet) at $450 per annum, to include heat, light, and equipment, the Department will enter into a lease for a term of five years from July 1, provided the location is satisfactory to the patrons of the office. I inclose herewith form of lease and blank propositions.

The postmaster was directed to-day to make a report showing the location of the proposed site and to furnish a petition of citizens favoring the same.

Very respectfully,
——— ———, *Superintendent.*

WASHINGTON, N. C., *January 1, 1901.*

Hon. JOHN H. SMALL,
House of Representatives, Washington, D. C.

MY DEAR SIR: I beg to call your attention to the pressing needs of the post-office at this place. With a population of at least 15,000 supplied with their mail from this office, we are hurdled up in this office, 71 by 12½ feet, as the within rough map shows, and for the want of room we are compelled to do more work than any other office in the State to amount of business we do. The little, narrow pass way, 4½ feet, is very often so packed that neither ingress or egress can be made through them. There are patrons who are paying for boxes, many of which can not get to them for the jam. I can, if permitted to do so, rent a building in the same neighborhood 62½ by 21½ feet, just being completed, of brick, for $30 per month or $90 a quarter. This building is as large as we at present need, and can be so fitted up as to be of great convenience to the business patrons of this office, and there is a very strong local clamor for the change.

I hope your constituents, as I am sure they will, have your hearty cooperation in securing this much-needed change. If a petition is necessary, I can send you one with the name of every patron of this office, except the owners of the present building, for the change. I send a rough draft of both buildings, and you can see at a glance the difference.

Another matter, personal to myself, I beg your help. It is to have an increased allowance for light and fuel for the Washington office. We have been allowed $50 a year for lights and fuel. This was quite enough until we had gas put in, which is so much better, but more expensive. From our November and December receipts it looks as if our gas bill alone may amount to nearly or quite $50. We have to work from 5 a. m. to 9 p. m., and our gas bill and fuel (coal $6 per ton of 2,000 pounds) is heavy. We are as economical as possible; only one small stove in the building, which is insufficient to warm it. Help us on this line, and add to the obligations we are already under.

Yours, truly,
J. B. RESPESS, *Postmaster.*

WASHINGTON, N. C., *April 11, 1901.*

Hon. W. M. JOHNSON,
First Assistant Postmaster-General:

In obedience to instructions, I have the honor to inform you that we moved in the Rodman Building on the 4th day of April, 1901.

I am, respectfully, yours,
JOHN B. RESPESS, *Postmaster.*

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, the gentleman is granted leave to extend his remarks in the RECORD. The Chair hears none.

Mr. MOON of Tennessee. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. MARSH].

Mr. MARSH. Mr. Speaker, on page 61 of the report on the Hay resolution will be found the only account, I believe, in this indictment that involves myself, and in order that my constituents may have full information as to what that account contains, I send the document to the Clerk and request that it be read.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield to the gentleman one more minute.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

At Carthage, Ill., in 1899 the annual salary of the postmaster was $1,700 and gross receipts $5,831. The allowance for rent, fuel, and light at this time was $410 per annum.

Under date of May 30, 1900, Hon. B. F. MARSH indorsed a request of the lessors for increase in rent to $420 per annum, with an additional allowance for fuel and light. Congressman MARSH's letter is as follows:

WASHINGTON, D. C., *May 30, 1900.*

Hon. PERRY S. HEATH,
First Assistant Postmaster-General.

DEAR SIR: I respectfully refer to you the inclosed letter signed by M. F. Berry, W. H. Moore, and N. J. Hilfrink, on behalf of Bentley Lodge, No. 412, I. O. O. F., making application for additional allowance for light and heat for the post-office building at Carthage, Hancock County, Ill. All that these gentlemen say as to the superior fitting, decoration, and management of this post-office I can heartily commend. It is as well kept an office as could be found, and in point of finish and accommodations will doubtless equal any post-office of its size anywhere. The office room is a large one, the building a very fine one, and the lock boxes, etc., up to date in every respect. I respectfully recommend a favorable consideration of the application. The rental now allowed is $34.11 per month, and if your Department can increase this to $35 per month and give an allowance sufficient to cover the cost of lighting and heating I believe the action would be fair and just.

Very respectfully,
B. F. MARSH.

Under date of June 2, 1900, the Department replied to Congressman MARSH as follows:

"JUNE 2, 1900.

"Hon. B. F. MARSH, *House of Representatives.*

"SIR: In reply to your letter of the 30th ultimo, with inclosure from lessors of post-office premises at Carthage, Ill., I beg to inform you that the allowance for rent, fuel, and light will be increased to $460 per annum, effective July 1, next. This amount is all that Congress authorized the Department to pay for rent, fuel, and light for any third-class post-office."

During the reading of the above, and before the report was concluded, the time of the gentleman again expired, and he was yielded one minute by Mr. MOON of Tennessee. The time having again expired,

Mr. MARSH. Mr. Speaker, I would like permission to incorporate a few remarks in the RECORD.

The SPEAKER. Without objection, leave to extend his remarks in the RECORD will be granted the gentleman from Illinois. The Chair hears no objection.

Mr. MARSH. Mr. Speaker, I simply desire to say further that I stand by the above record.

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. POU] seven minutes.

Mr. POU. Mr. Speaker, during fourteen years of public service no one, so far as I know, has ever reflected upon my conduct as a public official. It remained for some scoundrel in the Post-Office Department to do this. Now, this is a time when one should use plain language, and I propose to do it.

It seems that there are in the Post-Office Department not only thieves and grafters, but libelers as well. [Applause.] I have absolutely nothing to conceal. If, after hearing my statement, there is any decent man who will say I have done anything wrong, I will resign my seat in Congress.

There is a little post-office in my district called Mapleville. I was informed by the postmaster at that place that his office was made the distributing point for several other offices, among which were three offices—Margaret, Stallings, and Cedar Rock. I was informed by the postmaster that he received no pay upon the cancellation of stamps on letters passing through his office to these places, except, of course, upon letters dropped in his office; that his work was quite onerous, and that he would either be compelled to employ a clerk or devote a larger part of his time in discharging the duties of the office. After making this statement in my letter to the Postmaster-General, I concluded with these words:

I have the honor, therefore, to inquire if there is any rule of the Department which will permit such increase in his (the postmaster's) pay as may be commensurate with the service rendered.

I will insert in the RECORD my letter in full, and also a letter from the First Assistant Postmaster-General, stating that this was the only letter written by me on the subject of clerk hire at Mapleville.

Now, upon this a charge is to be brought against me, alleging that I used improper influence to secure an increase in this man's pay. I, a Democrat, serving his first term in Congress, charged with the offense of exercising undue influence over a Republican official. [Laughter and applause.] And the same may be said

of other gentlemen upon the Democratic side who are included in this wholesale indictment. The idea that we had used undue influence with Republican officials is absurd. We who wish every Republican turned out; who are willing in a legitimate way to make the pathway of the Republican Administration as stony as possible; we are to be charged with exercising undue influence.

Now, Mr. Speaker, I have had some experience with crime during ten years of my life. During that time I learned that long participation in crimes makes a man bold, and the same boldness seems to characterize certain officials of the Post-Office Department. We propose to investigate them. In spite of all sorts of Republican diplomacy, it has cropped out that the Post-Office Department is a seething pool of corruption. A resolution is introduced to investigate those in charge of this Department. The reply they send in here amounts to this: "You have violated the laws yourself. You are as guilty as we are. If you do not hold up this investigation we will expose you." This reply of Post-Office officials amounts to blackmail, and the man who allows himself to be intimidated has lost his manhood and is not fit to sit in this body. [Applause.]

The gantlet has been thrown down. The proposition is up to you gentlemen on the other side. They have defied you; they have insulted you. Will you pick up the gantlet? I repeat it, the proposition is up to you. So far as we are concerned, every man upon this side of that aisle will vote for a resolution to investigate the whole Post-Office Department to the very bottom. [Applause.]

The country is demanding an investigation. If those in charge of that Department have done nothing wrong, then they have nothing to fear; an investigation will vindicate them. If they are guilty of corruption and rascality, then the resolution will develop it, and we can return to our constituents conscious that we have done our duty.

What is the necessity of raising a committee to investigate what Members have done? The report of the committee, which is on our desks, already shows what Members of this body have done. What need is there for any other investigation? The country may charge that we have whitewashed ourselves; but if you insist upon raising a committee to investigate the conduct of Members of this body, we upon the Democratic side will help you pass it. We want the lights turned on, not only upon our own conduct, but upon that of the Post-Office officials as well.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

Mr. POU. Certainly.

Mr. WILLIAMS of Mississippi. I do not know whether the Post this morning accurately stated it or not, but it said there was a committee to be organized before which such Members of Congress as chose could appear. The gentleman from North Carolina has been prosecuting attorney. Did he ever know the guilty to appear voluntarily before the grand jury? [Laughter.]

Mr. POU. Never! Mr. Speaker, the grand jury is the last body in the world the guilty man desires to confront. The grand jury hunts for the criminal. The criminal never hunts for the grand jury. I believe, Mr. Speaker, this whole affair is simply another effort to suppress an investigation of a Department which I believe to be very corrupt. If a Member can not invoke the rules of the Post-Office Department to assist officials in his district to secure their lawful pay, then what can he do? I would like for some Post-Office official to tell us what we can do without being slandered and criticised. [Applause.] Members will be reluctant to have any dealings with this Department hereafter. One feels now that when he enters that building he is breathing a polluted atmosphere. Let us turn the hose on it. Let us wash out every room and every passage and every closet in that building. Let us do this even if they do attempt to blackmail us.

Can you Republicans afford to assist in a suppression of this investigation? Can you afford to go before the country with such a record as this? There are some things above party. When the honor of the Republic is assailed party differences are obliterated, and I say when the honor of this body is assailed, when an attempt is made to hold it up, to blackmail its Members, all party differences should be suppressed. That we should not only submit to an investigation of ourselves when necessary, but we should investigate those who have the audacity to use such tactics in protecting themselves. Let us not make a partisan question of this matter. I should think any Republican would feel humiliated to be forced by his party to submit to such treatment. No man should be the slave of his party; certainly not when his honor is attacked.

Now, Mr. Speaker, this is about all I care to say. In conclusion, I repeat that, with respect to myself, the statement that I recommended an increase in the salary of the postmaster at Mapleville or that he receive an allowance for a clerk is false. I remember writing that letter. It is well known in my district that I have always refrained from asking favors from this Administration and I was careful not to make a request for an increase in the emoluments of the post-office at Mapleville. Hereafter I shall be more cautious than ever when I enter the Post-Office building. I shall demand that my constituents have their rights, but I shall proceed with greater caution than ever before for fear that I may be misrepresented or libeled.

I want to say, in conclusion, that every official of the Post-Office Department who has attempted to expose the corruption and rascality there ought to be commended; but I believe that only the surface of what has been taking place has been exposed up to this time. Let us go to the very bottom if it takes the entire summer to do so. Let this body assert its manhood in spite of party dictation, and let us see to it, if possible, that every man who has been false to his trust is exposed to the public gaze.

The situation now is about this: We propose to investigate the the Post-Office. That Department replies: "If we have violated the law you influenced us to do it; you need investigating yourselves." The resolution you Republicans propose to pass responds, in substance: "Yes; that is true; we will inaugurate a whitewashing process, and let the whole matter drop there." What is the meaning of all this change which has taken place on the Republican side of this Chamber? Yesterday some of you were almost swearing that there should be a full investigation of this Department. To-day you seem to be ready to pass the McCall resolution and let the matter drop. An amendment to that resolution will be offered, providing for an investigation of the entire Post-Office Department. Every Democrat will vote for it. I wonder if any Republican will vote against it?

Mr. Speaker, let us have a committee clothed with full power to investigate both sides. Don't let this be a one-sided investigation. I hope no Member will raise any point of order against any resolution providing for a full investigation of both sides.

You can raise your whitewashing committee if you wish. For one I shall not go before it. Conscious of the perfect rectitude of my conduct, I do not need any whitewashing from your committee. The RECORD will contain a statement of all I have done with respect to increasing the pay of public officers, and I shall respectfully decline the services of your committee if you raise it. Not a Member from my State or Senator has done the slightest thing he ought not to have done. Not one of them needs the services of your committee.

Mr. Speaker, I received a letter from a postmaster in my district to-day, saying that the establishment of our new rural-delivery routes had so increased the work in his office that he would be compelled to resign if he could not get an increase in his salary. Now, what am I to do? This man has been holding the office largely for the accommodation of the public. If I present his case to the Department I run the risk of being misrepresented and slandered. It is well known that the establishment of the rural free-delivery service dispenses with the need of many fourth-class post-offices, and of course increases the work in the offices which remain, in some instances without a corresponding increase in the pay of the postmaster.

For instance, the postmaster at Mapleville was receiving $81 per annum, and yet he informed me that the work was such that he would be forced to engage the services of a clerk or remain in the office most of the time. Nearly all of the postmasters in my district are Republicans, but in discharging my duties in Washington I have paid no heed to the politics of my constituents in my efforts to see that they were treated fairly. This shall be my course in future, notwithstanding I have been libeled.

As long as I am a Member of this body, by God's help I shall try to do my duty. At least it shall not be said with truth that I ever cast a vote to aid in suppressing an investigation in any Department where I believe corruption exists. [Prolonged applause.]

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
OFFICE OF GENERAL SUPERINTENDENT
SALARIES AND ALLOWANCES,
Washington, D. C., March 9, 1904.

Hon. EDWARD W. POU,
House of Representatives.

SIR: In compliance with your request, I have the honor to inclose herewith copy of a letter written by you under date of January 11, 1902, relative to an increase in the salary of the postmaster at Mapleville, N. C.

The inclosed letter is the only one written by you on the subject of clerk hire at the Mapleville post-office on file in this office.

Very respectfully,
R. J. WYNNE,
First Assistant Postmaster-General.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1902.

To the honorable POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: I have the honor to address you in reference to the inadequacy of the pay received by the postmaster at Mapleville, Franklin County, N. C.

The aforesaid office is made the distributing point for several other offices, among which are Margaret, which has been recently established, Stallings, and Cedar Rock. I am informed that the postmaster at Mapleville receives no pay by way of cancellation of stamps on letters addressed to these various offices, except, of course, on letters dropped in his office. The work is quite

onerous, and the postmaster is compelled to employ a clerk or give a large portion of his own time in discharging the duties of the office.

I have the honor, therefore, to inquire if there is any rule of the Department which will permit such increase in his pay as may be commensurate with the service rendered.

Yours, respectfully, EDWD. W. POU.

Mr. MOON of Tennessee. Mr. Speaker, I yield ten minutes to the gentleman from Wisconsin [Mr. COOPER]. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I am under obligations to the gentleman from Tennessee, and especially to the House for its cordial reception, but at this time I will return the time to the gentleman from Tennessee and endeavor to get more than ten minutes after we have taken the vote on this motion to lay this resolution on the table.

Mr. MOON of Tennessee. Mr. Speaker, I would be glad to give the gentleman from Wisconsin more time, but I have only eighteen minutes left.

Mr. OVERSTREET. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. DEEMER].

Mr. DEEMER. Mr. Speaker, in the report of Fourth Assistant Postmaster-General Bristow to the Post-Office and Post-Roads Committee, under the head of "Allowances for clerk hire," on page 18, among the list of Pennsylvania Representatives I find my name mentioned as having recommended an increase in the allowance for the Westfield post-office, an increase having been made from $250 to $600 per annum. I desire to place myself correctly upon the records with reference to this report.

I would state that I received a letter from E. S. Holcomb, postmaster at Westfield, of which I have a copy of the original in my hand, made by the First Assistant Postmaster-General's department, as follows:

WESTFIELD, PA., *November 29, 1901.*

Hon. ELIAS DEEMER, *Williamsport, Pa.*

MY DEAR SIR: Some days ago I wrote Senator PENROSE for his cooperation in getting the appropriation for clerk hire raised at this office. In reply he asked me to put my proposition through you, which I will now do. Some days ago we had an inspector here, and in his report he has reported we were not receiving over half as much as we should for the work. Our appropriation is now $250, and I am spending $250 more out of my salary for clerk hire. At the time we weighed the mail last we had over 14,000 pounds of incoming mail and over 9,000 pounds of outgoing mail in forty days. I trust that you will look this matter up for me. We are also paying $100 more for rent than is the appropriation. We can get a place out of the business portion of the town, but suppose the Department would like to have the office accessible to the business people.

Thanking you in advance for this great favor, I am,

Truly, yours, E. S. HOLCOMB.

Soon after I received this letter I called at the office of the First Assistant Postmaster-General, and handed this letter to J. M. Masten, the chief clerk. The original letter is now on file in the Department. He replied that they would consider the matter and advise me. In reply I received a letter dated December 7, 1901, as follows:

Hon. ELIAS DEEMER,
House of Representatives.

DEAR SIR: Referring to letter from postmaster addressed to you, I beg to advise you that the question of an increased allowance for clerk hire at Westfield, Pa., will be favorably considered upon receipt of report showing the amount of transit matter handled at that office.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

I hold in my hand copy of another letter received from the First Assistant Postmaster-General, as follows:

WESTFIELD, PA., *December 17, 1901.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.

DEAR SIR: In compliance with your order of the 6th instant, we have counted mail in transit for the week ending December 14. I am now paying $450 to the assistant postmaster and $150 to a lady. The gross receipts of this office have increased $600 in the past year, which consequently increases the work aside from the distribution.

Trusting the Department will act upon this, I am,

Respectfully,

EDWIN S. HOLCOMB, *Postmaster.*

I heard nothing further from this until I received another letter from the Department, of which the following is a copy:

DECEMBER 21, 1901.

Hon. ELIAS DEEMER, *House of Representatives.*

SIR: Referring to your recommendation, I have the honor to advise you that in accordance therewith the allowance at Westfield, Pa., has been increased from $250 to $600 per annum, to take effect January 1, 1902.

Very respectfully,

W. M. JOHNSON,
First Assistant Postmaster-General.

Now, Mr. Speaker, that is all there was with reference to this transaction, as far as I am concerned. When I handed the postmaster's letter to the chief clerk I made no recommendation. I did not know then, nor do I know now, whether he was entitled to the increase or not.

No one outside of the Post-Office Department can tell what amount of allowance for clerk hire a postmaster is entitled to. There is no law upon the subject; it all rests with the Department. I merely desired the postmaster to have what the Department found him entitled to have. I took the matter up at the request of the postmaster, believing it to be my duty to do so and to interest myself in seeing that he received what he was justly entitled to.

The letter of December 21, 1901, addressed to me is supposed to have been dictated by Mr. Beavers. You will notice in this letter he states, "Referring to your recommendation, I have the honor to advise you," etc. As I have already stated, I made no recommendation; but the present First Assistant Postmaster-General informs me that that was the practice uniformly of Mr. Beavers in replying to Representatives in Congress, upon the ground that the Representative could show the letter to his constituent and that this increase was granted at his request.

Mr. Wynne further informs me that when he came into office he objected to this form of letter being used.

Even if I had recommended an increase, it was for the Department to determine whether the postmaster was entitled to the increase or not, under the law and the custom of the Department.

In this list also appears the name of the Hon. Horace B. Packer, my predecessor, who was in Congress four years. During his term the allowances for the office at Knoxville were increased from $80 to $200, to take effect July 1, 1899. I have a copy of a letter from the First Assistant Postmaster-General's Office, dated March 8, 1899, which reads as follows:

CLERK HIRE, KNOXVILLE, PA.

Hon. H. B. PACKER, *House of Representatives.*

DEAR SIR: Referring to your personal recommendation in connection with the above subject, I have the honor to state that the annual allowance for clerk hire at the above office has been increased from $80 to $200, to take effect July 1, 1899.

I am informed that this letter was also dictated by Mr. Beavers.

I also have a copy of a letter dated February 19, 1901, to the Hon. H. B. Packer, further advising him of the increase of the allowance for clerk hire at the Knoxville (Pa.) post-office from $200 to $300 per annum from July 1, 1901, in compliance with his recommendation.

I also have a copy of a letter from the First Assistant Postmaster-General to the Hon. Horace B. Packer, dated June 11, 1900, referring to previous correspondence, and advising him that the allowance for clerk hire at Coudersport, Pa., had been increased from $250 to $320 per annum, effective from July 1, 1900.

My predecessor was a Member of Congress four years and I have been a Member now a little over three years, and during these seven years increases for these two offices were allowed during the term of my predecessor and one during the time that I have been a Member. I presume that my predecessor did just what I did and other Congressmen have done. These requests come to the Congressmen and they are referred to the proper Department for consideration.

I believe it to be my duty to look after the interests of the people I have the honor to represent. This I have endeavored to do to the best of my ability. If there are dishonest or incompetent officials in the Post-Office Department who make mistakes it is no fault of mine. I have given you the facts as they are. [Applause.]

Mr. OVERSTREET. I now yield ten minutes to the gentleman from Michigan [Mr. WM. ALDEN SMITH].

Mr. WM. ALDEN SMITH. Mr. Speaker, a great deal of interest has been manifested in the report and resolution now before the House. The reason for that interest is twofold. First, it is a very important matter, and next it involves the reputation of the Members of this House. I do not care how much any gentleman may refine or apologize for it, I denounce this report that has been thrown voluntarily on the desks of Members as a gratuitous insult by a great Executive Department of this Government. [Applause.]

The House of Representatives, Mr. Speaker, has always been, in the estimation of thinking people, the highest expression of the popular will. To this body have been accredited the representative citizens of the Republic from the time of its birth; men from every State in the Union and from all the walks of life; men of known probity and character, fairly representative of all classes of our people, have here discharged their public duty. Here in the House of Representatives Mr. Blaine was chosen to lead our party. I, as a boy, sat in the national Republican convention at Chicago twenty-four years ago and saw the popular demonstration of the public will lift from this House its most conspicuous figure, a giant in politics in our country, and James A. Garfield led us to victory in that campaign. [Applause.] The service of

William McKinley as a Member of Congress fitted him for the most conspicuous service ever rendered his country by a President of the United States. He united his party without resorting to any of the arts of the demagogue, and left as a legacy the priceless memory of a well-spent life. Sir, since I have been a Member of Congress I have seen fifteen distinguished men chosen from this body and sent to the Senate of the United States because of their character and fitness demonstrated here.

Since I have been a Member of this body the governors of five States have been taken from this House, and they have given to their States administrations of which all have been proud. [Applause.]

The Post-Office Department has voluntarily undertaken to cast a stigma upon this great Chamber of the people. They have gone out of their way to give partial facts, which, fully explained, would have been creditable to every Member, and then in a little footnote, which would require a magnifying glass to read, have said: "Where no excess is shown the allowance was warranted at the time it was authorized," thus exonerating nineteen-twentieths of the men named. Why were they mentioned at all? Let the guilty author of this volume answer.

Mr. Speaker, the House of Representatives is the buffer state in our political system. We stand between the Executive Departments of this Government and the people. We are the only body of men high in governmental affairs for whom the people can vote for directly. We are their chosen servants, and are here to do their bidding. They can not vote directly for a President. Electors must be chosen to express the popular will. They can not vote directly for Senators, because the legislature must elect Senators. I repeat, we are the buffer state in our political system, and if the inquiries daily received from people were addressed to any bureau, or even the President, and such requests denied with scant courtesy, the person making answer would soon become the most unpopular man in the United States. Friendship for the Representative and his known willingness save him from criticism. The contest is now on between the representatives of the people and a bureaucracy that has assumed to sit in judgment upon our official acts without political responsibility to anyone, denying to the public information properly belonging to it. [Loud applause.]

Mr. Speaker, whenever the people want a popular leader they come to the House of Representatives to get him; and I hope the day is not far distant when the people will deservedly crown that great commoner, the Speaker of this House, who has for more than a third of a century stood like a stone wall on the legislative battle line of the Republic, with the Presidential office, for which he is so admirably fitted. [Loud, long-continued, and enthusiastic applause.]

Mr. Speaker, I want to say to this House and to the country that the great menace to governmental efficiency of this country to-day is the irresponsibility of Government employees, owing no allegiance to the people, but with maudlin sycophancy and sickening idolatry transferring their political convictions from one chief to another as rapidly as occasion requires to selfishly cultivate their favor. These great Departments are filled with cabals and cliques who surround the new head, whoever he may be, and artfully lead him over the thorny path of administrative duty without even permitting him to inquire about his surroundings.

I want to say to this House that a Representative directly from the people has no standing in the national capital, in the estimation of these political cruisers. I know a Department of this Government where they have issued orders to the elevator man that whenever a bureau chief gets on the elevator he shall be promptly delivered to his floor, whether Representatives ever are assisted to their destination or not. He may carry a Representative in Congress up and down the heights and depths of that building without stopping to let him off, no matter how urgent his mission; and they do not even allow him mileage for what he travels. [Laughter.]

Mr. Speaker, there is not a bureau of this Government that shows proper respect for the Representatives of the people. If you go into one of these bureaus and undertake to accomplish anything, they shunt you back for a clerk or a Senator, and make you wait until he finishes, although the Senator has six years of tenure and we have only two, and our term of office may expire while we are toasting our heels in the anteroom of some bureau of this Government. [Applause.]

My constituents have sent me to do their work. I have done my best to justify their confidence and shall continue my efforts unabated. If my influence grows with the years, they shall be the beneficiaries; if I err in the discharge of my duty, they shall be the sole judges of my offense. Fair and honest and patriotic, they only ask what they deserve, and, by the help of God, that they shall not be denied. [Great applause and cries of "Go on!" Go on!"]

Mr. CLAYTON. I ask unanimous consent that the gentleman from Michigan [Mr. WM. ALDEN SMITH] be allowed thirty minutes to conclude his remarks. [Applause and laughter.] And I supplement that with the request that the thirty minutes be added to the time allowed before the vote upon the pending measure.

Mr. OVERSTREET. I ask unanimous consent that the debate be continued for three days.

Several Members objected.

Mr. CLAYTON. I hope there will be no objection to my proposition.

Mr. OVERSTREET. I ask for two days.

Mr. GAINES of Tennessee. The other day you offered us but an hour on a side. What is the matter with you? What has come over the spirit of your dreams?

Mr. OVERSTREET. I ask unanimous consent that Monday and Tuesday next be set apart for further debate on this question.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the debate on this resolution be continued during Monday and Tuesday next. Is there objection?

Mr. HAY. I object.

Mr. OVERSTREET. I yield one minute to the gentleman from Iowa [Mr. CONNER].

[Mr. CONNER addressed the House. See Appendix.]

The SPEAKER. The Chair begs the House to notice that debate closes at twenty-five minutes past 4, and if the House is not in order it is depriving gentlemen on each side of the time to which they are entitled.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. WM. ALDEN SMITH] have the privilege of extending his remarks in the RECORD.

Mr. GAINES of Tennessee. Let him extend them here on the floor.

Mr. OVERSTREET. I would if the House would permit it.

The SPEAKER. Is there objection to the request that the gentleman from Michigan have unanimous consent to extend his remarks in the RECORD?

There was no objection.

Mr. OVERSTREET. I yield eight minutes to the gentleman from New Jersey [Mr. GARDNER].

[Mr. GARDNER of New Jersey addressed the House. See Appendix.]

Mr. MOON of Tennessee. I yield one minute to the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Speaker, a few words as to this "roll call" or this report made by the Post-Office Committee, where, as stated by others, "an effort has been made to draw up an indictment against and to class every Member of the House and Senate as a criminal who has discharged a plain duty, either in calling in person or writing a letter to the Post-Office Department for some constituent urging consideration of their claims."

It is as much the duty of a Member of Congress to look after the interests of his constituents in the Departments as it is to come here and take part in the deliberations of this House. Is it the purpose of anybody to cut off these people from communicating with the Departments through their Members in Congress?

If a constituent of yours has a claim or some business matter to attend to in one of the Departments, are you going to tell him to come to Washington, or hire an attorney to attend to this matter? If you do, you relieve Members of Congress of more than one-half of their duties. Your correspondence is reduced three-fourths. These hundreds of trips made to the various Departments during the year by each Member of Congress; these hundreds of dollars paid for car fare, cab hire, and extra help could be dispensed with; Members working from ten to eighteen hours per day, including Sunday, as most do, would practically have nothing to do but attend committee meetings and sessions of Congress; and from five to twelve hours' work is all that would be required. I have made an estimate and believe that I have written more than 90,000 letters during my five years in Congress. Three-fourths of these letters have been pertaining to matters pending in the Departments. I have been in constant correspondence with nearly 1,100 soldiers in my district. Some of you probably have more applicants than I have. My distinguished friend and colleague [Mr. HEPBURN] has stated the proposition clearly, concisely, and exactly to the point, and unanswerably, and more ably than I can, in this language:

Here is a custom, grown up from the earliest days of the Republic, that makes the Member of Congress the means of communication in thousands and thousands of instances between the constituents interested and an executive department. They have no other agent here to represent them but ourselves. They frequently believe that they are the objects, or subjects, of maladministration or neglect. They believe that they have rights that are not observed. How natural it is under this custom to write to their Representative; and it is our pleasure to serve them. They know they have a friend here in him who will take an interest in their welfare and their withheld rights. How many thousands of times have your constituents written to you, gentlemen, that they have a claim before the Pension Bureau—a claim that has been neglected? Sometimes they will tell you that for ten years

that claim has lain there unattended to, and urge upon you that time is flying fast with them; that they are approaching the end, and that if that claim is to have attention that will be beneficial to them, it must be now; and urge you in the name of humanity, in the name of good comradeship, in the name of old friendships and mutual kindnesses, as their Representative, to see to it that something is done in their behalf.

How often does it occur to them that they have furnished the proof that is abundant for the allowance of their claim? Their agent is hundreds of miles from the capital; they have no representative here but you. Are you to be denied the right to go to the Pension Office to examine these proofs, to say to the man that has it in charge—that perhaps has laid it away—that there is proof there that entitled the claimant to the affirmative action of the Government? How often does it happen that you are called upon to call attention of the Department to the fact that this statute is one that should have liberal construction rather than a narrow technical one that is often given to it? The officer has a judgment to render, and you urge him to do justice to your constituent. If the statements contained in this report are a violation of duty, if they indicate crime on your part, is not this other? What is the difference?

The requests of our constituents are many, very many. Requests for aid in securing action, or favorable action, on pending pension claims come to me in great numbers. There are thousands of them every year. There are requests concerning rural free delivery, additional clerk hire in post-offices, additional rents for post-offices, additional allowances for fuel and for lights, for information or services concerning public lands, Indian claims, patents, claims for money, for aid in procuring public employment, to aid in securing promotion for almost all conceivable things. Indeed, one constituent by letter asked me to submit for him a case in the Supreme Court of the United States.

Are these letters—I receive more than a thousand every month—to be thrown in the wastebasket? For my part, I strive to render the service if I can and write the result to my correspondent in all instances. I think, Mr. Speaker, that you could find but few persons in the Eighth Iowa district who would complain that their Representative either neglected his correspondents or was neglectful of their requests.

As has been stated by the distinguished gentleman from Iowa, "they have no other agent here to represent them but ourselves, and how natural it is for them to write to us; and it is always a pleasure to serve them."

Are you going to deprive the soldiers of this country of the aid a Member can give them? The process of securing a pension is slow enough under the present rule. An inquiry sent to the Pension Bureau by a Member of Congress is answered promptly; the information is forwarded the claimant with your advice as to how to proceed. All claimants are not familiar with the pension laws, and I dare say that more confusion and delay is caused by confusing the evidence called for under the different laws than in any other manner; and in making these calls and writing the letters it is not for the purpose of exerting any influence; it is to aid the claimants to properly present their claims, and with a view that the case be adjudicated speedily, and the Bureau passes upon the claims upon their merits. What is true in the Pension Bureau is true in every other bureau and department of this Government.

If Members named in this report are guilty of wrongdoing or violating any rule or law, then every Member who has called or written a letter to the Pension Bureau urging consideration of a soldier's claim, regardless of merit, is equally guilty.

I have, as all of you have, many claimants who are impatient, and justly so, who think that their claims are not adjudicated as speedily as they might wish or expect; but what would become of them if they were to resort to the slow process of correspondence or through an attorney here in Washington? If, for instance, a soldier writes the Department his letter is answered in its regular order. Thousands of letters are received every day, and my understanding is that often it takes months before a reply is received. If he applies through an attorney here in Washington, this attorney has thousands of cases, and they are allowed to call for the papers in a case certain days in a week and for a certain number of cases.

I believe they are limited to one day per week, and not more than three cases in one day. I believe Wednesday is their day. If an attorney has 3,000 cases it would take 1,000 Wednesdays before the last case would be reached. Under the present system a Member sends a call slip usually a day or two in advance, the papers are made available for his personal inspection, and a Member or his secretary may examine the papers on file, and the claimant is advised what is required to complete his case and how to proceed, thus saving the Department a vast amount of work and expense in examining these cases for the claimants. Not only are cases thus more speedily reached and passed upon, but it is a large saving to the Government. In my humble efforts I have succeeded in having upward of 300 pensions allowed or increased. Many have been rejected. I certainly claim no credit of securing the allowance of a single one of these claims through my influence. They have been allowed by the Department because the evidence has warranted allowance, and if I deserve any credit it must be for doing my duty in advising and helping the claimant to complete his evidence, which would enable the Department to promptly dispose of the case.

During my five years in Congress I have received 220 petitions for the establishment of rural free delivery, and have written thousands of letters to the people in the district, giving them what information I could on the subject. I have written hundreds of letters and have made hundreds of calls to the Department, urging speedy and favorable consideration, and giving it such information as I could to aid it in properly and satisfactorily establishing the service. By the 15th of next month we will have about 180 of these routes in operation, serving, approximately, 18,000 families, distributing $108,000 per annum to the 180 rural carriers under the present salary, or $129,600 under the new salary proposed. Now, is this $129,000 to be charged up to me or to my district, as having been secured by fraud or undue influence simply because I have given my aid in securing the service as speedily as possible? I give a list of cases, with a statement of what action has been taken thereon, which was furnished me by the Department.

FOURTH DISTRICT, IOWA.

Established.

Office.	Number of routes.	Date.
Arlington	2	July 1, 1901
Do	1	Mar. 2, 1903
Bassett	1	Feb. 15, 1904
Bonair	1	Feb. 2, 1903
Calmar	2	July 1, 1901
Do	1	Mar. 2, 1903
Castalia	1	Do.
Charles City	6	Oct. 1, 1902
Chester	2	Nov. 1, 1902
Clearlake	1	Aug. 15, 1900
Do	4	July 1, 1902
Clermont	2	Apr. 1, 1902
Cresco	3	Feb. 1, 1902
Do	1	Aug. 1, 1901
Do	4	Apr. 1, 1903
Decorah	1	June 18, 1900
Do	2	Oct. 15, 1900
Do	1	June 1, 1901
Do	1	Dec. 2, 1901
Do	1	Feb. 15, 1904
Edgwood	2	Do.
Elgin	1	Dec. 15, 1900
Do	2	July 1, 1901
Elkader	3	July 1, 1903
Farmersburg	1	Nov. 2, 1903
Fayette	3	Mar. 15, 1901
Do	1	Aug. 1, 1901
Floyd	3	Mar. 2, 1903
Fort Atkinson	2	Apr. 1, 1903
Fredericksburg	4	Do.
Hanlontown	1	July 1, 1903
Hawkeye	2	Aug. 1, 1901
Do	2	Mar. 1, 1902
Harpers Ferry	1	Feb. 15, 1904
Ionia	2	Jan. 15, 1904
Joice	1	Mar. 2, 1903
Kensett	1	Jan. 2, 1901
Do	1	Feb. 2, 1903
Lansing	1	Dec. 1, 1903
Lawler	2	Feb. 15, 1904
Limespring	3	Feb. 2, 1903
Luana	1	Aug. 1, 1901
Do	1	Mar. 2, 1903
McGregor	2	Aug. 1, 1902
Do	1	Apr. 15, 1901
McIntire	1	Jan. 1, 1904
Manly	2	Feb. 2, 1903
Marble Rock	1	Nov. 16, 1903
Mason City	7	July 1, 1902
Maynard	2	Do.
Mitchell	1	Dec. 1, 1903
Monona	3	Mar. 2, 1903
Nashua	1	July 1, 1901
Do	2	Jan. 15, 1904
New Hampton	1	Aug. 1, 1901
Do	1	Feb. 15, 1904
Nora Springs	1	Dec. 15, 1900
Do	3	Sept. 1, 1902
Northwood	1	Jan. 2, 1901
Do	2	Feb. 2, 1903
Oelwein	3	Mar. 1, 1902
Orchard	1	July 16, 1900
Osage	1	Oct. 15, 1900
Do	1	Dec. 1, 1903
Ossian	1	Dec. 15, 1900
Do	2	Feb. 2, 1903
Plymouth	1	July 1, 1903
Postville	1	June 18, 1900
Do	1	July 1, 1901
Do	1	Dec. 1, 1903
Riceville	4	Mar. 2, 1903
Rockford	5	July 1, 1902
Rockwell	2	Feb. 2, 1903
Rudd	1	Oct. 15, 1903
St. Ansgar	1	Jan. 15, 1904
St. Olaf	2	Dec. 1, 1902
Strawberry Point	3	Oct. 1, 1902
Swaledale	1	Sept. 1, 1902
Thornton	2	Feb. 2, 1903
Wadena	3	July 1, 1902
Waucoma	3	Feb. 1, 1902
Waterville	1	Feb. 15, 1904
Waukon	1	Oct. 1, 1901
West Union	3	Sept. 2, 1901
Waukon	2	Dec. 1, 1903
Total number of routes	158	

Ordered established.

Ridgeway, No. 1.
Waucoma, No. 4.
Elma, Nos. 1 and 2.
Hanlontown, No. 2.
Kensett, No. 3.

Adversely reported.

Case No.	Office.	Date.
69648	Bassett	Nov. 30, 1903
M-859	Calmar	Dec. 3, 1900
67086	Clayton	Jan. 20, 1904
72486	Clermont	Do.
54620	Cresco	
65217	Elgin	Jan. 5, 1904
65177	Fort Atkinson	Dec. 19, 1903
54838	Frankville	Do.
70736	Hawkeye	Jan. 20, 1904
62136	Lansing	Oct. 20, 1903
65019	do	Do.
62779	Lawler	Dec. 19, 1903
66946	do	Do.
69376	Limespring	Aug. 28, 1903
71760	Little Cedar	Aug. 4, 1903
71604	do	Do.
71760A	do	Nov. 13, 1903
70683	Locust	Dec. 19, 1903
54951	McIntire	July 17, 1903
56458	New Albin	Oct. 2, 1903
52295	Osage	Oct. 13, 1903
53687	do	Do.
54185	do	Do.
72918	do	Do.
M-987	Ossian	Dec. 6, 1900
60955	Otranto Station	July 17, 1903
64971	Plymouth	Jan. 11, 1904
54338	Postville	Oct. 17, 1903
51360	Randalia	May 18, 1901
64905	do	Jan. 20, 1904
56597	St. Ansgar	Dec. 7, 1903
67832	do	Do.
66945	Stacyville	Aug. 4, 1903
66735	Strawberry Point	Jan. 5, 1904
61966	Swaledale	Jan. 11, 1904
54650	Volga	Dec. 26, 1903
68485	do	Do.
69219	do	Do.
5:517	Waterville	Do.
61215	West Union	Do.
69347	do	Do.
69647	do	Do.
69569	Arlington	Feb. 5, 1904

Pending applications.

Case No.	Office.	Date.
72180	Charles City	June 1, 1903
74694	New Hampton	Dec. 4, 1903
74741	do	Dec. 9, 1903
74136	Waukon	Oct. 24, 1903
75456	Guttenberg	Jan. 15, 1904
75457	do	Do.
75687	Decorah	Jan. 23, 1904
75909	Northwood	Do.
76223	Marble Rock	Feb. 12, 1904
76521	Waukon	Mar. 1, 1904
76142	Rockwell	Do.
76521	Lycurgus or Waukon	Do.
76522	Mitchell	Do.
	Westgate	Mar. 11, 1904

Of the above forty-three cases adversely reported about one-half have been reinvestigated, with a view of ascertaining, if possible, whether some changes can be made whereby they might be established, many of them coming within a few of the required number of patrons. The people who petitioned for this service are as worthy and deserving as are those who have been granted the service, but under the rule of the Department the service could not be granted. I have urged repeatedly that exceptions should be taken to this rule and that the service should be extended to these people. Some of these requests have been granted; I believe more will be granted; I hope they will. Is that a violation of law? If not, certainly the cases referred to in this report are not in violation of the law or rule, as will be shown by the record and correspondence. Not even a recommendation has been made by me except in the change in site of one small post-office.

My experience in the Post-Office Department has been the same as yours. During the rush for the rural-delivery service, thousands of applications being filed every month, with a force of less than fifty inspectors, each inspector disposing of from two to four cases per week, years rolled by before thousands of the cases could be reached. Your people, my people, became impatient on account of the long delay, and justly so. We were then all writing letters and calling at the Department. Often have I called when there would be twenty-five or more Members and Senators waiting at the Department to be heard, each urging speedy and favorable action upon applications filed by them. Could any Member with any consideration or respect for duty or his constituents decline to give his aid in securing this service? One of the most gratifying and pleasing Department communications received by me while in Congress was on February 10, showing that all but eight of the 220 applications filed by me had been investigated and reported; and to be advised that those eight had been referred to the special agent and were then being investigated.

In looking over this report I find that I am not reported calling as often as some Members, nor have I been as successful in securing increases in clerk hire and rent. In looking over the statement showing allowances for clerk hire not a single office in my district has been allowed a dollar in excess of the amount usually allowed, though I am reported as having called or written letters in two cases. I find in these two cases one has been reduced $60 per annum and one $40, but turning to the list of rural delivery routes in my district, I take it that star routes have been discontinued out of these offices, lessening the number of pieces of mail handled in transit, which probably accounts for the reduction of allowance. I am also reported as writing letters relative to change of site and rent. One at Kensett, where a lease was made for ten years for a part of a building in which I am a stockholder. The building referred to is a new modern $7,000 two-story brick building, with hot-water heat. The space occupied is one-third of the ground floor. The allowance is $200 for rent and heat.

In addition to this I believe there is an allowance of $20 for light, a total of $220 per annum, which is, according to this report, $57 less the usual allowance for an office of the $1,400 grade, which this office was, and is less than one-half of the maximum amount allowed, so I take it nobody will charge that any influence has been exerted in this case. The lease was made by the officers of the banking company; and when my attention was called to section 3739 I immediately went to the Post-Office Department to ascertain if a lease had been made; if so, to ask for a written opinion as to whether the contract had been lawfully entered into; if not, to have the lease canceled; and I will ask permission to have the written opinion inserted in the RECORD. It fully explains.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
Washington, January 29, 1904.

Hon. G. N. HAUGEN,
House of Representatives.

SIR: For your information I inclose herewith a copy of a letter addressed to-day to the First Assistant Postmaster-General, division of salaries and allowances, relative to the leasing of post-office premises at Kensett, Iowa.

Very respectfully,

C. H. ROBB,
Assistant Attorney-General for the Post-Office Department.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
Washington, January 28, 1904.

The honorable the FIRST ASSISTANT POSTMASTER-GENERAL,
Division of Salaries and Allowances.

SIR: I have the honor to return herewith the papers connected with the leasing of the post-office at Kensett, Iowa, which were submitted in connection with an inquiry relative to the right of a company in which a Member of Congress is an officer to enter into contract with the United States.

The papers show that the Northwood Banking Company, Northwood, Iowa, G. N. HAUGEN, president, and the Kensett Bank, Kensett, Iowa, G. N. HAUGEN, president, are the lessors of the post-office at Kensett, Iowa. To the query, "State whether the above (the lessors) act or acts for himself or themselves, or as an officer or trustee, guardian, executor, attorney, etc., for others," propounded before the lease was agreed to, the answer was: "For themselves; not incorporated." I have further been advised that Mr. G. N. HAUGEN is a Member of Congress.

Section 3739, Revised Statutes, prohibits Members of Congress from contracting with the United States. An exception to this rule, however, is expressed in section 3740, Revised Statutes, which provides in part:

"Nothing contained in the preceding section shall extend or be construed to extend to any contract or agreement made or entered into or accepted by any incorporated company where such contract or agreement is made for the general benefit of such incorporation or company."

It is my opinion that the answer "not incorporated" referred to above means that the banks are not incorporated under the laws relating to State and savings banks. I am advised that banks can operate in Iowa without being incorporated under the special act referred to. Inasmuch as the Northwood Banking Company and the Kensett Bank have officers and are evidently organized the same as corporations, and the wording of section 3740, Revised Statutes, is broad enough to include an "incorporation or company," and the further fact that the benefits derived from this lease are for the use of the banks as institutions or companies, which is within the intent of the section, I am of the opinion that the Northwood Banking Company and the Kensett Bank can lawfully enter into the lease in question.

Very respectfully,

C. H. ROBB,
Assistant Attorney-General for the Post-Office Department.

In this case the report shows that the Department wrote the postmaster at Kensett, concerning contract for rent. She replied January 22, 1903, that she had seen the agent whom she rented

the building of, and he informed her he would have to consult with Hon. G. N. HAUGEN before he could make out a contract. The agent referred to, I take it, is the cashier of the bank. I would say that I have been president of this bank for ten years or more. In matters of making large loans or in the lease or sale of real estate belonging to the bank it has always been the practice of the cashier to consult or refer such matters either to myself as president of the banks or the vice-president, Mr. K. Cleophas. In this case in my absence the matter was naturally referred to and disposed of by the vice-president, who submitted a proposal to the Department January 19, 1903, three days prior to the date of the letter referred to written by the postmaster at Kensett.

The other office referred to is the one at Strawberry Point, a small but thrifty town, with public-spirited, prosperous, and enterprising people, where a number of the leading citizens, out of pride and enterprise and to beautify their town, had taxed themselves some $15,000 or $20,000 for a modern and splendid hotel building. The office was formerly located in a small building, surrounded, I believe, by frame buildings and greatly exposed to danger of fire. Here was an opportunity to move the office into this new fire-proof building, centrally and conveniently located, heated by hot water, and having electric lights, I believe. An allowance of $250 per annum was made, the postmaster agreeing to pay $50 in addition to the stockholders of the building. The amount paid, I consider, is about one-half the rental value of the space occupied by the Government, but out of pride and for the good of the service these good people consented to lease the building for about half its rental value.

In the matter of change or purchase of sites I have invariably declined to make any recommendation, except at Strawberry Point, where it seemed to be universally desired on the part of the good people there that the change should he made, and where there was no question but that the change was for the best interests of the service. I have at times been severely criticised for not complying with requests of this kind, but I have always believed, and still believe, that the people living in a community are better judges and are better informed as to the situation, and every community should decide for itself; and if they are unable to agree upon a site, then an inspector should be sent there, who, if he does his duty, will consider the claims of all parties from an unbiased standpoint, and always with a view of subserving the best interests of the service and closely guarding the interests of this Government. And if the inspector violates that rule he is not a fit man to be employed by the Government. If he does violate this rule, the responsibility must be lodged somewhere else and not with Members of Congress.

And if under our present civil-service rules there is no way of discharging or getting rid of these men it is high time that we enact laws and rules that will make it possible to appoint officials giving some consideration to integrity, experience, and capacity for performing that service, that the business of this Government can be conducted along business lines.

I have received many requests to present the claims of people in my district, some for increase in clerk hire, some for increase of rent; in all cases I have insisted that a showing should be made, and after such showing was made I would cheerfully present the matter to the Department.

I have frequently called at not only the Pension Bureau and Post-Office Department, but at all of the Departments. I have been in constant correspondence with all of the Departments, persistently and conscientiously urging and demanding recognition for my district—my people—their claims. While I may not have made a profound impression upon them, or all of them. I have succeeded in some of my efforts. My district has been recognized in appointments in some of the Departments; soil surveys have been made; topographic maps of parts of my district have been made; a Government Weather Bureau station is to be located in my district; carloads of fish have been distributed in the streams and lakes, and so on. For doing this or a like plain duty you have attached the names of 185 of us in this report, coupling us with some supposed wrongdoers without a word of comment. And now, after these names have been published to the world, charged with violation of the law by the press, you come in on the floor and make a statement that you intended no wrong; that you believed none guilty, and that no harm could come from such report, as the record clearly vindicates the action of the 185 members out of 191 given in this report.

Would it not been just and proper and due every Member that this statement should have been made at the time of filing the report or to have had it incorporated in the report?

I have always endeavored to comply with all honorable and legitimate requests conscientiously and as promptly as possible. In my correspondence or personal calls at the Departments I have urged speedy and earnest consideration, presenting all claims on their merits, and urging that favorable action be taken thereon if found compatible with the duties of the Department.

I print from this report a synopsis of that part referring to myself, without offering any comments:

Statement showing allowances for clerk hire at third and fourth class post-offices, etc., in Iowa.

Post-office.	Salary of post-master.	Allowance for clerk hire.			Recommended by, and remarks.
		Former.	Present.	Excess.	
Lansing	$1,400	$180	$120	----	Hon. G. N. HAUGEN.
Postville	1,300	100	70	----	Do.

NOTE.—Where no excess is shown the allowance was warranted at the time it was authorized.

KENSETT, IOWA.

The post-office at Kensett, Iowa, was advanced to the third class January 1, 1903, the salary of the postmaster being fixed at $1,400. On January 9 postmaster submitted an estimate that the expenses for rent and fuel would be $200 per annum. Across this is indorsed in pencil:

"200 agreed G. N. HAUGEN, M. C. G. W. B."

The allowance was fixed at $200 per annum, as appears from the following letter:

JANUARY 13, 1903.

Hon. G. N. HAUGEN, *House of Representatives.*

SIR: Referring to the matter of allowance for rent of post-office premises at Kensett, Iowa, I beg to advise you that it has been decided to allow the postmaster at the rate of $200 for rent, including fuel. The postmaster has been requested to submit an estimate for light.

Very respectfully,

____ ____,
First Assistant Postmaster-General.

Under date of January 19, 1903, a proposal was submitted by the Northwood Banking Company and Kensett Bank to lease the premises occupied, with heat, for ten years, at $200 per annum, which was accepted. The following letter appears in the files:

KENSETT, IOWA, *January 22, 1903.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C.:

In reply to yours of recent date concerning contract for rent will say that I saw the agent that I rent of, and he informed me that he would have to consult with Hon. G. N. HAUGEN before he could make out a contract, as he is interested in the building.

Very respectfully,

MARY E. POISAL, *Postmaster.*

The lease queries show that the building in which the office is located was owned by the two banking companies above named, and G. N. HAUGEN is given as the president of each.

The lease was drawn on January 31, 1903, for a period of ten years from January 1, 1903, at $200 per annum.

See page 76 of the report.

I would state that the usual allowance for an office of the $1,400 grade is $277; for the $1,500 grade, $300, and for the $1,600 grade, $331 per annum for rent, fuel, and light.

Very respectfully,

____ ____,
First Assistant Postmaster-General.

STRAWBERRY POINT, IOWA.

At Strawberry Point, Iowa, where the salary of the postmaster was $1,100, the allowances up to July 1, 1902, were $100 for rent and $44 for fuel and light, a total of $144. On July 1, 1902, the allowance for rent was increased to $120.

On December 3, 1902, a communication from the postmaster asking permission to change the site of the office was transmitted to the Department by Hon. G. N. HAUGEN, his letter being as follows:

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., December 3, 1902.

FIRST ASSISTANT POSTMASTER-GENERAL,
Post-Office Department.

DEAR SIR: I inclose you letter from the postmaster at Strawberry Point, Clayton County, Iowa, requesting permission to change site of his office, and I take pleasure in recommending favorable consideration.

Very truly,

G. N. HAUGEN.

The First Assistant Postmaster-General acknowledged receipt by letter dated December 5, 1902, in which he stated:

"I would state that if a change is authorized it will be on the basis of present allowance for rent, or only a slight increase."

The postmaster's reply stated that the annual rent for the proposed room would be $250, and that an allowance of $50 additional for fuel and light would be necessary. This was transmitted to the Department by Hon. G. N. HAUGEN, whose letter follows:

HOUSE OF REPRESENTATIVES, U. S.,
COMMITTEE ON AGRICULTURE,
Washington, D. C., January 3, 1903.

FIRST ASSISTANT POSTMASTER-GENERAL,
Post-Office Department.

DEAR SIR: I inclose you communication from Strawberry Point, Clayton County, Iowa, together with application for change of site of the post-office.

I am familiar with the situation there, and heartily concur with the postmaster and petitions in recommending a change. The site selected is centrally and conveniently located, and it would seem that a change from the old building to a new brick building, practically fireproof, would be desirable and wise, and would add to the betterment of the service and pride of the community.

Very truly,

G. N. HAUGEN.

The increased allowance was at once approved, as shown by the following letter:

JANUARY 5, 1903.

Hon. G. N. HAUGEN, *House of Representatives.*

SIR: Referring to the question of location of post-office at Strawberry Point, Iowa, I beg to advise you that the postmaster has this day been authorized to change site of office as petitioned for, on basis of $250 rent per annum.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

The record and correspondence speak for themselves and vindicate any action on my part. I am ready and willing that every line written or received by me shall be printed. You can print it on the sky and turn on the searchlight in all Christendom, and I defy any man to point out a single word or syllable or act that is illegal or wrongful. I have no apology to make; I have given my services conscientiously and cheerfully, and as long as I remain in Congress I shall continue to do so without fear or hesitation; and I say to you and I say to every Department that from now on, as I have in the past, I will assert the rights of my district and people, whether it be in this House or in the Departments. My aim will be to secure justice for Democrats or Republicans, rich or poor, high or low, friend or foe, and to all regardless of party affiliation or religious creed.

My efforts will be to secure just recognition of the services and all just claims of not only all worthy and deserving soldiers who took their lives in their hands and laid them upon their country's altar as a sacrifice defending it, who fought that peace, progress, prosperity, happiness, honor, and dignity might prevail; but for every citizen, whether in the rural districts or towns.

Now, just a word more and I am done. Harsh words have been spoken, criticising members of this committee. I confess that at first I could not see why 185 of us should be included in this report.

As stated by the gentleman from Iowa [Mr. WADE] and the gentleman from Mississippi [Mr. WILLIAMS], the leader on the Democratic side, both men who are always candid and honorable, and whom we all admire for their ability and integrity:

Mr. WADE. Mr. Speaker, I am one of the few men from my State who have not been regarded as entitled to honorable mention in this report, and as the sole Democrat from that State I deem it proper that I should call the attention of this body to my view of this report. I consider it, as some one has said, to be a very serious matter, and it is proper that we should ask ourselves two questions—What is it? and Why is it? As to the first, I want to say that so far as the great majority of the men named in this report are concerned there are no facts stated that would cause the slightest reflection upon their names or their integrity. The other gentlemen from my State are wrong politically, most of them are wrong on Canadian reciprocity, and some of them are suspected of disloyalty to the Iowa idea; but I want to say, Mr. Speaker, that so far as the integrity of the men on the other side of this Chamber is concerned, the Representatives from my State stand above reproach. [Applause.]

Now, Mr. Speaker, some one has designated this report as an indictment against those Members named. I deny the truth of that, and say it is an indictment against the Department which issued it.

Mr. WILLIAMS of Mississippi. Now, gentlemen of the House, the Post-Office Department has put 150 of you upon a list, and sent your names out to the newspapers of the country under a heading of "Men charged with violations and irregularities"—charged with what the people understand to be criminality. There are not upon that list over six cases of violations of even technical law; but the names of the balance of you, not guilty even technically of anything, have been handed in with the others and appear here under this resolution. Now, is it time for you to examine them?

* * * * * * *

What was the motive? Was it not to give Congress notice that the Department had something held over Congress—that Congress had better let the Department alone? [Applause.]

Now, if there are not over six upon this list who are guilty of violations of even technical law, and the balance not guilty, even technically, certainly not morally or otherwise, I fail to see why we should appear in this report. And when I listen to the chairman of the committee, who drew this report, Mr. OVERSTREET, stating—

That the members unanimously believed that there was no impropriety or act of moral turpitude upon the part of any Member mentioned in all of those cases. And that the mere fact that a Member of the House had made a recommendation upon a proper request from one of his constituency, which took it to that division, would put no imputation upon him or his acts, simply because some officer who had been employed in that division had been guilty of either malfeasance or misfeasance in office, whether he had been merely removed or indicted and convicted upon his trial.

And when I hear him say, speaking of the committee:

We all agreed that the methods and practices pursued by Members are honorable and both in harmony and keeping with long-established custom—

And stating that—

In view of the fact that both of these situations relative to recommendations of clerk hire and rentals were not in violation of any law nor in any way improper to be recommended by Members, there could be no aspersion upon any Members any more than that aspersion which since Washington's day has unfortunately rested in the minds of narrow-minded people against all public officers of all stages and conditions.

I was at a still greater loss to know why our names should appear in this report; but when the gentleman made the statement that there were two alternatives open to the committee—the one pursued, or—

that we report to this body that we had these papers before us, that we had gone through them, that we found nothing in them that warranted further investigation, that we did not believe there was any violation of law, that we did not believe any Member had been guilty of moral turpitude or improper conduct, and therefore, in view of that, we recommended that the resolution lie upon the table.

And that it was the unanimous—

belief of the committee that a report recommending the appointment of an additional committee would itself carry to the House an imputation made by the Post-Office Committee, and believed by it to be true, that there were instances which warranted a further investigation as to the conduct of Members.

And that—

The committee, therefore, took the position that the House could only follow the rule which we have already agreed upon, that there is nothing to be concealed, nothing to be hidden; that we believe that there was no impropriety in these recommendations, and therefore would not add insult to injury by asking an investigation when we had before us facts which clearly demonstrated that such investigation would prove no more than we were in possession of already.

I believed the committee acted in good faith, and while I might question the propriety and the judgment of the committee, I want to give them credit for acting honorably and conscientiously.

While I fully appreciate the fact that quite often investigations are for political purposes and not always from a patriotic standpoint, not always inspired and promoted by the purest and highest sense of honor, sometimes through stupidity, sometimes through a burning desire of some unprincipled, degenerated being, permeated and dominated by evildoing, conceit, and deception, narrow-minded, possessed of the idea that by tearing down others their own ambitions can be realized and their own evil deeds can be covered up, I also appreciate the propriety, justice, and general purpose of investigations. In this case I believe that nothing good can come from any further investigation, nor do I believe that any Member of this House is guilty of wrongdoing, but in view of this report and the present situation I favor an investigation.

For my part you may go not only into the Post-Office Department and drag out correspondence in the musty files there, but you may go into the Pension Bureau, the Interior Department, the Treasury Department, Justice Department, State Department, War Department, the Navy Department, the Department of Labor and Commerce, the Agricultural Department, the Smithsonian Institution. Go into the homes of 200,000 people in my district and you will find not only the two letters referred to in this report, but you will find, as before stated, more than 90,000 letters, not including circular letters, written by me. When you get through investigating Members of the House and Senate, investigate every nook and corner—garret to basement—every division and bureau of every Department of the Government in or outside of Washington.

Not that I believe that such investigation would disclose fraud; but I believe that every Department could be run more economically and on a better business basis, and that an investigation would give such additional light as would enable Congress to act more intelligently, and would bring about a reform that would result in a great saving to this Government.

I am one of those who believes that there is something radically wrong about the present adjustment of salaries. I can see no justice in paying some honest and efficient clerks here and a rural mail carrier only $600 per annum, who travels 25 miles or more every day of the week, rainstorm or sunshine, good or bad roads, furnishing his own horses and vehicle, equipping himself so as to promptly and efficiently carry on the service, providing himself with subsistence, feed for his horses, while for services here in Washington decrepit and superannuated clerks are furnished a warm room in the winter, a cool room with electric fan in the summer, soft-cushioned chairs, and are paid $1,000 or more per annum for doing practically nothing; and if he is detailed for duty outside of Washington, or sent abroad on some duty or pretext of duty, he is allowed from three to seven dollars per day for subsistence and his traveling expenses.

If the statement repeatedly made on the floor of this House is true, and it can not be disputed, it comes from high authority—from Members who have had occasion to investigate the matter—that we have more than 20 per cent of deadwood in the Departments, it is high time, gentlemen, that some action should be taken to bring about some reform, and that the $750,000,000 appropriated annually might be expended more judiciously and advantageously.

I will append to my remarks a tabulated statement showing appropriations made for the fiscal years 1875 to the present time, covering a period of thirty years, giving the amount appropriated and for what purpose it was appropriated, aggregating $13,055,956,050.43.

Table showing appropriations made by Congress from 1875 to 1904.

Title.	Appropriations, Forty-third Congress.		Appropriations, Forty-fourth Congress.		Appropriations, Forty-fifth Congress.		Appropriations, Forty-sixth Congress.	
	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.
Agricultural							$253,300.00	$335,500.00
Army	$27,788,500.00	$27,935,830.00	$27,621,867.90	$25,812,500.00	$25,593,486.01	$26,797,300.00	26,425,800.00	26,687,800.00
Diplomatic and consular service	3,404,804.00	1,374,983.00	1,187,197.50	1,138,374.50	1,077,636.00	1,097,835.00	1,180,335.00	1,192,435.00
District of Columbia							3,425,997.35	3,378,617.44
Fortifications	904,000.00	850,000.00	315,000.00	275,000.00	275,000.00	275,000.00	550,000.00	575,000.00
Indian	5,680,651.96	5,360,554.55	4,572,762.01	4,829,865.69	4,746,275.70	4,713,478.58	4,657,282.72	4,587,866.80
Legislative, etc	20,783,900.80	18,902,236.99	15,417,933.33	15,450,345.30	15,271,251.30	16,287,457.73	16,274,023.59	17,678,508.99
Military Academy	329,835.00	364,740.00	290,065.00	285,004.00	292,805.00	319,547.33	316,234.28	322,435.37
Navy	20,813,946.20	17,001,006.40	12,742,155.40	13,541,024.40	14,152,603.70	14,029,968.95	14,405,797.70	14,590,037.55
Pension (including deficiencies therefor)	29,980,000.00	30,000,000.00	29,533,500.00	28,533,000.00	29,371,574.00	56,233,200.00	41,644,000.00	68,282,306.68
Post-office	35,756,091.00	37,524,361.00	34,585,701.00	33,584,143.00	33,256,373.00	38,121,400.00	39,093,420.00	40,957,432.00
River and harbor (including amounts in sundry civil, deficiency, and special acts)	5,218,000.00	6,643,517.50	5,015,000.00		8,201,700.00	7,846,600.00	8,951,500.00	11,441,300.00
Sundry civil (exclusive of amounts for rivers and harbors)	27,009,744.81	26,644,350.09	16,351,474.58	17,133,750.06	26,004,409.26	21,656,340.06	22,545,428.91	21,984,194.12
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	4,083,914.26	4,703,699.18	2,908,177.09	2,745,480.97	14,138,742.29	3,163,297.15	4,267,226.44	5,092,138.92
Total	181,763,388.03	177,303,280.71	150,540,883.81	143,330,087.92	172,381,855.26	188,531,424.80	183,900,325.99	217,081,572.87
Miscellaneous	1,921,614.13	1,862,929.19	4,012,805.84	1,262,061.31	2,049,638.61	1,926,020.26	5,618,865.22	1,072,933.64
Total regular annual appropriations	183,685,002.16	179,166,209.90	154,553,689.65	144,592,149.23	174,431,493.87	190,457,445.06	189,519,191.21	218,154,506.51
Permanent annual appropriations	141,981,789.73	148,961,989.42	145,037,498.42	151,414,544.98	157,976,282.81	181,662,184.24	172,053,013.18	147,810,973.32
Grand total	325,666,791.89	328,128,199.32	299,591,138.07	296,006,694.21	332,407,776.68	372,119,629.30	361,572,204.39	365,965,479.83
Total appropriations	653,794,991.21		595,597,832.28		704,527,405.98		727,537,684.22	

Title.	Appropriations, Forty-seventh Congress.		Appropriations, Forty-eighth Congress.		Appropriations, Forty-ninth Congress.		Appropriations, Fiftieth Congress.	
	1883.	1884.	1885.	1886.	1887.	1888.	1889.	1890.
Agricultural	$427,280.00	$405,640.00	$480,190.00	$585,790.00	$654,715.00	$1,028,730.00	$1,716,010.00	$1,669,770.00
Army	27,258,000.00	24,681,250.00	24,454,450.00	24,014,052.50	23,733,057.21	23,724,718.69	24,471,300.00	24,316,615.73
Diplomatic and consular service	1,256,655.00	1,296,755.00	1,219,360.00	1,242,925.00	1,364,065.00	1,429,942.44	1,428,465.00	1,980,025.00
District of Columbia	3,496,060.47	3,507,247.96	3,559,895.54	3,622,683.20	3,721,050.99	4,284,580.66	5,046,410.32	5,682,409.91
Fortifications	375,000.00	670,000.00	700,000.00	725,000.00			3,972,000.00	1,233,594.00
Indian	5,229,374.01	5,358,655.91	5,859,402.91	5,762,512.70	5,546,262.84	5,226,897.66	8,263,700.79	8,077,453.30
Legislative, etc	20,038,000.65	20,454,246.22	21,393,141.85	21,376,708.70	20,654,346.37	20,745,023.67	20,758,178.07	20,843,615.81
Military Academy	335,557.04	318,657.50	314,563.50	310,021.64	297,805.00	419,936.93	315,043.81	902,766.69
Navy	14,819,976.80	15,894,434.23	14,980,472.59	15,070,897.95	16,489,907.20	25,767,348.19	19,942,835.35	21,692,510.27
Pension (including deficiencies therefor)	116,000,000.00	86,575,000.00	20,810,000.00	60,000,000.00	82,075,200.00	83,152,500.00	85,258,700.00	89,758,700.00
Post-office	44,643,900.00	44,489,520.00	49,040,400.00	53,700,990.00	54,365,863.25	55,694,650.15	60,860,253.74	66,005,344.23
River and harbor (including amounts in sundry civil, deficiency, and special acts)	18,738,875.00		13,949,200.00		14,473,900.00		22,307,616.90	
Sundry civil (exclusive of amounts for rivers and harbors)	25,589,358.06	23,679,575.44	22,299,434.30	26,079,257.49	22,662,310.58	22,386,540.96	26,320,804.84	25,297,341.65
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	12,992,025.16	2,749,941.49	7,057,509.00	4,926,855.80	7,866,719.62		16,063,383.26	8,330,518.30
Total	291,200,062.19	230,080,923.75	186,117,989.69	217,417,634.98	253,925,203.06	243,860,879.35	296,314,682.08	276,390,695.63
Miscellaneous	6,111,540.10	1,912,723.88	9,592,593.40	2,177,648.20	9,989,410.19	4,811,991.49	10,170,802.55	10,255,795.29
Total regular annual appropriations	297,311,602.29	231,993,647.63	195,710,583.09	219,595,283.18	263,914,613.25	248,672,870.84	306,985,544.63	286,646,490.32
Permanent annual appropriations	124,828,471.02	123,304,227.60	123,118,901.04	116,844,630.02	123,416,258.74	110,339,652.68	101,638,512.74	98,875,907.29
Grand total	422,138,073.31	355,297,875.23	318,829,489.13	336,439,913.20	387,330,971.99	359,011,523.52	408,624,057.37	385,522,397.61
Total appropriations	777,435,948.54		655,269,402.33		746,342,495.51		794,146,454.98	

Title.	Appropriations, Fifty-first Congress.		Appropriations, Fifty-second Congress.		Appropriations, Fifty-third Congress.		Appropriations, Fifty-fourth Congress.	
	1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.
Agricultural	$1,799,100.00	$3,028,153.50	$3,232,995.50	$3,323,500.00	$3,223,623.06	$3,303,750.00	$3,255,532.00	$3,182,902.00
Army	24,206,471.79	24,613,529.19	24,308,499.82	24,225,639.78	23,592,884.68	23,252,608.09	23,278,402.73	23,129,344.30
Diplomatic and consular service	1,710,815.00	1,656,925.00	1,604,045.00	1,557,445.00	1,563,918.76	1,574,458.76	1,642,558.76	1,695,308.76
District of Columbia	5,769,544.15	5,597,125.17	5,317,973.27	5,413,223.91	5,545,678.57	5,745,443.25	5,900,319.48	6,186,991.06
Fortifications	4,232,965.00	3,774,803.00	2,734,276.00	2,210,055.00	2,427,004.00	1,904,557.50	7,377,888.00	9,517,141.00
Indian	7,362,016.02	16,386,284.86	7,664,047.84	7,854,240.38	10,659,565.16	8,762,751.24	7,390,496.79	7,674,120.89
Legislative, etc	21,030,752.75	22,027,674.75	21,900,132.97	21,865,802.81	21,305,583.29	21,891,718.08	21,519,324.71	21,600,766.90
Military Academy	435,296.11	402,064.64	428,917.33	432,556.12	406,535.08	464,261.66	449,525.61	479,572.84
Navy	24,136,055.53	32,541,654.78	23,543,385.00	22,104,061.38	25,327,128.72	29,416,245.31	30,562,660.95	33,003,234.19
Pension (including deficiencies therefor)	123,779,368.35	164,550,383.34	154,411,682.00	180,681,074.85	151,581,570.00	141,381,570.00	141,328,580.00	141,263,880.00
Post-office	72,226,699.99	77,907,222.61	80,331,276.73	84,004,314.22	87,236,599.55	89,545,997.86	92,571,564.22	95,695,338.75
River and harbor (including amounts in sundry civil, deficiency, and special acts)	25,136,295.00	2,951,200.00	21,968,218.00	14,166,153.00	20,043,180.00	11,462,115.00	16,244,147.00	20,832,412.91
Sundry civil (exclusive of amounts for rivers and harbors)	29,738,282.22	35,459,163.99	26,851,076.93	27,550,158.15	25,853,775.55	35,106,045.40	29,812,113.19	34,490,370.47
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	13,295,541.61	8,364,148.62	8,230,859.50	8,127,361.51	11,811,004.06	9,825,374.82	15,041,911.07	9,096,417.34
Total	354,759,152.52	390,200,333.45	382,527,385.89	403,515,886.11	390,578,048.48	383,636,896.97	396,375,024.51	407,907,801.40
Miscellaneous	7,010,905.27	3,271,531.10	3,208,922.32	520,499.18	377,956.55	297,687.37	416,010.06	749,057.90
Total regular annual appropriations	361,770,057.79	402,531,864.55	585,736,308.71	404,036,085.29	391,156,005.03	383,934,564.34	396,791,034.57	408,656,859.30
Permanent annual appropriations	147,598,288.07	111,892,154.94	77,948,076.49	75,890,581.79	68,769,173.59	73,153,780.38	72,702,975.84	76,345,185.42
Grand total	509,368,345.86	514,424,019.49	463,684,385.20	479,932,667.08	459,925,178.62	457,088,344.72	469,494,010.41	485,002,044.72
Total appropriations	1,023,792,365.35		943,617,052.28		917,013,523.34		954,496,055.13	

Table showing appropriations made by Congress from 1875 to 1904—Continued.

Title.	Appropriations, Fifty-fifth Congress.		Appropriations, Fifty-sixth Congress.		Appropriations, Fifty-seventh Congress.	
	1899.	1900.	1901.	1902.	1903.	1904.
Agricultural	$3,509,202.00	$3,726,022.00	$4,023,500.00	$4,582,420.00	$5,208,960.00	$5,978,160.00
Army	23,193,392.00	80,430,204.06	114,220,095.55	115,734,049.10	91,730,136.41	77,888,752.83
Diplomatic and consular service	1,752,208.76	1,714,533.76	1,771,168.76	1,849,428.76	1,957,925.69	1,968,250.69
District of Columbia	6,426,880.07	6,834,535.77	7,577,369.31	8,502,269.94	8,544,469.97	8,638,097.00
Fortifications	9,377,494.00	4,909,902.00	7,383,628.00	7,364,011.00	7,298,955.00	7,188,416.22
Indian	7,673,854.90	7,504,775.81	8,197,989.24	9,747,471.09	8,986,028.10	8,540,406.77
Legislative, etc	21,625,846.65	23,410,840.79	24,175,652.53	24,594,968.85	25,396,681.50	27,598,653.66
Military Academy	458,689.23	575,774.47	674,306.67	772,653.68	2,627,324.42	652,748.67
Navy	56,098,783.68	48,099,969.58	65,140,916.67	78,101,791.00	78,856,363.13	81,876,791.43
Pension (including deficiencies therefor)	149,304,702.46	145,233,830.00	145,245,230.00	145,245,230.00	139,842,230.00	139,847,600.00
Post-office	99,222,300.75	105,634,138.75	113,658,238.75	123,782,688.75	138,416,598.75	153,511,549.75
River and harbor (including amounts in sundry civil, deficiency, and special acts)	14,627,449.56	25,110,038.94	560,000.00	----------	26,771,442.00	----------
Sundry civil (exclusive of amounts for rivers and harbors)	34,222,762.70	30,467,733.86	65,319,915.45	61,795,908.21	60,163,359.13	82,372,360.10
Deficiencies (exclusive of amounts for pensions and rivers and harbors)	341,341,517.50	24,905,912.26	15,688,330.61	193,500.00 15,723,946.94	28,050,007.32	1,140,400.00 100,500.00 20,224,760.25
Total	768,835,084.26	517,558,212.05	573,636,341.54	597,990,337.32	623,850,481.42	617,527,447.37
Miscellaneous	6,560,311.29	28,744,590.24	3,802,301.34	7,990,018.67	2,722,795.13 50,130,000.00	2,941,238.65
Total regular annual appropriations	775,395,395.55	546,302,802.29	577,438,642.88	605,980,355.99	676,703,276.55	620,468,686.02
Permanent annual appropriations	117,836,220.00	128,678,220.00	132,712,220.00	124,358,220.00	133,921,220.00	132,589,820.00
Grand total	893,231,615.55	674,981,022.29	710,150,862.88	730,338,575.99	800,624,496.55	753,058,506.02
Total appropriations by Congress	1,568,212,637.84		1,440,489,438.87		1,553,683,002.57	

Mr. MOON of Tennessee. I yield three minutes to the gentleman from Missouri [Mr. DOUGHERTY].

[Mr. DOUGHERTY addressed the House. See Appendix.]

Mr. MOON of Tennessee. Mr. Speaker, how much time have we left on our side?

The SPEAKER. Twelve minutes on a side.

Mr. MOON of Tennessee. I yield five minutes to the gentleman from Iowa [Mr. WADE].

Mr. WADE. Mr. Speaker, I am one of the few men from my State who have not been regarded as entitled to honorable mention in this report, and as the sole Democrat from that State I deem it proper that I should call the attention of this body to my view of this report. I consider it, as some one has said, to be a very serious matter, and it is proper that we should ask ourselves two questions—What is it? and Why is it? As to the first, I want to say that so far as the great majority of the men named in this report are concerned, there are no facts stated that would cause the slightest reflection upon their names or their integrity. The other gentlemen from my State are wrong politically, most of them are wrong on Canadian reciprocity, and some of them are suspected of disloyalty to the Iowa idea; but I want to say, Mr. Speaker, that so far as the integrity of the men on the other side of this Chamber is concerned, the Representatives from my State stand above reproach. [Applause.]

Now, Mr. Speaker, some one has designated this report as an indictment against those Members named. I deny the truth of that, and say it is an indictment against the Department which issued it; because there is not a single instance noted wherein there has been an increase which was unwarranted, at the request of a Member of this body, in which the Department does not convict itself of one of two things. Either that, because they wanted to grant a favor or to give flattery to the Member making the application, they violated the law or the rules of the Department, or else, on the other hand, an increase which was not warranted was granted through the grossest negligence on the part of the parties in charge of the Department. Therefore I say that instead of it being an indictment against the Members, it is an indictment against the Department, and the Department ought to be put upon trial upon the indictment without delay.

My theory of this matter is that there is no Member that can go out of this Chamber and meet his constituent upon the street and tell him why there was not an investigation of the Department ordered. I say there is not a Member upon this floor that can answer him, because there is but one of two answers. Either, first, there is nothing wrong in that Department, or, second, the investigation already conducted by the Department itself is sufficient. As to the first, I say the country knows there is something wrong in that Department; the country knows that it is rotten. As to the second, I say that this report in itself blasts every hope of a successful and a thorough investigation by the Department of its own wrong. Therefore I say, Mr. Speaker, that the "lid should be taken off" right now and these charges should be investigated, and that the men who made these illegal and improper allowances should be compelled to explain why it is that they responded, even to the urgent request of Members of this House, and why they themselves violated the law which Congress enacted or the rules which they themselves made. Nothing else will answer. No other action will respond to the demands of the people of this country except a full, fair, and honest investigation. [Applause.]

Mr. MOON of Tennessee. I yield now to the gentleman from Massachusetts five minutes.

Mr. THAYER. Mr. Speaker, through no fault or favor on my part my name is not associated with the other 150 Members of this House on what has been termed the "black list." Up in my district, being Republican, and I being known as a Democrat, I was not tempted. In the first place, there are no postmasters of my faith, and in the second, it would be utterly useless for any postmaster to ask me to secure an increase of his salary or of his clerk hire or rental of office; my recommendation would insure rejection. Now, in the minute or two I have I want to call the attention of the House to this report of Mr. Bristow to the Postmaster-General, which was filed during last November, in which Mr. Bristow very modestly says that "the system of organized corruption which has been disclosed began in 1893 and continued until stopped by this investigation." If I believed that to be the fact I would not vote for any further investigation; but I believe, Mr. Speaker, that instead of being stopped by this investigation the investigation has simply scratched upon the surface, and that there is far more underneath and unearthed which ought to be brought to the light.

I believe that we should vote for an investigation of the Post-Office Department and plow up the strata from the bottom instead of scratching a little upon the top and attempt to direct public attention to the acts of Congressmen in recommending some little advance in clerk hire, etc.

Now, Mr. Speaker, the Fourth Assistant Postmaster-General, it occurs to me, is simply in the same category with the rest of the people whose names he has caused to be spread broadcast throughout the country. If there is anything wrong in this recommendation he is equally guilty and subject to criticism. He is in no position to call the kettle black.

On January 27, 1899—

It will be found at the bottom of page 31, relative to the post-office at Erie, Kans., there is this information:

On January 27, 1899, Hon. J. L. Bristow, inclosed a letter from the postmaster, requesting that his allowance for separating-clerk hire be increased from $120 to $180, stating that he would be very glad if the postmaster could be given the allowance requested by him.

And upon February 25 he evidently got what he wanted for his postmaster at Erie, as appears from the report, as follows:

February 25, 1899, Mr. Bristow was informed that "it has been decided, in view of your wishes and the figures submitted by the postmaster, to increase the annual allowance for clerk hire at Erie, Kans., from $120 to $180, effective July 1, 1899." This increase was made notwithstanding the report furnished by the postmaster, dated February 19, 1899, showed that he was only entitled to $50.

On the top of the next page, page 32, it reads as follows:

On February 25, 1899, Mr. Bristow was informed shat "it had been decided, in view of your wishes and the wishes submitted by the postmaster, to increase the annual allowance for clerk hire at Erie, Kans., from $120 to $180."

I leave out for the time the next two lines and will include them in my remarks. It turned out that afterwards it showed by an investigation that that office was entitled to only $50. Now, in 1893, June 27, when the investigation was about to take place, this clerk hire was reduced to $50, as appears in the report, as follows: On June 27, 1903, the allowance for clerk hire was reduced to $50, effective July 1, 1903, the same being based on a report submitted to this office by the Railway Mail Service. Mr. Bristow, out in Kansas—Erie—where he wanted to do something in 1899, as appeared on the thirty-first page, for a friend, for a postmaster of his town, recommended an increase to $180, where the law allowed only $50. That postmaster had probably been just recently appointed to take the place of some Democrat there. Mr. Bristow wanted to do just what he finds fault with the Members of this House for doing—the Members having been anxious to do for their constituents—namely, to increase the salary or clerk hire of some postmasters in their districts, and after he had had a new revelation, or was attempting to make a reputation for himself, on June 27, 1903, he reduced it to $50.

I doubt if there is an increase of a greater percentage than appears in this case—not even made upon the request of Mr. Bristow.

Now, my friends, it seems to me that the only thing we can do in order that we may get at the bottom of this fraud and graft matter and find out who down here in the Post-Office Department is corrupt and who is not, if there are any, even more open to criticism than Members of this House, is to pass a resolution to investigate the Post-Office Department as well as to investigate ourselves, and unless that is done the country will never believe but what we were afraid that in that investigation something would come out which was not desired. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. MOON of Tennessee. Mr. Speaker, after the gentleman from Indiana has used the time allotted to him I will then offer for the consideration of the House the resolution provided for by the order.

Mr. OVERSTREET. The gentleman has completed his time?

Mr. MOON of Tennessee. My time has been finished.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GARDNER] who addressed the House have the privilege of extending his remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered. The Chair hears none.

Mr. OVERSTREET. Mr. Speaker, I now yield six minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, the House has become in a somewhat agitated and excited condition of mind, and I trust before it acts upon this important question that it will seek to regain its normal poise and the steadiness and sanity which ordinarily characterize its proceedings. The striking feature of the peculiar situation in which the House is now placed grows out of the fact that we have set in motion a method of procedure which, in order to be followed without grave injury, should be followed to the end.

Either those delicate questions affecting the honor of Members should never have been touched by us at all, or they should be settled by the most effective action that it is within the power of the House to take. I intended to review the course of affairs here, but I can not do that in the limited time allotted to me, but one thing is apparent from the different steps that the House has taken: We have, in fact, had an investigation, an ex parte investigation purely, without any chance for the Members to be heard.

The head of the Department from which emanated the imputations affecting the membership of the House, in response to an inquiry from the chairman of the Committee on the Post-Office and Post-Roads, sent here a great mass of material, some of it responsive, a great deal of it unresponsive; and that material affecting 150 Members has been spread upon the records of the House and a good deal of it has been printed in the press of the country. Now, sometimes the very occasion will slander a man.

If a Member here had been accused of going to the War Department or to the Pension Department in connection with a pension—and there is no harder trodden path to the National Treasury than exists through the Pension Office—it would have been regarded as a part of his duty, but when anything is said about a Member, when a mere whisper is uttered about a Member to-day in connection with the Post-Office Department, there is such a condition of the public mind that that whisper will reverberate from one end of the country to the other.

I confess I have heard with a great deal of amazement the proposition that the question affecting the honor of Members of this House should be dangled, should be dragged as the wretched tail to the kite of a general investigation of the Post-Office Department. Gentlemen say those connected with the Post-Office Department are thieves and criminals, and yet they seriously ask this House of Representatives to tie up an inquiry into the rectitude of its membership with a general investigation of that Department, which may drag on for months and in the end, whatever may be found about any given Member, will be buried under a great mass of testimony.

Mr. Speaker, I think that that policy is altogether unwise. It is our clear duty first to wash our own dirty linen, if we have any, before we undertake the laundry business for others. What weight will our investigation of others have while we ourselves are surrounded by an atmosphere of accusation and calumny impregnates the very air we breathe? It is the duty of the House first to dispose of those charges which impugn its own integrity, and until that shall be done no action that the House shall take will receive that credit from the American people which it deserves.

Now, Mr. Speaker, I should like to speak upon this question at greater length. I have not time to say the things that I rose to say, but if opportunity is presented me, when it shall come in order, I will offer the motion which I now ask to have the Clerk read.

Mr. POU. May I ask the gentleman a question?

Mr. MCCALL. This reading will take up the balance of my time.

The Clerk read as follows:

Mr. MCCALL, of Massachusetts, moves to commit the pending report of the Committee on the Post-Office and Post-Roads, and all accompanying papers and communications contained in House Report No. 1395 so far as the same relate to Members of the House, to a select committee of seven, to be appointed by the Speaker, with instructions to consider said report and said papers and communications so far as they relate to Members and the origin of the said papers and communications, and that said select committee be authorized fully to investigate the same, to hear Members and other persons named in said report and any officials of the Post-Office Department in respect to matters affecting Members of the House contained in said report, papers, and communications, and as soon as may be to report to the House the result of said investigation, and that said select committee is authorized to examine witnesses on oath, compel the attendance of witnesses and the production of papers, and to [employ such clerical assistance as may be necessary and have such printing done as the needs of the committee may require].

Mr. OVERSTREET. Mr. Speaker, I now yield the remainder of my time to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, at the most interesting moment in the House I ever have seen during my twenty years of service, in the Fifty-first Congress, when the House was more impregnated with hysteria, if possible, than at this present moment, when a whole party was hurling epithets of opprobrium on the Speaker, I remember that the late Speaker Reed calmly said: "A greater man than any that sits in this Hall once said that no man can write down another except himself."

These words have come to me during the excitement of this debate. I decline to become hysterical: I have declined to have any apprehension about this report, so far as I am concerned. I have no personal explanation to make now. I have no questions of privilege to state. I have no apology to make, because I know that, whatever may be written in that report, no man can write me down except myself. [Applause.]

What shall we do with this report? What shall we do with this question before the House? Some gentlemen have indulged in violent denunciations; they have called names. The entire Democratic side of the House have shouted, "Let's investigate the whole Department!" Gentlemen, it is no answer for me to any accusation to say to another man, and especially to the accuser, "You are another." That does not answer the question even to my own intelligence, or to the intelligence of the American people. What shall we do? The committee say, Lay the resolution on the table. I hope that motion will be voted down, and after that is done I hope the gentleman from Massachusetts [Mr. MCCALL] will introduce his resolution to investigate this report; to investigate every man named in that report by the Fourth Assistant Postmaster-General; to investigate the questions as to who made the report and how it came into the House. All this can be done under that resolution, and I hope it will not be mixed up with any other matter. This is the question before us. This is the paramount question before this House of Representatives.

Members are named in the report. Newspapers have named Members throughout the country and coupled their names with admitted rascals, and even have gone so far as to call some Members of the House rascals. But that language of the newspapers is but the wind that blows to and fro, and injures no man's character if he has a character to be injured. [Applause.]

You can afford to stand upon the character you have made. Bring out the facts before this committee: let it send for persons and papers—they have the authority under the statute to swear the witnesses—and let us get at the facts and send them to the country. "A whitewashing report?" Why, gentlemen, if the facts are against you, you can not whitewash them in a report. Let us give the country the facts, no matter what the opinion of this committee may be. It must stand the sense and judgment of the people of the United States, and if the facts exonerate, if the facts vindicate, vindication you will have: and if any man can not stand upon the record he has made, so much the worse it may be for that man.

Gentlemen on the other side ask for an investigation of the Department. The Department has been investigated; the rascals have been found. [Derisive laughter on the Democratic side.] And now, gentlemen, if you have any facts to present as to why it should be further investigated, why in the name of common sense have you not presented them instead of howling for an investigation?

Mr. WILLIAMS of Mississippi. Give us the tribunal to present them to.

Mr. PAYNE. Where are your facts on which to found the indictment? You have not been able to present any so far. Why, it looks a good deal to the people of the United States as though you wanted an investigation to drag along all through the summer without a word of politics in it. [Laughter on the Democratic side.] [Applause.]

Mr. WILLIAMS of Mississippi. The Speaker will appoint the committee, and your committee need not drag it out unless it wants to.

The SPEAKER. The time of the gentleman from New York has expired. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. OVERSTREET, by unanimous consent, it was ordered that the resolution (H. Res. 118) providing for a committee of the House to investigate charges in relation to the conduct of the Post-Office Department be taken up for consideration on Wednesday next, immediately after the reading of the Journal; that three hours' general debate be allowed, the time to be equally divided between the two sides and to be controlled by Mr. OVERSTREET and Mr. MOON of Tennessee; at the end of which time the minority shall have leave to offer an amendment, subject to a point of order, and that after disposition of the amendment the question shall be taken on the motion that the resolution do lie on the table. (Order made in the House March 7, 1904.)

Mr. MOON of Tennessee. Mr. Speaker, I move to amend by substituting the following:

Resolved, That the Speaker of the House appoint a committee, consisting of five Members of the House, to investigate the conduct and administration of the Post-Office Department; that said committee have power to send for persons and papers and enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer and all necessary clerks, to have the power to sit during the sessions of the House and exercise all functions necessary to a complete investigation of all frauds and irregularities alleged to exist in said Department, including alleged frauds, irregularities, illegalities, and improprieties by Members of Congress in connection with said Department, and to report the result of said investigation as soon as practicable.

[Applause on the Democratic side.]

The SPEAKER. The amendment will be reported at the Clerk's desk.

The Clerk read as follows:

Resolved, That the Speaker of the House appoint a committee, consisting of five Members of this House, to investigate the conduct and administration of the Post-Office Department; that said committee have power to send for persons and papers and enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer and all necessary clerks, to have the power to sit during the sessions of the House and exercise all functions necessary to a complete investigation of all frauds and irregularities alleged to exist in the said Department, including alleged frauds, irregularities, illegalities, and improprieties by Members of Congress in connection with said Department, and to report the result of said investigation as soon as practicable.

Mr. OVERSTREET. Against that amendment, Mr. Speaker, I make the point of order that it is not germane to the resolution pending and not privileged.

The SPEAKER. To that the gentleman from Indiana makes the point of order that it is not germane and is not privileged.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a body like the House of Representatives makes its own rules. A body like the House of Representatives can unmake all of its rules or any of its rules in whole or in part, for a session or for an occasion. The House can do it; the Senate does do it every day.

On the other side of the Capitol the Senators every day, upon appeal from the decision of the Chair upon a point of order, express the will of the Senate upon the question of getting at the very right and the very justice of a situation behind the outward seeming of technical parliamentary law. The House has just as much right to unmake any one of its rules for the purpose of reaching the real right of a parliamentary situation upon a particular question as it has to unmake the rule for the session, for a week, for a day, or for any other time—just as much right as it has to make a special rule through the instrumentality of the Committee on Rules.

The country will not misunderstand this situation. The gentleman from Indiana [Mr. OVERSTREET] has made the point of order, because after the Republican rulers of this body, and after, perhaps, the President of the United States himself had been consulted—at least so says the public press—it was thought best for the Republican party not to have an investigation of the Post-Office Department "before the election." [Applause on the Democratic side.]

Mr. OVERSTREET. Mr. Speaker, I submit that the gentleman from Mississippi is not speaking to the point of order.

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, I shall address myself to the germaneness of this proposition——

The SPEAKER. One moment——

Mr. WILLIAMS of Mississippi. And I think I can prove to the Chair that the proposition is germane.

The SPEAKER. One moment. The gentleman from Indiana [Mr. OVERSTREET] suggests, in the nature of a point of order, that the gentleman from Mississippi is not speaking to the point of order. Discussions of points of order are always in the discretion of the Chair. The Chair trusts that the gentleman, who knows what is in order, will proceed in order. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, the gentleman has made the point that this amendment is not germane and that it is not privileged. I am going to prove that it is at least germane. I can argue that, can I not? Here is a charge from the Post-Office Department that one hundred and some odd men upon this floor, of whom I do not happen to be one, have been guilty of illegalities; some of them of improprieties; some of them of undue and over influence. Members upon this floor have arisen and have not only charged but have proved that the Post-Office Department was guilty of suppression of letters, suppression of documents, suppression of truth. Is it not, therefore, germane to a proposition while investigating Members for what they have been charged with to go further and investigate the character, veracity, and competency of the Post-Office Department and its employees, who have been guilty, while making the charges, of suppressing the truth, of suppressing documents that were in the same file as other documents which they have sent here, briefed upon the outside of the file, so that all the world had notice? Is it not germane to a proposition to "investigate," when the integrity of Members has been questioned in a certain quarter, to investigate also the veracity, truthfulness, character, and responsibility of the sources whence the questioning has come?

Ah, Mr. Speaker, the Chair may rule—and if the Chair does rule he will do so because the Chair, under the responsibilities of the Speaker's position when a question of parliamentary law is put to him, thinks he is right in ruling that way—he may rule that this question is out of order because not privileged; but the country knows, the world knows, and you know that you have the power and the right, upon appeal from the decision of the Chair, to make it in order. The Chair rules subject to the will of the House on appeal from his decision. [Applause on the Democratic side.] Now, are you going to make an investigation in order or not? Are you going to put yourself in this laughable position, that you pass a resolution enabling such Congressmen as desire to be investigated to come in and be investigated, and then allow the Post-Office Department to continue investigating you whom, according to you, are unjustly charged, while you decline to investigate the Post-Office Department?

Mr. OVERSTREET. Mr. Speaker, I again suggest that the gentleman is not proceeding in order.

Mr. WILLIAMS of Mississippi. Does the Chair rule that I am out of order again?

The SPEAKER. The Chair has not ruled that the gentleman is out of order.

Mr. WILLIAMS of Mississippi. If the Chair leaves it to "the gentleman" himself, "the gentleman" will say that he was out of order, so as to save the Chair the trouble.

The SPEAKER. There is a point of order pending. The Chair states again——

Mr. WILLIAMS of Mississippi. I have said all I wish to upon the point of order.

Mr. OVERSTREET. Mr. Speaker, the rule is so well established that I think it unnecessary to call the attention of the Chair to the decisions where the matter has been decided. The precedents are numerous.

Mr. WILLIAMS of Mississippi. Mr. Speaker, is there any further time on this side for the discussion of the point of order?

The SPEAKER. The Chair thinks he is advised.

Mr. DE ARMOND. Mr. Speaker——

Mr. WILLIAMS of Mississippi. I wanted to yield to the gentleman from Missouri.

Mr. DE ARMOND. If the Chair will indulge me a moment on the point of order——

The SPEAKER. The gentleman from Missouri.

Mr. DE ARMOND. Mr. Speaker, I do not intend to consume your time, or the time of the House, in a careful discussion of the point of order, but I rise for the purpose of making to the Chair a suggestion which I hope he may adopt, which if it seems to him proper to be adopted he will adopt, I think.

It is that, instead of formally ruling upon this point of order, the Speaker do as very many of his predecessors did in the time past, submit the question to the House, to let it determine for itself, with regard to this particular matter, what shall be the rule of our procedure.

The proposition is one for general investigation, for such an investigation that when it is concluded, if the Speaker appoint, as I

believe he will, a good committee of investigation, will be satisfying to the country as to all the facts involved; will be a vindication of those who ought to be vindicated and a condemnation of those who ought to be condemned.

If the Speaker should decide this question and decide it adversely to the regularity of this resolution, merely as a parliamentary question, he would prejudice the matter somewhat, no doubt, before the House, but I think not before the country. It might be that Members of the House who would be glad to have this investigation and who would not vote against it might feel constrained, if the Speaker were to rule this resolution out of order, to vote to sustain the ruling. That would be in effect, as the country undoubtedly will understand it, and gentlemen now must understand it, to vote against an investigation. Now, to vote against a full investigation and to deny it will be to decide for a partial investigation by a committee of the House, with sole reference to Members of the House. The country will understand that to be an investigation predestined and prejudged to be a whitewashing investigation; and instead of relieving anybody from anything that may have been cast upon him by this Post-Office Department report, it will be a deepening of the stamp, and will but increase his embarrassment.

I will not consume further time here under existing circumstances; but I hope the Speaker will see proper to submit this question to the judgment of the House itself, untrammeled and unhampered by any ruling which he might make upon it as a mere technical parliamentary question, so that the House may get at the deep, important issue whether there shall or shall not be a thorough investigation of the whole matter, with reference to everybody and everything involved. I hope that the Speaker will accept in good part and will act upon the suggestion which I have offered. I have no doubt, of course, that the Speaker would readily rule upon any question presented, and am sure that he would not endeavor to escape from any responsibility cast upon him; but, under the circumstances, I think the Speaker would be evading no duty, would be shirking no responsibility, by committing to this body itself, without embarrassment, the question whether this investigation shall be made full, to get the whole truth, or shall be partial and crippled. [Applause on the Democratic side.]

Mr. HEPBURN. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] a moment ago made a most astonishing declaration to this House. He said that this House at any time had the right, on a question of appeal, to make its own rules. Does the gentleman mean——

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman permit an interruption?

Mr. HEPBURN. Yes.

Mr. WILLIAMS of Mississippi. I said it had the right to change its own rules, and I will ask the gentleman this question in response to his: Does not the Senate do that every day? And has not the Senate the same rule on the subject as we have? And has not Parliament done the same thing for years?

Mr. HEPBURN. I do not know whether the Senate does every day what the gentleman says; but I know that the House of Representatives does not do it. [Applause.] The House of Representatives is governed by a code of its own—a code that prescribes the orderly procedure under which it shall perform its business. That orderly procedure is prescribed by the rules of the House. Our code, among other things, provides how the rules may be amended.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me one other question?

Mr. HEPBURN. Certainly.

Mr. WILLIAMS of Mississippi. Did not the gentleman vote to override the ruling of Speaker Reed in connection with the Nicaragua Canal?

Mr. HEPBURN. Undoubtedly I did vote to override the ruling of the Chair—not of Speaker Reed; but I would have done so if he had made the ruling. The ruling to which the gentleman refers was a ruling of the Chairman of the Committee of the Whole. I believed that the Chairman, in making that ruling, was in error; I believed it was an improper ruling. And my conscience fully approves the action which I then took, and which, under the rules, I had then the right to take.

Mr. WILLIAMS of Mississippi. Was not the gentleman one of those who voted to overrule Speaker Henderson——

Mr. HEPBURN. I did so vote——

Mr. WILLIAMS of Mississippi. When all of us admitted that, as a mere matter of parliamentary law, the Speaker was right?

Mr. HEPBURN. I so voted, not for the purpose of changing the rules, but because I believed, as did those who voted with me, that the Speaker had improperly interpreted the rule. That was the ground of my action.

Mr. WILLIAMS of Mississippi. I am not speaking about the ruling in that case, but in the reciprocity case.

Mr. HEPBURN. Yes, I remember that. And I would so vote again.

Mr. DALZELL. It was the Chairman of the Committee of the Whole that made the ruling—not the Speaker.

Mr. HEPBURN. I do not now remember whose ruling it was, but in my judgment it was erroneous, and therefore I voted, under the rules, that it should not stand as the judgment of the House.

Mr. Speaker, what is involved in the philosophy of an appeal from the ruling of the Speaker? A proposition is made. The gentleman from Indiana in his place says that under the rules of this House that motion ought not to be entertained. The Speaker sustains that point of order. An appeal is taken. What then is the question? Has the Speaker correctly interpreted the rules of this House? Shall the decision of the Speaker stand as the judgment of the House? That is the question. Not, Has the House the right at any time to change a rule in this improper way, without regard to the methods prescribed for changing the rules? That never was suggested, to my knowledge, by any other man than the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. If the gentleman will permit another interruption, I will say that I have very high political authority for going further. In the Fifty-first Congress Mr. Reed took the position that he had the right to make rules until Congress had made them, and that when the House afterwards made them, if they indorsed his action, that was all right.

Mr. HEPBURN. The case then presented was entirely different from the present. Then no rules had been adopted. Now we have a code of rules. But no one ever claimed that Speaker Reed or anyone else had the right in this way and under these circumstances, in opposition to the language of the existing rules, to make rules.

Mr. WILLIAMS of Mississippi. He took the position that whatever the House chose to sanction became thereby the rule.

Mr. PAYNE. Mr. Speaker, what Mr. Reed held in the Fifty-first Congress was that the House, having failed to adopt a code of rules, was under general parliamentary law; and the affairs of the House were administered, not under rules made by Mr. Reed, but under general parliamentary law as interpreted by Mr. Reed and by the House. I am unwilling that the position of the gentleman from Mississippi shall go unchallenged.

Mr. HEPBURN. Let me call attention to another fact. The gentleman from Mississippi, by the very proposition that he has made—that we have the right now and that here is the emergency where it should be exercised to make our rules—has confessed that under the rules as he expects them to be interpreted the Speaker is right and is simply administering existing rules that the gentleman proposed in his disorderly way to change.

Mr. WILLIAMS of Mississippi. Mr. Speaker, will the gentleman allow me to interrupt him?

Mr. HEPBURN (continuing). And it seems to me that it can not be maintained for a single moment. We either have rules or we do not. If we have rules, then we all know how we can change them. The method is prescribed.

Mr. WILLIAMS of Mississippi. Will the gentleman submit to another interruption? I hate to interrupt him.

Mr. HEPBURN. I see that you do. [Laughter.]

Mr. WILLIAMS of Mississippi. But I want the gentleman to understand my position.

Mr. HEPBURN. I think I do understand it. The gentleman was quite outspoken.

Mr. WILLIAMS of Mississippi. I do not think you do, because if you did you would not imagine for one moment that I would be so lacking in intellectual integrity as to pretend that this amendment is privileged, and therefore not obnoxious to the second point of order. What I have said is this: That the House is the master of its rules, and its rules are not the masters of the House.

Mr. HEPBURN. The gentleman is undoubtedly correct. The House is master of its rules, and the House has prescribed by a rule that it had the right to make, and it is the duty of the Speaker te enforce, just how these rules shall be amended. [Applause on the Republican side.]

The SPEAKER. The Chair is prepared to rule.

Mr. MOON of Tennessee. Having offered the amendment, I wish to be heard on the point of order. This is a privileged resolution, and I conceded in argument a day or two ago, as a matter of parliamentary law, that the proposition for a general investigation could not with propriety come up singly and alone on a specially privileged resolution. I said further that if the point of order were made upon the resolution presented in that way, and the Speaker sustained it, I would not be willing on appeal to vote to overrule the Speaker. I say so yet; but the Speaker will observe that the amendment now proposed by me is not along the line of the amendment discussed in its entirety a day or two since. In the proposed amendment, incorporated with it, made a part of it, inseparably connected with it, is a proposition not merely for

the investigation of the Department, but for the investigation of the alleged frauds, irregularities, and improprieties of the membership of this House connected with that Department.

This proposition, I insist, being interwoven as it is with the whole question of investigation of the Department and the conduct of the House in reference to the Department, is in order. You can not, with the facts before us, investigate that Department without going into this House, without looking into the facts alleged against the membership of this House. You can not proceed with a general investigation without investigating privileged matters. You can not investigate fully privileged matters without investigating departmental matters fully. The questions are one, the same, and inseparable; in fact, under the form of the amendment, Mr. Speaker, there may be doubt about the question. I am not entirely free to say that I have not some doubt about the question in a strictly technical application of the House rules; but under the circumstances existing, with the charges made as they are, with the doubt that exists about the question, I think that the gentleman from Missouri [Mr. DE ARMOND] made a good suggestion to relieve the Chair of the decision and allow the House to assume the responsibility and decide it.

If the Chair, however, feels called upon to make a decision, I believe that it comes within the purview of sound law and logic to overrule the point of order and permit this question to come before the House. It is certainly a case where the doubt should be resolved in favor of integrity and not crime. I do not agree that it is right to overrule the Chair when the Chair is right, but I do insist always on a question of grave doubt of this character that it is for the public good to defy the Chair and overrule the Speaker in order to protect the honor of the Commonwealth. [Applause.] Therefore, Mr. Speaker, I can not approve a technical decision of this question. It involves all that is sacred to every honorable man on this floor connected with these charges. It involves a great Department. It involves the national honor. You have made, gentlemen, the point of order. This black shield to your party's corruption is raised. You are about to sustain it. It is your effort to avoid exposure. When this struggle to protect your party from the disgrace it has earned is ended and you return to your homes and recall your conduct here, no point of order will soothe your stricken consciences. And when you behold the stain you have fixed on your country's honor you will fully realize in the bitterness of your meditations—

> That life is but a word, a shadow, a melting dream,
> Compared to essential eternal honour.

[Applause.]

Mr. RICHARDSON of Tennessee. Mr. Speaker—— [Applause on the Democratic side.]

The SPEAKER. While the Chair is ready to rule, the Chair will listen to the gentleman.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I only want a moment to say that in my judgment the motion made by my colleague from Tennessee [Mr. MOON] is germane to the pending resolution. The resolution pending, offered by the gentleman from Virginia, which it is proposed to lay on the table, provides for an investigation of the Members of this House; and the charge is made that they have violated the law by having illegal contracts made with the Post-Office Department. That is the charge.

Mr. Speaker, if that is true the Post-Office Department has committed the same fraud or is a party to the same fraud. The Post-Office Department has violated the law just as the Member violated it. It was impossible for a Member of this House to have violated the statute in contracting with the Post-Office Department unless the Department or the officer representing the Post-Office Department did not at the same time violate the law. This resolution of the gentleman from Virginia contemplates an investigation, not simply of the violation of the law by the Member himself, but also of the violation of the law by the Postmaster-General or his representatives. The investigation of the unlawful act on the part of the Member necessarily investigates the Department.

Mr. Speaker, if we are called upon to make an investigation under the resolution of the gentleman from Virginia, we investigate not only the irregularities and the unlawful acts and conduct of a Member, but the irregularities and unlawful acts and conduct of the Postmaster-General or his representatives. You can not escape from that, and under this resolution the substitute provides simply for an extension of the investigation of the Postmaster-General or his subordinates.

Mr. Speaker, it is impossible for any human intellect to separate the two questions, so intimately and closely do they inhere and incorporate themselves into each other, and to say that the latter resolution, offered by my colleague from Tennessee, is not germane to the pending resolution. It simply broadens and extends its objects and purposes, and is along the same line, a portion of the same thing, and must be germane. [Applause.]

The SPEAKER. The gentleman from Tennessee offers the amendment which has been reported at the Clerk's desk. It provides for a general investigation of the conduct and administration of the Post-Office Department, and also coupled with it an investigation as to the action of Members of Congress touching matters referred to. To this amendment the gentleman from Indiana makes the point of order, first, that it is not germane; second, that it is not privileged, or, to put it in another way, that even if it were germane he makes the point that it couples a nonprivileged matter with a privileged matter. The question before the House is a matter of such high privilege touching the dignity of the House and the integrity of Members in their representative capacity that it displaces all other business. The gentleman from Virginia this morning called for the regular order, although matters made privileged by the rules were ready for the consideration of the House, and that demand for the regular order postponed those privileged matters because this is a question of the highest privilege. Otherwise it could not be here.

Some weeks ago the gentleman from Virginia rose in his place to a question of privilege. Gentlemen will recollect that he then had a nonprivileged matter coupled with his question of privilege, and the Chair, sustained by the House, held that the resolution first offered was subject to the point of order because, while part of it represented a question of privilege, a part of it did not, and the decisions that the Chair then referred to by Mr. Speaker Carlisle, by Mr. Speaker pro tempore BLACKBURN, of Kentucky, and others, are within the recollection of the House. The Chair will refer to those briefly again. The gentleman offered the resolution embodied in the report, which I need not take the time of the House to again read, free from the nonprivileged matter, and the House sent that resolution to the Committee on Post-Offices and Post-Roads. That committee reports back with the recommendation that that resolution (known as the Hay resolution) do lie upon the table. Pending the vote on laying that privileged resolution upon the table, by unanimous consent, the gentleman from Tennessee, under the special order, offers this amendment. First, is it germane? Clause 7, Rule XVI, is as follows:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

What is the question under consideration? A question of the highest privilege touching the relations of the Members of this House to certain matters referred to in the report from the Post-Office Department. This amendment proposed to investigate the Post-Office Department generally, not only as to matters relating to Members of this House, but as to a wide variety of matters having no reference whatever to the Members of this House. A bare reading of the rule shows that the proposed amendment embodies a subject different from that under consideration. The Chair may insert, with the permission of the House—he will not take the time to read it—an extract from an opinion of Mr. Speaker Carlisle in construing this same rule, in which he gave the history of the rule and the practice of the House of Representatives heretofore. It is an exceedingly clear opinion, like most of the opinions of Mr. Speaker Carlisle. The extract follows:

> The Congress of the Confederation, in 1781, adopted a rule in the following words:
> "No new motion or proposition shall be admitted under color of amendment as a substitute for a question or proposition under debate until it is postponed or disagreed to."
> The House of Representatives of the First Congress, on the 4th of March, 1789, adopted the following rule upon this subject:
> "No new motion or proposition shall be admitted under color of amendment as a substitute for the motion or proposition under debate."
> It will be observed that each of these rules admitted amendments introducing new motions or propositions if they were not offered as substitute for the motion or proposition under debate. But in March, 1822, the House changed the rule of 1789 so as to make it read as follows:
> "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."
> And in this form the rule has stood ever since, and now constitutes a part of the seventh clause of Rule XVI in the recent revision. The rule does not prohibit a committee reporting a bill from embracing in it as many different subjects as it may choose, but after the bill has been reported to the House no different subject can be introduced into it by amendment, whether as a substitute or otherwise.
> When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule.

Now, if it be germane and proper under the rules to couple a nonprivileged matter with a privileged matter, let us inquire a minute where it would lead the House. If this amendment to investigate the Post-Office Department is germane, an amendment to investigate the postal service is germane. If this is germane, an amendment to investigate the Interior Department or the Treasury Department would be germane. Any conceivable question connected with the Executive would be germane. If this be germane, whenever a Representative in a House of almost 400 Members desired to inaugurate an investigation touching any

matter he need only make his motion so as to make it privileged, and then you could tack on all matters nonprivileged and nongermane, and the House, in the transaction of its business, would cease to be an orderly body, and would run lawless.

The Chair has a number of decisions here.

As early as 1827 a Speaker who occupied this Chair for four terms—Andrew Stevenson, of Virginia—held that an amendment commanding tariff revision was not germane to a resolution giving a committee power to investigate tariff subjects. In later days Mr. Speaker Carlisle construed the rule with equal strictness, and held that a proposition to investigate the affairs of the New Orleans Cotton Exposition was not germane to a proposition to pay the indebtedness of that exposition.

But the Chair is not confined to reasonings on general principles. The particular question involved has been settled before, and the Chair may follow a broad and well-beaten pathway.

Questions precisely similar arose in the Forty-eighth Congress, and there are found in sections 1078 and 1079 of the Parliamentary Precedents well-considered rulings, one by Mr. Speaker Carlisle and the other by Mr. J. C. S. BLACKBURN, of Kentucky, as Speaker pro tempore, wherein it is specifically held that a privileged proposition may not be amended by adding thereto matter not privileged or germane to the original question. The reasonableness and justice of these rulings have not been questioned in twenty years.

Under the Constitution the House makes rules for its government. The House elects the Speaker who presides over the body. The House determines and construes the rules when a question is properly presented before him; but with a line of precedents running for almost a century, whoever might occupy the chair would, in the opinion of the present occupant of the chair, act the coward if he did not call the attention of the House to the precedents touching the germaneness of this and similar amendments. The grouping together of privileged and n nprivileged matters is contrary to all rule, and has been so held by all occupants of this chair, so far as the Chair has been enabled to find himself, and after availing himself of advice from one who perhaps has a better knowledge of the precedents than any other man within the sound of my voice. [Applause].

Therefore the Chair is constrained to sustain the point of order, first, that the amendment is not germane, and, second, that it is in the teeth of the rule that prohibits the linking together of privileged and nonprivileged matters.

Mr. GRIGGS. Mr. Speaker, from the ruling of the Chair I appeal.

Mr. OVERSTREET. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Georgia appeals from the decision of the Chair, and the gentleman from Indiana moves to lay the appeal on the table.

Mr. GRIGGS. And on that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 126, answered "present" 8, not voting 95, as follows:

YEAS—154.

Adams, Pa.	Davis, Minn.	Jenkins,	Pearre,
Adams, Wis.	Dayton,	Jones, Wash.	Perkins,
Alexander,	Dixon,	Kennedy,	Porter,
Allen,	Dovener,	Ketcham,	Powers, Mass.
Babcock,	Draper,	Kinkaid,	Prince,
Bates,	Driscoll,	Knapp,	Reeder,
Bede,	Dunwell,	Lacey,	Roberts,
Bingham,	Dwight,	Landis, Chas. B.	Rodenberg,
Birdsall,	Esch,	Lanning,	Shiras,
Bishop,	Foss,	Lawrence,	Sibley,
Bonynge,	Foster, Vt.	Lilley,	Slemp,
Boutell,	Fuller,	Littlefield,	Smith, Ill.
Brandegee,	Gaines, W. Va.	Longworth,	Smith, Samuel W.
Brooks,	Gardner, Mich.	Loudenslager,	Smith, Wm. Alden
Brown, Pa.	Gardner, N. J.	Lovering,	Smith, Pa.
Brown, Wis.	Gibson,	McCall,	Snapp,
Brownlow,	Gillet, N. Y.	McCarthy,	Southard,
Buckman,	Gillett, Cal.	McCleary, Minn.	Southwick,
Burke,	Gillett, Mass.	McCreary, Pa.	Spalding,
Burkett,	Goebel,	McLachlan,	Sperry,
Burleigh,	Graff,	Mann,	Stafford,
Burton,	Greene,	Marsh,	Steenerson,
Butler, Pa.	Hamilton,	Marshall,	Sterling,
Calderhead,	Haskins,	Metcalf,	Sulloway,
Campbell,	Haugen,	Miller,	Tawney,
Cassel,	Hedge,	Minor,	Tirrell,
Connell,	Hemenway,	Morgan,	Townsend,
Conner,	Henry, Conn.	Morrell,	Volstead,
Cooper, Pa.	Hepburn,	Mudd,	Vreeland,
Cooper, Wis.	Hermann,	Murdock,	Wachter,
Cousins,	Hill, Conn.	Needham,	Wanger,
Cromer,	Hinshaw,	Norris,	Warnock,
Crumpacker,	Hogg,	Olmsted,	Watson,
Currier,	Holliday,	Otis,	Williamson
Curtis,	Howell, N. J.	Otjen,	Wilson, Ill.
Cushman,	Howell, Utah	Overstreet,	Woodyard.
Dalzell,	Hughes, W. Va.	Palmer,	Young.
Daniels,	Humphrey, Wash.	Parker,	
Darragh,	Jackson, Ohio	Payne,	

NAYS—126.

Adamson,	Garner,	Lind,	Ryan,
Badger,	Gilbert,	Lindsay,	Sheppard,
Baker,	Gillespie,	Little,	Shober,
Bartlett,	Glass,	Livernash,	Sims,
Bassett,	Gooch,	Livingston,	Slayden,
Beall, Tex.	Goulden,	Lloyd,	Small,
Benny,	Gregg,	Lucking,	Smith, Ky.
Benton,	Griffith,	McAndrews,	Smith, Tex.
Bowers,	Griggs,	McNary,	Snook,
Brantley,	Hamlin,	Maddox,	Southall,
Brundidge,	Harrison,	Maynard,	Spight,
Burgess,	Hay,	Moon, Tenn.	Stanley,
Burleson,	Hearst,	Padgett,	Stephens, Tex
Byrd,	Henry, Tex.	Page,	Sullivan, Mass.
Caldwell,	Hill, Miss.	Patterson, N. C.	Swanson,
Candler,	Hopkins,	Patterson, Tenn.	Talbott,
Clark,	Howard,	Pierce,	Tate,
Clayton,	Hughes, N. J.	Pinckney,	Taylor,
Cochran, Mo.	Humphreys, Miss.	Pou,	Thayer,
Cockran, N. Y.	Hunt,	Pujo,	Thomas, N. C.
Cooper, Tex.	James,	Rainey,	Thompson,
Cowherd,	Johnson,	Randell, Tex.	Trimble,
Crowley,	Jones, Va.	Ransdell, La.	Underwood,
Davey, La.	Kehoe,	Richardson, Ala.	Van Duzer,
De Armond,	Keliher,	Richardson, Tenn.	Wade,
Denny,	Kitchin, Wm. W.	Rixey,	Webb,
Dougherty,	Kline,	Robb,	Wiley, Ala.
Emerich,	Kluttz,	Robertson, La.	Williams, Ill.
Field,	Lamar, Fla.	Robinson, Ark.	Williams, Miss.
Finley,	Lamar, Mo.	Robinson, Ind.	Wynn.
Fitzgerald,	Lamb,	Rucker,	
Gaines, Tenn.	Legare,	Russell,	

ANSWERED "PRESENT"—8.

Deemer,	Houston,	Rhea,	Stevens, Minn.
Flood,	Lester,	Smith, Iowa	Van Voorhis.

NOT VOTING—95.

Acheson,	Dresser,	Kyle,	Ruppert,
Aiken,	Evans,	Lafean,	Scarborough,
Ames,	Fitzpatrick,	Landis, Frederick	Scott,
Bankhead,	Flack,	Lever,	Scudder,
Bartholdt,	Fordney,	Lewis,	Shackleford,
Beidler,	Foster, Ill.	Littauer,	Sherley,
Bell, Cal.	Fowler,	Lorimer,	Sherman,
Bowerscck,	French,	Loud,	Shull,
Bowie,	Garber,	McDermott,	Smith, N. Y.
Bradley,	Gardner, Mass.	McLain,	Sparkman,
Breazeale,	Goldfogle,	McMorran,	Sullivan, N. Y.
Brick,	Granger,	Macon,	Sulzer,
Broussard,	Grosvenor,	Mahon.	Thomas, Iowa
Burnett,	Gudger,	Mahoney,	Vandiver,
Butler, Mo.	Hardwick,	Martin,	Wadsworth,
Capron,	Hildebrant,	Meyer, La.	Wallace,
Cassingham,	Hitchcock,	Miers, Ind.	Warner,
Castor,	Hitt,	Mondell,	Weems,
Davidson,	Huff,	Moon, Pa.	Weisse.
Davis, Fla.	Hull,	Nevin,	Wiley, N. J.
Dick,	Hunter,	Patterson, Pa.	Wilson, N. Y.
Dickerman,	Jackson, Md.	Powers, Me.	Wright,
Dinsmore,	Kitchin, Claude	Reid,	Zenor.
Douglas,	Knopf,	Rider,	

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. DEEMER with Mr. SHULL.

Mr. HUNTER with Mr. RHEA.

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. SHERMAN with Mr. RUPPERT.

Until further notice:

Mr. HITT with Mr. DINSMORE.

Mr. LORIMER with Mr. MAHONEY.

Mr. MAHON with Mr. HOUSTON.

Mr. WEEMS with Mr. RIDER.

Mr. WARNER with Mr. DAVIS of Florida.

Mr. MARTIN with Mr. BUTLER of Missouri.

Mr. LAFEAN with Mr. AIKEN.

Mr. BARTHOLDT with Mr. BOWIE.

Mr. BEIDLER with Mr. FOSTER of Illinois.

Mr. HILDEBRANT with Mr. BELL of California.

Mr. FRENCH with Mr. LEVER.

Mr. VAN VOORHIS with Mr. CASSINGHAM.

Mr. FORDNEY with Mr. CLAUDE KITCHIN.

Mr. KNOPF with Mr. WEISSE.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. STEVENS of Minnesota with Mr. VANDIVER.

Mr. SCOTT with Mr. SULLIVAN of New York.

Mr. DICK with Mr. MEYER of Louisiana.

Mr. POWERS of Maine with Mr. SHERLEY.

Mr. KYLE with Mr. GARBER.

Mr. THOMAS of Iowa with Mr. LEWIS.

Mr. BRICK with Mr. MIERS of Indiana.

For one week:

Mr. WRIGHT with Mr. FLOOD.

Mr. SMITH of Iowa with Mr. HARDWICK.

For this day:

Mr. HULL with Mr. MACON.

Mr. BOWERSOCK with Mr. BROUSSARD.

Mr. GROSVENOR with Mr. LESTER.

Mr. CAPRON with Mr. BURNETT.

Mr. ACHESON with Mr. GRANGER.
Mr. MCMORRAN with Mr. SCUDDER.
Mr. SMITH of New York with Mr. SULZER.
Mr. LITTAUER with Mr. WILSON of New York.
Mr. HUFF with Mr. REID.
Mr. LOUD with Mr. SHACKLEFORD.
Mr. FREDERICK LANDIS with Mr. WALLACE.
Mr. BRADLEY with Mr. BANKHEAD.
Mr. DOUGLAS with Mr. GOLDFOGLE.
Mr. DRESSER with Mr. BREAZEALE.
Mr. EVANS with Mr. FITZPATRICK.
Mr. FOWLER with Mr. MCDERMOTT.
Mr. GARDNER of Massachusetts with Mr. HITCHCOCK.
Mr. WADSWORTH with Mr. ZENOR.
Mr. MONDELL with Mr. GUDGER.
Mr. FLACK with Mr. SCARBOROUGH.
Mr. CASTOR with Mr. MCLAIN.

Mr. VAN VOORHIS. Mr. Speaker, I am paired with my colleague, Mr. CASSINGHAM, and I desire to withdraw my vote.

The Clerk called the name of Mr. VAN VOORHIS, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now is, Shall the resolution lie upon the table?

Mr. PADGETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. PADGETT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PADGETT. Would the Chair entertain a motion to suspend the rules and vote upon the resolution offered by the gentleman from Tennessee [Mr. MOON]?

The SPEAKER. The Chair would not entertain such a motion because he could not under the rules entertain it.

Mr. PADGETT. Mr. Speaker, then I ask unanimous consent that the rules be suspended and the resolution of the gentleman from Tennessee be voted upon.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York demands the regular order. As many as are in favor of the proposition that the resolution do lie upon the table will say "aye;" those opposed, "no."

The question being taken, the motion was rejected.

Mr. MCCALL and Mr. HAY rose.

The SPEAKER. The gentleman from Massachusetts.

Mr. HAY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAY. I rise for the purpose of being recognized by the Chair.

The SPEAKER. But the Chair has already recognized the gentleman from Massachusetts.

Mr. WILLIAMS of Mississippi. I make the point of order——

Mr. HAY. I make the point of order that the Committee on the Post-Office and Post-Roads having reported that the resolution introduced by myself lie on the table, and the House having refused to adopt the report of the Committee on the Post-Office and Post-Roads, under the precedents and practice of the House, and under a decision of the Speaker of this House, found in Hinds's Parliamentary Precedents, section 70, the mover of any proposition before the House is first entitled to be recognized by the Chair.

Mr. WILLIAMS of Mississippi. After the action of the committee has been overruled.

Mr. BURLESON. There is no question about it.

Mr. HAY. If the Chair desires me to read the decision, I will do so.

[Hinds's Parliamentary Precedents, section 70.]

The Member on whose motion a subject is brought before the House is first entitled to the floor.

On January 15, 1849, Mr. Alexander H. Stevens, of Georgia, moved that the rules be suspended for the purpose of enabling him to move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the annual message of the President of the United States.

This motion was agreed to, two-thirds voting in favor thereof. The motion to discharge the Committee of the Whole was accordingly made; and the House proceeded to the consideration of the message.

Then Mr. John A. McClernand, of Illinois, rose for the purpose of debate.

Mr. Stephens claimed the floor.

The Speaker stated that Mr. Stephens, by parliamentary courtesy, was entitled to the floor on the message which, on his motion, had been brought before the House.

Mr. McClernand objected to the decision of the Chair, and the Speaker submitted the question to the decision of the House. The House decided that Mr. Stephens was entitled to the floor.

The record of debate shows that the Speaker, after assigning the floor to Mr. Stephens, said that when a question arises as to who is entitled to the floor when various gentlemen claim it, the question, if any gentleman demands it, must be put to the House, not in the nature of an appeal from the decision of the Chair, but whether or not the gentleman is entitled to the floor. The question, therefore, was whether the gentleman from Georgia was entitled to the floor. The Chair further said that the question was not debatable, otherwise the whole time of the House might be taken up in determining who was entitled to the floor.

As the Chair is reading the decision for himself, I will wait.

The SPEAKER. The Chair has one ear toward the gentleman. [Laughter.]

Mr. TAWNEY. Will the gentleman from Virginia allow an interruption?

Mr. HAY. Certainly.

Mr. TAWNEY. What motion pending before the House at this time do you claim you are the author of that gives you the privilege of controlling the report of the Committee on the Post-Office and Post-Roads?

Mr. HAY. I claim that I am the author of the resolution that is now being considered by the House——

Mr. RICHARDSON of Tennessee. Which the House refused to lay on the table.

Mr. TAWNEY. I desire to call attention to the fact, however, that while you are the author of the resolution that was introduced, that resolution was referred to the Committee on the Post-Office and Post-Roads, and that committee having unanimously reported the resolution back to the House with the recommendation that it lie on the table, you therefore have no more right than any other Member of this House with respect to controlling the time.

Mr. RICHARDSON of Tennessee. But the rule expressly provides that the recognition then shall go——

Mr. TAWNEY. To the minority.

Mr. RICHARDSON of Tennessee. To the gentleman who had charge of the measure.

Mr. TAWNEY. The gentleman has not charge of the measure, and never had it from the time it was introduced.

Mr. RICHARDSON of Tennessee. It is his resolution.

Mr. HAY. I had charge of the motion from the moment that the House voted down the report of the Committee on the Post-Office and Post-Roads.

Mr. TAWNEY. I grant that if there had been a minority report the contention of the gentleman would be right. The control of the proposition would then have passed to the minority. But in this case there is no minority report. It is a unanimous report.

Mr. LACEY. And there is no minority.

Mr. HAY. Those who opposed the report of the committee are entitled to the recognition of the Chair; and if the gentleman had permitted me——

Mr. TAWNEY. We are as much entitled to recognition as you, because we voted against the proposition.

Mr. HAY. I do not know whether you did or not.

Mr. TAWNEY. All on this side so voted.

The SPEAKER. The House will be in order. The Chair desires to state that the power of recognition is with the Chair, and it is not a debatable matter as to whom the Chair should recognize. There are certain practices touching recognition, well settled—some of them resting in the Digest and others resting in the minds of the older Members—that ordinarily do control and ought to control the action of the Chair touching matters of recognition

The gentleman from Virginia [Mr. HAY] some weeks ago rose to a question of privilege. The resolution which he presented, contrary to his vote, was referred to the Committee on the Post-Office and Post-Roads. The committee took the resolution, and subsequently reported it to the House with the recommendation that it do lie on the table.

On the question coming up in the House, the House refuses to lay the proposition upon the table. Now, the claim that the gentleman has parliamentary control touching his resolution would be, so far as the Chair is informed, without precedent. If we go back to the time when the gentleman did have charge of his resolution, he has by the action of the House lost control of it, because it was referred to the Committee on the Post-Office and Post-Roads. And the Chair declines to hear discussion touching the Chair's right or power of recognition, because such a practice would lead to interminable debate. The gentleman from Massachusetts is recognized.

Mr. WILLIAM W. KITCHIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAM W. KITCHIN. I ask the Chair whether this principle, which has been decided in many cases in the last two or three Congresses, is not now applicable?—

A motion made by the Member in control of the bill being decided adversely, the right to recognition passes to the opponents.

The right to recognition therefore passes to this side—to those who voted against laying on the table.

The SPEAKER. The gentleman from Massachusetts [Mr. MCCALL] is recognized.

Mr. MCCALL. Mr. Speaker, I make the motion which I send to the desk in writing.

The SPEAKER. The gentleman from Massachusetts makes the motion which the Clerk will read.

The Clerk read as follows:

Mr. McCALL, of Massachusetts, moves to commit the pending report of the Committee on the Post-Office and Post-Roads and all accompanying papers and communications contained in House Report No. 1306, so far as same relates to Members of the House, to a select committee of seven, to be appointed by the Speaker, with instructions to consider said report and said papers and communications, so far as they relate to Members, and the origin of the said papers and communications, and that said select committee be authorized fully to investigate the same, to hear Members and other persons named in said report, and any official of the Post-Office Department in respect to matters affecting Members of the House contained in said report, papers, and communications, and as soon as may be to report to the House the result of said investigation; and that said select committee is authorized to sit during the sessions of the House, examine witnesses on oath, compel the attendance of witnesses and the production of papers, and to employ such clerical assistance as may be necessary, and have such printing done as the needs of the committee may require.

Mr. McCALL. I yield ten minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. WILLIAMS of Mississippi. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. I want to make a parliamentary inquiry. I understand that the Chair ruled out of order the resolution offered by the gentleman from Tennessee [Mr. MOON] upon the ground that it was not privileged, and therefore——

The SPEAKER. Not privileged and not germane—both grounds.

Mr. WILLIAMS of Mississippi. The Chair ruled it out on both grounds? Well, then, I have nothing further to say.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a point of order, which I believe has precedence.

The SPEAKER. The gentleman from Massachusetts has the floor.

Mr. UNDERWOOD. But I have a point of order which may take the gentleman off the floor.

The SPEAKER. Was the gentleman on his feet, claiming the floor upon the point of order?

Mr. UNDERWOOD. I was.

The SPEAKER. The Chair will take the statement of the gentleman. He will state his point of order.

Mr. UNDERWOOD. My point of order is this: The House has just voted against a proposition to lay the resolution of the gentleman from Virginia on the table; and the first proposition in the present resolution is to lay the resolution on the table, with the accompanying documents. I make the point of order that the House has failed to consider that resolution; and the fact that the gentleman couples in his present resolution matters that were not in the former motion to carry this proposition to the table does not give the House consideration of it at this time. The House has resolved by a vote of the House to consider the Hay resolution, and therefore that proposition is before the House until disposed of. [Applause on the Democratic side.]

The gentleman might offer an amendment.

Mr. TAWNEY. Does the gentleman from Alabama know that proposition offered by the gentleman from Massachusetts is to commit the resolution of the gentleman from Virginia, with the report of the Committee on the Post-Office and Post-Roads and accompanying papers, to a select committee, and not to lay on the table?

Mr. UNDERWOOD. I thought it was to lay on the table.

The SPEAKER. Oh, no; the House has refused to lay the resolution on the table.

Mr. UNDERWOOD. Does the gentleman offer his resolution as an amendment or as a substitute to the Hay resolution?

The SPEAKER. The House has refused to lay on the table the Hay resolution, so that it is now pending before the House, and the gentleman from Massachusetts moves to refer that resolution, with all accompanying papers, to a select committee to be appointed with instructions. The Chair thinks that motion is in order.

Mr. UNDERWOOD. I understood it was to lay on the table.

Mr. McCALL. I yield ten minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I feel that I owe an apology to the House for presuming to occupy its attention at so late an hour; but in the interest of common fairness I consider it of the utmost importance that we should not adjourn to-night without some one making reply to the bitter denunciation heaped upon General Bristow, and especially to what was said about him and the President by the gentleman from Kansas [Mr. CALDERHEAD].

All day the savage but absolutely baseless attack upon General Bristow has continued. It is time now that the truth be told concerning his attitude toward Congress, and that the facts be permitted to speak in his defense. Mr. Speaker, I assert—and I challenge any gentleman now present to rise and point to anything in the record which contradicts my statement—that the Fourth Assistant Postmaster-General has never in any report or other communication made a general attack upon the integrity of Representatives in Congress, and that he has never in any report indulged in any reflections upon the character of the gentleman from Kansas.

Mr. Speaker, General Bristow, in his original report, after a specific statement of facts, used this language concerning the gentleman from Kansas:

I do not offer any criticism against the Congressman. He did what Members of Congress usually do for the public interests of their constituents, and he had the right to expect that the executive officer would do his duty in accordance with the interests of the public service.

That is not unkind. That is generous. Nowhere has there been an assertion to the contrary by General Bristow concerning the gentleman from Kansas, whose denunciation of the Fourth Assistant Postmaster-General and criticism of the President met with so much applause here this afternoon.

This debate has at times degenerated, as I feared it might degenerate, into a covert attack upon the President of the United States. We all heard a gentleman upon the opposite side of the Chamber declare "that the President of the United States has wrongfully indorsed the attacks of General Bristow upon this House."

How totally unwarranted is that statement. At page 145 of his report—the only report he has made on the Post-Office investigation—General Bristow says:

Congressmen, as a rule, want their constituents to have what they are justly entitled to and no more. It is true there are occasional exceptions to this rule, but happily such exceptions are few. But whatever may be the request of the Congressman, the executive officer has a plain duty which the Member of Congress expects him to perform.

In his letter, dated January 25, 1904, to the Committee on the Post-Office and Post-Roads, General Bristow, in speaking of the cases relating to leasing by Congressmen of buildings to the Government for post-offices, says:

In none of the above cases does it appear that the Government has paid an excessive rental. I referred to those cases in my report, not because there was any fraud indicated in the business transactions, but solely because such contracts appeared to be in violation of the statute above mentioned.

Thus it is clear that there was no attack upon the House to be indorsed. And, Mr. Speaker, they are technically in violation of the statute above mentioned. General Bristow would have been derelict in his duty if he had not called attention to these facts. But in truthfully calling attention to these technical violations of the law he made no attack upon the integrity of any Representative.

Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] declared with much earnestness, amid applause, that in the Bristow report 150 Representatives are charged with illegalities, although, as a matter of fact, nowhere in any Bristow report or in any other report is made any such charge, nor anything remotely resembling it.

Mr. JENKINS. Mr. Speaker, I want to ask my colleague a question.

Mr. COOPER of Wisconsin. I have only a few minutes.

The SPEAKER. The gentleman declines to yield.

Mr. COOPER of Wisconsin. I have never before seen in the House of Representatives, nor in any other parliamentary body, such a complete setting up of a wrong issue as has occurred in this House within the last two days.

General Bristow has not slandered the House of Representatives, nor can he be justly charged with having in any proper sense of the word attacked any Member of it. He has, as duty required, reported the facts to his superior, and let them speak for themselves. Can any gentleman of the House arise here and prove aught to the contrary?

Mr. JENKINS. But the gentleman refuses to reply to a question——

Mr. COOPER of Wisconsin (continuing). And these assertions which have been made concerning him are precisely——

The SPEAKER. The gentleman declines to yield.

Mr. COOPER of Wisconsin. I yield to the gentleman.

Mr. McCALL. Mr. Speaker, I will yield five minutes more time to the gentleman from Wisconsin in order to enable him to answer the question.

Mr. JENKINS. I would like to ask my colleague from Wisconsin if he did not day before yesterday stand up in this House, in that very seat, and say to the House he was one of the men under indictment in this Bristow report, and tell this House that he was coupled with Machen—who is now on his way to the penitentiary—and in addition to that he said that a guilty man always asked for time; and now he says that Mr. Bristow does not charge him and me with criminality. [Applause.]

Mr. COOPER of Wisconsin. I do, and I repeat——

Mr. JENKINS. Here is the RECORD right here that shows it.

Mr. COOPER of Wisconsin. One moment, Mr. Speaker.

Mr. JENKINS. You are the same gentleman who made that statement the day before yesterday. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, by that applause just at that time, I am again reminded of the saying of Dumas in

one of his romances, that some people are so constituted that they will applaud a mere combination of sounds regardless of sense or truth.

Mr. JENKINS. If the gentleman admits he is romancing I will withdraw my question.

Mr. COOPER of Wisconsin. One moment. The gentleman does not have to withdraw anything. It will not be at all difficult to answer his question.

Mr. JENKINS. You answer the one I have asked you.

Mr. COOPER of Wisconsin. The gentleman has just said——

Mr. HEPBURN. Mr. Speaker, will the gentleman allow me to read half a dozen lines from his remarks of yesterday?

Mr. COOPER of Wisconsin. I have my remarks here, and I prefer to read them myself.

Mr. HEPBURN. I will read them correctly. [Laughter.]

Mr. COOPER of Wisconsin. So will I. Mr. Speaker, the gentleman from Wisconsin, my friend Judge JENKINS, somewhat hungry and a good deal irate, has just arisen and made an alleged quotation from what I said day before yesterday.

Mr. JENKINS. I simply asked a question.

Mr. COOPER of Wisconsin. But you embodied in the question something which I did not say.

Mr. JENKINS. The RECORD shows you did.

The SPEAKER. Gentlemen will not interrupt without the consent of the Member speaking, and the Chair again cautions the House that it is not proper to refer to Members except in the usual way of the gentleman so-and-so.

Mr. COOPER of Wisconsin. Mr. Speaker, permit me to say to the gentleman from Wisconsin that he is mistaken in saying that I used the words "Bristow report" in my remarks day before yesterday. I have here the RECORD of that day. I did not amend or correct the manuscript, but gave it back to the reporter precisely as it was submitted to me. This is my language verbatim et literatim:

> Mr. Speaker, as one of the Members under indictment [laughter] I desire to say a word on the motion of the gentleman from Indiana to postpone the vote on the resolution of the gentleman from Virginia.

The only indictment is that contained in the second report as interpreted by the press.

Now, Mr. Speaker, General Bristow has not been vilified in language more virulent by any of the friends of Machen and Beavers than has been applied to him on this floor, and yet when in calmer moments gentlemen come to examine the record they will not fail to see that the abuse is entirely unwarranted. Here is a man in feeble health, worn out in the people's service, worn out in the cause of pure government.

No man has ever rendered the country more efficient service in the stamping out of official corruption. Six of the culprits have already been convicted and sentenced. And yet, without a line of evidence, this faithful officer is mercilessly denounced in the House of Representatives as if imprisonment and not the public gratitude were his due.

This report submitted by the Committee on Post-Offices is not a Bristow report at all. The Postmaster-General this afternoon sent to me another (a third) letter which the gentleman from Indiana, chairman of the Committee on Post-Offices and Post-Roads, says was inadvertently omitted from his report. I proposed this afternoon, if an opportunity were presented, to ask the gentleman from Indiana if another letter, which was not printed, had been sent by him to the Post-Office Department.

Such a letter was sent. And the data submitted to us came in pursuance of the three written requests of the chairman of the Committee on Post-Offices and Post-Roads. He asked for everything, and it was sent him.

A few of the reported cases look bad, but a great majority are on their faces entirely innocent.

And yet the Committee on Post-Offices and Post-Roads reported the good and the bad together, without one word from the committee to distinguish them, and gave them all to the world under the heading "Charges concerning Members of Congress."

As a result of this failure of the Post-Office Committee properly to report on this mass of data we have the newspapers saying:

> Post-office pull is used freely. Congressmen all ask favors from Beavers. Went far beyond the law. Wisconsin Representatives among the offenders.

This would not have been said if the Post-Office Committee had reported specifically on each case, just as the committee which the gentleman from Massachusetts seeks to have appointed will be called upon to do.

Mr. JENKINS. Will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to his colleague?

Mr. JENKINS. Well, the gentleman needn't yield if he doesn't want to. He can telegraph to the papers that Bristow has whitewashed us. [Laughter.]

Mr. COOPER of Wisconsin. The gentleman from Massachusetts has introduced a resolution with which I am not entirely pleased. I do not wish to have a committee before which it will be optional for Members of Congress to go. There should be a committee appointed to investigate the case of each Member of the House mentioned in the report, whether he wants to go before the committee or not.

Mr. McCALL. I think the resolution provides for that.

Mr. COOPER of Wisconsin. Has it been changed?

Mr. McCALL. It never contained any such provision as the gentleman refers to. We had no idea of any confessional at all.

Mr. COOPER of Wisconsin. I understood to the contrary. Mr. Speaker, at a subsequent day I shall rise to a question of personal privilege to answer the charges, or alleged charges, in this report of the Committee on Post-Office and Post-Roads.

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. I yield ten minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, about an hour ago I was prepared to rise in my place and ask unanimous consent that the speeches made to-day and the day before yesterday should be printed upon asbestos paper, in order that there might be no risk of burning up the CONGRESSIONAL RECORD. One of the things that led me to entertain that desire was the speech of the gentleman from Wisconsin [Mr. COOPER], in which yesterday he used this language:

> No Member of the House of Representatives whose name is on this list, as my name is, coupled with that of A. W. Machen, whom the country and the world knows to be a convicted felon on his way to the penitentiary, has a right to stand up in the House of Representatives and ask for a moment's delay upon the resolution.

And then there was applause; and I was one of the men who applauded. [Laughter.]

Then the gentleman from Wisconsin went on and charged the gentleman from Iowa [Mr. HEPBURN] with "seeking to inject politics into this question." Then he adds:

> The Republican party has never in its platform, neither has the Democratic party in its platform, suggested that graft in the post-office was legitimate.

None of them has suggested it in its platforms; but there seems to be a queer sort of inclination, outside of platforms, not to inquire too closely into the graft on the part of men who are the Post-Office Department.

I did not rise to make a speech, Mr. Speaker, I rose chiefly to tell a story. The position of the gentleman from Wisconsin yesterday and his position to-day and what he has said to-day, to the effect that "Mr. Bristow has not charged any wrong upon any Member of Congress," taken together with his defense of him—these things taken together with this report to which the gentleman referred yesterday as "coupling his name and that of others with that of A. W. Machen, a convicted felon"——

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. WILLIAMS of Mississippi. Yes; for a question.

Mr. COOPER of Wisconsin. Does not the gentleman know that General Bristow has been ill for six weeks; that during that time he has not been in his office more than two or three hours, and that he had nothing to do with the report (except two pages) brought in by the committee, and did not see it?

Mr. WILLIAMS of Mississippi. I do not know anything about that. I am afraid the gentleman is going to spoil my story. I may not have time to tell it.

Several MEMBERS. Go on with your story.

Mr. WILLIAMS of Mississippi. I do not know anything about what the gentleman says; but I do know that this evening he "coos as gently as a sucking dove" and that yesterday he was as rampageous as a roaring lion. [Laughter.]

I have about come to the conclusion that the gentleman is very much in the fix of my old friend Uncle Marlin Stubblefield. One day Uncle Marlin spoke of a certain family of people up in the northern part of my county as being fellows with tusks, that rooted in the ground, and ate acorns, and wore no clothes, and "warn't no folks." Soon after that a great big strapping son of the head of that family, with two six-shooters, came in and said to Uncle Marlin: "I understand, sir, you have said my father was a hog." The old man measured up the six-shooters, measured up the size of the fellow who accosted him, just as my friend has measured up the size of the White House this evening. [Laughter.] Uncle Marlin, as I said, looked at the fellow's size, and then he said: "Whoever told you that is a liar. All I said was this: 'That your father had tusks, that he rooted in the ground, that he didn't wear no clothes, and that he warn't no folks.' Now, you can make the most of that, if you choose, but I'll swear I never said he was a hog."

Mr. Bristow has not said that any of you were hogs; he has not said any of you were corrupt. He has said that you have induced corruption in the Post-Office Department, and back of that he means, if he means anything, that you knew you were inducing

it when you did it, and that you "exerted undue influence." He has given all the descriptions of a hog, by which descriptions every man would know a hog if he saw him, or if he had ever seen one before, but he declines to say in hæc verba that you are hogs. [Laughter.]

Mr. Speaker, I just wanted to renew my reminiscences in connection with my own county and recall the memory of my old friend Marlin Stubblefield. I meant nothing serious at all. [Laughter.]

Mr. McCALL. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Massachusetts demands the previous question.

Mr. COWHERD. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COWHERD. Will any opportunity be offered to amend the motion of the gentleman from Massachusetts?

The SPEAKER. It depends on whether the House orders the previous question. The ordering of the previous question would cut off amendments and bring the House to a vote on the main question.

Mr. COWHERD. Will the gentleman permit a question?

Mr. McCALL. I should be glad to yield to the gentleman, but so many around me must get away that I have demanded the previous question.

Mr. COWHERD. This will take no time, I assure the gentleman.

The SPEAKER. The question is on ordering the previous question.

The question being taken, Mr. COWHERD and others demanded a division.

The House divided; and there were—ayes 141, noes 119.

So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Massachusetts.

Pending the division,

Mr. WILLIAMS of Mississippi said: Mr. Speaker, I ask for the yeas and nays upon this proposition.

The yeas and nays were ordered; and the Clerk began the calling of the roll.

Pending the roll call,

Mr. WILLIAMS of Mississippi said: Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I will withdraw the request for the yeas and nays temporarily, and will ask for tellers.

The SPEAKER. It is too late to do that, unless by unanimous consent, because the yeas and nays have been ordered, and the Clerk has already commenced to call.

Mr. WILLIAMS of Mississippi. Then I will explain——

Several MEMBERS on the Republican side. Regular order!

The SPEAKER. The regular order is demanded. The Clerk will proceed with the call of the roll.

The question was taken; and there were—yeas 257, nays 2, answered "present" 6, not voting 118, as follows:

YEAS—257.

Adams, Wis.	Cassel,	Foster, Vt.	Howell, Utah
Adamson,	Clark,	Fuller,	Hughes, N. J.
Alexander,	Clayton,	Gaines, Tenn.	Hughes, W. Va.
Allen,	Cochran, Mo.	Gaines, W. Va.	Humphrey, Wash.
Badger,	Cockran, N. Y.	Gardner, Mich.	Humphreys, Miss.
Baker,	Connell,	Gardner, N. J.	Hunt,
Bartlett,	Conner,	Gibson,	Jackson, Ohio
Bassett,	Cooper, Pa.	Gillet, N. Y.	James,
Bates,	Cooper, Tex.	Gillett, Cal.	Johnson,
Beall, Tex.	Cooper, Wis.	Glass,	Jones, Va.
Benny,	Cousins,	Goebel,	Jones, Wash.
Benton,	Cowherd,	Gooch,	Kehoe,
Bingham,	Cromer,	Goulden,	Kelliher,
Birdsall,	Crowley,	Graff,	Kennedy,
Bishop,	Crumpacker,	Greene,	Ketcham,
Bonynge,	Currier,	Gregg,	Kinkaid,
Boutell,	Cushman,	Griffith,	Kitchin, Wm. W.
Bowers,	Dalzell,	Griggs,	Kline,
Brandegee,	Daniels,	Hamilton,	Kluttz,
Brantley,	Darragh,	Hamlin,	Knapp,
Brooks,	Davis, Minn.	Haskins,	Lacey,
Brown, Pa.	Dayton,	Haugen,	Lamar, Fla.
Brown, Wis.	De Armond,	Hay,	Lamar, Mo.
Brownlow,	Deemer,	Hedge,	Lamb,
Brundidge,	Denny,	Hemenway,	Landis, Chas. B.
Buckman,	Dixon,	Henry, Conn.	Lanning,
Burgess,	Dougherty,	Henry, Tex.	Lawrence,
Burkett,	Dovener,	Hepburn,	Lilley,
Burleigh,	Draper,	Hermann,	Lindsay,
Burleson,	Driscoll,	Hill, Conn.	Little,
Burton,	Dunwell,	Hill, Miss.	Littlefield,
Butler, Pa.	Dwight,	Hinshaw,	Livernash,
Byrd,	Emerich,	Hogg,	Livingston,
Calderhead,	Esch,	Holliday,	Lloyd,
Caldwell,	Finley,	Hopkins,	Longworth,
Campbell,	Flood,	Howard,	Loudenslager,
Candler,	Foss,	Howell, N. J.	Lovering,
Lucking,	Page,	Russell,	Swanson,
McAndrews,	Palmer,	Ryan,	Tate,
McCall,	Parker,	Sheppard,	Tawney,
McCarthy,	Patterson, N. C.	Shiras,	Thayer,
McCleary, Minn.	Payne,	Sibley,	Thomas, N. C.
McCreary, Pa.	Pearre,	Sims,	Thompson,
McLachlan,	Perkins,	Slemp,	Tirrell,
McNary,	Pierce,	Small,	Townsend,
Maddox,	Pinckney,	Smith, Ill.	Trimble,
Mann,	Porter,	Smith, Ky.	Underwood,
Marsh,	Pou,	Smith, Samuel W.	Van Duzer,
Marshall,	Powers, Mass.	Smith, Wm. Alden	Volstead,
Maynard,	Prince,	Smith, Pa.	Wade,
Metcalf,	Pujo,	Smith, Tex.	Wanger,
Miller,	Rainey,	Snapp,	Warnock,
Minor,	Randell, Tex.	Snook,	Watson,
Mondell,	Ransdell, La.	Southall,	Webb,
Moon, Tenn.	Reeder,	Southard,	Wiley, Ala.
Morgan,	Rhea,	Southwick,	Williams, Ill.
Morrell,	Richardson, Ala.	Spalding,	Williams, Miss.
Murdock,	Richardson, Tenn.	Sperry,	Williamson,
Needham,	Rixey,	Stafford,	Wilson, Ill.
Norris,	Robb,	Stanley,	Woodyard,
Olmsted,	Robertson, La.	Steenerson,	Wynn,
Otis,	Robinson, Ark.	Stephens, Tex.	Young.
Otjen,	Robinson, Ind.	Sterling,	
Overstreet,	Rodenberg,	Sullivan, Mass.	
Padgett,	Rucker,	Sulloway,	

NAYS—2.

	Gillespie,	Lind.	

ANSWERED "PRESENT"—6.

Curtis,	Legare,	Stevens, Minn.	Van Voorhis.
Houston,	Shober,		

NOT VOTING—118.

Acheson,	Evans,	Knopf,	Scott,
Adams, Pa.	Field,	Kyle,	Scudder,
Aiken,	Fitzgerald,	Lafean,	Shackleford,
Ames,	Fitzpatrick,	Landis, Frederick	Sherley,
Babcock,	Flack,	Lester,	Sherman,
Bankhead,	Fordney,	Lever,	Shull,
Bartholdt,	Foster, Ill.	Lewis,	Slayden,
Bede,	Fowler,	Littauer,	Smith, Iowa
Beidler,	French,	Lorimer,	Smith, N. Y.
Bell, Cal.	Garber,	Loud,	Sparkman,
Bowersock,	Gardner, Mass.	McDermott,	Spight,
Bowie,	Garner,	McLain,	Sullivan, N. Y.
Bradley,	Gilbert,	McMorran,	Sulzer,
Breazeale,	Gillett, Mass.	Macon,	Talbott,
Brick,	Goldfogle,	Mahon,	Taylor,
Broussard,	Granger,	Mahoney,	Thomas, Iowa
Burke,	Grosvenor,	Martin,	Vandiver,
Burnett,	Gudger,	Meyer, La.	Vreeland,
Butler, Mo.	Hardwick,	Miers, Ind.	Wachter,
Capron,	Harrison,	Moon, Pa.	Wadsworth,
Cassingham,	Hearst,	Mudd,	Wallace,
Castor,	Hildebrant,	Nevin,	Warner,
Davey, La.	Hitchcock,	Patterson, Pa.	Weems,
Davidson,	Hitt,	Patterson, Tenn.	Weisse,
Davis, Fla.	Huff,	Powers, Me.	Wiley, N. J.
Dick,	Hull,	Reid,	Wilson, N. Y.
Dickerman,	Hunter,	Rider,	Wright,
Dinsmore,	Jackson, Md.	Roberts,	Zenor.
Douglas,	Jenkins,	Ruppert,	
Dresser,	Kitchin, Claude	Scarborough,	

So the motion of Mr. McCALL was agreed to.

The Clerk announced the following additional pairs:

For this day:

Mr. JACKSON of Maryland with Mr. TALBOTT.

Mr. WILEY of New Jersey with Mr. PATTERSON of Tennessee.

For the balance of the day:

Mr. NEVIN with Mr. SPIGHT.

Mr. AMES with Mr. HEARST.

Mr. BEDE with Mr. FIELD.

Mr. MOON of Pennsylvania with Mr. GILBERT.

Mr. ADAMS of Pennsylvania with Mr. HARRISON.

Mr. BABCOCK with Mr. DAVEY of Louisiana.

Mr. WACHTER with Mr. LEGARE.

Mr. GILLETT of Massachusetts with Mr. GARNER.

Mr. CURTIS with Mr. DOUGHERTY.

Mr. ROBERTS with Mr. SLAYDEN.

Mr. JENKINS with Mr. TAYLOR.

Mr. BURKE with Mr. FITZGERALD.

For the vote:

Mr. MUDD with Mr. SHULL.

The result of the vote was announced as above recorded.

On motion of Mr. McCALL, a motion to reconsider the last vote was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. PARKER, from the Committee on Military Affairs, reported the bill (H. R. 13860) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1905, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Mississippi and Mr. HAY reserved all points of order.

LEAVE TO FILE MINORITY VIEWS.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent to file the views of the minority to accompany four reports from the Committee on the Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. LITTLEFIELD. I will file them now.

ORDER OF BUSINESS.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of this resolution.

Mr. PAYNE. Regular order, Mr. Speaker.

Mr. WILLIAMS of Mississippi. Read all of it that is printed.

The SPEAKER. The regular order is demanded.

Mr. PAYNE. I move that the House do now adjourn.

Mr. WILLIAMS of Mississippi. Why, is not the gentleman going to hear what it is?

Mr. PAYNE. It can come up some other day.

Mr. WILLIAMS of Mississippi. Then I give the gentleman notice that I will object to unanimous consents on that side from now on.

The question was put on the motion to adjourn.

Mr. WILLIAMS of Mississippi. Division, Mr. Speaker.

The SPEAKER. The Chair will lay before the House some personal requests.

PATRICK HAGGERTY.

By unanimous consent, leave was granted to Mr. KINKAID to withdraw from the files of the House, without leaving copies, the papers in the case of Patrick Haggerty, Fifty-eighth Congress, no adverse report having been filed thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BARTHOLDT, for ten days, on account of important business.

BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10700. An act granting a pension to Ella D. Madden;

H. R. 2935. An act granting a pension to Mary Korth;

H. R. 5006. An act granting a pension to Sarah Ulshafer;

H. R. 10192. An act granting a pension to Martha Mullins;

H. R. 4589. An act granting a pension to Henry H. Barrett;

H. R. 8849. An act granting a pension to James S. Lauderdale;

H. R. 877. An act granting a pension to Ann M. Driggars;

H. R. 9037. An act granting a pension to Alice W. Clarke;

H. R. 6879. An act granting a pension to Reuben A. Finnell;

H. R. 6817. An act granting a pension to Rosa Glass;

H. R. 1314. An act granting a pension to Denison L. Brown;

H. R. 3909. An act granting an increase of pension to George Hayden;

H. R. 719. An act granting an increase of pension to John H. Willey;

H. R. 1563. An act granting an increase of pension to Ory Warriner;

H. R. 9988. An act granting an increase of pension to William Ellis;

H. R. 11343. An act granting an increase of pension to Matthew S. Priest;

H. R. 9610. An act granting an increase of pension to Frederick Halling;

H. R. 4679. An act granting an increase of pension to Martha M. Pierce;

H. R. 6999. An act granting an increase of pension to Albert W. Jones;

H. R. 6038. An act granting an increase of pension to Benjamin George;

H. R. 6814. An act granting an increase of pension to Edward W. Miller;

H. R. 7418. An act granting an increase of pension to Peter Minkler;

H. R. 10378. An act granting an increase of pension to Sarah J. Shell;

H. R. 7410. An act granting an increase of pension to Enos D. Hoge;

H. R. 8966. An act granting an increase of pension to James M. Fink;

H. R. 9064. An act granting an increase of pension to Edwin Tidd;

H. R. 9376. An act granting an increase of pension to Martin Renthler;

H. R. 9060. An act granting an increase of pension to John Connors;

H. R. 7805. An act granting an increase of pension to William N. Hall;

H. R. 3910. An act granting an increase of pension to Charles W. Hoffman;

H. R. 11310. An act granting an increase of pension to John W. Swisher;

H. R. 789. An act granting an increase of pension to Eli Lachman;

H. R. 3402. An act granting an increase of pension to Daniel Nagle, jr.;

H. R. 3936. An act granting an increase of pension to Isaac Frazier;

H. R. 1485. An act granting an increase of pension to Franklin Ferguson;

H. R. 1287. An act granting an increase of pension to Cyrus B. Dopp;

H. R. 910. An act granting an increase of pension to Freeman York;

H. R. 807. An act granting an increase of pension to William F. Benefiel;

H. R. 5879. An act granting an increase of pension to Bennett Putnam;

H. R. 4391. An act granting an increase of pension to Nicholas Schwemler;

H. R. 4314. An act granting an increase of pension to John F. Slade;

H. R. 4179. An act granting an increase of pension to Martha C. Kuhn;

H. R. 5568. An act granting an increase of pension to Emily Chapman;

H. R. 5750. An act granting an increase of pension to William Cassidy;

H. R. 5999. An act granting an increase of pension to Ann Jennett Whitney;

H. R. 6816. An act granting an increase of pension to Frederick Ratzel;

H. R. 6602. An act granting an increase of pension to Benjamin F. Hackett;

H. R. 6977. An act granting an increase of pension to Mary A. Graves;

H. R. 7814. An act granting an increase of pension to James G. Andrews;

H. R. 7436. An act granting an increase of pension to James Smith;

H. R. 8079. An act granting an increase of pension to Charles La Forest;

H. R. 8124. An act granting an increase of pension to Elizabeth Hatfield;

H. R. 8173. An act granting an increase of pension to Anna Waters;

H. R. 8718. An act granting an increase of pension to Caswell P. Ford;

H. R. 8733. An act granting an increase of pension to Benjamin F. McGraw;

H. R. 9125. An act granting an increase of pension to William S. King;

H. R. 9273. An act granting an increase of pension to James H. Sackett;

H. R. 9421. An act granting an increase of pension to Thomas P. Marshall;

H. R. 9587. An act granting an increase of pension to Bartlett S. Haggard;

H. R. 8811. An act granting an increase of pension to James Dougherty;

H. R. 8835. An act granting an increase of pension to Charles H. Jackson;

H. R. 8984. An act granting an increase of pension to John I. Rundberg;

H. R. 8991. An act granting an increase of pension to William E. Mattison;

H. R. 9695. An act granting an increase of pension to Frank M. Spears;

H. R. 9710. An act granting an increase of pension to Henry Frazier;

H. R. 9778. An act granting an increase of pension to Loriston W. Adkins;

H. R. 9903. An act granting an increase of pension to George W. Harlan;

H. R. 10180. An act granting an increase of pension to William E. McDowell;

H. R. 10648. An act granting an increase of pension to Agnes Shearer;

H. R. 10694. An act granting an increase of pension to Alderson T. Keen;

H. R. 10794. An act granting an increase of pension to Moses Hurlbut;

H. R. 10706. An act granting an increase of pension to Alfred J. West;

H. R. 9035. An act granting an increase of pension to Joseph Branen;

H. R. 11319. An act granting an increase of pension to Mary C. Arnold;

H. R. 1317. An act granting an increase of pension to Thomas E. McIntire;
H. R. 11556. An act granting an increase of pension to Edward M. Tappen;
H. R. 1005. An act granting an increase of pension to Marab E. Powell;
H. R. 8203. An act granting an increase of pension to James M. Hemphill;
H. R. 10904. An act granting an increase of pension to Edson H. Crawford;
H. R. 10850. An act granting an increase of pension to Adaline L. Power;
H. R. 4466. An act granting an increase of pension to William R. Burton;
H. R. 11413. An act granting an increase of pension to Jasper F. Morton;
H. R. 4964. An act granting an increase of pension to Charles E. Mink;
H. R. 783. An act granting an increase of pension to Nicholas Reinhart;
H. R. 4192. An act granting an increase of pension to Frederick A. Slocum;
H. R. 2470. An act granting an increase of pension to Harriet S. Packard;
H. R. 10682. An act granting an increase of pension to Marion Arnold;
H. R. 5603. An act granting an increase of pension to William C. McCormick;
H. R. 8992. An act granting an increase of pension to William C. Davis;
H. R. 11052. An act granting an increase of pension to Mary Eaton Livingston;
H. R. 7737. An act granting an increase of pension to Howard McGuire;
H. R. 7719. An act granting an increase of pension to Hiram B. Cozine;
H. R. 7680. An act granting an increase of pension to De Witt C. Folsom;
H. R. 4630. An act granting an increase of pension to Thaddeus S. Collins;
H. R. 5479. An act granting an increase of pension to William H. Anderson;
H. R. 5149. An act granting an increase of pension to John W. Erwin;
H. R. 3769. An act granting an increase of pension to Clinton M. Casey;
H. R. 4642. An act granting an increase of pension to William L. Wheeler;
H. R. 7236. An act granting an increase of pension to William R. McCullough;
H. R. 4180. An act granting an increase of pension to Joseph G. Thomas;
H. R. 8379. An act granting an increase of pension to Ira B. Wambaugh;
H. R. 6951. An act granting an increase of pension to Charles G. Corr;
H. R. 5155. An act granting an increase of pension to John J. Tompkins;
H. R. 7444. An act granting an increase of pension to Washington J. Dutcher;
H. R. 2116. An act granting an increase of pension to Richard C. Ivory;
H. R. 2204. An act granting an increase of pension to Addison B. Stone;
H. R. 941. An act granting an increase of pension to William D. Taylor;
H. R. 9024. An act granting an increase of pension to Jacob Laird;
H. R. 4449. An act granting an increase of pension to William Brown;
H. R. 8970. An act granting an increase of pension to Charles B. Hart;
H. R. 1566. An act granting an increase of pension to Ellis T. Peirce;
H. R. 7096. An act granting an increase of pension to Eva A. Burgess;
H. R. 4674. An act granting an increase of pension to John Thompson;
H. R. 5868. An act granting an increase of pension to William Simmons;
H. R. 4910. An act granting an increase of pension to Prudentia L. D. Nugent;
H. R. 9426. An act granting an increase of pension to William S. Campbell;
H. R. 2769. An act granting an increase of pension to William E. Armstrong;
H. R. 10748. An act granting an increase of pension to Kate Ridgway;
H. R. 7992. An act granting an increase of pension to Isidore F. Chamberlain;
H. R. 11113. An act granting an increase of pension to Silas Soules;
H. R. 4198. An act granting an increase of pension to Edwin Lake;
H. R. 3370. An act granting an increase of pension to Joseph Adams;
H. R. 4119. An act granting an increase of pension to William Mercer;
H. R. 10194. An act granting an increase of pension to Marion Long;
H. R. 2930. An act granting an increase of pension to Lafayette M. Greene;
H. R. 7659. An act granting an increase of pension to Emma M. Elliott;
H. R. 1623. An act granting an increase of pension to John H. Reed;
H. R. 4326. An act granting an increase of pension to Wilfred C. McCardell;
H. R. 7083. An act granting an increase of pension to Albert P. Jackson;
H. R. 10991. An act granting an increase of pension to Frances C. McFarland;
H. R. 7999. An act granting an increase of pension to David W. Williamson;
H. R. 2001. An act granting an increase of pension to Nora J. Glahn;
H. R. 4151. An act granting an increase of pension to John W. Foland;
H. R. 5532. An act granting an increase of pension to Levi Vassar;
H. R. 4605. An act granting an increase of pension to William Herlinger;
H. R. 8231. An act granting an increase of pension to John Gangwisch;
H. R. 5045. An act granting an increase of pension to Albert S. Elmore;
H. R. 1316. An act granting an increase of pension to George W. Day;
H. R. 6335. An act granting an increase of pension to James A. Barnes;
H. R. 6869. An act granting an increase of pension to Lorenzo D. Elmer;
H. R. 2192. An act granting an increase of pension to William O. Smith;
H. R. 9753. An act granting an increase of pension to Sarah J. Loomis;
H. R. 5849. An act granting an increase of pension to Catharine R. Brown;
H. R. 4872. An act granting an increase of pension to Albert W. Bradbury;
H. R. 11194. An act granting an increase of pension to Frank S. Nickerson;
H. R. 8998. An act granting an increase of pension to Henry L. Beach;
H. R. 4702. An act granting an increase of pension to John T. Collins;
H. R. 4719. An act granting an increase of pension to Joseph F. Carter;
H. R. 7311. An act granting an increase of pension to Rachel Large;
H. R. 6618. An act granting an increase of pension to Henry C. Coffin;
H. R. 2573. An act granting an increase of pension to William G. Cronkite;
H. R. 6703. An act granting an increase of pension to Levi Remick;
H. R. 2692. An act granting an increase of pension to Elwood Finley;
H. R. 10268. An act granting an increase of pension to Margaret E. Keller;
H. R. 6455. An act granting an increase of pension to Abraham W. Cochran;
H. R. 9999. An act granting an increase of pension to William Edgar;
H. R. 8863. An act granting an increase of pension to Edward O'Malley;
H. R. 11076. An act granting an increase of pension to Elvira Miller;
H. R. 8284. An act granting an increase of pension to Samuel G. Woods;
H. R. 10068. An act granting an increase of pension to James G. Saims;
H. R. 10640. An act granting an increase of pension to Horace E. Wood;
H. R. 859. An act granting an increase of pension to Andrew Barr;

H. R. 720. An act granting an increase of pension to Frank L. Gray;

H. R. 10136. An act authorizing bail in criminal cases upon appeal in the courts of Indian Territory;

H. R. 5761. An act to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River;

H. R. 1909. An act to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, of a certain tract of land;

H. R. 3578. An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County;

H. R. 11287. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905;

H. R. 8160. An act to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota; and

H. J. Res. 106. An act amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 23, 1901, "providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 44. Joint resolution as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880;

S. 4620. An act to amend section 8 of an act approved April 15, 1902, authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.;

S. 4416. An act for the establishment of aids to navigation for lighting Ambrose channel, New York Harbor, New York;

S. 4164. An act to amend section 1209 of the Revised Statutes relating to brevets;

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes;

S. 3338. An act to amend and codify the laws relating to municipal corporations in the district of Alaska:

S. 3336. An act to provide an additional district judge for the district of Alaska, and for other purposes;

S. 2814. An act to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900; and

S. 671. An act to increase the pension of those who have lost both eyes or have become totally blind from causes occurring in the military or naval service of the United States.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted of the cost of dredging Lloyds Harbor to a depth of 12 feet, and otherwise improving the channel between Huntington Bay and Cold Spring Harbor, Long Island, New York, so as to meet the demands of commerce.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. GEORGE W. CROFT, late a Representative of the Second district of the State of South Carolina.

Resolved, That a committee of six Senators be appointed by the President pro tempore to join a committee on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives.

Resolved, As a further mark of respect to memory of the deceased, that the Senate do now adjourn.

And that in compliance with the foregoing the President pro tempore had appointed as said committee Mr. TILLMAN, Mr. LATIMER, Mr. FULTON, Mr. CLARKE of Arkansas, Mr. HOPKINS, and Mr. MCLAURIN.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9053. An act to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12220) making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

P. C. ASSERSON.

By unanimous consent, change of reference of the bill (S. 3218) for the relief of Civil Engineer P. C. Asserson, retired, was made from the Committee on Claims to the Committee on Naval Affairs.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3336. An act to provide an additional district judge for the district of Alaska, and for other purposes—to the Committee on the Judiciary.

S. 671. An act to increase the pensions of those who have lost both eyes or have become totally blind from causes occurring in the military or naval service of the United States—to the Committee on Invalid Pensions.

S. 2814. An act to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900—to the Committee on the Public Lands.

S. 3338. An act to amend and codify the laws relating to municipal corporations in the district of Alaska—to the Committee on the Territories.

S. 3728. An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes—to the Committee on the Territories.

S. 4164. An act to amend section 1209 of the Revised Statutes, relating to brevets—to the Committee on Military Affairs.

S. 4416. An act for the establishment of aids to navigation for lighting Ambrose Channel, New York Harbor, New York—to the Committee on Interstate and Foreign Commerce.

S. R. 44. Joint resolution as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880—to the Committee on the Public Lands.

S. 4620. An act to amend section 8 of an act approved April 15, 1902, authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo.—to the Committee on Interstate and Foreign Commerce.

Senate concurrent resolution No. 41:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made and estimates to be submitted of the cost of dredging Lloyds Harbor to a depth of 12 feet and otherwise improving the channel between Huntington Bay and Cold Spring Harbor, Long Island, New York, so as to meet the demands of commerce—

to the Committee on Rivers and Harbors.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 118. Joint resolution authorizing the Secretary of the Interior to use $5,000 of the amount appropriated by the act approved February 18, 1904 (Public—No. 22), for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4387. An act to authorize the Chicago, St. Louis and New Orleans Railroad Company to construct a bridge across the Tennessee River near Gilbertsville, Ky.; and

S. 1487. An act creating an additional land office in the State of North Dakota.

POST-OFFICE DEPARTMENT.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I now renew my request for the present consideration of the resolution, which I ask the Clerk to read.

The SPEAKER. The Chair had put the question on the motion that the House adjourn, but will restate the question.

Mr. PAYNE. Mr. Speaker, I will say that so far as I am concerned, I will withdraw the objection to the request for unanimous consent.

Mr. WILLIAMS of Mississippi. The gentleman can reserve the objection until after the resolution is read.

Mr. PAYNE. I have no objection to the resolution being read, but I hope the gentleman sees the impropriety of doing anything at this time.

Mr. WILLIAMS of Mississippi. I offer the following resolution, and I ask the Clerk to read all the printed part on that page and none of the written part.

The Clerk read as follows:

Resolved, That the Speaker of this House appoint a committee, consisting of five Members of this House, to investigate the conduct and administration of the Post-Office Department; that said committee have power to send for persons and papers, to enforce the production of the same, to examine witnesses under oath, to have the assistance of a stenographer, and to have power to sit during the sessions of the House, and to exercise all functions

necessary to a complete investigation of all frauds and irregularities alleged to exist in said Department, and to report the result of said investigation as soon as practicable.

Mr. PAYNE. I demand the regular order.

Mr. OVERSTREET. I object.

ORDER OF BUSINESS.

Mr. HEMENWAY. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill.

Mr. PAYNE. Mr. Speaker, I insist on the regular order, which is the motion to adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting reply to inquiry of the House as to sale of certain town lots in Oklahoma Territory and Indian Territory, as to the conduct of certain officials, etc.—to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CANDLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 4474) to authorize the governor of the State of Mississippi to select certain lands in part satisfaction of its grant for university purposes, reported the same with amendment, accompanied by a report (No. 1568); which said bill and report were referred to the House Calendar.

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the Senate (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks bond election held by the city of Geary, in said Territory, reported the same without amendment, accompanied by a report (No. 1569); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 1956) to authorize an exchange of sites for the public buildings of Garland County, Ark., reported the same with amendment, accompanied by a report (No. 1570); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9163) for the relief of certain settlers upon Wisconsin Central Railroad and The Dalles military road land grants, reported the same without amendment, accompanied by a report (No. 1575); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 3565) directing the Secretary of War to expend $125,000 heretofore appropriated for a deep-water channel through Sabine Lake, Texas, reported the same with amendment, accompanied by a report (No. 1576); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 85) to lower the height of the Government dams in the Illinois River at Kampsville and Lagrange 2 feet, reported the same with amendment, accompanied by a report (No. 1577); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 3761) ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street, reported the same without amendment, accompanied by a report (No. 1578); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5335) to provide an American register for the British ship *Pyrenees*, submitted the views of the minority of said committee (Report No. 1394, part 2); which said views were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5392) to provide an American register for the steamer *Brooklyn*, submitted the views of the minority of said committee (Report No. 1530, part 2); which said views were referred to the Private Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GOULDEN, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 9050) to provide United States registry for the steamer *Success*, reported the same without amendment, accompanied by a report (No. 1566); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9091) to provide United States registry for the steamer *Marie*, reported the same without amendment, accompanied by a report (No. 1567); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the Senate (S. 351) for the relief of Joseph B. Sargent, reported the same without amendment, accompanied by a report (No. 1571); which said bill and report were referred to the Private Calendar.

Mr. BRANDEGEE, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 2845) to authorize the appointment of Ricardo Iglesias as a midshipman in the United States Navy, reported the same without amendment, accompanied by a report (No. 1572); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2605) to authorize the appointment of Acting Asst. Surg. Leopold Herbert Schwerin, United States Navy, as an assistant surgeon in the United States Navy, reported the same without amendment, accompanied by a report (No. 1573); which said bill and report were referred to the Private Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5994) for the relief of Commander Augustus G. Kellogg, United States Navy, reported the same without amendment, accompanied by a report (No. 1574); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 2845) for the relief of the widow of Lemuel J. Draper, late assistant surgeon, United States Navy—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. ——) for the relief of Sarah E. Jenkins—Committee on Naval Affairs discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LIVERNASH: A bill (H. R. 13771) to amend the laws relating to American seamen, to prevent undermanning and unskilled manning of American vessels, and to encourage the training of boys in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. PERKINS: A bill (H. R. 13772) to amend section 858 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 13773) to provide for the settlement of certain outstanding checks drawn by the disbursing officers of the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOVERING: A bill (H. R. 13774) to aid the Western Alaska Construction Company—to the Committee on the Territories.

By Mr. BABCOCK: A bill (H. R. 13775) to provide for the better registration of deaths and births in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MORRELL: A bill (H. R. 13776) to regulate the registry of vessels engaged in the interisland trade in the Philippine Archipelago—to the Committee on Insular Affairs.

By Mr. GOLDFOGLE: A bill (H. R. 13777) to incorporate the American Cross of Honor within the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEARST: A bill (H. R. 13778) to increase the powers of the Interstate Commerce Commission and to expedite the final decision of cases arising under the act to regulate commerce by creating an interstate commerce court—to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY of Alabama: A bill (H. R. 13779) to provide a site and erect a public building at Camden, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13780) to provide a site and erect a public building at Brewton, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13781) to provide a site and erect a public building at Luverne, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13782) to provide a site and erect a public building at Andalusia, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13783) to provide a site and erect a public building at Evergreen, Ala.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13784) to provide a site and erect a public building at Bay Minette, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 13785) to amend a part of chapter 3 of the Statutes of the United States of America, passed at the first session of the Fifty-third Congress, and which was approved June 7, 1897, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and so forth," and providing for the holding of terms of the district court at Pawhuska, in the Osage Reservation, in Oklahoma Territory, and for other purposes—to the Committee on the Judiciary.

By Mr. KINKAID: A bill (H. R. 13786) to amend section 2 of chapter 89 of Supplement to the Revised Statutes of the United States, volume 1, second edition, 1874 to 1891, page 282—to the Committee on the Public Lands.

Also, a bill (H. R. 13787) to amend an act entitled "An act to amend section 2294 of the Revised Statutes of the United States"—to the Committee on the Public Lands.

By Mr. LOUDENSLAGER: A bill (H. R. 13788) to amend an act entitled "An act to amend section 4472 of the Revised Statutes so as to permit the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as automobiles) when used as source of motive power"—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 13789) providing for the adjudication of citizenship claims in the Cherokee, Creek, Choctaw, and Chickasaw nations of the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. MORRELL: A bill (H. R. 13790) for the protection of the workingmen of the United States and their families—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13791) for the protection of citizens of the United States under 15 years of age—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER, from the Committee on Military Affairs: A bill (H. R. 13860) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1905, and for other purposes—to the Union Calendar.

By Mr. SLAYDEN: A bill (H. R. 13848) to amend an act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes—to the Committee on Pensions.

By Mr. VREELAND: A joint resolution (H. J. Res. 128) directing the Secretary of the Navy to make thorough and practical test of the Cobham obliterator and recorder of wireless telegraphy—to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: A resolution (H. Res. 247) requesting the Secretary of the Interior for information relative to affairs of his Department and the Dawes Commission—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 13792) granting an increase of pension to Ellenora Clavier—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 13793) for the relief of Martha B. Moore, of Marion County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13794) for the relief of the estate of Elkanah J. Sullivan, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 13795) granting an increase of pension to Corydon B. Lakin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13796) granting an increase of pension to Alfred Hackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13797) granting an increase of pension to Joseph Bither—to the Committee on Pensions.

By Mr. BYRD: A bill (H. R. 13798) for the relief of the estate of Thomas Jarrell, deceased, late of Scott County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13799) for the relief of the estate of D. U. Ford, deceased, late of Lauderdale County, Miss.—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 13800) to correct the military record of Thomas Riley—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 13801) granting an increase of pension to James H. Van Wagenen—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 13802) granting an increase of pension to William F. Denmuer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13803) to extend the term of patent No. 360126—to the Committee on Patents.

By Mr. DARRAGH: A bill (H. R. 13804) granting an increase of pension to Herman W. Perkins—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 13805) granting a pension to Emma W. Hays—to the Committee on Pensions.

By Mr. DAYTON: A bill (H. R. 13806) granting an increase of pension to Edward Hart—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 13807) granting a pension to William Brown, alias Daniel Mulligan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13808) to correct the military record of David L. Lockerby—to the Committee on Military Affairs.

Also, a bill (H. R. 13809) to correct the military record of Peter Farrell—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: A bill (H. R. 13810) granting a pension to Samuel A. Roberts—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 13811) for the relief of the estate of Mary G. Gough, deceased, late of Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 13812) for the relief of the estate of William B. Ott, deceased, late of Shenandoah County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 13813) for the relief of James L. Miller, of Shenandoah County, Va.—to the Committee on War Claims.

By Mr. HOGG: A bill (H. R. 13814) granting a pension to Joseph Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13815) granting a pension to Greenlief P. Curtis—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 13816) granting a pension to Annie Hines—to the Committee on Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 13817) for the relief of Jane P. Moore, of Bolivar County, Miss.—to the Committee on War Claims.

By Mr. JACKSON of Maryland: A bill (H. H. 13818) granting a pension to Louis N. Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13819) granting a pension to Mary M. Baker—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 13820) for the relief of the estate of Joseph Wilson, deceased, late of Fulton County, Ky.—to the Committee on War Claims.

By Mr. KEHOE: A bill (H. R. 13821) granting an increase of pension to Carl F. Reickert—to the Committee on Invalid Pensions.

By Mr. FREDERICK LANDIS: A bill (H. R. 13822) granting an increase of pension to Jacob M. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13823) granting an increase of pension to Mary Stilts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13824) granting an increase of pension to Thomas M. Swain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13825) granting an increase of pension to Mary Brophy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13826) granting an increase of pension to Thomas J. Power—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13827) granting an increase of pension to Nelson Worley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13828) granting an increase of pension to George B. Robson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13829) granting an increase of pension to Charles S. Leonard—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 13830) granting a pension to Emarance Gervais—to the Committee on Pensions.

Also, a bill (H. R. 13831) for the relief of Eli Pettijohn—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 13832) correcting military record of James M. Wright—to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 13833) for the relief of the estate of Francis A. De Georgis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13834) for the relief of the estate of David C. Hamill, deceased—to the Committee on War Claims.

By Mr. OVERSTREET: A bill (H. R. 13835) for the relief of Edward P. Thompson—to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 13836) for the relief of the estate of Henry Kelly, late of Giles County, Tenn.—to the Committee on War Claims.

By Mr. PIERCE: A bill (H. R. 13837) for the relief of Peter Williams, of Crockett County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 13838) for the relief of the estate of C. H. Medlin, deceased, late of Crockett County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 13839) for the relief of the estate of John Williams, deceased, late of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. POWERS of Maine: A bill (H. R. 13840) granting an increase of pension to John Conrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13841) granting an increase of pension to Sylvanus O. Verrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13842) for the relief of the heirs of Albert H. Cotton—to the Committee on Claims.

By Mr. RANSDELL of Louisiana: A bill (H. R. 13843) for the relief of Washington West, of Madison Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 13844) for the relief of Robert Norris, of Catahoula Parish, La.—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 13845) to remove the charge of desertion against John A. Lawler—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 13846) for the relief of John F. Byars, of Brown County, Tex., formerly of Newton County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13847) granting a pension to Vallie A. McMillin—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 13849) for the relief of the estate of R. Chambers, deceased, late of White County, Ark.—to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 13850) granting an increase of pension to Mary Heaney—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 13851) for the relief of the estate of W. F. Gaines, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13852) for the relief of the heirs or legal representatives of A. M. Rayburn, deceased—to the Committee on Claims.

Also, a bill (H. R. 13853) for the relief of Jeremiah H. Morgan, of Benton County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13854) for the relief of the heirs of John C. McGehee, deceased, late of De Soto County, Miss.—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 13855) for the relief of Mrs. M. A. Durham—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 13856) granting an increase of pension to George W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13857) granting an increase of pension to Nicholas Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13858) granting an increase of pension to David H. Gayen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13859) to increase pension of Elias Shannon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of New York City, opposing passage of Hepburn bill—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of McCracken, Kans., composed of 90 members, for the Hepburn bill—to the Committee on the Judiciary.

Also, petition of the Oakland Methodist Episcopal Church, of Chicago, composed of 250 members, urging passage of Hepburn bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of 348 citizens of McKeesport, Pa., for the Hepburn bill—to the Committee on the Judiciary.

By Mr. BABCOCK: Letter of William C. Woodward, M. D., of the health department of the District of Columbia, relative to a bill for better registration of births and deaths in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTLETT: Protest of the Beck & Gregg Hardware Company, against the passage of the eight-hour and the anti-injunction bills—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Ladies of the Grand Army of the Republic, of Philadelphia, Pa., urging passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Papers to accompany bill H. R. 13567, granting an increase of pension to Anna A. Collins—to the Committee on Invalid Pensions.

By Mr. BOWERS (by request): Petitions of F. M. Williams and 38 others, of Waynesboro; F. T. Fuller and 90 others, of Hattiesburg; J. P. Catlan and 29 others, of Hattiesburg, and Rev. S. G. Adams and others, of Springfield, Miss., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Affidavit to accompany bill for the relief of Joseph Bither—to the Committee on Invalid Pensions.

Also, petition of 71 citizens and taxpayers of Pittston, Me., for the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. BURTON: Memorial of the East Congregational Church, of East Cleveland, favoring passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Resolution of Herington Lodge, No. 340, Brotherhood of Boiler Makers and Iron-ship Builders of America, in favor of the immediate passage of bills H. R. 7056, and S. 2259 and 2263—to the Committee on Interstate and Foreign Commerce.

Also, petitions of patrons of rural free-delivery routes Nos. 3 and 4, of Frankfort, Kans., relative to rural free-delivery carriers acting as agents for papers, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL: Petition of citizens of Decatur and Macon County, Ill., for the improvement of Mermentau River, Louisiana—to the Committee on Rivers and Harbors.

By Mr. DANIELS: Petition of citizens of Tulare County, Cal., for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DARRAGH: Resolution of Frank Fowler Post, No. 286, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Licensed Tugmen's Protective Association, No. 10, of Charlevoix, Mich., in favor of the passage of bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, papers to accompany bill H. R. 11837, granting an increase of pension to William A. De Hart—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of patrons and residents of rural routes Nos. 2 and 3, of Hoosick Falls, N. Y., favoring increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of patrons and residents of rural route No. 1, of Castleton, N. Y., favoring increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Grand Army of the Republic Post No. 400, Department of New York, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Drug Trade Section of the New York Board of Trade and Transportation, favoring reduction of tax on alcohol—to the Committee on Ways and Means.

By Mr. DE ARMOND (by request): Affidavits to accompany bill H. R. 13755, granting a pension to William L. Lee—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of German Salem's Church, of Brooklyn, N. Y., for the passage of a bill to prevent the sale of intoxicating liquors in all Government buildings—to the Committee on the Judiciary.

By Mr. DWIGHT: Petition of the State Camp of the Patriotic Order of Sons of America, of Binghamton, N. Y., composed of 100 names, for the passage of the amendment to the Lodge bill to regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of the Chicago Real Estate Board, in favor of lowering the tunnels under Chicago River—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD: Resolutions of the Chicago Real Estate Board, in favor of lowering tunnels under Chicago River—to the Committee on Rivers and Harbors.

By Mr. FLACK: Papers to accompany bill to grant a pension to Daniel Mulligan—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petitions of the Baptist Church (70 members), the Woman's Christian Temperance Union (20 members), the Christian Endeavor Society (30 members), and the Methodist Episcopal Church, all of Manchester Center, Vt., and

Theodore Swift and 28 others, of Manchester, Vt., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of the United Brethren of White Pine, Tenn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of the Sarah E. Doyle Club, of Providence, R. I., in favor of a national forest reserve in the White Mountains, New Hampshire—to the Committee on Agriculture.

By Mr. GRIFFITH: Petitions of M. C. Robertson and 47 others, of Graham, Ind., and John A. Fergen and 32 others, of Lawrenceburg, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAMLIN: Petition of David Bagley and 35 others, in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. HAMILTON: Resolutions of J. M. Pond Circle, No. 23, Ladies of the Grand Army of the Republic, Saugatuck, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of 33 patrons of rural route No. 4, and 52 business men, of Clear Lake, Iowa, in favor of increase of salary for rural carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HEMENWAY: Petition of the Evansville Manufacturing Association, against change in system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HEPBURN: Petitions of patrons of rural mail routes at Lacona, Iowa, and patrons of post-office and rural route No. 3, at Chariton, Iowa, asking for increase of pay for carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of citizens of Brainard, Nebr., protesting against passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KEHOE: Petition of the Ohio Valley Pulley Works (Incorporated), in favor of bill H. R. 9302, for reduction of tax on alcohol for mechanical purposes—to the Committee on Ways and Means.

By Mr. LACEY: Resolution of the Iowa house of representatives, in favor of repeal of the bankrupt law—to the Committee on the Judiciary.

Also, papers to accompany bill H. R. 6915—to the Committee on War Claims.

Also, resolutions of Ladies of the Grand Army of the Republic, of Montezuma, Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Methodist Episcopal Church Society of Kirkville, Iowa, in favor of the Hepburn bill—to the Committee on the Judiciary.

By Mr. LAMAR of Missouri: Paper to accompany bill (H. R. 13181) for the relief of the heirs of James Roberts—to the Committee on Claims.

Also, petitions of John S. Phelps Post, No. 297, of St. James, Mo., and Mount Grove Post, No. 433, Grand Army of the Republic, for a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of J. I. Coffey and 77 other voters of Vienna, Mo., for passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. LITTAUER: Petition of residents of Glens Falls, N. Y., in favor of bill H. R. 62, for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. LIVERNASH: Resolutions of the Manufacturers and Producers' Association of California, the Board of Trade, the Chamber of Commerce, and the Merchants' Exchange of San Francisco, against the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of San Francisco, Cal., favoring simplification of ships' manifests—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: Petitions of John A. Dix Post, of Swedesboro; General John A. Logan Post, of Camden; William P. Robeson Post, of Camden; Van Leer Post, of Gloucester City; Thomas A. Smith Post, of Elmer; Actor Post, of Pennsgrove; James S. Stratton Post, of Mulleck Hill; General Howell Post, of Woodbury; William J. Steadham Post, of Yorktown; William B. Hatch Post, of Camden, and Colonel N. C. Johnson Post, of Salem, all in New Jersey, Grand Army of the Republic, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Thomas W. K. Lee, jr., of Camden, N. J., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition Haddon Grange, Camden County, N. J. (110 members), for establishment of a bureau of public highways—to the Committee on Agriculture.

Also, petition of the First Baptist Church of Camden, N. J., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. McCLEARY of Minnesota: Resolutions of J. H. Balsteen and others, of Mankato, Minn., and F. W. Damler and others, of St. Paul, Minn., in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MANN: Papers to accompany bill H. R. 12951, granting an increase of pension to Albert Donovan—to the Committee on Invalid Pensions.

By Mr. MOON: Paper to accompany bill granting an increase of pension to Marion A. Carlile—to the Committee on Invalid Pensions.

By Mr. MORRELL: Petition of citizens of Philadelphia, against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of the Philadelphia Maritime Exchange, relative to completion of the breakwater at Point Judith, R. I.—to the Committee on Rivers and Harbors.

By Mr. OTJEN: Remonstrance of the Milwaukee Malting Company and others, of Milwaukee, Wis., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PADGETT: Papers to accompany claim for relief of estate of Henry Kelly—to the Committee on War Claims.

By Mr. PERKINS: Petition of 2,000 citizens of Rochester, N. Y. (Prohibition Union of Christian Men), in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PIERCE: Papers to accompany bill H. R. 6684, for relief of Humboldt Female College, Gibson County, Tenn., and papers to accompany bill for relief of estate of John Williams, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. PORTER: Petition of citizens of Pittsburg and Allegheny, Pa., protesting against passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of the Chicago Board of Trade, in favor of lowering tunnels under Chicago River—to the Committee on Rivers and Harbors.

By Mr. POWERS: Memorial to accompany bill for relief of John Courey—to the Committee on Invalid Pensions.

By Mr. RAINEY: Resolution of Valley Lodge, No. 383, Boiler Makers and Iron-ship Builders of America, of Beardstown, Ill., in favor of bills H. R. 7056 and S. 2259 and 2263—to the Committee on Interstate and Foreign Commerce.

Also, protest against the parcels-post bill by R. Frost's Sons and 24 others, of Winchester, Ill., to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hillcrest, Ill., for passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. RANSDELL of Louisiana: Papers to accompany bill for relief of Robert Morris, of Catahoula Parish, La., and papers to accompany bill for relief of Washington West, of Madison Parish, La.—to the Committee on War Claims.

By Mr. RICHARDSON of Tennessee: Papers to accompany bill H. R. 4029, for relief of the Cumberland Presbyterian Church of Tullahoma, Tenn.—to the Committee on War Claims.

By Mr. RUPPERT: Resolution of the Chicago Real Estate Board, urging passage of bill H. R. 4483—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the board of directors of the New York State Division of the Travelers' Protective Association of America, relative to an amendment to the bankruptcy law—to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of the San Antonio Liquor Company and others, of San Antonio, Tex., in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Petition of L. S. Reams and others, of Oakwood, Ohio, and L. W. Butler and others, of Ottawa, Ohio, favoring untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

By Mr. SPIGHT: Statement and affidavits to accompany bill for relief of Jeremiah H. Morgan—to the Committee on War Claims.

By Mr. STAFFORD: Petitions of the Schuckman & Seligmann Company, and John Boehm, Louis Schneider, and 43 others, of Milwaukee, Wis., against passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. SULLIVAN of Massachusetts: Petitions of the Hutchings-Votey Organ Company and the Roessle Brewery, of Boston, Mass., for a reduction of duty on alcohol for mechanical purposes—to the Committee on Ways and Means.

Also, petitions of William E. Weld and others and the Waldberg Brewing Company, of Boston, Mass., in opposition to the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of telegraph operators of the war of the rebellion, for the right of pension—to the Committee on Military Affairs.

Also, petition of locomotive engineers of Omaha, Nebr., for recognition for services during the war of the rebellion—to the Committee on Military Affairs.

Also, resolution of the Boiler Makers and Iron-ship Builders of America, for the passage of the Frye bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS of North Carolina: Papers to accompany claim of Mrs. M. A. Durham for supplies furnished during war of rebellion—to the Committee on War Claims.

By Mr. TIRRELL: Petition of Rockwell & Dunpel and others, in favor of bill providing for extermination of dogfish, etc.—to the Committee on the Merchant Marine and Fisheries.

By Mr. WADE: Protest against the parcels-post bill by citizens of Wheatland, Iowa—to the Committee on the Post-Office and Post-Roads.

Also (by request), resolution of the Young People's Society of Christian Endeavor of Bloomington, Iowa, urging passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also (by request), petition of the Woman's Christian Temperance Union of Clinton, Iowa, urging passage of law against sale of liquor in "original packages" and law to prevent sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. WARNOCK: Protest of the Board of Trade of Findlay, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

SATURDAY, *March 12, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CENTRAL DISPENSARY AND EMERGENCY HOSPITAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Board of Charities of the District of Columbia, transmitting, in response to a resolution of the 9th instant, all the testimony and reports of investigations taken by the board concerning the Central Dispensary and Emergency Hospital. The Chair will refer the communication, with the accompanying papers, to the Committee on the District of Columbia. Ought the matter to be ordered printed?

Mr. GALLINGER. I ask that it be referred to the Committee on the District of Columbia without an order to print, so that the committee may first examine it and determine whether it is desirable to print it or not.

The PRESIDENT pro tempore. It will be so referred.

DR. SAMUEL W. SERVICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a petition from Dr. Samuel W. Service, veteran, Tenth United States Cavalry, asking to be retired under pay for long and faithful service on account of old age, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

TARIFF ON PHILIPPINE TOBACCO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a translation of a petition to the civil governor of the Philippine Islands, dated Manila, P. I., January 25, 1904, from the Labor Union and Tobacco Workers' Guild of the Philippines, relative to the tariff on Philippine tobacco and cigars imported into the United States; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

THE MALTBY BUILDING.

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the Capitol building, transmitting, in response to a resolution of the 2d instant, certain information relative to the condition of the Maltby Building; which, with the accompanying papers, was ordered to lie on the table and be printed.

INVITATION TO JAMESTOWN ISLAND, VIRGINIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication extending an invitation to the Senate to visit Jamestown Island, Virginia; which will be read.

The Secretary read as follows:

OFFICE OF THE SECRETARY,
Norfolk, Va., March 9, 1904.

To the Hon. WILLIAM P. FRYE,
President of the Senate of the United States.

DEAR SIR: To the end that the three hundredth anniversary of the founding of Jamestown should be signalized adequately, the Jamestown Exposition Company was organized and chartered. The general assembly of the State of Virginia, understanding the preponderant influence which the first permanent settlement of the English-speaking people in America has had upon our nation's history and upon the spread of republican institutions throughout the world, considered that this opportunity to inculcate patriotism and exhibit progress should not be allowed to pass.

The gentlemen to whom has been intrusted the conduct of the memorial deem it proper that our nation's lawmakers should visit the spot most sacred in our country's history.

They therefore have the honor of requesting your presence and that of the Senators of the United States on a pilgrimage to be made to Jamestown Island on the 18th day of this month, March, 1904.

C. BROOK JOHNSTON,
Chairman Entertainment Committee.

[SEAL.]

G. T. SHEPPERD,
Secretary Jamestown Exposition Company.

The PRESIDENT pro tempore. The communication will lie on the table.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 1487) creating an additional land office in the State of North Dakota;

A bill (S. 4387) to authorize the Chicago, St. Louis and New Orleans Railroad Company to construct a bridge across the Tennessee River near Gilbertsville, Ky.; and

A joint resolution (H. J. Res. 118) authorizing the Secretary of the Interior to use $5,000 of the amount appropriated by the act approved February 18, 1904 (Public, No. 22) for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of Lodge No. 86, Brotherhood of Boilermakers and Iron-ship Builders, of Winona, Minn., praying for the enactment of legislation to develop the American merchant marine; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Beloit, Kans., and a petition of the congregation of the Presbyterian Church of Santa Barbara, Cal., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of St. Paul, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURNHAM presented a petition of Miller Grange, No. 34, Patrons of Husbandry, of Temple, N. H., and a petition of Lebanon Grange, No. 126, Patrons of Husbandry, of Lebanon, N. H., praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the congregation of the Baptist Church of North Stratford; of the congregation of the Congregational Church of Pembroke; of the Ministerial Association of Rockingham County; of the congregation of the First Baptist Church of Hudson; of the congregation of the First Methodist Episcopal Church of Sullivan County; of the congregation of the First Baptist Church of Keene; of the congregation of the Trinitarian Congregational Church, of Marlboro, and of the congregation of the First Baptist Church of Meredith, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Raymond, Deerfield, Amherst, Candia, Meredith, Grasmere, West Lebanon, and Durham, all in the State of New Hampshire, praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Camp Fire Club, of New York City, remonstrating against the enactment of legislation to repeal the present Alaskan game law; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GAMBLE presented a petition of the Twentieth Century Club, of Spearfish, S. Dak., and a petition of the Thursday Club, of Keystone, S. Dak., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Harvey, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the American Pharmaceutical Association, of Illinois, remonstrating against the proposed definition of the word "drug;" which was referred to the Committee on Manufactures.

Mr. OVERMAN presented a paper to accompany the bill (S. 2412) for the relief of George A. Russell, administrator of Stephen Chadwick, deceased, late of Carteret County, N. C.; which was referred to the Committee on Claims.

He also presented petitions of sundry citizens of Greensboro, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Kernersville and Greensboro, and of the White Ministerial Association of Greensboro, all in the State of North Carolina, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. DRYDEN presented a petition of G. R. Paul Post, No. 101, Department of New Jersey, Grand Army of the Republic, of New Jersey, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Kalmia Club, of Lambertsville, N. J., praying that an appropriation be made providing for the establishment of a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Christian Endeavor Society of the First Methodist Episcopal Church of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Bergen County, N. J., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Grange No. 11, Patrons of Husbandry, of Vineland, N. J., praying for the enactment of legislation providing for the establishment of a bureau of public highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Deerfield, Gloucester County, and Andover; of Deerfield Grange, Patrons of Husbandry, of Deerfield; of the Society of Friends of Burlington County; of the congregation of the Presbyterian Church of Deerfield, and of the congregation of the Commerce Street Methodist Episcopal Church, of Bridgeton, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. KEAN presented petitions of sundry citizens of Westville, Chester, Wenonah, Penns Grove, Thorofare, Burlington, and Woodstown, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. MILLARD presented petitions of sundry citizens of Norfolk, Cook, and Pierce, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented a memorial of Richardson & Longman, of Wellington, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Carolina Scott Harrison Circle, No. 56, Department of Kansas, Ladies of the Grand Army of the Republic, of Wichita; of Livermore Circle, Department of Kansas, Ladies of the Grand Army of the Republic, of Beloit, and of sundry Union veterans of the war of the rebellion of Edwards County, all in the State of Kansas, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of Herrington Lodge, No. 340, International Boiler Makers and Iron-ship Builders, of Herrington, Kans., and a petition of Lodge No. 4, Brotherhood of Boiler Makers and Iron-ship Builders, of Kansas City, Kans., praying for the enactment of legislation to develop the American merchant marine; which were orderd to lie on the table.

He also presented petitions of sundry citizens of Sabetha, Sumner, Wellsville, Augusta, Palco, and Wichita, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of patrons of sundry rural free-delivery routes in Douglas County, Kans., praying that an appropriation be made to increase the salaries of rural letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of Local Lodge No. 52, Brotherhood of Boilermakers and Iron-ship Builders, of Pocatello, Idaho, praying for the enactment of legislation to develop the American merchant marine; which was ordered to lie on the table.

Mr. QUARLES presented petitions of sundry citizens of Royalton, Waupaca, Appleton, Attica, Ashland, Albany, Black Creek, and Milwaukee; of the Woman's Christian Temperance Union of Packwaukee; of the Woman's Christian Temperance Union of Royalton and Waupaca; of the Woman's Christian Temperance Union of Albany; of the congregation of the Methodist Episcopal Church of Black Creek, and of Lodge No. 27, Independent Order of Good Templars, of Black Creek, all in the State of Wisconsin, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Littleton and Boscawen, N. H., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Board of Trade of Saratoga, Wyo., and a petition of Helpers' Division, No. 21, Brotherhood of Boiler Makers and Iron-ship Builders, of Cheyenne, Wyo., praying for the enactment of legislation to develop the American merchant marine; which were ordered to lie on the table.

Mr. DEPEW presented a petition of the board of directors of the Manufacturers' Association of New York City, praying that an appropriation be made to prevent damages being done by flood waters at the confluence of the Kaw and Missouri rivers; which was referred to the Committee on Commerce.

He also presented petitions of Bingham Post, No. 74, of Naples; of Lewis O. Conklin Post, No. 627, of Port Jefferson; of R. J. Clark Post, No. 210, of Patchogue, all of the Department of New York, Grand Army of the Republic; of A. H. Digraff Circle, John Brown Circle, John W. Wilkson Circle, General John C. Robinson Circle; General Slocum Circle, No. 33; Albany Circle, Columbia Circle, Lafayette Circle, Washington Circle; Elizabeth Spellman Circle, No. 8; Phil Kearny Circle, No. 6; James A. Garfield Circle; Curran Circle, No. 19; and Hayword Porter Circle, No. 12, all of Troy, Department of New York, Ladies of the Grand Army of the Republic, in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Castleton Corners, Carlisle, Troy, Warrenburg, Trumansburg, New York City, Brooklyn, Rochester, Perry, Sterling, Newburgh, Pawling, Chautauqua, Alfred, Port Byron, Cayuga County, Oneonta, Lima, Falconer, Schenectady, Sweethold, Cuba, Great Valley, Hempstead, Atwater, and Sidney; of the Woman's Christian Temperance Union of Warrensburg; of the Woman's Christian Temperance Union of Rye; of the congregation of the Trinity Methodist Episcopal Church, of Newburgh; of the congregation of the First Baptist Church of Newburgh; of St. James Lodge, No. 906, Independent Order of Good Templars, of Rochester; of the congregation of the Washington Heights Congregational Church, of Newburgh; of the congregation of the United Presbyterian Church of Newburgh; of the congregation of the Calvary Presbyterian Church, of Newburgh, and of the congregation of the German Evangelical Church of Webster, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CARMACK presented a petition of the Chattanooga Woman's Club, of Chattanooga, Tenn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. FRYE presented petitions of sundry citizens of Presque Isle and Aroostook, in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Builders' Association of Youngstown, Ohio, praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Club of Norway, Me., praying for the establishment of a forest reservation in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Builders' Association of Youngstown, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Manufacturers' Association of New York, praying that an appropriation be made to free the Kaw River, Kansas, from débris caused by the overflow of the flood waters; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. QUARLES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4453) to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3180) to provide for the erection of a public building at Atlanta, Ga., reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4343) for the relief of Talton D. Davis, reported it with an amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 3043) for the relief of the estate of the late John Jacoby, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, reported an amendment authorizing the Commissioners of the District of Columbia to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken and proceeding in rem, to condemn the lands that may be necessary for the extension of School street in Mount Pleasant through lot 15, John Sherman subdivision, with a width of 50 feet, so that School street will open on Kenesaw avenue, etc., intended to be proposed to the District of Columbia appropriation bill, and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 4948) granting an increase of pension to E. A. Peyton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4949) granting a pension to Carroll Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4950) for the relief of the estate of John C. McNeill, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 4951) for the relief of the estate of Isaac D. Yocum, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4952) granting an increase of pension to Alvah D. Wilson;

A bill (S. 4953) granting an increase of pension to Benjamin F. Marsh; and

A bill (S. 4954) granting an increase of pension to James H. Kane.

Mr. LODGE introduced a bill (S. 4955) to provide for the appointment of an additional assistant appraiser at the port of Boston; which was read twice by its title, and referred to the Committee on Finance.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4956) for the relief of Washington West (with an accompanying paper);

A bill (S. 4957) for the relief of the estate of Romain Verdun, deceased (with an accompanying paper);

A bill (S. 4958) for the relief of James R. Young, deceased;

A bill (S. 4959) for the relief of the estate of J. N. Chambers, deceased;

A bill (S. 4960) for the relief of the estate of Mrs. Ann Chambers, deceased;

A bill (S. 4961) for the relief of the estate of Louis Baron, deceased;

A bill (S. 4962) for the relief of the estate of Thomas C. Gibbons, deceased;

A bill (S. 4963) for the relief of the estate of Jean Pierre Landry, deceased;

A bill (S. 4964) for the relief of the estate of James L. Pearce, deceased;

A bill (S. 4965) for the relief of Lydia E. Delavenne and the estate of Joseph O. Prosdame, deceased;

A bill (S. 4966) for the relief of the estate of Pierre Lement, deceased;

A bill (S. 4967) for the relief of the estate of Alexander Lemelle, deceased;

A bill (S. 4968) for the relief of the estates of R. J. and Mrs. R. V. Packer, deceased;

A bill (S. 4969) for the relief of the estate of Jean Delille, deceased;

A bill (S. 4970) for the relief of the estate of George Mitchelltree, deceased;

A bill (S. 4971) for the relief of the heirs of Adeliza Pickett Quays, deceased;

A bill (S. 4972) for the relief of the estate of Blaize Motte, sr., deceased;

A bill (S. 4973) for the relief of the estates of Alexis Hebert and Henry Vedrines, deceased;

A bill (S. 4974) for the relief of Lucien Meuillon;

A bill (S. 4975) for the relief of Alphonse Meuillon;

A bill (S. 4976) for the relief of Robert Norris;

A bill (S. 4977) for the relief of the estate of Rigobert Lemelle, deceased;

A bill (S. 4978) for the relief of the estate of Jean Baptiste Lazare, deceased; and

A bill (S. 4979) for the relief of the estate of Euphemie Lemelle, deceased.

Mr. BERRY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4980) for the relief of the estate of R. Chambers, deceased; and

A bill (S. 4981) for the relief of the estate of William Flannigan, deceased.

Mr. MORGAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4983) for the relief of the estate of James H. Ware, deceased;

A bill (S. 4984) for the relief of Mrs. Sophia H. Fitts; and

A bill (S. 4985) for the relief of the estate of J. E. Prestridge, deceased.

Mr. PROCTOR (for Mr. HAWLEY) introduced a bill (S. 4986) granting an increase of pension to Philo S. Bartow; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4987) for the relief of the estate of Joseph Wilson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4988) for the relief of the estate of Mirah Ballard, deceased;

A bill (S. 4989) for the relief of the estate of Sidney F. Tate, deceased;

A bill (S. 4990) for the relief of William M. Hilliard;

A bill (S. 4991) for the relief of the estate of Elizabeth Thompson, deceased;

A bill (S. 4992) for the relief of Amanda M. Warren; and

A bill (S. 4993) for the relief of William C. Bragg.

Mr. COCKRELL introduced a bill (S. 4994) for the relief of the trustees of the Methodist Episcopal Church South, of Springfield, Mo.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4995) for the relief of the heirs of James Stewart, deceased, and John Lee McMichael, deceased;

A bill (S. 4996) for the relief of David H. Neely and Jane A. Neely;

A bill (S. 4997) for the relief of the estate of C. E. Rosser, deceased;

A bill (S. 4998) to carry into effect the findings of the Court of Claims in matter of the claim of St. Philip's Episcopal Church, of Atlanta, Ga.; and

A bill (S. 4999) for the relief of President Walraven.

Mr. DEPEW introduced a bill (S. 5000) raising the rank of B. F. Wood on the retired list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. MARTIN introduced a bill (S. 5001) for the relief of the estate of Mary A. Gough, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5002) to provide for acquirement, by condemnation, of lands at Cape Henry, Va., for the purpose of fortification and coast defense; which was read twice by its title, and referred to the Committee on Coast Defenses.

Mr. MORGAN introduced a bill (S. 5003) for the relief of James R. Nance; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced the following bills; which were sever-

ally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5004) for the relief of the estate of Elkanah J. Sullivan, deceased;

A bill (S. 5005) for the relief of the heirs of Samuel G. Miller, deceased, and the estate of Mrs. E. C. Miller, deceased;

A bill (S. 5006) for the relief of the estate of Nancy P. Garrison, deceased;

A bill (S. 5007) for the relief of Jane P. Moore; and

A bill (S. 5008) for the relief of the estate of Mary Wilkins, deceased, late of Scott County, Miss.;

Mr. WARREN introduced a bill (S. 5009) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCREARY introduced a bill (S. 5010) for the relief of John G. Holloway, deceased, and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5011) for the relief of the estate of John C. Reed; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5012) for the relief of Henrietta Y. Turner;

A bill (S. 5013) for the relief of the estate of Elijah Williams, deceased;

A bill (S. 5014) for the relief of the estate of Bryant Wheeler, deceased;

A bill (S. 5015) for the relief of Peter Williams;

A bill (S. 5016) for the relief of the estate of C. H. Medlin, deceased;

A bill (S. 5017) for the relief of the Methodist Episcopal Church South, of Cleveland, Tenn.;

A bill (S. 5018) for the relief of Elam C. Cooper;

A bill (S. 5019) for the relief of Mrs. Octavia R. Polk;

A bill (S. 5020) for the relief of Humboldt Female College, of Gibson County, Tenn. (with an accompanying paper);

A bill (S. 5021) for the relief of the Cumberland Presbyterian Church, of Tullahoma, Tenn. (with an accompanying paper);

A bill (S. 5022) for the relief of the estate of W. H. Neel, deceased (with an accompanying paper); and

A bill (S. 5023) for the relief of the estate of John Williams, deceased (with an accompanying paper).

Mr. BLACKBURN introduced a bill (S. 5024) for the relief of Hetterman Brothers Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced a joint resolution (S. R. 59) providing for the publication of the annual reports, public health reports, bulletins, and other special publications of the Public Health and Marine-Hospital Service of the United States; which was read twice by its title, and referred to the Committee on Printing.

THE PANAMA CANAL.

Mr. MORGAN. I introduce a bill and ask the courtesy of the Senate that it may be printed in the RECORD. My purpose is to get it more particularly before my colleagues upon the Committee on Interoceanic Canals, many of whom will not be here until next Monday, and next Monday we shall have to take some very important action upon the subject.

The bill (S. 4982) to provide for the government of the canal zone at Panama, and for other purposes, was read twice by its title, and referred to the Committee on Interoceanic Canals.

The PRESIDENT pro tempore. The Senator from Alabama asks that the bill may be printed in the RECORD. Is there objection? The Chair hears none.

The bill is as follows:

Be it enacted, etc., That the territory acquired by the United States from the Republic of Panama, under the treaty dated and signed on the 18th day of November, 1903, at Washington, and the other territorial rights connected therewith under said treaty, shall constitute a Government reservation of the United States for canal purposes, which shall be styled and known as the "Panama Canal zone," and shall be subject to civil and military law under the control of the President, as herein provided, or when Congress shall so direct.

Until Congress shall otherwise direct, the full military and civil power to govern and protect said zone is hereby conferred upon the President of the United States, to be exercised through the Isthmian Canal Commission and such other officers or persons as the President may appoint, select, or detail for such duty, as herein provided, or as is provided in the act of June 28, 1902, entitled "An act to provide for the construction of a ship canal connecting the waters of the Atlantic and Pacific oceans."

SEC. 2. That the laws relating to the civil rights of persons and to crimes and to persons charged with crimes, except such as relate to religious or political privileges, or to political offenses, that were in force in the Republic of Panama on the 26th day of February, 1904, shall remain in force until the same are repealed, amended, or superseded by laws enacted in pursuance of this act, or by the Congress of the United States.

SEC. 3. That the laws of the United States respecting citizenship, immigration, naturalization, and the importation of contract laborers shall not apply to said canal-zone reservation until Congress shall hereafter otherwise direct.

SEC. 4. Until Congress shall otherwise direct, the Isthmian Canal Commission shall constitute a legislative body for the canal-zone reservation, of which body not less than five commissioners, present, shall constitute a quorum to do business. They may adopt rules for their own government, appoint clerks to keep and preserve the records, and may create such other necessary offices, and with such pay or salaries as shall be authorized by laws duly enacted and approved by the President, as hereinafter provided, and may appoint persons to discharge such duties.

Said legislative body shall hold its first session in the city of Washington on the call of the President of the United States, by his proclamation fixing the date and place of such session.

All subsequent sessions shall be held in the canal-zone reservation unless the President of the United States shall otherwise direct, by proclamation, as to any special session to be held in the city of Washington. The regular sessions of said commissioners as a legislative body shall be held on the first Monday of each month. A complete record of all laws, regulations, orders, and proceedings of the Isthmian Canal Commission shall be made up and signed by its chairman at the close of each month.

SEC. 5. The legislative power of said Isthmian Canal Commission shall not include laws or regulations that affect the treaty relations between the United States and the Government of the Republic of Panama, or any regulation of commerce or trade with other countries, such matters being reserved for the exclusive action and control of the Government of the United States. It shall extend to all local matters of civil and criminal cognizance, arising within said canal zone, except laws or regulations relating to estates of deceased persons and laws of inheritance and descents, or laws relating to wills or devises, or the administration of the estates of decedents, and the laws of escheat; all of which are reserved for the action of Congress.

The legislative power of said Isthmian Canal Commission shall also extend to the enforcement of any lawful rule or regulation issued by competent authority for the government or control of any officer or person employed in the business of the United States within said canal zone, and for the protection of such persons in the performance of their duties. No act or resolution of said Isthmian Canal Commission, having the effect of law, shall be operative until the same has been submitted to the President of the United States and approved by him.

SEC. 6. The President shall have power at any time, on the request of three or more members of the Isthmian Canal Commission setting forth the grounds of such request, to declare that the isthmian canal zone reservation is in a state of insurrection or commotion that is dangerous to the property or interests of the United States or to persons or property within said zone, and the civil laws applicable to said zone shall thereupon be suspended, and the President is empowered to use the local police force or any part of the military or naval power of the United States to preserve or to restore peace and order in or near said zone and to enforce obedience to the laws, under the powers conferred upon him, in such cases by the laws of the United States when insurrection or rebellion exists in any of the States or Territories of the United States.

SEC. 7. A surgeon in chief for the isthmian canal zone and for the cities of Panama and Colon and the adjacent harbors shall be appointed by the President, by and with the advice and consent of the Senate. He shall have control and supervision of all works of sanitation in said canal zone and in said cities of Colon and Panama in virtue of the power and authority conferred or that may be conferred upon the United States by treaty with the Republic of Panama or otherwise; and his regulations, orders, and requirements in respect of all such matters, when approved by the President of the United States, shall be enforced by the Isthmian Canal Commission, by legislation or otherwise, as may be necessary for their effectual execution.

Said surgeon in chief and the Surgeon-General of the Public Health and Marine-Hospital Service and the Surgeon-General of the Navy shall constitute a board of health for the isthmian canal zone, whose duty it shall be to make a preliminary examination, in person, of said canal zone and the adjacent country and of the cities of Colon and Panama and their environs, to ascertain the scope and general requirements of a plan of sanitation for said areas, which shall be reported to the President for his adoption, with or without amendment.

Said isthmian board of health shall also, and subject to the like approval of the President, determine and define the extent of the jurisdiction that is given, under the laws of Congress now in force, to the Bureau of Public Health and Marine-Hospital Service on the mainland between the waters of the bays of Colon and Panama, and on the islands in said bays, in the establishment of quarantine stations; or in respect of any other matter that will cause efficient cooperation and mutual support between the health and hospital service on the mainland, the islands, and the adjacent waters in charge of the surgeon in chief of the canal zone and the public health and quarantine service of the United States, including the prevention of the importation and exportation of all malignant diseases.

SEC. 8. Said isthmian board of health shall also formulate general laws and regulations relating to health in the canal zone, subject to the like approval of the President, which may be added to, altered, amended, or repealed from time to time, prescribing the number and qualifications of surgeons, assistant surgeons, and other persons to be employed in the hospital or other service in charge of the surgeon in chief of the canal zone, and the method of appointment of such of them as are not required by law to be appointed by the President, by and with the advice and consent of the Senate, and fixing the salaries or pay and allowances of such persons.

The Isthmian Canal Commission shall not exercise the power of appointment or removal of any officer or other person employed in the health service of the isthmian canal zone, either national or local, but may recommend persons to the President for appointment to or removal from places or employment in such service.

SEC. 9. All works of engineering, location, and construction, in pursuance of the general plan adopted for the sanitation of the canal zone or any place adjacent thereto, and in the erection, repair, or improvement of hospitals or camps, shall be conducted under the orders and direction of the Isthmian Canal Commission, and the cost of the same shall be charged to the account for the construction of the canal.

All engineering and other work done in the construction of quarantine stations and the appurtenances thereof on the mainland or on any island within the canal zone or on the adjacent waters shall be done under the direction of the Surgeon-General of the Public Health and Marine-Hospital Service, and the expenditures for the same shall be carried on his accounts with the Treasury Department and shall be paid through said Department from money appropriated for such purposes.

All supplies of every character for the hospital and health service in charge of the surgeon in chief of the canal zone shall be furnished by order of the Isthmian Canal Commission, upon the requisition of such surgeon in chief; and all expenditures on account of salaries, allowances, and necessary expenses of said hospital and health service shall be carried upon the accounts of said Commission for canal construction.

SEC. 10. The Isthmian Canal Commission shall receive all money to be expended by its order, through requisitions of its chairman upon the Secretary of War, and shall account through the War Department for all money so received and expended. The manner and times of accounting for money so received and expended shall be fixed by regulations prescribed by the Secretary of War.

All disbursements of money appropriated by Congress for the construction of the isthmian canal shall be made by order or regulation of the Isthmian Canal Commission, through paymasters of the Army of the United

States, who shall account to the War Department for all money received and disbursed by them.

No expenditures for military or naval forces employed within the canal zone or in its protection shall be charged against any money appropriated for the construction of the canal, but expenses shall be borne by the departments, respectively, that provided such forces or furnish such protection.

SEC. 11. The sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to the Government of the Republic of Panama, in compliance with the stipulations of the treaty with said Republic dated November 18, 1903. And the President shall cause said money to be paid to said Government without delay. And thereupon he is directed and required to take possession of and to occupy the canal zone described and defined in said treaty as the property of the United States, and he shall cause the flag of the United States to be raised over said zone and shall require the Isthmian Canal Commission to proceed forthwith to perform their duties in said zone and in places appurtenant thereto according to law.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to increase the salary of patrol drivers of the Metropolitan police, District of Columbia, from $600 to $720 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MITCHELL submitted an amendment to ratify an agreement with the Indians of the Klamath Indian Reservation, in Oregon, and proposing to appropriate $537,007.20 to carry same into effect, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment confirming to the State of Oregon as school lands all indemnity school-land selections made by the State of Oregon in lieu of sections 16 and 36 in place between the boundary of the Klamath Indian Reservation, as erroneously fixed in 1888, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate $625,000 for works of permanent improvement and dredging in the Columbia and lower Willamette rivers below Portland, Oreg.;

An amendment proposing to appropriate $500,000 for continuing improvements at the bar of the Columbia River, State of Oregon; and

An amendment proposing to appropriate $300,000 for continuing work on construction of the canal at The Dalles and Celilo Falls, Columbia River, Oregon.

Mr. LONG submitted an amendment providing that any private land over which an Indian reservation has been or may be extended by Executive order may be exchanged, at the discretion of the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of like area and value, and situated in the same State or Territory, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $2,500 for grading and improving Woodley road from Wisconsin avenue to Idaho avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULBERSON submitted an amendment providing for the improvement and completion of the grounds of and approaches to the United States post-office and court-house building at Abilene, Tex., in accordance with the recommendation of the Secretary of the Treasury contained in House Document No. 369, Fifty-eighth Congress, second session, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR (for Mr. HAWLEY) submitted an amendment proposing to increase the appropriation for the salary of the sanitary and food inspector of the District of Columbia from $1,800 to $2,000, intended to be proprosed by Mr. HAWLEY to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $90,000 for establishing a light vessel with a fog signal at Ambrose channel; also proposing to appropriate $125,000 for establishing a light-house at Ambrose channel, and also proposing to appropriate $15,000 for establishing a tank light vessel at Ambrose channel, New York, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to establish a United States court and a United States commissioner's court at Weleetka, in the Creek Nation, Ind. T., etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. NEWLANDS submitted an amendment providing that no building shall be erected on the Mall in Washington, D. C., nearer than 445 feet of a central line stretching from the center of the Dome of the Capitol to the center of the Washington Monument, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. GALLINGER, subsequently, from the Committee on the District of Columbia, reported favorably the foregoing amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CLAPP submitted an amendment authorizing the Court of Claims to hear and determine any claims that the Chippewa Indians of Minnesota may have against the United States for money due them under treaty stipulations or otherwise, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. McCOMAS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer, from time as may be necessary, to report the hearings which may be had by the committee or its subcommittees on bills coming before said committee; to sit during the sessions of the Senate; to have its hearing printed, and that any expense incurred shall be paid out of the contingent fund of the Senate.

REPORT ON REINDEER IN ALASKA.

Mr. NELSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska," for 1903.

PUBLIC LANDS COMMISSION.

Mr. HANSBROUGH. I ask for a reprint of Senate Document No. 188. It is the report of the Public Lands Commission, appointed by the President. There is quite a demand for copies of it.

The PRESIDENT pro tempore. The Chair hears no objection, and that order is made.

The order was reduced to writing, as follows:

Ordered, That Senate Document No. 188, Fifty-eighth Congress, second session, being the Report of the Public Lands Commission, be reprinted.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 89) granting an increase of pension to James M. Markham;

An act (S. 148) granting an increase of pension to Benjamin H. Smalley;

An act (S. 153) granting an increase of pension to William W. Turk;

An act (S. 154) granting an increase of pension to Hugh T. Crockett;

An act (S. 156) granting an increase of pension to Harriet L. Ford;

An act (S. 268) granting an increase of pension to Annie B. Johnson;

An act (S. 312) granting an increase of pension to John F. Oviatt;

An act (S. 317) granting an increase of pension to Mortimer Hallett;

An act (S. 354) granting an increase of pension to Clara B. Griswold;

An act (S. 386) granting an increase of pension to Homer D. Wells;

An act (S. 562) granting an increase of pension to Emeline F. Emmons;

An act (S. 588) granting an increase of pension to Wilbur F. Little;

An act (S. 681) granting an increase of pension to Isaiah Larkins;

An act (S. 693) granting an increase of pension to Charles W. De Rocher;

An act (S. 727) granting an increase of pension to George W. Wetherell;

An act (S. 819) granting an increase of pension to John B. Glover;

An act (S. 822) granting an increase of pension to Marquis L. Stevens;

An act (S. 893) granting an increase of pension to William W. Angelo;

An act (S. 900) granting an increase of pension to Daniel M. Smith;

An act (S. 1272) granting an increase of pension to Samuel Rollins;

An act (S. 1280) granting an increase of pension to Henry Wilfong;

An act (S. 1392) granting an increase of pension to Mary A. Hughes;
An act (S. 1530) granting an increase of pension to Theron T. Lamphere;
An act (S. 1554) granting an increase of pension to John D. Pickard;
An act (S. 1555) granting an increase of pension to Owen E. Newton;
An act (S. 1591) granting an increase of pension to James Hahn;
An act (S. 1616) granting an increase of pension to Michael Donovan;
An act (S. 1627) granting an increase of pension to Alonzo R. Kibbe;
An act (S. 1642) granting an increase of pension to Blanche L. Chunn;
An act (S. 1678) granting an increase of pension to Rudolph Reinhart;
An act (S. 1796) granting an increase of pension to Matthew Woodworth;
An act (S. 1803) granting an increase of pension to John M. Morgan;
An act (S. 1834) granting an increase of pension to John W. Paul;
An act (S. 1944) granting an increase of pension to John S. Stanger;
An act (S. 2043) granting an increase of pension to Andrew J. Williams;
An act (S. 2087) granting an increase of pension to George Rilea;
An act (S. 2179) granting an increase of pension to Thomas Harkison;
An act (S. 2200) granting an increase of pension to Charles R. Collins;
An act (S. 2216) granting an increase of pension to Charles Reed;
An act (S. 2237) granting an increase of pension to Louise Chandler;
An act (S. 2239) granting an increase of pension to Theodore E. Chatfield;
An act (S. 2278) granting an increase of pension to Harriet H. Howlett;
An act (S. 2289) granting an increase of pension to Louisa R. Chitwood;
An act (S. 2429) granting an increase of pension to John Dow;
An act (S. 2445) granting an increase of pension to George M. Waters;
An act (S. 2563) granting an increase of pension to Elizabeth M. Banta;
An act (S. 2649) granting an increase of pension to William S. Burch;
An act (S. 2662) granting an increase of pension to John H. Carrow;
An act (S. 2688) granting an increase of pension to George M. Linch;
An act (S. 2940) granting an increase of pension to Margaret Liddle;
An act (S. 2948) granting an increase of pension to George Hyde;
An act (S. 2955) granting an increase of pension to John Hogarth Lozier;
An act (S. 2999) granting an increase of pension to Melvina C. Buzzell;
An act (S. 3038) granting an increase of pension to Joseph H. Kennedy;
An act (S. 3053) granting an increase of pension to Emma E. S. Wright;
An act (S. 3085) granting an increase of pension to Alexander Lane;
An act (S. 3130) granting an increase of pension to Nathan P. Bowman;
An act (S. 3267) granting an increase of pension to Mary V. Carson;
An act (S. 3291) granting an increase of pension to John Olsen Bakken, alias John Olsen;
An act (S. 3362) granting an increase of pension to Dan H. Wallace;
An act (S. 3397) granting an increase of pension to George B. Christy;
An act (S. 3405) granting an increase of pension to Mary F. Pantzer;
An act (S. 3415) granting an increase of pension to Manluff W. Reynolds;
An act (S. 3423) granting an increase of pension to Joseph H. Ottey;
An act (S. 3452) granting an increase of pension to Charles Male;
An act (S. 3470) granting an increase of pension to Richard Wilks;
An act (S. 3480) granting an increase of pension to Swepston B. W. Stephens;
An act (S. 3481) granting an increase of pension to James E. Harrison;
An act (S. 3488) granting an increase of pension to Charles E. McIntire;
An act (S. 3527) granting an increase of pension to Jerningham Boone;
An act (S. 3534) granting an increase of pension to John S. Parker;
An act (S. 3569) granting an increase of pension to John A. Chamberlain;
An act (S. 3645) granting an increase of pension to Francis Hall;
An act (S. 3656) granting an increase of pension to William Turner;
An act (S. 3738) granting an increase of pension to Linus S. Ludington;
An act (S. 3812) granting an increase of pension to Charles Wheatland;
An act (S. 3839) granting an increase of pension to George B. Abbott;
An act (S. 3887) granting an increase of pension to Charles J. Clark;
An act (S. 3893) granting an increase of pension to John L. Rogers;
An act (S. 3945) granting an increase of pension to Lewis Lewis;
An act (S. 3950) granting an increase of pension to Edward Blaisdell;
An act (S. 4090) granting an increase of pension to Charlotte J. Fulsom;
An act (S. 4091) granting an increase of pension to Nathan M. Gove;
An act (S. 4141) granting an increase of pension to Samuel A. Dickey;
An act (S. 935) granting a pension to Mary S. Clark;
An act (S. 2122) granting a pension to Ashley C. Riggs;
An act (S. 2198) granting a pension to Thomas Irvin;
An act (S. 2490) granting a pension to Naomi Green;
An act (S. 2838) granting a pension to Louisa Lyon;
An act (S. 2966) granting a pension to William Conover;
An act (S. 2969) granting a pension to Henry Dority;
An act (S. 3373) granting a pension to Eliza Wil iams;
An act (S. 3413) granting a pension to Henry P. Howard;
An act (S. 3902) granting a pension to George F. Smith; and
An act (S. 4052) granting a pension to Alice K. Seligson.

The message also announced that the President of the United States had on the 11th instant approved and signed the following acts:

An act (S. 255) for the relief of the Farmers and Mechanics' National Bank, Philadelphia, Pa.;
An act (S. 334) for the relief of N. F. Palmer, Jr., & Co.;
An act (S. 3317) authorizing the Secretary of the Interior to grant right of way for pipe lines through Indian lands;
An act (S. 721) for the relief of Darwin S. Hall;
An act (S. 833) for the relief of Joseph M. Simms, captain, United States Revenue-Cutter Service (retired); and
An act (S. 3204) permitting the Kiowa, Chickasha and Fort Smith Railway Company to sell and convey its railroad and other property in the Indian Territory to the Eastern Oklahoma Railway Company, and the Eastern Oklahoma Railway Company to lease all its railroad and other property in the Indian Territory to the Atchison, Topeka and Santa Fe Railway Company, and thereafter to sell its railroad and other property to said the Atchison, Topeka and Santa Fe Railway Company.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9480) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 64) to correct the military record of William B. Thompson;
A bill (S. 140) granting an increase of pension to Daniel B. Bailey;
A bill (S. 305) granting an increase of pension to John R. Evans;
A bill (S. 336) granting an increase of pension to William Lechleidner;

A bill (S. 358) granting an increase of pension to Phebe A. Ford;
A bill (S. 360) granting an increase of pension to Mary Lucetta Arnold;
A bill (S. 447) granting an increase of pension to David H. George;
A bill (S. 450) granting an increase of pension to George H. Sutherland;
A bill (S. 454) granting an increase of pension to Rinaldo M. Griswold;
A bill (S. 569) granting an increase of pension to Jesse B. Nurse;
A bill (S. 783) granting an increase of pension to William McGee;
A bill (S. 827) granting an increase of pension to Elias S. Gibson;
A bill (S. 1394) granting an increase of pension to Lewis M. Webster;
A bill (S. 1388) granting an increase of pension to Orson H. Sawtelle;
A bill (S. 1423) granting an increase of pension to Samuel F. Murray;
A bill (S. 1436) granting an increase of pension to Thomas P. Wentworth;
A bill (S. 1667) granting a pension to Stalnaker Marteney;
A bill (S. 1764) granting an increase of pension to John Shehan;
A bill (S. 1899) granting an increase of pension to Thompson Warren;
A bill (S. 2029) granting an increase of pension to Peter P. Dobozy;
A bill (S. 2058) granting an increase of pension to Jacob A. Roof;
A bill (S. 2320) granting an increase of pension to Samuel H. Legrow;
A bill (S. 2348) granting an increase of pension to Hamilton S. Gillespie;
A bill (S. 2655) granting an increase of pension to Isaac Zellers;
A bill (S. 2661) granting an increase of pension to John H. Klingler;
A bill (S. 2690) granting an increase of pension to James Garry;
A bill (S. 2857) granting an increase of pension to Onne H. Ropka;
A bill (S. 2863) granting an increase of pension to David C. Coleman;
A bill (S. 2871) granting an increase of pension to Justin M. Cooper;
A bill (S. 2872) granting an increase of pension to Albert Schermerhorn;
A bill (S. 2894) granting a pension to Clara G. Garretson;
A bill (S. 2937) granting an increase of pension to Julius Bodenstab;
A bill (S. 2938) granting an increase of pension to James L. Ackley;
A bill (S. 2946) granting an increase of pension to Joshua Day;
A bill (S. 2952) granting an increase of pension to William J. P. Buck;
A bill (S. 2959) granting an increase of pension to Ada Johnson;
A bill (S. 3497) granting an increase of pension to Samuel E. Lookingbill;
A bill (S. 3500) granting an increase of pension to Orrin L. Mann;
A bill (S. 3519) granting a pension to Ruby A. Stirdivant;
A bill (S. 2960) granting an increase of pension to Jacob Horning;
A bill (S. 2971) granting a pension to Amelia Walsh;
A bill (S. 3201) granting an increase of pension to James I. Shafer;
A bill (S. 3377) granting an increase of pension to John M. Tyree;
A bill (S. 3457) granting an increase of pension to Marcellus M. Parker;
A bill (S. 3491) granting an increase of pension to Andrew J. Howe;
A bill (S. 3523) granting an increase of pension to Joseph W. Butz;
A bill (S. 3535) granting an increase of pension to John Walton;
A bill (S. 3544) granting an increase of pension to George W. Phillips;
A bill (S. 3727) granting an increase of pension to Eli Headley;
A bill (S. 3771) granting an increase of pension to Virginia C. Spencer;
A bill (S. 3827) granting an increase of pension to Norman B. Davenport;
A bill (S. 3878) granting an increase of pension to George Coffee;
A bill (S. 3936) granting an increase of pension to Sylvania S. Cheney;
A bill (S. 3946) granting an increase of pension to Jesse Bright;
A bill (S. 3977) granting an increase of pension to Luther S. Baker;
A bill (S. 3978) granting an increase of pension to George W. Howard;
A bill (S. 3979) granting an increase of pension to Sterling L. Parker;
A bill (S. 4237) granting a pension to Hannah Small Wiggin;
A bill (S. 4254) granting an increase of pension to William H. Collingwood;
A bill (S. 4317) granting an increase of pension to Sarah L. Augur;
A bill (S. 4329) granting an increase of pension to Mary E. Nesmith;
A bill (S. 4349) granting an increase of pension to Laura Ann Seaton;
A bill (S. 4371) granting a pension to Alison Clifton; and
A bill (S. 4454) granting an increase of pens on to John Seiler.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 9791) granting an increase of pension to Abram Claypool; in which it requested the concurrence of the Senate.

COLON FIRE CLAIMS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I inclose herewith a report by the Secretary of State forwarding the correspondence and papers called for by the Senate resolution of December 8, 1903, in regard to the claims against Colombia known as the Colon "fire claims."

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, March 12, 1904.

ABRAM CLAYPOOL.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 9791) granting a pension to Abram Claypool.

W STREET NE.

The PRESIDENT pro tempore. The morning business is closed. The Chair lays before the Senate for consideration bills reported from the Committee on the District of Columbia:

Mr. GALLINGER. I will ask permission to call up the bills perhaps somewhat out of order.

I ask for the present consideration of the bill (S. 4033) to authorize the abandonment of W street NE., Washington, D. C.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioners of the District of Columbia to abandon W street NE., between Lincoln avenue and Rhode Island avenue, as indicated on the second section of the highway extension plans; and any future subdivision shall omit the part of W street lying between those limits.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF LAW RELATING TO MARRIAGE.

Mr. FOSTER of Washington. I should like to ask for the consideration of——

The PRESIDENT pro tempore. Such a request is not in order. Unanimous consent was given for the consideration of District of Columbia bills up to 2 o'clock.

Mr. GALLINGER. I ask now for the consideration of the bill (S. 4130) to amend sections 1288, 1293, and 1294 of the Code of the District of Columbia, relating to marriages, so as to authorize marriages according to the custom of the Society of Friends or Quakers.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTRACTS WITH THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask for the consideration of the bill (S. 4419) in relation to contracts with the District of Columbia.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GALLINGER. As this matter relates to contracts and some questions might be raised, I ask that the letter of the Commissioners may be read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read the report submitted by Mr. GALLINGER February 26, 1904, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 4419) in relation to contracts with the District of Columbia, having considered the same, report thereon with a recommendation that it pass.

The bill was prepared by the Commissioners of the District of Columbia and introduced at their request. Their reasons for recommending its enactment into law are set forth in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 17, 1904.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith, with request for favorable action thereon, a draft of "A bill in relation to contracts with the District of Columbia."

Section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, provides that contracts must be made for all work involving the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature involving an expenditure of more than $100. In a recent informal interview with the Comptroller of the Treasury the Commissioners were advised that a literal compliance with this provision of law was obligatory upon them, even though it required additional clerical force to prepare and record the almost innumerable contracts for comparatively small amounts, and even though the cost of doing such work was increased by the cost of the bond which is required to be filed with each contract. Experience has shown that the District can, with absolute safety, enter into agreements with contractors to do work up to the sum of $500 without requiring a formal contract and bond, and for this reason favorable action upon the proposed change in law is requested.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. J. H. GALLINGER,
Chairman of Committee on the District of Columbia,
United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF ALBEMARLE STREET.

Mr. GALLINGER. I ask that the bill (S. 3869) for the extension of Albemarle street be next considered.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 7, after the word "directed," to insert "within twenty days after the passage of this act;" so as to make the section read:

That inasmuch as over 99 per cent of the ground required for the extension of Albemarle street, in the District of Columbia, from Connecticut avenue to Rock Creek Park, has been dedicated to the District of Columbia, the Commissioners of said District are hereby authorized and directed, within twenty days after the passage of this act, to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary to complete the extension of Albemarle street to a width of 90 feet between Connecticut avenue and Broad Branch road.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 4, after the word "condemned," to strike out "to connect said streets;" in line 8, after the word "as," to strike out "herein provided" and insert "extended;" in line 10, after the word "benefited," to insert "by the extension of said street;" and in line 12, after the word "benefited," to strike out the following:

Provided, That the remaining portion of any parcel of land of any party or parties dedicating or who may have heretofore dedicated a portion thereof for the extension of said Albemarle street shall be exempt from any assessment in respect to the cost of condemning any portion of said street that may not be dedicated, and from any assessment or tax for benefits to such remaining land, or any portion thereof, for the extension of said street.

And to insert:

; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and also the fact that dedications have been made from said pieces or parcels for the extension of said street.

So as to make the section read:

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned, as herein provided, not less than one-half thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits against those pieces or parcels of land on each side of Albemarle street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street, in the proportion that said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and also the fact that dedications have been made from said pieces or parcels for the extension of said street.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 4, after the word "provided," to insert "and to assess benefits;" and in line 6, after the word "seven," to strike out "eight;" so as to make the section read:

SEC. 3. That the proceedings to condemn the land necessary to connect said street as herein provided and to assess benefits shall be taken under the provisions of sections 3, 4, 5, 6, 7, 9, and 11 of an act of Congress entitled "An act for the extension of Columbia road east of Thirteenth street, and for other purposes," approved June 6, 1900, so far as the same may be applicable to the provisions of this act: *Provided*, That the amount of money found to be due and awarded as damages as hereinbefore provided shall be payable one-half out of the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated, and a sufficient sum to pay the amount of said awards is hereby appropriated, payable as aforesaid.

The amendment was agreed to.

The next amendment was to insert, after section 3, the following as an additional section:

SEC. 4. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable as provided in section 5 of the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of the property proposed to be taken, or of property assessed for the benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESIGNATION OF PARCELS OF LAND.

Mr. GALLINGER. I ask for the consideration of the bill (S. 3456) to distinctly designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes.

The Secretary read the bill.

Mr. BACON. I wish to know if I correctly understood the clerk in reading the bill to state the "county of Washington" several times? Do those words occur?

The PRESIDENT pro tempore. The Chair is informed that they do occur.

Mr. BACON. It may be that legislation has escaped me, but is there such a county of Washington? There is none in the District of Columbia unless there has been some legislation that I am not informed of. The word "county" occurs two or three times.

Mr. GALLINGER. Does it say "county of Washington?"

Mr. BACON. That is the way the Clerk read it each time.

Mr. GALLINGER. It speaks of county taxation.

Mr. BACON. The Secretary read "county of Washington" several times.

Mr. GALLINGER. It does occur—"blocks, lots, and parcels of land in the said county of Washington."

Mr. BACON. It occurs more than once. It occurs at least three times.

Mr. GALLINGER. I think the Senator is mistaken as to that, but it does occur once, certainly.

Mr. BACON. I can not be mistaken, because the Senator from Texas [Mr. CULBERSON] who sits next to me confirms my statement.

Mr. GALLINGER. I will state to the Senator that the report of the committee embraces a letter from the Commissioners, in which the Commissioners say:

The county of Washington was, prior to 1872, under control of the old levy court. In that year the court was succeeded by the board of public works, but failed to deliver to its successor any of its records or plats. As a consequence, when the present form of government was installed it was wholly unprovided with plats of county property.

So it seems there is such a thing in this District as a county of Washington.

Mr. BACON. Does the Senator mean that the use of that phraseology in the second section is intentional?

Mr. GALLINGER. I should say so.

Mr. STEWART. Allow me to state that the land outside of the corporations of Georgetown and Washington—outside the boundary—was originally the county of Washington.

Mr. GALLINGER. Yes.

Mr. STEWART. But all its county functions have been abolished, and the name simply remains.

Mr. GALLINGER. That is all.

Mr. HOAR. Is that a legal name?

Mr. STEWART. It was the legal name. It is referred to sometimes by the original legal name, and so it is used in this report. It is referred to for boundaries; that is all.

Mr. GALLINGER. I will state to the Senator from Georgia——

Mr. BACON. I will call the attention of the Senator from New Hampshire to the fact, pointed out to me by the Senator from Texas [Mr. CULBERSON], that the phrase occurs three times, twice in the first section and once in the second section. Possibly it occurs in other places; I am not sure.

Mr. GALLINGER. I think the Senator is right about that. This bill was drafted by the Commissioners of the District of Columbia, or by the law officer of the District, and there is to-day such a thing as the county of Washington—the land outside of the city limits.

I will say to the Senator that I think it is an unfortunate designation, but nevertheless it exists.

Mr. BACON. I wish to make a suggestion to the Senator. In

ordinary legislation, when we say a county we are speaking of a political entity.

Mr. GALLINGER. Certainly.

Mr. BACON. And there is no such political entity in the District of Columbia.

Mr. GALLINGER. That is true.

Mr. BACON. If it be true, as I understand from the Senator, that what is now the District of Columbia formerly constituted part of a county of Maryland known as "Washington," then those are now simply words of description and ought not to be designated as a county inside the District, because there is no such thing. If the word "formerly" is used before the words "the county," simply to preserve the identity of certain blocks and subdivisions of that former county, it would be all right, but I respectfully submit that it is not in accordance with correct designation to speak of the county of Washington, in the District of Columbia, because there is no such political entity.

Mr. GALLINGER. With the Senator's permission, I will have the bill passed over for the present.

Mr. BACON. Very well.

The PRESIDENT pro tempore. The bill will be passed over.

CONNECTING ROADS TO ZOOLOGICAL PARK.

Mr. GALLINGER. I ask for the consideration of the bill (S. 2710) for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MUTUAL INVESTMENT FIRE INSURANCE COMPANY.

Mr. GALLINGER. I ask for the consideration of the bill (H. R. 2871) to incorporate the Mutual Investment Fire Insurance Company of the District of Columbia.

The bill was read.

Mr. HOAR. I should like to inquire of the Senator from Vermont [Mr. DILLINGHAM] who reported this bill the reason why, as to this Mutual Investment Fire Insurance Company of the District of Columbia, this provision was made?

SEC. 3. That the assets of said company shall consist of the premium notes given by the insured, the cash paid as interest thereon, and all property and profit derived from the investment or use of its income or assets; but the reserve fund of said company shall not, at any one time, exceed $2.0,000, exclusive of the real estate it may hold as hereinafter authorized.

Would not that be rather a small amount for a reserve fund in the event that a great fire like that in Baltimore, should occur in Washington, or wherever the business of this company may be transacted? The members of a mutual fire insurance company are likely to be persons by whom an assessment is liable to be pretty severely felt. It seems to me that instead of limiting the amount of the reserve fund of this company to $200,000, which might not be enough to cover one-half of its losses under certain conditions, it would be better policy to provide that the reserve fund shall not exceed a certain percentage of the liabilities. I suppose the object of that limitation is to prevent the accumulation of too large a reserve fund, and that it is like other limitations upon corporations owning a vast amount of property.

I suggest to the Senator that perhaps the bill had better go over so that it may be further considered.

Mr. DILLINGHAM. This bill came from the other House; its provisions have been submitted to the Commissioners of the District of Columbia and have met their approval.

Mr. HOAR. Probably the Commissioners did not consider that point.

Mr. DILLINGHAM. Probably not.

Mr. HOAR. I have had, as I suppose every lawyer has had, a very large opportunity for considerable observation about these limitations on insurance and other business corporations, and I suggest to the Senator from Vermont that he let the bill go over until Monday morning, and in the meantime that he prepare an amendment to the effect that the reserve fund and property of this insurance company shall not exceed a certain percentage—not making it an unreasonable percentage—of the amount of its liabilities. Such a reserve should be proportioned to the extent of its business in the District, which may amount to four or five million dollars. If there should occur a fire here like that which occurred in Baltimore, this little reserve fund of $200,000 would be very inadequate, and certainly a mutual insurance company ought not to be created with the expectation that its liabilities are to be met by assessments on its stockholders, for that is a long and intricate process.

Mr. DILLINGHAM. I think the suggestion of the Senator from Massachusetts is a good one, and I am therefore perfectly willing that the bill shall go over.

The PRESIDENT pro tempore. The bill will be laid aside for the present.

TEMPORARY COMMITMENT OF INSANE.

Mr. GALLINGER. Mr. President, I now ask for the consideration of House bill 8692.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8692) to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes.

Mr. HOAR. I desire to move an amendment to this bill, and I ask the Senator from Vermont [Mr. DILLINGHAM], who reported it, if he will accept the amendment. In section 1, page 2, line 10, after the words "notify husband or wife," I suggest that the words "and children if of lawful age" be inserted, and then where it reads "or some near relative or friend," to strike out the word "or" and insert the words "and also;" so that it will read "and also some near relative or friend."

The object of the amendment is to prevent fraudulent or colorable commitments of persons, especially of married women who have property and single women who have property, whose relatives wish to get control of it. It seems to me it would be well to provide for notice to some persons outside, because the persons originally notified might be the very persons who are in such a conspiracy.

Mr. GALLINGER. Would it not read better, I will ask the Senator, if the language were as follows:

Notify the husband, wife, children, if of lawful age, or some near relative.

Mr. HOAR. I want to have it appear that they shall all be notified, not merely one of them.

Mr. GALLINGER. Very well.

Mr. HOAR. I think if a person of full age is to be committed to an asylum there ought to be some notice beyond that to the husband or wife or children, because there might be a conspiracy on their part.

Mr. DILLINGHAM. If the Senator will read this section carefully, he will see that it relates exclusively to the arrest of persons who are found or believed to be insane, and it provides for their temporary commitment. I should be very glad to adopt any amendment which will fully protect them in all of their interests, but it occurs to me that the amendment the Senator suggests is so broad that it might require a considerable length of time to reach all of these parties and have notice served upon them, and it might not be necessary to do so.

Mr. HOAR. Under this bill, as it now reads in regard to these commitments, a man with a wife and children or a woman with a husband and children might be committed, and the notice might be sent by the officer to some friend, so that there would be no notice sent to the family at all. The Senator certainly will change that.

Mr. DILLINGHAM. Certainly, I shall be very glad to accept any amendment.

Mr. KEAN. Mr. President, this colloquy may be very interesting, but we can not hear a single word over here.

Mr. HOAR. I would suggest that the provision should be so worded that notification will be sent to "the husband or wife and children, if of lawful age, and also some near relative or friend" if the address be known. It seems to me that is not going too far. There will be only one person out of the family to be notified.

Mr. GALLINGER. There is no objection to that amendment.

Mr. DILLINGHAM. I do not object to the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from Massachusetts will be stated.

The SECRETARY. In section 1, on page 2, line 10, after the word "wife," it is proposed to strike out the word "or" and insert "and children, if of lawful age, and also;" so as to read:

Provided, however, That it shall be the duty of the major and superintendent of the said Metropolitan police to forthwith notify the husband or wife and children, if of lawful age, and also some near relative or friend of the person so apprehended and detained whose address may be known to the said major and superintendent or whose address can by reasonable inquiry be ascertained by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC PARK ON GEORGETOWN HEIGHTS.

Mr. GALLINGER. I now ask for the consideration of the bill (S. 3288) to provide a public park on Georgetown Heights, in the District of Columbia.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the acquirement by purchase or condemnation of the tract of land known as "Montrose," lying immediately north of Road or U street and east of Lovers lane, on

Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding $150,000, and for that purpose appropriates $150,000, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated; and that the tract of land when acquired shall be forever held and used as a park for the recreation and pleasure of the people.

Mr. ALLISON. I should like to hear the first section of the bill again read.

The Secretary again read section 1.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMISSION OF FINES AND GRANTING OF PARDONS.

Mr. GALLINGER. I now ask for the consideration of the bill (S. 2299) to authorize the Commissioners of the District of Columbia to remit fines and grant pardons, which has been heretofore read and partially considered.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Commissioners of the District of Columbia are hereby authorized and empowered to grant pardons for all offenses which are cognizable in the police court of the District of Columbia and are in violation of any act of Congress now in effect or hereafter to be enacted relating to municipal matters, or of any police regulation, building regulation, or other regulation now in effect or hereafter to be adopted by the said Commissioners by authority of law for the violation of which a penalty or forfeiture is provided, or of any law or ordinance of the late corporation of Washington, any law or ordinance of Georgetown and of the levy court, and any law enacted by the legislative assembly which still remains in effect; and that the power of pardon hereby granted shall include all the lesser degrees of the pardoning power.

SEC. 2. That the said Commissioners shall have the power to grant remissions of forfeitures of recognizances acknowledged and taken, or to be acknowledged and taken, before any court, judge, justice of the peace, or other magistrate within the District of Columbia in the course of any criminal prosecution for violation of any of the laws and regulations mentioned in the first section of this act or for surety of the peace.

SEC. 3. That the said Commissioners shall file and keep all applications for clemency and all other papers relating thereto in cases of which they shall take cognizance, shall keep a docket showing the course of action upon each application for clemency, and shall make an annual report to Congress at the commencement of each regular session of all cases in which they have exercised clemency during the last preceding fiscal year, said statement to show in each case the name of the recipient of clemency, the sentence and its date, the extent of the act of clemency, the date of such action, and the reason therefor.

SEC. 4. That the said Commissioners are hereby authorized to make and promulgate rules governing the manner and form of applications for clemency and the conditions under which such applications will be considered.

SEC. 5. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 6. That this act shall take effect and be in force from and after thirty days from the date of its approval.

Mr. SPOONER. I should like to ask the Senator from Florida [Mr. MALLORY] who, I understand, has reported this bill, and who, of course, has investigated this question, whether Congress can confer upon the District Commissioners the power to pardon?

Mr. MALLORY. I do not think there is any doubt about it. They have done it for a long time.

Mr. SPOONER. In this District?

Mr. MALLORY. Yes, sir; they have the power now. Has the Senator the report on this bill?

Mr. SPOONER. No; I have not the report. Perhaps it is here, though.

Mr. MALLORY. I communicated with the Attorney-General on the subject of the bill, and his response to my communication is pretty full. It was at his suggestion that I substituted the bill which is now before the Senate for the one originally introduced, drawn at the suggestion of the Commissioners.

Mr. SPOONER. I can understand there might be a distinction as to the power to remit forfeitures of recognizances, but I have not investigated the question, and the Senator has.

Mr. MALLORY. I had some doubt about it, and I thought I would submit it to the Attorney-General and have him investigate it. He says in his report:

I thoroughly agree with the Commissioners of the District of Columbia that the enactment of such a law is advisable for the reasons stated by them in the passage of their letter which you have quoted.

I find upon examination that the bill in its present form is even more limited in its scope than the present law—that is, the act of April 28, 1892 (27 Stat. L., p. 22). This limitation is twofold: First, the pardoning power is limited to offenses which are in violation of acts of Congress relating to municipal matters; whereas there are still in effect in the District of Columbia many of the laws and ordinances of the late corporations of Washington and of Georgetown, besides many regulations adopted by the Commissioners for the violation of which a penalty or forfeiture is provided.

I will not undertake to read the whole communication, but in effect the Commissioners of the District of Columbia ever since 1892 have exercised the pardoning power. This bill, I will state, meets with the approval of the Attorney-General, and was drawn, in fact, in the office of the Attorney-General.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Commissioners of the District of Columbia to exercise the pardoning power, and to remit forfeitures of recognizances."

SQUARE 1131 IN THE DISTRICT.

Mr. GALLINGER. I now ask that the bill (H. R. 819) to quitclaim all interest of the United States of America in and to all of square 1131 in the city of Washington, D. C., to Sidney Bieber, be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. That is the last bill I wish to call up today, so I yield the floor.

SALE OF INDECENT PHOTOGRAPHS IN MISSISSIPPI.

Mr. MCLAURIN. Mr. President, I ask the indulgence of the Senate for just a few minutes. I desire to present a matter to the Senate, and through the Senate to the country. I am averse to taking notice in the Senate of any newspaper misrepresentations, but I think the circumstances of this squib are such as to justify me in doing so. I find in yesterday's Evening Star, of this city, this squib:

Indianola is arresting people for selling photographs of President Roosevelt and Booker Washington. The city is loath to relinquish its suddenly acquired fame.

That would amount to very little disconnected from the Indianola post-office incident, but, connected with that, I think it has a significance which ought to be noticed, and especially as it is utterly unfounded.

I wish to read a letter to the Memphis Commercial-Appeal from Mr. A. G. Paxton, of Leland, Miss., whom I know well and have known for a long time. He is a lawyer of high standing, a gentleman of veracity, and I have no hesitancy in asserting my belief in his veracity. I regard him as a gentleman, as loyal to the truth as Edward Bruce, as fearless as Roderick Dhu or the Knight of Snowdoun, and as patriotic as William Wallace; and I am therefore satisfied that every word he has uttered in this article is absolutely true. I will not read his comments upon the facts, but I will merely read the statement of facts out of which I suppose this squib in yesterday's Evening Star grew. This is a letter directed by Mr. Paxton to the Commercial-Appeal, of Memphis, Tenn., and it is a letter to which he has appended his name, and his name is published:

On Friday evening, arriving at Leland, on my way to my plantation, I found an excited gathering of some of the most prominent planters and citizens of this county, and was requested to remain over there to assist in looking after a matter of the highest public importance, involving the present and future peace not only of this neighborhood, but of this whole southern country. The town marshal and a justice of the peace were enlisted, and going around to the livery stable four men, white men, were arrested. All were taken red-handed. In their baggage we found many beautiful pictures—photographs of landscapes and other views. These pictures, gotten up by the Whiteside View Company, of Cincinnati, Ohio, they had been showing and selling to white people. In addition to this we found other photographs of the most infamous and indecent character, some of white women in night robes, with portions of their persons exposed, and others of white women utterly naked, with not a rag or a leaf to hide their exposed naked persons. One in particular presented several white women naked as they came into the world, each in the arms of a naked negro. Pictures of this character, it was proved and admitted by the men, were widely sold to negroes. None of this character had been seen or shown by them to white people. One of the last named was taken from a negro by my brother, A. J. Paxton, at Wilmot, Miss.

All of these pictures purport to have been gotten up and issued by the Whiteside View Company, of Cincinnati, Ohio, whose name is printed thereon. With each set of pictures sold there was also sold a little view glass in a frame, which I believe is called a stereoscope. It gives the perspective. Placing the picture in the frame and looking through it shows like an open view—like nature. It is proper to say that the last-named picture was a representation of Bouquereau's picture, "The birth of Venus." In the original the man no doubt was white, but in the pictures being circulated the man had been colored black. Manifestly it was blacked for a purpose.

The men said that some of them had been in this business for as much as nine years. One of them claimed that he had only been working two days and had not delivered any pictures, and, claiming to have a wife and baby at the hotel, much against the wishes of some, on the woman's account he was permitted to escape by the first train north. All of them claimed that they were regularly employed by the Whiteside View Company, of Cincinnati, Ohio, and they stated that "this concern had not less than 100 agents" scattered over the country scattering this infamous seed of race hatred, desire for social equality, miscegenation, and lust of rape.

The three men—B. D. Shienes, L. D. Truitt, and J. H. Washburn—were tried in an orderly manner yesterday before F. H. Ivey, justice of the peace at Leland, and, pleading guilty, they were each fined $40 and given in addition twenty days on the county farm, the utmost penalty provided by the law.

The conduct of the people in thus permitting the law, utterly inefficient in its penalties, to take its course is, to say the least, a tribute to their patience and to their qualities as law-abiding and law-loving citizens, and the melting hearts which, upon a poor woman's account, permitted a vile firebrand to escape testifies to the chivalry of southern men and their reverence for women.

But, Mr. Editor, I doubt very much if the patience even of these men would have stood the strain had they known the whole truth. The accused claimed

that the coloring of the man in "The birth of Venus" was mere shading and was not intended to represent a negro nor to teach equality, though it was very black. It being inconceivable almost that any heart could be so malevolent and deadly in its hatred and that any brain could be so devilish as to design such infamy, the crowd seemed hardly able to credit their own senses, and as there were so many indecent pictures scattered throughout the country, notably on calendars, in saloons, and other places, they were disposed in part to deny the evidences of their own eyes and to be lenient.

After sentence had been pronounced and the crowd dispersed, it was developed that, through the mail, there had been sent to one of the convicted men, B. D. Shieves, from the Royal Picture Gallery Company, of 152 Lake street, Chicago, a sample of an article for sale. Mr. Campbell, of Greenville, who prosecuted the men, and I personally looked at this sample article. It consisted of a magnificent engraving showing President Theodore Roosevelt and Booker Washington seated at dinner in the White House. Upon a streamer on the front side of the table was printed in blazing letters the word "Equality." Accompanying this picture was a circular showing where these engravings, together with beautiful gilt frames, could be had, to wit, from the firm above-named.

This picture, with its plain, printed teaching, in the possession of one of these men, shows conclusively what was meant by the blackened man in the "Birth of Venus." As said before, the circulation of these first-named pictures has been going on by the Whiteside View Company, according to the statement of one of the men, with its hundreds of active canvassers, for many years. I presume that since the date of the famous dinner at the White House, or thereabouts, the Washington and Roosevelt picture has had active distribution also.

This states the facts, Mr. President. Indianola is about 20 miles, directly on the railroad, except it is about a mile from Leland down to Elizabeth——

Mr. FORAKER. Will the Senator allow a page to bring me the paper from which he has just been reading?

Mr. McLAURIN. Yes, sir. Indianola is about 20 miles east of Leland. These men have been selling beautiful pictures to the white people. They had exhibited to the white people there none other. They had these indecent pictures and the pictures of Mr. Roosevelt dining with Booker Washington, but they were neither selling nor exhibiting them to white people. It was stated by one of the men, who pleaded guilty to the charge preferred against him, that they had agents all over the country, and that they had been circulating and selling these pictures for nine years.

At the town of Indianola, when other agents were found selling pictures and not exhibiting to the authorities there, nor to the white people where they could be seen—the obscene pictures—they were arrested on what had been confessed, as stated, and an investigation made to see whether they, too, were selling obscene pictures. They were arrested for selling obscene pictures and not for selling the pictures of Mr. Roosevelt and Booker Washington.

Out of that incident this little clipping is taken, and it is charged that they are arresting people for selling pictures of the President and Booker Washington. That is not true; but that, in connection with the other evidence, was a circumstance to make the people of that community, and especially the officers, believe that they also were selling obscene pictures, which is a violation of the law of the State of Mississippi under our statute; and for such offense the arrest was made, and not for selling the pictures of the President dining with Booker Washington.

Now, those people who in this way post up teachings of social equality really by their action admit that they do not believe in the equality of the races, but that they believe the negro is of a depraved, inferior race, for they showed to the white people and sold to the white people only pictures of virtuous scope and effect, while they presented for sale and sold to the negroes base, lewd, obscene pictures with lecherous design.

Now, this has been going on, according to the confession of one of these parties, for nine years. When they present these pictures to negro men and sell them in violation of the laws of the State, the negroes are lured on thereby to commit a nameless crime against the white women of the State, and these negroes are therefor, in the rage of the people of the community, taken out and executed by vengeance and not by law, which in its turn is made a cause for a cry against an alleged lawlessness of the State of Mississippi.

These photographs do not purport to be pictures of women in the State of Mississippi, but they purport to be photographs taken in Cincinnati.

Now, here is the section of the law under which these people were taken up and tried, and the only wonder to me is that they were permitted to be tried at all, under the circumstances, in any portion of this country, North or South, East or West, on the Atlantic or on the Pacific. Section 1216 of the Annotated Code of Mississippi, 1892, reads:

1216. Obscenity, indecent prints, etc. (Laws 1884, p. 81). A person who sells, lends, gives away, or offers to give away, or shows, or has in his possession with intent to sell or give away, or to show, or advertises, or otherwise offers for loan, gift, sale, or distribution, an obscene or indecent book, writing, paper, picture, drawing, or photograph, or any article or instrument of indecent or immoral use, or who designs, copies, draws, photographs, or otherwise prepares such a book, picture, drawing, or other article, or writes or prints, or causes to be written or printed, a circular, advertisement, or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such an indecent or obscene article or thing can be purchased or obtained, is guilty of a misdemeanor, and, on conviction, shall be fined not more than $20 or imprisoned in the county jail not exceeding twenty days, or both.

I suppose the lawmakers never conceived that it was possible for any man or set of men to print or publish such pictures as these, or that it was possible for any men to go about and sell them, secretly or otherwise, else there would have been a severer penalty attached to this offense. I do not believe that any penalty is too severe, that the death penalty is not too severe, to apply to men who would thus encourage the commission of a crime which itself encourages lynching, not only in Mississippi, but in any section of this country.

Now, I say it can be seen that the people of Indianola did not arrest anybody for having in his possession or for selling pictures of Mr. President Roosevelt and Booker Washington, but in view of the fact that the men who were selling these pictures of the President and Booker Washington throughout the State had confessed that they were also engaged in the selling of the indecent, lewd, and obscene literature, it was reasonable to suppose that they were engaged in that infamy in Indianola. The authorities arrested them and then began to search for evidence to convict them.

It may be that ordinarily there ought to be evidence that would convict before a man is arrested, but after the men should have escaped from the community it would have been useless to procure the testimony or discover the testimony by investigation. Grand juries frequently indict where it is expected that on the trial in the court before a petit jury other evidence will be obtained to supplement that before the grand jury.

I beg pardon of the Senate for taking up its time. I think the Senate will see the justice of my doing so, however, to put the truth on its tardy way after the publication of this article, whether intentionally to deceive or not, by the paper from which I have read this clipping.

Mr. FORAKER. Mr. President, except only that the Senator from Mississippi seemed to think that it was worthy of attention, I should not have regarded what he has brought before the Senate as worthy of the slightest notice, and I would not, if I had seen it, as he has seen it, thought of saying anything about it to the Senate. But inasmuch as he has brought it before this body and made the comments that he has, I simply rise to say that I have never heard of the Whiteside View Company, of Cincinnati, Ohio, which seems to figure so prominently in this newspaper article. I am pretty familiarly acquainted, too, with the business men of that community, for I have lived there pretty nearly all of my life.

I hope the Senator from Mississippi and others will not take the Whiteside View Company, if there is any such company there, as a representative enterprise of that community. That is all I have to say. I now return the paper to the Senator.

Mr. McLAURIN. I never supposed that the Whiteside View Company, of Cincinnati, was a representative concern of Cincinnati. On the contrary, I suppose it is some secret, infamous concern there that represents nothing except the villainy which is exposed in the papers it sends out. I do not understand it to be representative of the people of Cincinnati.

Mr. FORAKER. I did not understand the Senator so to charge, and perhaps I need not have said anything at all. I never heard of the concern, and I doubt if there is any such a concern.

Mr. McLAURIN. I have been very unfortunate in my remarks if I have created the impression in the mind of the Senator from Ohio that I intended to charge that the people of Cincinnati or of Ohio or of any other section of the country indorse any such infamy as this. I am sure they do not.

Mr. FORAKER. No; I did not so understand the Senator.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. In pursuance of the notice heretofore given, I now move that the Senate proceed to the consideration of the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with, and that the bill may now be read for the consideration of amendments reported by the committee, and that if objection be made to any amendments so proposed those objected to may be temporarily passed over until the reading of the bill is completed.

The PRESIDING OFFICER (Mr. KEAN in the chair). Is there objection to the request of the Senator from California? The Chair hears none.

Mr. PERKINS. The Senator from Colorado [Mr. TELLER] desires me to yield to him for a few moments, which I do.

ESTATE OF G. B. STIMPSON.

Mr. TELLER. I ask leave to call up Senate bill 705, a short bill, which has passed the Senate once or twice. It involves a

small payment to an estate, a payment due to a widow who is in distress. It will take only a few moments.

The PRESIDING OFFICER. The bill will be read subject to objection.

Mr. TELLER. If it gives rise to any debate I will withdraw it.

The Secretary read the bill (S. 705) for the relief of the legal representatives of G. B. Stimpson; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the legal representatives of G. B. Stimpson, of Pueblo, Colo., $375, due him for clerk hire and expenses while serving as postmaster at South Pueblo, Colo.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Colorado to the fact that the report states that the Committee on Post-Offices and Post-Roads propose to amend the bill by striking out "seventy" and inserting "twenty;" and it is stated on the Calendar that the bill was reported with an amendment, but it is not so printed.

Mr. TELLER. I suppose it should be amended as the committee reported it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 7, before the word "five," strike out "seventy" and insert "twenty;" so as to read "$325."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BELLINGHAM BAY LIGHT-HOUSE, WASHINGTON.

Mr. FOSTER of Washington. I ask for the immediate consideration of the bill (S. 3725) to establish a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $30,000 to establish a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington, together with a suitable building, under the direction of the Light-House Board.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY RESERVATION OF FORT MISSOULA, MONT.

Mr. PROCTOR. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Vermont?

Mr. PERKINS. I yield to the Senator from Vermont, and then to the Senator from Wyoming [Mr. WARREN], each to call up a bill, provided the bill shall lead to no discussion.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 10761) to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont., to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SHERIDAN, WYO.

Mr. WARREN. Thanking the Senator from California, I ask leave to call up the bill (S. 143) to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, court, and other Government offices in the city of Sheridan and State of Wyoming, the cost of the site and building, including the vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $160,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPAYMENT OF DUTY ON ANTHRACITE COAL.

Mr. MCCOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maryland?

Mr. MCCOMAS. I ask the Senator to yield but a moment for the passage of a bill of five lines.

Mr. PERKINS. If it occasions no debate I do not object.

Mr. MCCOMAS. The bill is reported from the Committee on Finance. I ask unanimous consent for the present consideration of the bill (S. 1379) for repayment of duty on anthracite coal, and for other purposes.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Finance with an amendment, in line 5, to strike out the words "any port of the United States" and insert "the port of Baltimore, Md.;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to repay all moneys paid as duty upon anthracite coal at the port of Baltimore, Md., to the persons who paid the same after the 6th day of October, 1902.

Mr. GALLINGER. I will ask the Senator if Baltimore is the only port where these payments were made after the law went into effect?

Mr. MCCOMAS. I understand not; but the Committee on Finance thought they would confine this bill to the particular matter before them at the time.

Mr. GALLINGER. It seems to me that if similar payments were made at the port of Boston, for instance, or New York, they should be treated exactly as Baltimore is treated.

Mr. MCCOMAS. I have no doubt they would if they brought the facts before the committee, though of course I am not a member of that committee.

Mr. GALLINGER. I will not object to the bill, but it does seem to me to be extraordinary legislation. I will put that on record.

The PRESIDING OFFICER. Does the Senator from New Hampshire move to amend so as to include the port of Boston?

Mr. GALLINGER. No, I will not move an amendment. The Committee on Finance reported the bill. If they can square it with their own convictions. I do not know that I ought to sit in judgment on them, but I will say that I think it is an extraordinary bill.

Mr. PLATT of Connecticut. I understand the facts to be something like this: The Secretary of the Treasury issued an order at the time when there was so much excitement about the coal strike.

Mr. MCCOMAS. October 6, 1902.

Mr. PLATT of Connecticut. The Secretary issued an order in which he seemed to relax the strict vigilance which had been exercised in relation to the question whether coal imported was anthracite or bituminous, and at almost all ports, so far as we understand, certain coal coming from Wales was introduced free of duty.

Mr. MCCOMAS. Yes.

Mr. PLATT of Connecticut. But at Baltimore the custom-house officers required it to pay duty.

Now, there may be other places in the United States, but the only one which the committee were informed about and in regard to which the Secretary recommended that the duty should be refunded was Baltimore. We thought it proper to go as far as we had facts on which to justify our action. If at some other port hereafter a similar state of affairs should be shown to exist as existed in Baltimore, the committee would recommend a refund of the duties collected on anthracite at that port after the issuance of the order by the Secretary of the Treasury.

Mr. CULLOM. That explanation is satisfactory. I shall call for the regular order after this bill is out of the way.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Chair would state to the Senator from Maryland that the title of the bill ought to be amended.

On motion of Mr. MCCOMAS, the title was amended so as to read: "A bill for repayment of duty on anthracite coal at the port of Baltimore, Md."

ORDER OF BUSINESS.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Dakota?

Mr. PERKINS. If my colleagues on the committee do not object, I will not, provided the bill leads to no discussion.

Mr. CULLOM. It seems to me, if we are going to proceed with the appropriation bill at all to-day, the Senator had better insist upon going on with it.

Mr. PERKINS. Objection being made——

Mr. CULLOM. It is now 2 o'clock.

Mr. HANSBROUGH. I do not understand that the Senator from Illinois makes an objection. I have a little bridge bill here which I should like to have passed.

Mr. CULLOM. I do not object, except I think the Senate ought to proceed with the appropriation bill.

Mr. HANSBROUGH. Mr. President——

BUILDING FOR DEPARTMENT OF STATE, ETC.

The PRESIDING OFFICER. The Senator will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. PERKINS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from California asks that the unfinished business be temporarily laid aside.

Mr. PERKINS. I wish to state that this is a courtesy which Senators ask to have extended to them, and I do not feel at liberty to personally object, provided the bill called up invites no discussion.

Mr. HANSBROUGH. It certainly can not invite any discussion. It is a bridge bill in the usual form.

The PRESIDING OFFICER. The Chair hears no objection, and the unfinished business is temporarily laid aside.

BRIDGE AT FARGO, N. DAK.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.

The PRESIDING OFFICER. The bill will be read, subject to objection.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, on page 5, line 5, in section 5, after the word "control," to insert:

And all street-railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, and all telephone and telegraph companies shall be granted equal rights and privileges in the construction and operation of their lines across the bridge.

Mr. HANSBROUGH. I desire to offer an amendment to the amendment, to come in after the word "privileges," in line 7. I move to insert the words "upon reasonable terms."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORVILLE B. MERRILL.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from West Virginia?

Mr. PERKINS. I will yield, Mr. President; but I trust that Senators will permit us after this to proceed to the consideration of the appropriation bill.

Mr. SCOTT. It is a bill of but five lines, to correct the record of a soldier. A similar bill has been passed by the Senate before. I ask the Senate to proceed to the consideration of the bill (S. 3638) to relieve Orville B. Merrill, late captain Company I, Thirty-sixth Regiment Illinois Volunteers, of the charge of dishonorable dismissal.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. Let the bill be read in the Senate.

The Secretary again read the bill.

Mr. COCKRELL. I move to add the following proviso:

Provided, That no pay, bounty, or other allowance shall accrue by virtue of this act.

Mr. SCOTT. That is all right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I ask the Senate to proceed with the consideration of the fortifications appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Fortifications and other works of defense," on page 1, line 9, to increase the appropriation for construction of gun and mortar batteries from $655,000 to $700,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to insert:

To enable the Secretary of War, in his discretion, to purchase for the School of Submarine Defense for experimental work one submarine torpedo boat of the type of the "Protector," manufactured by the Lake Torpedo Boat Company, not to exceed, in the judgment and discretion of the Secretary of War, $250,000: *Provided*, That before said submarine torpedo boat is purchased or accepted by the War Department it shall have been fully tested to the satisfaction of the Secretary of War and shall fulfill all reasonable requirements for coast defense.

Mr. BERRY. Mr. President——

Mr. PERKINS. I ask that that amendment be temporarily passed over.

Mr. BERRY. I wish to make a point of order on the amendment, and I suppose we might as well settle it now as at any other time. I make the point of order that it has not been estimated for or recommended by the head of any Department.

Mr. GALLINGER. And that it is general legislation.

Mr. BERRY. And that it is general legislation also. It is subject to both points of order.

Mr. PLATT of Connecticut. The chairman of the subcommittee in charge of the bill suggested that the amendment be passed over. I do not know how soon the bill will be completed. If the bill is going to take long, I should prefer that the matter be passed over, because I am interested in it somewhat.

Mr. BERRY. Let it be passed over, if the Senator desires.

Mr. PLATT of Connecticut. An investigation is going on by a special committee, which I should like to attend. If I can be sent for when the reading of the bill has been concluded, I should like to be here when this amendment is considered. If the Senator from Arkansas desires to debate it——

Mr. BERRY. It is immaterial to me whether it is done now or at the close of the bill, but I want to have it understood that the point of order is made, and whether I am here or not, I shall desire the Chair to rule on it.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. GALLINGER. Mr. President, I do not quite agree to that course at present. If the Senator in charge of the bill will allow the amendment to be passed over until Monday next and allow it then to be pending, I have no objection. But I am somewhat interested in it. I have been sitting here for a couple of days expecting this bill to come up. I have other engagements. It seems to me the amendment ought not to be passed over to an indefinite period, when some of us might be out of the Chamber or away from the Capitol when it comes up.

Mr. PLATT of Connecticut. There are very few Senators here.

Mr. GALLINGER. There are very few Senators here this afternoon. I do not think that if contested the amendment could be adopted anyway to-day; certainly not without a call of the Senate.

Mr. BERRY. It would satisfy me entirely to have it go over until Monday and pass on the point of order at that time.

Mr. PERKINS. I am quite willing on behalf of the committee to consent that the consideration of this amendment shall go over until Monday, and that the reading of the bill shall be continued for action on unobjected committee amendments.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the subhead "Armament of fortifications," on page 4, line 12, to increase the appropriation for the purchase, manufacture, test, and issue of ammunition for machine and automatic guns, etc., from $161,600 to $261,600.

The amendment was agreed to.

The next amendment was, on page 4, line 18, to reduce the appropriation for the purchase, manufacture, test, and issue of rapid-fire guns for coast defense, etc., from $663,000 to $618,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to strike out:

For the purchase, manufacture, test, and issue of seacoast mortars, with their mounts, including sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $53,920.

The amendment was agreed to.

The next amendment was, on page 5, line 11, to increase the appropriation for the purchase, manufacture, test, and issue of ammunition for seacoast cannon, etc., from $180,000 to $330,000.

The amendment was agreed to.

The next amendment was, under the subhead "Frankford Arsenal, Philadelphia, Pa.," on page 8, after line 6, to insert:

For one boiler, engine, and generator of about 250 kilowatts capacity, fully equipped with speed controller, $19,000.

For necessary machinery for enlarging shrapnel plant authorized by the fortification appropriation act approved March 3, 1903, $30,000.

The amendment was agreed to.

The next amendment was, under the subhead "Fortifications in insular possessions," on page 9, line 9, to increase the appropriation for construction of seacoast batteries in the insular possessions from $500,000 to $700,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to strike out:

For procurement of land needed as sites for the defenses of the Hawaiian Islands, $200,000.

The amendment was agreed to.

The next amendment was, on page 9, line 16, to increase the appropriation for the purchase, manufacture, test, and issue, for the insular possessions, of seacoast guns and their mounts, etc., from $168,000 to $178,920.

The amendment was agreed to.

The next amendment was, under the subhead "Board of Ordnance and Fortification," on page 11, after life 20, to insert:

A. H. Emery elevating carriage: To enable A. H. Emery to proceed promptly in the work of building and erecting the 12-inch disappearing carriage and its loading apparatus being made by him for the Government it is hereby provided that the Secretary of War may, in his discretion, advance the said Emery, at any time or times which he thinks best, any part of the $84,343.02, balance of appropriations now available for completing the construction, erecting, and testing of the said 12-inch carriages and its foundations and loading apparatus, and making the preliminary tests thereof: *Provided also*, That the Secretary of War is, in his discretion, hereby authorized to close the contract with said Emery, under which he is now making this 12-inch carriage and its loading apparatus, by relieving him from all further work thereon and contracting with him for either an 8 or 10 inch disappearing carriage to be furnished by him in place thereof, together with its foundations, erection, and preliminary tests by him ready for the proof tests by the Board, and to pay therefor to the said Emery the said balance of $84,343.02, balance of appropriations above mentioned, in such sums and at such times as he shall, in his discretion, think best, to enable the said Emery promptly to construct and erect said carriage and its foundations and make the preliminary tests thereof, ready for its proof tests by the Board.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PERKINS. Mr. President, I agreed with the senior Senator from New Hampshire [Mr. GALLINGER] that the further consideration of this bill should go over until Monday, he desiring to be heard on the amendment relative to the submarine torpedo boats. The Senator from Massachusetts [Mr. LODGE] also desires that the amendment on page 9, lines 10 and 11, "For procurement of land needed as sites for the defenses of the Hawaiian Islands, $200,000," may have further consideration. I therefore ask unanimous consent that the vote by which that amendment was agreed to may be reconsidered.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. FORAKER. I wish to say to the Senator from California that I should like to be present when that amendment is considered, as I also shall have something to say upon it.

Mr. PERKINS. I ask the Senate to agree that on Monday the consideration of the bill shall be resumed immediately after the routine morning business.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the pending bill may be taken up immediately after the routine business on Monday morning. Is there objection? The Chair hears none, and it is so ordered.

LEGAL REPRESENTATIVES OF ALVIN M. RYERSON.

Mr. FORAKER. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. KEAN. I hope the Senator from Ohio will withhold that motion for a moment in order that I may have a bill considered, which will not take any time.

Mr. FORAKER. Very well.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 3623) for the relief of the legal representatives of Alvin M. Ryerson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the legal representatives of Alvin M. Ryerson, of Auburn, Me., $300, that being the amount paid by him in August, 1864, as commutation on account of draft in Skowhegan, forty-eighth subdistrict, third district of Maine.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the time, and passed.

CONSULAR INVOICE FEES.

Mr. LODGE. With the leave of the Senator from Ohio [Mr. FORAKER], I ask unanimous consent for the present consideration of the bill (S. 3314) to regulate consular invoice fees.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that hereafter, in the importation of merchandise into the United States from foreign countries, all importations exceeding $25 in amount shall require to be supported by an invoice certified to by a consular officer of the United States, according to the present provisions of law; that the fees for such certification by the consular officer shall be as follows: One dollar for each invoice of merchandise valued at not more than $400; for each additional $100 worth of merchandise, or fraction thereof, up to a total valuation of not more than $1,000, there shall be added to the fee of $1 25 cents additional; and that for each additional $1,000 worth, or fraction thereof over $1,000, there shall be added to the fee for an invoice of $1,000 worth of merchandise 50 cents additional.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. THOMAS W. SYMONS.

Mr. WARREN. The Senator from Ohio [Mr. FORAKER] has kindly consented that I may call up a joint resolution. I ask unanimous consent for the present consideration of the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINCOLN W. TIBBETTS.

The PRESIDENT pro tempore (Mr. FRYE). Will the Senator from Ohio [Mr. FORAKER] yield to the junior Senator from Maine to ask for the present consideration of a bill?

Mr. FORAKER. I will, with pleasure.

The PRESIDENT pro tempore. The junior Senator from Maine asks unanimous consent for the present consideration of the bill (S. 3622) for the relief of Lincoln W. Tibbetts.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay $15,000 to Lincoln W. Tibbetts, of Portland, Me., in full settlement and satisfaction of his claim for losses sustained by him in bringing back to New York the cargo of the brig *Tornado*, consisting of 8,000 kegs of gunpowder, shipped per that brig from the said port to New Orleans in December, 1860, of which he was master and managing owner, whereby the powder was prevented from falling into the hands of the authorities of the seceding States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES A. CARROLL.

Mr. PROCTOR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Vermont?

Mr. FORAKER. I yield to the Senator from Vermont.

Mr. PROCTOR. I ask unanimous consent for the present consideration of the bill (S. 398) for the relief of James A. Carroll.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to cause the accounts of James A. Carroll, postmaster at Randall, Kans., to be credited with $99, and that he cause the credit to be certified to the Auditor of the Treasury for the Post-Office Department, being on account of the loss of $99 in postal funds in transit, the mail pouch in which it was consigned being stolen from the Jamestown, Kans., post-office and the money abstracted therefrom, it appearing that the loss was without fault or negligence on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF SNAKE RIVER, ALASKA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 3844) to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 9, after the words "Secretary of War," to strike out "and for such purpose to do each and every act and thing that may be necessary," and insert "with a view;" and in line 11, after the word "to," to strike out "make," and insert "making;" so as to make the section read:

That there be, and is hereby, granted to the Nome Improvement Company, a corporation organized under the laws of the State of Washington, the right to dredge Snake River, which enters Bering Sea at or near Nome, Alaska, for a distance of 5,000 feet from the mouth thereof, and to construct bulkheads and jetties at the mouth of said river, in accordance with plans to

be approved by the Secretary of War, with a view to making said Snake River available for harbor purposes for vessels drawing not less than 6 feet of water.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 4, after the words "Snake River," to strike out "so as to admit therein vessels drawing not less than 6 feet of water;" in line 6, after the word "jetties," to insert "so as to form a channel from the ocean into Snake River not less than 50 feet wide and 6 feet deep at mean low tide;" in line 9, after the words "maintain the," to strike out "stage of water" and insert "channel;" in line 14, after the word "each," to insert the following:

Provided, however, That these rates of toll may be revised, modified, and changed by the Secretary of War whenever he becomes satisfied that the same are unreasonable or oppressive: *Provided further*, That all native Indians and Eskimos shall have the right of free ingress and egress through said channel and jetties to and from Snake River with their boats, provisions, and personal effects.

So as to make the section read:

SEC. 2. That upon the completion of the dredging of said Snake River and the construction of the bulkheads and jetties, so as to form a channel from the ocean into Snake River not less than 50 feet wide and 6 feet deep at mean low tide, the said Nome Improvement Company shall have the right, during the time it may maintain the channel aforesaid, to collect as toll on freight and passengers entering or leaving the mouth of the jetties so constructed, as follows: On all freight carried in or out, $1 per ton; passengers, 25 cents each; horses and cattle, $1 per head; hogs and sheep, 25 cents each: *Provided, however*, That these rates of toll may be revised, modified, and changed by the Secretary of War whenever he becomes satisfied that the same are unreasonable or oppressive: *Provided further*, That all native Indians and Eskimos shall have the right of free ingress and egress through said channel and jetties to and from Snake River with their boats, provisions, and personal effects.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 7, after the word "constructed," to insert "and land reclaimed;" in line 9, after the words "company of," to strike out "the amount actually invested by it at the time, together with 6 per cent interest on all sums so invested from the date of the investment thereof" and insert "the reasonable value thereof;" and in line 12, after the word "thereof," to insert:

Provided further, That the work of improvement herein described shall be begun within one year from date of approval of this act: *Provided further*, That if after the lapse of two years from date of approval of this act the said improvement company shall, at any time during the season of navigation, permit said channel for three consecutive months to be of less depth than 6 feet at mean low tide, for a full width of 50 feet, then all rights of said company as herein determined shall cease, and the harbor improvements constructed, including bulkheads, jetties, and reclaimed lands, shall become the property of the United States without recompense to the company: *Provided further*, That no exclusive privileges to dredge in Snake River as an incident to mining are herein conferred; and the said improvement company shall assume all liability for damages that may arise as the result of work undertaken by it under the authority of this act: *Provided further*, That this act shall not be held to authorize the infringement or impairment of the legal rights of any person, company, or corporation: *And provided further*.

So as to make the section read:

SEC. 3. That the said improvement company shall have the right to occupy and use land by it reclaimed on each side of its said canal and jetties, where such land is not at the time of the approval of this act legally held or owned by any person, company, or corporation: *Provided*, That nothing herein contained shall be construed as limiting the rights of any State which may be hereafter organized from said Territory of Alaska to assert title to tide lands: *Provided further*, That the United States may, upon notice to said company of not less than one year, take possession of and acquire full title to all such harbor improvements constructed and land reclaimed by said Nome Improvement Company under authority hereof, upon payment to said company of the reasonable value thereof: *Provided further*, That the work of improvement herein described shall be begun within one year from date of approval of this act: *Provided further*, That if after the lapse of two years from date of approval of this act the said improvement company shall, at any time during the season of navigation, permit said channel for three consecutive months to be of less depth than 6 feet at mean low tide, for a full width of 50 feet, then all rights of said company as herein determined shall cease, and the harbor improvements constructed, including bulkheads, jetties, and reclaimed lands, shall become the property of the United States without recompense to the company: *Provided further*, That no exclusive privileges to dredge in Snake River as an incident to mining are herein conferred; and the said improvement company shall assume all liability for damages that may arise as the result of work undertaken by it under the authority of this act: *Provided further*, That this act shall not be held to authorize the infringement or impairment of the legal rights of any person, company, or corporation: *And provided further*, That said harbor, when duly constructed, shall, under uniform regulations to be adopted by said company, be free to such vessels as may be able to enter the same as a harbor of refuge in stress of weather.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FERNANDINA, FLA.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 4598) providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "hundred," to strike out "two" and insert "one;" and on page 2, line 4, after the word "alleys," to strike out the following:

And provided further, That the State of Florida shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site and to cause to be erected at the city of Fernandina, in the State of Florida, a suitable building for a custom-house and for the use and accommodation of the post-office, the United States courts, and other Government offices in said city, with fireproof vaults extending to each story, the site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000: *Provided*, That there shall be an open space of not less than forty feet upon every side of said building, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GNADENHUTTEN (OHIO) SPECIAL SCHOOL DISTRICT.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (H. R. 891) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that lots 68 and 69, in the town of Gnadenhutten, Ohio, shall be quitclaimed to the Gnadenhutten special school district of Gnadenhutten, Tuscarawas County, Ohio, subject to the disposition and control of the board of education of that district.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN REGISTER FOR BRITISH SHIP PYRENEES.

Mr. PERKINS. By permission of the Senator from Ohio [Mr. FORAKER], I ask unanimous consent for the present consideration of the bill (S. 1750) to provide an American register for the British ship *Pyrenees*.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "four-mast," to strike out "barque" and insert "ship;" and in line 6, after the words "United States," to insert "under the name of Manga Reva;" so as to make the bill read:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built four-mast ship Pyrenees, owned by I. E. Thayer, a citizen of the United States, to be registered as a vessel of the United States under the name of Manga Reva whenever it shall be shown to the Commissioner of Navigation that the cost of the repairs put upon such vessel in the United States, or done with material or by labor brought from the United States, is equal to or in excess of ten times the cost of said vessel in her wrecked condition.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. E. SIMPSON & CO.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 3952) for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred on the Court of Claims to readjudicate the case of J. E. Simpson & Co. against The United States, being No. 18028 on the docket of the said court, upon the evidence therein and such further competent evidence as may be adduced by either party within such reasonable time as the court may fix and determine, and if the said court shall find upon such readjudication that the said firm sustained damage or loss in the construction of a timber dry dock for the United States at the New York Navy-Yard, during the years 1887 to 1890, by reason of the fact that the soils underlying the site selected and provided for the said dry dock by the United States were unstable or were not as described by a profile and report, furnished to the said firm by agents of the United States, prior to the execution of the contract for the said dry dock between the said firm and the United States, the said court is hereby authorized and empowered to enter judgment in favor of the said firm for the amount of its damage or loss so found.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

RAILROAD MAP OF THE UNITED STATES.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 4421) for the preparation of a railroad map of the United States. It is a short bill, unanimously reported by the Committee on Interstate Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. ALLISON. It seems to me that instead of $18,000 it should be $180,000 at least. I would be glad to have the Senator in charge of this bill explain it.

Mr. KEAN. I will say to the Senator from Iowa that there is an estimate from the Director of the Geological Survey, and he says it will cost $18,000.

Mr. ALLISON. This is to be an accurate railroad map. I take it from that statement that it will be necessary for the Geological Survey to make surveys of all the lines of railroads in order to have an accurate map.

Mr. KEAN. Not at all. They have the lines of all the railways. It is merely to plat them.

Mr. ALLISON. Of all the railways?

Mr. KEAN. Of all the railways.

Mr. ALLISON. It would be a very good thing, but unless it is done upon the basis of existing surveys it will certainly cost a very large sum of money.

Mr. KEAN. The estimate of the Geological Survey is that to print a thousand maps will cost about $18,000.

Mr. ALLISON. To print them?

Mr. KEAN. To get them up and print them. There is also a further estimate to support the amendment reported by the committee providing that the map shall show the railroad connections with Mexico and Canada at a cost of $2,000.

Mr. ALLISON. I am delighted to hear it will not cost more than $18,000.

The PRESIDENT pro tempore. The amendments reported by the Committee on Interstate Commerce will be stated.

The first amendment was, on page 1, section 1, line 7, after the words "United States," to insert "showing connecting lines in the Dominion of Canada and the Republic of Mexico;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made, under the supervision of the Director of the United States Geological Survey, and as soon as may be practicable, a railroad map of the United States, showing connecting lines in the Dominion of Canada and the Republic of Mexico on the scale of approximately 16 miles to 1 inch, which shall show State and county boundary lines.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 22, before the word "thousand," to strike out "eighteen" and insert "twenty;" so as to make the section read:

SEC. 2. That there is hereby appropriated for the above-named purpose, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, the same to be immediately available.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MOUNT RAINIER NATIONAL PARK.

Mr. FOSTER of Washington. I ask unanimous consent to call up at this time the bill (S. 342) for the improvement of the Mount Rainier National Park, in the State of Washington.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of a bill, which will be read for information of the Senate.

The Secretary read the bill.

Mr. BERRY. I should like to ask the Senator from Washington what committee reported the bill?

Mr. FOSTER of Washington. It was reported by the Committee on Forest Reservations and the Protection of Game.

Mr. BERRY. And it proposes to appropriate $50,000 for the improvement of another park in the West? Is that the idea?

Mr. FOSTER of Washington. Yes; to improve Mount Rainier Park similar to Yosemite Park.

Mr. BERRY. I think I shall object to the bill for the present. I should like to look at it a little.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

PRISCILLA R. BURNS.

Mr. WARREN. I desire to call up the bill (S. 2888) for the relief of Priscilla R. Burns.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $7,987 to Priscilla R. Burns, widow of the late Gen. William W. Burns, in full payment of the balance due him for royalty on 3,195 tents used by the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVIS COAL AND COKE COMPANY.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 2034) directing the issue of a duplicate of a lost check, drawn by Arthur J. Pritchard, pay director of the United States Navy, in favor of the Davis Coal and Coke Company. It will provoke no discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 3, after the word "Pritchard," to strike out "or his successor;" and in line 6, after the word "Company," to strike out—

under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks, under the provisions of section 3646, Revised Statutes of the United States as amended.

And insert:

or, in case said Pritchard shall cease to be in the service of the United States, then the amount shall be paid under the provisions of section 3646 of the Revised Statutes of the United States and the regulations issued in pursuance thereof by the Secretary of the Treasury;

So as to make the bill read:

Be it enacted, etc., That said Arthur J. Pritchard, pay director of the United States Navy, be, and he is hereby, instructed to issue a duplicate of said original check to the Davis Coal and Coke Company, or, in case said Pritchard shall cease to be in the service of the United States, then the amount shall be paid under the provisions of section 3646 of the Revised Statutes of the United States and the regulations issued in pursuance thereof by the Secretary of the Treasury.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FREDERICK W. JOSLIN.

Mr. MILLARD. I ask unanimous consent for the immediate consideration of the bill (S. 3246) to remove the charge of desertion from the name of Frederick W. Joslin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion now borne on the records of the War Department against the name of Frederick W. Joslin, late a private in Company C, One hundred and sixteenth New York Infantry, and to grant him an honorable discharge from the service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF THE AMERICAN FLAG.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (S. 1426) to prevent the desecration of the American flag.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 2, page 2, line 8, after the word "device," to strike out "or decoration;" in line 9, after the word "personal," to strike out "advantage;" in line 16, after the word "label," to insert "or;" in the same line, after the word "device," to strike out "or decoration;" and in line 17, after the word "personal," to strike out "advantage;" so as to make the section read:

SEC. 2. That any person or persons, corporation or company who shall imitate or represent, or cause to be imitated or represented, the flag or coat of arms of the United States as an advertisement, trade-mark, label, device for exclusive or personal gain or profit upon any material, article, goods, or merchandise, or who shall exhibit, display, or sell, or cause to be exhibited, displayed, or sold, or who shall hold in possession for exhibition, display, or sale any material, article, goods, or merchandise bearing in any manner any semblance, imitation, or representation of the flag or coat of arms of the United States as an advertisement, trade-mark, label, or device for exclusive or personal gain or profit shall be deemed guilty of a misdemeanor: *Provided, however*, That the devices now attached to the representation of the flag of the United States and worn by the Grand Army of the Republic as the badge and insignia of their order may continue to be so worn by them.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 6, before the word "dollars," to strike out "fifty" and insert "ten;" so as to make the section read:

SEC. 4. That any person, corporation, or company violating any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $10 nor more than $500, or by imprisonment not less than thirty days nor more than one year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. COULSON.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 1646) for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Mary A. Coulson, executrix and sole legatee of Sewell Coulson, deceased, late of Sullivan, Ind., $3,950 due to him for professional services rendered as an attorney at law in the defense of sundry actions against a military officer and men of his command in the Indiana State courts and the United States circuit court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL MONUMENT AT FORT RECOVERY, OHIO.

Mr. FORAKER. I desire to renew my motion to proceed to the consideration of executive business, but before I do so I yield to myself to ask for the present consideration of the bill (S. 2329) for the erection of a memorial structure at Fort Recovery, Ohio; a very short bill.

The PRESIDENT pro tempore. The Senator from Ohio is recognized. He asks for the present consideration of a bill, which will be read to the Senate for its information.

The Secretary read the bill; and there being no objection, the the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 1, after the word "memorial," to strike out "structure" and insert "monument;" so as to make the section read:

That the Secretary of War be, and he is hereby, authorized and directed to erect a suitable memorial monument on the grounds at Fort Recovery, Ohio, where lie buried the remains of Gen. Richard Butler, 630 American soldiers, and 61 officers, who, while under the command of General St. Clair, were slaughtered by the Indians of the Northwest Territory at the battle of Fort Recovery, Ohio, on the morning of November 4, 1791.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to make the bill read: "A bill for the erection of a memorial monument at Fort Recovery, Ohio."

ABSENTEE WYANDOTTE INDIANS.

Mr. LONG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. FORAKER. I yield to the Senator from Kansas.

Mr. LONG. I ask unanimous consent to call up the bill (S. 2268) to authorize the absentee Wyandotte Indians to select certain lands, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That each living adult Absentee Wyandotte Indian whose name appears upon a census roll of Absentee Wyandotte Indians made by Special Agent Joel T. Olive, as approved by the Secretary of the Interior December 7, 1896, may select in person, or by his duly authorized attorney in fact, under such rules and regulations as the Secretary of the Interior may prescribe, from the public domain, 80 acres of agricultural land wherever there may be such lands subject to entry; and the heirs of any deceased Absentee Wyandotte Indian so enrolled may in like manner select a like quantity of land in the name of their deceased ancestor, and the natural or legal guardian of any minor Absentee Wyandotte so enrolled may in like manner select 80 acres of agricultural land for his ward, and when lands shall have been so selected by any person entitled to make such selection and such selection is approved by the Secretary of the Interior, he shall cause a patent to issue in the name of the enrolled Absentee Wyandotte by or for whom such selection has been made, which patent shall contain the condition that the lands covered thereby shall not be aliened without the consent of the Secretary of the Interior: *Provided*, That as soon as any such selection has been made and approved the pro rata share of the Indian by or for whom such selection was made in the funds provided in the acts of August 15, 1894, and March 2, 1895, shall thereby become relinquished to the United States and shall be covered into the Treasury as proceeds of the sales of public lands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HANSBROUGH. I have not had an opportunity to examine the bill, but it seems to carry with it the right of deceased Indians or their heirs or attorneys to locate in their names, which is equivalent to the issuance of scrip in behalf of these Indians.

Mr. LONG. I think the Senator is mistaken. If he will examine the bill I think he will find that it gives no such right, as I understand. It is not the intention of the bill to give such right.

Mr. HANSBROUGH. I think the bill had better go over for examination on that ground.

The PRESIDENT pro tempore. Objection being made, the bill will go over.

CITIZENS' BANK OF LOUISIANA.

Mr. McENERY. I ask unanimous consent to call up the bill (S. 2467) for the relief of the Citizens' Bank of Louisiana.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEAN. Does the bill merely refer the claim to the Court of Claims?

Mr. CLAPP. It is a payment.

The PRESIDENT pro tempore. The bill makes a direct appropriation.

Mr. KEAN. How much?

The PRESIDENT pro tempore. Two hundred and fifteen thousand and some hundred dollars.

Mr. KEAN. I do not like to object, but I do not think we ought to pass a bill involving $215,000 so quickly without some explanation.

Mr. CULLOM. Is there a report?

The PRESIDENT pro tempore. The passage of the bill is recommended by the Court of Claims, the Chair understands, in the finding of that court.

Mr. FORAKER. Let the bill be again read.

The Secretary again read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Citizens' Bank of Louisiana $215,820.89 for a claim found due that bank by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCREARY and Mr. MITCHELL addressed the Chair.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I have that motion pending, I believe.

Mr. ALDRICH. I hope we will have a vote on it.

Mr. McCREARY. I ask the Senator from Ohio to yield to me that I may call up a bill which it will not take two minutes to pass.

Mr. FORAKER. I will withhold my motion for a moment to accommodate the Senator from Kentucky.

Mr. KEAN. I shall insist on the motion after the bill the Senator from Kentucky calls up has been disposed of.

ISABEL F. EASUM.

Mr. McCREARY. I ask unanimous consent to call up the bill (S. 3985) granting an increase of pension to Isabel F. Easum.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out "Captain;" in the same line, after the word "late," to strike out "of" and insert "second lieutenant and captain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isabel F. Easum, widow of Charles L. Easum, late second lieutenant and captain Company E, Fifteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

S. R. GREEN.

Mr. MITCHELL. Mr. President——

Mr. FORAKER. I wish to state that I will yield to the Senator from Oregon, but I can not yield after that. I shall insist upon my motion after the Senator from Oregon calls up a bill.

Mr. MITCHELL. I am much obliged to the Senator from Ohio.

I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 942) to reimburse S. R. Green, postmaster at Oregon City, Oreg., for moneys lost by burglary.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to repay to S. R. Green, postmaster at Oregon City, Oreg., $206.40, to reimburse him for key-deposit funds lost by burglary on December 17, 1896.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 14, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 12, 1904.

PROMOTION IN THE NAVY.

Gunner Frank L. Hoagland to be a chief gunner in the Navy from the 13th day of February, 1903, having completed ten years' service in his present grade.

This nomination is submitted to correct an error in the date of this officer's promotion as confirmed on March 4, 1904.

ASSISTANT ATTORNEY-GENERAL.

Charles H. Robb, of Vermont, to be Assistant Attorney-General, vice Henry M. Hoyt, appointed Solicitor-General.

POSTMASTERS.

ALABAMA.

Emily R. Lawrence to be postmaster at Livingston, in the county of Sumter and State of Alabama, in place of Thomas B. Smith. Incumbent's commission expired March 2, 1903.

CALIFORNIA.

Robert M. Richardson to be postmaster at Sacramento, in the county of Sacramento and State of California, in place of James O. Coleman. Incumbent's commission expired February 19, 1904.

DELAWARE.

John G. King to be postmaster at Newcastle, in the county of Newcastle and State of Delaware, in place of John G. King. Incumbent's commission expired March 3, 1904.

INDIANA.

Wilbur H. Dean to be postmaster at Windfall, in the county of Tipton and State of Indiana. Office became Presidential January 1, 1904.

KANSAS.

Charles S. Hutchison to be postmaster at Wilson, in the county of Ellsworth and State of Kansas, in place of Charles S. Hutchison. Incumbent's commission expired December 12, 1903.

MASSACHUSETTS.

Clarke P. Harding to be postmaster at Medway, in the county of Norfolk and State of Massachusetts, in place of Clarke P. Harding. Incumbent's commission expired March 6, 1904.

MINNESOTA.

Charles S. Harden to be postmaster at Le Roy, in the county of Mower and State of Minnesota, in place of Warren D. Harden, resigned.

MISSOURI.

Philip G. Wild to be postmaster at Spickard, in the county of Grundy and State of Missouri. Office became Presidential January 1, 1904.

NEBRASKA.

Edmund J. Burke to be postmaster at Bancroft, in the county of Cuming and State of Nebraska, in place of Edmund J. Burke. Incumbent's commission expired December 19, 1903.

John Ring to be postmaster at Hooper, in the county of Dodge and State of Nebraska, in place of Bernard Monnich, resigned.

NEW YORK.

Charles G. Bacon to be postmaster at Northville, in the county of Fulton and State of New York, in place of Charles G. Bacon. Incumbent's commission expired February 2, 1904.

Rufus Daggett to be postmaster at Utica, in the county of Oneida and State of New York, in place of Rufus Daggett. Incumbent's commission expired February 24, 1904.

Fred F. Hawley to be postmaster at Lake George, late Caldwell, in the county of Warren and State of New York, in place of Fred F. Hawley, to change name of office.

NEW JERSEY.

William M. Foster to be postmaster at Atlantic Highlands, in the county of Monmouth and State of New Jersey, in place of Rutsen S. Snyder, deceased.

Charles D. Stainton to be postmaster at Englewood, in the county of Bergen and State of New Jersey, in place of James Harris, removed.

NORTH CAROLINA.

Thomas E. Wallace to be postmaster at Wilmington, in the county of New Hanover and State of North Carolina, in place of Mary C. Darby. Incumbent's commission expired December 14, 1903.

PENNSYLVANIA.

Harvey E. Brinley to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania, in place of Julius R. Langner. Incumbent's commission expired January 22, 1904.

Joseph A. Buchanan to be postmaster at Ambler, in the county of Montgomery and State of Pennsylvania, in place of John S. Buchanan, resigned.

John C. White to be postmaster at Knoxville, in the county of Tioga and State of Pennsylvania, in place of John C. White. Incumbent's commission expired January 18, 1904.

WASHINGTON.

W. E. Foster to be postmaster at Sedro-Woolley, in the county of Skagit and State of Washington, in place of Ira Brown, resigned.

WISCONSIN.

Martin J. Gosa to be postmaster at Palmyra, in the county of Jefferson and State of Wisconsin. Office became Presidential January 1, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 12, 1904.

ASSAYER.

H. Smith Woolley, of Idaho, to be assayer of the United States assay office at Boise City, Idaho.

PROMOTIONS IN THE NAVY.

Capt. George A. Converse, United States Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear-admiral, for a term of four years from the 15th day of March, 1904.

Capt. Henry N. Manney, United States Navy, to be Chief of the Bureau of Equipment in the Department of the Navy, with the rank of rear-admiral, for a term of four years from the 15th day of March, 1904.

Commander William H. Everett to be a captain in the Navy from the 17th day of February, 1904.

Lieut. (Junior Grade) Louis Shane to be a lieutenant in the Navy from the 4th day of February, 1904.

Lieut. (Junior Grade) Edward W. McIntyre to be a lieutenant in the Navy from the 4th day of February, 1904.

Ensign William S. Miller to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904.

Paymaster John C. Sullivan to be a pay inspector in the Navy from the 4th day of November, 1903.

Ensign Edgar B. Larimer to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904.

First Lieut. John G. Muir, United States Marine Corps, to be a captain in the United States Marine Corps from the 27th day of December, 1903.

POSTMASTERS.

IDAHO.

Mary A. Wall to be postmaster at Blackfoot, in the county of Bingham and State of Idaho.

INDIAN TERRITORY.

James E. Elliott to be postmaster at Duncan, in the Chickasaw Nation, Ind. T.

KANSAS.

Joseph H. Smith to be postmaster at Downs, in the county of Osborne and State of Kansas.

MAINE.

Eugene A. Fairfield to be postmaster at Kennebunk, in the county of York and State of Maine.

MINNESOTA.

George E. Carson to be postmaster at Bemidji, in the county of Beltrami and State of Minnesota.

MONTANA.

Charles D. Howell to be postmaster at Havre, in the county of Chouteau and State of Montana.

NEBRASKA.

William Royer to be postmaster at Seward, in the county of Seward and State of Nebraska.

NEW YORK.

James Fox to be postmaster at St. Johnsville, in the county of Montgomery and State of New York.

Arthur Hartt to be postmaster at Ravena, in the county of Albany and State of New York.

Merrill Hosmer to be postmaster at Potsdam, in the county of St. Lawrence and State of New York.

NORTH CAROLINA.

Richard M. Norment to be postmaster at Lumberton, in the county of Robeson and State of North Carolina.

NORTH DAKOTA.

Ellef K. Myhre to be postmaster at Valley City, in the county of Barnes and State of North Dakota.

SOUTH CAROLINA.

Lawrence O. Harper to be postmaster at Honea Path, in the county of Anderson and State of South Carolina.

SOUTH DAKOTA.

Casper Kennedy to be postmaster at Sisseton, in the county of Roberts and State of South Dakota.

WASHINGTON.

W. E. Foster to be postmaster at Sedro Woolley, in the State of Washington.

Henry A. Rathvon to be postmaster at Marysville, in the county of Snohomish and State of Washington.

COMMERCE WITH ETHIOPIA.

The injunction of secrecy was removed March 12, 1904, from a treaty of commerce between the United States and the King of Ethiopia, signed on December 27, 1903.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 12, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

The SPEAKER. The Chair announces the following special committee, in pursuance of the resolution agreed to yesterday: Mr. MCCALL, Mr. HITT, Mr. BURTON, Mr. METCALF, Mr. MCDERMOTT, Mr. BARTLETT, and Mr. RICHARDSON of Alabama.

ANN A. DEVORE.

Mr. LOUDENSLAGER. Mr. Speaker, I submit the following conference report and statement, to be printed in the RECORD under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1760) "An act granting a pension to Ann A. Devore," having met, after a full and free conference, have agreed to recommend and do recommend to their respective Houses:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Conferees on the part of the House.

N. B. SCOTT,
LEE S. OVERMAN,
Conferees on the part of the Senate.

Statement to accompany report of committee of conference on the disagreeing votes of the two Houses on S. 1760, "An act granting a pension to Ann A. Devore."

This bill originally passed the Senate at $12 per month, but was amended in the House to $8 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $8 per month, as amended by the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

AUSTIN ALMY.

Mr. LOUDENSLAGER. Mr. Speaker, I submit the following conference report and statement, to be printed in the RECORD under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 200) "An act granting an increase of pension to Austin Almy," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Conferees on the part of the House.

P. J. MCCUMBER,
A. G. FOSTER,
Conferees on the part of the Senate.

Statement to accompany report of committee of conference on the disagreeing votes of the two Houses on S. 200, granting an increase of pension to Austin Almy.

This bill originally passed the Senate at $24 per month, but was amended in the House to $20 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $20 per month as amended by the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House that the President had approved and signed bills of the following titles.

On March 7, 1904:

H. R. 19. An act establishing a United States court at Marietta, Ind. T.

On March 9, 1904:

H. R. 7288. An act to authorize the Mobile and West Alabama Railroad Company to construct and maintain a bridge across the Black Warrior River, in Tuscaloosa County, Ala., in section 3, township 21 south, range 9 west of Huntsville meridian; and

H. R. 11812. An act relating to applications, declaratory statements, entries, and final proofs under the homestead and other land laws, and to confirm the same in certain cases when made outside of the land district within which the land is situated.

On March 12, 1904:

H. R. 9308. An act permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota.

INVITATION—JAMESTOWN EXPOSITION COMPANY.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent to present a letter of invitation and ask that it be read.

The SPEAKER. The gentleman from Virginia presents a letter of invitation. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

NORFOLK, VA., *March 9, 1904.*

To the Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

DEAR SIR: To the end that the three hundredth anniversary of the founding of Jamestown should be signalized adequately, the Jamestown Exposition Company was organized and chartered. The general assembly of the State of Virginia, understanding the preponderant influence which the first permanent settlement of the English-speaking people in America has had upon our nation's history and upon the spread of republican institutions throughout the world, considered that this opportunity to inculcate patriotism and exhibit progress should not be allowed to pass.

The gentlemen to whom has been instrusted the conduct of the memorial deem it proper that our nation's lawmakers should visit the spot most sacred in our country's history.

They, therefore, have the honor of requesting your presence, and that of the Members of the House of Representatives of the United States, on a pilgrimage to be made to Jamestown Island on the 18th day of this month, March, 1904.

O. BROOKS JOHNSTON,
Chairman Entertainment Committee.
[SEAL.] G. T. SHEPPERD,
Secretary Jamestown Exposition Company.

BRIDGE ACROSS THE TUG FORK OF BIG SANDY RIVER.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the consideration of the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 5811) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, accordingly was read the third time, and passed.

On motion of Mr. HUGHES of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHANNEL THROUGH SABINE LAKE, TEXAS.

Mr. COOPER of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 3565) directing the Secretary of War to expend $125,000 heretofore appropriated for a deep-water channel through Sabine Lake, Texas.

The bill was read at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, accordingly was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

On motion of Mr. COOPER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

MONUMENT TO JOHN BARRY.

Mr. DRISCOLL. Mr. Speaker, I have introduced a bill providing for the erection of a monument to the memory of John Barry, and I ask unanimous consent for leave to print some remarks on that bill.

The SPEAKER. The gentleman from New York asks unanimous consent that leave to print in the RECORD be granted on the

bill indicated. Is there objection? [After a pause.] The Chair hears none.

TRANSFER OF LINN COUNTY, MO., TO THE EASTERN DISTRICT.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Linn, in the State of Missouri, be detached from the western and attached to the eastern judicial district of the State of Missouri.

SEC. 2. That the United States courts for the western judicial district of Missouri shall retain jurisdiction of all civil and criminal causes, or proceedings of any nature, which originated in said county of Linn, and shall have jurisdiction of all offenses committed against the laws of the United States before the passage of this act until final disposition is made thereof.

The following amendment, recommended by the committee, was read:

Strike out all of section 2, and add to section 1, at the end thereof, the following:

"*Provided*, That the courts of the said western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun and pending at the date of the taking effect of this act, as completely as if this act were not passed."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUCKER, a motion to reconsider the last vote was laid on the table.

SCHOOL AND INDEMNITY LANDS IN THE GREAT SIOUX RESERVATION.

Mr. BURKE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the State of South Dakota shall have the right to select and enter school, indemnity, or other lands granted to the State by the enabling act providing for the admission of said State into the Union in the ceded portion of the Great Sioux Reservation, and said lands are hereby made subject to such selection and entry.

The amendments recommended by the committee were read, as follows:

Amend the title by adding thereto "and for other purposes."

Strike out the words "and enter," in the fourth and eighth lines, and strike out the comma after the words "school" and "indemnity," in the fourth line.

After the word "reservation," in line 7, insert the words "in South Dakota."

Add to the bill section 2, as follows:

"SEC. 2. That the general laws for the disposal of the public lands of the United States are hereby extended and made applicable to the said ceded portion of the Great Sioux Reservation in the said State."

The SPEAKER. Is there objection?

Mr. ROBINSON of Indiana. Mr. Speaker, reserving the right to object, I want to say that there is a class of legislation, a number of bills, that propose to open up the selection in various States and Territories for various eleemosynary and charitable institutions, and I want to know whether it comes within that class. This class of cases, I might say to the gentleman, will enable the assemblage of the irrigable lands, and for that reason I want an explanation of this bill.

Mr. BURKE. Mr. Speaker, in 1890 some 9,000,000 acres of the Sioux Reservation in South Dakota was opened for settlement. It was provided that the land should be disposed of under the provisions of the homestead law to settlers, they paying for the land a price that the Government paid to the Indians. Upon the expiration of ten years after that time, the Government was to pay for all the land which had not been taken. As a matter of fact, there was not exceeding 500,000 acres of the 9,000,000 taken, and only one-third of it has been taken up to the present time.

In May, 1900, we extended the free-home provision of the homestead law over that tract, and notwithstanding that, not more than one-third or one-half of the land has yet been filed upon. Under the provisions of the bill originally opening this land to settlement it was what was known as "trust land" or "Indian land," and only the homestead laws were applicable thereto. Since the expiration of the ten years, the extension of the free-home law, it became what was known as "public lands." Now, the State of South Dakota has lost a few sections here and there by reason of adverse claims, mineral or otherwise, in the State, and this bill simply permits the State to go into this portion of the lands and select indemnity land, the same as they might select in another part of the State, and extends the general provisions of the land laws over this tract, making it uniform, the same as other public lands in the State of South Dakota.

Mr. ROBINSON of Indiana. It does not give the State any enlarged right——

Mr. BURKE. It does not give the State anything that it has not got now except the extension of the laws over this territory.

The SPEAKER. Is there objection?

Mr. BAKER. Mr. Speaker, I object.

Subsequently,

Mr. BURKE said: Mr. Speaker, I understand the objection to House bill 56 has been withdrawn.

Mr. BAKER. I withdraw my objection, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. BAKER] withdraws his objection to the present consideration of House bill 56. The gentleman from South Dakota again asks unanimous consent for its present consideration. Does the Chair hear further objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

The title of the bill was amended in accordance with the recommendation of the committee.

On motion of Mr. BURKE, a motion to reconsider the vote by which the bill passed was laid on the table.

EXCHANGE OF SITES FOR PUBLIC BUILDINGS OF GARLAND COUNTY, ARK.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1956) to authorize an exchange of sites for public buildings of Garland County, Ark.

The Clerk read the bill at length.

Mr. PAYNE. Mr. Speaker, I am unwilling that this bill should come up this morning by unanimous consent. I want to examine into it, and I therefore object.

Mr. ROBINSON of Arkansas. I will ask the gentleman from New York if he will not reserve his objection until I can make an explanation?

Mr. PAYNE. I want to say to my friend from Arkansas that I am unwilling to have the bill come up until I examine it. I have had some experience with Hot Springs matters, and I want to look into this.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill; and I ask unanimous consent that the reading of the report be dispensed with and that in lieu thereof the statement of the House managers be read.

The SPEAKER. As the Chair understands, this statement, with the exception of one clause, was read on a former occasion.

Mr. BINGHAM. The statement was not read; but it was printed in the RECORD of the day before yesterday.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] asks unanimous consent that, in lieu of the reading of the conference report, the statement of the House conferees be read. Is there objection?

Mr. UNDERWOOD. This statement, as I understand, contains no new matter, except that one clause stricken out in the House has been dropped.

Mr. LIVINGSTON. There is no change except the dropping or omission of two or three words; that is all.

Mr. UNDERWOOD. So I understand. Therefore, there can be no reasonable objection to adopting the conference report in violation of the rule, without reading, if there be unanimous consent to that effect, unless there be a principle to be maintained in the matter.

The SPEAKER. The report has been printed in the RECORD.

Mr. LIVINGSTON. Yes; it has been printed.

Mr. UNDERWOOD. If the gentleman from Georgia will allow me to finish my statement I will arrive at what I wish to say. This being an unusual and exceptional case, the whole matter having been printed—there being no new matter in the conference report—the House therefore being fully informed as to what is in the report, I do not wish to object; but I think it due to every Member of the minority—more than that, to every Member of the House—that these conference reports should in general be read; and in consenting now to the request for unanimous consent, I do not wish it understood that I shall necessarily consent to this proceeding in other cases, even in the case of a report from my own committee, where the report has not been printed in the RECORD.

The SPEAKER. The Chair hears no objection. The reading of the report is waived, and the Clerk will read the statement.

The statement of the House conferees, as printed in the House proceedings of Thursday, February 12, was read.

Mr. BINGHAM. Mr. Speaker, I merely desire to state to the House, in addition to the statement submitted by the conferees, that we carried out the instructions of the House in accordance with the point of order as ruled by the Speaker and the motion of the gentlemen from Illinois [Mr. MANN]. I move the adoption of the report.

Mr. ROBINSON of Indiana. Mr. Speaker, I wish to call the attention of the gentleman from Pennsylvania to amendment 34, which I understand to be a Senate amendment, providing for an additional pair clerk for the House of Representatives. I wish to ask the gentleman as to the character of the legislation that takes the initiative in the Senate to furnish additional officers or employees for the House of Representatives. I would further ask why that legislation, if necessary, did not originate in the House of Representatives.

Mr. BINGHAM. I will state that the action referred to by the gentleman from Indiana [Mr. ROBINSON] was taken at the request of the Sergeant-at-Arms of the House; and while the amendment did not originate in the House, and while it pertains to a part of the government of the House, there is no room for criticism as to the amendment having been put on by the Senate. The gentleman will remember that for many years there was a contention between the two Houses as to what either House might do with reference to their subordinate force—a question which always provoked contention.

I have no doubt that this amendment was adopted upon the suggestion not of myself, but of some member of the Committee on Appropriations of the House; and it was a matter that had been so far overlooked that the amendment might with propriety be put on in the Senate.

Mr. ROBINSON of Indiana. But the gentleman sees that we have so much difficulty in presenting matters to the House of Representatives on a conference report that where an additional House employee is authorized or where the salary of such an employee is increased—there being already so many employees, and that matter having been a subject of investigation in this House—the House ought to be treated fairly and the matter presented here as an original proposition.

Mr. LIVINGSTON. This matter arose entirely after the bill had left the House and left the Committee on Appropriations of the House.

Mr. ROBINSON of Indiana. Then the necessity that arises afterwards—where this House has been in constant session for some months, getting along without this pair clerk—is, I think, a necessity that stamps this legislation as not to be commended in the first instance.

The question being taken, the report of the committee of conference was agreed to.

On motion of Mr. BINGHAM, a motion to reconsider the vote by which the report was agreed to was laid on the table.

SUSPENSION OF CIVIL-SERVICE LAW.

Mr. GILLETT of Massachusetts obtained the floor.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] rises, as the Chair understands, to call up a privileged report.

The Clerk read, as follows, House resolution No. 235:

Resolved, That the President of the Civil Service Commission be, and he is hereby, directed to inform the House of Representatives, as follows:

In how many cases the civil-service law and the regulations made thereunder have been suspended, and by whom, since the 4th day of March, 1885, giving, with said information, the dates of all such suspensions, and where such suspensions have operated to put in office individuals who otherwise could not have been appointed, the names of such individuals, and the date of the suspension of said civil-service law and the regulations made thereunder, in each individual case.

The SPEAKER. As the Chair understands, this is not a privileged matter under the rules, as it is not a resolution calling upon the head of a Department, but upon the Civil Service Commission. Does the gentleman from Massachusetts ask its consideration now?

Mr. GILLETT of Massachusetts. I ask unanimous consent for its immediate consideration.

There was no objection, and the resolution was accordingly considered and adopted.

ABRAM CLAYPOOL.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the desk.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for the present consideration of the following resolution.

The resolution was read, as follows:

Resolved, That the President be requested to return to the House of Representatives the bill (H. R. 9791) granting an increase of pension to Abram Claypool.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

PENSION BUSINESS.

Mr. SULLOWAY. Mr. Speaker, under the order of the House bills on the Private Calendar relating to pensions are in order to-day. I ask unanimous consent that they be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that bills in order to-day be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] will take the chair as Speaker pro tempore.

JOSEPH M. ELLIS.

The first pension business was the bill (H. R. 8121) granting an increase of pension to J. M. Ellis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. M. Ellis, late of Companies A and H, Sixtieth and One hundred and seventy-fifth Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph M. Ellis, late second lieutenant Company H, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joseph M. Ellis."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

NANCY A. KING.

The next pension business was the bill (H. R. 5856) granting an increase of pension to Nancy A. King.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. King, widow of Hosea J. King, late of Company H, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

STEPHEN BRICKER.

The next pension business was the bill (H. R. 7986) granting an increase of pension to Stephen Bricker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen Bricker, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. MAVITY.

The next pension business was the bill (H. R. 3149) granting an increase of pension to J. S. Mavity.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. S. Mavity, late of Company —, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "John."

In same line, after the word "Company," insert the letter "G."

In line 7, before the word "Kentucky," insert the words "and Company G, Fifty-third Regiment."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Amend the title so as to read: "A bill granting an increase of pension to John S. Mavity."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES W. ADAMS.

The next pension business was the bill (H. R. 2041) granting an increase of pension to James W. Adams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Adams, late of Company L, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE H. SUITS.

The next pension business was the bill (H. R. 1877) granting an increase of pension to George H. Suits.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Suits, late of Company H, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ALBERT HALDEMAN.

The next pension business was the bill (H. R. 12134) granting an increase of pension to Albert Haldeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Haldeman, late of Company E, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company E" and insert in lieu thereof the words "commissary-sergeant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LYDIA GAVETT.

The next pension business was the bill (H. R. 12439) granting a pension to Lydia Gavitt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Gavitt, idiotic child of William E. Gavitt, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month: *Provided*, That such pension shall be paid to the legally constituted guardian of said Lydia Gavitt.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Gavitt" and insert in lieu thereof the word "Gavett."

In same line strike out the words "idiotic child" and insert in lieu thereof the words "helpless and dependent daughter."

In same line, before the word "late," strike out the word "Gavitt" and insert in lieu thereof the word "Gavett."

In line 9 strike out the words ": *Provided*, That such pension" and all of lines 10 and 11.

Amend the title so as to read: "A bill granting a pension to Lydia Gavett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS E. CONNOR.

The next pension business was the bill (H. R. 4980) granting an increase of pension to Thomas E. Connor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Connor, late of Company F, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee was read, as follows:

In line 6, before the word "late," insert the words "alias Darius B. Smith."

Amend the title so as to read: "A bill granting an increase of pension to Thomas E. Connor, alias Darius B. Smith."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN W. HAY.

The next pension business was the bill (H. R. 6365) granting an increase of pension to John W. Hay.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hay, late of Company G, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Twelfth," insert the words "First Battalion."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "seventeen."

Mr. GIBSON. Mr. Speaker, by authority of the committee, I move to amend the amendment by striking out "seventeen" and inserting "twenty-four."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "seventeen" and insert "twenty-four."

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ELIAS HOLLIDAY.

The next pension business was the bill (H. R. 1905) granting an increase of pension to Elias Holliday.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Holliday, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CHARLES H. BARNARD.

The next pension business was the bill (H. R. 12363) granting an increase of pension to Charles H. Barnard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Barnard, late of Company E, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Company," insert the words "P, Twenty-eighth Regiment, and Company."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ELI T. HOYT.

The next pension business was the bill (H. R. 3832) granting an increase of pension to Eli T. Hoyt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli T. Hoyt, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension of $24 per month in lieu of the pension he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "pension," insert the words "at the rate."

In line 8 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MARCEL GAGNON.

The next pension business was the bill (H. R. 5953) granting an increase of pension to Marcel Gagnon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcel Gagnon, late of Company A, Hatcher's independent battalion, Minnesota Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Hatcher's" and insert in lieu thereof the word "Hatch's."

In line 7, before the word "Cavalry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MATTHEW CURRAN.

The next pension business was the bill (H. R. 12326) granting an increase of pension to Matthew Curran.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matthew Curran, late of Company B, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM E. COFFIN.

The next pension business was the bill (H. R. 5298) granting a pension to William E. Coffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Coffin, invalid and dependent son of James W. Coffin, late of Company A, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "invalid" and insert in lieu thereof the word "helpless."

In same line strike out the word "James" and insert in lieu thereof the word "Jacob."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REBECCA M'KINNEY.

The next pension business was the bill (H. R. 12434) granting an increase of pension to Rebecca McKinney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca McKinney, widow of Franklin O. McKinney, late of Company K, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Wilhelmina McKinney, idiotic and dependent child of said Franklin O. McKinney, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rebecca McKinney the name of said Wilhelmina McKinney shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Rebecca McKinney, such pension to be paid to the legally constituted guardian of said Wilhelmina McKinney.

The amendment recommended by the committee was read, as follows:

In line 11 strike out the word "idiotic" and insert in lieu thereof the word "helpless."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IDA E. NERBER.

The next pension business was the bill (H. R. 12436) granting a pension to Ida E. Nerber.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ida E. Nerber, imbecile daughter of Daniel Nerber, late of Company H, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month: *Provided*, That such pension shall be paid to the legally constituted guardian of said Ida E. Nerber.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "imbecile" and insert in lieu thereof the words "helpless and dependent."

In line 7 strike out the word "Tenth" and insert in lieu thereof the words "One hundred and fifty-first."

In same line strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

Strike out all of lines 9 and 10.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWIN M. SLAYTON.

The next pension business was the bill (H. R. 12099) granting an increase of pension to Edwin M. Slayton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin M. Slayton, late lieutenant of Company M, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."

In same line, before the word "Company," strike out the word "of."

In line 8 strike out the word "forty-five" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER S. HILL.

The next pension business was the bill (H. R. 11610) granting an increase of pension to Alexander S. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander S. Hill, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LINN.

The next pension business was the bill (H. R. 11011) granting an increase of pension to John Linn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Linn, late a private of Company G, One hundredth Regiment Pennsylvania Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a private."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CLINE MORRIS.

The next pension business was the bill (H. R. 10924) granting an increase of pension to Cline Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cline Morris, late of Company E, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Cavalry" and insert in lieu thereof the words "Heavy Artillery."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BERKLEY.

The next pension business was the bill (H. R. 9796) granting an increase of pension to William Berkley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Berkley, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

REBECCA SIMPSON.

The next pension business was the bill (H. R. 9738) granting a pension to Rebecca Simpson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Simpson, widow of Peter Simpson, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANNIE J. M'DOWELL.

The next pension business was the bill (H. R. 11629) granting an increase of pension to Nannie J. McDowell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nannie J. McDowell, widow of First Lieut. James H. McDowell, late of Company B, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "first lieutenant."

In line 7, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 9 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAWRENCE H. ROUSSEAU.

The next pension business was the bill (H. R. 12342) granting an increase of pension to Lawrence H. Rousseau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to grant to Lawrence H. Rousseau, late lieutenant-colonel Twelfth Kentucky Infantry, an increase of pension, and that from and after the passage of this act his pension shall be at the rate of $30 per month, instead of $15 per month as now awarded under certificate No. 354736.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lawrence H. Rousseau, late lieutenant-colonel Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lawrence H. Rousseau."

JAMES WILKINSON.

The next pension business was the bill (H. R. 1861) granting an increase of pension to James Wilkinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilkinson, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT LEACH.

The next pension business was the bill (H. R. 7772) granting a pension to Robert Leach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Leach, late of Second Independent Battery, Ohio National Guards, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Guards" and insert in lieu thereof the words "Guard Light Artillery."

In same line strike out the word "fifty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DELZON ALLEN.

The next pension business was the bill (H. R. 8120) granting an increase of pension to Delzon Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delzon Allen, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. E. GUEST.

The next pension business was the bill (H. R. 8479) granting a pension to J. H. E. Guest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. E. Guest, late of Captain Gilbreth's company, scouts and guides, Alabama Volunteers, and pay him a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."

In same line strike out the word "Gilbreth's" and insert in lieu thereof the word "Gilbreath's."

In line 7 strike out the words "scouts and guides."

In same line strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Scouts and Guides."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to James H. E. Guest."

ALICE A. SIVERD.

The next pension business was the bill (H. R. 8715) granting a pension to Alice A. Siverd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Siverd, widow of Hugh H. Siverd, late captain of Company B, First Regiment Ohio Cavalry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "captain," insert the words "first lieutenant and."

In same line, after the word "captain," strike out the word "of."

In line 7, before the word "Cavalry," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alice A. Siverd.

ELIZABETH DAVISON.

The next pension business was the bill (H. R. 9070) granting a pension to Elizabeth Davison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Davison, mute and helpless child of James Davison, late unassigned private of the Third Pennsylvania Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "mute and."

In same line, after the word "helpless," insert the words "and dependent."

In line 7 strike out the words "private of the."

In same line, before the word "Pennsylvania," insert the word "Regiment."

In line 8, before the word "Heavy," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT D. GARDNER.

The next pension business was the bill (H. R. 5330) granting an increase of pension to Robert D. Gardner, of Queen City, Mo.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert D. Gardner, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert D. Gardner."

ADA JOHNSON.

The next pension business was the bill (S. 2959) granting an increase of pension to Ada Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada Johnson, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ESTHER J. LEE.

The next pension business was the bill (H. R. 13042) granting a pension to Esther J. Lee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther J. Lee, widow of Thomas A. Lee, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE PRESTON REEVES.

The next pension business was the bill (H. R. 12474) granting a pension to George Preston Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Preston Reeves, late of Company, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the word "unassigned."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. GARDINER.

The next pension business was the bill (H. R. 12557) granting an increase of pension to George W. Gardiner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Gardiner, late of Company G, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW P. M'CONKEY.

The next pension business was the bill (H. R. 12628) granting an increase of pension to Andrew P. McConkey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew P. McConkey, late of Company E, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LAZARUS MINNICH.

The next pension business was the bill (H. R. 7792) granting an increase of pension to Lazarus Minnich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lazarus Minnich, late of Company F, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID C. COLEMAN.

The next pension business was the bill (S. 2863) granting an increase of pension to David C. Coleman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Coleman, late of Company K, Fifth Regiment Indiana Volunteers, war with Mexico, and lieutenant-colonel Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES WALTS.

The next pension business was the bill (H. R. 8462) granting an increase of pension to James Walts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Walts, late of Captain Sanderson's company, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHERINE TULLY.

The next pension business was the bill (H. R. 4330) granting an increase of pension to Catherine Tully.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Tully, widow of Redmond Tully, late first lieutenant, Twenty-fifth United States Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Twenty-fifth," insert the word "Regiment."

In line 8 strike out the word "thirty" and insert the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET JONES.

The next pension business was the bill (H. R. 11906) granting a pension to Margaret Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Jones, widow of Wiley Jones, late private and headquarters courier, Captain Conner's company, Texas Volunteers, war with Mexico, and subsequent protection of border against attacks of Mexican and Indian forces.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "private and headquarters courier" and insert "of;" and in the same line insert "Mounted."

Strike out all in the bill after the word "and" in line 8, and insert "pay her a pension at the rate of $8 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH N. MADDOX.

The next pension business was the bill (H. R. 12498) granting an increase of pension to Sarah N. Maddox.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah N. Maddox, widow of James M. Maddox, late private of Capt. Hy Thompson's Company I, Georgia Regiment Mounted Volunteers, Seminole war, 1835, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "Seminole" and insert "Florida Indian."
In lines 8 and 9 strike out "1835."
In lines 9 and 10 strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUST BOCKERMAN.

The next pension business was the bill (H. R. 11616) granting a pension to August Bockerman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Bockerman, late of Company A, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $24 per month

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARITY M. FARMER.

The next business was the bill (H. R. 2914) granting an increase of pension to Charity M. Farmer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charity M. Farmer, of Chattahoochee County, Ga., a widow of a soldier of the Mexican war, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "of Chattahoochee County, Ga., a widow of a soldier of the Mexican war," and insert in lieu thereof "widow of Bryan Farmer, late of Captain Calhoun's company, First Regiment Georgia Light Infantry, war with Mexico."
In line 8 strike out "twenty-five" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JENNIE PETTIT MORRISON.

The next business was the bill (H. R. 7482) granting an increase of pension to Jennie Pettit Morrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie Pettit Morrison, widow of the late Lieut. Col. Jasper Newton Morrison, whose service in the Army was in the Judge-Advocate-General's Office, Washington, D. C.; at Zamboanga, Cebu, and Manila, Philippine Islands, and at San Francisco, Cal.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "the late Lieutenant-Colonel," and in lines 7, 8, 9, and 10, strike out "whose service in the Army was in the Judge-Advocate-General's Office, Washington, D. C.; at Zamboanga, Cebu, and Manila, Philippine Islands, and at San Francisco, Cal.," and insert in lieu thereof "late lieutenant-colonel and judge-advocate, United States Army."
In line 11 strike out "fifty" and insert "thirty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

AMANTHUS P. JOYNER.

The next business was the bill (H. R. 11597) granting an increase of pension to Amanthus P. Joyner.

The bill was read, as follows:

Be it enacted, etc., That from and after the date of the passage of this bill Amanthus P. Joyner, widow of Reddick A. Joyner, who served as second lieutenant Company G, Fourth Louisiana Volunteers, in the war with Mexico, and who enlisted on May 13, 1846, and was discharged August 8, 1846, be paid a pension at the rate of $12 per month in lieu of pension of $8 per month which she is now receiving under certificate No. 9338.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and substitute the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanthus P. Joyner, widow of Reddick A. Joyner, late of Company G, Fourth Regiment Louisiana Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GRACE P. PADDOCK.

The next business was the bill (H. R. 9599) granting a pension to Grace P. Paddock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Grace P. Paddock, widow of Richard B. Paddock, late captain of the Sixth Cavalry, Regular Army, and pay her a pension at the rate of $40 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Grace P. Paddock."
In line 7 strike out "of the," and in the same line, after "Sixth," insert "Regiment United States."
In the same line strike out "Regular Army."
In line 8 strike out "forty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

AGNES B. HESLER.

The next business was the bill (H. R. 1402) granting an increase of pension to Agnes B. Hesler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes B. Hesler, widow of Frederick Alexander Hesler, late a surgeon in the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and $2 per month additional on account of her minor child.

The amendments recommended by the committee were read, as follows:

In line 7 change "a surgeon" to "surgeon."
In the same line strike out the words "in the."
In line 8 strike out "fifty" and insert "thirty-five."
In line 10 change "her" to "the," and add to the end of the bill the words "of said Frederick Alexander Hesler until she reaches the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JULIETT FIELD.

The next business was the bill (H. R. 12504) granting an increase of pension to Juliett Field.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Juliett Field, widow of Green B. Field, late second lieutenant Company K, Third Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE H. ABNEY.

The next business was the bill (H. R. 11612) granting an increase of pension to G. H. Abney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. H. Abney, late of Company L, Palmetto Regiment South Carolina Volunteers, in the Mexican war, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the claimant's initial "G," where it appears in the title and the body of the bill, to the Christian name "George."
In line 7 strike out "in the Mexican war" and insert "war with Mexico."
In line 8 change "twenty-four" to "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ELIZABETH M'L. HAUGHEY.

The next business was the bill (H. R. 9834) granting an increase of pension to Elizabeth McL. Haughey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth McL. Haughey, widow of James Alexander Haughey, late first lieutenant in the Third Regiment Delaware Volunteer Infantry, and captain in the Twenty-first Regiment United States Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "late lieutenant in the Third Regiment Delaware Volunteer Infantry, and" and insert "late."
In line 8 strike out "in the" and insert "Company H."
In line 10 strike out "fifty" and insert "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

OLIVE BASSETT.

The next business was the bill (H. R. 6923) granting a pension to Olive Bassett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Olive Bassett, widow of Michael Bassett, late of Company ——, First Michigan Infantry, Mexican war, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Company" and insert "the."
In line 7, after the word "First," insert "Regiment," and in the same line, after the word "Michigan," insert "Volunteer."
In line 7 strike out "Mexican war" and insert "war with Mexico."
In line 8 strike out "twelve" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ROBERT S. ROSE.

The next business was the bill (H. R. 878) granting a pension to Robert S. Rose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert S. Rose, late of Company I, First Georgia Infantry, United States Volunteers, in the war with Spain, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "First," insert "Regiment."
In the same line and line 7 strike out "Infantry, United States Volunteers, in the" and insert "Volunteer Infantry."
In lines 7 and 8 strike out "and pay him a pension at the rate of $20 per month."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

PETER SCOTT.

The next pension business was the bill (H. R. 12491) granting a pension to Peter Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Scott, late of Company K, Second Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the title so as to read: "A bill granting an increase of pension to Peter Scott."
In line 8 strike out "thirty" and insert "twenty," and add at the end of the bill the words "in lieu of that he is now receiving."

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

HUGH L. FREEMAN.

The next pension business was the bill (H. R. 5533) granting an increase of pension to Hugh L. Freeman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hugh L. Freeman, late of Company I, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. HINES.

The next pension business was the bill (H. R. 1127) for relief of William J. Hines.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of William J. Hines as a private on the rolls of Company E, Thirteenth Regiment Tennessee Cavalry Volunteers, from November 15, 1863, till May 1, 1865, and that the said William J. Hines be, and he is hereby, made entitled to all such pay, bounty, commutation of rations, pension, or other allowances to which he would have been entitled had he been regularly mustered into the service of the United States prior to his capture at Fort Pillow, Tenn.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM B. THOMPSON.

The next pension business was the bill (S. 64) to correct the military record of William B. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to correct the military record of William B. Thompson, Company C, Sixty-third Regiment Indiana Infantry Volunteers, by removing therefrom the word "deserted" and substituting therefor the words "absented himself without proper authority, and was, on writ of habeas corpus, by the civil authorities, in September, 1862, discharged at Indianapolis, Ind., being under 21 years of age:" *Provided*, That no pay, bounty, or allowance shall accrue to said Thompson by reason hereof.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. DAILEY.

The next pension business was the bill (H. R. 12965) granting an increase of pension to William H. Dailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Dailey, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MILTON GRAHAM.

The next pension business was the bill (H. R. 12461) granting an increase of pension to Milton Graham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milton Graham, late of Company B, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN A. M'NERNEY.

The next pension business was the bill (H. R. 12452) granting an increase of pension to John A. McNerney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. McNerney, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LAVALLE C. O'BARR.

The next pension business was the bill (H. R. 12102) granting a pension to Lavall C. Obarr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavall C. Obarr, late of Company G, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lavalle C. O'Barr, late of Company G, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Lavalle C. O'Barr."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES T. M'KINSTRY.

The next pension business was the bill (H. R. 12094) granting an increase of pension to James T. McKinstry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James T. McKinstry, late of Company G, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letttr "G" and insert in lieu thereof the letter "I."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

DAVID KINSEY.

The next pension business was the bill (H. R. 11846) granting an increase of pension to David Kinsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Kinsey, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and also lieutenant, Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "and also lieutenant," and all of line 8.
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

SOCRATES MOORE.

The next pension business was the bill (H. R. 11615) granting an increase of pension to Socrates Moore.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Socrates Moore, late of Company B, Fourth Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. PORTER.

The next pension business was the bill (H. R. 11498) granting an increase of pension to William A. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Porter, late of Company I, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ROBERT CONN.

The next pension business was the bill (H. R. 10974) granting an increase of pension to Robert Conn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Conn, late of Company E, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MARY DOUGHERTY.

The next pension business was the bill (H. R. 10941) granting an increase of pension to Mary Dougherty.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Daugherty, widow of Stephen Daugherty, late private of Company K, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Daugherty" and insert in lieu thereof the word "Dougherty."
In lines 6 and 7 strike out the word "private."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN C. WEBB.

The next pension business was the bill (H. R. 10845) granting an increase of pension to John C. Webb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Webb, late of Company G, Eleventh Regiment United States Colored Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving under certificate No. 593368.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."
In line 9 strike out the words "under certificate numbered five hundred and" and all of line 10.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES H. ALLEN.

The next pension business was the bill (H. R. 10798) granting a pension to James H. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Allen, late of Company I, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."
Amend the title so as to read: "A bill granting an increase of pension to James H. Allen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE F. MAJOR.

The next pension business was the bill (H. R. 10340) granting an increase of pension to George F. Majors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George F. Majors, late a member of Company D, and second lieutenant of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Majors" and insert in lieu thereof the word "Major."
In same line strike out the words "a member of Company D, and."
In line 7 strike out the word "of."
In lines 8 and 9 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting an increase of pension to George F. Major."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MARY YAW.

The next pension business was the bill (H. R. 9862) granting a pension to Mary Yaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Yaw, widow of Samuel D. Yaw, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

FANNY TRACY.

The next pension business was the bill (H. R. 9792) granting a pension to Fanny Tracy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fanny Tracy, widow of Charles W. Tracy, late captain Company H, Twenty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JOHN H. LENNON.

The next pension business was the bill (H. R. 9574) granting an increase of pension to John H. Lennon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of John H. Lennon, late of Potomac Flotilla, landsman, Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "landsman."
In same line, before the word "Navy," insert the words "United States."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WARREN R. HERRELL.

The next pension business was the bill (H. R. 9562) granting a pension to Warren R. Herrell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren R. Herrell, late of Company L, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Warren R. Herrell."

HENRY HERKES.

The next pension business was the bill (H. R. 8283) granting an increase of pension to Henry Herkes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Herkes, late of Company E, Fifth Regiment Iowa Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Iowa," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL H. THOROMAN.

The next pension business was the bill (H. R. 7773) granting an increase of pension to Samuel H. Thoroman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Thoroman, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEMUEL N. BISHOP.

The next pension business was the bill (H. R. 7517) granting an increase of pension to Lemuel N. Bishop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lemuel N. Bishop, late Captain of Company F, One hundredth and sixteenth Illinois Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of."
In line 7, before the word "Illinois," insert the word "Regiment."
In same line, before the word "Infantry," insert the word "Volunteer."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS KNAPP.

The next pension business was the bill (H. R. 7487) granting an increase of pension to Francis Knapp.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis Knapp, late of Company B, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEONARD M. JOHNSON.

The next pension business was the bill (H. R. 7364) granting an increase of pension to Leonard M. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leonard M. Johnson, late surgeon, Third New York Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the words "New York," insert the word "Regiment."
In line 7 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIMEON BILLINGS.

The next pension business was the bill (H. R. 6973) granting an increase of pension to Simeon Billings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Simeon Billings, late of Company D, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH A. M'CANN.

The next pension business was the bill (H. R. 6931) granting a pension to Sarah A. McCann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. McCann, widow of John McCann, late of Company C, First Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NELSON HART.

The next pension business was the bill (H. R. 6858) granting an increase of pension to Nelson Hart.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Hart, late of Company D, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARSHALL HOWELL.

The next pension business was the bill (H. R. 6088) granting an increase of pension to Marshall Howell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall Howell, late of Company H, Ninth Regiment New Jersey Reserve Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Reserve."
In line 8 strike out the word "twenty" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALVIN GRAY.

The next pension business was the bill (H. R. 6062) granting an increase of pension to Alvin Gray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin Gray, late of Company E, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER S. BOWEN.

The next pension business was the bill (H. R. 5912) granting an increase of pension to Alexander S. Bowen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander S. Bowen, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY IRENE ROSENTHAL.

The next pension business was the bill (H. R. 5888) granting an increase of pension to Mary Irene Rosenthal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Irene Rosenthal, widow of Levi Rosenthal, late of Company F, Sixty-ninth Regiment New York National Guard Volunteer Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "Volunteer," insert the word "Heavy."

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARRIE K. BAKER.

The next pension business was the bill (H. R. 5846) granting a pension to Carrie K. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Carrie K. Baker, widow of Henry C. Baker, late of Company K, One hundred and twenty-fourth Regiment New York Volunteer Infantry, on the pension roll of the United States of America at the rate of $24 per month, subject to the rules and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie K. Baker, widow of Henry C. Baker, late of Company K, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Carrie K. Baker."

JOHN W. KLING.

The next pension business was the bill (H. R. 5107) granting an increase of pension to John W. Kling.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Kling, late private in Company H, One hundred and thirty-third Pennsylvania Volunteer Infantry, war between the States, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Kling, late of Company H, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WOODSON R. DANIEL.

The next pension business was the bill (H. R. 5055) granting an increase of pension to Woodson R. Daniel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Woodson R. Daniel, late a member of Company D, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a member."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGIA R. DEMAREST.

The next pension business was the bill (H. R. 4990) granting a pension to Georgia R. Demarest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia R. Demarest, widow of Sidney B. Demarest, late of Company B, Eighty-fifth Regiment Ohio Volunteers, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATHIAS C. MILLS.

The next pension business was the bill (H. R. 4877) granting an increase of pension to Mathias C. Mills.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathias C. Mills, late first lieutenant and adjutant of the Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of the."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELECTA L. WILLARD.

The next pension business was the bill (H. R. 4623) granting a pension to Electa L. Willard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Electa L. Willard, widow of Luther B. Willard, late commissioner for wounded and sick soldiers of Michigan, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Electa L. Willard, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLA F. WHITEHEAD.

The next pension business was the bill (H. R. 4599) granting a pension to Ella F. Whitehead.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella F. Whitehead, incompetent child of Benjamin F. Whitehead, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $35 per month.

The amendments recommended by the committee were read, as follows:

In line 3 strike out the words "incompetent child" and insert in lieu thereof the words "helpless and dependent daughter."

In lines 8 and 9 strike out the word "thirty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE BROWN.

The next pension business was the bill (H. R. 4353) granting an increase of pension to George Brown.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Brown, late of Company G, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JASON H. MASTERSON.

The next pension business was the bill (H. R. 4928) granting an increase of pension to Jason H. Masterson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jason H. Masterson, late of Company E, Forty-second Regiment Indiana Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the letter "C."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry, and second lieutenant Company E, One hundredth Regiment United States Colored Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JASPER M. GRIGGS.

The next pension business was the bill (H. R. 4230) granting an increase of pension to Jasper M. Griggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper M. Griggs, late of Company C, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "sergeant and second lieutenant."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT H. M'ILROY.

The next pension business was the bill (H. R. 3533) granting an increase of pension to Capt. R. H. McIlroy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Capt. R. H. McIlroy, late of Company E, First Regiment California Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."

In same line strike out the letter "R." and insert in lieu thereof the word "Robert."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Robert H. McIlroy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. HURLEY.

The next pension business was the bill (H. R. 3033) granting an increase of pension to James M. Hurley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Hurley, late assistant surgeon Tenth Regiment United States Coast Artillery, heavy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "surgeon," insert the words "Seventy-seventh Regiment United States Colored Volunteer Infantry, and."

In line 7 strike out the words "Coast Artillery, heavy" and insert in lieu thereof the words "Colored Volunteer Heavy Artillery."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twelve."

In lines 8 and 9 strike out the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting a pension to James M. Hurley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. FORD.

The next pension business was the bill (H. R. 2922) granting an increase of pension to George W. Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Ford, late of Company E, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MINERVA A. POOL.

The next pension business was the bill (H. R. 2144) granting a pension to Myrtie B. Poole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Myrtie B. Poole, daughter of Ira L. Poole, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, and 8 and insert in lieu thereof the following: "of Minerva A. Pool, widow of Ira L. Pool, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Myrtie B. Pool, helpless and dependent child of said Ira L. Pool, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Minerva A. Pool the name of said Myrtie B. Pool shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Minerva A. Pool."

Amend the title so as to read: "A bill granting an increase of pension to Minerva A. Pool."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES V. TABOR.

The next pension business was the bill (H. R. 1568) granting an increase of pension to James V. Tabor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James V. Tabor, late of unassigned company, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "unassigned."

In same line, after the word "Company," insert the letter "G."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. B. THOMPSON.

The next pension business was the bill (H. R. 732) granting an increase of pension to John L. B. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. B. Thompson, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN F. EVANS.

The next pension business was the bill (H. R. 728) granting an increase of pension to Benjamin F. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Evans, late of Company K, First Regiment United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY LUCETTA ARNOLD.

The next business was the bill (S. 360) granting an increase of pension to Mary Lucetta Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Lucetta Arnold, widow of Isaac Arnold, jr., late lieutenant-colonel, Ordnance Department, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE MANYPENNY.

The next business was the bill (H. R. 11177) granting an increase of pension to George Manypenny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Manypenny, who served during the Mexican war in Company G, Second Regiment of the United States Regulars, and during the war of the rebellion, from December 17, 1861, to August 15, 1865, in Company H, One hundred and twelfth Pennsylvania Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, 9, 10, 11, 12, and 13 and insert in lieu thereof the following: "of George Manypenny, late of Company H, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LEWIS SAWYER.

The next business was the bill (H. R. 13177) granting an increase of pension to Lewis Sawyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Sawyer, late of Company H, Forty-fifth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Pennsylvania," insert the word "Regiment."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS W. PRENTISS.

The next business was the bill (H. R. 13067) granting an increase of pension to Thomas W. Prentiss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas W. Prentiss, late of Company K, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the letter "I."

In same line strike out the word "Twelfth" and insert in lieu thereof the word "Forty-ninth."

In line 7 strike out the word "Tennessee" and insert in lieu thereof the word "Ohio."

In same line strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

DANIEL REED.

The next business was the bill (H. R. 12938) granting an increase of pension to Daniel Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Reed, late of Company E, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "of Company E" and insert in lieu thereof the words "hospital steward."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

HERVEY POLEN.

The next business was the bill (H. R. 12680) granting an increase of pension to Harvey Polen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Polen, late of Company G, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the name "Harvey" and insert in lieu thereof the name "Hervey."

In line 7 strike out the word "Volunteer" and insert in lieu thereof the words "National Guard."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Hervey Polen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

HENRY C. NASH.

The next business was the bill (H. R. 12592) granting an increase of pension to Mary A. Nash.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Nash, widow of the late William A. Nash, formerly a member of Company I, Fifty-seventh Regiment Indiana Volunteers, and pay her a pension of $24 per month in lieu of the $12 per month which she is now receiving, said additional $12 per month to be paid her on account of Henry C. Nash, her son and the son of the said deceased soldier, said Henry C. Nash having been permanently helpless and imbecile from infancy. It is herein provided that said additional sum of $12 per month shall be paid said widow during the life of said imbecile son, and should he survive her, said additional pension shall be paid to him during his life and after the death of the said widow.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Mary A. Nash, widow of the late" and insert in lieu thereof the words "Henry C. Nash, helpless and dependent son of."

In lines 6 and 7 strike out the word "formerly."

In line 7 strike out the words "a member" and insert in lieu thereof the word "late."

In line 8 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In same line strike out the words "and pay her a pension of twenty-four" and all of lines 9, 10, 11, 12, 13, 14, and 15, and lines 1, 2, and 3 on page 2 of said bill, and insert in lieu thereof the following: "and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to Henry C. Nash.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ORSON BURLINGAME.

The next business was the bill (H. R. 12402) granting a pension to Orson Burlingame.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson Burlingame, late of Company E, Thirty-fourth Regiment New York Volunteer Infantry, and pay

him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of previous alleged overpayments or erroneous payments of pensions.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "E" and insert in lieu thereof the letter "G."
In same line strike out the word "Thirty-fourth" and insert in lieu thereof the word "Second."
In line 7 strike out the words "Volunteer Infantry" and insert in lieu thereof the words "Veteran Volunteer Cavalry."
In line 11 strike out the word "previous" and insert in lieu thereof the word "former."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

NAPOLEON PAULUS.

The next business was the bill (H. R. 12389) granting an increase of pension to Napoleon Paulus.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Napoleon Paulus, late of Company B, Fifteenth Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Michigan," insert the word "Regiment."
In line 7 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM H. MANN.

The next business was the bill (H. R. 11838) granting an increase of pension to William H. Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Mann, late of Captain Evans's company Young's Texas Mounted Volunteers, Mexican war, and also captain of Company I, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Captain Evans's company" and all of line 7.
In line 8, before the word "Company," strike out the word "of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM VINCENT.

The next pension business was the bill (H. R. 11999) granting an increase of pension to William Vincent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Vincent, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7, after the word "pension," insert the words "at the rate."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ELIZABETH DE BAUGH.

The next pension business was the bill (H. R. 10841) granting an increase of pension to Elizabeth De Baugh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth De Baugh, widow of Adam De Baugh, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM T. HAYTER.

The next pension business was the bill (H. R. 10478) granting an increase of pension to William T. Hayter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Hayter, late of Company H, Fourth Regiment Missouri Mounted Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Mounted" and insert in lieu thereof the words "State Militia."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

PHILIP LONEY.

The next pension business was the bill (H. R. 9682) granting an increase of pension to Philip Loney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Loney, late of Company I, Ninth United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "I, Ninth United States," and insert in lieu thereof the words "B, Fourth Regiment California Volunteer."
In line 7 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES M. HILDRETH.

The next pension business was the bill (H. R. 9280) granting an increase of pension to John M. Hildreth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Hildreth, late colonel of the Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "John" and insert in lieu thereof the word "James."
In same line strike out the words "colonel of the" and insert in lieu thereof the words "captain Company H."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."
Amend the title so as to read: "A bill granting an increase of pension to James M. Hildreth."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

STEPHEN L. RICHARDSON.

The next pension business was the bill (H. R. 8099) granting an increase of pension to Stephen L. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen L. Richardson, late sergeant of Company B, Ninth Regiment Kentucky Volunteer Cavalry, and orderly sergeant of Company A, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "sergeant."
In line 7 strike out the word "orderly."
In line 8 strike out the words "sergeant of."
In line 10 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CHARLES N. BURNS.

The next pension business was the bill (H. R. 7431) granting an increase of pension to Charles N. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles N. Burns, late of Company H, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LOUISA M. WRIGHT.

The next pension business was the bill (H. R. 6933) granting a pension to L. M. Ferrier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of L. M. Ferrier, widow of Jacob Ferrier, who served as private, Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "L. M. Ferrier" and insert in lieu thereof the words "Louisa M. Wright, former."
In same line strike out the words "who served as."
In line 7 strike out the word "private."
In same line, before the word "Company," insert the words "late of."
Amend the title so as to read: "A bill granting a pension to Louisa M. Wright."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

SARAH C. WILSON.

The next business on the Private Calendar was the bill (H. R. 6592) granting a pension to Sarah C. Wilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Sarah C. Wilson, widow of John Wilson, late of Company M, Third Heavy Artillery, Pennsylvania Volunteers, and pay her a pension at the rate of $20 per month in lieu of that now received by her under certificate No. 451096.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Wilson, widow of John Wilson, late of Company M, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Sarah C. Wilson.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS WILLIAMS.

The next pension business was the bill (H. R. 6530) granting an increase of pension to Thomas Williams.

The bill was read, as follows.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Williams, late of Company K, Second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Infantry" and insert in lieu thereof the words "Heavy Artillery."
In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

SUSAN R. CHOAT.

The next pension business was the bill (H. R. 5445) granting a pension to Susan R. Choat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan R. Choat, widow of William Choat, late of Company K, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LORA MILLIKEN.

The next pension business was the bill (H. R. 5247) granting a pension to Lora Milliken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lora Milliken, late of Company F, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Lora Milliken."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JACOB P. FISHBACK.

The next pension business was the bill (H. R. 5105) granting an increase of pension to Jacob P. Fishback.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob P. Fishback, late of Company G, One hundred and fifty-second Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Illinois," insert the word "Regiment."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

LUTHER ST. JOHN.

The next pension business was the bill (H. R. 544) granting an increase of pension to Luther St. John.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Luther St. John, late of Company I, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther St. John, late of Company I, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Luther St. John."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

THOMAS BALLARD.

The next pension business was the bill (H. R. 4718) granting an increase of pension to Thomas Ballard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ballard, late of the United States steamer Indicator, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "steamer" and insert in lieu thereof the word "steamship."
In line 7, before the word "and," insert the words "United States Navy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JESSE B. NURSE.

The next pension business was the bill (S. 569) granting an increase of pension to Jesse B. Nurse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse B. Nurse, late of Company C, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Fourteenth Regiment Invalid Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMELIA WALSH.

The next pension business was the bill (S. 2971) granting a pension to Amelia Walsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia Walsh, widow of Patrick F. Walsh, late captain Company E, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB HORNING.

The next pension business was the bill (S. 2960) granting an increase of pension to Jacob Horning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Jacob Horning, late of Company A, One hundred and seventy-first Regiment Pennsylvania Drafted Mili-

tia Infantry, and Company H, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM J. P. BUCK.

The next pension business was the bill (S. 2952) granting an increase of pension to William J. P. Buck.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension roll, the name of William J. P. Buck, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSHUA DAY.

The next pension business was the bill (S. 2946) granting an increase of pension to Joshua Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Day, late of Company I, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES L. ACKLEY.

The next pension business was the bill (S. 2938) granting an increase of pension to James L. Ackley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Ackley, late second lieutenant Company L, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIUS BODENSTAB.

The next pension business was the bill (S. 2937) granting an increase of pension to Julius Bodenstab.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius Bodenstab, late first lieutenant Company I, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CLARA G. GARRETSON.

The next pension business was the bill (S. 2894) granting a pension to Clara G. Garretson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara G. Garretson, widow of George C. Garretson, late captain Company A, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT SCHERMERHORN.

The next pension business was the bill (S. 2872) granting an increase of pension to Albert Schermerhorn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Schermerhorn, late of Company C, Forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving, payable to his duly constituted guardian.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JUSTIN M. COOPER.

The next pension business was the bill (S. 2871) granting an increase of pension to Justin M. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Justin M. Cooper, late of Company H, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ONNE H. ROPKA.

The next pension business was the bill (S. 2857) granting an increase of pension to Onne H. Ropka.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Onne H. Ropka, late of Company M, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES GARRY.

The next pension business was the bill (S. 2690) granting an increase of pension to James Garry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Garry, late of Company C, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. KLINGLER.

The next pension business was the bill (S. 2661) granting an increase of pension to John H. Klingler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Klingler, late of Company H, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAAC ZELLERS.

The next pension business was the bill (S. 2655) granting an increase of pension to Isaac Zellers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Zellers, late of Company D, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HAMILTON S. GILLESPIE.

The next pension business was the bill (S. 2348) granting an increase of pension to Hamilton S. Gillespie.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hamilton S. Gillespie, late captain Company B and lieutenant-colonel Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL H. LEGROW.

The next pension business was the bill (S. 2320) granting an increase of pension to Samuel H. Legrow.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Legrow, late of Company B, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB A. ROOF.

The next pension business was the bill (S. 2058) granting an increase of pension to Jacob A. Roof.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Roof, late of Company F, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PETER P. DOBOZY.

The next pension business was the bill (S. 2029) granting an increase of pension to Peter P. Dobozy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter P. Dobozy, late lieutenant-colonel Fourth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMPSON WARREN.

The next pension business was the bill (S. 1899) granting an increase of pension to Thompson Warren.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thompson Warren, late of Company B, Fiftieth Regiment New York Volunteer Engineers, and Company F, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN SHEHAN.

The next pension business was the bill (S. 1764) granting an increase of pension to John Shehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Shehan, late of Company A, Twenty-third Regiment, and Company A, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

STALNAKER MARTENEY.

The next pension business was the bill (S. 1667) granting a pension to Stalnaker Marteney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stalnaker Marteney, late of Company C, One hundred and thirty-third Regiment West Virginia Militia Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS P. WENTWORTH.

The next pension business was the bill (S. 1436) granting an increase of pension to Thomas P. Wentworth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas P. Wentworth, late of Company H, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL F. MURRY.

The next pension business was the bill (S. 1423) granting an increase of pension to Samuel F. Murry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel F. Murry, late captain Company F, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEWIS M. WEBSTER.

The next pension business was the bill (S. 1394) granting an increase of pension to Lewis M. Webster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis M. Webster, late first lieutenant Company A, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORSON H. SAWTELLE.

The next pension business was the bill (S. 1388) granting an increase of pension to Orson H. Sawtelle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson H. Sawtelle, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIAS S. GIBSON.

The next pension business was the bill (S. 827) granting an increase of pension to Elias S. Gibson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias S. Gibson, late of Company K, Fortieth Illinois Veteran Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M'GEE.

The next pension business was the bill (S. 783) granting an increase of pension to William McGee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McGee, late of Company K, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and first lieutenant and adjutant, Fourth Regiment West Virginia Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RINALDO M. GRISWOLD.

The next pension business was the bill (S. 454) granting an increase of pension to Rinaldo M. Griswold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rinaldo M. Griswold, late of Company G, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE H. SUTHERLAND.

The next pension business was the bill (S. 450) granting an increase of pension to George H. Sutherland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George H. Sutherland, late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID H. GEORGE.

The next pension business was the bill (S. 447) granting an increase of pension to David H. George.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David H. George, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PHEBE A. FORD.

The next pension business was the bill (S. 358) granting an increase of pension to Phebe A. Ford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phebe A. Ford, widow of Roger M. Ford, late captain Company G, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM LECHLEIDNER.

The next pension business was the bill (S. 336) granting an increase of pension to William Lechleidner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lechleidner, late captain Company K, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN R. EVANS.

The next pension business was the bill (S. 305) granting an increase of pension to John R. Evans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Evans, late of Company B, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL B. BAILEY.

The next pension business was the bill (S. 140) granting an increase of pension to Daniel B. Bailey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions

and limitations of the pension laws, the name of Daniel B. Bailey, late of Company E, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LAURA ANN SEATON.

The next pension business was the bill (S. 4349) granting an increase of pension to Laura Ann Seaton:

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Laura Ann Seaton, widow of Uriah C. Seaton, late of Company K, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALISON CLIFTON.

The next business was the bill (S. 4371) granting a pension to Alison Clifton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alison Clifton, late of Company C, Webster County, Mo., Home Guards, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

JOHN SEILER.

The next business was the bill (S. 4454) granting an increase of pension to John Seiler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Seiler, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

ANSEL J. BUSBY.

The next business was the bill (S. 4455) granting an increase of pension to Ansel J. Busby.

Mr. SULLOWAY. Mr. Speaker, as the beneficiary named in this bill is dead, I move that the bill be laid on the table.

The motion was agreed to.

SARAH L. AUGUR.

The next business was the bill (S. 4317) granting an increase of pension to Sarah L. Augur.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah L. Augur, widow of William H. Augur, late first lieutenant and regimental quartermaster Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM H. COLLINGWOOD.

The next business was the bill (S. 4254) granting an increase of pension to William H. Collingwood.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Collingwood, late regimental commissary-sergeant, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

HANNAH SMALL WIGGIN.

The next business was the bill (S. 4237) granting a pension to Hannah Small Wiggin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah Small Wiggin, dependent mother of John S. Wiggin, late captain Company I, Third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

STERLING L. PARKER.

The next business was the bill (S. 3979) granting an increase of pension to Sterling L. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sterling L. Parker, late of Company C, Forty-fifth Regiment Illinois Volunteer Infantry, and Company B, First Battalion Dakota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE W. HOWARD.

The next business was the bill (S. 3978) granting an increase of pension to George W. Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Howard, late of Company D, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

LUTHER S. BAKER.

The next business was the bill (S. 3977) granting an increase of pension to Luther S. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luther S. Baker, late of Company H, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

JESSE BRIGHT.

The next business was the bill (S 3946) granting an increase of pension to Jesse Bright.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Bright, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

SYLVANIA S. CHENEY.

The next pension business was the bill (S. 3936) granting an increase of pension to Sylvania S. Cheney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sylvania S. Cheney, widow of John T. Cheney, late major, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RICHARD F. NUGENT.

The next pension business was the bill (S. 3896) granting an increase of pension to Richard F. Nugent.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard F. Nugent, late captain Company D, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE COFFEE.

The next pension business was the bill (S. 3878) granting an increase of pension to George Coffee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Coffee, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE T. EDWARDS.

The next pension business was the bill (S. 3833) granting an increase of pension to George T. Edwards.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George T. Edwards, late captain Company A, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NORMAN B. DAVENPORT.

The next pension business was the bill (S. 3827) granting an increase of pension to Norman B. Davenport.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norman B. Davenport, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. FELTON.

The next pension business was the bill (S. 3774) granting an increase of pension to John C. Felton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Felton, late captain Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I move that this bill be recommitted to the Committee on Invalid Pensions for further consideration.

The motion was agreed to.

VIRGINIA C. SPENCER.

The next pension business was the bill (S. 3771) granting an increase of pension to Virginia C. Spencer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Virginia C. Spencer, widow of Orrin L. Spencer, late first lieutenant Company G, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELI HEADLEY.

The next pension business was the bill (S. 3727) granting an increase of pension to Eli Headley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Headley, late of Company D, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. PHILLIPS.

The next pension business was the bill (S. 3544) granting an increase of pension to George W. Phillips.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Phillips, late surgeon One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN WALTON.

The next pension business was the bill (S. 3535) granting an increase of pension to John Walton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Walton, late of Company B, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH W. BUTZ.

The next pension business was the bill (S. 3523) granting an increase of pension to Joseph W. Butz.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Butz, late of Company E, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RUBY A. STIRDIVANT.

The next pension business was the bill (S. 3519) granting a pension to Ruby A. Stirdivant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruby A. Stirdivant, widow of William Stirdivant, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORRIN L. MANN.

The next pension business was the bill (S. 3500) granting an increase of pension to Orrin L. Mann.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orrin L. Mann, late lieutenant-colonel Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL E. LOOKINGBILL.

The next pension business was the bill (S. 3499) granting an increase of pension to Samuel E. Lookingbill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Lookingbill, late of Company C, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. HOWE.

The next pension business was the bill (S. 3491) granting an increase of pension to Andrew J. Howe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Howe, late of Company F, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARCELLUS M. PARKER.

The next pension business was the bill (S. 3457) granting an increase of pension to Marcellus M. Parker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcellus M. Parker, late of Company B, First Regiment Maine Volunteer Cavalry, and Signal Corps, United States Army, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH B. CRAWFORD.

The next pension business was the bill (S. 3394) granting an increase of pension to Joseph B. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Crawford, late of Company A, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. TYREE.

The next pension business was the bill (S. 3377) granting an increase of pension to John M. Tyree.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Tyree, late second lieutenant Company E, Fortieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES I. SHAFER.

The next pension business was the bill (S. 3201) granting an increase of pension to James I. Shafer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James I. Shafer, late of Company G, Third Regiment Indiana Volunteer Infantry, war with Mexico, and Company G, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. NESMITH.

The next pension business was the bill (S. 4329) granting an increase of pension to Mary E. Nesmith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Nesmith, widow of Arthur S. Nesmith, late first lieutenant and regimental quartermaster, Third Regiment New Hampshire Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 819. An act to quitclaim all interest of the United States of America in and to all of square 1131 in the city of Washington, D. C., to Sidney Bieber; and

H. R. 10761. An act to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4351. An act to provide for the enlarging of the United States court building at Asheville, N. C., containing the United States court room, post-office, clerk's office, and internal-revenue offices; and

S. 4576. An act transferring the custody of certain obsolete ordnance to the city of Boston.

The message also announced that the President pro tempore had appointed Mr. PETTUS and Mr. LONG members of the joint committee on the part of the Senate as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments, and for the disposition of useless papers in the Treasury Department."

The message also announced that the Senate had agreed to reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 2477. An act granting an increase of pension to Frank J. McLaughlin;

H. R. 2809. An act granting an increase of pension to John Watt;

H. R. 2920. An act granting an increase of pension to Daniel W. Huffman;

H. R. 2923. An act granting an increase of pension to John G. Fairchild;

H. R. 3032. An act granting an increase of pension to William Pitten;

H. R. 4136. An act granting an increase of pension to Caleb Arnett;

H. R. 4251. An act granting an increase of pension to Joseph Hinkle;

H. R. 4526. An act granting an increase of pension to William J. Shepard;

H. R. 5367. An act granting an increase of pension to Franklin Moore;

H. R. 5555. An act granting an increase of pension to James R. Hauptly;

H. R. 5865. An act granting an increase of pension to Joshua Harlan;

H. R. 6025. An act granting an increase of pension to John Herzog;

H. R. 6426. An act granting an increase of pension to David Z. Beidler;

H. R. 6582. An act granting an increase of pension to Harry Haller;

H. R. 6705. An act granting an increase of pension to Edwin A. Forman;

H. R. 8058. An act granting an increase of pension to William M. Underhill;

H. R. 8376. An act granting an increase of pension to Jonathan J. Smith; and

H. R. 9583. An act granting an increase of pension to James H. Hargis.

CHARLES C. FISHER.

The next pension business was the bill (H. R. 11939) granting an increase of pension to C. C. Fisher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of C. C. Fisher, late of United States ship Champion, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "of," strike out the letter "C." and insert in lieu thereof the word "Charles."

In same line, after the word "Fisher," insert the words "alias John C. Pickerell."

In same line strike out the words "United States ship" and insert in lieu thereof the words "U. S. S. Grampus, Great Western, and."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles C. Fisher, alias John C. Pickerell."

JOHN BAUGHMAN.

The next pension business was the bill (H. R. 12202) granting an increase of pension to John Baughman.

The bill was read, as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Baughman, late of Company D, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D" and insert in lieu thereof the letter "H."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JEROME J. HINDS.

The next pension business was the bill (H. R. 11711) granting an increase of pension to Jerome J. Hinds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome J. Hinds, late first sergeant Company B, Fourteenth Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "first sergeant" and insert in lieu thereof the word "of."

In line 7, before the word "Illinois," insert the word "Regiment."

In same line, after the word "Infantry," insert the words "and second lieutenant and captain, Company A, First Regiment Alabama Volunteer Cavalry."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty-six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY J. NEELEY.

The next pension business was the bill (H. R. 11692) granting a pension to Mary J. Neely.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Neely, widow of M. M. Neely, late private of Company I, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the first word "Neely" and insert in lieu thereof the word "Neeley."

In same line strike out the second letter "M." and insert in lieu thereof the word "McGinley."

In same line, before the word "late," strike out the word "Neely" and insert in lieu thereof the word "Neeley."

In same line strike out the word "private."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary J. Neeley."

LUCRETIA DAVIS.

The next pension business was the bill (H. R. 11562) granting a pension to Lucretia Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucretia Davis, formerly Hamilton, who was a nurse in hospital service at Frederick, Md., from July, 1864, to the close of the war, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In lines 6, 7, and 8 strike out the words "who was a nurse in hospital service at Frederick, Md., from July, 1864, to the close of the war" and insert in lieu thereof the words "late nurse, Medical Department, United States Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Lucretia Davis, formerly Hamilton."

MARY M'GILL.

The next pension business was the bill (H. R. 10997) granting a pension to Mary McGill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary McGill, widow of Charles McGill, late of Company G, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUST GRAF.

The next pension business was the bill (H. R. 10988) granting an increase of pension to August Graf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Graf, late of Company B, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZA WOOLARD.

The next pension business was the bill (H. R. 10932) granting a pension to Eliza Woolard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eliza Woolard, daughter of John N. Woolard, late of Company A, First Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "daughter," insert the words "helpless and dependent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CONRAD DIRSCHNER.

The next pension business was the bill (H. R. 10839) granting an increase of pension to John Conrad Dirschner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Conrad Dirschner, late of Company D, Fourth Regiment, and Company H, Tenth Regiment, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATHERINE M. LAURENCE.

The next pension business was the bill (H. R. 10651) granting a pension to Katherine M. Laurence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine M. Laurence, widow of Edward Z. Laurence, late of Company A, Sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "of" and insert in lieu thereof the word "captain."

In line 8, after the word "Infantry," insert the words "and captain and commissary of subsistence, United States Volunteers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CYNTHIA A. CONANT.

The next pension business was the bill (H. R. 10626) granting a pension to Mary J. Conant.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Conant, a cripple and dependent child of John S. Conant, late of Company H, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Cynthia A. Conant, widow of John S. Conant, late of Company H, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary J. Conant, helpless and dependent daughter of said John S. Conant, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Cynthia A. Conant the name of said Mary J. Conant shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Cynthia A. Conant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended, so as to read: "A bill granting an increase of pension to Cynthia A. Conant."

GEORGE SLUYTER.

The next pension business was the bill (H. R. 10045) granting an increase of pension to George Sluyter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Sluyter, late of Company M, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FREDERICK K. BRYAN.

The next pension business was the bill (H. R. 9929) granting an increase of pension to Frederick K. Bryan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick K. Bryan, late first lieutenant Company E, Sixth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "first lieutenant" and insert in lieu thereof the word "of."

In same line strike out the letter "E" and insert in lieu thereof the letter "K."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER SULLIVAN.

The next pension business was the bill (H. R. 9905) granting an increase of pension to Peter Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Sullivan, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY N. M'LANE.

The next pension business was the bill (H. R. 9812) granting an increase of pension to Henry N. McLane.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry N. McLane, of Maryville, Tenn., late a private of Company A, Third Regiment Tennessee Volunteer Cavalry, war of 1861 to 1865, on the pension roll of the United States, and to pay him a pension at the rate of $36 per month in lieu of the pension which he now receives, subject to the provisions and limitations of the pension laws.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations

of the pension laws, the name of Henry N. McLane, late of Company A, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry N. McLane."

REUBEN NIGHTINGALE.

The next pension business was the bill (H. R. 9697) granting an increase of pension to Reuben Nightingale.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Nightingale, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "E."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS JOHNS.

The next pension business was the bill (H. R. 9504) granting an increase of pension to Augustus Johns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus Johns, late of Company H, One hundredth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "hundredth," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID WALKER.

The next pension business was the bill (H. R. 6425) granting a pension to Daniel Walker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Walker, late of Company D, Third Wisconsin Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Daniel" and insert in lieu thereof the word "David."

In same line, before the word "Wisconsin," insert the word "Regiment."

In lines 6 and 7 strike out the word "Regiment."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David Walker."

PHILLIP WHYRICH.

The next pension business was the bill (H. R. 5681) granting an increase of pension to Philip H. Whyrich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip H. Whyrich, late of Company G, Twenty-eighth Regiment Ohio Volunteer Infantry, and Company I, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Philip H." and insert in lieu thereof the word "Phillip."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Phillip Whyrich."

JULIA M. OAKLEY.

The next pension business was the bill (H. R. 5261) granting a pension to Julia M. Oakley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia M. Oakley, widow of Capt. J. K. R. Oakley, late of Company —, One hundred and sixty-ninth Regiment and Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The amendment recommended by the committee was read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Julia M. Oakley, widow of Jacob K. R. Oakley, late first lieutenant and adjutant, Ninety-eight Regiment New York Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Julia M. Oakley."

GEORGE L. BIXLER.

The next pension business was the bill (H. R. 4949) granting an increase of pension to George Bixler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Bixler, late of Company K, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "George," insert the letter "L."

Amend the title so as to read: "A bill granting an increase of pension to George L. Bixler."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIAS VEATCH.

The next pension business was the bill (H. R. 4892) granting a pension to Elias Veatch.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Veatch, late of Company K, First Regiment Colorado Volunteer Infantry, and pay him a pension at the rate of $35 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Elias Veatch."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARRIE KEEFER.

The next pension business was the bill (H. R. 4565) granting a pension to Carrie Keefer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie Keefer, widow of Benjamin F. Keefer, late a captain in the United States Army, and pay her a pension of $20 a month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "a captain," and all of lines 7 and 8, and insert in lieu thereof the following: "captain, Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Carrie Keefer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY R. GUSS.

The next pension business was the bill (H. R. 4120) granting an increase of pension to Henry R. Guss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Guss, late colonel of the Ninety-seventh Regiment Pennsylvania Volunteers, and pay him a pension of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of the."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In the same line, after the word "pension," insert the words "at the rate."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELAM ALLEN.

The next pension business was the bill (H. R. 8713) granting an increase of pension to Elam Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elam Allen, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ALEXANDER M. BALLOU.

The next pension business was the bill (H. R. 725) granting an increase of pension to Alexander M. Ballou.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Ballou, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FANNIE C. MOREY.

The next pension business was the bill (H. R. 7474) granting an increase of pension to Fannie C. Morey.

The bill was read, as follows:

Be it enacted, etc., That the name of Fannie C. Morey, widow of Hon. Frank Morey, of Louisiana, late sergeant of Company B, Thirty-third Regiment Illinois Volunteers, and captain Company A, Ninety-second Regiment Infantry Colored Volunteers, and acting assistant adjutant-general of the Trans-Mississippi Department, be placed on the pension roll at the rate of $50 per month in lieu of the pension now received by her.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie C. Morey, widow of Frank Morey, late captain Company A, Ninety-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JANE WHEELER.

The next pension business was the bill (H. R. 6976) granting an increase of pension to Jane Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Wheeler, widow of Atkins Wheeler, late on board United States steamship Petrel, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "on board" and insert in lieu thereof the word "of."

In line 7 strike out the words "United States steamship" and insert in lieu thereof the letters "U. S. S."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROXANA S. KER.

The next pension business was the bill (H. R. 6966) granting an increase of pension to Roxana S. Ker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Roxana S. Ker, widow of William W. Ker, late captain of Company C, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "captain," strike out the word "of."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSANNAH O. WARDROP.

The next pension business was the bill (H. R. 6940) granting an increase of pension to Susannah O. Wardrop.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susannah O. Wardrop, widow of David W. Wardrop, late colonel Third Regiment Massachusetts Volunteer Infantry and colonel Ninety-ninth Regiment New York Volunteer Infantry, war 1861 to 1865; and pay her a pension at the rate of $30 per month in lieu of the pension she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "Third Regiment Massachusetts Volunteer Infantry."

In line 8 strike out the words "and colonel."

In lines 9 and 10 strike out the words "war 1861 to 1865."

In line 10 strike out the word "fifty" and insert in lieu thereof the word "twenty."

In line 11 strike out the words "the pension" and insert in lieu thereof the word "that."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE N. CRAWFORD.

The next business was the bill (H. R. 3171) granting an increase of pension to G. N. Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of G. N. Crawford, late of Company I, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "G" and insert in lieu thereof the word "George."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to George N. Crawford."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

D. MILLER GORDON.

The next business was the bill (H. R. 1267) granting an increase of pension to D. Miller Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of D. Miller Gordon, late of Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE W. CARR.

The next business was the bill (H. R. 744) granting an increase of pension to George W. Carr.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Carr, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE D. BOYD.

The next business was the bill (H. R. 620) granting a pension to George D. Boyd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of George D. Boyd, first sergeant Company A, One hundred and twenty-eighth Indiana Infantry, at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George D. Boyd, late of Company A, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George D. Boyd."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

WILLIAM YORK.

The next business was the bill (H. R. 13283) granting an increase of pension to William York.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William York, late of Company F, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CAROLINE E. PRATT.

The next business was the bill (H. R. 13263) granting a pension to Caroline E. Pratt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Pratt, widow of Andrew J. Pratt, late of Captain Cogswell's independent battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In lines 8 and 9 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Caroline E. Pratt."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

AMOS T. RICHARDSON.

The next business was the bill (H. R. 13230) granting a pension to Amos T. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos T. Richardson, late of Company C, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Amos T. Richardson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

EDWARD HAYFORD.

The next business was the bill (H. R. 12544) granting an increase of pension to Edward Hayford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward Hayford, late of Company K, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

SARAH A. GILLHAM.

The next business was the bill (S. 885) granting a pension to Sarah A. Gillham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Gillham, widow of John D. Gillham, late chaplain One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month and $2 per month additional on account of the minor child of said John D. Gillham until he reaches the age of sixteen years.

The amendments recommended by the committee were read, as follows:

In line 9, before the word "and," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Sarah A. Gillham."

The amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

MAGGIE E. CARTER.

The next business was the bill (H. R. 8481) granting a pension to Ora Agnes Carter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ora Agnes Carter, dependent daughter of Samuel B. Carter, late of Company B, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of Maggie E. Carter, widow of Samuel B. Carter, late of Company B, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ora Agnes Carter, helpless and dependent daughter of said Samuel B. Carter, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Maggie E. Carter the name of said Ora Agnes Carter shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Maggie E. Carter."

Amend the title so as to read: "A bill granting an increase of pension to Maggie E. Carter."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES M. SIMMS.

The next pension business was the bill (H. R. 3266) granting a pension to Rev. James M. Simms.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rev. James M. Simms, of Savannah, Ga., who acted as chaplain for the United States troops at Key West, Fla., during the civil war, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Strike out all of lines 6, 7, 8, and 9 and insert in lieu thereof the following: "of James M. Simms, late acting chaplain Second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $12 per month."

Amend the title so as to read: "A bill granting a pension to James M. Simms."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JANE ALLEN.

The next pension business was the bill (H. R. 12527) granting an increase of pension to Jane Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Allen, widow of Nathan Allen, late of Captain Kelsey's company of North Carolina Mounted Infantry, Cherokee war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "war" and insert "Indian disturbances." In the same line strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

CELIA M. VIVEN.

The next pension business was the bill (H. R. 8620) granting an increase of pension to Celia M. Viven.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Celia M. Viven, widow of Capt. John Ludlow Viven, late of Company C, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."
In the same line substitute the initial "L." for the Christian name "Ludlow."
In line 7 strike out the words "of Company C" and insert the word "captain."
In line 8 change the word "thirty-five" to the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

MARY SHIVER.

The next pension business was the bill (H. R. 4141) granting a pension to Mary Shiver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary Shiver, widow of A. B. Shiver, late a private in the Indian war of 1836, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."
In line 5 change "A. B. Shiver" to "Abner B. Shiver."
In the same line strike out "a private in" and insert "of Captain Lightner's."
In line 6 strike out "the Indian war of 1836" and insert "company of Alabama Volunteers, Creek Indian war."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES H. MARTIN.

The next pension business was the bill (H. R. 3642) granting an increase of pension to James H. Martin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Martin, late of Captain Parker's company of Georgia Volunteers, Seminole war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Parker's" to "Barker's;" and after the word "company," in the same line, strike out "of."
In line 7 strike out "Seminole" and insert "Florida Indian."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

SAMUEL PARMLEY.

The next pension business was the bill (H. R. 3434) granting an increase of pension to Samuel Parmley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Parmley, late of Captain Peak's company, Tennessee Volunteers, Indian war, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Indian war" and insert "Cherokee Indian disturbances."
In line 8 strike out "twenty" and insert "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JANE E. TATUM.

The next pension business was the bill (H. R. 4539) granting a pension to Jane E. Tatum.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Tatum, widow of Hamling Tatum, soldier in the Creek Indian war of 1836, and pay her a pension at the rate of $8 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "soldier in the" and insert "late of Captain Carnes's company Georgia Mounted Volunteers."
In line 7 strike out "of 1836."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JAMES BLISS.

The next pension business was the bill (H. R. 6706) granting an increase of pension to James Bliss.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Bliss, late of Company K, Fourth Regiment United States Artillery, Mexican war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican war" and insert "war with Mexico."
In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ELLEN CAROLINE STEELE.

The next pension business was the bill (H. R. 11301) granting an increase of pension to Ellen Caroline Steele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Caroline Steele, widow of Abner N. Steele, late first sergeant Company A, Mississippi Regiment Rifle Battalion Volunteers in the Mexican war, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "N." in the soldier's name to the Christian name "Newton."
In line 7 strike out "first sergeant" and insert "of."
In line 8 strike out "Volunteers in the Mexican war" and insert "war with Mexico."
In line 9 strike out "twenty-four" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

JULIA A. ALLISON.

The next pension business was the bill (H. R. 11563) for the relief of Julia A. Allison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia A. Allison, widow of William Allison, a private in Capt. Elihue King's company, Second Regiment Georgia Militia, Cherokee war, who was detailed and served as a teamster, and to pay her a pension at the rate of $8 per month from 27th day of July, 1892.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting a pension to Julia A. Allison."
In line 6 strike out "a private in" and insert "late of."
In line 7 strike out "Elihue," and in the same line strike out "Second Regiment."
In line 8 strike out "Militia" and insert "Volunteers;" and in the same line, after the word "Cherokee," insert "Indian disturbances."
In lines 8 and 9 strike out "war, who was detailed and served as a teamster."
In line 9 strike out "to."
In lines 10 and 11 strike out "from 27th day of July, 1892."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; it was accordingly read the third time, and passed.

ANNA C. RAY.

The next business was the bill (H. R. 11213) for the relief of Anna C. Ray.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Anna Caroline Ray, widow of Robert C. Ray, late lieutenant in the United States Navy, deceased, on the pension roll and pay her from the interest on the navy pension fund a pension at the rate of $30 per month from and after the passage of this act.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read "A bill granting a pension to Anna C. Ray."
In line 4, after the word "authorized," insert "and directed;" and in the same line, after the word "place," insert "on the pension roll, subject to the provisions and limitations of the pension laws."
In the same line change the Christian name "Caroline" to the initial "C."
In line 5 strike out "lieutenant in the" and insert "ensign."
In line 6 strike out "deceased, on the pension roll" and also the words "allow and" and the word "from."
In line 7 strike out "the interest on the navy pension fund."
In line 8 strike out "thirty" and insert "fifteen;" and in the same line and in line 9 strike out "from and after the passage of this act."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ESTHER J. REYNOLDS.

The next pension business was the bill (H. R. 12029) for the relief of Jane Reynolds.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Jane Reynolds, widow of Pickens T. Reynolds, of Hall County, Georgia, a soldier of the Indian war of 1837 and 1838, from $8 to $20 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Ester J. Reynolds."

Strike out all in the bill after the words "directed to," in line 4, and substitute therefor the following:

"place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Esther J. Reynolds, widow of Pickens T. Reynolds, late of Captain Buffington's company, Georgia Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ANNIE M. POWELL.

The next pension business was the bill (H. R. 12460) granting a pension to Annie M. Powell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie M. Powell, widow of James Powell, deceased, late captain, in the United States Army, and pay her a pension at the rate of $36 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "deceased."
In line 7 strike out "in the."
In line 8 strike out "thirty-six" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

EVA H. WINGATE.

The next pension business was the bill (H. R. 12624) granting an increase of pension to Eva H. Wingate.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eva H. Wingate, widow of George E. Wingate, late commander, United States Navy, and pay her a pension at the rate of —— dollars per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

Amend so as to fill in the blank space in line 8 with the word "thirty-five."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

GEORGE W. GREGORY.

The next pension business was the bill (S. 3690) granting an increase of pension to George W. Gregory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Gregory, late of Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY REMINGTON.

The next pension business was the bill (S. 1959) granting a pension to Mary Remington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Remington, widow of John Remington, late of Capt. M. L. Gage's company, First Regiment Michigan Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CALVIN E. MYERS.

The next pension business was the bill (S. 3573) granting an increase of pension to Calvin E. Myers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Calvin E. Myers, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GARRETT V. CHAMBERLIN.

The next pension business was the bill (S. 3417) granting a pension to Garrett V. Chamberlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Garrett V. Chamberlin, late of Company B, First Regiment Florida Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY E. RILEY.

The next pension business was the bill (S. 1661) granting an increase of pension to Mary E. Riley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Riley, widow of William P. Riley, late of Baldwin's company, First Regiment Alabama Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CARRIE WAGES.

The next pension business was the bill (S. 106) granting an increase of pension to Carrie Wages.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie Wages, widow of Shadrack R. Wages, late of Company N, Second Regiment Missouri Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES HENRY MARTINEAU.

The next pension business was the bill (S. 3860) granting a pension to James Henry Martineau.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Henry Martineau, late recruit, general service, United States Army, war with Mexico, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW JACKSON POWER.

The next pension business was the bill (S. 236) granting an increase of pension to Andrew Jackson Power.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Jackson Power, late of Company G, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS B. STEELE.

The next pension business was the bill (S. 4078) granting an increase of pension to Thomas B. Steele.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Steele, late assistant surgeon, United States ships Germantown and Vesuvius, United States Navy, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LOUIS GROVERMAN.

The next pension business was the bill (S. 4246) granting an increase of pension to Louis Groverman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Groverman, late of Company C, First Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

REBECCA HANKINS.

The next pension business was the bill (S. 4284) granting an increase of pension to Rebecca Hankins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca Hankins, widow of Nimrod Hankins, late of Captains Steward and Hunter's company, Tennessee Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. SHANDS.

The next pension business was the bill (S. 4285) granting an increase of pension to John H. Shands.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Shands, late of Company G, Third Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CYRUS Q. LEMMOND.

The next pension business was the bill (S. 3879) granting an increase of pension to Cyrus Q. Lemmond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cyrus Q. Lemmond, late of Company A, Third Regiment United States Dragoons, war with Mexico, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HANNAH HALL.

The next pension business was the bill (S. 3654) granting a pension to Hannah Hall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah Hall, widow of John W. Hall, late of Company C, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor children of said John W. Hall until they reach the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FLORENCE E. FOSTER.

The next pension business was the bill (S. 3919) granting a pension to Florence E. Foster.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence E. Foster, widow of David M. Foster, late of Company I, Ninth Regiment United States Infantry, and ordnance detachment United States Army, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said David M. Foster until they reach the age of 16 years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MILDRED S. OGDEN.

The next pension business was the bill (S. 3651) granting an increase of pension to Mildred S. Ogden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mildred S. Ogden, widow of Julien S. Ogden, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9053. An act to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4576. An act transferring the custody of certain obsolete ordnance to the City of Boston—to the Committee on Military Affairs.

S. 4351. An act to provide for the enlarging of the United States court building at Asheville, N. C., containing the United States court room, post-office, clerk's office, and internal-revenue offices—to the Committee on Public Buildings and Grounds.

WILLIAM W. JACKSON.

Mr. GIBSON. Mr. Speaker, I wish to call up the conference report on the bill S. 1543, "An act granting an increase of pension to William W. Jackson."

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 1543, "An act granting an increase of pension to William W. Jackson," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Conferees on the part of the House.
P. J. MCCUMBER,
N. B. SCOTT,
Conferees on the part of the Senate.

Mr. GIBSON. Mr. Speaker, I move that the conference report be agreed to.

The motion was agreed to.

JANE I. LONG.

Mr. GIBSON. Mr. Speaker, I also call up the conference report on the bill (S. 3274) granting an increase of pension to Jane I. Long.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3274) granting an increase of pension to Jane I. Long, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.
P. J. MCCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

Mr. GIBSON. Mr. Speaker, I move that the report be agreed to.

The motion was agreed to.

On motion of Mr. GIBSON, a motion to reconsider the votes by which the two bills were passed was laid on the table.

LEAVE TO PRINT ILLUSTRATIONS.

By unanimous consent, leave was granted to print illustrations in House Document No. 521, "Tests of iron and steel," February 8, 1904.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LACEY for one week, on account of important business.

PORT OF DELIVERY AT SALT LAKE CITY, UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 201.

The SPEAKER. What is the title of the bill?

Mr. HOWELL of Utah. It is a bill to establish a port of delivery at Salt Lake City, Utah.

The SPEAKER. The gentleman from Utah asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 201) to establish a port of delivery at Salt Lake City, Utah.

Be it enacted, etc., That Salt Lake City, in the State of Utah, be, and is hereby, constituted a port of delivery, and that the privileges of the seventh section of the act approved June 10, 1880, governing the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to said port.

SEC. 2. That there shall be appointed a surveyor of customs to reside at said port, whose salary shall be $1,000 per annum, in lieu of all fees and commissions of every kind whatsoever.

Mr. MADDOX. Mr. Speaker, I should like to inquire if this is not one of those cases the committee the other day were reporting against and urging we should not have any more of these ports?

Mr. HOWELL of Utah. I will say to the gentleman that this bill has been reported, unanimously, favorably by the Committee on Ways and Means.

Mr. MADDOX. I understand, but——

Mr. PAYNE. I will say to the gentleman from Georgia this bill was reported because it was similar to bills which have already become laws for similar places, like Omaha, etc., and it was unanimously reported.

Mr. MADDOX. There were strong complaints on both sides in regard to the matter some time ago.

Mr. PAYNE. I beg pardon.

Mr. MADDOX. There was considerable complaint about establishing these ports on both sides of the House.

Mr. PAYNE. I will state to the gentleman the complaint was that some of the ports established a good many years ago had gone into what was formerly called "innocuous desuetude," and they were not collecting enough to pay the expenses of the port.

Mr. MADDOX. Is there any evidence that this will not do the same thing?

Mr. PAYNE. It will not be so in this case, and it is a great convenience for a large city like Salt Lake City, so many hundreds of miles away from any place of import, to have such convenience.

Mr. MADDOX. I do not care to object to this matter, but I simply want to call the attention of the House to it, because when we had this matter under discussion we came pretty near doing something, but for some reason we did not, and——

Mr. PAYNE. I will say that I have spent a good deal of time investigating that subject and trying to get a bill cutting off these ports that ought to be cut off, and I think that is clearly a place where a port should be established.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion by Mr. HOWELL of Utah, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was adopted; and accordingly (at 2 o'clock and 58 minutes p. m.) the House adjourned to meet on Monday next at 12 m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting copy of a petition and draft of a bill relating to retirement of Dr. Samuel W. Service, veterinarian of the Tenth United States Cavalry—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Attorney-General, relating to alleged desecration of the American flag—to the Committee on the Judiciary, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a copy of a petition of Labor Union and Tobacco Workers' Guild of the Philippine Islands respecting tariff on cigars and tobacco—to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DIXON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9985) providing for the donation of lots A, B, K, and L, in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles and surroundings, and filed in the local land office at The Dalles, Oreg., to the Oregon Historical Society, reported the same without amendment, accompanied by a report (No. 1582), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARNER, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 5751) providing for a coastwise canal in Texas, reported the same without amendment, accompanied by a report (No. 1583); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3218) for the relief of Civil Engineer P. C. Asserson, retired, reported the same without amendment, accompanied by a report (No. 1581); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13792) granting an increase of pension to Ellenor Clavier—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13460) for the relief of Reuben K. Deaver—Committee on Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 13861) to establish aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.

By Mr. LIND: A bill (H. R. 13862) for the relief of the Sisseton and Wahpeton Indians—to the Committee on Indian Affairs.

By Mr. MAYNARD: A bill (H. R. 13863) to provide for acquirement, by condemnation, of lands at Cape Henry, Va., for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. SNOOK: A bill (H. R. 13864) to increase the pension of certain pensioned soldiers and sailors who have lost the sight of one eye or the sight of both eyes in the service of the country, and to provide a rate of pension for those who have lost the sight of one eye and been affected in the sight of the other eye—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13865) for the relief of claimants to town lots which have been included in the United States reservation at Sulphur Springs, in the Chickasaw Reserve, in the Indian Territory—to the Committee on Indian Affairs.

By Mr. THOMPSON: A bill (H. R. 13866) for the relief of parties for property taken from them by military forces of the United States—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 13867) to amend the act providing for national irrigation, approved June 17, 1902, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. DEEMER: A joint resolution (H. J. Res. 129) providing for the printing of 10,000 additional copies of the Garfield, Lincoln, and McKinley eulogies—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 13868) granting a pension to Bernard Closkey—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 13869) granting a pension to Sarah M. Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13870) granting an increase of pension to Charles A. Lawman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13871) granting an increase of pension to Oliver F. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13872) granting an increase of pension to Halsey P. Gabriel—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 13873) for the relief of the estates of Alexis Hebert and Henry Vedrines, deceased, late of Iberia Parish, La.—to the Committe on War Claims.

Also, a bill (H. R. 13874) for the relief of the estate of Jean Pierre Landry, deceased, late of Iberia Parish, La,—to the Committee on War Claims.

Also, a bill (H. R. 13875) for the relief of the estate of James R. Young, deceased, late of Orleans Parish, La.—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 13876) for the relief of the estate of Bryant Wheeler, deceased, late of Claiborne County, Tenn.—to the Committee on War Claims.

By Mr. BUCKMAN: A bill (H. R. 13877) granting an increase of pension to Frederick Lilje—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 13878) for the relief of John R. Messinger—to the Committee on Claims.

By Mr. GARDNER of Michigan: A bill (H. R. 13879) granting an increase of pension to Abraham S. Van Fleet—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 13880) for the relief of Maria Sheffey Hanson—to the Committee on Pensions.

By Mr. HEDGE: A bill (H. R. 13881) granting a pension to Nancy Gabriel—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 13882) to amend the military record of Thomas M. Elliott—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 13883) granting an increase of pension to Elisha F. Christie—to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 13884) granting an increase of pension to Nancy E. Rowland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13885) granting an increase of pension to Michael Staley—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 13886) granting an increase of pension to Thomas Mahers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13887) granting an increase of pension to Jacob Steffes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13888) granting a pension to Elizabeth Augusta Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13889) granting a pension to Patrick Magrath—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 13890) for the relief of the estate of C. E. Rosser, deceased, late of Clayton County, Ga.—to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 13891) granting an increase of pension to Daniel H. Converse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13892) granting an increase of pension to John Behymer—to the Committee on Invalid Pensions.

By Mr. MADDOX: A bill (H. R. 13893) for the relief of David H. Neely and Jane A. Neely, of Floyd County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 13894) for the relief of President Walraven, of Gordon County, Ga.—to the Committee on War Claims.

By Mr. McCARTHY: A bill (H. R. 13895) granting an increase of pension to Oscar F. Brown—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 13896) for the relief of the estate of John A. Pickett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13897) for the relief of Jasper Hackworth—to the Committee on War Claims.

Also, a bill (H. R. 13898) for the relief of Edward D. Pickett—to the Committee on War Claims.

Also, a bill (H. R. 13899) for the relief of the estate of Austin Hackworth, deceased—to the Committee on War Claims.

By Mr. MUDD: A bill (H. R. 13900) granting a pension to Lizzie Somerville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13901) granting a pension to William W. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13902) granting a pension to Annie Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13903) granting an increase of pension to Charles H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13904) granting a pension to John Duckett—to the Committee on Pensions.

By Mr. ROBB: A bill (H. R. 13905) granting an increase of pension to Moses Jones—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 13906) for relief of the heirs of Mary Edwards, deceased—to the Committee on War Claims.

By Mr. SNOOK: A bill (H. R. 13907) granting an increase of pension to John W. Hilton—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas (by request): A bill (H. R. 13908) for the relief of the Reloj Cattle Company—to the Committee on Private Land Claims.

By Mr. STEENERSON: A bill (H. R. 13909) to refer certain claims arising in the Sioux Indian war, Minnesota, to the Court of Claims for a finding of facts—to the Committee on War Claims.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 13910) granting a pension to Henry E. Wright—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 13911) granting an increase of pension to Calvin Hitt—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 13912) to restore First Lieut. Henry L. Carroll, Company B, First Georgia Infantry Volunteers, to pension roll—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 13913) for the relief of C. P. Johnson & Son—to the Committee on Claims.

By Mr. TRIMBLE: A bill (H. R. 13914) for the relief of M. H. Corsbie—to the Committee on Claims.

Also, a bill (H. R. 13915) for the relief of M. H. Corsbie—to the Committee on Claims.

Also, a bill (H. R. 13916) for the relief of Elijah D. Robertson—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13917) for the relief of Mrs. Emily Miller—to the Committee on War Claims.

Also, a bill (H. R. 13918) for the relief of the heirs of Mrs. H. C. Henderson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13919) for the relief of the estate of John M. Hawkins, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 13920) granting an increase of pension to John Lamb—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the First Baptist Church of Piqua, Miami County, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Youngstown (Ohio) Builders' Exchange, in favor of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Youngstown (Ohio) Builders' Exchange, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Christian Endeavor Society, of 60 members, of Alnutt Memorial Methodist Protestant Church, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BABCOCK: Petition of veterans of the civil war living at Woodstock, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BADGER: Resolution of the Columbus (Ohio) Board of Trade, favoring reciprocal trade relations with Canada and urging immediate legislation in furtherance thereof—to the Committee on Ways and Means.

By Mr. BAKER: Petition opposing acceptance by the President of the statue of Frederick the Great—to the Committee on the Library.

By Mr. BARTLETT: Petition of the Beck & Gregg Hardware Company, of Atlanta, Ga., protesting against the passage of the eight-hour and anti-injunction bills—to the Committee on Labor.

Also, petition of the Acme Brewing Company, of Macon, Ga., for passage of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of piano manufacturers and dealers of Philadelphia, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of the Weil Brothers Mercantile Company, of Denver, Colo., protesting against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolutions adopted by the Chicago Real Estate Board, favoring passage of bill H. R. 4483, to remove obstructions from the mouth of Chicago River—to the Committee on Rivers and Harbors.

Also, resolutions adopted by the Kansas City (Kans.) Lodge, Brotherhood of Boiler Makers and Iron-ship Builders, favoring passage of legislation in the interest of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRADLEY: Petition of the Newburgh-Reed Company, in favor of bill H. R. 9302, providing for a reduction of duty on alcohol used in the arts and industries—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Petition of S. L. Shaver & Co. and others, of Shelbyville, Ark., against passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ———: Petition of C. D. Case & Co., of Hartford, Conn., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BURKETT: Papers to accompany bill H. R. 13561, to establish the true status of the Nebraska State militia—to the Committee on Military Affairs.

Also, petition of the South Omaha Live Stock Exchange, to remove débris in Kaw River to prevent floods—to the Committee on Rivers and Harbors.

By Mr. CALDERHEAD: Petition of members of Attison Circle, Department of Kansas, Ladies of the Grand Army of the Republic, of Vermilion, Marshall County, Kans.—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Petition of citizens of Kansas, in favor of increasing salaries of rural free-delivery carriers and allowing them the privilege of acting as agents for mail-order houses, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK (by request): A protest from citizens of Missouri against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Resolution of Will F. Stewart Circle, No. 53, Department of Pennsylvania, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. COWHERD: Petition of D. Green & Co. and 4 citizens of Kansas City, Mo., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Klein's Sweet Springs Distilling Company and 7 citizens of Kansas City, Mo., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of George Beamish and 25 other citizens of Kansas City, Mo., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Kansas City, Mo., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of 100 members of the Ministers' Alliance and 35 members of the Presbyterian Ministers' Alliance of Kansas City,

Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of P. C. Lee and 24 other voters, and the Ladies' Aid Society of the Presbyterian Church of Kansas City, Mo., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of the Philadelphia Retail Druggists' Association, favoring a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Monday Night Club, of Pittsburg, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAYTON: Petition of a church mass meeting of 934 citizens of New Cumberland, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the E. G. Bernard Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of John R. Messinger, for three months' extra pay as a private in Company C, Twelfth Pennsylvania Volunteers—to the Committee on War Claims.

By Mr. FULLER: Memorials of the Union Furniture Company, of Rockford, Ill., and the Rockford Watch Company, of Illinois, in favor of a reduction of duty on alcohol used in the arts and industries—to the Committee on Ways and Means.

Also, resolution of the Chicago Real Estate Board, in favor of bill H. R. 4483—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petitions of citizens of Lancaster, Ohio, praying for an increase of compensation of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petition of the Woman's Club of Bellows Falls, Vt., in favor of a national forest reserve in the White Mountains, New Hampshire—to the Committee on Agriculture.

By Mr. HAY: Paper to accompany bill for relief of Maria Sheffy Hanson—to the Committee on Pensions.

By Mr. HEMENWAY: Petition of Julius Eslinger and other citizens of Evansville, Ind., urging defeat of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Petition of H. A. Miller & Son and others, of Shickley, Nebr., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Presbyterian Church of Seward, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HITT: Petition of the Schiller Piano Company, of Oregon, Ill., by T. G. Jones, president, urging passage of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LIND: Memorial of R. H. Martin and others, of the Minnesota State Court of the Catholic Order of Foresters, asking Congress to accept the statue of Father James Marquette as a gift of the State of Wisconsin to the Capitol Hall of Fame, Washington, D. C.—to the Committee on the Library.

By Mr. LINDSAY: Resolution of the Manufacturers' Association of New York, favoring the betterment of the Kaw River channel—to the Committee on Rivers and Harbors.

By Mr. LITTAUER: Resolution of Degraff Circle, Ladies of the Grand Army of the Republic, Amsterdam, N. Y., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of citizens of Lincoln County, Me., for Government aid in eliminating the dogfish—to the Committee on the Merchant Marine and Fisheries.

By Mr. McCARTHY: Petition of A. J. Kramper, of Dakota City, Nebr.; John H. Dietrchy, of Sioux City, Nebr., and J. F. Kramper, of Jackson, Nebr., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of Moses R. Galbraith and others, of Colfax County, Nebr., for increase of salary of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Petition of Sallie B. Stamper—to the Committee on War Claims.

Also, petitions of estate of Austin Hackworth, Edward D. Pickett, Jasper Hackworth, and estate of John S. Pickett, for reference of claims to the Court of Claims under the Bowman Act—to the Committee on Claims.

Also, petition of Local Lodge No. 14, of Chattanooga, Tenn., for development of the American merchant marine and shipbuilding—to the Committee on the Merchant Marine and Fisheries.

By Mr. MURDOCK: Petition of Caroline Harrison Circle, No. 56, Ladies of the Grand Army of the Republic, of Wichita, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of the Hubbard & Eldredge Company, W. A. Hubbard, president, urging passage of bill H. R. 9302—to the Committee on Ways and Means.

Also, petitions of the B. W. Claport Piano Manufacturing Company, Charles J. White, treasurer, and the J. W. Gillis Company, of Rochester, N. Y., by Joseph Simon, president, urging passage of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. PAYNE: Resolution of the Independent Order of Good Templars of Lyons, N. Y., urging passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of A. H. Dewey and other patrons of rural route No. 2, Shortsville, N. Y., urging an increase of pay for rural carriers to $850 a year and privilege to act as agents—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Petition of citizens of Woodhull, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. REEDER: Petition of the Presbyterian, the Wesleyan Methodist, and the Methodist Episcopal churches of Wilson, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Palco, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBB: Papers in support of House bill for the relief of Moses Jones—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: Petition of rural free-delivery carriers of Noble County, favoring a graded scale, fifteen days' vacation, and letting privileges alone—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: Memorial of the Henderson County (Tenn.) Medical Society, in favor of a bill to increase the efficiency of the Medical Department of the United States Army, and for an appropriation of $400,000 for a general hospital for the Army in the District of Columbia—to the Committee on Appropriations.

By Mr. SAMUEL W. SMITH: Resolution of Camp McKinley, No. 8, of the National League of Veterans and Sons, of Flint, Mich., relative to the passage of pension legislation—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: Petition of citizens of Toledo, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Lucas County (Ohio) Liquor Dealers' Association—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 707—to the Committee on Claims.

By Mr. STEVENS of Minnesota: Protest of the Lyman Eliel Drug Company, of Minneapolis, Minn., against the passage of bill S. 489—to the Committee on Labor.

Also, petition of the State Farmers' Institute, of Stillwater, Minn., in favor of an increase in salary of rural letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Brotherhood of Locomotive Engineers of St. Paul and Minneapolis, in favor of a pension for veteran engineers during civil war—to the Committee on Pensions.

Also, petition of many citizens of St. Paul, in opposition to the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. TAWNEY: Affidavit to accompany bill for Calvin Hitt, of Dover, Minn.—to the Committee on Invalid Pensions.

Also, resolution of Helpers' Division No. 86, of the Brotherhood of Boiler Makers and Shipbuilders of America, of Winona, Minn., favoring passage of bills H. R. 7056 and S. 2259 and 2263—to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS of North Carolina: Papers to accompany claim of C. P. Johnson & Co.—to the Committee on Claims.

By Mr. TIRRELL: Petition of Nichols S. Stone, of Gardner, Mass., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petitions of Bishop & Dickinson and others, and H. J. Harwood, in favor of the passage of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. TRIMBLE: Petition of Mac H. Corsbie, for reimbursement for money expended for medical attention while in the military service of the United States; also papers to accompany same—to the Committee on Claims.

By Mr. WEBB: Papers supporting petition of Reuben K. Deaver, to go with bill H. R. 13460—to the Committee on Military Affairs.

By Mr. WADSWORTH: Petition of the Woman's Christian Temperance Union and citizens of Danville, N. Y., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WARNER: Petition of the Decatur Brewing Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Resolutions of the Trades and Labor Assembly of Peoria, Ill., to establish a separate and nonpartisan Department of Labor—to the Committee on the Judiciary.

Also, petition of citizens of Clay County, Ill., in favor of the bill to pension John Lamb—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March 14, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

Mr. WILLIAM A. CLARK, a Senator from the State of Montana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on the request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

SCHOONER THERESA.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Theresa*, William Williamson, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ELIZABETH JOHNSON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Elizabeth Johnson *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

DOCUMENTS RELATING TO CUBA AND INSULAR POSSESSIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, recommending the passage of a concurrent resolution providing for the printing of an index to a comprehensive compilation of all documents relating to the affairs of Cuba, Porto Rico, the Philippines, and other insular possessions; which was referred to the Committee on Printing, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 106) granting an increase of pensin to Carrie Wages;

A bill (S. 201) to establish a port of delivery at Salt Lake City, Utah;

A bill (S. 236) granting an increase of pension to Andrew Jackson Power;

A bill (S. 1661) granting an increase of pension to Mary E. Riley;

A bill (S. 1959) granting a pension to Mary Remington;

A bill (S. 3394) granting an increase of pension to Joseph B. Crawford;

A bill (S. 3417) granting a pension to Garrett V. Chamberlin;

A bill (S. 3573) granting an increase of pension to Calvin E. Myers;

A bill (S. 3651) granting an increase of pension to Mildred S. Ogden;

A bill (S. 3654) granting a pension to Hannah Hall;

A bill (S. 3690) granting an increase of pension to George W. Gregory;

A bill (S. 3833) granting an increase of pension to George T. Edwards;

A bill (S. 3860) granting a pension to James Henry Martineau;

A bill (S. 3879) granting an increase of pension to Cyrus Q. Lemmond;

A bill (S. 3896) granting an increase of pension to Richard F. Nugent;

A bill (S. 3919) granting a pension to Florence E. Foster;

A bill (S. 4078) granting an increase of pension to Thomas B. Steele;

A bill (S. 4246) granting an increase of pension to Louis Groverman;

A bill (S. 4248) granting an increase of pension to Rebecca Hankins; and

A bill (S. 4285) granting an increase of pension to John H. Shands.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 200) granting an increase of pension to Austin Almy;

A bill (S. 1543) granting an increase of pension to William W. Jackson;

A bill (S. 1760) granting a pension to Ann A. Devore; and

A bill (S. 3274) granting an increase of pension to Jane I. Long.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution of the Senate to print and bind the proceedings in Congress upon the acceptance of the statues of Charles Carroll of Carrollton and John Hanson.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes;

A bill (H. R. 544) granting an increase of pension to Luther St. John;

A bill (H. R. 620) granting an increase of pension to George D. Boyd;

A bill (H. R. 725) granting an increase of pension to Alexander M. Ballou;

A bill (H. R. 728) granting an increase of pension to Benjamin F. Evans;

A bill (H. R. 732) granting an increase of pension to John L. B. Thompson;

A bill (H. R. 744) granting an increase of pension to George W. Carr;

A bill (H. R. 878) granting a pension to Robert S. Rose;

A bill (H. R. 1127) for relief of William J. Hines;

A bill (H. R. 1267) granting an increase of pension to D. Miller Gordon;

A bill (H. R. 1568) granting an increase of pension to James V. Tabor;

A bill (H. R. 1861) granting an increase of pension to James Wilkinson;

A bill (H. R. 1877) granting an increase of pension to George H. Suits;

A bill (H. R. 1905) granting an increase of pension to Elias Holliday;

A bill (H. R. 2041) granting an increase of pension to James W. Adams;

A bill (H. R. 2144) granting an increase of pension to Minerva A. Poole;

A bill (H. R. 2914) granting an increase of pension to Charity M. Farmer;

A bill (H. R. 2922) granting an increase of pension to George W. Ford;

A bill (H. R. 3033) granting a pension to James M. Hurley;

A bill (H. R. 3149) granting an increase of pension to John S. Mavity;

A bill (H. R. 3171) granting an increase of pension to George N. Crawford;

A bill (H. R. 3266) granting a pension to James M. Simms;

A bill (H. R. 3434) granting an increase of pension to Samuel Parmley;

A bill (H. R. 3533) granting an increase of pension to Robert H. McIlroy;

A bill (H. R. 3565) directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas;

A bill (H. R. 3642) granting an increase of pension to James H. Martin;

A bill (H. R. 3832) granting an increase of pension to Eli T. Hoyt;

A bill (H. R. 4120) granting an increase of pension to Henry R. Guss;

A bill (H. R. 4141) granting a pension to Mary Shiver;

A bill (H. R. 4230) granting an increase of pension to Jasper M. Griggs;

A bill (H. R. 4330) granting a pension to Catherine Tully;

A bill (H. R. 4353) granting an increase of pension to George Brown;

A bill (H. R. 4539) granting a pension to Jane E. Tatum;

A bill (H. R. 4565) granting an increase of pension to Carrie Keefer;

A bill (H. R. 4599) granting a pension to Ella F. Whitehead;

A bill (H. R. 4623) granting a pension to Electa L. Willard;

A bill (H. R. 4718) granting an increase of pension to Thomas Ballard;

A bill (H. R. 4877) granting an increase of pension to Mathias C. Mills;

A bill (H. R. 4892) granting an increase of pension to Elias Veatch;

A bill (H. R. 4928) granting an increase of pension to Jason H. Masterson;

A bill (H. R. 4949) granting an increase of pension to George L. Bixler;

A bill (H. R. 4980) granting an increase of pension to Thomas E. Connor, alias Darius B. Smith;

A bill (H. R. 4990) granting a pension to Georgia R. Demarest;

A bill (H. R. 5055) granting an increase of pension to Woodson R. Daniel;
A bill (H. R. 5105) granting an increase of pension to Jacob P. Fishback;
A bill (H. R. 5107) granting an increase of pension to John W. Kling;
A bill (H. R. 5247) granting an increase of pension to Lora Milliken;
A bill (H. R. 5261) granting an increase of pension to Julia M. Oakley;
A bill (H. R. 5298) granting a pension to William E. Coffin;
A bill (H. R. 5330) granting an increase of pension to Robert D. Gardner;
A bill (H. R. 5445) granting a pension to Susan R. Choat;
A bill (H. R. 5533) granting an increase of pension to Hugh L. Freeman;
A bill (H R. 5681) granting an increase of pension to Phillip Whyrich;
A bill (H. R. 5811) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia;
A bill (H. R. 5846) granting an increase of pension to Carrie K. Baker;
A bill (H. R. 5856) granting an increase of pension to Nancy A. King;
A bill (H. R. 5888) granting an increase of pension to Mary Irene Rosenthal;
A bill (H. R. 5912) granting an increase of pension to Alexander S. Bowen;
A bill (H. R. 5953) granting an increase of pension to Marcel Gagnon;
A bill (H. R. 6062) granting an increase of pension to Alvin Gray;
A bill (H. R. 6088) granting an increase of pension to Marshall Howell;
A bill (H. R. 6365) granting an increase of pension to John W. Hay;
A bill (H. R. 6425) granting an increase of pension to Daniel Walker;
A bill (H. R. 6530) granting an increase of pension to Thomas Williams;
A bill (H. R. 6592) granting an increase of pension Sarah C. Wilson;
A bill (H. R. 6706) granting an increase of pension to James Bliss;
A bill (H. R. 6858) granting an increase of pension to Nelson Hart;
A bill (H. R. 6923) granting a pension to Olive Bassett;
A bill (H. R. 6931) granting a pension to Sarah A. McCann;
A bill (H. R. 6933) granting a pension to Louisa M. Wright;
A bill (H. R. 6940) granting an increase of pension to Susannah O. Wardrop;
A bill (H. R. 6966) granting an increase of pension to Roxana S. Ker;
A bill (H. R. 6973) granting an increase of pension to Simeon Billings;
A bill (H. R. 6976) granting an increase of pension to Jane Wheeler;
A bill (H. R. 7364) granting an increase of pension to Leonard M. Johnson;
A bill (H. R. 7431) granting an increase of pension to Charles N. Burns;
A bill (H. R. 7474) granting an increase of pension to Fannie C. Morey;
A bill (H. R. 7482) granting an increase of pension to Jennie Pettit Morrison;
A bill (H. R. 7487) granting an increase of pension to Francis Knapp;
A bill (H. R. 7517) granting an increase of pension to Lemuel N. Bishop;
A bill (H. R. 7772) granting a pension to Robert Leach;
A bill (H. R. 7773) granting an increase of pension to Samuel H. Thoroman;
A bill (H. R. 7792) granting an increase of pension to Lazarus Minnich;
A bill (H. R. 7986) granting an increase of pension to Stephen Bricker;
A bill (H. R. 8099) granting an increase of pension to Stephen L. Richardson;
A bill (H. R. 8120) granting an increase of pension to Delzon Allen;
A bill (H. R. 8121) granting an increase of pension to Joseph M. Ellis;
A bill (H. R. 8283) granting an increase of pension to Henry Herkes;
A bill (H. R. 8462) granting an increase of pension to James Walts;
A bill (H. R. 8479) granting a pension to James H. E. Guest;
A bill (H. R. 8481) granting an increase of pension to Maggie E. Carter;
A bill (H. R. 8620) granting an increase of pension to Celia M. Viven;
A bill (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State;
A bill (H. R. 8713) granting an increase of pension to Elam Allen;
A bill (H. R. 8715) granting an increase of pension to Alice A. Siverd;
A bill (H. R. 9079) granting a pension to Elizabeth Davison;
A bill (H. R. 9280) granting an increase of pension to James M. Hildreth;
A bill (H. R. 9504) granting an increase of pension to Augustus Johns;
A bill (H. R. 9562) granting an increase of pension to Warren R. Herrell;
A bill (H. R. 9574) granting an increase of pension to John H. Lennon;
A bill (H. R. 9599) granting an increase of pension to Grace P. Paddock;
A bill (H. R. 9682) granting an increase of pension to Philip Loney;
A bill (H. R. 9697) granting an increase of pension to Reuben Nightingale;
A bill (H. R. 9738) granting a pension to Rebecca Simpson;
A bill (H. R. 9792) granting a pension to Fanny Tracy;
A bill (H. R. 9796) granting an increase of pension to William Berkley;
A bill (H. R. 9812) granting an increase of pension to Henry N. McLane;
A bill (H. R. 9834) granting an increase of pension to Elizabeth McL. Haughey;
A bill (H. R. 9862) granting a pension to Mary Yaw;
A bill (H. R. 9905) granting an increase of pension to Peter Sullivan;
A bill (H. R. 9929) granting an increase of pension to Frederick K. Bryan;
A bill (H. R. 10045) granting an increase of pension to George Sluyter;
A bill (H. R. 10340) granting an increase of pension to George F. Major;
A bill (H. R. 10478) granting an increase of pension to William T. Hayter;
A bill (H. R. 10626) granting an increase of pension to Cynthia A. Conant;
A bill (H. R. 10651) granting a pension to Katherine M. Laurence;
A bill (H. R. 10798) granting an increase of pension to James H. Allen;
A bill (H. R. 10839) granting an increase of pension to John Conrad Dirschner;
A bill (H. R. 10841) granting an increase of pension to Elizabeth De Baugh;
A bill (H. R. 10845) granting an increase of pension to John C. Webb;
A bill (H. R. 10924) granting an increase of pension to Cline Morris;
A bill (H. R. 10932) granting a pension to Eliza Woolard;
A bill (H. R. 10941) granting an increase of pension to Mary Dougherty;
A bill (H. R. 10974) granting an increase of pension to Robert Conn;
A bill (H. R. 10988) granting an increase of pension to August Graf;
A bill (H. R. 10997) granting a pension to Mary McGill;
A bill (H. R. 11011) granting an increase of pension to John Linn;
A bill (H. R. 11177) granting an increase of pension to George Manypenny;
A bill (H. R. 11301) granting an increase of pension to Ellen Caroline Steele;
A bill (H. R. 11313) granting a pension to Anna C. Ray;
A bill (H. R. 11402) granting an increase of pension to Agnes B. Hesler;
A bill (H. R. 11498) granting an increase of pension to William A. Porter;
A bill (H. R. 11562) granting a pension to Lucretia Davis;
A bill (H. R. 11563) granting a pension to Julia A. Allison;
A bill (H. R. 11597) granting an increase of pension to Amanthus P. Joyner;
A bill (H. R. 11610) granting an increase of pension to Alexander S. Hill;

A bill (H. R. 11612) granting an increase of pension to George H. Abney;
A bill (H. R. 11615) granting an increase of pension to Socrates Moore;
A bill (H. R. 11616) granting a pension to August Bockerman;
A bill (H. R. 11629) granting an increase of pension to Nannie J. McDowell;
A bill (H. R. 11692) granting an increase of pension to Mary J. Neeley;
A bill (H. R. 11711) granting an increase of pension to Jerome J. Hinds;
A bill (H. R. 11838) granting an increase of pension to William H. Mann;
A bill (H. R. 11846) granting an increase of pension to David Kinsey;
A bill (H. R. 11906) granting a pension to Margaret Jones;
A bill (H. R. 11939) granting an increase of pension to Charles C. Fisher, alias John C. Pickerell;
A bill (H. R. 11999) granting an increase of pension to William Vincent;
A bill (H. R. 12029) granting an increase of pension to Esther J. Reynolds;
A bill (H. R. 12094) granting an increase of pension to James T. McKinstry;
A bill (H. R. 12099) granting an increase of pension to Edwin M. Slayton;
A bill (H. R. 12102) granting an increase of pension to Lavalle C. Obarr;
A bill (H. R. 12134) granting an increase of pension to Albert Haldeman;
A bill (H. R. 12202) granting an increase of pension to John Baughman;
A bill (H. R. 12326) granting an increase of pension to Matthew Curran;
A bill (H. R. 12342) granting an increase of pension to Lawrence H. Rousseau;
A bill (H. R. 12363) granting an increase of pension to Charles H. Barnard;
A bill (H. R. 12389) granting an increase of pension to Napoleon Paulus;
A bill (H. R. 12402) granting a pension to Orson Burlingame;
A bill (H. R. 12434) granting an increase of pension to Rebecca McKinney;
A bill (H. R. 12436) granting a pension to Ida E. Nerber;
A bill (H. R. 12439) granting a pension to Lydia Gavett;
A bill (H. R. 12452) granting an increase of pension to John A. McNerney;
A bill (H. R. 12460) granting a pension to Annie M. Powell;
A bill (H. R. 12461) granting an increase of pension to Milton Graham;
A bill (H. R. 12474) granting a pension to George Preston Reeves;
A bill (H. R. 12491) granting an increase of pension to Peter Scott;
A bill (H. R. 12498) granting an increase of pension to Sarah N. Maddox;
A bill (H. R. 12504) granting an increase of pension to Juliett Field;
A bill (H. R. 12527) granting an increase of pension to Jane Allen;
A bill (H. R. 12544) granting an increase of pension to Edward Hayford;
A bill (H. R. 12557) granting an increase of pension to George W. Gardiner;
A bill (H. R. 12592) granting a pension to Henry C. Nash;
A bill (H. R. 12624) granting an increase of pension to Eva H. Wingate;
A bill (H. R. 12628) granting an increase of pension to Andrew P. McConkey;
A bill (H. R. 12680) granting an increase of pension to Hervey Polen;
A bill (H. R. 12938) granting an increase of pension to Daniel Reed;
A bill (H. R. 12965) granting an increase of pension to William H. Dailey;
A bill (H. R. 13042) granting a pension to Esther J. Lee;
A bill (H. R. 13087) granting an increase of pension to Thomas W. Prentiss;
A bill (H. R. 13117) granting an increase of pension to Lewis Sawyer;
A bill (H. R. 13230) granting an increase of pension to Amos T. Richardson;
A bill (H. R. 13263) granting an increase of pension to Caroline E. Pratt; and
A bill (H. R. 13283) granting an increase of pension to William York.

The foregoing pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the German-American Typographical Union of Belleville, Ill., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 39, Brotherhood of Boiler Makers and Iron-ship Builders, of Chicago, Ill., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Buffalo, Wabash, and Monmouth; of the congregations of the Catholic Church, the First United Presbyterian Church, the Second United Presbyterian Church, the Christian Church, the Methodist Episcopal Church, the Ninth Avenue United Presbyterian Church, the First Baptist Church, the Swedish Lutheran Church, the First Presbyterian Church, and the Woman's Christian Temperance Union, all of Monmouth, in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of rural free-delivery route No. 10, of Loudon Station, N. H., praying that an appropriation be made to increase the salaries of rural letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce and Merchants' Association of Boston, Mass., praying for a reorganization of the consular service; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the John B. Varick Company, of Manchester, N. H., and a memorial of the Thompson & Hoague Company, of Concord, N. H., remonstrating against the enactment of legislation to prevent the indiscriminate shipping of what is known as "high explosives;" which were referred to the Committee on Interstate Commerce.

He also presented the petition of the American Institute of Architects, praying for the enactment of legislation to regulate the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. PROCTOR presented a petition of the Business Men's Association of Island Pond, Vt., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of the Rural Letter Carriers' Association of Montgomery County, Ind., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of St. Joseph Valley Grange, No. 534, Patrons of Husbandry, of South Bend, Ind., praying for the enactment of legislation to establish postal savings banks, and also for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Christian Temperance Union of Spiceland, Ind., and the petition of Rose Glen Webster, of Columbia City, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Abraham Lincoln Circle, Department of Indiana, Ladies of the Grand Army of the Republic, of Logansport, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Harrison Grange, No. 2133, Patrons of Husbandry, of Corydon, Ind., praying for the establishment of a Bureau of Public Highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Studebaker Brothers Manufacturing Company, of South Bend, Ind., praying that an appropriation be made in aid of the Lewis and Clark centennial exposition; which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of the congregation of the Methodist Episcopal Church of Amboy, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented memorials of Schull & Co., of Indianapolis;

of J. G. Schwartzkopf & Son, of Columbus; of Pogue, Miller & Co., of Richmond; of H. Pfeiffer & Son, of Fort Wayne, and of A. H. Perfect & Co., of Fort Wayne, all in the State of Indiana, remonstrating against the enactment of legislation to prevent the indiscriminate shipping of dynamite; which was referred to the Committee on Interstate Commerce.

Mr. PLATT of New York presented a petition of General John C. Robinson Circle, Department of New York, Ladies of the Grand Army of the Republic, of Troy, N. Y., and a petition of Albany Circle, Department of New York, Ladies of the Grand Army of the Republic, of Albany, N. Y., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of McClure, N. Y., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was referred to the Committee on Immigration.

He also presented a petition of the Central Trades and Labor Council, American Federation of Labor, of Olean, N. Y., praying that an appropriation be made to increase the capacity of the Naval Gun Factory at Washington, D. C.; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Drug Trade Section of the New York Board of Trade and Transportation, of New York City, praying for a reduction of the internal revenue tax on alcohol; which was referred to the Committee on Finance.

He also presented petitions of Lake Erie Lodge, No. 401, of Dunkirk; of Lodge No. 277, of Buffalo; of Lodge No. 125, of Dunkirk; of Lodge No. 264, of Richmond Hill, and of Lodge No. 307, of Brooklyn, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of New York, and of Eureka Lodge, No. 235, Brotherhood of Boiler Makers and Iron-ship Builders, of Columbia, S. C., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of the United States, now residing in the Isle of Pines, Republic of Cuba, remonstrating against the ratification of the treaty between the United States and the Isle of Pines; which was referred to the Committee on Foreign Relations.

Mr. BEVERIDGE presented a petition of sundry citizens of Upland, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of Rock City Lodge, No. 324, Brotherhood of Boiler Makers and Iron-ship Builders of Wabash, Ind., praying for the enactment of legislation to develop the American merchant marine, and also for the extension of the coastwise laws to the trade between the mainland and the Philippine Islands, etc.; which was referred to the Committee on Commerce.

He also presented memorials of the Van Camp Hardware and Iron Company, of Indianapolis; of Schnull & Co., of Indianapolis; and of G. E. Bursley & Co., of Fort Wayne; all in the State of Indiana, remonstrating against the enactment of legislation relative to the shipping of what is termed "high explosives;" which were referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of C. O. Loomis Post, No. 2, Department of Michigan, Grand Army of the Republic, of Quincy, Mich., and a petition of William T. Sherman Circle, Department of Michigan, Ladies of the Grand Army of the Republic, of Muskegon, Mich., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of Cascade Grange, No. 63, Patrons of Husbandry, of Ada, Mich., praying for the establishment of a Bureau of Public Highways, to be under the control of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Preachers' Union of Detroit, Mich., praying that an investigation be made into the conditions existing in Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the congregation of the Methodist Episcopal Church of Orion, of sundry citizens of Mifflin and Saginaw, all in the State of Michigan, and of the National Woman's Christian Temperance Union, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of the Boston Paper Trade Association, of Boston, Mass., praying for the ratification of a treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of Lodge No. 43, Brotherhood of Boiler Makers and Iron-ship Builders, of Lowell, Mass., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Club of Dorchester, Mass., praying that an appropriation be made to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Yanno Post, No. 213, Department of Massachusetts, Grand Army of the Republic, of Hyannis, Mass., and a petition of Revere Post, No. 94, Department of Massachusetts, Grand Army of the Republic, of Canton, Mass., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Brockton, Mass., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Woman's Christian Temperance Union of Evanston, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Brockton, Mass., and a petition of the congregation of the Methodist Episcopal Church of Ann Harbor, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of Columbia Pomona Grange, No. 1, Patrons of Husbandry, of Columbia, Wash., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the German Methodist Episcopal Church of Edwall, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. STEWART presented petitions of sundry residents and non-residents of the Indian Territory, praying that that Territory be admitted into the Union as a separate and independent prohibition State; which were referred to the Committee on Territories.

Mr. GORMAN presented a petition of the congregation of the Lutheran Church of Jefferson, Md., and a petition of the Woman's Christian Temperance Union of Cherryville, Md., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of Revere Post, No. 94, Department of Massachusetts, Grand Army of the Republic, of Canton; of General H. C. Lee Post, No. 176, Department of Massachusetts, Grand Army of the Republic, of Huntington, and of Yanno Post, No. 213, Department of Massachusetts, Grand Army of the Republic, all in the State of Massachusetts, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Boston, Jamaica Plain, Roxbury, Chelsea, Medford, Canton, Everett, and Dorchester, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the present system of lotteries, etc.; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Brockton, Lee, Taunton, Lynn, Springfield, Milford, and Boston, all in the State of Massachusetts, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of Sinks Grove Grange, No. 59, Patrons of Husbandry, of Fort Spring, W. Va., praying for the passage of the so-called "parcels-post bill," and also praying for the enactment of legislation to prohibit the manufacture of shoddy goods; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PATTERSON presented a petition of sundry citizens of Iliff, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes and in all Government buildings; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Irish-American Progressive Society of Denver, Colo., remonstrating against the ratification of a treaty of arbitration between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Lodge No. 335, Brotherhood of Boilermakers and Iron-ship Builders, of Grand Junction, Colo., and a petition of Pikes Peak Lodge, No. 44, Brotherhood of Boilermakers and Iron-ship Builders, of Pueblo, Colo., praying for the enactment of legislation to develop the American mer-

chant marine; which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Iliff, of the congregation of the Free Methodist Church of Boulder, and of sundry citizens of Colorado City, all in the State of Colorado, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation to reorganize the consular service; which was referred to the Committee on Foreign Relations.

He also presented the memorial of James Seldon Cowdon, of Washington, D. C., remonstrating against an appropriation being made for the payment of chaplains in the United States Army; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 9th instant, proposing to appropriate $7,500 for grading Clifton street from Eleventh street NW. to Thirteenth street NW., intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 4402) permitting the building of a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2657) granting an increase of pension to Robert T. Wood;

A bill (S. 4139) granting a pension to John D. Henderson; and

A bill (S. 4827) granting an increase of pension to John S. Burkholder.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4252) granting an increase of pension to George M. Gibbons;

A bill (H. R. 4994) granting an increase of pension to Mary P. Sheets;

A bill (H. R. 4997) granting a pension to Franklin B. Lippincott;

A bill (H. R. 9082) granting an increase of pension to Chester F. Kimball;

A bill (H. R. 9815) granting an increase of pension to Ephraim O. Gilbert;

A bill (H. R. 9592) granting an increase of pension to William H. Steinmann;

A bill (H. R. 9081) granting an increase of pension to Benjamin F. Miller;

A bill (H. R. 9726) granting an increase of pension to John McEliece;

A bill (H. R. 9117) granting a pension to George T. Young;

A bill (H. R. 7353) granting an increase of pension to William H. Schreiner; and

A bill (H. R. 7244) granting an increase of pension to Williamina R. Allenbaugh.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3308) granting an increase of pension to Jesse C. Lott;

A bill (S. 4815) granting an increase of pension to Angeline P. Root;

A bill (S. 4776) granting an increase of pension to Jesse Maurer;

A bill (S. 4496) granting an increase of pension to Harvey Fletcher;

A bill (S. 460) granting an increase of pension to Mary C. Nicholson; and

A bill (S. 3198) granting an increase of pension to Samuel D. Reynolds.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4487) granting an increase of pension to Aaron M. Mason;

A bill (S. 4777) granting an increase of pension to Thomas McCormick;

A bill (S. 4001) granting a pension to Benjamin A. Proovost;

A bill (S. 4242) granting an increase of pension to Andrew Fisher; and

A bill (S. 4381) granting a pension to Mary P. Wilson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4936) granting an increase of pension to Emma J. Smith;

A bill (S. 2569) granting an increase of pension to John W. Allen;

A bill (H. R. 2121) granting a pension to Gertrude Merrill;

A bill (H. R. 4943) granting an increase of pension to Thomas Morgan;

A bill (H. R. 7066) granting a pension to Elizabeth B. Constant;

A bill (H. R. 9979) granting an increase of pension to Ezra Nichols;

A bill (H. R. 9709) granting a pension to Louis De Witt;

A bill (H. R. 9820) granting an increase of pension to Vincent Anderson;

A bill (H. R. 9392) granting an increase of pension to Margaret J. Robbins;

A bill (H. R. 11845) granting an increase of pension to David C. McVicker;

A bill (H. R. 4941) granting a pension to Mary J. Wilson;

A bill (H. R. 5008) granting an increase of pension to Henry McCord;

A bill (H. R. 4874) granting a pension to Charles V. Billig;

A bill (H. R. 2928) granting an increase of pension to Daniel Bushman;

A bill (H. R. 4355) granting a pension to Martha A. Day;

A bill (H. R. 9741) granting an increase of pension to Sarah E. Dale;

A bill (H. R. 1179) granting an increase of pension to Jasper Richey;

A bill (H. R. 9390) granting an increase of pension to Samuel Louis Tyner;

A bill (H. R. 6956) granting an increase of pension to Ellis House;

A bill (H. R. 6653) granting an increase of pension to Josiah Standley;

A bill (H. R. 12550) granting an increase of pension to Emma R. Lamb;

A bill (H. R. 6823) granting an increase of pension to Seneca R. Pollard; and

A bill (H. R. 1882) granting an increase of pension to James Durkee.

Mr. McCUMBER (for Mr. BURTON), from the Committee on Pensions, to whom was referred the bill (S. 4621) granting an increase of pension to George Draper, reported it with an amendment, and submitted a report thereon.

He also (for Mr. BURTON), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9581) granting an increase of pension to Henry W. Lloyd;

A bill (H. R. 12056) granting an increase of pension to Kezia Cherry; and

A bill (H. R. 9576) granting an increase of pension to Eli M. McElwain.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom was referred the bill (H. R. 4798) granting an increase of pension to Margaret F. Harris, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER (for Mr. OVERMAN), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7726) granting a pension to Jasper N. W. Rogers;

A bill (H. R. 12457) granting an increase of pension to Nannie J. McGuckin;

A bill (H. R. 7664) granting an increase of pension to George P. Malloch; and

A bill (H. R. 11074) granting an increase of pension to Merritt R. Simpson.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4731) granting an increase of pension to John A. Brown;

A bill (S. 2636) granting an increase of pension to Alvin D. Lane;

A bill (S. 4695) granting an increase of pension to Horatio P. Abbott; and

A bill (S. 2372) granting an increase of pension to David M. Davis.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11227) granting an increase of pension to George W. Walls;

A bill (H. R. 8836) granting an increase of pension to Benjamin Pitman;

A bill (H. R. 1575) granting an increase of pension to Henry F. Davis;

A bill (H. R. 11654) granting an increase of pension to Augustus Wagner;

A bill (H. R. 4968) granting an increase of pension to Robert E. Clary;

A bill (H. R. 3288) granting an increase of pension to Nathan L. Meands;

A bill (H. R. 11575) granting a pension to Abel N. Button;

A bill (H. R. 7221) granting an increase of pension to John Ryan; and

A bill (H. R. 5296) granting an increase of pension to Horatio M. Price.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3986) granting a pension to Cynthia Speaks; and

A bill (S. 2124) granting an increase of pension to David W. Johns.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 2046) granting an increase of pension to William G. Scott, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12417) granting a pension to Hiram Parker;

A bill (H. R. 6589) granting a pension to Jacob B. Mock;

A bill (H. R. 7668) granting an increase of pension to Albert Costigan;

A bill (H. R. 7501) granting an increase of pension to Emily Catlin;

A bill (H. R. 11660) granting an increase of pension to James Dasson;

A bill (H. R. 11649) granting an increase of pension to Malinda A. Myers;

A bill (H. R. 3167) granting an increase of pension to James Littleton;

A bill (H. R. 9801) granting a pension to Jane McNeil;

A bill (H. R. 11558) granting an increase of pension to James B. Luckey;

A bill (H. R. 2572) granting an increase of pension to George W. Steffey;

A bill (H. R. 7308) granting an increase of pension to Lucius E. Mills; and

A bill (H. R. 7778) granting a pension to Frank H. Clark.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9756) granting an increase of pension to Jesse T. Bennett;

A bill (H. R. 3035) granting an increase of pension to William D. Hall;

A bill (H. R. 2862) granting an increase of pension to Henrietta A. Pryce; and

A bill (H. R. 9807) granting an increase of pension to Hugh S. Smith.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4511) granting an increase of pension to James L. Porter; and

A bill (S. 4507) granting an increase of pension to Francis G. Hoffmire.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7500) granting a pension to Mary E. Springer; and

A bill (H. R. 7470) granting an increase of pension to Isaac B. Goforth, alias Napoleon B. Gordon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 3236) granting a pension to John McDermid, reported it with an amendment, and submitted a report thereon.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (H. R. 6859) granting an increase of pension to William A. Sheridan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4249) granting an increase of pension to Mary Gilroy; and

A bill (S. 3018) granting an increase of pension to George W. Sullivan.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6420) granting an increase of pension to Frederick Mehring;

A bill (H. R. 9990) granting a pension to John Bartmann;

A bill (H. R. 9996) granting a pension to Henry Mason;

A bill (H. R. 12050) granting an increase of pension to David R. Luttrell;

A bill (H. R. 3902) granting a pension to Martha J. Derrington;

A bill (H. R. 4889) granting an increase of pension to Henry C. Beltz; and

A bill (H. R. 5373) granting an increase of pension to Moten M. Pitts.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4192) granting an increase of pension to James H. Whaley; and

A bill (S. 76) granting a pension to Mary H. Cornell.

Mr. PATTERSON (for Mr. BALL), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4678) granting an increase of pension to John W. Paris; and

A bill (S. 3385) granting an increase of pension to John A. Blair.

Mr. PATTERSON (for Mr. BALL), from the Committee on Pensions, to whom was referred the bill (S. 3485) granting an increase of pension to Elizabeth Bedford, reported it with amendments, and submitted a report thereon.

He also (for Mr. BALL), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12191) granting an increase of pension to Henry D. Filkins;

A bill (H. R. 12073) granting an increase of pension to Eliza J. Gardner;

A bill (H. R. 12053) granting an increase of pension to James Large;

A bill (H. R. 11894) granting an increase of pension to Jeremiah Sheldon;

A bill (H. R. 11655) granting an increase of pension to James Lynch;

A bill (H. R. 4634) granting an increase of pension to Randolph T. Stoops;

A bill (H. R. 5262) granting an increase of pension to Irving Holcomb;

A bill (H. R. 6824) granting an increase of pension to Benjamin Manning;

A bill (H. R. 9789) granting an increase of pension to Charles M. Morrison;

A bill (H. R. 7394) granting an increase of pension to Amelia Hutchins; and

A bill (H. R. 7698) granting an increase of pension to Benjamin R. W. Mockabee.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 2207) to fix the compensation of criers and bailiffs in the United States courts, reported it with an amendment.

PROOF OF CITIZENSHIP IN LAND-ENTRY CASES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 577) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, to report it favorably with amendments. I call the attention of the Senator from North Dakota [Mr. MCCUMBER] to the bill. A similar bill has, I think, once passed the Senate, if I am not mistaken.

Mr. MCCUMBER. It has. I hope the Senator will, as he has reported the bill, have it considered at this time.

Mr. HOAR. I ask that the bill be put on its passage now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the Committee on the Judiciary was, in section 2, page 3, line 9, after the word "through," to strike out "an," and after the word "inadvertence," in the same line, to insert "death, or disability;" so as to read:

The hearing upon such proceeding may be summarily had, and if it be established to the satisfaction of such court that the said applicant for citizenship had in good faith appeared before such court as is provided in said section 2165 of the Revised Statutes of the United States, and taken the oath therein provided and complied with the third subdivision of said section, that said oath to the said applicant and his witnesses was administered in open court by either the judge or the clerk of said court, but that through inadvertence, death, or disability or neglect the judge or clerk of said court, as the case may be, failed to sign the jurat to the record, oath, or affidavit of

the applicant or the record, oath, or affidavit of his witnesses, or failed to attach the seal of the court thereto, or failed to sign or attach the seal of the court to the order or judgment admitting such applicant to be a citizen of the United States, the court hearing such proceeding shall order entry of judgment, reciting such facts and the date of the proceedings of the applicant for admission to citizenship, and adjudging that the said applicant was admitted to be a citizen of the United States on the date of the said proceedings therefor, reciting such date.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 16, after the words "the court hearing such proceeding shall," to insert a comma and the following:

Upon notice to the United States attorney for the district, and after at least one publication thirty days before the final hearing in some newspaper in the district where the court is held, and such other notice as said court shall deem reasonable in the premises.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 5025) for the relief of the firm of Bertrand & Scull; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 5026) granting an increase of pension to Louis A. Baird; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5027) granting a pension to Thomas W. Dickey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5028) granting an increase of pension to C. W. Chargo; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 5029) for the relief of Joseph F. Wells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. STEWART introduced a bill (S. 5030) to provide an American register for the steamer *Brooklyn;* which was read twice by its title, and referred to the Committee on Commerce.

Mr. DILLINGHAM introduced a bill (S. 5031) for the relief of Franklin Martin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 5032) granting an increase of pension to Charles H. Edick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced a bill (S. 5033) granting an increase of pension to Charles Sauer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5034) granting an increase of pension to George A. Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5035) granting an increase of pension to Winfield S. Love (with accompanying papers);

A bill (S. 5036) granting an increase of pension to Jacob Zimmerman; and

A bill (S. 5037) granting a pension to Clara T. Leathers (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5038) to correct the military record of John C. Webb; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5039) for the relief of the Hoffman Engineering and Contracting Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 5040) for the relief of the legal representatives of John Boyle, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5041) to provide for a postal savings-bank system in Porto Rico; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN introduced a bill (S. 5042) for the relief of the estate of Alexander F. Dulin, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5043) for the relief of the estate of William Y. Dulin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5044) granting a pension to Rhoda M. Osborne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 5045) for the relief of Piromis H. Bell, administrator of the estate of Marcus A. Bell, and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5046) for the relief of the legal representative of James Doyle, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 5047) granting certain lands to the diocese of Duluth for mission purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LODGE introduced a bill (S. 5048) regulating the duties and fixing the compensation of the customs inspectors at the port of Boston; which was read twice by its title, and referred to the Committee on Finance.

Mr. DUBOIS introduced a bill (S. 5049) granting a pension to Albert E. Lyon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 5050) for the relief of George H. Bellamy, administrator of the estate of John H. Thees, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5051) for the relief of Jeremiah H. Morgan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5052) to provide for the construction of an elevator in the United States public building at Richmond, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. NELSON (for Mr. CLAPP) introduced a bill (S. 5053) for the relief of Sarah K. McLean; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 5054) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WARREN introduced a bill (S. 5055) providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURROWS submitted an amendment providing for the bringing of suits in the Court of Claims by any person who has heretofore intermarried with a citizen, a member of the Cherokee Nation of Indians in the Indian Territory, and who by virtue of such marriage is, according to the laws and constitution of the Cherokee Nation, a member of said tribe, for the purpose of recovering from said Cherokee Nation his or her pro rata share of moneys disbursed by said nation, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MITCHELL submitted an amendment proposing to appropriate $18,000 for the construction of a brick assembly hall at the Indian school at Salem, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FULTON submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate $100,000 for continuing the improvements at the mouth of Siuslaw River, State of Oregon;

An amendment proposing to appropriate $250,000 for continuing the improvements at the entrance of Yaquina Bay, State of Oregon; and

An amendment proposing to appropriate $500,000 for the construction of jetties and improving the entrance to Tillamook Bay, State of Oregon.

Mr. HOPKINS submitted an amendment proposing to strike out of the Indian appropriation bill the provision limiting the compensation of deputy clerks in the Indian Territory to $1,200 per annum, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LONG submitted an amendment providing that the allottees of lands bordering upon Spring River or Grand River, in the Indian Territory, may each alienate not to exceed 10 acres of land for waterworks or water-power purposes, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing certain allottees of lands situated in the Quapaw Agency, Ind. T., to alienate certain portions of their allotments, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $5,000 to provide for the improvement and completion of the grounds of and approaches to the United States post-office and court-house building at Abilene, Tex., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $30,000 for a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. QUAY submitted an amendment proposing to appropriate $3,400 for paying to certain Sioux Indians of the Cheyenne River Reservation, in South Dakota; of the Crow Creek Reservation, in South Dakota, and of the Standing Rock Reservation, in South Dakota and North Dakota, rewards for services and sacrifice of ponies in accomplishing the rescue of Mrs. Julia Wright, Mrs. Emma Deely, and six children, captives of the White Lodge bands of Sioux Indians in November, 1862, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate $2,400 for defraying necessary expenses of the compilation by the Bureau of Navigation of the Department of Commerce and Labor of a list of merchant vessels of the United States documented before July 1, 1820, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

THE PANAMA CANAL.

Mr. DRYDEN submitted the following resolution; which was referred to the Committee on Interoceanic Canals:

Resolved, That the Isthmian Canal Commission is hereby directed to inquire into and report to the Senate, as speedily as it may be practicable, upon the relative merits of a lock canal, a sea-level canal, and a ship railway across the strip of land acquired by the United States from the Republic of Panama under the treaty signed on the 18th day of November, 1903, stating in particular:

1. The cost of each.
2. The time required for the construction of each.
3. The cost of operation and maintenance of each after completion.

In reporting upon these three plans the Commission is instructed to base its recommendations and estimates upon works of substantially the same relative capacity to meet the requirements of the Government and the demands of commerce.

In the event of a report in favor of a lock canal the Commission will state whether such a canal should be constructed with a view to making it a sea-level canal in the future, and if so, what, if anything, would this add to the cost of such lock canal and how much additional time would be required to so construct it.

JAMESTOWN ISLAND IMPROVEMENT.

Mr. DANIEL submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, instructed to report what amounts have been expended in the construction of the retaining wall built to prevent the erosion of the soil of Jamestown Island by the waters of James River, what work remains to be done for the completion of the wall, and an estimate of the cost of completing the same.

THE DUTY OF AMERICANS IN THE PHILIPPINES.

Mr. BACON. I desire to ask for a reprint of Senate Document No. 191, which was authorized to be printed during the last week, the edition of which has already become exhausted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? The Chair hears none, and that order is made.

The order was reduced to writing, as follows:

Ordered, That Senate Document No. 191, Fifty-eighth Congress, second session, being an address by Hon. William Howard Taft, civil governor of the Philippine Islands, delivered before the Union Reading College, Manila, P. I., Thursday, December 17, 1903, be reprinted.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 3565) directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas; and

A bill (H. R. 5811) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia.

The bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 1127) for the relief of William J. Hines was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State was read twice by its title, and referred to the Committee on the Judiciary.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the appropriation bill known as the "fortifications bill."

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. PERKINS. Mr. President, on Saturday the Senator from Arkansas [Mr. BERRY] raised the point of order upon the amendment proposed by the committee on page 3, reading as follows:

To enable the Secretary of War, in his discretion, to purchase for the School of Submarine Defense for experimental work one submarine torpedo boat of the type of the Protector, manufactured by the Lake Torpedo Boat Company, not to exceed, in the judgment and discretion of the Secretary of War, $250,000: *Provided*, That before said submarine torpedo boat is purchased or accepted by the War Department it shall have been fully tested to the satisfaction of the Secretary of War and shall fulfill all reasonable requirements for coast defense.

The point of order made by the Senator from Arkansas is that this amendment has not been estimated for or recommended by the head of any Department.

Mr. BERRY. And also that it is general legislation.

Mr. PERKINS. And that it is also general legislation.

Mr. President, in my opinion the point of order should not be sustained, for the reason that the amendment is not in conflict with Rule XVI of the Senate. The appropriation is specific and definite that the Secretary of War may, in his discretion, purchase the boat. The question of the price and the advisability or expediency of purchasing the boat is left entirely with him.

For the ten years I have had the honor of being a member of the Committee on Appropriations there has not been a session of Congress when the committee have not taken it upon themselves to consider and recommend various amendments which have been offered from time to time which they believed to be in the interest of the public service, and those amendments have not been questioned by the Senate.

The Senator from Connecticut [Mr. PLATT] offered this amendment. It was taken up and considered by your committee. They also heard from the Department relative to the same; and I will say in passing that the Lieutenant-General and Chief of Staff, General Chaffee, recommended to the Secretary of War the purchase of this boat. The Secretary of War transmitted the same to Congress without any recommendations, for the reason, as he stated, that he had not sufficient time to give the subject-matter sufficient consideration. A joint board, consisting of the Admiral of the Navy and two associates and the General of the Army and two associates, have not met to consider a recommendation relative to the proposed purchase on account of the absence from the city of two or three members of that board.

But it seems to me that it is in the line of the duty of the Board of Ordnance and Fortification to consider the question of submarine boats for the defense of our harbors. It is not an innovation upon the rule which has heretofore governed them. Even to-day there are four torpedo boats under construction for the School of Submarine Defense, at a cost of $122,000 each. There are also several other boats under construction for the use of the Engineering Department. Indeed, such an appropriation is involved in the very title of the bill; and in the bill itself we make appropriations whereby submarine mines, torpedoes, and other works of defense shall be provided.

As I have stated, this is specific in its recommendation. I hope the point of order will not be sustained, and that the amendment may be taken up and considered upon its merits.

Mr. LODGE. May I ask the Senator from California a question?

Mr. PERKINS. Certainly.

Mr. LODGE. Do I understand him to say that there are now submarine torpedo boats being constructed under the War Department?

Mr. PERKINS. I will read what the Quartermaster-General says on page 12 of his report:

The School of Submarine Defense having requested the construction of a certain type of boat for use in connection with the course of instruction at that school, and also at artillery posts on the seaboard, this office entered into consultation with the torpedo board of the school and prepared plans and specifications for four boats, the construction of which, at a cost of $122,000 each, is now in progress.

Mr. LODGE. On what bill is that appropriation made?

Mr. PERKINS. I think in the army appropriation bill, although I am not sure.

I will state, Mr. President, that during the past six or eight

years the Committee on Naval Affairs have recommended an appropriation amounting in the aggregate to one million three hundred and odd thousand dollars for the construction of what is known as the "Holland" torpedo boat. That appropriation was placed in the naval appropriation bill. It came into the Senate. It had the approval of my friend the Senator from Arkansas [Mr. BERRY], who did not question the propriety for a moment of Congress making an appropriation for the Holland torpedo boat. It was specifically stated in the bill, and it passed at three different sessions of Congress.

Your committee considered the report that was made by a board of army officers appointed to examine and report upon the boat which we provide for in this amendment. Three eminent officers of the Army, after devoting months, under the orders of the Secretary of War, to examining and experimenting with these boats reported favorably and recommended that Congress should purchase five of the boats instead of one.

Your committee examined the plans and specifications that were presented to them, and after going through it carefully they believed almost unanimously, with the exception of but two members of the committee, that it would be a most valuable auxiliary to the submarine torpedo defenses of our ports and harbors.

Therefore we made this recommendation; but we have left it entirely in the discretion of the Secretary of War. We have placed the responsibility upon the Secretary of War in determining the value of the boat and whether it is expedient or advisable for him to order its construction.

Mr. GALLINGER. Mr. President, the Senator from California, in addition to expressing his opinion that the point of order will not lie against this amendment, has discussed the merits of the question, which properly will come after the point of order has been decided. I will not enter into that now, but will say that if the point of order is not sustained we will have a good deal of conversation as to the merits of this proposed amendment.

It seems to me, Mr. President, that while Rule XVI is a rule of the greatest possible elasticity, invoked to accomplish all kinds of things in the Senate, so far as the present amendment is concerned it clearly applies, and the point of order ought to be sustained.

In the first place, here is a proposition to take from the Navy Department, which is dealing with this question and which has dealt with it in the naval appropriation bill, the building of a boat or the purchase of a boat already built for the War Department. No estimate has been made for it. Three army officers did make some kind of an examination, and reported in favor of having some of these boats, but I shall be able to show by the testimony of the inventor and owner of this boat that it is not in a completed condition.

I say no estimate has been made for it, and I think the point of order ought to lie because of that fact.

But, going further than that, Mr. President, I am surprised to hear the Senator from California say that this is not general legislation. I have been here a good many years, and I confess I have found great difficulty in determining exactly what is general legislation and what is special legislation.

The Senator says a specific appropriation is made. That is true. It is an appropriation which will not lapse with the fiscal year that the bill will run. It may be two or three or four or five years before it is expended. It is placing in the hands of the Secretary of War $250,000 to do a thing he may not do in the next year, or in the next three years, for that matter.

And again, Mr. President, the amendment provides that the Secretary of War shall purchase a boat manufactured by the Lake Torpedo Boat Company. If that is not general legislation, then I confess I fail to know what general legislation is.

I am willing for the present to rest this matter upon the point of order until it is determined, simply giving notice that if it is determined that the point of order does not lie against this amendment, then I will undertake in a very respectful manner to discuss the merits of this amendment, and shall endeavor to show that, while we are having competitive tests of submarine boats made under the direction of the Navy Department, this amendment proposes not only to take the matter out of the hands of the Navy Department, but to refuse competitive tests; and after having done that, the Government shall, notwithstanding there are several types of submarines, purchase one particular type, and thus advertise to the world that the Lake boat is the best type of submarine, in the judgment of Congress and of the War Department.

Mr. President, I feel fully persuaded that the point of order is well taken, and that this amendment ought to go out of the bill on that ground.

Mr. WARREN. Mr. President, I do not set myself up as an authority on points of order and the rules of the Senate; but I can find nothing in the rules which renders this amendment obnoxious to them. If this amendment were offered to the bill by some individual Senator on the floor, after the bill had been reported by the committee, the amendment would be in a different position.

Now, as to the estimate, these are the facts: When the annual book or list of estimates was made up and submitted to Congress from the Department, this boat had not been subjected to trial. In January, some time after the regular estimates had been sent to Congress, a trial was made, and a most flattering report shows the result of that trial.

Mr. GALLINGER. If the Senator will permit me, has he seen the letter Mr. Lake himself wrote in the month of January, concerning the operation of this boat?

Mr. WARREN. I do not think I have seen the letter of Mr. Lake.

Mr. GALLINGER. I will read the letter for the Senator's information if this question comes before the Senate for discussion, and the Senator will find that that boat did not fulfill the requirements of the test by any means.

Mr. WARREN. I simply take the report of the officers of the Government duly and regularly appointed for the purpose of examining these boats. That is the best authority I have. The War Department—the General Staff—recommended that there should be five of these boats constructed. The matter then passed up to a higher authority, the Lieutenant-General, who recommended that one of the boats be purchased. So, to all intents and purposes there was an estimate made by the proper authorities for the purchase of this boat.

A regular standing committee of the Senate has treated the subject, and brought this amendment in here with its recommendation. Not only that, but the subcommittee and the full Committee on Appropriations have acted upon the bill, making appropriations for fortifications, etc., and it can not be claimed that the amendment is not germane to this bill.

In the bill we have provided for submarine mines, for the laying and care of them, and for the destroying of them, if necessary. This boat is to be purchased for use in laying, in caring for, and, if necessary, taking up such submarine mines. It is for the use of the Army and for the use of this board which is provided for in this appropriation bill. As the provision comes in here it is as much a proper part of this bill as any other provision in it, in my judgment.

It would be strange, indeed, if the Committee on Appropriations is to be bound down by some rule made only to apply to the offering by an individual Senator of an amendment after a bill has been reported from the Appropriations Committee and is before the Senate. I can not see that the point of order is well taken, Mr. President, and I believe that it is not good rule or good practice to hold that any and every other committee in the Senate is superior in power to the Appropriations Committee in authority to amend an appropriation bill.

Mr. GORMAN. Mr. President, I agree with the Senator from Wyoming [Mr. WARREN] that this point of order ought not to be sustained. It seems to me that under the rule and under the practice of this body for a great many years, in the consideration of appropriation bills like this—the fortifications bill or any other—an amendment which has been reported by the committee in charge of the bill never has been, to my knowledge, excluded.

Without going into the merits of the question—take this matter of fortifications or the army appropriation bill—it has been utterly impossible to introduce into the paraphernalia of one of these Departments, particularly the War Department, any invention of an outside civilian except through the action of Congress. Very rarely has the Department ever recommended the adoption of such an outside invention. It has been the old struggle for twenty years since we began these improvements. The result has been time and again that Congress has inserted appropriations for the acquisition of such inventions.

This very bill, embodying this amendment against which the Senator from Arkansas [Mr. BERRY] has made the point of order, contains provisions for the purchase of the Emery elevating carriage, for the purchase of powder, and all sorts of things that are not included in the estimates, but are inserted upon the recommendation of the committee.

I think if such a rule were insisted upon by the Senate it would prevent the possibility of the introduction of very useful suggestions and the acquirement of very valuable inventions.

It is true that under this rule—which, however, does not apply to this bill, because this bill is reported from the Committee on Appropriations—a very unfortunate condition of affairs, in my judgment, has grown up in the Senate in consequence of the rule adopted a few years ago for the distribution of the appropriation bills amongst various committees. As it now stands, there is an apparent conflict about amendments being offered to be considered by a committee—the Committee on Military Affairs, for instance—if they have the consideration of an appropriation bill, to consider amendments offered in advance to that bill. But that does not apply in this case; and I think it would be unfortunate

if we were to reverse the practice of the Senate, which would prohibit this class of amendments reported by a committee being entertained by the Senate.

Mr. GALLINGER. If my friend from Maryland [Mr. GORMAN] will permit it, the Senator lays stress upon the fact that the Committee on Appropriations, a standing committee, may report these amendments. The Senator does not mean to say that a recommendation from that committee would get rid of the provision in Rule XVI relating to general legislation, does he?

Mr. GORMAN. No; but is this general legislation?

Mr. GALLINGER. I submit to the Senator that that, of course, is to be determined by the Chair. I think it is general legislation.

Mr. GORMAN. As to the point made by the Senator from Arkansas [Mr. BERRY] and the Senator from New Hampshire [Mr. GALLINGER] that this amendment is not in order under Rule XVI, I will call attention to the fact that Rule XVI provides that—

> No amendment shall be received to any general appropriation bill * * * unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

This amendment has been recommended and reported by the standing committee which has considered this bill, and therefore it is, in my judgment, perfectly in order under that provision of the rule.

Now, as to this particular amendment being general legislation, I understand that ordinarily in the consideration of appropriation bills it has never been held that an amendment which provided an appropriation for a new invention was out of order. The acquisition or purchase of rapid-fire guns came in that way, and the acquisition of disappearing carriages came in the same way—not by an estimate from the head of a Department, but by being brought here as a matter of appropriation for a new invention, for a new gun, for an additional amount of powder, or other paraphernalia. Such provisions have never been held to be general legislation. So I think under both phases of this rule this amendment is clearly in order.

I express no opinion about the merits of this amendment. Whether it is a wise thing for the Engineer Department to engage in purchases of this character of boats is another matter; but under the rule of the Senate I think the amendment is clearly in order.

Mr. BERRY. Mr. President, my observation in the Senate in regard to the practical working of this rule about general legislation has been that if the presiding officer thinks an amendment is obnoxious to the rule it generally goes out, and if he thinks the amendment ought to go in the bill he submits the question to the Senate. If a majority want it adopted, they put it in the bill, notwithstanding the rule.

That this amendment is obnoxious to the rule I think is very clear. My reasons for making the point of order were simply these: The Committee on Naval Affairs had before reported an appropriation of seven or eight hundred thousand dollars—I forget the exact amount——

Mr. GALLINGER. Eight hundred and seventy-five thousand dollars.

Mr. BERRY. As the Senator from New Hampshire says, $875,000, which had been put in the bill making appropriations for the Navy. A provision was placed in that bill that the Secretary of the Navy should give a test to all the different kinds of boats to determine as between them which was the best submarine boat, and this money was appropriated to purchase those that met the requirements of the test.

As to this particular boat, I do not know whether those owning it had an opportunity to compete under the appropriation or not; but at any rate such a provision as I have indicated is in the naval bill. It has always been left to the Navy Department to build boats of this character, and the appropriations, as I understand, have been expended under that Department. Is that correct?

Mr. GALLINGER. That is correct; and I will say to the Senator that the inventor of this boat appeared before the Committee on Naval Affairs last year, when he insisted on a competition, and the committee put in a competitive provision and has continued it in the present bill.

Mr. BERRY. The present bill contains a provision for competition. Now, it is sought to go outside of that and go to the War Department and have them declare for and purchase this boat—a specific boat by name, at a specific price. I think the Senator in charge of this bill, if he will make any statement about it, will say that in his judgment $250,000 is far in excess of what such a boat ought to cost; and yet the committee have put that into this fortifications bill, notwithstanding the former appropriation for this purpose.

I know nothing about this torpedo boat; I know nothing about any competitive boat; but I do know, or I think I know, that this matter ought to be either under the Navy Department or the War Department, and that we ought not, when provision has been made for a competition under the Navy Department, to come in on this appropriation bill, and, without a recommendation from the Secretary of War—for there is no such recommendation here—make an appropriation to pay $250,000 for this one boat, the value of which we know nothing about.

That is why I made the point of order. If the presiding officer thinks the amendment is in order, all right; but I will not vote for the provision for the reasons I have given. I repeat, I know nothing about this boat or any other of the boats which have been in controversy, but I think I know that the matter ought to be dealt with either by the Navy Department or the War Department, and it ought not to be divided between them. When there are parties having competitive boats the Secretary of the Navy ought to determine which is the best type of boat, and we ought not to undertake to determine here, without knowing anything about the boats, that we will buy this specific boat and no other.

Mr. PLATT of Connecticut. Mr. President, I rather regret that in the discussion of the point of order there has been so much said upon the merits of the proposition. I think I could go into a discussion of the merits in a way which would show that this is a very meritorious boat, a very useful boat, and a very necessary boat; but I refrain from discussing the merits of the inventions of competing submarine torpedo boats upon this question of order.

If it be so that the Committee on Appropriations can not insert in a bill, without its being obnoxious to the question of order and the rules of the Senate, a provision for the purchase of material or guns or carriages, or anything that they may deem to be an essential or proper means of fortification and coast defense, it is a very strange proposition, one that I never heard made before.

This amendment was introduced in the regular order, and was referred to the Committee on Appropriations.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

Mr. PLATT of Connecticut. Certainly.

Mr. GALLINGER. Does the Senator think that the committee could have provided in this bill for a battle ship?

Mr. PLATT of Connecticut. I do not think it could have provided for a battle ship.

Mr. GALLINGER. If not, why, then, for a submarine battle ship?

Mr. PLATT of Connecticut. That is entirely different, Mr. President. We have in this very bill adopted a provision which did not have the estimate of a Department or the recommendation of the head of a Department. I think that there is more than one such case in the bill.

I have always supposed that as to matters like this the committee had the right to propose amendments of this kind to a bill. If this amendment had been referred to another committee, and that committee had proposed it, it would certainly have been in order. I suppose that the Appropriations Committee, in matters which are especially committed to its charge, has the same power to bring in an amendment that it would have if it had been referred to some committee that did not have that particular charge.

Mr. GALLINGER. Not if it is general legislation.

Mr. PLATT of Connecticut. I will come to that very soon. If it be so, Mr. President, that the Committee on Indian Affairs, for instance, can not introduce an amendment to the Indian appropriation bill, that subject having been committed to the Indian Committee, unless it is proposed by some other committee, you can see how it cripples the power of the committee. I suppose that in a matter within the immediate jurisdiction of any committee it stands on the same ground—this matter of proposing amendments—as if some standing committee, having charge of the subject, or not having charge of it, had recommended it. So I do not think the amendment is open to the objection made on that ground. If it is not open to objection on that ground, then, of course, the second point, that it is not estimated for, is not good.

It is said that it is not estimated for and is not recommended by the head of a Department. True, it is not estimated for, because the conditions have arisen since the original estimates were sent in.

It may be that, construing this rule with the utmost technicality, the amendment is not recommended by the head of a Department; but I want to show what the recommendation is. A Representative in the other House, Mr. HILL, from the Fourth Congressional district of Connecticut, wrote a letter to the Secretary of War, and the Secretary of War replied to the letter of Mr. HILL as follows:

> WAR DEPARTMENT, *Washington, March 5, 1904.*
>
> MY DEAR SIR: I return you herewith, in accordance with your letter of March 3, H. R. 12446, together with a memorandum of General Chaffee thereon. I transmit these papers without an expression of opinion, for I have no means of forming an independent judgment.
>
> Very truly, yours,
>
> WM. H. TAFT, *Secretary of War.*
>
> Hon. E. J. HILL, *House of Representatives.*

That is not addressed to the committee; it is not addressed to the Senate. If we choose to be very technical about these things, we may say there has been no letter addressed to the Senate or to a committee on this subject; but here is a memorandum from General Chaffee, which the Secretary of War transmits:

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF,
Washington, March 3, 1904.

Memorandum for the Secretary of War.

I return to you, herewith, the letter addressed to you by Mr. HILL, Member of Congress, bearing on the subject of the Lake submarine torpedo boat.

The report of the board which examined this boat and the report by the third division of the General Staff recommending that five be purchased have been referred by you to the joint army and navy board to determine whether this should be an army or navy equipment for the defense of harbors. Admiral Dewey and Admiral Taylor being absent, there has been no meeting of the joint board; so the question as to which Department this defense should pertain has not been decided.

The recommendation by the General Staff that we purchase five of these boats at this time would not be concurred in by me, as the boat itself has not had the thorough trial that it should be given before five, the number recommended, should be purchased. I think, however, that it has disclosed sufficient merit to justify you in recommending the purchase of one boat. In this aspect of the case General Gillespie coincides.

It is therefore recommended that you give your concurrence to the proposed amendment for the purchase of one boat, in order that the virtues of the boat may be fully tested before the additional expense of a million dollars be incurred.

The report of the general staff on this question being out of our control, I am unable to furnish it.

Respectfully,
ADNA R. CHAFFEE,
Lieutenant-General, Chief of Staff.

That is, to all intents and purposes, such a recommendation as the rule refers to; but whether that be a recommendation or not, it is within the power of the Appropriations Committee to propose such an amendment as this, and it is unimportant as to whether it is a technical recommendation or not.

As to the question of whether this is general legislation, the Senator from New Hampshire [Mr. GALLINGER] expresses considerable surprise that anyone should deny that it is general legislation.

Mr. GALLINGER. Oh, no; I did not say that.

Mr. PLATT of Connecticut. Practically that is what it amounts to.

Mr. GALLINGER. No. I expected it would be denied, I said to the Senator.

Mr. PLATT of Connecticut. Did the Senator not express surprise that it should be claimed that the amendment was not general legislation?

Mr. GALLINGER. I do not recall my exact language, but I will say it is a surprise to me—yes. But, of course, that is only my individual judgment. I am prepared for a surprise in this matter, I will say to the Senator from Connecticut.

Mr. PLATT of Connecticut. The Senator seems to have some sensitiveness about it.

Mr. GALLINGER. No; I have not.

Mr. PERKINS. If the Senator from Connecticut will permit me, I should like to state for his information that the Committee on Naval Affairs have provided for the building of six or seven of the Holland torpedo boats. No amendment was offered for that purpose, but the provision was placed in the bill, and those boats were designated in one act as "the Holland boat" and in another as "the high-power boat."

Mr. WARREN. And not estimated for by the Navy or the Treasury Department?

Mr. PERKINS. Not estimated for by the Treasury Department. In fact, the Navy Department declined to make a recommendation. They were opposed to it. We have a recommendation here. Therefore, I can not understand why my friend from New Hampshire would think that the point of order should lie against this amendment when in the naval appropriation bill we made designation of the boat we desired constructed, and no point of order was made against it.

Mr. PLATT of Connecticut. Mr. President——

Mr. GALLINGER. If the Senator from Connecticut [Mr. PLATT] will permit me, I will say, in the first place, we let a great many provisions go into our appropriation bills that we know would be stricken out if points of order should be made against them. The Senator from California [Mr. PERKINS] knows that. There are matters in this present bill, in my opinion, against which points of order would lie; but no such points have been made.

Now, as to the point the Senator from California has made, I will say—and I shall take but a moment—that it is true we have made appropriations for the Holland company, but there were no competitions at that time. The moment Mr. Lake appeared before the Committee on Naval Affairs and stated, "I want to go into competition," then the matter was opened to competition.

Mr. TELLER. We should like to know what is being said, but we can not hear it off here. Though the Senator who has just taken his seat spoke, I believe, as distinctly as he could, I should not have been able to understand his position if I had not known his attitude on this question.

Mr. GALLINGER. That surely could not have been my fault, because I am quite in the habit of talking too loud rather than too low.

Mr. TELLER. No; you are not.

Mr. GALLINGER. Then it must have been the fault of the Senate itself. There must have been noise in the Chamber.

Mr. PLATT of Connecticut. I understood the Senator from New Hampshire [Mr. GALLINGER] to say that he was surprised that anybody should suppose that this was not general legislation. I may have misunderstood him, but I so understood him, and I was alluding to it simply for the purpose of saying that I am really surprised that anyone should suppose that it was general legislation. That was all.

It seems to me that this provision is not in any respect general legislation any more than any other amendment or anything in the original bill which might provide for the purchase of supplies or implements or ammunition or guns for the purpose of coast defense would be general legislation. It seems to me very specific legislation. I know that Senators look at things differently, but I can not see for a moment that this is open to the point of order that it is general legislation. If there is to be discussion of the merits of the question I shall be very glad to be then heard.

The PRESIDENT pro tempore. The Chair is ready to rule on the point of order at any time.

Mr. TELLER. Mr. President, I do not care to discuss the question whether or not this amendment is general legislation, except to say that in my judgment it does not come within that provision of the rule. The question is, I think, whether the Senate has jurisdiction of this subject. Have we the power to provide in this bill for the purchase of one of these boats? That seems to me to be all there is of it. If there is any rule to deprive the Senate of that right, that rule ought to be abrogated very suddenly. If this Senate is to determine that under any circumstances it can adopt no legislation which does not come from a committee in the first instance, it seems to me that is an abrogation of the jurisdiction of the Senate. If we, on the other hand, shall insist that we can not do anything except what the Secretary of War or the Secretary of the Navy shall suggest, that is another thing.

Mr. President, I realize that there should be rules for the government of the Senate, but I insist that there is not any rule to bring this amendment within the objection which has been made.

I want to say another thing. Senators say that this matter belongs to the Naval Committee and that, the Naval Committee not having passed upon it, we have not any jurisdiction of it. I do not believe that we should surrender to any committee of this body the power to say that in a bill of this character we can not, if we see fit, make such a provision without the committee's recommendation.

This is the special business, not of the Navy Department, but of the War Department. The Navy Department has nothing to do with the defense of the coast, except, of course, when war is flagrant they will put the ships out to fight; but the making of preparations for defense is for the War Department, whether it be providing fortifications or cannon to be put on the coast or whether it be for this class of vessels.

The Navy Department wants one kind of a vessel and the War Department wants another. The War Department plants mines; the Navy Department does not plant mines. The War Department may desire to take up mines planted by a hostile force. The Navy Department has nothing to do with that; that work belongs to the War Department. The Holland type of ship may answer the purposes of the Navy Department, but it is practically of little or no value to the War Department for the defense of the coast. You can not pull up a mine with it; you can not plant a mine with it.

The boat here provided for is built on an entirely different plan. We have already expended a million and a quarter dollars, Mr. President, on the Holland type of boat. This is a different type. The Senator says it has not been a success. Neither were those of the Holland type a success when we first put money in them, and they are not now a success for the purposes for which this boat is designed. With this boat you can do what with the Holland boat you can not do.

As to the price, Mr. President, it is said that this boat can be built for less than the amount appropriated. So could the Holland type of boat. We paid twice what those boats could be built for by the Government, and very properly so, in my judgment.

These people say they have already expended $400,000 in learning how to devise and build this type of boat. Mr. President, if we are going to say to the man who invents a machine of any character which the Government desires to use either in time of war or in time of peace that the Government will only pay him what it costs to build it, we shall have no inventions. You must give a profit to the inventor, and it would be a wise thing if the Government of the United States were to say to a man who invents a machine which will be destructive in war and beneficial

and useful if employed by us for offensive or defensive warfare: "We will pay you something for your time; we will pay you something for your investment; we will pay you something for your brain work." That is the way you will get these things invented, and that is what we ought to do.

I do not know whether this boat can be built for so much less than it is supposed to cost, but in this case we have left it to the Secretary of War. If I have any objection to this provision of the bill, it is that we have left it to the Secretary of War. I believe it should have been the business of the Senate to provide for the purchase of one of these boats. I do not believe anybody who has looked into this affair at all, which I judge the Senator from New Hampshire can not have done, will deny that it is the most promising boat of the kind ever constructed. However, I do not care to go into that question.

I think the Senate has a right to deal with this question, and if the Senate has not the right, we ought without any delay so to amend the rules that we will have that right.

Mr. SCOTT. Mr. President, a presentation of the merits of these boats was made before the Military Affairs Committee, and had the committee felt that they had the right to put an appropriation in the army appropriation bill for the purchase of one of these boats I am sure I am not exaggerating the situation when I say it would have been unanimous, or almost so. But we felt that it ought to go on the appropriation bill which is now before the Senate.

It was certainly demonstrated to the satisfaction, I think, of the Military Affairs Committee that these boats are superior, for the purpose intended, to any boat that has ever been invented. It is certainly the part of wisdom on the part of the Senate to provide for the purchase or building of one of these Lake boats.

I am satisfied in my own mind, while of course I can not establish it, that the success of the Japanese torpedo-boat expedition against the Russian fleet at Port Arthur was largely due to the fact that Japanese were cooks upon one of the Lake boats. We have learned in conversation that a Japanese was employed as a cook on a Lake boat. He was a splendid cook. He was very inquisitive. He stayed with the Lake people for a year. Then he told them that he could find them another cook; that he had to leave. A second one was found. He stayed a year, and he was very inquisitive, and he manifested great interest in the boat. Then he departed and said he could find them a third cook. I have no doubt that these very cooks are to-day engaged in the expedition against the Russian cruisers and torpedo boats, their employment being based upon the information they received while they were serving as cooks upon the Lake boat.

I do hope it will be the pleasure of the Senate to allow this appropriation for one of these boats.

Mr. COCKRELL. Mr. President, this is a matter which belongs exclusively to the Army. The Army has absolute charge of fortifications, and this is to aid in fixing those fortifications and the mines which the Army puts out. This vessel is for submarine purposes, and if the Committee on Appropriations, having charge of this bill, can not put such an amendment on the bill, then it has no authority to provide for the common defense.

Mr. WARREN. May I interrupt the Senator from Missouri?

Mr. COCKRELL. Certainly.

Mr. WARREN. I understand that the admission is made that this amendment would be in order if reported from some other committee—the Committee on Irrigation, the Potomac River Front, or Forest Reservations, or, in fact, any other committee, if you please. And it seems to me we can not consider the Committee on Appropriations to be a lesser committee than the others, and this amendment has surely been reported from that committee.

Mr. COCKRELL. This belongs to the Army. The Senator from New Hampshire holds out the idea that it is a matter which belongs to the Navy entirely. It does not belong to the Navy. The Navy has submarine boats for ocean service. This is intended for harbor defense, and it is absolutely necessary, and I am astounded that the friends of the Holland boat should come here and fight this proposition. We have been liberal with them. We have bought a number of their boats, and in my humble judgment there is no comparison between these two vessels. I think the Lake vessel is far superior to the other vessel, and especially is it superior in regard to harbor defense. With this vessel you can go down to the bottom of any of these places; stay there almost indefinitely. You can take up wires at the bottom. You can put out a diver, if necessary, at the bottom. You can cut the wires that may be laid in the bottom, if a torpedo should be brought in and sunk by the enemy, for instance. The officers are wanted for putting torpedoes in position and regulating them, and then in defense. With one of these vessels in any of our harbors, I say, there is no fleet in this world that could come there and take that harbor. I have no fear of it. Just one of these vessels in any of our harbors would protect it against the strongest fleet in the world. We ought to buy this boat; and not only that, but in my judgment the wiser course for the Government to pursue in this matter would be to acquire the patent outright and have absolute control of it, so that nobody else on earth can have one of these boats.

The PRESIDENT pro tempore. The Chair is ready to determine the point of order.

Mr. SCOTT. Will the Senator from Missouri yield for a moment? I wish to ask a question of him.

Mr. COCKRELL. Certainly.

Mr. SCOTT. Was it not demonstrated that the men and crew in charge of these boats could remain under water almost an indefinite period?

Mr. COCKRELL. Certainly; and that they could cook and eat and sleep there.

Mr. SCOTT. And that is not the case with the Holland boat.

Mr. GALLINGER. I should like to ask the Senator from Missouri if that was demonstrated in the committee room or on the ocean?

Mr. COCKRELL. It has been demonstrated in the harbors.

Mr. GALLINGER. Were any officials of the War Department there——

Mr. SCOTT. Yes, sir.

Mr. GALLINGER. Or of the Navy Department?

Mr. COCKRELL. Read the report read by the Senator from Iowa in the room of the Committee on Appropriations Saturday, and which was read in the House, from the Army; and there is another report—which I supposed I had here, but I do not find it—from the naval officers, who say the same thing.

Mr. GALLINGER. I will discuss that later.

Mr. BERRY. Mr. President, I should like to reply to one observation of the Senator from Missouri.

The PRESIDENT pro tempore. The question of order is under discussion.

Mr. BERRY. I understand that; but the Senator from Missouri went outside and said he was astonished at the course of the friends of the Holland boat. I want to say to him, if he refers to me, that I never saw a Holland boat; that I never in my life saw any man connected with the Holland Boat Company, and know nothing in regard to that company, and I have no interest in it.

Mr. COCKRELL. I did not suppose you did have.

Mr. BERRY. But I made the point of order.

Mr. COCKRELL. I know the friends of the Holland boat have been opposing the amendment.

Mr. BERRY. I do not know that. The Senator from Missouri knows a great deal about the friends of the competing boat companies, but I do not know anything about them. I do not know who the friends of this boat are. I made the point of order because I do not believe the Navy and the Army should both have jurisdiction of this matter. Eight hundred thousand dollars is appropriated in the naval bill in order to determine as to between competing boats which is the best. I say the Secretary of the Navy and his officers are competent to judge, after a thorough examination and a thorough trial, as to which of these boats should be purchased.

It is sought by this bill to take it away from the Navy Department, because they thought they could not get it there, and to bring it before the War Department, which is absorbing, I will say to the Senator from Missouri, a good deal more jurisdiction of late years than I think it ought to absorb. It is proposed to buy this boat at a fixed price and from an individual, without competition, and to give him $250,000 therefor, when there is no proof whatever here as to the value of it. That is the reason why I made the point of order, and not because of any other boat. I do not think that Congress, with the small amount of proof we are able to get, can determine which is the best submarine boat as well as the Navy Department can, with all of its officers, and where it is open to public competition between the boats, and where the tests can be made. That is the reason why I oppose this amendment—because it is a private bill, for an individual, to give him so much money out of the Treasury for a boat that may prove successful or may not.

Mr. SCOTT. The Senator, I suppose, is aware of the fact that the Holland boat people refused, or the army officers said it was not necessary, and the naval officers so said, to go into any competition between the two boats.

Mr. BERRY. No; I do not know any such thing.

Mr. SCOTT. They admitted the superiority of the Lake boat for coast defense.

Mr. BERRY. I will say to the Senator that I do not know it, and if it came from Mr. Lake, the inventor of this boat, who is satisfied that the Japanese, by reason of what they learned on the Lake boat, have been able to defeat the Russian navy, or a good part of it, I should like more proof than his statement.

Mr. SCOTT. It was demonstrated, as I understood it, by a detail of officers from the Navy who investigated this matter, that

it was not necessary to take up the question as to the competitive merits of the two boats, especially when it was considered that the Lake boat was intended for harbor or coast defense, in place of being a seagoing boat, which the Holland people claim theirs is intended for.

It certainly has been shown, at least to my satisfaction, that the Lake boat can go on the bottom and grapple wires and mines that may have been laid, and it can cut them. It can stay under water for an indefinite period, and it has been shown that the crew can cook their meals, they can serve dinner, they can go to bed and sleep in this boat under water. They can open a valve, or an apartment, as it is called, and the pressure of air keeps the water from coming in, and then a man can go directly on the bottom of the river, or wherever they are, and take up wires and torpedoes and mines, or they can grapple them or they can cut them. It strikes me from the investigation I have made on this subject that it is the best boat which has ever been offered to this Government for coast defense.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. The Chair would like to give a reason, for the point of order will be raised a great many times within the next three or four weeks.

Formerly the Appropriations Committee had all the appropriation bills, and it was usual and under the rule to refer to a committee having jurisdiction of a subject a proposed amendment to an appropriation bill, and that amendment, if reported favorably, was referred to the Committee on Appropriations. That made it in order within the rule, providing it was relevant and germane and was not a private claim.

Later on the appropriation bills were distributed, and to illustrate what I mean, the Post-Office Committee received the post-office appropriation bill. Now, the question comes at once whether or not the Post-Office Committee, being a standing committee of the Senate, can itself report an amendment to its own bill, and thus make it in order. The Chair reluctantly came to the conclusion that it could—reluctantly, because it gives very greatly increased power to the committees to whom jurisdiction of appropriation bills has been assigned.

But if the Chair did not so hold, it would entirely nullify the rule which authorizes a committee to report favorably and send to the Committee on Appropriations any proposed amendment, because the proposed amendment to the post-office appropriation bill had to be sent to the Committee on Appropriations before the distribution of the bills. They would have jurisdiction. Then the amendment had to go that committee.

Now, you could not send to the Committee on Commerce a proposed amendment to the post-office appropriation bill, and, as the Chair said, he with reluctance came to the conclusion that that was a ruling which he was obliged to make; and unless it is overruled by the Senate, the Chair will make it during the rest of the session.

Mr. GALLINGER. Mr. President, may I very modestly inquire of the Chair if the Chair is aware of the fact that this bill came from the Committee on Appropriations?

The PRESIDENT pro tempore. The Chair is aware of the fact, and holds that the Committee on Appropriations is one of the standing committees of the Senate and has a right, providing it reports an amendment which is germane and relevant and not a private claim, to report to the Senate an amendment, and it comes within the rule. The Chair is obliged to hold that, if he holds it as to other committees having jurisdiction of appropriation bills.

Mr. GALLINGER. Mr. President, no one bows more readily to any decision the Chair makes than the senior Senator from New Hampshire, and yet it does strike me as an astonishing fact that the Senator from Connecticut [Mr. PLATT], who is a friend of this amendment, admits that this bill could not provide for a battle ship to float on the top of the water for coast defense, but could provide for a submarine boat to go under the water f r coast defense.

The PRESIDENT pro tempore. That raises the question whether it is germane or relevant.

Mr. GALLINGER. I understand that.

Mr. President, this matter of submarine boats—and what I am going to say to-day will be said in a very desultory manner, because I have had no time to put anything in shape, having been occupied with other imperative duties—has been before the Committee on Naval Affairs for a good while, and I want to say to the Senator from Colorado [Mr. TELLER] and the Senator from Missouri [Mr. COCKRELL] that I did not say that the Committee on Naval Affairs should have entire jurisdiction of this matter, but I did say that they had heretofore had jurisdiction of it.

Prior to last year there was but one type of submarine boat on the market, and it is true that before that time appropriations were made which benefited that company—at least I hope the company made some profit. I know it expended a great deal of money in experiments, just as Mr. Lake or his company is doing. There was no competition prior to last year. Last year Mr. Lake and one other inventor, aside from the Holland people, appeared before the Committee on Naval Affairs and said they were making experiments and were spending money on submarine boats, and that they thought they ought to have an even chance with the Holland people.

The result of it was that the committee recognized that fact and amended the bill so that there should be open competition, not only between the different private companies engaged in this work, but the Government itself, so that when the test was made it might be determined which was the best boat, all things considered, and then the Government would pay its money for the boat which made the best showing.

In the naval bill of this year we have continued the same policy, the provision being as follows:

> The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of but not exceeding $850,000: *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in torpedo or submarine warfare.

The only amendment the Senate committee made to the House bill was to include the words "torpedo or;" so as to read "as will best advance the interests of the United States in torpedo or submarine warfare."

Under that bill we appropriate $850,000 for these boats, and we have opened it to competition, not only with every inventor in the United States, but with the Government of the United States itself. The Senator from Wyoming stated a little while ago that the Government is building some of these boats. That was news to me, but the Senator from Wyoming is authority for the statement that the Government is constructing some of these boats at the present time. If that be so, why should this company sell a boat to the Government for $250,000 when possibly the Government of the United States itself is building boats of a type as good as the Lake boat? It occurs to me that this matter should be open to absolute competition, including the Government, precisely as we have provided in the naval appropriation bill.

Mr. President, before I proceed further with a discussion of the merits of this question, I wish to call attention to two or three observations that were made during the debate on the point of order. The Senator from West Virginia [Mr. SCOTT] said that the Lake boat is for coast defense, while the Holland boat is a seagoing boat, and then he said the Lake boat could grapple and cut mines, etc. Now, where are mines to be located? If we locate them in our own harbors, they can very readily be cut, and we would not cut them in time of war, but when peace came. They could readily be cut with appliances connected with diving bells, which are a very cheap invention compared with a $250,000 Lake boat. If the Lake boat is not a seagoing boat, it can not go to foreign ports and cut mines. That is very evident. It can not go into the ports of France, or Germany, or Spain, or Great Britain, or any other foreign country, and cut the mines of the enemy. So unless the Lake torpedo boat is a seagoing boat I do not see what particular advantage it has in the matter of cutting mines.

But, aside from that, no one knows that some other company can not construct a boat better than the Lake boat, so far as this particular thing is concerned. I take it for granted that if the Government is building boats, as the Senator from Wyoming says it is, the Government is providing for that very thing and will include that in the equipment of the boat, and doubtless the Holland people will do the same thing if they are given a chance. So I think the argument that this is a coast-defense boat, while the other submarine boats are intended for some other purpose—to go out a hundred miles, or 500 miles, or 5,000 miles to fight the enemy—is not well taken. The truth is, I take it, that the Holland boat——

Mr. PETTUS. Will the Senator from New Hampshire yield to me for a question?

The PRESIDING OFFICER (Mr. FAIRBANKS in the chair). Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. GALLINGER. Certainly.

Mr. PETTUS. Does not the fact that the boat is to be used by the Army make the amendment pertinent to an army appropriation bill, whether the boat is a seagoing boat or not?

Mr. GALLINGER. That question was decided by the Chair,

as I think incorrectly, but we bow to it. As I was saying when interrupted by the Senator from Alabama, there is no reason why some other type of boat, for instance the boat the Government itself is building, should not be used for the same purpose. So there is no point in saying this is the only type of boat that can be employed for the purpose of laying and cutting mines.

Mr. President, I understand, and it is an open secret, that Mr. Lake, after he came to the Committee on Naval Affairs and got a provision inserted in the appropriation bill giving him free competition with every other boat, did go to the room of the Committee on Military Affairs and there exhibit his models and his photographs, which I have seen, and the committee thought it was a very desirable boat, and they concluded in their wisdom that we ought to purchase one of them. The other builders of submarine boats were not invited and were not there. I do not know whether the Government was inquired of as to how they were getting along with their submarine boats, which the Senator from Wyoming says they are building, but I do know that this gentleman went there and exhibited his models and photographs, and thereupon the committee, composed of very wise men, decided it was worth buying. They did not go down in the boat; they did not examine the machinery; they did not get any information which is not gotten from the models that we examined in the room of the Committee on Naval Affairs and the photographs which I have examined within the last three or four days. I think that the demonstration which was made in that committee room ought not to be given a great deal of weight.

In common with other Senators, Mr. President, I very reluctantly oppose the recommendation of any committee, especially that of the Committee on Military Affairs or the Committee on Appropriations. Nevertheless there are facts connected with this matter that I think ought to be fully understood before a vote is taken on the amendment. Then if the Senate in its wisdom concludes to purchase this boat I certainly will yield my views without any fault-finding. I do not know the Holland boat people or any other men connected with submarine boats. I have met them in the committee room, as I have met Mr. Lake in the committee room. In this matter I have neither prejudice nor prepossession, all I contend for being that we ought to have fair play in this matter, and that when we have provided for competition we ought to have competition all along the line.

Mr. PLATT of Connecticut. May I interrupt the Senator from New Hampshire?

Mr. GALLINGER. Certainly.

Mr. PLATT of Connecticut. Is it not true that the "Lake boat," as it is called, has been ready for competitive tests on several different occasions, but that the Holland people have not been ready, and therefore the competitive test has not been made?

Mr. GALLINGER. I will say that I think it is just the opposite. I think I will demonstrate that before I get through.

Mr. WARREN. Will the Senator from New Hampshire permit me right here?

Mr. GALLINGER. With pleasure.

Mr. WARREN. I will read from the statement of the Secretary of the Navy before the House Committee on Naval Affairs. He said:

> The people were notified that there would be a test, and the time was fixed sometime in the fall, as I remember it. The Holland people were not ready. The time fixed was changed—it was fixed several times. At one time the only competitor, the Lake people, were not ready. The Holland people have declined a test. We are going on with a test of the Lake boat, which is now up at Newport. The board of inspection, I am informed, will conduct that test just as soon as the ice will permit. There have been various and voluminous reports upon the actions of the submarine boat which we already have.

Mr. GALLINGER. Then, it seems that on one occasion the Holland people were not ready for some reason or other, and on another occasion the Lake people were not ready. But the fact remains that the provision is in the naval appropriation bill requiring those tests, and if the Holland people default and the Lake people make their test, of course that will settle the matter in favor of the Lake people.

Mr. President, there has been some examination of this matter, and I wish to read what the Board of Inspection and Survey say, under date of January 16, 1904:

> BOARD OF INSPECTION AND SURVEY,
> NAVY DEPARTMENT,
> *Washington, D. C., January 16, 1904.*
>
> SIR: 1. In obedience to the Department's order, the Board of Inspection and Survey assembled at Newport, R. I., on Tuesday the 12th instant, in order to proceed with the trials of the Lake submarine torpedo boat *Protector*, under the "act making appropriations for the naval service for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903.
>
> 2. The *Protector* was taken from her dock at the torpedo station and an endeavor made to bring her to the measured mile in Narragansett Bay for the purpose of determining her maximum speed in conformity with the "general programme of competitive trials of subsurface and submarine boats," as approved by the Department. Heavy floe ice was, however, encountered which rendered it impossible for the *Protector* to proceed over the course, and after waiting for several hours and finding no change in the conditions, the vessel was taken back to the torpedo station.
>
> 3. In view of the conditions noticed in regard to the amount of ice now in Narragansett Bay and the adjacent waters of the open sea, the Board believed that it would not be possible to properly try this vessel for several weeks, as it will require at least that time in order to render the waters where the trial is to be held—both within the bay and at sea in the neighborhood of Block Island—entirely clear of ice. The slender signal mast, which is no part of the regular outfit of the boat, but is an essential feature of her fittings for trial purposes so as to indicate her position when below the surface, would be broken by contact with even a moderate-sized cake of ice when the vessel was running submerged, and it is therefore necessary that no ice should be present at the time the trials are held. The Board therefore adjourned until the weather conditions are such as to permit these trials to be resumed.
>
> 4. At the Board's meeting on the 12th instant the Lake Torpedo Boat Company presented a letter to the Board, which is hereto appended, marked "A," which, in the Board's opinion, merits the Department's most careful consideration. In this letter the company admit that their boat as presented for trial has serious defects that affect the efficiency of the screws, the arrangement of the rudders, and the construction of the storage batteries by which the boat is propelled when entirely submerged.
>
> 5. Although these defects seriously affect the speed of the vessel, its endurance—both under the electric motors and the gasoline engines—and other important qualities of the vessel, they requested an immediate trial of the *Protector*, proposing that if the Government would agree to accept their vessel they would then correct these defects and deliver to the Government a much more efficient vessel than that which they then presented for trial.
>
> 6. In the Board's opinion this proposition is entirely in conflict with both the spirit and letter of the act of Congress under which this trial is held, and in order to avoid any misunderstanding and prevent the possibility of undesirable controversies following the trial of any vessel which may be authorized in accordance with the act of Congress referred to above and to preserve strict impartiality to all competitors it is recommended that the Lake Torpedo Boat Company be informed as follows:
>
> "The naval appropriation act approved March 3, 1903, authorizing the Department to contract for or purchase subsurface or submarine torpedo boats, provided that said purchase or contract should be preceded by comparisons or competitions with the boats already in the Government's possession, or those of any private competitor. In order to afford a basis for these comparisons or competitions, and to determine whether the boats presented for trial would, if accepted by the Navy Department, fulfill all reasonable requirements for submarine warfare, the Department prepared a "General programme of competitive trials of subsurface and submarine boats," a copy of which was furnished to all competitors who had expressed a desire to enter these tests. Since the act under which these tests are conducted in accordance with this programme provides for the test of a completed boat, the actual results attained by said boats when tested by the trial board will be considered as final for the purposes provided for in this act.
>
> "It is desired, therefore, that before you apply for a competitive trial of your boat you will furnish the Department with a formal statement in writing to the following effect, viz: 'That the boat which you submit to the Department for test is at that time finally completed and that you are prepared to accept as final, for the purposes of this act, the results which your boat is capable of developing on trial at the present time.' It is important that this should be clearly understood, as, in view of the competitive character of these trials, the Department can not allow them to be repeated, but will insist that the results of these trials when once held must be considered as final in the matter of determining the relative merits, under the act of Congress aforesaid, of the various competing boats."
>
> 7. It is recommended that similar communications be sent to the Holland Torpedo Boat Company and any other persons who may have applied for permission to submit subsurface or submarine torpedo boats for tests under the act in question.
>
> Very respectfully,
>
> C. J. TRAIN,
> *Captain, United States Navy, President.*
> L. C. LOGAN,
> *Captain, United States Navy, Member.*
> J. J. WOODWARD,
> *Naval Constructor, United States Navy, Member.*
> W. C. COWLES,
> *Commander, United States Navy, Member and Recorder.*
> I. S. K. REEVES,
> *Lieutenant-Commander, United States Navy, Member.*
>
> The SECRETARY OF THE NAVY.

Now, Mr. President, that was January 16, 1904, which is two months ago; and that is an official communication from the Navy Department, showing that the boat which we now propose to buy was not in a condition for the Department to accept it.

In this connection I wish to read a letter, if I can put my hand on it, and I think I can, from Mr. Lake himself on that point.

Mr. PLATT of Connecticut. The letter of January 11?

Mr. GALLINGER. January 11, I think.

Mr. PLATT of Connecticut. Here it is. [Handing letter.]

Mr. GALLINGER. I thank the Senator from Connecticut for handing it to me. I have it among my papers here.

Mr. Lake, under date of January 11, submitted this letter to the Navy Department:

> NEWPORT, R. I., *January 11, 1904.*
>
> SIR: It is our desire to anticipate the examination of the *Protector* by the Board of Inspection and Survey by a brief statement regarding certain of the present features of the boat. We believe we may thus facilitate the Board's work and help to a better understanding of the craft's condition and probable performance.
>
> The speed and endurance of the *Protector* will fall considerably below our original estimate. This will be due to the present inefficient screws—

Two months ago, remember—

> fitted the day before we left Bridgeport—which have been tried out progressively over the official mile course since our arrival here. The results of these trials are given in the following table, which we shall be glad to have verified by the Board and incorporated accordingly in its report. It will be seen that the ratio of slip is out of all reason and that speeds are away below the proper resultants of the power of the engines under their various conditions. New screws have been designed, based upon the findings of these performances, and corrections have been made which promise us a speed of 10 knots under light cruising condition. The installation of these new screws, which must await return to our home waters, where proper mechanical facilities may be secured, will involve the fitting of new shafts and a modification and rearrangement of our rudders, both vertical and horizontal. The change to the vertical rudder will be a material improvement to the navigational power of the boat by bringing that rudder directly in the sweep of the thrust from the propellers.

Apropos of the steering gear of the craft we should also advise the board that the present handwheel to the hydroplane controlling gear is not of sufficient size to give the speediest manipulation that may be desirable in active service, and that, too, it is our intention to improve.

The batteries now in the *Protector* have been installed for more than a year, and while examination will disclose a very satisfactory condition of the plates after that lapse of time certain mechanical details are subject to improvement. The present supporting lugs, while considerably heavier than those required in shore installations, have been strained by the racking effect of the heavy seas the boat has been exposed to since her commission a year ago. We submit herewith a model cell showing an improved crossbar and connections which we are sure will obviate further trouble.

Should the board after the examination of the boat find her suitable for naval service, and so recommend, we, contingent upon that encouragement, will make all of these improvements at our expense before turning the vessel over to the Government.

Very respectfully,

THE LAKE TORPEDO BOAT CO.,
SIMON LAKE, *President*.

Capt. C. J. TRAIN,
President Board of Inspection and Survey, United States Navy.

As I remember, the tables that were submitted showed that in place of 10 knots an hour this boat sometimes made only 7 or 8, and in some cases less than 6 knots an hour, and in one instance only about 3 knots, showing that the boat was then in a very imperfect condition. According to their own statement its screws were wrong, its speed was wrong, its battery was wrong, its shafts were wrong, its steering gear was wrong, and pretty much everything connected with it was wrong. And that was only two months ago.

Now, under date of January 19, 1904, eight days after the letter I have just read was written, the Acting Secretary of the Navy, Mr. Darling, wrote the following letter to these gentlemen:

NAVY DEPARTMENT,
Washington, D. C., January 19, 1904.

SIRS: Your letter of January 11, 1904, to the Board of Inspection and Survey, relative to the test of the submarine boat *Protector*, has been referred to the Department. You are informed that the naval appropriation act approved March 3, 1903, authorizing the Department to contract for or purchase subsurface or submarine torpedo boats, provided that said purchase or contract should be preceded by comparisons or competitions with the boats already in the Government's possession, or those of any private competitor. In order to afford a basis for these comparisons and to determine whether the boats presented for trial would, if accepted by the Department, fulfill all reasonable requirements for submarine warfare, the Department prepared a "general programme of competitive trials of subsurface and submarine boats," a copy of which was furnished to all competitors who had expressed a desire to enter these tests. Since the act under which these tests are conducted in accordance with this programme provides for the test of a completed boat, the actual results attained by said boats when tested by the trial board will be considered as final for the purposes provided for in this act.

It is desired, therefore, that before you apply for a competitive trial of your boat you will furnish the Department with a formal statement in writing to the following effect, viz: "That the boat which you submit to the Department for test is at that time finally completed and that you are prepared to accept as final, for the purposes of this act, the results of which your boat is capable of developing on trial at the present time."

It is important that this should be clearly understood, as, in view of the competitive character of these trials, the Department can not allow them to be repeated, but will insist that the results of these trials when once held must be considered as final in the matter of determining the relative merits, under the act of Congress aforesaid, of the various competing boats.

Respectfully,

CHARLES H. DARLING,
Acting Secretary.

The LAKE TORPEDO BOAT COMPANY,
Bridgeport, Conn.

Under date of January 27, 1904, only a few days after the Lake Torpedo Boat Company admitted that their boat was defective in almost every essential particular, I notice that Mr. Lake did write to a citizen of the State of Connecticut a letter, which bears date January 27, in which he says:

Our submarine torpedo boat *Protector* has fulfilled the representations of Mr. Lake as to her capabilities of performance, as made before the Naval Committee last year. The *Protector* has been developed without the assistance of the Government, and will, no doubt, be duly purchased under the act of 1904—

That is, the naval appropriation act—

as every requirement heretofore officially made as to the qualities a submarine boat should possess to be of value to the naval service has been complied with and in many respects exceeded.

That was hardly a fair statement of the situation. This company had admitted on January 11 that their boat was in a very defective condition, and yet, under date of January 27, a letter is written to a gentleman in official life saying that the boat is in perfect condition and that they have no doubt the Government will buy it under the provisions of the naval appropriation act of the present year.

Now, Mr. President, if they are so confident that that will be done, I submit it is a very extraordinary thing for these gentlemen to undertake to get a provision of this kind on another bill.

Mr. President, I shall detain the Senate but a few moments longer. I have occupied more time than I had intended, but I wish to specifically call attention to the fact——

The PRESIDING OFFICER (Mr. PENROSE in the chair). The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. FAIRBANKS. I ask that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Indiana asks that the unfinished business may be temporarily laid aside. If there is no objection, it will be so ordered. The Senator from New Hampshire will proceed.

Mr. GALLINGER. Mr. President, I wish to call attention specifically to the fact that a little over one year ago the Lake Torpedo Boat Company petitioned Congress and submitted themselves an amendment to the naval appropriation bill, which was incorporated in that bill, and which reads as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of, but not exceeding, $1,000,000: *Provided*, That prior to said purchase or contract for said boats any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested by comparison or competition, or both, with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competitition or comparison, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare.

That amendment was submitted by the Lake Torpedo Boat Company to the Committee on Naval Affairs and it was incorporated in the naval appropriation bill at the request of that company, the amount to be appropriated having been fixed by the action of the two Houses at $500,000.

Again, in the present naval appropriation bill that precise provision is repeated, the appropriation being increased to $850,000. But before the $850,000 becomes available this company asks Congress to make a specific appropriation for one of their boats, the provision being put on an army appropriation bill.

I think it is extraordinary. I think it is not fair to competitors. I think it will be setting a precedent that will come back to trouble us in the future.

I hope sincerely, Mr. President, that this duplication of authority may not be granted by legislative action. We have been trying during the last few months to get rid of duplication in the various Departments of the Government, and we have made some progress in that direction. Now it is solemnly proposed that we shall duplicate the building of submarine boats, so as to put a part of them under the Navy Department and a part of them under the War Department.

I have sympathy for these inventors, Mr. President, as I have sympathy for all American inventors. I come from a country of inventors not quite as ingenious as the people of Connecticut, whom my friend on my right so ably represents. We make real things always in our State. It is said that they do not always do that in Connecticut.

But this Lake Torpedo Boat Company is a real thing, and they make a real boat. There is no question about that. And I have reason to suppose that it is a good boat. Nobody is questioning that. I have sympathy for them. They have expended their own money or that of their friends in bringing this boat to a partial state of completion, and I think we ought to give them encouragement, as we did give them encouragement in the naval appropriation bill.

Mr. President, I do not want to attack these gentlemen on any point, and yet I think I am justified in reading from the record what these gentlemen said about the cost of the boats. It will be found in the hearings before the Committee on Naval Affairs of the Senate, Document No. 395, Fifty-seventh Congress, first session. The chairman said:

You had better furnish the committee with your blue-print illustrations.

Mr. LAKE. Yes, sir. I wish to say something now in regard to Admiral Bowles's recommendation. I understand he recommends an appropriation of $500,000, to be appropriated for four boats, but we do not understand that by that he meant that each boat should cost $125,000. We do not think he would expect us to furnish a boat with twice the horsepower, three times the armament, about fifty-five tons greater displacement, more speed, with a diving compartment, which is a valuable feature for mining and countermining, and a vessel which has a superstructure and sufficient surface buoyancy to enable her to ride the seas so that she is a seaworthy craft for the same money as some of these smaller boats.

The CHAIRMAN. What can you furnish one of these boats for?

Mr. LAKE. The price we named there was $175,000. We have not yet completed this boat. We do not know what it will cost us, but I will say here that we can not furnish such a boat as we are proposing to furnish for $125,000. If you will let us put in one torpedo tube and one screw and reduce our displacement to that of the *Holland*, I think I would accept the Admiral's figures.

The CHAIRMAN. Your amendment says, as you read it, I remember, three boats, to cost $175,000. Do you mean $175,000 each?

Mr. LAKE. Each; yes.

The CHAIRMAN. That is about the same price as the Holland boat.

Mr. President, that tells its own story, and I am not going to elaborate on that point. Two hundred and fifty thousand dollars may be a fair price. I will not debate that, but in my judgment it is a very large price for this boat, and perhaps a larger price than we ought to pay.

I have been furnished with a letter from the Holland Torpedo Boat Company bearing on this question of price, on the amount that is named in this bill, which I want to read for the information of the Senators who are honoring me with their attention. The letter is as follows:

HOLLAND TORPEDO BOAT COMPANY,
New York, March 9, 1904.

SIR: We are informed that the Senate Committee on Appropriations has favorably reported a provision appropriating $250,000 for the purchase of the submarine boat *Protector* from the Lake Torpedo Boat Company. In this connection we invite your attention to the following considerations:

In connection with the various proposed appropriations for submarine boats for the Navy, Congress has adopted the principle that such appropriations shall be open to competition by all American inventors or builders who have qualified by building a successful boat or boats. This principle was invoked at the time when the *Protector* was merely projected and again when she was building, this to the detriment of the only successful builders at that time, viz, ourselves. If this principle is sound for the Navy, it must be sound for the Army; and in justice to ourselves we ask that it apply, and submit the following proposition:

For the sum of $250,000, which it is proposed to expend for the purchase of the *Protector*, we will furnish to the Government two submarine boats.

The first will be of practically the same type and dimensions as the boats now owned by the United States Government, but containing many improvements and designed entirely for use as torpedo boats. This we will furnish for the sum of $170,000.

The second will be a smaller vessel, peculiarly adapted for the work of destruction and repair of mine fields and cables, and will be of such dimensions as permit it to be readily transported on battle ships, transports, or flat cars, so as to enable it to be placed in its field of operations, which primarily is a port or passage mined or held by an enemy, where it facilities for attacking mines and cables and its auxiliary facilities as a torpedo boat proper would both be useful. This vessel we will furnish for the sum of $80,000.

These vessels we will furnish under guaranties as to their performance in every respect.

If after a full consideration by proper expert authorities it is considered good policy to combine in a single vessel the functions of a submarine torpedo boat and a submarine mine destroyer and repairer, we are prepared to submit designs for such a vessel for comparison with the Lake boat *Protector*, and, if our design be preferred, stand ready to build the vessel under guaranties as to its efficient performance in all respects.

Very respectfully,

HOLLAND TORPEDO BOAT COMPANY.
ELIHU B. FROST, *Secretary.*

Mr. President, the whole question of submarines and their war tactics has been and is now the subject of earnest discussion in the Navy, which service has a monopoly of practical experience with such craft at the present time.

In the near future very severe competitive trials are to be held, open to all American types of submarines, upon the result of which the Navy Department's future action in this matter will largely depend. The Lake boat has been offered for this competition, and this will be the first opportunity for severe and exhaustive tests with this boat, such as have been required with the boats now owned by the Government. In this connection I beg to call attention to a debate in another place, which can be found in the CONGRESSIONAL RECORD, page 2544, and from which I quote:

1. The joint board of army and navy officers, composed of experts of the General Staff of the Army and of the General Board of the Navy, and of which Admiral Dewey is president, is now specially considering the question of the utilization of the submarines for coast-defense purposes. The number, character, and size of such boats are now being specially considered, and it is simply embarrassing these military experts to authorize such construction of submarines at the present time.

2. Within the next six weeks the Board of Inspection of the Navy will commence conducting an extended series of competitive tests to determine the merits and defects of the Holland and Lake designs of submarines. The Board of Inspection have been giving special consideration to this subject during the past year, and they have prescribed tests and conditions which will secure for the Navy Department and for the Congress special information upon disputed points.

Congress heretofore has consistently refused to finally adopt any one type of submarines, notwithstanding the advantages in the matter of secrecy which are thereby assured. The principle of competition has been consistently urged and accepted, even to the extent of delaying action on known types until vessels projected in building could be completed and tried, and the Lake Company has the advantage of this proposed competition. This principle having been adopted by Congress for the Navy Department, it would appear only fair to all builders of submarines that the same principle be adopted for the War Department.

The Lake boat has never had any severe and exhaustive trials, such as have been successfully passed by the boats now owned by the Navy. Its ability to perform the various functions claimed for it has never been demonstrated before a competent board, working under rigid conditions. In fact, the most elementary features connected with the efficiency of the submarine, after its ability to run submerged, viz, speed and radius of action, are unknown features as regards this type. The builders have made extravagant claims in this connection; but so far the boat's capabilities have never been demonstrated before any board. In connection with this it would be well to remember, as I have already shown, that there is on file in the Navy Department a letter from the Lake Torpedo Boat Company, dated January 12, 1904, admitting defects in the boat immediately connected with these important matters, and that the Board of Inspection and Survey to the Navy Department in reply to the letter from the Lake Company, also called attention to that fact.

Now, Mr. President, I do not know that I care to say a single word further. I will close as I commenced by saying that this matter has been given the most careful, conscientious, and painstaking consideration by the Committee on Naval Affairs. We have listened to these gentlemen with great attention and great courtesy. We did last year precisely what the Lake Torpedo Boat Company asked us to do. We put in our bill the amendment drafted by themselves. We have repeated it in the present naval appropriation bill, thus placing that company on a par with every other competing company. Under those circumstances it does seem to me bad public policy for the Government to make provision on an army appropriation bill for the purchase of a boat of a particular type, when in the Navy the most severe competitive tests are to be insisted on. We ought to be consistent in this matter.

I submit, Mr. President, that I have no prejudice in this matter. If the Senate in its wisdom concludes to do what the committee recommends, no one will yield more gracefully than myself. But I think it is bad legislation. I think it is mischievous legislation. I think it will come back to trouble us. I think it will make friction between the two Departments of the Government and will result in harm rather than good.

One word more, simply, and I am done. It was said that the War Department practically recommended this purchase because the Lieutenant-General of the Army recommended it. Mr. President, I am not at liberty to say something I might say, but I will venture the suggestion that if this matter could be left to the head of the War Department for a recommendation I would be willing to abide by the recommendation the Secretary of War might make regarding this proposed purchase of a Lake torpedo boat, feeling sure that such recommendation would end this controversy.

Mr. PLATT of Connecticut obtained the floor.

Mr. COCKRELL. Will the Senator let me say just a few words? I am compelled to go out on committee work, and I can not be here any more to-day.

Mr. PLATT of Connecticut. Certainly.

Mr. COCKRELL. I am very glad the Senator from New Hampshire read the letter that has been sent around by authority of the Holland Torpedo Boat Company. I have the letter with the signature, and I suppose it was sent to nearly every one. It confirms what I said in the few remarks I made in the beginning, that the Holland Torpedo Boat Company is fighting this appropriation, and in doing so is making a great mistake.

Mr. GALLINGER. They are fighting for competition, and they are practically entitled to it.

Mr. PLATT of Connecticut. There is more than that, Mr. President. There is an argument connected with that letter against the report of the army officers, criticising them.

Mr. COCKRELL. I am going to refer to that. In connection with this circular letter they sent out quite a lengthy typewritten letter accompanying it. Here it is. They state in this letter:

Reasons why proposed appropriation of $250,000 for one Lake boat for the War Department should either be defeated or left open to competition.

Now, there is a good reason why this boat will cost more than the Holland boat, and as the Holland Company has presented a communication, which has been read by the Senator, I will read a reply by Mr. Lake to that letter:

WASHINGTON, D. C., *March 10, 1904.*

SIR: A circular letter has been sent out, the first page of which is on a letter head of the Holland Torpedo Boat Company. This letter is under date of March 9, 1904. Its object is without doubt to defeat the provision put in the fortification bill by the Senate Appropriations Committee, notwithstanding the recommendation for the purchase of five submarine boats of the Lake type by the army board on submarine defenses and its approval by the General Staff and the recommendation of Generals Chaffee and Gillespie for the purchase of one of these boats for the School of Submarine Defence. This recommendation was not made by the board until after a thorough investigation of the problems involved had been made and an investigation of other types as well, held under the auspices of practically the same board, which spent a year or more in its consideration of this matter. The letter is purported to be signed by Elihu B. Frost, secretary of the Holland Torpedo Boat Company, and quotes some prices at which they will furnish boats of the Holland type, and claims that two of their boats combined, one at $170,000 and another at $80,000, are capable of doing as good work as one of the *Protector* type at $250,000.

In reply to this will state that if they could do this (which we claim is impossible for them to do without infringement of our patents, of which we have in the neighborhood of thirty, with over 400 claims on our method of construction and devices for operation of our type of submarine), there would be nothing gained, as each boat would be necessarily inferior to the *Protector* type, and would at the same time require two crews. As to competing in price, the Lake Torpedo Boat Company's boat is cheaper than the Holland boats almost any way one can figure. On the price per ton of displacement we are cheaper; on horsepower developed we are cheaper; on armament we are cheaper. We furnish three torpedo tubes to their one. We are twin screw; they single. We have a diving compartment; they have none. This provides for escape of the crew in case of disablement of machinery, and also cable cutting, mine laying and repairing, countermining, etc.

Our boat also provides a superstructure and deck, which gives buoyancy and makes her seaworthy; also permits the storage of gasoline in the superstructure, where the fumes of same will not escape into the living quarter of

the boat and asphyxiate the crew. In fact, the advantages of the type are so great that one prominent naval officer who was most familiar with both types of boats has been quoted as saying, after showing a Government official in another branch of the service over the Holland boats, "Now I will show you a boat worth a dozen of any one of these," and brought the officer over to the *Protector*.

It is, however, a waste of time to discuss the respective merits of the two boats here; that has been determined by the report of the board on submarine defenses during an investigation of a year or more and unanimously decided in our favor. That report and recommendation is what the letter above referred to is trying to discredit. They inclose with the circular letter an argument headed as follows: "Reasons why proposed appropriation of, etc." (See 1.)

It is proposed to offer an argument in opposition to their ex parte reasoning, applying to each clause of their letter hereto annexed.

Now, I will ask that the Secretary may read the balance of that paper. When it shall have been read I have nothing further to say except simply that I do think the Holland Company are making a wrong move. I think they are mistaken in opposing this amendment. I think it is our duty, that we owe it to ourselves, to the country, and to the defense of the country that we shall not permit them to have an exclusive monopoly in the construction of these vessels.

Let us buy this vessel; let us test it, and then we can have competition hereafter; but, no, the Holland Company do not want competition; they do not want us to buy one of these vessels; they do not want us to try them; they want to force us to accept one of theirs, and I do not believe that is right.

Mr. GALLINGER. Just a moment, if the Senator please. Will the Senator accept, in lieu of the proposed amendment by the committee, the provision as found in the naval appropriation bill opening it to competition?

Mr. COCKRELL. No; really, I am for this amendment. I do not want any competition. I am perfectly satisfied to risk the $250,000 provided for in this amendment. If I had my way I would appropriate a million dollars to build one of these vessels, making it a seagoing vessel, on the largest scale possible, to go from one end of this country to the other; one which could leave New York, go to London, and come back again without being under the necessity in the meantime of taking on supplies of any kind, and which could at the same time operate under the water as well as one of these small boats. I would do that, and I think I would be doing my country a service and putting in its hands a power of defense and of offense which no other nation on this earth would have.

The PRESIDENT pro tempore. The Secretary will read as requested by the Senator from Missouri.

Mr. PROCTOR. Mr. President——

Mr. COCKRELL. Let the remainder of the paper be read.

Mr. PROCTOR. Very well.

The Secretary read as follows:

CONFLICT OF AUTHORITY.

There is no conflict in this case, as the Army now has charge of the submarine defenses, and this provision permits the Army to have a boat with which to broaden its legitimate field and strengthen its defenses by experimenting with a boat themselves. The Navy heretofore has had exclusive use of submarine boats for experimental purposes, but as the type possessed by that arm of the national defense is not adapted to mining and countermining, they are not suited for military use in mine defense as is the *Protector* and her order.

SCOPE OF MILITARY AUTHORITY.

It is the function of the Artillery Corps under the Army to plant, keep in repair, and control the submarine defenses. The *Protector* is especially qualified for this work. It can not be done from surface boats in rough weather and when there is ice on the surface. Neither can it be done under fire in case of a blockade of a port or harbor.

ARMY BOARD OF EXPERTS.

We think the army board of submarine defenses, which is composed of experts in this matter and have been submerged under the most severe conditions possible, should be better able to judge of this than the author of the Holland document.

As to the statement that efficient submarines can keep an enemy's fleet out of range of the mine fields, we agree that this is true if the Government had efficient sea-going submarines, but that they have not got them at present is shown by the fact that when it is desired to take any of the present boats from one port to another they invariably tow them. It is well known that two of them have recently been wrecked while being towed from New York to Norfolk. They were considered so unsafe that the Department would not even permit a steersman on board; they were sealed up and towed like logs. We have never been compelled to tow any of our type of boats, and we have made long trips entirely unescorted and in some of the worst storms we have had on the coast. We have traveled from Norfolk to Newport entirely under our own power in submarines of our own type.

In this connection we wish to state that we believe the proper type of vessel for the needs of the Navy is a submarine of greater endurance and capable of making long voyages if necessary at a sufficient speed to keep along with a battle squadron. We submitted designs for such a vessel to the Navy Department about three years ago, but there has been no legislation that would permit us to build such a craft. France is laying down this year six of such vessels practically on similar designs, and as they have for the past four or five years been building vessels of the Lake type, almost identical as first proposed to the Department in 1903, after having abandoned the diving type, the spectacle is again shown of an American invention being recognized abroad in advance of in our own country—in this case, owing entirely to legislation in favor of the Holland Company.

The clause above also seeks to cast reflections on the judgment of the board by saying: "The commander who would use his submarines to repair mine fields when they could be used offensively against the fleet seeking to attack would never be classed among the Deweys and the Farragute." Here is one of the most important points in favor of the Army having submarines as auxiliaries to port and mine defenses. It is conceded by all army officers we have consulted with that the Navy should have charge of the submarines for coast and off-shore use or to attack a foreign port; but the Army should have the use of submarines also, possibly detailed to them under the command of naval officers, but to be ready instantly to cooperate with the Army in taking care of the fixed mines and also to assist in the defense of a fixed base. This is the question we understand the joint board is to decide; but that has no bearing on this particular case, as the proposition now is to provide a vessel capable of demonstrating all of these features in the practical experimental work essentially within the province of the School of Submarine Defense; and no one will deny but that it is of paramount importance that the Army should know for themselves how valuable an assistance this will be to them in augmenting the defense against an active enemy. Otherwise they might give the submarine more importance than it deserved, and consequently rely on a broken reed. The question of ultimate jurisdiction may well be left to the joint board; and then, after the School of Submarine Defense has finished its experimental work, the boat can be turned over to the Navy, if the joint board so decides.

MONOPOLY OF EXPERIENCE NOW WITH NAVY.

It is true that the Navy "has a monopoly of practical experience with such craft at the present time." It is also true that one company (the Holland) has had a monopoly up to the present time, having had appropriations during the past ten years to assist them in their experiments to the extent of $1,340,000, while another company (the Lake) has not received one penny from the Government, but has developed a type of boat from its own resources, which the document sent to the members of the Senate and House by the Holland company in substance states: Give us additional favors and we will also give you, in two smaller boats at a cost the same as the Lake company is asking for one, the same features as the Lake type possesses. This interpreted evidently means if the United States Government will assist and protect them by awarding them a contract on a design they will take the experience of the Lake company and build you a boat that will accomplish as much as the *Protector*, already built. Does this mean that they are going to take the fruits of our twenty years of labor, confiscate our ideas that are protected by nearly 30 patents and over 400 patent claims, and the results that we have attained in almost a lifetime of experimentation and risk of life time and time again? We can not believe that any honorable Senator or Representative of this great Government would consent to be a party to this wrong. We hope this is not the Holland company's intent, but all the signs point that way.

SOME COMPETITIVE TESTS COMING.

They say in the near future severe competitive trials are to be held. They have been saying they were ready to enter into competition trials at any time ever since May 21, 1902. See Document No. 123½, Committee on Naval Affairs, House of Representatives, pages 46 and 47, in which Mr. Rice, president of the Holland Company, claims he is ready to enter into direct competition with us at any time, etc. Also Senate Document No. 395, Committee on Naval Affairs, Fifty-seventh Congress, first session, June 6, 1902, pages 40 and 41, statement of Mr. Butler on behalf of Holland Company; also page 62, Mr. Creecy on behalf of the same company. Now, what are the facts? The records in the Department will show that we have been trying most strenuously ever since June 1, 1903, to get the Holland Company to enter into direct competition, but they have declined. See testimony Secretary of the Navy, Document No. 50, Committee on Naval Affairs, January 25, 1904, in which Mr. Moody said: "The Holland people have declined a test. We are going on with the test of the Lake boat, which is now up at Newport. The board of inspectors, I am informed, will conduct that test just as soon as the ice will permit." We have not as yet received any notice that they will enter into a direct competitive test with us on the same waters and under the same weather conditions as the *Protector*, and do not believe that they will venture to do so.

The attempt is here made to claim credit for themselves for the open competition for all American inventors. We respectfully submit that we are the ones that have brought about the law providing for competition; and that has been our contention all through this controversy during the past three years; and the law now in force with reference to submarines is the language of our first petition for consideration by the Government. See Committee on Naval Affairs, Document No. 123, House of Representatives, page 1, 1902, the petition being submitted on March 3 of that year. It has also been the language of our subsequent bills and petitions, while, on the contrary, the Holland Company have been introducing numerous bills specifying Holland boats, and have persistently either specified Holland boats by name or have so worded their bills as to cut out any other type. We are not objecting to competition now, but are demanding it to demonstrate the respective value of the two types for naval needs; but we have had the competition to demonstrate the respective value for the Army needs as auxiliary to the coast fortifications and to assist in the mining defenses. This Holland document is evidently being sent out to confuse the members of the Senate and House on this point. The matter, however, has been decided by the authorities in our favor, and is so recommended by the board of submarine defense, the General Staff, and General Chaffee, Chief of Staff, and General Gillespie, Chief of Engineers. Surely there can be no stronger indorsement.

THE TRIALS OF LAKE BOATS.

As to the Lake boats never having had any severe or exhaustive tests, such as have been had by the present navy boats, we refer to an article by Lieut. John Halligan, United States Navy, in the last volume of the Journal of the American Society of Naval Engineers, who was nearly five months on the *Protector* and has testified to making numerous long runs, some continuous runs of over 100 miles in length and in rough weather, in the open sea.

Our previous boat, the *Argonaut*, also has a record of greater distance sails, both as a surface boat and a submarine, than any other submarine ever built, either here or abroad.

It is also well known to numerous other naval officers, who have seen our type of boats cruising on the coast and in the Chesapeake Bay during and after the Spanish-American war and have seen the *Protector* at New York, cruising in Long Island Sound, at the Oyster Bay maneuvers, and at Newport, and no one has ever seen her under tow.

Reference is made to a letter on file at the Department from us under date of January 12, 1904, admitting defects in our boats. This we deny, and submit herewith a copy of the letter referred to. What the letter does show is that the speed and endurance of the *Protector*, had she been tried then, would have fallen below our original estimate owing to inefficient propellers. Needless to say, the propeller problem is a problem common to all boats and has nothing to do whatever with the submarine problem, and while it is our desire to get as great speed and endurance possible out of the *Protector*, and we are now fitting larger screws, which, as the letter plainly states, necessitates the fitting of new shafts and change of rudders, which will give a further improvement to the boat, which we desire to do at our own expense before turning her over to the Government and not at the Government's expense, as has erroneously been stated elsewhere.

The object of the letter was, as it plainly states, to assist the Board of Inspection and Survey in their inspection and trials of the *Protector* and was delivered to them at Newport on their arrival there for that purpose and called their attention to features which, after a year's experience, we thought

we could improve before turning her over to the Government, if found otherwise satisfactory to them on inspection and trial, not because of defects. We were anxious to enter upon our trials even as we were, knowing we could bring her up to the highest possible efficiency before turning her over to the Government.

The letter which follows speaks for itself:

THE LAKE TORPEDO BOAT COMPANY,
Newport, R. I., January 11, 1904.

SIR: It is our desire to anticipate the examination of the *Protector* by the Board of Inspection and Survey by a brief statement regarding certain of the present features of the boat. We believe we may thus facilitate the Board's work and help to a better understanding of the craft's condition and probable performance.

The speed and endurance of the *Protector* will fall considerably below our original estimate. This will be due to the present inefficient screws, fitted the day before we left Bridgeport, which have been tried progressively over the official mile course since our arrival here. The results of these trials are given in the following table, which we will be glad to have verified by the Board and incorporated accordingly in their report. It will be seen that the ratio of slip is out of all reason, and that speeds are away below the proper resultant of the power of the engines under their various conditions. New screws have been designed based upon the findings of these performances, and corrections have been made which promise us a speed of 10 knots under light cruising conditions.

The installation of these new screws, which must await our return to our home waters where proper mechanical facilities can be secured, will involve the fitting of new shafts and a modification and rearrangement of our rudders, both vertical and horizontal. The change to the vertical rudder will be a material improvement to the navigational power of the boat by bringing that rudder directly in the sweep of the thrust from the propellers.

Apropos of the steering gear of the craft, we should also advise the board that the present handwheel to the hydroplane controlling gear is not of sufficient size to give the speediest manipulation that may be desired in active service, and that, too, it is our intention to improve.

The batteries now in the *Protector* have been installed for more than a year, and while examination will disclose a very satisfactory condition of the plates after that lapse of time, certain mechanical details are subject to improvement. The present supporting lugs, while considerably heavier than those required in shore installations, have been strained by the racking effect of the heavy seas the boat has been exposed to since her commission a year ago. We submit herewith a model cell, showing an improved crossbar and connections which we are sure will obviate further trouble.

Should the board, after the examination of the boat, find her suitable for naval service, and so recommend, we, contingent upon that encouragement, will make all of these improvements at our own expense before turning the vessel over to the Government.

Very respectfully,

THE LAKE TORPEDO BOAT COMPANY,
SIMON LAKE, *President.*

Capt. C. J. TRAIN,
President Board of Inspection and Survey, United States Navy.

As a further answer we would state that the shoe is on the other foot, and if the records that are in the Department in regard to failures of Holland type of boat performance were made public it would astonish the whole country. This record extends from their first boat, the *Plunger*, and up to the present time they have failed to fulfill their guaranties then made in every particular.

Since then there have been continuous disasters and changes, numerous explosions, and two of the boats wrecked, owing to the necessity of towing them from place to place. Even now changes are being made to one of the Government boats on the recommendation of Naval Constructor J. J. Woodward, of the Board of Inspection and Survey, under date of November 27, 1903, which recommendation recites numerous defects and recites certain changes to be made, which recommendations cover nearly four closely typewritten pages. These changes are recommended to be made at Government expense and are now authorized.

ACCEPTANCE TRIALS OF HOLLAND BOATS.

In reply to the above clause, will state that the official trials of the Holland boats were made in a land-locked harbor of shallow depth, and the greater part of the so-called twelve-hour endurance runs were made with the boat's nose against the dock, and the submerged runs were made on a course one-fourth mile in length, because there was not sufficient depth of water in this shallow bay (Peconic Bay) to run longer courses. See report of Board of Inspection and Survey on acceptance trials of *Adder* and *Moccasin*, and one of the conclusions reached by the Board is as follows and can be seen in the report of the Board of Inspection and Survey addressed to the Secretary of the Navy under date of November 24, 1902:

"10. The Board therefore recommends the acceptance of the *Adder*, after such defects and items of unfinished work as are mentioned in this report and its appendages are satisfactorily completed.

"14. The board, however, desires to call the Department's attention to the fact that although the trials to which the *Adder* has been subjected fulfill the strict letter of the contract (see note) under which this vessel was built, yet they do not provide for any trial under service conditions at sea, and on account of the extremely novel character of the vessel it is impossible to predicate upon her performance in the smooth water of a land-locked harbor an opinion as to her behavior in even a moderate seaway. The board, therefore, considers that when the remaining vessels of this class are submitted for trial, one of them should be given endurance tests at sea, both in the light condition under the gasoline engine, and when submerged under the electric motor in the general manner, described more in detail in paragraph 16, II, of this report. In the absence of such a trial the board desires to expressly reserve its opinion as to the general questions of stability, maneuvering powers, and habitability when at sea, regarding which the opinions of the board are requested in the 'Instructions governing the trials of torpedo boats,' transmitted with the Department's precept.

"NOTE.—This contract was proposed exclusively by the Holland company and superseded by authority of Congress the former contract of the *Plunger*, which original contract, on the Department's desires, called for quite a different and more valuable performance."

From this it will be seen that the board reserves its opinion as to the ability of these vessels, and recommends that future acceptance trials be held in a different place and under different conditions.

Notwithstanding the recommendations of the inspection board to the additional acceptance, trials of the later boats have been made in the same locality.

SUBMARINE BOATS ON BATTLE SHIPS OR CRUISERS.

They suggest that smaller boats should be designed to be carried on the decks of battle ships or cruisers. We predict that the lumbering up of a fighting ship will never be permitted by any of the fighting officers of the Navy, and even if it should be permitted it would require ships of special construction, as there is no ship in the Navy that now has either the room or appliances for handling a very moderate-size submarine, as a boat of only 6 feet in diameter, with barely room for two men with little endurance and not at all seaworthy, would weigh at least 30 tons, and any officer or practical sailor knows it would be utterly impossible with a mother ship, as they suggested, fitted with especial appliances to handle them, to jack up such a craft in even a moderate seaway.

This is illustrated in the recent experience of the *Adder* and *Moccasin* on the coast when it was necessary for a sailor to jump overboard at the risk of his life to get a line to the *Adder*. These boats are so heavy in proportion to their size that if they should come with moderate violence in contact with another ship the storage batteries of the submarine would at least be ruined, even if the submarine or the mother ship were not sunk. To practical sailors this is one of the most ridiculous proposals yet made in connection with submarine warfare.

It may be accepted as a fact that submarines must be able to go on their own bottom and not in tow from port to port if they are to be effective and efficient in the field intended. It is peculiarly the seagoing qualities of our type that have shown for years, first by the *Argonaut* in her coast runs in severe weather, and later by the *Protector*, as well, too, by the French submersibles, which are similar to the *Protector*.

In respect to these small boats, the Navy Department has on file plans of a small boat submitted by us several years ago, which boats can be built for from $25,000 up, but we do not recommend them. As to comparative cost of boats, we will agree to furnish boats of our type, eliminating the diving compartment, with a single screw, one torpedo tube, and no superstructure for safe storage of gasoline, etc., but of the same size and power as the *Holland*, and capable of performing all that she is capable of doing, for $135,000, but do not recommend it. The *Protector* type costs at least 100 per cent more to build and is worth much more than the difference.

What we hope to build for the Navy is a cruising submarine of about 400 tons, the size that is now being laid down by the most advanced foreign countries and as was first submitted by us to the Department on June 20, 1901.

There are a number of additional arguments that could be made for complying with the Department's wishes in this matter, but we think sufficient has been said to show that the circular above referred to is an adroit attempt to confuse the minds of Senators and Representatives as to the actual facts in the case. I submit herewith a copy of the army board's report.

Yours, sincerely.

Mr. LODGE. Mr. President, the provision of the naval appropriation bill in regard to submarine or subsurface boats was put in in the House of Representatives. It came to us from the House and was there very strongly supported and urged by the representatives of the Lake torpedo boat. At that stage they appeared to have been anxious simply for an open competition.

I think the House provision in the naval appropriation bill, which the Senate subsequently adopted, is a sound provision. Under that clause all submarine boats are submitted to the Department for a competitive test. If we are going to have any subsurface or submarine boats, I think they ought to be submitted to that test in order that the Government may get the best boat.

I think it is a mistaken policy, and I have always thought it a mistaken policy, for Congress to appropriate large sums of money for one particular pattern. This is a special boat, and an appropriation of $250,000 is asked for it. It has been examined by an army board. I do not think that our opinion here is of any value at all. I do not think that it is safe to go on the opinion of a single army board, and I think the whole policy of picking out patents of any kind and voting a large sum of money to a specific patentee is a mistaken system. I was opposed to taking the Holland boats by name, and I am opposed to taking these boats by name. I think the House provision of the naval bill is the sound provision for the Senate to adopt—that is, to open them all to competition.

That relates, Mr. President, simply to this specific case. We find the friends of this boat were anxious, first, for competition; then they come forward here and want $250,000 for their particular boat. I do not think that is good or prudent legislation.

But, Mr. President, the other objection that I have to it is a much more fundamental one, and I think of the most serious character. Submarine or subsurface boats like this boat are primarily vessels of war. The vessels of war of the United States ought to be under one head. It is true the War Department has got transports, has got tugs for its forts, and has got launches; but none of those are vessels of war. I think it would be a great deal better if the transport vessels were under the charge of the Navy; but whether they are or not, these vessels are all vessels not for war purposes.

This Lake torpedo boat is primarily a vessel of war. The work enumerated for her in the report, in almost every case, relates to operations of war. She is to be used to attack an enemy's fleet. The result of that will be that we shall have one kind of a navy under the War Department and another kind of a navy under the Navy Department. There will be constant conflict, constant friction. It is as utterly wrong in the principle of military administration as anything can possibly be. The fighting force at sea, under the water or upon the water, should be under one head. That is a truism of ordinary military operations. Here we are proposing to start under the War Department another navy.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. Does the Senator think that our submarine mines laid in our rivers and harbors for defense should also be under the Navy Department?

Mr. LODGE. I think it would be much better if they were under the Navy Department.

Mr. WARREN. Mr. President, of course, to be justified in his argument and make it at all logical, the Senator would have to be in favor of that; but I assume that he will admit that so long as the school of mines and mining and submarine work is under the War Department, and so long as the laying of those mines, the care of them, their taking up, etc., in all our harbors is under the War Department it would be as necessary that the tools, utensils, and heavy machinery, movable or otherwise, therefor should be under that Department.

In that case this submarine torpedo vessel becomes one of the necessary adjuncts or implements—more necessary, indeed, than the army transports which take the United States troops from one place to another. Transport ships could be hired, but we could not hire submarine boats like the one comprehended in this amendment; hence we must purchase and own or do without.

Mr. LODGE. The business of laying mines is the least thing about this boat. The laying of mines is not difficult. They have been laid without this boat and laid successfully for many years. This boat is to be used for other kinds of naval operations. It is to be used to cut cables; it is to be used to attack the enemy's fleet; is is to be used to scout; and here you are to set up in every harbor of this country a navy under the War Department, under separate command from the Navy Department, which can make attacks, which can try to pick up cables, which can do scouting, which can enter upon every sort of operation without any relation to the fleets of the United States whatsoever. The matter of laying down mines has been done for many years by other boats.

Mr. WARREN. Oh, yes.

Mr. LODGE. It can be done in all sorts of ways. It is the least important thing about this boat. I have read over what the boat is for. The boat is primarily a weapon of war. In the statement of the report it says:

> First, to replace fixed mines, by lying adjacent to the forts and attacking vessels attempting to reduce the works or to run past, particularly in important channels where it is impracticable to plant mines, owing to deep and rough water, extreme width, or swift currents.
>
> Second, to supplement fixed mines by attacking vessels approaching the mine fields or those which have crossed them.
>
> Third, to lie outside mine fields for scouting or picket duty, keeping in telephonic communication as hereafter described.
>
> Fourth, to pick up and repair defective cable joints, junction boxes, etc.
>
> FOR THE ATTACK.
>
> First, to run past the forts and attack vessels within the harbor.
>
> Second, to drag for, pick up, and cut multiple and branch cables on the bottom or mine cables leading to bouyant mines or buoys.
>
> Third, to sweep the channel.

With two exceptions every one of those operations is an operation of war of the naval force, and we are to have the Army ordering one naval attack and the Navy in charge of another, destroying every bit of responsibility, bringing the two services into immediate conflict, and nothing is more important than to avoid conflict between the services. I will venture to say that neither of the eminent gentlemen in charge of the Departments at this moment wants this confusion created.

Mr. GALLINGER. I wish to ask the Senator how important, in his opinion, it is that we should have a boat that can sweep the channels of our own coast and cut mines and cables? This boat does not go out to foreign ports. The Senator from West Virginia says it is not a seagoing vessel. I think the owner claims it is.

Mr. LODGE. I supposed under the head of "For the attack," running past forts, and attacking vessels, it did not mean that it would run past our own forts and attack our own vessels in our own harbors. That, of course, would be an absurdity. I supposed that this boat, for which so much is claimed by its inventor, as has been read here, was to go everywhere, and it is to go under the direction of the War Department.

Now, good administration divides the Navy Department and the War Department, the Navy being under one head, the Army under another. There is not a nation in the world that confuses the two departments, and the object, it seems to me, of sound military administration is to keep those Departments distinct in their different fields, so that all friction between them may be avoided in time of warlike operations.

It seems to me that the objection to this amendment, aside from the detailed objections to the amount appropriated for a special patent on what seems to me insufficient testimony, is that it is a departure from sound administration. If we want to have this torpedo boat especially appropriated for, the place for it was in the naval bill and not in the bill for fortifications. I do not think it belongs to the Army at all to enter into the charge of naval war vessels, and this is a naval war vessel. If it is not that, it is of no particular consequence. As to the matter of laying mines, that can be done in many ways. The great things claimed for this boat are its power of attack and defense, of scouting, of assailing the enemy's vessels. That must be in charge of the naval authorities. Any attack on a hostile fleet or hostile vessels ought to be in charge of the admiral of the fleet, not of the General of the Army with one fleet and the Admiral of the Navy with another fleet. I do not think that the amendment ought to be included in this bill for fortifications.

Mr. PROCTOR. Mr. President, the point of order has been decided, and so clearly that no question can be raised upon it, and the Chair has laid down principles which will be valuable in determining other points. But the Senator from New Hampshire and to some extent the Senator from Massachusetts claim that this is not germane, proper, and relevant on a bill making appropriations for fortifications. I think the proper test of what is germane and relevant is not the article itself which is provided for but the use to which it is to be put, its purpose; and the purpose of this boat is legitimately one for army use. As the Senator from Massachusetts said, the Army has boats now. Some of them, I think, are of exactly the same type as some of the naval boats—transports and dispatch boats.

Mr. LODGE. Has it any vessel of war—any fighting ship?

Mr. PROCTOR. It has had armament on board of its vessels—cannon.

Mr. LODGE. They never were permanent. Has it any fighting ships?

Mr. PROCTOR. The War Department lays these mines, the wires spreading over the harbors in all directions and out for several miles, and the machinery controlling them is in a bombproof in the fort, and of course entirely under army supervision.

Now, it seems to me there can be no question that the vessel used to care for those mines, to place and replace them, to take them up, should be under the control of the Army. The logic of the Senator from Massachusetts would put the entire system of coast defense into the hands of the Navy. That is something which will hardly be accomplished. It is just as necessary and proper for the Army to have boats, no matter if they are identical with boats of the Navy, if they are for proper army use, as it is that the Navy should have them.

In regard to the appropriation, I believe with the Senator from New Hampshire, although I do not think I carry the doctrine quite so far as he does, that not everything can be determined by a competitive examination. I believe that is the Senator's view.

Mr. GALLINGER. If the Senator will pardon me, I would hardly apply it to boats tested by experts.

Mr. PROCTOR. I think this is a case where it can not so well be determined by competition as it can be by actual use; and I do not think it is an extravagant or unwise thing. Both of these boats have earnest friends. I know nothing about the Lake boat, but it is evident that experts and men of good judgment think it has great merit. I do not think it is unwise to purchase one of them and give it a trial in actual use.

Mr. DANIEL. Mr. President, I move, in line 17, page 3, to strike out the words "and fifty."

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment, which will be stated.

The SECRETARY. On page 3, line 17, after the word "hundred," it is proposed to strike out "and fifty;" so as to read "$200,000."

Mr. DANIEL. Mr. President, I have heard the testimony respecting the value and the work intended to be done by the submarine torpedo boat of the *Protector* class, which is the subject-matter of this amendment to the fortifications bill. While not pretending, except in the most minor degree, to be a judge of boats in this class, I will say that I have been deeply impressed by the ingenuity and the apparent utility of such a boat as this. We have seen maps and drawings and have heard mechanical explanations of the organisms and work of this boat. To my mind it is a marvel of inventive ingenuity. Were I to feel competent to judge in any professional way of such a work, I would say that I am satisfied that this boat will make for itself, when fully tested and put to work, a vindication of its character.

But, Mr. President, I am not satisfied that it would be wise upon the part of this Government, with the little that we know about this craft, to appropriate the $250,000 asked for by this amendment. This boat differs from the submarine boats which we have heretofore ordered for our naval service. It has a doorway that opens down into the water, and one of the crew can step through that door down upon the bottom of the sea and go rummaging around to find wires and mines. The water will not flow into the boat when this is done, because it is met with a counteracting force of compressed air in some mysterious way which is assured by the mechanics who have to do with the matter and which candor compels me to say I do not completely understand.

This boat also has wheels, side-lever wheels, so that by touching certain machinery the boat may be run on wheels in the bottom of the ocean. What sort of speed it can make on those wheels or how far they are useful, I am not able to say, but that is a part of its mechanism, indeed, with a little improvement

this boat, I suppose, might go about the land on its wheels and prove to be a perfect amphibious product, serving the Army on land and the Navy at sea. It is a very wonderful invention.

But, Mr. President, this boat has not received the test which it seems to me a boat of this description should receive before we invest $250,000 in a sample of it for experimental purposes in harbor defense.

The proprietor or inventor or head man of the corporation that controls this boat appeared before the Committee on Appropriations. He said—I think conversationally—that the boat cost him something like $400,000, but in that estimate of the cost of the boat he counted all of his experiments, perhaps running through a series of years, as respects the various devices that enter into the construction of the boat; and I suppose with a little more liberality of calculation he might have made it cost a million or two millions, for it would have been just as pertinent to the cost of this boat to have added the expense of the education of the youth at college and all the incidental expenses of his life which had enabled him at a particular time when he produced the boat to organize and invent such a craft.

We have no testimony whatever, except of that loose and speculative kind, either of the cost or the value of this boat, and there is not a business man in the country who, if he were purchasing a great tool of this description for his plant, would think for one moment of buying it before giving a more businesslike regard to the details which enter into a calculation of its value. I know of no man in the Senate, Mr. President—while some I know have had very liberal experiences, trainings, and education—who could pass upon the value of such a boat as this. My honorable and distinguished friend the Senator from California [Mr. PERKINS] is one of the most distinguished seamen of the country. He started on a sailing craft and has had large and valuable experience with maritime life and things. That worthy and distinguished gentleman thinks this boat might be built for $150,000, if I understand his judgment upon the subject. But by counting what the inventor may have spent in his various enterprises of experimentation, you can easily run it up to $400,000, or any figure which anyone might desire, depending upon what he would count as assets to the Government in the matter of cost.

If, however, this boat should prove upon a fair and just test to be the valuable thing which it is claimed to be, the inventor will derive a revenue from the future sale of such boats made by his house. It seems to me his friends or the friends of this boat and the advocates of this amendment are forcing the season and are anticipating things which have not happened and are putting the Government into this experiment when it is at too immature a stage to justify the Government in spending $250,000 for this boat.

I was greatly impressed, Mr. President, by the remarks of the Senator from Massachusetts and by those I also heard from the Senator from New Hampshire. Some contend, and amongst them the senior Senator from Missouri [Mr. COCKRELL], that this is a matter of army administration, and that this boat should be made, under the Secretary of War, a part of our military in contradistinction to other military forces.

If this be true, we look in vain to the War Department for any recommendation on this subject. The War Department has entered upon no line of work with reference to submarine craft of this order. The War Department has confined itself to land defenses, to land forces, and to the things that belong or pertain to the land, and if we were proceeding in order we would await the reflection, consideration, and recommendation of the Secretary of War rather than ourselves take the initiative and force upon the Secretary of War something that has never been addressed to his consideration and of which we have most fragmentary and merely speculative knowledge.

I do not think that the Senate of the United States, Mr. President, upon a bill foreign to such a matter as this, is that body which is best qualified to initiate a new line of departure with respect to our national defenses undiscussed, and, so far as we know, unconsidered by the head of the War Department. So, if it be true, and I scarcely conceive that it logically is, that this is a matter for War Department administration, it seems to me those who so contend have argued themselves out of its being a matter for our present consideration, for it has not approached us from any such avenue nor is it a part of any army bill.

It is true, Mr. President, that what are land and what are naval defenses can not always be discernedly differentiated by an exact line. We put maritime soldiers, so to speak, or marines, upon ships, and they become a part of the naval forces, and if it became necessary in military defenses, in fortifications, and in other positions upon the land for subsidiary naval forces to be under the Secretary of War, experience would show that there is no reason why Congress might not follow the line of its judgment in that respect. But as to this matter and in this stage of fortification, unquestionably the Navy has the superior attitude, especially with respect to this case. Here in the naval bill which has but just passed this body the Secretary of the Navy is authorized to contract or purchase subsurface or submarine torpedo boats in the aggregate of but not exceeding $850,000.

Mr. President, the Navy in its organization and its system of work is prepared to give to the Navy those tests and that system of scrutiny and examination for which the War Department is unequipped, and with respect to which also it is unpracticed. So we are innovating upon a plan which we have this very year followed out duly and logically in providing for the purchase of eight torpedo boats under the naval establishment and of subjecting them to certain tests under the organization and administration of the Navy Department for which it is fully prepared, and now it is proposed to stretch our hands outside of the line of the organisms which we have constituted and to pick up one unknown and not thoroughly tested torpedo boat and apply it to harbor defenses.

Mr. President, if we should require the Secretary of War to enter upon this new rôle of inquiry, it seems to me we ought to limit the amount of money according to some standard of judgment. We see the millions and the hundreds of thousands fly out of the Treasury into a pocket here and a pocket there as lightly and as inconsiderately as if they were copper pennies or nickel pieces in the hand of some one who had plenty of small change in his pocket. It is nothing to the Senate of the United States whether you pay $300,000 or $400,000 or $500,000 or $50,000 for this boat. I fear, Mr. President, we are getting a little too inconsiderate of the amounts which we expend.

We are in an atmosphere in which, however much we may praise economy, and however much we may know as a matter of theory that it must lie at the foundation of the success of good administration in every family and in every nation, the man who raises the suggestion of it has everyone else around him raise their hands in holy horror and say unto themselves: "He is merely playing a peanut game." With all the dislike to occupying such a position, I beg leave to say to the Senate that the appropriation of $250,000 for the purpose of purchasing this boat or any boat of its kind which has been looked into or examined by any representative of this body is not justified by any testimony given before anyone who represents the Senate. If $150,000 were appropriated for this purpose, in my humble judgment it would be sufficient; $200,000 would be liberal; $250,000 is extravagant and unwarranted.

Now, Mr. President, it is contended that we ought to enter upon the enterprise of putting torpedo boats of this description into the line of our military land defenses under the Secretary of War, because this boat is the right sort of a craft to have to hang around a harbor, to lay down mines in a harbor, to cut wires, and to carry torpedoes with which to assail vessels which may be attacking that harbor.

I beg to say, Mr. President, that a submarine craft of this order has a much wider range of operation than is indicated in that analysis and description of its prospective work. Submarine craft of this character is designed and intended to rove the seas. It belongs to the sea department of offensive and aggressive war. It is intended to go after the works of the adversary, not simply to help to lay down your own works.

It is intended to plow the main and to go after ships of the adversary with a fleet of aggressive warships which seek to destroy them. There is no partition of this craft as a part of the natural naval forces of the United States which would not also separate from the Navy the big guns and the ironclad ships which we are putting upon the ocean.

Therefore, Mr. President, I offer, for the considerations I have adduced, the amendment, which cuts off $50,000 of this appropriation. If we are going to experiment in this way, let us at least have an eye to doing so somewhat in conformity with the facts which have been laid before us.

Mr. PERKINS. Mr. President, when I first had the honor of becoming a member of this body all my sympathies were with the Navy. I have been, more or less, all of my life connected with maritime matters and affairs, and if I know anything perhaps it is about vessels that ply upon the deep. But when I was placed upon the Committee on Coast Defenses I found that there was another side to the question, and I went in and examined it as much as my limited time would permit me to do so. I first ascertained that in 1887 and 1888 what was known as the "Endicott Board" had prepared a plan of defense and fortifications for our principal harbors and seaports. There were twenty-seven ports and harbors in their original plan. Since that time it has been progressively modified, until it now embraces thirty ports.

When we had our trouble with Spain I naturally looked to the Navy to fortify our harbors and ports, but to my surprise I found that it was all under the direction and charge of the Engineer Corps of the Army. Further investigation convinced me that that was the proper place for it. There is no mode of defense more

certainly known than that of submarine mines with the high explosives, the great value and utility of which we have recently discovered.

My friend from Virginia always speaks so interestingly and entertainingly that it is like a poem to listen to him; yet his remarks imply that all the vessels of our Government are under the charge and control of the Navy. I wish to say to him that under the Department of which the Secretary of War is the chief we have a fleet of United States transports aggregating a gross tonnage of about 67,000 tons. We have one ferryboat of 309 tons. We have nine passenger and freight boats, which include cable ships, hospital ships, refrigerator ships, aggregating 1,400 tons. We have thirteen tugs, of about 1,800 tons; six lighters, of 1,000 tons, and twenty-three launches, averaging from 3 to 18 tons each. In the Engineer Department we have 283 vessels, consisting of tugboats, propellers, steam lighters, dredgers, snag boats, steam ho sters, towboats, and launches.

We have purchased by the Government, and in the employ of the Mississippi River Commission, thirty-nine stern-wheel steamers, dredgers, towboats, and launches. In addition to this we have our whole revenue-cutter system, our light-house tenders and ships, our Coast and Geodetic Survey steamers, our Fish Commission vessels—the *Albatross* and various launches—and others. We have many vessels belonging to the Marine-Hospital Service. These make in the aggregate twice the number of vessels, although less tonnage, than there is in the Navy.

If I had my way, I think I would place everything practicable under the direction, control, and charge of the Navy, where our officers are educated in a nautical school, where the men employed on the vessels come in from the forecastle and go on up through the grades, learning it as a profession. But it is impracticable to do so. Therefore we must accept the situation as it is; and if we should determine that the War Department is not the proper Department under which to place our coast defenses, we must start in and reorganize our whole plan of government so far as it relates to the jurisdiction of the Secretary of War.

When this matter was presented to your committee, I at once said, being a member of the Committee on Naval Affairs, it properly belongs to the Naval Committee. However, when these people several times came with their boat to the Naval Committee I said to them, "It belongs to the coast defenses." They admitted it, and in the abstract it might be true, for it was for coast defenses. Yet they said, "We want it here; we want nautical men to demonstrate the feasibility and practicability of our great discovery, which we claim is better than a battle ship or any coast-line vessel or any line of armor-clad vessel for coast defense."

Now, my friend from New Hampshire did not come in and open it out to competition and say, "We will give every one a chance." Oh, no; the committee of Congress made it mandatory upon the Secretary of the Navy to build the Holland type of boat. It was mandatory upon the Secretary of the Navy that he was not to open it to competition, but we provided that he should have the Holland type of boat and no other built. What has been the result? We have expended one million three hundred and twenty-odd thousand dollars on the Holland type of boat, and if it has been the grand success its friends claim for it, it does not appear so from any records which have been submitted to your committee.

Therefore I say it is business policy, it is wise statesmanship, to say to the Secretary of War, "You are charged with defending our ports and our coasts." The title of the bill enumerates what is the purpose. So we say to him, "In that system of submarine defense we will give you one boat for trial." Do we make it mandatory upon him? Oh, no! Your committee say, "If, in the discretion of the Secretary of War, he deems it advisable and expedient, he may build this boat," and not that he shall pay $250,000 for this boat, but that he shall pay such a sum as he believes the boat may be worth. Surely, before he enters into this contract he is going to bring into his counsel engineers and maritime men who know whereof they speak and who will give him the benefit of their knowledge, the benefit of their experience, because we place the responsibility upon the Secretary of War before he orders the boat.

Mr. HOPKINS and Mr. GALLINGER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Illinois?

Mr. PERKINS. Certainly.

Mr. HOPKINS. Do I understand the Senator to say that if this amendment is adopted the Secretary of War does not necessarily pay the $250,000?

Mr. PERKINS. Certainly not.

Mr. HOPKINS. And if in his judgment $100,000 is sufficient he may pay that sum?

Mr. PERKINS. I suggested the effect of the amendment upon the question asked me by my friend from Virginia. He asked, is this vessel worth that much money? I said, it is a less price for the displacement per ton than we paid for the Holland type of boat, for it is. The displacement in tons for the Holland type of boat is much higher than it is. But we purposely amended the provision so that the Secretary of War is given discretion as to the advisability of purchasing the boat, and the responsibility of the price is left upon him and the War Department.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from New Hampshire?

Mr. PERKINS. Certainly.

Mr. GALLINGER. I may have misunderstood the Senator. I know he would not purposely misrepresent my attitude. I understood the Senator to say that I had not been consistent as to this matter of competition; that at some time the Naval Committee recommended an appropriation diretly for the Holland boat.

Now, Mr. President, I will suggest to the Senator that, so far as I am personally concerned, when the question of competition arose in that committee I favored it, and I have favored it ever since. What may have occurred before I became a member of that committee I can not speak for.

Mr. PERKINS. I certainly did not intend, even by implication or inference, to reflect upon the Senator. The fact remains, however, that the bill came in from the committee to the Senate and became a law. I will read the act, and it is similar to the provisions in other acts. This is the provision of the act approved June 7, 1900:

> The Secretary of the Navy is hereby authorized and directed to contract for five submarine torpedo boats of the Holland type of the most improved design, at a price not to exceed $170,000 each: *Provided*, That such boats shall be similar in dimensions to the proposed new Holland, plans and specifications of which were submitted to the Navy Department by the Holland Torpedo Boat Company November 23, 1899.

Mr. GALLINGER. What is the date of the act?

Mr. PERKINS. It is the act of June 7, 1900.

Mr. GALLINGER. If the Senator will permit me, there are just two points of interest in this connection. I was not a member of the Committee on Naval Affairs at that time, and I think I am safe in saying that there was then no other submarine torpedo boat that had been offered to the Government except a boat of the Holland type.

Mr. PERKINS. That is very true, but in the spirit of invitation to inventors we might have opened it to competition. I think our friend from New Hampshire was not then a member of the committee, and so I stand corrected.

As a member of this committee for eight or ten years, it was most refreshing to me to find that an inventor came to our committee and said: "Gentlemen, I have invented what I believe to be a valuable auxiliary to the Government in the defense of her coast ports. We have demonstrated it. We have built a boat. A board appointed by the Secretary of War has examined the boat. We want no subsidy. We simply want you to give the Secretary of War the power to purchase a boat if, in his opinion, she comes up to the requirements—not this boat, but a larger one; one that may go to sea if it is necessary; one that may steam from Eastport, in Maine, to Galveston if it is necessary. We have thirty harbors to defend on the Atlantic and the Gulf coasts and on the Pacific, and we want to be prepared, because it is the best bond for peace when we are in a position to defend ourselves."

We all know when we had our little difficulty a few years since with Spain that you could not come down the river here without slowing down your steamer as you approached the submarine mines. They were the best defense that it is possible to have in preventing an enemy from coming into the harbor of Norfolk and attacking our navy-yard, or from coming up the river.

Now, Mr. President, I have no earthly interest in this boat. I never saw the inventor until he came into our committee room. And I say it is on broad lines, it is on much broader lines and better lines, that we should give him this opportunity of selling our Government his boat, provided he can demonstrate to the satisfaction of the Secretary of War that it will do all he claims and all the board of army officers who reported upon it say it will do.

Mr. MARTIN. Mr. President, I desire to ask the Senator from California a question.

Mr. PERKINS. Certainly.

Mr. MARTIN. I should like to know whether the Senator does not think the Secretary of the Navy is fully authorized already, by a provision incorporated in the naval appropriation bill passed a few days ago, to buy this boat, if he thinks it is necessary or desirable for the national defense?

Mr. PERKINS. I took that position when the bill was first presented to us, but after the joint board of the Navy and Army were invited to consider it, and after Lieutenant-General Chaffee, Chief of Staff and Commander of our Army, wrote to the Secretary of War that he was unable to convene the joint board on account of the absence of Admiral Dewey, Admiral Taylor, and several other members of the board, yet he earnestly recommended to the Secretary of War that we purchase one boat in-

stead of five, I believed it wise for us to delegate that power to the Secretary of War.

Mr. MARTIN. If the Senator will permit me, he has not answered my question. I should like to know whether, in his judgment, the naval appropriation bill authorizes the purchase of this boat if the Secretary of the Navy chooses to do so?

Mr. PERKINS. I think the Secretary of the Navy, under the provision of the naval appropriation bill reported from the committee of which the Senator from Virginia and myself are members, has a right to invite a competitive test of the respective boats, and if he approves it he can purchase the boat.

Mr. COCKRELL. But in that case the War Department could not use it.

Mr. PERKINS. It then would not be under the control of the War Department. That Department has control to-day of all submarine mines. The Navy Department has never placed a submarine mine at any harbor or port which has come to the knowledge of your committee.

Therefore your committee, after considering the matter carefully as to the price, agreed upon the amendment. I agree with my friend the senior Senator from Virginia [Mr. DANIEL] that if it were mandatory and the dimensions of vessels were given here, the amount at which they value the vessel, with her displacement and her machinery, as they described it to us, I would not pay such a price.

But we are not setting ourselves up as experts, Mr. President. We are leaving that responsibility where it should properly go—to the War and Navy Departments, who have eminent men in their respective professions, educated at West Point and at the Annapolis Naval Academy at the expense of the Government, who have come up by gradations, step by step, in a competitive examination as to their respective merit, and by that right they occupy their present positions.

I believe, Mr. President, we can well rest this question with the War Department, for the Secretary of War will surely refer it to the joint board of the Army and Navy, and whatever they decide upon I am sure will be that which they believe is in the best interest of the country.

I wish to emphasize the fact once more, before I take my seat, that it is the first instance which has come to that committee where the parties did not ask a bonus for something they described upon paper to us or for a model.

There were the Howell gun carriage, the pneumatic gun carriage, the Isham shell, the Emery gun carriage, the Gathmann gun, and twenty, aye, fifty, other inventions, for every one of which an appropriation was desired before they commenced to do the work, to carry out a plan which they said could not fail. But these parties excited my admiration, because they came and said: "It has been done at our expense. We have spent half a million dollars or more; we have constructed what we believe to be a perfect submarine vessel that will lay cables, that will take up those which are entangled, that will find torpedoes, that will clear the harbor, and will protect us against the incoming of a foreign enemy."

Mr. GALLINGER. Mr. President——

Mr. PERKINS. I yield with pleasure.

Mr. GALLINGER. The Senator has attracted my attention by mentioning quite a list of inventions made for the Army. Can the Senator tell me how much the Government has spent on the Gathmann gun, that came to us with much stronger claims on the part of the inventors than this boat?

Mr. PERKINS. It expended $50,000.

Mr. PLATT of Connecticut. But they had no guns ready.

Mr. PERKINS. There was no gun when we made the first appropriation.

Mr. GALLINGER. I think I am not mistaken. There was a gun later on.

Mr. PERKINS. Yes. The Government paid for it.

Mr. GALLINGER. A very large amount of money was expended on tests, and it proved a complete failure.

Mr. PERKINS. The Government paid for it. That is why I am commending this company. They ask you nothing to build this boat.

Mr. GALLINGER. Mr. Gathmann made me almost crazy in my committee room telling me what marvelous things this gun would do, and I was inclined to believe every word he said, just as some Senators seem to believe every word Mr. Lake says about his boat.

Mr. PERKINS. I share very much in my friend's feeling in that respect. I became baldheaded by his solicitations.

Mr. GALLINGER. And now has this Lake Torpedo Boat Company done anything more, so far as the Senator's committee is concerned, than to demonstrate the marvelous exploits of this boat on a mahogany or oak table?

Mr. PERKINS. Mr. President, they built the boat. The Secretary of War detailed a board of experts, eminent men who have a national reputation as military officers, and their report is here.

Mr. WARREN. I have it here.

Mr. PERKINS. My friend from Wyoming has it and will give you the result of their report. My friend from Connecticut states that the boat is tied up at Newport or some other port in Connecticut or Rhode Island, and is there to be seen. It is all ready for operation. But the others who have importuned us came and said: "We want an appropriation first. We want so much money down for thorite powder, so much for Maxim powder, so much for jovite powder; we want so much to buy stock and materials; we want to buy a machine shop; we want the Government to appropriate this money to enable us to buy the machinery, to buy the material, and then we will show you what we can demonstrate."

Mr. GALLINGER. Once more, and I promise the Senator not to interrupt him again. I remember that some of the distinguished members of the Committee on Military Affairs told us and told the country of the wonderful merits of the Isham shell, and the Government spent a good deal of money on that invention. Has not that proved a failure, notwithstanding the profound impression the inventor made on some Senatorial minds?

Mr. PERKINS. There is no question of it, Mr. President. I say this is so refreshing because we have here something the utility of which has already been demonstrated. The others were a theory. These people have solved the problem.

Now, one word more. I refer again to the four boats which are being built for the Torpedo School of Submarine Mines by the Secretary of War.

Mr. CLAY. Before we get to that I should like to know if there is any recommendation from the War Department in regard to the purchase of this boat?

Mr. PERKINS. I stated this morning that Lieutenant-General Chaffee, Chief of Staff, and the board that was first appointed recommended to the War Department to procure five boats. The General wrote to the Secretary of War, recommending the purchase of one boat for the War Department, and the present Secretary of War transmitted that report to Congress without expressing any opinion.

Mr. CLAY. Then the Secretary of War has made no recommendation himself?

Mr. PERKINS. None. He has merely transmitted the report to Congress. He had only taken his office a few days or a week before and had not had an opportunity of going into the matter. He therefore transmitted to Congress the letter of General Chaffee, which the Senator from Connecticut [Mr. PLATT] now has, as I passed it to him.

Mr. MALLORY. Mr. President——

The PRESIDING OFFICER (Mr. HOPKINS in the chair). Does the Senator from California yield to the Senator from Florida?

Mr. PERKINS. Certainly.

Mr. MALLORY. I have not heard the remarks of the Senator from California; but I should like to inquire what is the function of the board which has been referred to in connection with the Army?

Mr. PERKINS. As the Senator is well aware, the Army Engineer Corps has charge of the defenses of ports by the emplacement of guns, the Ordnance Department emplacing those guns, and the Engineer Department has charge of submarine mines. That has been the case in the James River and the harbors of New York, Baltimore, and Philadelphia, and others on our coast. The Senator from Connecticut has the memorandum, and I will ask him to read it, if he pleases, for the information of the Senate.

Mr. PLATT of Connecticut. I have a memorandum, which was handed to me by General Chaffee, of the inspection of this boat by a board of three artillery officers. It is somewhat long, but I should like to read it for the benefit of those Senators who are interested, or appear to be interested, in this discussion, and who, I think, have not fully understood the subject:

[Memorandum report No. 19.]

THIRD DIVISION GENERAL STAFF,
Washington, February 25, 1904.

Memorandum report on the Lake submarine torpedo boats.

1. A board of three artillery officers was appointed by Special Orders, No. 20, Headquarters of the Army, January 24, 1903, to convene at Bridgeport, Conn., on January 26, 1903, to witness and report upon the test of the submarine torpedo boat *Protector*, built by the Lake Topedo Boat Company, of New York.

The boat was not put in readiness for a satisfactory test until January 15, 1904, and the board on January 20, 1904, visited the boat and remained on board from 10.15 a. m. to 4 p. m. From 12 m. to 3 p. m. the boat was submerged. From 12.40 to 2 p. m. the board was in the diving compartment observing the method of grappling for a cable.

No discomfort was experienced under the air pressure in the diving chamber. The other part of the interior was as comfortable as a surface boat of the same size would have been. Lunch was cooked and served to the party while submerged.

2. This boat is the invention of an American and was built by an American company. It has three very important features, viz:

(1) The capability of attaining complete submergence on an even keel by means of hydroplanes. This permits of great stability fore and aft and affords a ready control of the degree of submergence, as well as being most favorable to the use of the omniscope, to say nothing of increased safety.

(2) The ability to move about on the sea bottom at a depth as great as 150 feet.

(3) The possession of a diving chamber which permits a diver to be sent out for any desired submarine work, as grappling cables, inspecting mines and their connections, etc. It also affords a safe means of escape for the crew.

These features are believed to give this boat a superiority over the Holland boats, another American type, of which the Navy has seven. There is no doubt that boats of the Lake type can do all that the Holland boats can and be used in addition for mining, countermining, cutting cables, repairing juncture boxes, and other work on the harbor bottom.

3. The boat is driven, when partially submerged, by gasoline engines; when entirely submerged, by electric motors. This is believed to be the best system of motors now available.

The boat is fitted for discharging Whitehead torpedoes, there being two bow and one stern tube, each carrying a torpedo. Two spare ones may be taken in addition.

She is 67½ feet long, with 14 feet 2 inches extreme beam; draft in light cruising condition, 11 feet 9½ inches; displacement, light, 136.3 tons; speed, light condition, under engines, 9 knots; completely submerged, motors, 6 to 7 knots; cruising radius, about 350 knots, at full speed in light condition, with present gasoline-tank capacity; submerged radius with motors, about 20 knots, full speed. She has twin screws, operated by 2 gas engines, each of 120 horsepower. Using the engines and electric motor together for propulsion 324 horsepower may be developed for higher speed.

She was handled by a crew of trained men, who are not necessarily sailors, except the helmsman, who should be a good seaman, viz: One navigator and diver, 1 chief engineer, 1 assistant engineer, 1 electrician, 1 machinist, 1 deck hand, 1 cook; total, 7.

For fuller details see print, Appendix C, and paper by Lieutenant Halligan, United States Navy, Appendix D, with report of Army board. Also see album of photographs accompanying this memorandum, marked "Appendix A," submitted to this division by Mr. Lake, and explained by him in person February 19, 1904.

4. A careful study of the proceedings of the board and the above-mentioned appendixes shows that in boats of this type, fully developed by further experiment, we should have an exceedingly valuable adjunct, both for the attack and defense, whether from the point of view of a fleet commander or from the standpoint of the commander of the land forces protecting a large harbor.

The possible uses of a submarine boat of the Lake type may be summarized as follows:

FOR THE DEFENSE.

A valuble adjunct to the fixed-mine defense—

(*a*) As a substitute for fixed mines in those channels where extreme width, deep water, swift currents, or a combination of these difficulties make it impossible to use fixed mines effectively. In such cases these boats can lie in a favorable position for attacking at effective range with their Whitehead torpedoes any vessel attempting to reduce the forts or run past.

(*b*) As a supplement to the mines by attacking vessels approaching them, or which have passed them, they would be useful in preventing countermining.

(*c*) As scouts or pickets outside the mine fields keeping up telephonic communication with the shore.

(*d*) As a means of picking up and repairing defective cable joints, juncture boxes, etc., because of great facility for maneuvering on the bottom and sending out divers.

FOR THE ATTACK.

A superior means of attacking mine fields—

(*a*) Can run by any mine field as at present installed with little danger, and attack at pleasure any vessels in the harbor.

(*b*) Can maneuver on the bottom and grapple, raise, and cut mine or other cables, sending out a diver when necessary.

(*c*) Two submerged boats, connected by a light cable long enough to extend across all or part of a mine field, afford an efficient means of locating and cutting the cables of buoyant torpedoes.

5. Taking a purely military standpoint, it should be remembered that the experiments of Whitehead torpedoes fired from tubes on shore is receiving consideration, but that wide channels and swift currents, wherever they occur, will greatly limit this use of the Whitehead.

Boats of the *Protector* type could, however, in all such cases bring the torpedoes within effective range. They could be used to great advantage at the following points, viz: The eastern entrance to Long Island Sound, the entrance to Chesapeake Bay, San Francisco Harbor, Puget Sound, approaches to Pensacola Harbor, Manila Bay, and many others. There is no doubt whatever that boats of the *Protector* type would be a most valuable adjunct to harbor defense from an army standpoint.

6. Taking a naval standpoint, it is evident that if a fleet were provided with a torpedo transport capable of being used as a base for boats of this type, and able to convoy them within striking range of a hostile fleet or a mined harbor, that all the uses named under "Attack" would come into play, especially the ability to countermine; or if obliged to take the defensive, a fleet so provided could utilize them as suggested under that head.

7. From what has been said it is evident that the Navy must take up and develop boats of this type for the purposes mentioned.

It is known that the *Protector* is about to be tested by a naval board as soon as the weather permits, and her merits and demerits determined practically. These experiments may show that the type of boat suitable for use with a fleet will answer also for harbor defense. Boats of the Lake type, if built upon a larger scale than the *Protector*, would doubtless be able to cruise anywhere the usual type of torpedo boat may be expected to go, but for the uses mentioned the *Protector* type, perfected, seems best.

8. Harbors of the types mentioned above would be "submarine-torpedo stations," where the torpedo transports and submarines would be habitually kept. There should be on hand a sufficient number for use in the defense of the harbor in addition to those needed by the Navy.

In time of war the Navy would be called on to furnish those needed as adjuncts to the harbor defense. If one be needed for work in conjunction with a mine field, it must be assigned to duty under the officer in charge of that field.

9. The submarine boat bids fair to be so important an adjunct to submarine mining that if it be not taken up definitely by the Navy it must be by the Army; but before steps to secure such boats by the latter, the results of the complete tests shortly to be made by the Navy on boats of the Holland and Lake types should be carefully studied and the advice of naval experts sought.

RECOMMENDATIONS.

(10) It is therefore recommended that the subject of submarine torpedo boats be referred to the joint army and navy board for discussion, with a view to settling definitely the important question whether the service of these craft be placed wholly in the hands of the Navy or not.

The recommendation by the army board that five boats of the *Protector* type be at once procured for the use of the Army in submarine defense is not concurred in for the above reasons.

This report was considered and adopted by the third division in full committee.

ARTHUR L. WAGNER,
Colonel, General Staff; Chief Third Division.

General Chaffee, having had this report, writes that he does not recommend the purchase of five boats, but does recommend the purchase of one boat for experimental work in connection with the Submarine School of Mines.

Mr. MALLORY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Florida?

Mr. PLATT of Connecticut. Certainly.

Mr. MALLORY. Is that paper a report from a board of army officers?

Mr. PLATT of Connecticut. The report from the board of army officers is more lengthy.

Mr. MALLORY. Who is it that furnishes this information?

Mr. PLATT of Connecticut. General Chaffee sent that to me as being the memorandum of the report of a board of army officers submitted to the Third General Staff of the Army.

Mr. MALLORY. Then it comes from General Chaffee, the Commander of the Army, to the Senate?

Mr. PLATT of Connecticut. It does. The report of the board which examined these boats was inserted in the RECORD when the matter was under consideration in the other House, and can be inserted here, if desired. It is too long, perhaps, to read.

Mr. MALLORY. I understand, Mr. President, that the naval appropriation bill contains a provision for the purchase of certain boats of this class, without specification as to the particular type of boat that is to be bought, leaving it to the judgment of the Navy Department to determine what particular type shall be selected. The point with me is whether we have sufficient information as to the character of these boats to justify us in purchasing them for the purpose which is here indicated. I do not think there is any doubt that a boat of that kind, if she is the boat that is indicated by this memorandum, is desirable for army purposes, but without any data than merely the report of the board, not made especially with a view of selecting this boat for that particular purpose, are we justified in making the appropriation required by this amendment?

Mr. MARTIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Virginia?

Mr. MARTIN. I do not wish the floor if I am interfering with any other Senator. I thought other Senators were through.

Mr. PLATT of Connecticut. I interrupted the Senator from California [Mr. PERKINS].

Mr. PERKINS. That is all right.

Mr. PLATT of Connecticut. I am not through with what I should like to say upon this subject, but I interrupted the Senator from California to read the memorandum of the report of the board of army officers who examined this boat. I may as well, perhaps, say what else I have to say on the matter now as at any other time.

It is very difficult, Mr. President, to understand the opposition to this amendment. The Chief of Staff, General Chaffee, wants one of these boats for use by the Submarine School of Mines. The Military Committee approves of that, as has been shown here on the floor of the Senate to-day; the Appropriations Committee approves of it, and has put a provision in the bill for that purpose.

I think I may say, without going outside of what is proper, that this provision is opposed by the Holland Torpedo Boat Company, who, I think, have sent a protest against it to every member of the Senate, and who have taken the opportunity to criticise the board of army officers which recommended it. As I understand, it is opposed by some members of the Naval Committee upon the ground that the Army ought not to have any of these boats, and if any of them are to be purchased, they ought to be under the control of the Navy.

I am not going into the question of the objections to this appropriation by the Holland company. We treated the Holland company pretty well. We appropriated to enable them to build their boats in the first instance. They had plans here and nothing else. They came to Congress, and we furnished them the money, as I understand it. If I am not correct, the chairman of the committee will correct me, but I understand that in the first place we furnished the money for that company to build their first boats.

Mr. CULLOM. Before any test.

Mr. PLATT of Connecticut. Before any test; before a boat was built; before a keel was laid. We had nothing before us but paper specifications.

Mr. DANIEL. Mr. President, if the Senator will allow me to interrupt him, I think that is a mistake. I think the Holland boat had made several voyages, and had made a considerable exhibit of itself upon our coast before there was any appropriation by Congress.

Mr. PLATT of Connecticut. I think not; but I will refer that to the chairman of the committee.

I was saying that I thought, in the first instance, we appropriated money to enable the Holland company to build one boat, when there was nothing but plans and specifications presented to Congress.

Mr. PERKINS. That is my recollection.

Mr. PLATT of Connecticut. That is my recollection about it. I think that is so.

Mr. PERKINS. The first appropriation for Holland boats was $200,000 in 1893. The history of appropriations for Holland submarine boats is as follows:

Act of March 3, 1893, authorized *Plunger*, which was contracted for March 13, 1895. Contract canceled April, 1900, and amount previously paid credited on new contract of November 19, 1900, and payment for new *Plunger* made out of appropriation of 1893—$200,000. Reference to present *Plunger* made in act of June 10, 1896.

Act of June 10, 1896, provided for construction of two Holland submarine boats at $175,000 each.

Act of March 3, 1899, provided for construction of two submarine boats of Holland type, similar to the *Holland* (amending act of June 10, 1896). One of these two was the *Holland* and was purchased—$150,000.

Act of June 7, 1900, provided for construction of five submarine torpedo boats of Holland type, and the Department, on August 25, 1900 (referring to acts of 1896, 1899, and 1900), contracted for *Adder*, *Grampus*, *Moccasin*, *Pike*, *Porpoise*, and *Shark*, at $170,000 each.

All except *Plunger* were paid for out of appropriations "Increase of the Navy—Construction and machinery."

Act of March 3, 1903, authorized the Secretary of the Navy, in his discretion, to contract for or purchase subsurface or submarine torpedo boats, not exceeding $500,000, and provided for certain tests.

Mr. CULLOM. The first appropriation of $200,000 in 1893 was before any boat was built.

Mr. PERKINS. Before any boat was built or thought of being built, except on paper.

Mr. PLATT of Connecticut. That is my recollection, and I hardly think I can be mistaken about that.

I am not saying that the Holland company has not a good boat, but I am saying that I think Congress has done pretty well by them under all the circumstances. They were a long while in furnishing boats that were satisfactory. I know there were times when we felt that it was very doubtful whether they would furnish any satisfactory boats. We paid them $1,354,000—if those are the figures—for boats which they furnished to the Government, and we have got only seven such boats, making the cost per boat about $200,000, or nearly that. Really, Mr. President, it does not seem to me in good taste for the Holland company to come here and make this open opposition to the purchase of the Lake boat, which is provided for in this appropriation. I do not think I need say anything further than that.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. PLATT of Connecticut. Yes.

Mr. CARMACK. I should like to know what the Senator has reference to when he speaks of the Holland company making opposition. Is that company making any opposition?

Mr. PLATT of Connecticut. They have sent a circular; I can not say to every member of the Senate, but I know a great many members of the Senate have received a letter; I have one myself and I have seen a good many others, but I do not know that they have been sent to every Senator.

Mr. CARMACK. I have not seen one of them. I merely wanted to know to what the Senator referred.

Mr. PLATT of Connecticut. They object to the purchase of this boat, and then proceed to criticise the report of the army officers. It does not seem to me, Mr. President, that that is in good taste. I do not want to use any offensive term or talk about lobbying, but the opposition to this amendment comes from that quarter, and it comes from members of the Naval Committee, who think that the Army ought not to have this boat. As against that I think I may put the views of the army officers, the views of the Military Committee, and the views of the Appropriations Committee.

It is true, Mr. President, that the inventor of this boat was a Connecticut man—I think he is now—although the company for building it was organized, I think, under New York laws. So I have had some opportunity to know what has been going on. I think that the *Protector* is the third or fourth boat which they have built with their own money, without asking the Government to pay them a cent. They have now a boat which is so far perfected that a board of army officers makes the report upon it to which allusion has been made, and they come and ask the Government to purchase that boat.

The Senator from Virginia [Mr. DANIEL] wishes to amend by striking out "$250,000" and inserting "$200,000." The amendment which I propose does not propose to purchase this boat absolutely, nor to fix any absolute price for it. I think the Senator from New Hampshire [Mr. GALLINGER], when he was discussing this matter, said that for himself he would be glad to leave it all to the Secretary of War. That is exactly what this amendment does, Mr. President.

Mr. GALLINGER. If the Senator will permit me, I did not say that.

Mr. PLATT of Connecticut. Pretty nearly that.

Mr. GALLINGER. I think the Senator must have reference to a question I propounded after this wise: Would the Senator be willing to have substituted for the amendment in the bill the words that are in the naval appropriation bill, opening it to competition?

Mr. PLATT of Connecticut. No, Mr. President; what I alluded to was this: The Senator at the close of his remarks said, as I remember—

I will say in closing that the Secretary of War has not asked for this, and the Secretary of the Navy has not asked for it; but, so far as I am concerned, I am willing to leave the whole matter in the hands of the Secretary of War.

Mr. GALLINGER. The Senator is absolutely right; and I will say to the Senator that, if this matter could be referred to the Secretary of War, I should be very much inclined to yield to his judgment in the matter; although I still think it would be bad policy to divide the Navy, giving part of it to the Navy Department and part of it to the War Department.

Mr. PLATT of Connecticut. I do not see what more this amendment does than to refer the whole matter to the Secretary of War. It puts it in his discretion to decide whether or not he shall purchase the boat at all, and it puts it in his discretion whether he is to pay $250,000 or a less sum, if he does purchase it. I can not for the life of me, as I said, see really why all this opposition comes to this amendment.

I do not know that I desire to occupy more of the time of the Senate. This matter has occupied a good deal of time; but I do think that the ground taken here that if this boat is to be purchased at all it ought to be under the Navy Department, and that the Army, having charge of the coast defenses, ought not to be permitted to have such a boat, is not tenable. This whole matter of coast defenses is under the Army. If the Secretary of War finds that this boat is valuable for harbor defense, I do not know why the Army should not be permitted to have such a boat.

Mr. LODGE. May I ask the Senator a question before he sits down?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Massachusetts?

Mr. PLATT of Connecticut. Yes.

Mr. LODGE. Who is to command this boat—an officer of the Army?

Mr. PLATT of Connecticut. It will be in charge of whoever has charge of the School of Submarine Mines.

Mr. LODGE. Then the boat is to be under the command of an army officer?

Mr. PLATT of Connecticut. I do not know.

Mr. LODGE. Is it not necessarily so?

Mr. PROCTOR. No; of course not.

Mr. LODGE. Then is it to be under the command of a naval officer?

Mr. PROCTOR. The Army has many boats and a good many commanders. The boats are not commanded by naval officers, but they have good seamen, ship captains, to command them.

Mr. LODGE. Then they would employ somebody outside of the Army to command these boats?

Mr. PLATT of Connecticut. I think it would be entirely proper to do so.

Mr. LODGE. They would employ somebody outside of the Army to command this boat?

Mr. PLATT of Connecticut. I think it would be entirely proper to operate it in that way, though it might be necessary to have in command either an officer of the Army or the Navy. I do not know much about that, Mr. President. One of the mysterious things I have never been able to solve since I have been a Senator is the organization of the Army and the organization of the Navy. It is something that is entirely beyond my comprehension. I have tried to understand something of the organization of the Army and Navy, but in some way my mind does not grasp it.

I am confused the moment I talk about the organization of the Army or the Navy, and I envy those Senators who seem to have at their tongue's end everything relating to the organization of those departments.

But if I understand the matter—and I am not sure whether I do or not—there is a School of Submarine Mines, is there not?

Mr. PROCTOR. Yes.

Mr. PLATT of Connecticut. And that is under the charge of the Army?

Mr. PROCTOR. Yes.

Mr. PLATT of Connecticut. I suppose that whoever is in charge of that School of Submarine Mines will, with the assent of

his superiors, find some way of operating this boat if it is purchased. I do not care very much how it is operated, whether by an officer of the Army or the Navy, or an old sea salt, who knows how to run and operate such a boat.

Mr. PROCTOR. It would be a very simple matter indeed, I think. Of course there would be a man, an expert in handling this particular boat, in charge, so far as seamanship is concerned, and an army officer would be on board with general direction as to what torpedoes should be taken up, what lines examined, etc. There is no difficulty whatever about the administration.

Mr. MARTIN. Mr. President, the Senator from Connecticut [Mr. PLATT] seemed disposed to treat this matter as a controversy between the Lake company and the Holland company. It seems to me that is a very extraordinary view to take of a proposition of this sort. I hardly reckon there is a Senator on this floor who knows about any controversy between those companies. I know no such controversy, and if there is such a controversy I care nothing about it. I take it for granted every Senator here feels that his duty is to look after the interests of the country and to do what is best in behalf of the defense of the country.

Nobody questions the importance of a torpedo boat in naval warfare. The recent events in the East, in the conflict between Japan and Russia, have brought conspicuously to the notice of the world the great importance of the torpedo boat. I can not, however, fail to comment on the suggestion made by the Senator from West Virginia [Mr. SCOTT] that the submarine boat had played an important part in the conflict in the East. It is well known that Japan has not a single submarine boat in its service.

Mr. GALLINGER. That is right.

Mr. MARTIN. And there is no use to try to hurry through the Senate a new departure like this on any idea that there is something phenomenal and something unusual brought to our attention by the conflict in the East. It may be that the Japanese have cooked on our submarine boats, but I hardly think there is a Senator here who believes they have carried back to Japan knowledge of submarine-boat construction and have introduced that. The name of every torpedo boat in the Japanese navy is known at the Intelligence Office of our Navy Department and at the intelligence department of every other important government in the world. There have been no submarine boats in that conflict up to this time.

I do not mean, however, to minimize the importance of the submarine boat. It is attracting the attention of all the governments of the world. France has a great number of them. England has some of them. All are investigating this subject and using for that investigation their best agencies in the respective governments. It is not a new question with our Government. It is true it is new to the War Department; it is true it is new with General Chaffee; but it is not new with the Navy Department. Our Navy Department has had its best experts studying the problem of submarine boats for years. They have made elaborate investigations for years and we have had elaborate reports from the Navy Department; and it seems to me if we are going to take up this question as the other governments are taking it up, we should take it up by our best-equipped Department and place it in the hands of our most skilled experts.

It can hardly be contended that the Army is better qualified to investigate and determine questions of this sort than the Navy Department. I feel that we have in the Navy Department a man whose fidelity and whose ability are beyond question, whose patriotism is beyond possible question, whose devotion to the welfare of the country and to the development of the Navy is second to that of no one within the limits of our country. He has had his trained experts, his trained officers, who have devoted their lives to the investigation of questions of this sort. I respectfully submit that it is bad business policy, it is bad legislative policy to withdraw from that Department a question which it has had under consideration for years, and to turn it over to a new Department not versed in marine subjects at all.

It is true that the coast defenses are closely allied to the torpedo boat, but General Chaffee, in the report which he has made and which has been read by the Senator from Connecticut, points out the way by which the torpedo boat can be fully utilized for the defense of our harbors under military officers. It is not pretended that our cadets at West Point are trained or educated in the art and science of navigating ships. It is not pretended that a graduate from West Point would be qualified in the remotest degree to take charge of one of these vessels. The Navy Department has men qualified and ready at any moment to take charge of them. The training at Annapolis is for that purpose. I can conceive of no reason whatever for taking these boats away from seafaring men, men who are educated in the ways of the sea and in the ways of ships, and turning them over to men who have no knowledge whatever of the subject.

It is especially remarkable and incomprehensible to my mind that this proposition should be presented here now, when in the naval bill we have already appropriated $850,000 for the purchase of boats like these if the Navy Department thinks they ought to be bought. This would make a million one hundred thousand dollars. We hear a good deal of talk about extravagant appropriations, about the immense expenses that are being imposed upon the people year by year in our great appropriation bills. This latitudinarian talk amounts to very little. The only way you can keep down appropriations is to single out an item in an appropriation bill that is wrong and strike it out. Here is an item of $250,000 that I do not feel is justified.

It is said by the Senator from Connecticut that the Military Affairs Committee is in favor of the amendment. I do not know how he finds it out. The Military Affairs Committee have made no report on this bill. The Coast Defense Committee has made no report on this bill. The only report that comes to the Senate to guide it in its consideration of the question comes from the Committee on Appropriations, and I respectfully submit that it needs the investigation of some other body, a committee especially organized for considering questions of this sort.

Mr. BERRY. The Appropriations Committee was not unanimous, either.

Mr. MARTIN. The Senator from Arkansas says the committee was by no means unanimous. I do not know. It is here as a committee report and entitled to the consideration which belongs to a report of one of the great committees of the Senate.

But I do not think we can lug into this discussion the Military Affairs Committee or the Coast Defense Committee and be brought to a conclusion one way or the other on account of the views which may be entertained by either of those committees, because neither of those committees has considered this proposition or made a report on it. The only report we have is the report of the Committee on Appropriations.

I feel, Mr. President, that this is an extravagant and useless appropriation. We have a provision in the naval bill which authorizes the purchase of this very boat if the Secretary of the Navy thinks it wise to purchase it. He can purchase more than one of them. He can purchase ships of any other pattern as well as the Lake pattern. He can purchase up to $850,000 worth; and it is not a new provision. The amount is increased in this bill, but there was a large amount—I think $500,000—in the naval appropriation bill passed at the last session of Congress, authorizing the Secretary of the Navy to take up this matter and purchase submarine boats if he saw fit to do so.

Mr. GALLINGER. After competitive trials.

Mr. MARTIN. After competitive trials.

Mr. CARMACK. Will the Senator from Virginia permit me?

Mr. MARTIN. Certainly.

Mr. CARMACK. In the report of Colonel Wagner, from which the Senator from Connecticut read, it is said:

> 7. From what has been said, it is evident that the Navy must take up and develop boats of this type for the purposes mentioned.
>
> It is known that the *Protector* is about to be tested by a naval board as soon as the weather permits, and her merits and demerits determined practically.

Mr. WARREN. I can not hear the Senator.

Mr. GALLINGER. Reread it.

Mr. CARMACK. I am reading from the report:

> 7. From what has been said it is evident that the Navy must take up and develop boats of this type for the purposes mentioned.
>
> It is known that the *Protector* is about to be tested by a naval board as soon as the weather permits and her merits and demerits determined practically. These experiments may show that the type of boat suitable for use with a fleet will answer also for harbor defense.

Mr. GALLINGER. I will ask the Senator if that is from the board of army officers?

Mr. CARMACK. It is from Colonel Wagner, I believe. It is the paper from which the Senator from Connecticut was reading a while ago.

Mr. MARTIN. That covers what I have stated—that this matter is under investigation by the Navy Department. I do not mean it offensively or disrespectfully, and I do not know that it is so intended, but in effect you can not—but in effect and in substance this is an anticipation of the action of the Navy Department, by specific legislation in favor of a particular company for a particular boat. It should be investigated and is being investigated by the Navy Department in connection with all other boats, and that investigation ought to be full and complete. We have given full and ample authority to the Navy Department to make the investigation and to act on the conclusion which may be arrived at by that Department.

I say we should not anticipate that investigation. We should not anticipate the action about to be taken by the Navy Department. We should wait. There is no reason for this haste. This is special legislation for a particular boat, and we are without the

information to guide us intelligently; at least, I am. I do not mean to disparage this boat. I have no doubt it is a great invention. It may be very useful in the future history of the country, and I have no doubt all the utility it possesses will be carefully investigated and will be carefully availed of by the Navy Department under existing legislation. This is an attempt to anticipate an investigation which we have ordered, and is an attempt to take from the properly constituted authorities of the Government the jurisdiction which they should exercise.

This matter is peculiarly and especially within the province of the Navy Department, and the Navy Department should be permitted to investigate it and to dispose of it. This appropriation, if made at this time, I say, will be premature. It is not wise; and if we want to keep down appropriations, we can do it only by striking out items which are not absolutely necessary. Items should not be put in until after the most careful investigation. We have not the information that can lead us to conclude that this is necessary or wise, and I think the whole amendment should be stricken out.

Mr. WARREN and Mr. CARMACK addressed the Chair.

Mr. CARMACK. Will the Senator from Wyoming yield to me that I may introduce an amendment?

Mr. WARREN. I have not yet obtained the floor.

The PRESIDENT pro tempore. There is an amendment now pending.

Mr. CARMACK. Very well.

The PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WARREN. Mr. President, I rise to address myself to the amendment to the amendment now before the Senate, which, I understand, is to strike out the words "and fifty," so that the boat may have an appropriation of two hundred instead of two hundred and fifty thousand dollars. But before proceeding on that line I wish it understood that I have nothing to say against the Holland boat.

It is a little funny, however, to review the case and to remember that our able Naval Committee, who have jealously guarded our interests for so many years, bought the Holland boat by name and by a specific appropriation and without competition through competitive bids.

Mr. PERKINS. And nine of them.

Mr. WARREN. Nine of them, and the first one was provided for when there was nothing but a few pencil lines on paper to show for a boat or to assure us that such a boat when done would be useful, and $200,000 was appropriated for it.

Mr. GALLINGER. But, if the Senator will permit me, the Holland boat was bought when there was no other type on the market.

Mr. WARREN. And there is no other type yet on the market of the boat now under consideration——

Mr. GALLINGER. That is disputed.

Mr. WARREN. Not for the purpose for which this boat is wanted. I believe that the committee which has recommended this amendment has given it sufficient consideration so that it may say, with as much confidence as the Naval Committee did in the other instance, that there is no boat that competes with it. The boy who climbs to the top of the ladder placed on the back of his comrades, and then kicks the ladder over, so that his comrades can not climb up or get in, is not always a favorite in the society of good boys.

Whether the solicitude on the part of the members of the Naval Committee of the Government's rights and the protection that should be afforded through competition comes from a new light—a sort of reform movement—or because they are sorry they bought those Holland submarine boats, or whether it is because they wish some other committee to have less privileges than they have enjoyed, I can not say. But I view it in a light something like this.

Coming back to the amendment under discussion, we have here in this Lake submarine boat something that has been tried sufficiently to demonstrate that it has sufficient merit to attract the attention of the United States Government, and so far we have paid nothing for or toward the invention.

This proposition comes in here reported from a committee which ever since I have been a member of the Senate has yearly considered the appropriation of various amounts for projected schemes or patents to improve our modes of warfare and our utensils of warfare. We have been paying for this, for that, and for the other.

It has been stated by one of the Senators opposed to the present amendment—I think the Senator from New Hampshire—that we injudiciously spent money for the Gathmann gun. I will remind him that we had an opportunity once to buy for a small sum, if I am correctly informed, the patent for the Maxim gun.

We failed to buy it, and we have been paying for it perhaps several thousandfold since in the royalty paid on the guns we have bought, which were manufactured in another country and by another people, because we were not liberal enough to compensate our own inventors for their skill and the money which they had spent in their researches.

Now, as to whether this shall be $250,000 or $200,000 I have just this to say: This boat differs from the Holland boat in this respect: It has two complete sets of machinery—its engines, its tanks, its fuel arrangements, and its electric machinery. In other words, it takes only one set to do everything that is required of the boat where there is no accident, but in case of accident it has another set of machinery all ready to be put in motion. In that it differs from the Holland boat. It is a larger boat. It is a boat that can move on the bottom of the ocean, in the bay, and it can move without being propelled through the water in the usual way. It can proceed on creepers, if I may call them such, upon the ground. Then it can be opened at the bottom and divers can go out and come in. In that respect it differs from the Holland boat, and it is for a different purpose.

I dare say the Secretary of War may procure a boat for $200,000; but the inventors propose, if they get the approval of the Secretary of War, to build a larger boat than this, and to build it, as I say, with two sets of machinery throughout. The amendment provides, first, that it shall be within the discretion of the Secretary of War whether he shall authorize the purchase of the boat at all; second, it shall be in his discretion what he shall pay for the boat, not exceeding $250,000. And it seems to me we ought to give to him the limit we have made—$250,000.

Now, I believe we can afford as a nation, when something of value has been invented for which we have expended nothing, to be reasonably and decently generous in the purchase of a first-product sample. It seems to me we should in some way encourage invention.

We should encourage it along lines where we desire articles for defense that are of such large cost, and being used only by the Government, that an inventor is not justified in spending either his money or his time on them, unless there shall be something in the way of a price for his patent or a liberal price for a certain number or quantity of his product.

If we were further along with this Lake patent and had bought, say, this one boat, and, having tried it, knew exactly what it amounts to, and gentlemen wished to put it to competition, it would be all right. But there certainly can not be any large sum between what this boat will actually cost and $250,000, which will be paid as a bonus or for the patent or for its use or to encourage the inventor.

As set forth, this boat is for the use of the School of Submarine Defense and in connection with the submarine mines. I am not going to take up the question whether or not this belongs to the Navy Department, except to say that it belongs where the submarine mines are, whether it be in the Navy or the Army, and this submarine work is now in the Army; and when you talk about going to the Navy for sailors or for men in charge of such a boat, the absurdity of it is obvious on its face.

It does not matter whether it is under the Army or the Navy, there must be those, whether from Army or Navy or civil life, who are able to take and run this boat, who have been educated for the special purpose. This boat in its submarine-mine work will doubtless be in the general charge of the Engineer Corps, and there will be enough men interested in the success and building of the boat and sufficiently used to it, and having had sufficient experience with it, to be placed at the disposal of the Engineer Corps to supply all the expert skill necessary.

Mr. CARMACK. Will the Senator inform me who will be in command of this vessel? Will it be in command of a naval officer?

Mr. WARREN. It will be under the command of the Army, probably in the Engineering Corps, so long as it is used in connection with submarine mines.

Mr. CARMACK. I mean the man who is to be immediately in charge of this vessel. Will he be a naval officer or an army officer?

Mr. WARREN. He will be an army officer.

Mr. CARMACK. He will?

Mr. WARREN. He will be sent from the Army. He will be in command. You might say the same as to our transports or our ferries. You might say the same as to the revenue cutters under the Treasury Department.

Mr. CARMACK. Are there marine engineers in the Army?

Mr. WARREN. I presume the Navy has an engineer corps the same as the Army has. I might ask the Senator if the submarine mines are in charge of the engineers of the Navy?

Mr. CARMACK. There will have to be marine engineers in charge of this boat?

Mr. WARREN. Why so?

Mr. CARMACK. I was asking for information.

Mr. WARREN. I do not so regard it.

Mr. LODGE. A submarine mine is not exactly the same as a boat.

Mr. WARREN. We understand that; but in the sense in which this boat is proposed to be used it becomes an instrument—a tool or implement, if you will—with reference to laying and handling and taking up mines. That you may go further and use it for other purposes is true; but that makes the boat no less valuable; no less useful. On the other hand, it makes it all the more valuable.

I want to say to the Senator from Massachusetts with regard to the assertion he made that submarine mines were placed before we had submarine boats, that he is correct. It is also true that wars were fought long before we had battle ships, and, perhaps, before we had ships at all. But that is no argument to prove that it is not necessary to move along with the times and to keep somewhere up to date as compared with the other great nations.

Mr. LODGE. I understood the Senator to say that this boat will be managed by army engineers. The Senator is familiar with the education of army engineers. Are they engineers in the sense that naval engineers are—persons familiar with machinery, mechanicians?

Mr. WARREN. The Senator misunderstood me.

Mr. LODGE. I understood the Senator to say that the boat would be in charge of an army engineer.

Mr. WARREN. I simply said that the mines——

Mr. LODGE. I am speaking about the boat, not the mines.

Mr. WARREN. I said the mines are under the engineering department of the Army. I said nothing about an engineer in charge of the boat.

Mr. LODGE. I so understood the Senator.

Mr. WARREN. No, sir.

Mr. LODGE. I thought the Senator said an army officer would be in charge of the boat.

Mr. WARREN. Yes, sir; as to general charge of it; but I take it there will be some one in direct charge who will be able to run it, just as there are with the hundreds of craft now used under the Army and under the Treasury Department in the Revenue-Cutter Service.

Mr. LODGE. Are they navigated by army officers?

Mr. WARREN. Are all the naval vessels navigated by naval officers?

Mr. LODGE. They are. On an army boat they have men from the merchant marine; but the naval officers would navigate it themselves, if the Navy had the vessel.

Mr. WARREN. The Senator proves by his own remark that it will not be necessary to call on the Navy to run the vessel.

Mr. LODGE. Oh, no. The Army can employ officers from the merchant marine to run its vessels. Everybody knows that.

Mr. WARREN. Suppose the Navy should take up this matter and should purchase this boat. Do Senators contend that it would be handled by the Navy Department and not turned over to the Army for the use of its Engineering Department with respect to these mines?

Mr. LODGE. I contend that the boat itself would be managed by naval officers, and I contend further that in warlike operations it would be under the direction of the admiral of the fleet and not of a general on shore.

Mr. WARREN. Are the submarine mines in charge of the admiral of the fleet?

Mr. LODGE. The mines are fixed and not movable.

Mr. WARREN. On the contrary, they are in many cases not fixed, and are movable. They may be put down to-day and taken up to-morrow or next week.

Mr. LODGE. I mean that this boat is intended to be used as a scout and to attack the enemy's fleet.

Mr. WARREN. The Senator has gotten further than we have. We are trying to purchase the boat.

Mr. LODGE. I am quoting from the report of the military board.

Mr. WARREN. That is one of the things that may be done.

Mr. LODGE. That report can not be authority for one and not for the other.

Mr. WARREN. But the boat is not asked for by the Army and the Lieutenant-General upon that aspect of the case alone. That it may be put to the same use as another boat for strictly war purposes does not detract from it.

Now, I want to say again that the latest information we have from the wars in the world and from the foremost officer of our Navy is that we ought to have more rather than less torpedo and submarine craft.

If we have appropriated $850,000 in the naval bill and we appropriate $250,000 more, which makes $1,100,000 altogether, is it not just as well to put $1,100,000 all told into lesser craft and more in number, which, even when working only on the surface of the sea, have proved their ability in foreign waters to cripple and put out of business ships worth three or four or five million dollars apiece?

Are we going to continue to build ships worth millions of dollars each when some other power may expend a little money on boats costing from one hundred and fifty to two hundred and fifty thousand dollars each, and any one of which may alone, almost in the twinkling of an eye, render the larger battle ship useless? Are we to neglect our harbors?

Ought not we to invest in everything the merit of which is sufficiently proven so that we can feel we can take the slight chances of a small investment like this one in order to improve our defenses?

Why, Mr. President, with a half million or a million dollars invested in these submarine craft and appliances any fleet—a fleet costing fifty times as much, indeed—could be kept from successfully entering one of our principal harbors.

The $5,000,000 battle ship is powerless to locate or resist the boat under water; and the great war machine is helpless in an attempted defense against the quick-moving, shark-like, dangerous little enemy which, with its telephone and telegraph connection with shore, keeps fully informed and yet gives no surface sign of its location, while it can pierce through the most vulnerable points into the very vitals of a floating craft.

All this in addition to its functions as diving bell and repair boat for submarine mining.

Now, here is a plain proposition. It takes nothing away from the Navy. It simply adds to the total expenditure of the United States a possible $250,000, if the Secretary of War, upon consideration, deems it proper.

That sum will provide an instrument for the use of the Army where it has nothing to-day for that same use, and where it will remain, and where it would have to go if it were built for the Navy and detailed to the Army for its use.

As to the amendment to the amendment, on which I rose more especially to speak, we have left it all to the discretion of the Secretary of War as to whether to purchase the boat or not, and as to the price to be paid.

In reference to the matter of difference in possible cost, whether the boat shall be larger or smaller, with a single or a double set of machinery, it is better to vote the whole amount than to reduce it to $200,000 and possibly get an inferior boat.

Mr. MALLORY. Will the Senator, before he takes his seat, tell me on what basis this appropriation of $250,000 was fixed? What information has the Senator on the point?

Mr. WARREN. The builders of the boat have estimated that they can build, at a cost to themselves of $250,000, a boat that shall be larger than the *Protector* and that shall contain everything which that boat contained and more, with, as I said before, a double set of machinery.

Mr. MALLORY. Is that information before the committee of the Senate?

Mr. WARREN. It was before the Committee on Appropriations, and the gentleman who invented and built the *Protector* was himself before the committee. Let me say right along that line that perhaps the Senator from Virginia [Mr. DANIEL] overlooked the fact that the members of the Appropriations Committee are also members of the Military Committee and members of the Coast Defenses Committee.

In fact, barring some of the younger Senators, and I flatter myself sometimes by terming myself one of the younger, there are men upon the Appropriations Committee who have served upon a very great many of the committees of the Senate in time past, and the most important committees.

The senior Senator in length of service upon the other side of the Chamber has served a very long time both upon the Military Committee and upon the Committee on Appropriations. His judgment is seldom and his industry and integrity never questioned by members on either side of this Chamber, and it may or may not be a significant fact that he is a very warm supporter and advocate of this particular amendment.

Mr. CARMACK. Mr. President, some Senators have argued this question, it seems to me, in a rather peculiar way. The argument has been advanced here that the Government has been exceedingly liberal and generous with respect to the Holland boat. Attention has been called to the fact that the Government itself furnished money for building the first Holland boat, when there were nothing but plans and specifications; and the plea is made that inasmuch as the Government has been so fair, so liberal, and so generous with respect to the Holland boat it now ought to do something nice with respect to the Lake torpedo boat.

Mr. President, I do not suppose that Congress in this matter is being governed or has been governed in the past by any idea of favoritism with respect to one boat or another. I do not suppose when Congress appropriated the money for the construction of the Holland boat that it was done for the purpose of conferring

any favor upon the inventor of that boat. I suppose the Government did that because it was thought to be to the interest of the Government to do so, and we are not called upon to do anything particularly to favor the constructor or the inventor of this boat unless it is manifestly to the interest of the Government to do so. I am not at all interested in any conflict of interest which may have come up between the inventors of the Holland boat and the Lake torpedo boat. The question is to be considered entirely from the standpoint of the interest of the Government.

I say in the first place, Mr. President, this matter has no place in this bill. It is a matter that belongs or should belong exclusively in the naval appropriation bill. This is a naval vessel. It is a vessel built for naval purposes, for the purpose of naval attack and naval defense. It is purely a naval vessel, and you can not make it anything else. The fact that it will be used for coast defenses does not alter the character of the vessel.

Attention has been called to the fact that provision has been made for the construction of torpedo boats in the naval appropriation bill. The provision is as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase subsurface or submarine torpedo boats in the aggregate of, but not exceeding, $850,000.

In this statement from which the Senator from Connecticut read it is said:

From what has been said it is evident that the Navy must take up and develop boats of this type for the purposes mentioned.

It is known that the *Protector* is about to be tested by a naval board as soon as the weather permits and her merits and demerits determined practically. These experiments may show that the type of boat suitable for use with a fleet will answer also for harbor defense.

Now, while that matter is pending—when, as we are informed, the naval board is preparing to test this very boat and to determine whether or not it is suitable for harbor defense—why should we put a provision in this bill directing the Secretary of War to purchase a boat of this kind? Who ought to determine that question? Who ought to test the efficiency of this torpedo boat for the purposes contemplated in this bill? It ought to be done by the Navy Department.

What are the uses of this vessel? I find here in the statement from which the Senator from Connecticut read, among other things, the following:

(*b*) As a supplement to the mines, by attacking vessels approaching them or which have passed them, they would be useful in preventing countermining.

(*c*) As scouts or pickets outside the mine fields, keeping up telephonic communication with the shore.

(*d*) As a means of picking up and repairing defective cable joints, juncture boxes, etc., because of great facility for maneuvering on the bottom and sending out divers.

Again, it is said:

Taking a naval standpoint, it is evident that if a fleet were provided with a torpedo transport capable of being used as a base for boats of this type, and able to convoy them within a striking range of a hostile fleet, or a mined harbor, that all the uses named under "Attack" would come into play, especially the ability to countermine; or if obliged to take the defensive, a fleet so provided could utilize them as suggested under that head.

Then it is said here:

In time of war the Navy would be called on to furnish those needed as adjuncts to the harbor defense. If one be needed for work in conjunction with a mine field, it must be assigned to duty under the officer in charge of that field.

I say, Mr. President, this is a naval vessel, and wherever a vessel of the Navy is needed for the purposes contemplated in this act it can be assigned by the President to be used for that purpose. There is absolutely no necessity on earth, in my judgment, for any such provision in the bill, when we know that provision has already been made for the construction or the testing of torpedo boats, and that this very boat is soon to be tested by the Navy Department with the very view of determining whether or not it will suit the purposes contemplated in this act.

Mr. President, I will have an amendment read at the desk, which I propose to offer when it is in order.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

In line 14, page 3, after the word "boat," strike out everything down to and including the word "company," in lines 15 and 16, and insert:

"Of such type as he may, after careful test and examination, approve."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. DANIEL] to the amendment of the committee.

Mr. TELLER. Mr. President, any Government boat or vessel that runs on water may be called a naval appliance, but the Senator from Tennessee [Mr. CARMACK] appears to think that that can only be done under the Navy Department. The Senator from California [Mr. PERKINS] read a long list stating the number of boats the War Department has, showing that those boats and boats used in other Departments amount to several hundred, of which the Navy has no more control than it will have of this boat when the War Department shall use it.

Mr. CARMACK. Are they fighting vessels?

Mr. TELLER. The Senator wants to know whether they are fighting vessels. Mr. President, this is not a fighting vessel, unless you want to use it as such. It is a vessel for other purposes, if you need it, and it is in perfect accordance with the custom.

For instance, it is the custom for the different branches of the War Department to have vessels to carry out the purposes for which they were severally created. The Mississippi River Commission has boats that the Government has built and has bought. Then the Treasury Department runs a great number of boats as revenue cutters and all that. There is nothing extraordinary in the fact that the War Department shall have a vessel under its control. If Senators will look at the reports of the Government they will find that that is the custom in such cases.

I notice the Senator from Virginia [Mr. DANIEL] stated he did not know anything about what the cost of this boat would be, and then he concluded that $200,000 would be ample. I agree with him that I do not think he did know much about it, and I do not pretend to know much about what it would cost. I never built a boat. But I think when you submit that question to the Secretary of War he will determine what the boat is to cost.

The Senator seemed quite disposed to think if we had the report of the Secretary of War on this boat, favoring it, he might be willing to support it. Mr. President, this whole question might be submitted to the Secretary of War, who I suppose knows no more about the building of boats and what a boat is worth or what it would cost than the Senator from Virginia or I. But he will find some one in his Department, where they are buying boats and building boats and using boats, who will know what this boat ought properly to cost, and if he is the right kind of a Secretary of War, as I think he is, he will determine in a proper way whether they are asking too much or not.

Now, Mr. President, this does not belong to the Navy Department. They have no right to lay a mine or to pick up a mine. If this boat is of any value for that purpose, it must be under the control and direction of the War Department, and it can not be under the direction of the Navy Department. I think if the Senators who assume that there is something remarkably strange about this matter will look into the actual practice of the Government, they will find that there is not anything strange or unusual about it.

Mr. MALLORY rose.

Mr. FORAKER. Mr. President, if the Senator from California does not object, I will move that the Senate proceed to the consideration of executive business. I will withhold the motion if the Senator from Florida desires to speak.

Mr. MALLORY. I have only a very few remarks to make. I do not think I will consume five minutes.

Mr. FORAKER. I did not observe that the Senator had risen when I addressed the Chair.

Mr. PERKINS. If there is to be a roll call upon the amendment, I fear it may develop the fact that there is no quorum present. Therefore, if the Senator from Ohio desires an executive session, I will not object, but with the understanding that immediately after the routine morning business to-morrow the Senate will again proceed to consider the bill.

Mr. SCOTT. I wish to suggest to the Senator from Ohio that the Senator from Kentucky [Mr. BLACKBURN], who, I understand, is entitled to the floor, is not here to go on to-day.

Mr. FORAKER. I do not expect to go on with the matter to which the Senator alludes. I want to go into executive session, however, that I may give a notice as to when I shall undertake to go on, and, if possible, induce the Senate to agree with me. I will withhold the motion until the Senator from Florida concludes.

Mr. MALLORY. Mr. President, I am inclined to think that if the points which have been referred to as being favorable to the adoption of this type of boats are sustained she is the very boat that is necessary for the purpose designated in the bill. I have no idea that you can detail a navy boat of this type to do the work for which an army boat is required in laying down and looking after stationary mines at the mouths of the ports of this country. I think anyone who is familiar with the subject will understand that if we can get such a boat as this where a man in a submarine suit can pass out of the boat and pick up a buried mine and replace it, if necessary, and look after the shore connections of the mine, and see that they are not clogged up by marine growth, which is a great source of trouble in tropical and semitropical waters, a boat of this character for fortification purposes, for defense purposes, pure and simple, would be very desirable; and I would be inclined to vote for the amendment were I satisfied that all these requirements were complied with.

So far as the question as to who shall command the boat is concerned, I think that is a mere matter of detail that should not be considered at all. The Army has always been able to find men adequate both in point of ability and in other respects to take charge of the boats which are under army control. The Army has many launches, where they have civilians who are selected because of their experience and capacity, and there is no complaint made about them at all. I do not think this boat would be any more difficult to manage than an ordinary steam launch, and under the supervision of an engineer of the Army, who necessarily would have to have control and supervision of such a boat, there would be no difficulty whatever, and I do not think it would be necessary to inquire as to whether we shall get an engineer from the Navy or a captain or a minor officer of the Navy to take command of it.

The point with me, however, Mr. President, is that the Senate has not yet sufficient information on this subject to act intelligently upon it. In the recommendation from Col. Arthur L. Wagner, General Staff, and Chief of the Third Division, who makes the report which was read by the Senator from Connecticut, there is the following statement:

> The submarine boat bids fair to be so important an adjunct to submarine mining that if it be not taken up definitely by the Navy, it must be by the Army; but before steps to secure such boats by the latter the results of the complete tests shortly to be made by the Navy on boats of the Holland and Lake types should be carefully studied and the advice of naval experts sought.

Now, there is a clear intimation to the Senate that it would be very desirable that we should go a little slow in this matter. In addition to that, I note that he makes the following recommendation:

> It is, therefore, recommended that the subject of submarine torpedo boats be referred to the joint army and navy board for discussion, with a view of settling definitely the important question whether the service of these craft be placed wholly in the hands of the Navy or not.

The little I personally know on this subject leads me to believe, as I have stated, that such a boat as this, connected with the harbor defense of each one of our great ports, is desirable, if the boat is what she is said to be; but I do not think that information here sufficiently definite has been elicited to justify me in supporting this measure. Had it been I would have no hesitation in voting for the amendment of the committee.

RECORDS OF REGISTERS AND RECEIVERS.

Mr. KITTREDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FORAKER. I yield to that Senator.

Mr. KITTREDGE. I ask for the present consideration of the bill (H. R. 5511) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals. It is a very short bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that registers and receivers of United States land offices shall, in addition to the fees now allowed by law, be entitled to charge and receive for making transcripts of the records in their offices for individuals the sum of 10 cents per hundred words for each transcript so furnished; and the transcripts thus furnished, when duly certified to by them, shall be admitted as evidence in all courts of the United States and the Territories thereof, and before all officials authorized to receive evidence, with the same force and effect as the original records.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 15, 1904, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate March 14, 1904.

POSTMASTER.

CALIFORNIA.

Robert M. Richardson to be postmaster at Sacramento, in the county of Sacramento and State of California.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 14, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

LIMIT OF TIME FOR PROSECUTION AGAINST OFFICERS AND EMPLOYEES OF THE UNITED STATES.

Mr. POWERS of Massachusetts. Mr. Speaker, I ask unanimous consent that House bill 11815, together with the report thereon, be taken from the House Calendar and recommitted to the Committee on the Judiciary.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the following bill, the title of which the Clerk will report, be taken from the House Calendar and recommitted to the Committee on the Judiciary.

The Clerk read as follows:

The bill (H. R. 11815) to limit the time within which prosecutions may be instituted against officers, agents, or employees of the United States.

The SPEAKER. Is there objection?

Mr. SULZER. What is the title of the bill, Mr. Speaker?

The SPEAKER. The Clerk will again read the title.

The Clerk again reported the title of the bill.

The SPEAKER. Is there objection?

Mr. SULZER. Reserving the right to object, Mr. Speaker, I would like to have some information about this matter. Why should this bill be referred back to the committee?

Mr. POWERS of Massachusetts. I will say to the gentleman from New York that this request is made in order that the bill may be before the Committee on the Judiciary for the purpose of considering an amendment.

Mr. SULZER. An amendment proposed by whom?

Mr. POWERS of Massachusetts. I make the request by a vote of the Committee on the Judiciary, and, as I remember it, it was unanimous.

Mr. SULZER. Why can not the amendment be made in the House when the bill is brought up for consideration?

Mr. POWERS of Massachusetts. I think it is better that the bill should come before the House in such form as the committee may desire, and then if anyone desires to offer an amendment it can be considered under better circumstances than at the present time.

Mr. SULZER. Well, if the bill is to be speedily reported back to the House I shall refrain from objecting.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ANN A. DEVORE.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to call up the conference report submitted on Saturday on the bill S. 1760, an act granting a pension to Ann A. Devore, and I ask unanimous consent that the statement only be read.

The SPEAKER. The gentleman from New Jersey calls up the conference report on the bill S. 1760, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Statement to accompany report of committee of conference on the disagreeing votes of the two Houses on S. 1760, "An act granting a pension to Ann A. Devore."

This bill originally passed the Senate at $12 per month, but was amended in the House to $8 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $8 per month as amended by the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

The conference report was agreed to.

AUSTIN ALMY.

Mr. LOUDENSLAGER. Mr. Speaker, I now call up the conference report on the bill (S. 200) granting an increase of pension to Austin Almy, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman also calls up the conference report on the bill S. 200, and asks that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Statement to accompany report of committee of conference on the disagreeing votes of the two Houses on S. 200, granting an increase of pension to Austin Almy.

This bill originally passed the Senate at $24 per month, but was amended in the House to $20 per month. The result of the conference is that the Senate agrees to the House amendment, and your conferees recommend that the bill pass at $20 per month as amended by the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

The conference report was agreed to.

HARRY HALLER.

Mr. LOUDENSLAGER. Mr. Speaker, I submit a conference report on the bill (H. R. 6582) granting an increase of pension to Harry Haller, in order that it may be printed under the rule.

The Clerk read the conference report and statement, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6582) granting an increase of pension to Harry Haller, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.
P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement to accompany report of committee of conference on the disagreeing vote of the two Houses on H. R. 6582, granting an increase of pension to Harry Haller.

This bill passed the House at $30 per month, but was amended in the Senate to $24 per month. The result of the conference is that the Senate recedes from its amendment, and your conferees recommend that the bill pass at $30 per month, as originally passed by the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

SENATE CONCURRENT RESOLUTION NO. 21.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to call up a conference report on concurrent resolution No. 21.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate concurrent resolution No. 21, Fifty-eighth Congress, first session, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows.

That the House recede from its amendment on lines 7 and 8.

C. B. LANDIS,
J. B. PERKINS,
F. C. TATE,
Managers on the part of the House.
T. C. PLATT,
L. E. MCCOMAS,
A. P. GORMAN,
Managers on the part of the Senate.

The conference report was agreed to.

LICENSE FOR TURKISH AND RUSSIAN BATHS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths, in the District of Columbia, with a Senate amendment.

The Senate amendment was read.

Mr. BABCOCK. Mr. Speaker, I move that the House nonconcur in the Senate amendment, and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana.

EXCHANGE OF PUBLIC BUILDING SITES, GARLAND COUNTY, ARK.

Mr. ROBINSON of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1956) to authorize an exchange of sites for the public buildings of Garland County, Ark.

The Clerk read the bill, as follows:

Whereas by act of Congress approved March 3, 1877, the United States granted to the county of Garland, State of Arkansas, a site for the public buildings of said county, not to exceed 5 acres; and

Whereas block No. 114 in the city of Hot Springs, consisting of 3.62 acres of land, was selected and dedicated to said county under said grant; and

Whereas said county is now desirous of constructing a county court-house and other public buildings upon lots Nos. 1, 2, 9, and 10 in block No. 94, which is now the property of the United States, and that it may be permitted to exchange the grant aforesaid for the last described tract of land: Therefore

Be it enacted, etc., That so much of the act of Congress approved March 3, 1877, as grants to the county of Garland a tract of land not exceeding 5 acres as a site for the public buildings of said county, under authority of which act a tract of land in the city of Hot Springs, in said county, known and described as block 114, consisting of 3.62 acres, has been selected and dedicated under said grant, be, and the same is hereby, repealed and said lands restored to the United States to be disposed of as other Government lands in said city; and in lieu of said grant be, and there is hereby, granted to said county of Garland, as a site for the public buildings of said county, the following lots or parcels of land in said county and city, described in the plats and surveys of said city as follows, to wit, lots Nos. 1, 2, 9, and 10 in block No. 94, and said county is hereby authorized to take possession of the same without the further action of the Government.

The committee amendments were read, as follows:

In line 13, after the word "city," strike out the remainder of the paragraph.

Add a new section (section 2) as follows:

"SEC. 2. That there is hereby granted to the said county of Garland, as a site for the public buildings of said county, the following lots or parcels of land in said county and city, described in the plats and surveys of said city as follows, to wit: Lots No. 1, 2, 9, and 10 in block No. 94: *Provided, however*, That a public building to cost not less than $75,000 be constructed upon the lands herein donated within a period of three years from the date of the passage of this act, and that before the grant herein made shall take effect the title to block No. 114 shall be reconveyed to the United States. Each of these conditions shall be construed as a condition precedent to the grant herein made to the county of Garland, and a failure on its part to comply with either of them shall of itself work a forfeiture of the rights hereby conferred on said county."

Strike out the preamble.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time.

The amendment striking out the preamble was agreed to.

The bill was passed.

On motion of Mr. ROBINSON of Arkansas, a motion to reconsider the last vote was laid on the table.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD COMPANY.

Mr. BABCOCK. Mr. Speaker, I call up for consideration the bill (H. R. 9331) to extend the time for completion of the East Washington Heights Traction Railroad Company.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same hereby is, extended for the term of twelve months from the passage of this act.

The committee amendments were as follows:

Strike out the period at the end of line 6 and insert a colon, and add the following:

"*Provided*, That if said railroad is not completed and in operation within the time herein limited, said company shall be subject to a penalty of $50 for each and every day that said road is not constructed and in operation, with cars running thereon, said penalty to be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

"SEC. 2. That Congress reserves the right to alter, amend, or repeal this act."

The SPEAKER. The question is on agreeing to the amendments.

The question was considered, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRAUDULENT SALES OF MERCHANDISE.

Mr. BABCOCK. I ask for the consideration of the bill (H. R. 5067) to prevent the fraudulent sale of merchandise; and as the committee has reported a substitute for the original bill, I ask unanimous consent that the substitute be read in lieu of the original bill.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That a sale of any portion of a stock of merchandise, otherwise than in the ordinary course of trade in the regular and usual prosecution of the seller's business, or a sale of an entire stock of merchandise in gross, will be presumed to be fraudulent and void as against the bona fide creditors of the seller, unless the seller and purchaser shall, at least ten days before the sale, make a full detailed inventory showing the quantity and, so far as possible with the exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale; and unless such purchaser shall, at least ten days before the sale, in good faith, make full, explicit inquiry of the seller as to the names and places of residence or places of business of each and all of the creditors of the seller and the amount owing each creditor; and unless the purchaser shall, at least ten days before the sale, in good faith, notify or cause to be notified, personally or by registered mail, each of the seller's creditors, of whom the purchaser has knowledge, or can, with the exercise of reasonable diligence, acquire knowledge of said proposed sale and of the said cost price of the merchandise to be sold, and of the price proposed to be paid therefor by the purchaser. The seller shall, at least ten days before such sale, fully and truthfully answer, in writing, under oath, each and all of said inquiries.

SEC. 2. That nothing contained in this act shall apply to sales made by executors, administrators, receivers, or any public officer conducting a sale in his official capacity.

SEC. 3. That except as expressly provided in this act, nothing therein contained nor any act thereunder shall change or affect the present rules of evidence or the present presumptions of law.

SEC. 4. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. DAVIS] who reported the bill and will make a statement as to its effect.

Mr. DAVIS of Minnesota. Mr. Speaker, I do not deem it very essential that much explanation of this measure should be given, because the wording of the bill seems to give a complete explanation of it. However, I wish to say that in almost every State of the Union there is in force legislation of this nature; that is to say, legislation to prevent the owner of a stock of merchandise, engaged in business as a merchant, to sell out the whole or a greater portion of the stock in gross and thus to defeat the claims of his creditors.

The bill as originally presented was simply to the effect that in case of a sale of this kind the parties to be protected were only the creditors of the merchant who had given him credit for merchandise sold and put into the business, or money loaned to him which was actually used in the business. These were made preferred creditors to the exclusion of all others.

Mr. STEPHENS of Texas. I should like to know what committee reported this bill.

Mr. DAVIS of Minnesota. The Committee on the District of Columbia.

Mr. STEPHENS of Texas. Does it apply to this District only?

Mr. DAVIS of Minnesota. It applies only to the District of Columbia, or is so intended. It was referred to a subcommittee of our committee—the Subcommittee on the Judiciary—and was by them very carefully gone over. After the subcommittee had reported this subsitute, it was carefully gone over by the entire committee and several hearings were had thereon.

Mr. STEPHENS of Texas. Has it been recommended by the Commissioners of the District of Columbia?

Mr. DAVIS of Minnesota. The Commissioners recommended the bill in its original shape, but they have not had anything to say whatever as to the substitute—at least I believe not.

Mr. STEPHENS of Texas. Is this a unanimous report of the committee?

Mr. DAVIS of Minnesota. It is.

Mr. STEPHENS of Texas. Have the merchants of this city demanded the passage of the bill?

Mr. DAVIS of Minnesota. They have universally demanded the passage of a bill of this nature. Their representatives appeared not only before the whole committee but before the subcommittee and recommended this style of legislation. The only measure that they knew anything about was the original bill, which, as I have stated, treated as preferred creditors those who had supplied merchandise or money to the merchant. They have not had a hearing, nor have they asked any hearing, upon this substitute. They simply wanted some bill of this nature to prevent fraudulent sales of merchandise.

I wish to say that this legislation in its present form is the usual form adopted by nearly all the States of the Union.

Mr. MANN. May I ask the gentleman a question?

Mr. DAVIS of Minnesota. Certainly.

Mr. MANN. Why does the gentleman say that this bill applies only to the District of Columbia? Will the gentleman point out any clause in the bill providing that it shall apply only to the District of Columbia and not wherever the jurisdiction of the United States extends?

Mr. DAVIS of Minnesota. This bill was intended only—and I think perhaps if the gentleman will read it more carefully he will see that such is its effect—to apply to merchants doing business in the District of Columbia.

Mr. MANN. I think the gentleman is mistaken in his conception of the bill. I have no doubt that what he states to have been its intention was such in fact; but this is only a further illustration of the looseness with which legislation is sometimes carried through. The original bill probably applied only to this District; the substitute, however, applies to all of the United States whenever we can enact legislation. I have just read the substitute for the first time. I find it contains no restriction as to the extent of its operation, and it would undoubtedly apply to interstate-commerce transactions and every transaction in the Territories.

Mr. DAVIS of Minnesota. I have no objection, and the committee has none, to allowing any amendment that the gentleman may suggest, limiting it to the District of Columbia.

Mr. MANN. Well, I do not think it is my business to suggest amendments of that sort. I think the gentleman should do that.

Mr. DAVIS of Minnesota. If the gentleman has any objection to the bill, I would suggest that he propose an amendment.

Mr. COWHERD. I would suggest to my colleague that if after the word "sale," in line 17, page 4, he would add the words "in the District of Columbia," it would meet the objections that the gentleman makes.

Mr. DAVIS of Minnesota. That is perfectly satisfactory.

Mr. MANN. The reason I have made the suggestion is because the gentleman from Minnesota [Mr. DAVIS], in reply to the gentleman from Texas [Mr. STEPHENS], stated that this only applied to the District of Columbia, and as I have just read the bill and can find no such restriction——

Mr. DAVIS of Minnesota. That was my understanding.

Mr. MANN (continuing). I felt it my duty to call the attention of the gentleman to the fact.

Mr. DAVIS of Minnesota. In explanation I will say that after reading over the various laws of this nature that have been passed in various States, I do not recall any State in which it says that the act is limited to the State of Minnesota, or the State of New York, or the State which passes the legislation.

Mr. MANN. The gentleman understands very well that the State of Minnesota can not enact a law that will be of any force outside of the State of Minnesota, and the same is true of any other State, but that does not apply to Congress.

Mr. DAVIS of Minnesota. I understand that, and I am very much obliged to the gentleman for the statement he has made.

Mr. PAYNE. We are all very glad to have that point settled. [Laughter.]

Mr. DAVIS of Minnesota. I am very much obliged to the gentleman from Illinois for the suggestion he has made. The object of the committee that had this bill in charge was to prevent merchants in the District of Columbia and to prevent those who do business in the District of Columbia from defrauding their creditors. That is the object of it.

Mr. MANN. I understand from the public press that this is a copy of the Minnesota law, practically.

Mr. DAVIS of Minnesota. It is, practically; yes.

Mr. MANN. On its face I would like to suggest that it would interfere with legitimate transactions, and it might well be entitled "A bill to prevent a merchant from making a sale of his business to any other person." How does it operate in practice?

Mr. DAVIS of Minnesota. It may look so on its face, but it does not so operate in the West, where I have had experience with legislation of this kind. And I wish to say that the great State of New York has a still more stringent act than this, and a portion of this is copied from the law of the State of New York.

In New York the violation of the act is punished as a misdemeanor, and here there is nothing of the kind. This is not a copy of the Minnesota law strictly, although that law seemed to be more concise. It was originally copied from the New York law, and some features of that law have found their way into this.

I presume the gentleman is aware of the fact that Members who sit upon a committee—at least that is my experience—who have to do with the laws of their own State and the surrounding States and are more familiar with those laws than any others, are very likely to think that the "cackling of their bird is the wonder of the world," and largely engraft their ideas upon legislation of this kind.

Mr. MANN. The gentleman will pardon me for saying that it is no discredit to the bill that it is a copy of a Minnesota law. That is the best thing about it that I have seen.

Mr. DAVIS of Minnesota. Barring the work of the committee, of course.

Mr. MANN. I will be frank with the gentleman, if he will yield——

Mr. DAVIS of Minnesota. Certainly I will yield.

Mr. MANN. And I will say that it looked to me, upon reading this bill, as though it would be almost a preventive of an honest person making a sale of his business legitimately, because the moment he notifies his creditors that he proposes to sell out some of them will be almost sure to commence attachment proceedings or something of that sort.

Mr. DAVIS of Minnesota. I must confess that I am sorry the gentleman has that impression. It does not operate so within my experience.

Mr. MANN. Can the gentleman tell us——

Mr. DAVIS of Minnesota. None of the gentlemen of the committee related any such experience, but on the contrary they said that it worked beneficially.

Mr. MANN. We all understand the difficulties the gentleman would like to meet. Can he tell us whether as a matter of fact in the District of Columbia under the law if a merchant is about to sell out he is subject to attachment proceedings?

Mr. DAVIS of Minnesota. Yes; but the gentleman knows, being a lawyer, that an attachment proceeding avails very little if the goods are spirited away and the owner gets beyond the jurisdiction of the court.

Mr. MANN. I understand that, too; but if a creditor commences an attachment proceeding against a merchant his business is ruined.

Mr. DAVIS of Minnesota. That is the case, I think, as a rule.

Mr. MANN. That is what I am afraid of.

Mr. DAVIS of Minnesota. This does not aid in that matter particularly that I know of, but simply gives ten days leeway within which an attachment may be begun and within which a stock of goods can not be spirited away to the detriment of the wholesaler.

Now, I wish to say this, that we had a large number of the wholesale dealers of the city of Washington present before this committee, and they earnestly begged and prayed that a bill of this nature be passed, and even one a great deal more drastic than this. This bill is a great modification and simplification of the act which the merchants of this city demanded. Some of the retail merchants were there also and said that it interfered with their business because their credit was impaired, owing to the fact that there was no law in the District of Columbia to prevent a man from fraudulently disposing of his stock of merchandise.

Mr. MANN. You do not stop at preventing the fraudulent disposing of them. I ask the gentleman this question: Supposing there are two partners in this city engaged in business. Can one of them sell out to the other without advertising to all the world the cost price of all the goods they have, and notifying all of their creditors ten days in advance?

Mr. DAVIS of Minnesota. I presume it would apply. It says, "any sale or disposition of a stock of merchandise in gross." I do not know why it should not apply, if there is any fraud contemplated. If the gentleman who sells out is a wealthy individual

and transfers the stock to an irresponsible party and he spirits it away, it is immaterial, to my mind, whether it be a partnership or not.

Mr. MANN. May I ask the gentleman another question?

Mr. DAVIS of Minnesota. Certainly; that is what I am here for.

Mr. MANN. Suppose a merchant is indebted to twenty-five creditors, from whom he has purchased goods. Under this bill is he required to give the cost price of all of his goods to all of his creditors so that he notifies one man what he has paid another man for the goods that he purchased?

Mr. DAVIS of Minnesota. "The reasonable cost price," as it says here, which he can ascertain with reasonable diligence. He must make an inventory of that. It is provided at the bottom of page 4:

Unless the seller and purchaser shall, at least ten days before the sale, make a full detailed inventory showing the quantity and, so far as possible, with the exercise of reasonable diligence, the cost price to the seller, of each article to be included in the sale.

Mr. MANN. Suppose he buys from Smith and Jones, two different persons. If he wants to sell out he must, under this bill, as I understand it, inform Smith the cost price——

Mr. DAVIS of Minnesota. And inform Jones also.

Mr. MANN. He must inform Smith how much he paid Jones for the goods he bought from him, and inform Jones how much he paid Smith for the goods he bought from him.

Mr. DAVIS of Minnesota. I think not, sir.

Mr. MANN. I will say to the gentleman that that is what the bill says.

Mr. DAVIS of Minnesota. No; I think not. He can simply figure up the amount of his inventory. He need not specify from whom the goods were obtained, but he can give it in gross to Mr. Smith and Mr. Jones.

Mr. MANN. To figure up the cost of the price on each article included in the sale.

Mr. DAVIS of Minnesota. Yes, sir.

Mr. MANN. And that such cost price must be furnished each creditor.

Mr. DAVIS of Minnesota. Oh, no; need not say to Smith and Jones that a certain barrel of flour or sack of coffee was bought from any particular person.

Mr. MANN. Why is it necessary to tell one man anything about his business and from whom he bought?

Mr. DAVIS of Minnesota. I believe that legislation that has a tendency to prevent fraud is good legislation.

Mr. MANN. Does the gentleman believe that any legislation tending to prevent sale is good legislation?

Mr. DAVIS of Minnesota. Yes; if it prevents fraud. I will say to the gentleman, I do not see why the District of Columbia should not have similar laws in this connection that the various States of the Union have.

Mr. MANN. Well, I believe the gentleman is entirely mistaken in his premises. This law may be the law of Minnesota, and it may operate well there, and I have no doubt the gentleman may be correct about that, but I do not think there is any such drastic legislation in the majority of the States, or many of the States of the Union. This bill is one that I think ought to be entitled "A bill to prevent the transaction of business."

Mr. DAVIS of Minnesota. The gentleman is entitled to his opinion.

Mr. MANN. That is all I get out of it.

Mr. DAVIS of Minnesota. It is not the opinion of the committee, nor is it the opinion of the wholesale dealers of the city of Washington.

Mr. COWHERD. Mr. Speaker, I would like to call my colleague's attention to an amendment that seems to me should be offered to the bill. I will ask the Clerk to read it.

The Clerk read as follows:

After the word "merchant" in line 17, page 4, insert "in the District of Columbia;" and after the word "gross," in line 20, page 4, add "in the District of Columbia."

Mr. COWHERD. That will eliminate the objection that the gentleman makes that this applies to Territories.

Mr. DAVIS of Minnesota. So far as I can, I accept the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TELEPHONE RATES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, during the consideration of the District of Columbia appropriation bill a short time since, and while I was absent from the city, a legislative amendment was offered and adopted affecting telephone rates. This amendment was practically the same as that passed several years since, and upon which the supreme court of the District of Columbia in its decision said in substance:

That the rates were unreasonably low and that the act amounted to a confiscation of the company's property, and was therefore unconstitutional and void.

The effect of this amendment, Mr. Speaker, will be to throw the matter into the courts again and cause a repetition of the litigation which has been existing here for years.

Mr. COWHERD. Mr. Speaker, will the gentleman permit a question?

Mr. BABCOCK. I simply wish to make a statement in reference to that——

Mr. COWHERD. I simply want to say to the gentleman, having read a part of the language of the opinion, I think that the supreme court did not decide that these rates were too low, but decided, without sufficient information before them in the record, that they could not say whether it was unconstitutional and void.

Mr. BABCOCK. I read from the testimony before the Senate committee in a Senate document.

Mr. COWHERD. I was just asking for information, to see if I was mistaken about it.

Mr. BABCOCK. Now, Mr. Speaker, I sincerely hope that some good will grow out of this amendment in the way of a permanent adjustment of telephone rates in the city of Washington; and in this connection, and for the information of the House, I ask to have this letter read in connection with my remarks.

The Clerk read as follows:

THE CHESAPEAKE AND POTOMAC TELEPHONE CO.,
Washington, D. C., March 10, 1904.

Hon. J. W. BABCOCK,
Chairman District of Columbia Committee of the House of Representatives.

DEAR SIR: On the 2d instant the House of Representatives added to the District of Columbia appropriation bill, after the same had been reported, provisions fixing rates for certain classes of telephone service in the District of Columbia.

Inasmuch as The Chesapeake and Potomac Telephone Company is the only company affected by this legislation, and as this company has had no opportunity whatever to place before the House of Representatives or your committee reasons why such legislation should not be enacted, I take the liberty of submitting for your consideration the following statement of facts touching the affairs of this company.

This statement, I hope, may appeal to you with sufficient force to justify you in submitting it to the House of Representatives, to the end that should there be opportunity for so doing we may be permitted the privilege of being heard before final action is taken.

In 1901 the company entered upon a general plan of improvement. In the following year Congress passed a law authorizing the extension of the underground conduit system in Washington, and in that year 75 miles and in 1903 57 miles of underground ducts were constructed. In all subways (old and new) space for the fire and police wires of the District of Columbia are provided free of charge. (The telephones used by the District in its fire and police systems are furnished by this company at the rate of $5 per year.) A building costing, including site, about $200,000 was erected at Fourteenth and R streets NW., and upon its completion a modern central office equipment was installed therein. Another new building, to cost about $225,000, on Twelfth street near G NW., is nearing completion, in which a new and complete exchange equipment will be installed at an early date. The work is now under way and will be completed in the early part of this summer.

On the whole, in enlarging and improving the telephone plant in Washington, approximately $1,500,000 of new money has already been invested. The plans for construction and reconstruction work in 1904 alone call for an outlay of approximately of $750,000.

The purpose of the management has been and is to provide in Washington a telephone system that for comprehensiveness and completeness shall not be surpassed. In January of this year the plant now under construction was inspected by the general manager and chief engineer of the National Telephone Company of Great Britain. They had visited the principal cities of Europe and America, and upon the completion of their inspection declared that nowhere had they seen provision for the future made on such an adequate scale as in the city of Washington.

We appreciate that during the general reconstruction work that has been going on our service has not been up to the high standard of efficiency which we hope soon to be able to maintain. We practically have been replacing an old telephone plant with a new one, at the same time being compelled to keep the old one in constant operation.

A very rapid development of the system is going on. During 1903 the percentage of growth in telephones was larger in Washington than in any other city in America having a population of 150,000 or more, except Baltimore and St. Louis, and the percentage in Washington was only a fraction of 1 per cent less than in St. Louis.

On the 1st of March, 1904, there were approximately 12,159 stations in service, while on June 30, 1901, there were 6,726—an increase in twenty-one months of 81 per cent.

The rapid growth of the past few years has been largely due to the modifications of rates made from time to time. Apparently the present rates are not fully known and understood.

For business places the rates vary with the number of messages sent, a plan of graduated charges varying with the amount of use being the only one under which a wide and general use of the telephone in a great city can be accomplished. For residences the rates, except where several telephones are grouped on one circuit, are "flat." The annual charge for an unrestricted use with but one telephone on the circuit is $72 per year. This rate is subject to a discount of 50 per cent during suspension of service, which may be for four months in one year, thus reducing the charge in many cases to $60 per year. The rate for unrestricted use where the circuit is shared with one other subscriber is $48 per year. When four telephones on one circuit are used for different subscribers, the charge for each is $36 per year for the right to send 600 messages in the year. Telephone experts agree that to offer unrestricted use of telephones, where there are as many as four on one circuit, in a city as large as Washington would greatly impair the efficiency

of the service, not only to the subscribers having such telephones, but to all users of the system.

The extent of the rate modifications made since 1898 is shown by the fact that at date the average rate per station was about $96, while at the first of this year it was less than $50.

In February, 1903, a statement respecting the litigation involving the validity of the act of June 30, 1898, was made to the Senate Committee on the District of Columbia. I attach hereto, for your information, a printed copy of that statement, which shows the history of the litigation from its beginning to that date. Since then the agreement of compromise referred to in the statement having become ineffective, the case was proceeded with in accordance with the mandate of the Supreme Court of the United States. After additional evidence was taken and arguments made, the supreme court of the District of Columbia held that the act in question did not apply to the class of telephone service generally in use in this city at the present time. An amicable settlement was made with the litigants, and the cases were by them dismissed.

In resorting to the courts the company did not feel that it was defying Congress, but only exercising that high privilege which the Constitution guarantees to every citizen, and throughout the litigation it proceeded on the understanding that Congress intended only to establish rates that would prove to be reasonable and fair.

The company was organized in 1883 with a capital stock of $2,650,000 (par value per share $100), which has not since been changed. Its bonded debt is $1,410,000.

Since 1883 the dividends paid have varied in amount. They may be summarized as follows: For three years at 5 per cent, for four years at 4 per cent, for three years at 3½ per cent, for one year at 3 per cent, for one year at 2½ per cent, for five years at 2 per cent per annum; for four years no dividends. Average for the period, 2.6 per cent per annum.

These statements relative to capitalization and dividends can easily be verified by inquiry at the office of any broker who deals in telephone securities. The dividends have been in no year excessive, but, on the contrary, far below the reasonable expectation of any investor, and the capital upon which they have been paid represents cash paid in and payments for telephone property necessary for the conduct of the business. No stock dividends have been declared and no division of profits, except the dividends mentioned, has ever been made.

The company operates in the District of Columbia and in parts of the States of Maryland and West Virginia. Of a total of 30,500 telephones in service, approximately 15,000 are in Baltimore, over 12,000 in Washington, and the remainder in other parts of the territory. The schedule of rates in Baltimore and Washington are substantially the same.

During 1903 the company's earnings from its entire operations, after meeting the operating expenses and the interest on its bonded and floating debt, yielded a revenue balance less than $2,700.

The floating debt referred to, now more than $2,500,000, has been created to provide for new construction during the past few years.

If the provisions in question are enacted into law, development will be arrested, the efforts of the company to provide an adequate plant and render efficient service will be seriously interfered with, and consequently the existing investment will, to a large extent, be destroyed.

I have the honor to be, very respectfully, yours,

U. N. BETHELL, *President.*

The document referred to is as follows:

TELEPHONE RATES IN THE DISTRICT OF COLUMBIA.

FEBRUARY 10, 1903.

The subcommittee having under consideration the amendment intended to be proposed by Senator GALLINGER to the bill H. R. 16824) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1904, and for other purposes, met pursuant to notice.

The amendment is as follows: After the word "dollars," in line 19, page 23, insert the following:

"*Provided*, That the provision in the act of June 30, 1898 (30 Stat., 538), fixing charges for the use of single or grounded wire telephones in the District of Columbia be, and the same is hereby, repealed."

Present: Senators DILLINGHAM (chairman) and MALLORY.

The CHAIRMAN. Gentlemen, the committee is ready to hear any remarks that you may desire to make upon this proposed amendment.

STATEMENT OF UNION N. BETHELL, PRESIDENT OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY.

Mr. BETHELL. Mr. Chairman, I am the president of the Chesapeake and Potomac Telephone Company and appear here in its behalf.

At the outset I would like briefly to state the circumstances surrounding the enactment of the bill which it is proposed by this amendment to repeal, and to give in a few words the story of the litigation that has taken place.

As was customary in the early days of the telephone business in Washington the rates were flat; that is to say, there was one rate for all subscribers, regardless of their use of the telephone, whether large or small, and there were many practices or privileges which telephone subscribers enjoyed almost everywhere, and such as subscribers in small places now enjoy. For example, to name only one such privilege, all subscribers were permitted to use the telephone indiscriminately wherever they happened to be without any additional charge being imposed. In the course of the development of the business it became necessary to change some of these practices, and the company, instead of tactfully changing them, changed them perhaps arbitrarily and in that way antagonized a number of its subscribers. It was unfortunate enough to have the hotel proprietors antagonized, and then the druggists and physicians, and these various people got together and endeavored to adjust the matter with the company, but were unable to do so or unable to receive what they thought to be a proper consideration of their grievances, and then they came to Congress.

A committee was appointed by each of the Houses of Congress to investigate the matter, but while those investigations were proceeding, and before any report whatever was made, this bill, which subsequently became a law, was introduced as an amendment to the appropriation bill and was passed. There was really no hearing and no previous inquiry of any sort, so far as the records show. When Congress adjourned the expert accountant who had been appointed by the Senate to make an investigation of the company's books was employed by the company to continue his investigation to completion. The subscribers expected the company to comply with the law, but the company, feeling that it could not possibly do so on account of the low rates—the rates ranged from $25 to $50 per year for telephone service anywhere in the District of Columbia—declined to comply with the law, and a suit was brought to compel it to do so. This was followed by other suits, numbering perhaps something over 100 all told. Those were combined in one case, or a test case was made of one of them, and the others were consolidated with it, and the matter went to the supreme court of the District of Columbia.

The expert accountants had carefully gone over the books of the company from 1892 to 1898. They also had access to all papers of the company, and the books and papers were placed at the disposal of counsel on the other side. A mass of testimony also was taken respecting conditions not only in Washington, but in various cities of the United States and other countries. Exhaustive arguments upon the subject were made, and the supreme court of the District of Columbia held—I shall not attempt to quote any of the decisions verbatim, but merely give the substance of them—that the rates were unreasonably low, and that the act amounted to a confiscation of the company's property, and therefore the act was unconstitutional and void.

At that time the company had about 2,000 telephone stations. I mean by stations one of these sets of instruments from which you can talk to any other similar set of instruments. About one-half of them were on the old-style ground-circuit lines, with which, I take it, you are familiar; the other half were on metallic-circuit lines. No distinction was made in presenting the case by either side between these classes of lines. The total earnings and the total expenses of the company's business were divided by the total number of stations, and thus averages were obtained.

Immediately after that, or within the proper time, an appeal was taken to the court of appeals of the District, and there the case took quite a different turn, the decision being that the company, being a foreign corporation and operating in the District without a direct franchise from Congress, was required to accept the rates, whether reasonable or unreasonable, or withdraw from the District. Now, up to that time, or rather up to the beginning of this litigation, I think, there was no demand on the part of the public, or no wish rather, that the company should withdraw. There was no wish on the part of the company to withdraw, and the record of the investigation that was then going on in the House contains matter supporting that contention. I shall not, however, take the time to refer to it. The company, I wish to say by the way, had come here and had observed all the rules and practices enforced by the Commissioners, and had obtained proper permits and had constructed its plant, thinking at least that it was welcome to do business in the District, and thinking at least that it had the right to do so, but the court of appeals threw some doubt upon it, or at least held as I have stated.

Then the case went to the Supreme Court of the United States. Up to that time, as I have said, all of the counsel on both sides of the case had dealt with it as if it covered every telephone in the entire system—all classes of telephone. In fact, in granting the preliminary injunction, it was held that it covered every conceivable kind of a telephone. However, in its decision the Supreme Court of the United States pointed out that there were several different kinds of telephone equipment; there was a superior kind, a metallic service——

Senator MALLORY. That was all in the evidence before the court, was it not?

Mr. BETHELL. That was all in the evidence; yes, sir.

Senator MALLORY. They did not volunteer that?

Mr. BETHELL. No, sir; it was all shown in the evidence. As said by the court, there was a superior kind and an inferior kind or class, and in each of these classes there were several subclasses or grades; the law was not clear on the subject, and the trial court had not taken these facts into consideration. It therefore sent the case back for further inquiry as to which of these kinds of equipment Congress intended the rates to apply, and also whether or not the rates fixed were reasonable for the kind of equipment to which it might be found to apply.

That, I think, briefly, is the history of the litigation. We found at the end of four years—both parties found—that they were back at the starting point. During those four years the company had, although laboring under great difficulties, made a number of changes in its rates and in its practices. At the time the act was passed there were 2,000 stations and the average rate was about $98. At the present time there are something over 9,000 stations and the average rate is less than $56. So that during this period the conditions, so far as rates are concerned, have materially changed. The present rates of the company vary from $36 to $120 per year, the $36 rate allowing the subscriber to send 600 messages, the charge for additional messages from 5 to 3 cents each, according to the number used.

The company prior to the enactment of the law had introduced what is known as the "message-rate system," but had not published it at all, and at the time the law was enacted there were very few subscribers taking telephone service on that basis. At the present time over 80 per cent of the more than 9,000 (excluding Government telephones) pay for their service on the message-rate basis. In large cities—though not in small towns—it has been found by telephone engineers and managers, as well as students of the subject, that the best and perhaps the only practicable way to develop a telephone system is through a message-rate plan, or a plan of rates graded in some way. In New York, I may say in passing, in the last eight years under the message-rate system the number of stations has grown from about 10,000 to 105,000. Message rates have been adopted generally throughout the United States and in the principal European countries, but I have not the time to give you the details.

The CHAIRMAN. By that you mean that each subscriber pays in proportion to the amount of business done?

Mr. BETHELL. Yes, sir; he pays according to the amount of service rendered to him as measured by the number of messages he sends. The reasonableness of it seems clear. The man who sends one or two messages a day, or even five or six, should not pay the same as the large business house or Government bureau or department that sends 10,000 or more messages a year.

Without going too much into detail—the sending of a message means not only the use of the line between the telephone and the particular central office to which it is connected—that would not add much to the cost, but when you have a great comprehensive city system, with its several central offices, its various trunk lines, and its numerous operators, and its large staff, the volume of business directly affects your expense account. So there must be some scale of rates based upon the amount of service rendered to different subscribers. In the early days there was a crude basis, that is to say, business places were charged more than residences.

The average residence does not use as much as the average business place, and another thing, the residence use is extended through the hours of the day rather evenly, while those of the business house are congested within the few business hours, and your plant must be constructed in order to take care of the business at the busiest five minutes of the day, because in the telephone business you must provide a plant which will put everyone in the system immediately in connection with any other one with whom he desires to talk. None of the principles that I have spoken of apply to small places.

I may say also that, for the reasons suggested, even in a large city like this, a flat rate for residences may be a proper rate, as such a rate would not do violence to the general principles embodied in a message-rate plan.

Going to the other extreme—that is, taking the very largest users—you have people who require a great number of telephones, and for these private branch exchanges are provided; that is to say, a small switchboard is placed on their own premises, with a number of stations scattered throughout the premises, and from any one of these one may talk to anyone on the same premises, thus giving a private system; and from that switchboard there are lines running to the exchange system by which one can reach not only all points within the city, but also long-distance points. In this we have a combination of public and private systems. The rates are so arranged for a system of that kind that there is a specific charge for the equipment, a specific

charge for the line, and a charge for the amount of service rendered. That is what I consider an ideal system. In Washington nearly all of the Government Departments have large systems of this kind.

One of the peculiar things connected with this law, showing its vagueness, is this circumstance: Soon after it was enacted the question arose as to what those private branch exchange telephones were. There was a rate for a telephone on a separate wire; one for two on a wire, and one for three, and one for four or more on a wire, and there it stopped with those four classes. Private branch exchange stations did not seem to the company to fall into any of these classes. There was a combined private and public use, and the highest class of facilities and the highest class of service, which we thought was special and apart, which did not fall within the purview of the act. But the supreme court of the District of Columbia, in the first injunction case, held that it covered every conceivable kind of telephone. When the question came to the Comptroller of the Treasury, he, following that decision, felt that he must place these telephones in one of these classes named. Taking the number of stations and the number of trunk lines and dividing the one by the other, he obtained a quotient greater than four, and therefore held that these telephones must go in the class of four or more on a line, giving the company for the highest kind of equipment and service the lowest rate provided for in the act.

That would have worked out fairly well if in all cases all of the stations in the various departments had been confined within one building, but these 325 telephones were established in the houses of some of the officers of the Departments, sometimes at great distances away, in branch offices, in stables, etc. The company was required, because its lines were underground, to run lines connecting each of these stations with its central office and thence back again to the Department, and perhaps furnish twice the lines and sometimes four or five times the service that it would to an ordinary subscriber paying the highest rate. If that were done only in exceptional cases there would be no especial hardship on the company, but it occurred in a great many cases. As a result the Government under the statute receives service at far below its cost.

To maintain a living average rate, if a large amount of the business is at rates below the average, the rates above the average must be kept at a very high point. Therefore with Government business being done at less than cost an improper burden is thrown on the citizens of the District. By these conditions the company's hands have been tied so that it could not reduce some rates that it otherwise would have reduced and should reduce.

About a year ago the company felt that it ought to extend its plant and introduce a modern system here. Up to that time, although the ground-circuit lines had practically disappeared, the central office equipment was of an old type. We were unable to construct lines because several years ago Congress had directed that no further permits should be issued by the Commissioners until a certain date occurred, or until a certain event happened, and as a result of that we were unable to put down underground lines or lay out a comprehensive plan for the development of the telephone business here on a large scale. The streets were full of overhead wires. It was impossible for the company to take them down because there were no subways. Very often, in order to connect a subscriber, it was necessary to run a long line over a circuitous route, over housetops and through alleys. Thus we were required to incur a great amount of unnecessary expense. For, it must be remembered, many of these lines were to be but temporarily used, because in a short time public sentiment would not allow them to remain overhead and, further, it would not be to the company's interest to keep them there. As a result of all this, it is necessary to take down a large amount of plant and sell it practically as junk.

The matter came before Congress last summer, and an act was passed permitting an extension of the subway system. During last year, although the act was not passed until the middle of the year, having excellent weather and being able to work right up to the close of the year, we constructed over 12 miles of conduit. We have already presented our plans to the Commissioners for an equal amount for the present year. A large amount of it is to be constructed in the eastern portion of the city and a large amount of it over in Georgetown, and it is proposed within the next two years, if the company is permitted to carry out its plans, if not restricted by adverse legislation, to expend in the betterment of its plant here—that is, in new work—about a million dollars. After that time, if the business develops as it should, there will perhaps be another million to expend; but as to the future I have not made exact calculations. I speak of this because the company in investing this money realizes that to succeed it must have the good will of the public. It is absolutely dependent on that good will to obtain a fair and reasonable return upon this investment as well as the investment already made. To secure and retain this good will it appreciates that it must give good service, fair treatment, and reasonable rates.

During the inquiry made by Congress in 1898, which was never completed, an officer of the company, being asked what profits it expected to make, made the unfortunate response, 35 per cent. He meant by profits the difference between the operating expenses and the gross earnings. Bookkeepers sometimes call that difference "profits." In the railroad business, for instance, it takes about 65 per cent of the gross earnings merely to operate the plant; the remainder of these so-called "profits" must provide for depreciation of plant, bad accounts, contingencies of various sorts, and, finally, for interest on the investment. It was that which he had in mind and that which he afterwards explained he had in mind. But his first statement, without the explanation, was heralded through the press and talked about generally. That made the public—and I am not finding fault with the public for so concluding—suppose that the company was not satisfied with less than 35 per cent in the way of interest on its investment. During the last year, 1902, the earnings and expenses of the company were such that even at the contract rates the earnings were not sufficient to meet the operating expenses, provide a reasonable amount for depreciation, and pay 6 per cent on its capital actually invested. Without reference to any question of bonds and stock I simply say that the earnings were not sufficient to pay the operating expenses, provide a reasonable fund for depreciation, and pay 6 per cent on its actual investment.

Senator MALLORY. What do you mean by contract rates as distinguished from other rates?

Mr. BETHELL. We use the term contract rates to distinguish them from statutory rates.

Senator MALLORY. Have you been observing the statutory rates?

Mr. BETHELL. No, sir; that is what all this litigation has been about.

Senator MALLORY. They have not got out any injunction during this time?

Mr. BETHELL. Yes, sir; I am coming to that point. Each one of these hundred cases that I have spoken of came up in the nature of an application for an injunction, and in each of the cases the company was enjoined from charging more than the statutory rate.

Senator MALLORY. It was a preliminary injunction, was it?

Mr. BETHELL. It was a preliminary injunction; yes, sir. It was provided, however, that the difference between the statutory rate and the contract rate should be kept in suspension, and in the event of a decision favorable to the company there was an undertaking in each case that the amount would be paid in full with interest.

Only a few days ago this matter was taken up with the Telephone Subscribers' Association with a view to settling our differences, if we could, in an amicable way. The Telephone Subscribers' Association was the crystallization of those several elements of dissatisfaction already spoken of, and they thought they were protecting the public interests. I think myself, with all due respect to them, that they stood in the way of the public interests, but that difference of opinion amounts to nothing, because from their standpoint I am perfectly satisfied that they felt they were working for the public interests all the way through. The Subscribers' Association had, at the outset, some 700 or 800 active members. Of 2,000 subscribers that is a very large percentage. At the present time there are 9,000 or more stations—these, however, include the Government telephones—and of this large body of subscribers the Telephone Subscribers' Association represents only a few, perhaps not more than 200. Although numerically small, it is composed of some of the most influential men in the city, and men whose good will is particularly desired.

I found the gentlemen representing the association in a most conciliatory mood and I felt exactly the same way. We had had a long war and a good fight and a fair fight. They had fought us fairly all the way through, and neither of us knew just exactly how to proceed, because we were back again at the starting point. The company was willing to make a considerable concession to settle those hundred suits, if it was possible to settle them. The association had been waging what it considered a war for the public interests. The hundred who had obtained injunctions had borne the trouble and expense of the war, and it was thought that they were entitled to some special consideration. I was willing to wipe out the old score; cross off the amount which we had held in suspense in these wars, and, as to those subscribers, accept the payments which they had made at statutory rates and release them from all the rest. But, from the standpoint of the association, that seemed hardly fair to all the interests involved, because certain people who were not represented in those suits had contributed money to the association, and the association owed some debts which should be discharged.

It was therefore suggested that, instead of remitting the entire amount of the suspended accounts in question, we should remit one half of it and pay an amount equal to the other half, as estimated, to the association, that it might refund certain contributions and discharge its debts.

That suggestion was acceptable to me, and an agreement has been entered into by which, in the event of the repeal of this act, all of these suits shall be dismissed on the basis stated.

I have given you briefly the substance of the agreement. If there are any particulars which you desire to know I shall be pleased to give them to you.

There are a number of other associations in Washington, some of them quite prominent, and I have a few letters from them which I will leave with the committee, that they may be printed in the record.

I may say that after this agreement with the association was reached I thought it proper to ascertain how some of the other associations felt about the matter, because I have been doing business with a great many people connected with these associations during the last year. I knew how some of them felt, and therefore this morning, by a personal visit or through a representative, I have consulted a number of the officers of these associations.

Last October, 1902, the Columbia Heights Citizens' Association were good enough to transmit to me the following resolution of thanks for extending our subway system to their section, and with the assurance of its cooperation in furthering all matters of mutual benefit to the public and the telephone company.

The resolution is as follows:

"Whereas the measure delimiting the territory for underground conduits for telephone wires has become a law, with the northern part of said territory extended so that Columbia Heights and adjacent subdivisions are included to Park street and Whitney avenue on the north and to Eleventh street on the east, instead of to Columbia road and Thirteenth street, respectively, as originally proposed.

"Whereas for this proper extension the citizens of Columbia Heights and adjacent subdivisions are indebted to the recommendation of Commissioner Macfarland and to the hearty cooperation of Mr. U. N. Bethell, president of the Chesapeake and Potomac Telephone Company: Therefore,

"*Resolved*, That the Columbia Heights Citizens' Association tender to these gentlemen its thanks, and also the assurance of its cooperation to further all matters of mutual benefit to the public and the telephone company."

In view of the following letter addressed to this committee by Charles S. Bundy, first vice-president of the Columbia Heights Citizens' Association, on the 10th instant the matter was again brought up.

"I am much gratified to learn that a better feeling has begun to be manifest between the Telephone Subscribers' Association and the Chesapeake and Potomac Telephone Company, and that the indications are that complete agreement may yet be reached whereby the company will be permitted to perfect their present plans for the extension of its underground cables and improved service. The Columbia Heights Citizens' Association, for a considerable period of time, occupied a hostile position toward the company for the reason that the opinion prevailed that the company were unwilling to put their service wires underground, and a committee, of which I had the honor to be chairman, was appointed to confer with the company and try to bring about an exchange of views to the end that all wires in Columbia Heights might be buried. The several interviews had between this committee and the officers of the telephone company served to convince the committee that the managers of the company had been greatly misjudged, and, so far from desiring to maintain their overhead system, were only too glad to be allowed to bury their wires.

"This resulted in a complete reconciliation, and I believe that I voice the sentiment of the citizens of Columbia Heights when I say that they are unanimously in favor of a liberal policy toward the telephone company and in favor of extending to the company every encouragement to the end that they may complete their plans and furnish to the people of the District an up-to-date telephone service at reasonable rates. If there is anything in the existing law to prevent the company from accomplishing this, then the law surely should be repealed. Believing as we do now in the friendly disposition of the management of the telephone company, we would be perfectly willing that the company should be permitted to establish a scale of rates fair to the public and the company alike, leaving to a future session of Congress any laws which may hereafter appear to be necessary."

The Chesapeake and Potomac Telephone Company has also received the following communications from other associations in the District of Columbia containing similar expressions of approval, which I will read:

BUSINESS MEN'S ASSOCIATION OF WASHINGTON, D. C.,
Washington, D. C., February 19, 1903.

MY DEAR SIR: The Business Men's Association has, as you and the public well know, been most active and energetic in its efforts to bring about such adjustment of the telephone rates as will best subserve the public interest. Understanding that a satisfactory conclusion has been reached between the Telephone Subscribers' Association and your company, I feel that every encouragement should be given the Chesapeake and Potomac Telephone Company to prosecute its work along its present lines. I am satisfied that your company has for some time been making every effort to bring its system into

conformity with the public wishes, and it has been sparing no effort to better its equipment to meet the requirements of the people. I feel, therefore, that no encouragement to your efforts should be withheld, but on the contrary your endeavors to broaden and better the telephone system in the District of Columbia upon the basis of reasonable charges should not only receive the support of our association, but of citizens generally.

I am, sir, very truly, yours,

BARRY BULKLEY, *Secretary.*

FEBRUARY 10, 1903.

GENTLEMEN: Replying to your inquiry of this morning, I beg to say that, as a subscriber and a resident of the northwest suburbs of the city, I heartily commend the efforts the company is making to extend its lines and improve its service in that direction, and I will approve any equitable plan which may be suggested to settle the pending suit with subscribers.

Very truly, yours,

JAMES H. TAYLOR.

BRIGHTWOOD AVENUE CITIZENS' ASSOCIATION,
DISTRICT OF COLUMBIA,
February 10, 1903.

DEAR SIR: I feel that the telephone service has improved in last few years; rates or charges have been reduced materially, and suburban service particularly extended to accommodate the people of Takoma, Brightwood, and vicinity.

——— ———.

FEBRUARY 10, 1903.

DEAR SIR: On behalf of the Mount Pleasant Citizens' Association, I desire to thank you for your attendance at our recent meeting and for the information given us about the plans of the company to extend its lines in our section of the city and about rates for telephone service.

I feel that the company has done much during the last few years to modify its rates and establish a schedule of rates fair to the public as well as the company, and hope that it will be permitted to continue to adjust its past difficulties with its subscribers in a manner satisfactory to all concerned, as we feel sure, under the improved conditions, it can if not prevented by adverse legislation.

Very truly, yours, ROBERT H. YOUNG.

NORTHEAST WASHINGTON CITIZENS' ASSOCIATION,
Washington, D. C., February 10, 1903.

DEAR SIR: Having been advised that your company is desirous of extending your conduit lines into northeast Washington, I deem it due to the citizens of northeast Washington to lend my aid to such proposition, that section being now nearly destitute of telephone convenience, greatly to the detriment of business facilities. Moreover, very few of the streets being paved, I deem it opportune to suggest that it would be well to lay the conduits now instead of after paving.

Very respectfully, yours, EVAN H. TUCKER, *President.*

CITIZENS' NORTHWEST SUBURBAN ASSOCIATION,
Washington, D. C., February 10, 1903.

DEAR SIR: Replying to your inquiry of this morning concerning the telephone service in our section as supplied by your substation recently installed at Somerset Heights, I would say it is entirely satisfactory both as to efficiency and rates charged.

There is perhaps no part of the District of Columbia in which prompt telephone service is so necessary as in the northwestern suburbs, where residents are widely scattered and the public utilities, including transportation and police and fire protection, are less adequate than within the city limits. Since the installation of the substation at Somerset Heights we have been able to connect our houses at moderate rates, with the fire and police departments and with local and city physicians, as well as with our places of business in town, and thus the chief objections to suburban residence have been removed. We hope that the establishment of this service will do much to develop our section, and I desire to express our appreciation of your cooperation in this direction.

Very truly, yours,

W. L. CROUNSE,
Chairman Telephone Committee
Citizens' Northwest Suburban Association.

These letters and the agreement with the Telephone Subscribers' Association indicate, I think, that the entire community is fairly and fully represented and is not opposed to the proposed amendment. I trust that the committee may see its way clear to favorably report upon the measure, and that by its repeal the company will be permitted to carry out its plans for the improvement of its plant and service and to establish a schedule of rates which will be fair and satisfactory to all concerned.

I thank you, gentlemen, for your attention.

STATEMENT OF MR. A. A. BIRNEY, OF ATTORNEYS FOR THE TELEPHONE SUBSCRIBERS' ASSOCIATION.

Mr. BIRNEY. Mr. Chairman and gentlemen of the committee, as one of the attorneys for the Telephone Subscribers' Association, who have carried on this contest from its inception to the present time, I feel that because of the very frank statement which the president of the telephone company has submitted concerning that contest leaves very little to be added by me. But as the association has requested that we submit our views to the committee, we have preferred to put them in writing, which we have done. They are signed by me and my associates, Henry F. Woodard and John J. Hemphill, as attorneys for the association.

We are directed by the Telephone Subscribers' Association to state to the committee its attitude upon the pending question. This association was formed early in 1898 with the purpose to secure, if possible, fair rates and fair service from the telephone company. As a result of its agitation of the subject the proviso now proposed to be repealed was enacted. Afterwards the association was, against its will, forced to assume the labor and cost of compelling compliance with that statute. This, in our opinion, should have been undertaken by the legal department, since the Government was financially much more interested in supporting the law than any limited number of citizens could be. For more than four years this expensive effort has continued, and we now find ourselves not advanced beyond the starting point, so far as the final determination of the legal question is involved. No questions in the case have been finally determined, and if litigation continue, several years must pass before they can be determined by the court of last resort.

The act of 1898 was never satisfactory to anyone. Its author did not intend that it should become a law in the form in which it was presentd by him to the House of Representatives, and it has been always regarded by the association as wholly inadequate to the situation. It does not at all cover the ground, and if it is to stand it should be added to by further provisions.

The association also recognizes that since the passage of this act of 1898 local conditions have greatly changed. Improvements in methods have been introduced, and average rates of charges have been lessened. In view of these changes the act of 1898 is yet more unsatisfactory, and in the light of information, not accessible in 1898, the justice of the act has become more doubtful. The association also finds that many of its supporters in 1898 are now apparently satisfied with the treatment accorded them by the telephone company, and are unwilling to give further financial or moral support to the continuance of litigation.

The association has never wished to do injustice to this company, and under existing circumstances is willing to withdraw its opposition to the proposed act of repeal, and rely upon the sense of justice of Congress to see to it hereafter that a proper inquiry be made into what are fair rates and to compel them.

ARTHUR A. BIRNEY,
HENRY F. WOODARD,
JOHN J. HEMPHILL,
Attorneys for the Association.

Senator MALLORY. As I understand it, from the point of view of the association, you have no objection to the repeal of this statute?

Mr. BIRNEY. No. As stated by Mr. Bethell, the president of the telephone company, an adjustment has been made of the matters with the association. But we are influenced by the consideration which is stated here, and we have no wish to oppose this proposed repeal.

The CHAIRMAN. Mr. Moore, have you a copy of this bill?

Mr. MOORE. There is one before you.

Mr. STAPLES. Mr. Chairman, I want to say that in addition to the discharge of these suits the telephone company has agreed with us that during the next Congress that company will agree to some bill to be passed by this body that will be fair and equitable to the citizens as well as to the telephone company. That is your understanding, Mr. Bethell?

Mr. BETHELL. That is not my understanding. My understanding was had with the attorney of the association, and if there is any misunderstanding between myself and the attorney, the attorneys should speak. The contract is very clear on that point.

Mr. BIRNEY. That is all right.

Mr. STAPLES. That is all right, is it not, Mr. Bethell? We want that to go before the citizens' association.

Mr. HEMPHILL. Mr. Chairman, I understand that this measure proposes to repeal the former act. Does it?

The CHAIRMAN. Yes, just simply proposes a repeal.

Senator MALLORY. Mr. Birney, if the committee offered an amendment to repeal the act, the amendment to have the indorsement of the Committee on the District of Columbia, that will be agreeable to all concerned?

Mr. BIRNEY. So far as we understand the proposition.

Mr. HEMPHILL. Yes; we will leave the matter in your hands.

Thereupon the subcommittee adjourned.

Mr. BABCOCK. Mr. Speaker, I ask that the printed statement in connection with the letter be printed with the letter, but that the reading be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the printed statement be printed in the RECORD.

Mr. ROBINSON of Indiana. Reserving the right to object, I want to know the character of this printed statement.

Mr. BABCOCK. It is the evidence before the Senate committee on this subject.

Mr. ROBINSON of Indiana. When taken?

Mr. BABCOCK. Taken in February.

Mr. ROBINSON of Indiana. February of this year?

Mr. BABCOCK. In 1903. It is simply a question of facts and for the information of the House.

Mr. ROBINSON of Indiana. Is the gentleman ready to answer any interrogatories with reference to the operation of this company, and can he give us any information or light upon the subject of the amount of reserve fund?

Mr. BABCOCK. This statement is intended to cover all of those points, and gives the financial status of the company. I simply make the request to have this published for the information of the House.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I do not desire to object to anything that is asked for; but I do desire to make an inquiry of the gentleman from Wisconsin, who is chairman of the Committee on the District of Columbia, if there was any prospect of that committee taking into consideration or recommending legislation from that committee relative to the relief of the people of this District from the oppressive charges made by the telephone company for its very inefficient service.

Mr. BABCOCK. Mr. Speaker, in answer to that I would say that I sincerely hope that the amendment——

Mr. BARTLETT. I can not hear the gentleman.

Mr. BABCOCK. I will say that I hope that out of this amendment adopted on the appropriation bill a settlement of the rate question can be made. The gentleman himself, when h investigates the amendment, will find that it does not answer the purpose that he intended when he offered it, and the object in presenting this information to the House is that between the House and the Senate, or in the conference committee, the rate question can be adjusted so that the District Committee will not have to take it up again.

Mr. BARTLETT. If I may be permitted to say in reply to the gentleman from Wisconsin, Mr. Speaker, I was fully aware that the amendment offered by myself to the District appropriation bill would not of itself relieve the situation, because I was compelled under the parliamentary rule on which we considered that bill to reenact the present law, which the telephone company since 1898 have been defiantly violating in this District.

I was in hopes that with that as a basis the Senate and the con-

ference committees of the two Houses, when they came to consider that amendment, would have an opportunity and would take advantage of it to enact the necessary legislation which would relieve the people of this District from the enormous charges and excessive rates which are now in existence for that service, and I am very glad to know from the chairman of the District of Columbia Committee that he is in sympathy with that view.

Mr. BABCOCK. Now, to say one word in reference to that amendment which the gentleman offers. He provides there for a charge of some $25 to the District; that they shall not exceed, I think, twenty or twenty-five dollars.

Mr. BARTLETT. Fifty dollars for a single wire, $40 for two wires, and so on down to $25.

Mr. BABCOCK. Now, Mr. Speaker, I want to say that the charge to the District for telephones used by the police and fire departments, which includes the free use of underground ducts and pole lines, is only $5; and that amendment, if adopted, would permit the company to increase its charge very materially.

Mr. BARTLETT. No, sir. The report made to the chairman, Mr. McCLEARY, the gentleman from Minnesota, who had that bill in charge, by the president of this telephone company stated that the charges were $50 for a single wire, and so on, in accordance with the law; that with reference to the telephones which were used for Government purposes they obeyed the law.

Mr. BABCOCK. The District, I am talking about.

Mr. BARTLETT. That for the public service rendered to the Government in the District of Columbia they obeyed the law, but when they came to deal with individuals they defied the law. That is in the record.

Mr. BABCOCK. Now, Mr. Speaker, I want to say in reference to this charge that they have complied with the decisions of the court, which is the final arbiter and judge of legislation.

Mr. BARTLETT. Mr. Speaker, the company has not complied with the decisions of the court—I beg to differ with my distinguished friend—because the Supreme Court of the United States decided the case and sent it back to the District of Columbia court for investigation as to whether or not the charges were reasonable, and the telephone company settled with the then plaintiffs in that case to get it out of court and have no case pending. They never had a determination judicially as to whether their rates were reasonable or not or whether they could be made to comply with the law. They settled with the plaintiffs in that case, and they proceeded to increase their charges. They have not complied with the law.

Mr. BABCOCK. That was long ago.

Mr. BARTLETT. That was in 1900.

Mr. BABCOCK. The gentleman should post himself on the decisions of the courts.

Mr. BARTLETT. I have posted myself on the decisions of the Supreme Court of the United States in that case; there has been no decison since.

Mr. BABCOCK. I beg the gentleman's pardon. The case was proceeded with in accordance with the mandate of the Supreme Court of the United States. After additional evidence was taken and arguments made, the supreme court of the District of Columbia held that the act in question did not apply to the class of telephone service generally in use in this city at the present time. Consequently this legislation was not effective.

Mr. BARTLETT. Well, I do not know anything about the decision in the District courts.

Mr. BABCOCK. The gentleman is quoting that in face of the decision, and I simply wanted to correct him.

Mr. BARTLETT. I quote the decision as reported, and I quote the statements of the gentlemen who were parties to that case and the patrons of this company who were not a party, and the gentleman will not now state that the case ever went to a final determination. The gentleman can not state more than the case was appealed from the District court up to the supreme court of the District of Columbia, where the right to make these charges was withheld, and then appealed to the Supreme Court of the United States, and finally decided by a divided court, and the right of Congress to fix the rate was not denied, but it was referred back to the District court to take evidence as to what could be done under this law, as to whether these charges were reasonable or not.

That is history, and I do not think the gentleman can contradict that statement as the history of this litigation. A great deal of evidence was taken and before they got through taking the evidence the expenses and costs grew to such an enormous amount, the citizens themselves having to bear the burden of the litigation, that they got discouraged and settled with their adversary.

Mr. MANN. But the gentleman said there was no final decision.

Mr. BARTLETT. I did not so understand it.

Mr. BABCOCK. The settlement the gentleman refers to was made long ago before the decision of the supreme court of the District. The decision of that court is comparatively recent, in compliance with the order of the United States Supreme Court. The decision was that the law did not apply to a metallic circuit such as was in use in the District of Columbia. That was the final decision of the supreme court of the District.

Mr. BARTLETT. If that be true——

Mr. BABCOCK. The gentleman suggested that the court has not handled it.

Mr. BARTLETT. The information of the gentleman from Wisconsin is more recent than my own, and I accept what he says as true. But even if it be true, does not the gentleman from Wisconsin think that if Congress has not passed a law which authorizes and requires these gentlemen to furnish a service at a reasonable rate, it ought to do it as soon as possible?

Mr. BABCOCK. Mr. Speaker, I ask the gentleman from Georgia to read the letter and the information put in the RECORD this morning, and he will then be better able to determine what is a reasonable rate.

The SPEAKER. Is there objection?

Mr. COWHERD. Mr. Speaker, I want to say to the gentleman from Wisconsin that when I questioned the statement that he first read as the decision of the court, I understood that he was reading from the decision of the Supreme Court of the United States. As I remember it now and as I am informed by the gentleman from Wisconsin, it was a decision of the District of Columbia court. The Supreme Court of the United States did not pass on the question as to the reasonableness of these rates, but, as the gentleman from Georgia suggested, they sent it back for further hearing to report all the facts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MEDAL FOR JOHN HORN, OF DETROIT, MICH.

Mr. LUCKING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10306) to authorize a duplicate medal to be struck off and presented to John Horn, of Detroit, Mich., for life saving.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to strike off and present to John Horn, of Detroit, Mich., a duplicate of the medal voted by Congress to him in the year 1874, for saving many lives from drowning, in place of the said medal, which was stolen from him in October, 1901.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask what committee this comes from.

The SPEAKER. The Committee on Interstate and Foreign Commerce, as the Chair is informed.

Mr. LUCKING. It is recommended by the Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. LUCKING, a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. OVERSTREET. Mr. Chairman, I yield one hour to the gentleman from Massachusetts [Mr. POWERS.]

Mr. POWERS of Massachusetts. Mr. Chairman, I think I can fairly assume that it will not be an unwelcome diversion if I invite the House to the consideration of some subjects not directly connected with the postal investigation. I can not refrain from making some comment upon the scenes of Wednesday and Friday of last week, which were witnessed by this House and the public. To my mind it was the indignant and defiant uprising of the membership of this House when the apparent imputation was made that a large number of Members had been guilty of misconduct in the discharge of duty. The resentment was shared in quite as fully by those who were not named as by those who were.

There was no Member conscious of willful misconduct, nor was there one who believed that any Member was guilty of such misconduct. Is it surprising, under the circumstances, that there was exhibited some temper and a display of righteous resentment? For more than a century this legislative body has stood as the best

and highest expression of the popular will of the American people, its integrity unquestioned and its loyalty unassailed. It could not afford even for a single moment to allow the accusation or even the insinuation to remain unanswered. But if this investigation shall have the effect to determine and fix the relations between the great legislative department of the Government and the great Executive Departments of the Government, it will not have been in vain. [Applause.]

I had always, Mr. Chairman, assumed that there was no citizen in this country, however so humble, that he could not approach any executive officer of our Republic to present any well-founded grievance and make any reasonable request. If it be true that he has not the right to present to the great Department of the Government which we call the Post-Office Department his grievances, his reasonable requests, whether he make them himself or present them through his representative in Congress, it strikes me that it is time that we knew it. [Applause.] I had also assumed that the Members of this legislative body were here in the discharge of their duties as the representatives or delegates of the American people, and as such we had a right to make known their wishes, their necessities, their wants to any member of an Executive Department.

If it be true that we have not that right, the time has come when we should know what our rights are. The time has come when it should be written in the law how far we are to be permitted to go in the proper discharge of duty.

Why, sir, what is the executive branch of the Government? Outside of a few officers created by the Constitution, Congress has created all those offices. We have defined their duties. Each year we make appropriations for the maintenance of these Departments. We, as the representatives of the people, from the time of the adoption of the Constitution, have gone to the Executive Departments and made known the wants of our people.

It will not be claimed, Mr. Chairman, that the Post-Office Department is infallible. It is not true that the Post-Office Department gives service of a uniform character throughout the country. It is not true that it performs its service without more or less discrimination. If I find in my district an instance where the Department in the matter of postal service is discriminating against one office in favor of another office, have I no right to bring that matter to the attention of that Department?

Within the past few weeks I have had occasion many times to call upon the Post-Office Department—under no assumption that it was hedged in by privilege; under no assumption that it had put up a wall or a barrier against my right to appear there in behalf of my constituents—and I have made known to that Department a case of discrimination which is, I say, a discredit to the service. May I take the time, just for a moment, to illustrate that case?

The town of Wellesley, located in my district, has a population of some five or six thousand. For the past fifteen years there has been occupied for the business of the post-office a room for which the Government has paid $650 a year. That building is to-day unsanitary, unhealthy, without any modern appliances whatever, and with a lobby which the public have to use of only 10 feet square. That office in the last fourteen years through its receipts has paid the entire expense of the postal service of that town and turned into the Treasury of the United States, to be used elsewhere, $70,000, or $5,000 each year.

Some two years ago the people of Wellesley petitioned for better postal accommodations. The protest against the present office building came from all classes of citizens, from the hod carrier to the president of Wellesley College.

Now, I assumed that under those circumstances I had the right to go to the proper authorities in the Department and present that situation. I have done so. I have presented to them a proposition by which they may go to a new block, with twice the space they now occupy, with all modern conveniences, for an increased rental of $100. Up to the present time they have refused to make that change.

Yet, if I had succeeded in accomplishing what I have undertaken to accomplish—in providing for the people of that town an office suitable to their needs—a people who pay their own expenses for maintaining that office and turn over $5,000 a year in addition to the Government—if I had succeeded in carrying out the wishes of my people, I should have increased the expense of that station $100 a year, and I should have had the honor or the disgrace or the distinction, whatever you may choose to call it, of being enrolled in that list of Members which has been spread before the House.

I say to you, Mr. Chairman, that if the time has come when Members of this great body, representing in the aggregate 80,000,000 of people, can not make known the wants of their constituents to any Executive Department of the Government, we want to know it, and we want our relations with every Executive Department fixed, if necessary by law, declaring that our rights shall not be infringed by secret orders or infringed through the despotism of any petty chief. [Applause.]

It is not my purpose to go further into this question of the postal investigation. I have a feeling that the facts of this matter are coming out for the welfare of the people and for the justification of this House. I have no feeling that anything will occur in this investigation which will cast discredit upon this great legislative body. I have no feeling that our constituencies have lost confidence in any man upon this floor, and I do not suspect that in the elections which are soon to take place any Member of this House will receive less votes because he has had the energy and zeal to visit this great Department of the Government and make known the wants and needs of his constituents.

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me a question?

Mr. POWERS of Massachusetts. Certainly.

Mr. WILLIAM W. KITCHIN. Does the gentleman think there is any question now as to the legality of a Member of the House of Representatives representing his constituents in official matters before any of the Departments in the manner that has been done in connection with Post-Office matters as shown in the report to which reference is made?

Mr. POWERS of Massachusetts. I have never assumed that there was any question about it; personally I do not assume now that there is any question. But a Department apparently has seen fit to raise such a question, and I want to see that question settled either by the Post-Office Committee or by the select investigating committee; and if necessary that it be written in the law, I want to see it so written.

Why, Mr. Chairman, on that point, if it be true that we have not any right to make any suggestions to the Post-Office Department or to the executive branch of the Government, what right have the Post-Office Department to make suggestions to us? Take this bill as reported by the committee, and there is hardly a line in that bill in which there is not some recommendation upon the part of some one connected with the executive branch. If they can come to us and make known their needs, why should we not have the right to come to them and make known the needs of our constituents?

No one can consider this important bill now before the House without being tremendously impressed with the growth and development of the American people. This great agency of Government, the Post-Office Department, comes a little closer to the people than any other function of our governmental agency. When we consider that we have set up here an agency which establishes what may be called a "personal" relation between the Government and every inhabitant of this great country, we recognize the effect and influence of the Government over the people. A citizen in Eastport, Me., may give to this great agency a letter to be delivered to a citizen in San Francisco, and the Government must deliver that letter in accordance with his written instructions.

The person receiving that letter directs the Government to return a reply to the sender thousands of miles away, and all this is performed with dispatch and efficiency and for the smallest kind of a compensation, when you take into consideration the value of the service rendered. I notice that this bill carries nearly $170,000,000 for its maintenance for the ensuing year. When the postal service was established in this country, how little did those who inaugurated it think of what was to be its extension. To-day we not only have the free delivery in the great centers of population, but the business man of New York or Chicago, Philadelphia or Boston, may hand to this great agency of Government a letter which is delivered at the door of a logging camp in the woods of the State of Maine or at the door of a farm house upon the prairies of the Dakotas.

And this leads me to ask the consideration of the House for a few moments to two questions. One is the tremendous growth of Federal power, and the other is the tremendous growth of what may be termed "governmental paternalism." Have you ever considered, Mr. Chairman, the growth of Federal power in this country since the adoption of the Constitution? The thirteen States composing the original Union conferred what they supposed were very limited powers upon the central Government. Some seventy years ago, when De Tocqueville, the great French economist, came to this country for the purpose of studying our people and our form of Government and wrote his great book, Democracy in America, he said he was impressed with the weakness of the Federal Government; and he said that just so surely as the States resisted the Federal authority, just so surely the Federal authority would yield. That was in 1832; but that has all changed.

Even up to the time of the civil war views of a similar kind were entertained by strong and able men in all parts of the country. You remember that much-mooted question which prevailed for twenty years in this country prior to the outbreak of the civil

war, when men in this Chamber as well as in the Chamber at the other end of the Capitol claimed that a State had the right voluntarily to withdraw from the Union.

But the close of the civil war settled all those questions. Then it was that we commenced to be a nation. Then it was that the States throughout the Union commenced to see the necessity of a strong central power; and to-day I imagine that there is no nation where the central power is stronger than it is in the United States.

We have lived for more than a century under one constitutional form of government. We are the oldest nation in the world to-day with the exception of Great Britain and Russia. We live under a written Constitution, but that written Constitution has been yielding year by year to the tremendous pressure of popular opinion. The judiciary, whose duty it is to defend the Constitution—to fix the limits beyond which we shall not go, either in legislation or in the interpretation and the execution of the laws which Congress passes—is gradually yielding to popular opinion. You may remember that very sage remark which was made by that great modern philosopher, residing, I think, Mr. Chairman, in your own city—I refer to Mr. Martin Dooley—who said that the United States Supreme Court would never go far wrong so long as it watched the election returns and read the newspapers. [Laughter.]

Now, that was intended to be no criticism upon our great court of last resort, which has done so much for the advancement of jurisprudence, not only in this country, but in the world; but it was a great truth, stated in a homely way, that the Supreme Court of the United States will always give the benefit of a doubt to the American people. So, when that great court has been called upon to construe these different grants of powers which were made by the original thirteen States at the time the Constitution was adopted, they construe these grants a little more liberally each time, with a view of meeting the great needs and necessities of the Government.

As long ago as 1806 Henry Clay stated a great truth relative to the interpretation of the Constitution of the United States when he said:

> The Constitution, it is true, never changes; it is always the same. But the force of circumstances and the lights of experience may evolve to the fallible persons charged with its administration the fitness and necessity of a particular exercise of constructive power to-day which they did not see at a former time.

And that is true. While we have been sitting here this morning our Supreme Court has sent down a decision which very well illustrates what I have already said; and that decision, which shows the tremendous exercise of Federal power, is one of the best illustrations of what can be said with reference to it.

When we think of the power of this Congress practically to supervise all these great lines of transportation, to say to them, "You shall not consolidate these two lines which you are now owning and operating, lest by so doing it shall result in a restraint of trade or in a prohibition of competition," that is the exercise of a tremendous power; but we have exercised the great power of this Government, and are exercising it to-day, along other and different lines.

We commenced exercising that from the very commencement of the Constitution, and, if I remember correctly, it was the distinguished gentleman now occupying the chair [Mr. BOUTELL] who, from the abundance of his learning, told me that the first article upon which a duty was levied in the First Congress was, upon motion of Roger Sherman, imposing a tax of some 15 cents per gallon upon Jamaica rum, with the object in view of protecting an infant industry in New England, but nevertheless an important industry at that time, which was the manufacture of New England rum. The protection theory originated in the first session of the First Congress with the imposition of this tax to which I have referred.

Mr. FOSTER of Vermont. Fifteen cents a gallon.

Mr. POWERS of Massachusetts. Yes; 15 cents per gallon. But we have built up our system of tariff legislation in this country with a view of fostering and stimulating certain industries. We call it incidental protection; but, nevertheless, all through our tariff legislation you find the strong hand of the Government at all times fixing those laws with a view for the greatest benefit of the manufacturing and industrial interests of the country. But it does not stop with the mere matter of imposts or duties. It extends to our internal revenue, and under the great taxing power which that gives to us we are to-day protecting certain industries and we are embarrassing their competitors.

I take it that we have not yet forgotten the action of this House only in the last Congress when we placed a tax upon all the products known as "oleomargarine." Of course we did that to raise revenue, but incidentally we did that for the protection of a competitive industry in which the Representatives in this Chamber from the farming districts were concerned.

If I mistake not, my distinguished friend from Ohio [Mr. GROSVENOR] has before this House a bill which is along the same line with this exercise of the taxing power. At least he had that bill in the last Congress. I am not sure whether it is here now or not.

Mr. GROSVENOR. Will the gentleman allow me a word, in order to distinguish between those two bills?

Mr. POWERS of Massachusetts. Certainly.

Mr. GROSVENOR. The shoddy bill, which your shoddy manufacturers are so much disturbed about, puts a trifling tax of perhaps a quarter of 1 per cent, for the purpose of identifying the goods, as the original oleomargarine bill did. The oleomargarine bill, which I voted against and opposed, put 10 cents a pound—a prohibitive tax—upon the production of an article of food in the interest of another article of food. One is a tax for the mere purpose of police control, for the branding of the goods. The other is a prohibitive tax, building up one industry by destroying another.

Mr. POWERS of Massachusetts. I did not intend to criticise in any way the gentleman from Ohio. I am not sure but that I should have been with him if the bill came up for consideration. I was taking that bill as a good illustration of the great exercise of Federal power.

Now, of course you can follow the legislation of Congress, whether it has been enacted under the welfare clause of the Constitution, whether it has been enacted under the taxing power of the Constitution, or whether enacted under the control and regulation of interstate commerce, and you will find that we have been reaching out year by year a little further, and we have gone so far in this respect that our friends from that magnificent State of Iowa say that we have already gone too far and made it possible under the Wilson bill for the regulation of interstate commerce for a case of wine or a jug of whisky to walk around through that State and defy their laws which they have enacted for the regulation of their domestic affairs, and they ask us to remove the pressure of Federal power not because we have exceeded the Constitution, but because we have embarrassed the exercise of State authority.

If you will take into consideration also what we have done with a view to regulate the trusts and the combinations of this country, you will find that we have gone a long way to interfere with the industrial interests of our people. You know that the basic principle of government, upon which all government was originally founded, was for the purpose of preserving order and administering justice. That is largely the foundation of the great English Government to-day. But we have not stopped at the mere preservation of order and the administration of justice.

We have undertaken to reach out and control individual action. In this country to-day the individual in his industrial life is no longer free to do what he chooses, because whenever he attempts to oppress the weak, whenever he attempts to do those things which are not for the welfare of society, he comes in contact with the strong arm of the Federal power, exercised under the provisions of the various laws which we have passed for the regulation and the supervision of the industrial condition of our people.

Now, in my opinion, this exercise of Federal power is going to continue to go on. It is not going to stop here. If you will look over the files of the bills which are coming in here each day you will find that public opinion demands that we go even further than we have. Why, you take the bill introduced by the distinguished gentleman from Tennessee [Mr. BROWNLOW], which provides for the construction of good roads throughout this country—and there is no man sitting here at the present time who has not received scores of letters calling on him to give the aid necessary for the passage of that bill.

You will find bills here for the preservation of a great forest reserve up in New England, in the State of New Hampshire, and you will find support of the proposed law coming from the far West, saying that that is a wise thing to pass that bill. On the other hand, you will find a bill for the preservation of the magnificent historical trees in the great State of California, and I have received hundreds of letters from my own district urging me to use my influence to get Federal aid to carry out that project. You will find that the people themselves are looking to the Federal Government not only for the preservation of order and the administration of justice, but for the shaping of the industrial and social condition of our people.

Now, this leads me to the consideration of that other question to which I referred a little earlier in my remarks, and that is governmental paternalism. I noticed the other day an editorial in one of the ablest papers in New England charging Congress with going over to what was called "paternalism." It said we had already gone too far, and we ought to stop; that paternalism was just as bad if not worse than socialism. Well, it is true we have gone a good way into this matter of governmental paternalism. I think that was well illustrated by the statement made by one

of my colleagues the other day, that he had received a letter from a woman in his district who wrote to him, "You need not send me any Government seeds this year, but I will take in place of them a piano." [Laughter.]

Then, this morning I was shown a letter to one of the Representatives from Pennsylvania from a man who had invented a recipe to cure mad dogs, and he wanted the Government to buy it, and having bought it, to put it into a publication and give it out to the people of the United States. He was anxious that all the people should have the benefit of his great discovery, and he was anxious that the Government should publish it and distribute it among the people. We are engaging to-day some of the very best experts to write up books as to the best way of raising pigeons, the best method of raising a goat, the best way of raising all kinds of live stock. More than that, for the purpose of educating the people we are sending out to-day scores of publications.

Well, now, what is the effect of this? To my mind the effect of this paternalism is to bring the people of the country a little more directly in contact with the Government, so that they feel their dependence upon the Government. I want to make this as a proposition, Mr. Chairman, that if the United States Government were to cease the exercise of Federal power to which I have referred, and were to cease the exercise of this governmental paternalism illustrated by so many acts upon the statute books, by so many rules of the Department, that the effect of that would be to drive this country over to socialism in less than five years. We live under a form of government which can be changed at any time without a revolution.

The people of this country, acting through the ballot box, either directly or indirectly, may change every law upon the statute books; may change the Constitution of the nation and the constitution of every State, and they may do that without any revolution. They may do it by the proper exercise of the authority vested in them under the law. More than that, they may so change the Federal Constitution and the State constitution as to make it possible for the Government to take away every dollar's worth of property in this country without a cent of compensation and turn it over for the use of all the people. Now we are doing, it seems to me, the very thing which is necessary to prevent this country from being swung over to the wildest dream of Bellamy by bringing these people more closely in contact with the Government.

We expend each year some $600,000 or $700,000 for the distribution of seeds, for the distribution of shade trees, grapevines, and strawberry plants. While I do not quite agree that we are justified in doing that, when we make a gift in competition with our citizens engaged in such productions, you can not stop it. Public opinion demands it. It demands it in almost every district of this country, and every time that the Government does something for a citizen it brings that citizen a little closer to the Government. It makes the citizen a little more patriotic; and those who are coming here by the millions from those countries on the other side of the ocean, where so little is done for the citizen by the government, appreciate what appears to them to be the beneficence and helpfulness of the newly adopted nation under whose authority they have come to live.

But this leads me to the consideration of one important feature of this discussion before I close. I suppose that the United States before the close of this century, under the present growth of population and wealth, will have a population of at least 200,000,000 and a wealth of at least $300,000,000,000. Now, what is to be the policy concerning the civil service of this Government? The civil service of this Government is something that has got to be considered, and very soon considered, by the American Congress. When you take into consideration this great growth of Federal power—this great growth of paternalism—the civil branch of the Government which carries into execution the orders of the people as made through Congress has got to be considered and improved.

I say to you, Mr. Chairman, that what has occurred in the Post-Office Department is not a credit to the civil service of the United States. I say that the efficiency of many of the great departments of the Government is rapidly deteriorating. I saw the suggestion the other day make by General Ainsworth at a hearing before the House Committee on Reform in the Civil Service, in which he suggested that the true method for improvement of the civil service to carry out the great functions of government was the establishment of a national academy for the education of young men for that service. Now, to my mind, that suggestion is entitled to the most serious consideration.

When you take into consideration what those great academies—the academy at West Point and the academy at Annapolis—have done for the Army and the Navy of the United States, it is something that entitles this other suggestion to great weight. His plan was that from each district Representatives to Congress should designate one or more men to be educated by the Government to enter the Government service, the consular or diplomatic service, and fit themselves for performance of a life work in connection with the civil service of the country.

We are justly proud of the men who are educated for the military and naval service at West Point and Annapolis. That education fosters and develops patriotism; it stimulates loyalty to duty; it makes them feel that they are a part of the governmental machine, with a duty not only to protect and defend the Government, but to advance its interests at all times. They stand ready to give to the country the best service of which they are able, and even to surrender up their lives in behalf of the country to which they are intensely devoted.

The men in our civil service to-day are not of the same character and capacity. Many of them have entered the service after having made a failure in some other undertaking. To them a Government position is a mere opportunity to earn a living. They are doing exactly what the distinguished gentleman from Michigan [Mr. WM. ALDEN SMITH] said the other day, "They are toadying to their chiefs."

They are attempting to get some Member of Congress to indorse them for promotion in violation of existing law. We have nothing of that in the Army or the Navy. The young man who goes into the Army or the Navy, if he has been a graduate of one of the great national academies, is there to take his promotion upon merit, and upon merit alone.

Now, to my mind, this is one of the questions that must invite our attention in the near future. We have reached the point to-day under the civil service where the employees of the Government are becoming less and less efficient each year. Some one has said that we never can pension these men in the civil service. Let me say to you that we are pensioning these men to-day. Let anyone go down to one of the old Departments and see these elderly men and women who come down each morning, sick and infirm, and ought to be at home, who are holding on simply to keep their names on the pay roll. These people are on the pension list to-day. Some radical reform has got to be made in order to reach this situation, which is becoming more serious each day.

Now, the discussion of this bill, Mr. Chairman, and this investigation can not fail to impress every Member of this House with the great country in which we live, with the tremendous increasing population and wealth of the century, nor can it fail to impress us that we belong to the most masterful race the world has ever seen. [Applause.] More than that, that this masterful race under these free institutions is going to forge to the front; this nation is going to exercise greater power each year. You remember that when Jefferson brought about the Louisiana purchase he believed that he had exceeded his powers under the Federal Constitution.

But to-day we have within our possession Alaska; that beautiful island of Porto Rico, so ably represented upon this floor by my distinguished friend on my left [applause]; we have Hawaii, also represented upon this floor; and we have those islands away out in the Orient, over which the Stars and Stripes float to-day as emblematic of this tremendous power.

The future, to my mind, is the future of a great people, which each year will advance the standard of civilization and each year will advance in influence and power. Our influence will not be confined to this side of the Atlantic. Our influence will not be confined to the limits of the United States, but it is to make its visible impress in this century upon the entire civilization of the globe. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I would like to have the gentleman from Tennessee now occupy some of his time.

Mr. MOON of Tennessee. Mr. Chairman, we are safely over the turmoil of last week, the House membership is at last composed, and it may not be out of order at this time to review for a few moments the causes that led to the incidents of last week's very animated debate. I assume that this House desires to be correct in its conclusions at all times. I assume that the House will not be satisfied finally with the investigation directed practically by the Post-Office Department against the membership of this House when there is standing before us the glaring evidence of all manner of fraud and corruption and thievery committed in that Post-Office Department. I believe, with these facts before us, that the House will desire ultimately, having been relieved from the hysteria of last week, to look into this great Department of the Government and right things there.

Let us look for a few moments to the condition we have gotten the House into and the attitude the membership of this House occupies to-day before the country. It will be remembered that early in the session, on application of the chairman of the Committee on the Post-Office and Post-Roads, this House, after much debate and a division, finally passed a resolution authorizing the Committee on the Post-Office and Post-Roads to demand from the Department the evidences that were before that Department of wrongdoing therein. This was deemed essential for the purpose of properly preparing the supply bill now under consideration.

This testimony was called for by the committee. It was brought to the committee under the signature of the Postmaster-General. It was used in the preparation of that bill. The Hay resolution, which was last week considered, was then before the committee. When the committee took up that resolution it was found that there was already before it all of the facts which they deemed essential to be reported under the privileged character of that resolution.

Those facts were sent there by the Department itself. The committee were of the opinion that the facts as presented ought not to be edited by the committee. They did not feel that they had any authority to select eight or ten or a dozen gentlemen, who had evidently technically violated the law, and say, "These men are guilty," and that the balance, who had been practically charged in this indictment of the Post-Office Department, were not guilty. The Committee had no power vested in it by this House at any time to sit in judgment on the membership of the House. It felt that in wisdom and in justice to the country and to the House it had no right to suppress the indictment that the Department had brought against the membership of the House.

There was, therefore, but one thing to do; it was to report the manner of conducting business in the Department by which and under which the various communications referred to in this report found their way into the Department, and then to report to the House the facts as presented by the Department, and let the House and the country judge of the sufficiency of the charge against the membership of the House, with the expression of opinion alone on the part of the committee that Members of the House were not guilty of any moral turpitude. That is the substance of that report.

When that report reached here it was ascertained at once that the House was wild, that it was chafing under the charges brought by the Department against it. The committee was censured for doing the thing which alone it could do—presenting the facts to the House. And, then, what is the attitude of the House?

Mr. MARSHALL. Will the gentleman yield a moment?

Mr. MOON of Tennessee. Yes, sir.

Mr. MARSHALL. I dislike very much to interrupt the gentleman. I agree with him fully that it was perfectly proper for the committee to bring in here the report of General Bristow in full, but I would like the gentleman to answer why the committee, in their letter of January 23, called for information relative to the offices where allowances had been discontinued. I can not understand what purpose Congress or the people or the Committee on the Post-Office and Post-Roads could have in asking for cases where the allowances had been reduced in the regular course of business and never had been in excess of the regulations of the Department.

Mr. MOON of Tennessee. The gentleman will observe that the committee did not ask for that exact statement, but, as I recollect, the original report of General Bristow did refer to those cases, and referred to them in a manner that was not complimentary by any means to the membership of the House.

Mr. MARSHALL. General Bristow in no report ever referred to the cases which the Post-Office Committee asked for. The cases that he referred to were cases where there had been an excess——

Mr. MOON of Tennessee. Certainly.

Mr. MARSHALL. But in over 800 of the 900 cases listed here there was at no time an excess. Yet it has gone out to the world that in these cases the reductions were made necessary because of some Congressmen's interference, when, as a matter of fact, those reductions were made in the ordinary course of business, and there was never any excess.

Mr. MOON of Tennessee. I do not know whether the chairman in his letter intended to go so far as the answer implied or not—I hardly think he did—but General Bristow himself was before that committee, and inquiries were put to him all along the line and to his subordinates who were before the committee, and in reply generally to the inquiries and to the letter presented by the Post-Office Committee those things were brought in.

I agree fully with the gentleman that there was nothing in them, and I think it would have been best perhaps if they had not been brought here; but being here, being before the committee, it was the duty of the committee to present the facts to the House. The people are intelligent. They see that there is nothing wrong on the statement of the facts—no wrong to be imputed to the membership of this House. They will reach that conclusion which you and I must also reach, that it was a part of the general dragnet of the Department to implicate this House and prevent the House from an investigation of that Department.

Mr. MARSHALL. If it seemed best on the part of the committee for the committee to bring those more than 800 cases in here after having called for a lot of gratuitous information, it would seem they ought at least to have taken the precaution to separate the sheep from the goats and make the report fairly intelligible to the public.

Mr. MOON of Tennessee. I think not, because the committee were not invested with any power to sit in judgment. They had asked General Bristow to present to that committee those things which he said Congressmen had done in violation of law or the regulations of the Department. The General presented that as a part of his indictment. I think the demurrer is very well sustained to that part of the indictment, and I think it is possible that the committee might have left that out; but the gentleman will see at once in what an attitude this committee would have been if it had suppressed a single fact offered by way of indictment against this House, if it had undertaken to sit in judgment where the House had not given it power to sit. If the committee had edited the report, your reply to that committee would have been: "You have exceeded your authority; you have suppressed facts; there are things there that this House ought to know that you have prevented it from knowing," and you would have presented to the country the situation that the committee had suppressed those things in the suppression of which they were interested. Therefore it was wise that the committee should do exactly as it did.

And, Mr. Chairman, while I am not called upon and would not improperly pass judgment upon the propriety of the action of the House, yet, with all respect to the House, I do think that when a proposition has been submitted here for an investigation of the Department, coupled with a further investigation as to the conduct of membership in connection with that Department where fraud had been committed, it should have been accepted. The House at least could have preserved the right to defend its honor and its integrity by making an investigation of those who had charged that crime against the House, when there was no evidence of guilt on the part of the House, except possibly a few technical cases, and when the records showed guilt on the part of the Department.

Mr. OTJEN. Mr. Chairman, before the gentleman gets too far from this subject, I should like to ask him a question.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. MOON of Tennessee. Yes.

Mr. OTJEN. I would like to ask you this question: Is it not substantially true that the Post-Office Department furnished only that evidence which was called for in the three letters of the chairman of the Committee on the Post-Office and Post-Roads?

Mr. MOON of Tennessee. I think that is substantially true; yes. The House, of course, will observe the impropriety of this committee sitting in judgment without authority to do so and the propriety of this committee submitting the facts to the House, that the House might judge and the country might judge the validity of those charges.

Mr. OTJEN. May I ask you one further question: Did the committee know that the chairman had made this kind of a request as appears in these three letters to the Post-Office Department?

Mr. MOON of Tennessee. Yes; I suppose the committee generally knew so. I do not suppose that the committee examined with any particular care to see the exact language of the chairman's request. It was only to cover the general proposition involved.

But, as I was about to remark, Mr. Chairman, this House did this very strange thing: When this committee practically exculpated this House and presented facts that inculpated the Department we find the House ready, willing, and active to demand a further investigation of itself, when the very committee to whom the question had been submitted had presented facts which, in my judgment, did not require such action on the part of the House. In other words, you yield to the demand of a Department that charges you with crime, without giving proof of it, further to investigate yourselves, and you decline the proposition of the minority to investigate a Department that is confessedly reeking with crime and corruption.

Now, the minority of this committee are not anxious to press upon the House questions so humiliating and so mortifying not merely to the House but to the country at large; but we do feel that the House, under a technical point of order, having prevented an investigation of the Department, an investigation should still be had if it can be had under any method of parliamentary procedure in this body.

The minority of the committee, therefore, will present to the House for consideration another proposition, not coupled with privileged matter, as the one was a day or two since, but nonprivileged in its character, that will be presented under a section of this bill which we regard as the appropriate section for its presentation—that section of the bill which provides $85,000 for various miscellaneous matters, and further provides that out of that

sum a given amount of money shall be used by the Postmaster-General in the investigation of frauds committed against the postal laws and for services in the apprehension of criminals.

I therefore give notice now, in order that the House may know just what the minority propose, that we shall insist to the last moment, for the honor of the House and for the honor of the Department and of the country, that an investigation be had in that Department; and when the section that I refer to is reached, I shall offer an amendment, which I will ask the Clerk now to read from the desk in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend as follows:

On page 22, line 20, strike out "$85,000" and insert "$112,000."

On page 22, in line 21, after the word "exceed," strike out the following: "$2,000 may be expended, in the discretion of the Postmaster-General," and insert "$17,000 shall be expended, or so much thereof as may be necessary, by the Postmaster-General."

After the word "criminals," in line 25, on page 22, add the following: "*Provided further*, That the Postmaster-General shall expend said sum of money, or so much thereof as is necessary, in the payment of clerks, stenographers, accountants, and detectives, and for other necessary expenses for the purpose of securing information concerning the violation of the postal laws and for services and information looking toward the apprehension of criminals guilty of crimes committed in or in connection with the Post-Office Department. The examination of all witnesses, records, and accounts for this purpose shall be conducted before a select committee of eight, five of whom shall be Members of the House, to be appointed by the Speaker, and three of whom shall be Senators appointed by the President of the Senate, and this committee shall have full power to send for persons and papers and enforce the production of the same, to examine witnesses under oath, to sit during the sessions of the House and Senate, and to exercise all functions necessary to complete investigation of all frauds and irregularities alleged to exist in said Department, and the Postmaster-General shall render to said committee all necessary assistance. And said committee shall report the result of its investigation to Congress as soon as practicable, with such recommendations as to it may seem advisable;" so that the section as amended shall read as follows:

"For salaries of clerks and laborers at division headquarters, miscellaneous expenses at division headquarters, traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by field inspectors not covered by per diem allowance, and traveling expenses of the Fourth Assistant Postmaster-General and chief post-office inspector, $112,000: *Provided*, That of the amount herein appropriated not to exceed $17,000 shall be expended, or so much thereof as may be necessary, by the Postmaster-General for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals: *Provided further*, That the Postmaster-General shall expend said sum of money, or so much thereof as is necessary, in the payment of clerks, stenographers, accountants, and detectives, and for other necessary expenses for the purpose of securing information concerning the violation of the postal laws, and for services and information looking toward the apprehension of criminals guilty of crimes committed in or in connection with the Post-Office Department. The examination of all witnesses, records, and accounts for this purpose shall be conducted before a select committee of eight, five of whom shall be Members of the House, to be appointed by the Speaker, and three of whom shall be Senators appointed by the President of the Senate, and this committee shall have full power to send for persons and papers and to enforce the production of the same, to examine witnesses under oath, to sit during the sessions of the House and Senate, and to exercise all functions necessary to complete investigation of all frauds and irregularities alleged to exist in said Department, and the Postmaster-General shall render to said committee all necessary assistance. And said committee shall report the result of its investigation to Congress as soon as practicable, with such recommendations as to it may seem advisable."

Mr. MOON of Tennessee. That amendment will be offered, Mr. Chairman, for several reasons. If it be true that no other fraud has been committed in that Department of the Government than that which has already been investigated in the First Assistant Postmaster-General's office, the country ought to know that fact and that Department ought to be exculpated, because we can not afford to leave the stain of dishonor that now rests upon that great Department if it be not guilty. Again, if it be guilty, the House, the immediate representative of the people of the United States, can not afford, for partisan or any other reason, for one moment to shield or protect that Department or anyone connected with it in the violation of the laws of the country and the misappropriation of the funds which this Congress gives for the conduct of the Post-Office Department. The question then will be presented fairly to you: "Do you want to protect the Department in its innocence? Do you want to have the criminals punished there if they are guilty?" The investigation will no doubt develop the weaknesses in the Department, and a proper remedy can be applied to prevent frauds hereafter.

We ought to meet this question in a nonpartisan spirit. I am not prepared to say that because the men who conduct that Department happen to entertain different political views from those which I entertain that therefore they are to be suspicioned, investigated, and punished. Far from it. It is simply a question of common honesty. The investigation should be made. We ought to divest it of all political character; and while the result, if the Department is found guilty, will be to convince the country that the Republican party has been derelict in the discharge of its duty and not entitled to exercise power, the result can not be to stain that party with crime and dishonor, as the result surely will be if you fail to investigate, in the light of the charges now made against that Department, generally believed to be true and known in many instances to be true.

For the good of the Department, for the good of the House, for the good of the country, the minority will present to you the consideration of that question at the appropriate place in this bill.

I will not now discuss the question as to whether the proposed amendment will be subject to a point of order or not, because if anybody in this House is further willing to shield the Administration behind a point of order, behind a technical objection, they are welcome to do so, for the country will then know that you approve of the frauds and the villainies in this Department of the Government. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 942. An act to reimburse S. R. Green, postmaster at Oregon City, Oreg.;

S. 3985. An act granting an increase of pension to Isabel F. Easum;

S. 2329. An act for the erection of a memorial structure at Fort Recovery, Ohio;

S. 1426. An act to prevent the desecration of the American flag;

S. 3246. An act to remove the charge of desertion from the name of Frederick W. Joslin;

S. 2034. An act directing the issue of a duplicate of a lost check drawn by Arthur J. Pritchard, pay director of the United States Navy, in favor of the Davis Coal and Coke Company;

S. 4421. An act for the preparation of a railroad map of the United States;

S. 3952. An act for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co.;

S. 1750. An act to provide an American register for the British ship *Pyrenees;*

S. 4598. An act providing for the erection of a public building at the city of Fernandina, Fla.;

S. 3844. An act to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska;

S. 398. An act for the relief of James A. Carroll;

S. 3622. An act for the relief of Lincoln W. Tibbetts;

S. R. 54. Joint resolution to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York;

S. 3314. An act to regulate consular invoice fees;

S. 3623. An act for the relief of the legal representatives of Alvin M. Ryerson;

S. 1379. An act for repayment of duty on anthracite coal, and for other purposes;

S. 143. An act to provide for the purchase of a site and the erection of a public building thereon at Sheridan;

S. 3725. An act to establish a light-house and fog signal at the entrance to Bellingham Bay, State of Washington;

S. 705. An act for the relief of the legal representatives of G. B. Stimpson;

S. 2299. An act to authorize the Commissioners of the District of Columbia to remit prices and grant pardons;

S. 3288. An act to provide a public park at Georgetown Heights;

S. 2710. An act for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia;

S. 3879. An act for the extension of Albemarle street;

S. 4419. An act in relation to contracts with the District of Columbia;

S. 4130. An act to amend sections 1288, 1293, and 1294 of the Code of the District of Columbia, relating to marriages, so as to authorize marriages according to the custom of the Society of Friends, or Quakers;

S. 4033. An act to authorize the abandonment of W street NE., Washington, D. C.;

S. 2888. An act for the relief of Priscilla R. Burns;

S. 1646. An act for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased; and

S. 3628. An act to relieve Orville B. Merrill, late captain Company I, Thirty-sixth Regiment Illinois Volunteers, of the charge of dishonorable dismissal.

The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 8692. An act to authorize the apprehension and detention of insane persons in the District of Columbia and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes; and

H. R. 9319. An act providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 891. An act granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 54.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, instructed to report what amounts have been expended in construction of the retaining wall built to prevent the erosion of the soil of Jamestown Island by the waters of James River, what work remains to be done for the completion of the wall, and an estimate of the cost of completing the same.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 48.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 9791) granting an increase of pension to Abram Claypool.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. PATTERSON] thirty-five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. PATTERSON] is recognized for thirty-five minutes.

Mr. PATTERSON of Tennessee. Mr. Chairman, taking advantage of the latitude permitted for discussion, I want to say something on the political conditions as they formerly existed and now exist in the Southern States.

The position of the South in the political history of the Republic has been a peculiar and an anomalous one.

Previous to the civil war there was no part of the country where political questions were more thoroughly studied, where parties were more evenly divided, and statesmanship unfettered by sectionalism seemed to have reached its fullest fruition and to produce its richest results.

Of the thirteen original States forming the Union, the four Southern States of Virginia, North Carolina, South Carolina, and Georgia held a commanding place in the great work of government building. At the beginning of the year 1861 there were thirty-two States which constituted the American Union, of which there were eleven seceding Southern States, and two—Maryland and Kentucky—which did not leave the Union, but sympathized with the southern cause.

From 1789 to 1861, seventy-two years of the life of the Republic, fifteen Presidents had been chosen, nine of whom—Washington, Jefferson, Madison, Monroe, Jackson, William H. Harrison, Tyler, Polk, and Taylor—came from the Southern States of Virginia and Tennessee, the length of whose combined service was forty-nine years, while the elder and younger Adams came from Massachusetts, Van Buren from New York, Fillmore from New York, Pierce from New Hampshire, and Buchanan from Pennsylvania, with a combined service of twenty-three years.

During this period there were fourteen Vice-Presidents of the United States, six of whom were from Southern States.

We also find that of the thirty-six justices of the Supreme Court appointed during this time twenty-one were southern men, and of the four Chief Justices, three were from the South.

There were twenty Secretaries of State from 1789 to 1861, twelve of whom were from the South.

There were twenty-three Secretaries of the Treasury, eight of whom were from the South.

Of the thirty-two Secretaries of War, sixteen were southern men.

The first Secretary of the Interior was appointed by Taylor in 1849. From that time to 1861 there had been six Secretaries appointed, three of whom were from the South.

There were twenty-five Secretaries of the Navy, thirteen of whom were from the South.

The office of Secretary of Agriculture was not created until 1889, and the first appointment was made by President Cleveland in that year.

Of the nineteen Postmasters-General, six were from the South.

There were twenty-seven Attorneys-General, and fifteen were from the Southern States.

There were twenty-seven Speakers of the House, twelve of whom were southern men.

Of the twenty-four diplomatic representatives and chargé d'affaires to Great Britain, six were from the South.

Of the thirty-three representatives to France, eighteen were from the South.

Of the nine representatives to Austria, three were from the South.

Of the twenty representatives to Russia, eight were southern men.

There were no ministers to Germany previous to 1871, at which time the first was appointed by President Grant.

There were no ministers to Italy previous to 1861, when the first was appointed by President Lincoln.

There were twenty representatives to the Spanish court, of which twelve were from the Southern States.

The first half of the period from 1789 to 1861 was one of momentous events, in which the experiment of self-government was tried; great States were admitted into the Union, and the principles of republican liberty fixed on the American Continent.

In these fruitful and eventful years the influence of the southern man on the history of his country can not be overestimated. Washington, a Virginian, is described by the English historian Green as the "grandest figure who ever stood in the forefront of a nation's life."

Then there was Jefferson, the author of the Declaration of Independence and the first statutes for religious liberty passed in this country and the reach of whose broad statesmanship has been the wonder and admiration of all mankind.

James Madison was called the "Father of the Constitution," and John Marshall, the greatest judge who ever adorned the bench of any land, was for thirty-four years the expounder of its principles and fixed forever its vigor and soul on the jurisprudence of his country.

All down the line in statesmanship, diplomacy, and military achievement the names of southern men were thick on the roll of honor. [Applause.]

It was during the Administration of southern men as Presidents that vast territorial domain was acquired, out of which States and Territories have been erected and constitutional government ordained for the people.

In a speech made in the Senate of the United States in 1850 by Salmon P. Chase, then a Senator from Ohio and afterwards Chief Justice of the Supreme Court of the United States, the following colloquy occurred:

Mr. CHASE. Mr. President, I do not know that any monument has been erected over the grave of Jefferson in Virginia.

Mr. MASON. There is—a granite obelisk.

Mr. CHASE. I am glad to hear it. No monumental marble bears a nobler name.

Mr. SEWARD. The inscription is: "Here was buried Thomas Jefferson, Author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia."

Mr. CHASE. It is an appropriate inscription and worthily commemorates distinguished services. But, Mr. President, if a stranger from some foreign land should ask me for the monument of Jefferson, I would not take him to Virginia and bid him look on a granite obelisk, however admirable in its proportions or its inscriptions. I would ask him to accompany me beyond the Alleghenies, into the midst of the broad Northwest, and would say to him:

"Si monumentum quæris circumspice!"

Behold on every side his monument. These thronged cities; these flourishing villages; these cultivated fields; these million happy homes of prosperous freemen; these churches; these schools; these asylums for the unfortunate and the helpless; these institutions of education, religion, and humanity; these great States, great in their present resources, but greater far in the mighty energies by which the resources of the future are to be developed; these, these are the monument of Jefferson.

[Applause.]

Mr. Chairman, I have called attention to some of the achievements of southern men before the civil war, when both North and South were divided upon national, not sectional, questions; when the forum was one of free discussion, and before the black pall of universal negro suffrage had settled upon the South, paralyzing her energies and baffling the aspirations of her people. Since the war all this glorious record has been reversed, and the South for forty years has been a political pariah.

A blight has fallen upon the fair tree which before had flowered and fruited in such magnificent luxuriance.

Since the civil war there has been neither a President nor Vice-President elected or nominated by either political party from the Southern States.

Of the fourteen Secretaries of State appointed since 1865, none have been from the South.

Of the seventeen Secretaries of the Treasury, two were from the South.

Of the nineteen Secretaries of War, none were from the South.

Of the sixteen Secretaries of the Interior, two were from the South.

Of the twelve Secretaries of the Navy, two were from the South.

Of the four Secretaries of Agriculture, none were from the South.

Of the twenty Postmasters-General, five were from the South.

Of the eighteen Attorneys-General, three were from the South.

Of the eleven Speakers of the House, two were from the South.

Of the twenty members of the Supreme Court, five were from the South.

Of the thirteen ambassadors, ministers, and chargé d'affaires to Great Britain, not one was from a Southern State. Of the ten to France, only two were from the South. Of the nineteen to Austria-Hungary, three only were from the South. Of the twenty to Russia, three only were from the South. Of the sixteen to Germany, none were from the South. Of the eighteen to Italy,

none were from the South. And of the sixteen to Spain, two were from the South.

To-day there is not one Cabinet officer or head of Department and not one ambassador or minister to any European court from any Southern State.

And this enumeration, meager as it is, of southern representation, must be still further reduced when it is considered that the majority of those accredited from the South were either northern men who came South after the war or were selected because of their hostility to the southern cause.

The only cases in the desert of nonrepresentation which has been the unhappy lot of the Southern States since the termination of the civil war will be found in the two Administrations of Grover Cleveland. During the eight years of his service he never hesitated to go to the South for his advisers and to represent the nation abroad or the majesty of the law at home.

He named John G. Carlisle, of Kentucky, Secretary of the Treasury; L. Q. C. Lamar, of Mississippi, and afterwards Hoke Smith, of Georgia, Secretaries of the Interior; Hilary A. Herbert, of Alabama, as Secretary of the Navy; and Augustus H. Garland, of Arkansas, as Attorney-General. He appointed Edward D. White, of Louisiana, and L. Q. C. Lamar, of Mississippi, who dignified and adorned every position which he ever held, as justices of the Supreme Court of the United States. He appointed Robert McLane, of Maryland, as minister, and James B. Eustis, of Louisiana, ambassador to France. He named A. M. Kiely, of Virginia, and Alexander R. Lawton, of Georgia, ministers to Austria; Clifton R. Breckinridge, of Arkansas, to Russia; and J. L. M. Curry, of Virginia, and Hannis Taylor, of Alabama, to the court of Spain.

Well may it be recalled, during Mr. Cleveland's first term, how the northern press teemed with fierce denunciations of southern men, and the awful spectacle was exhibited to the North of the South again being in the saddle; but Cleveland withstood this storm of protest, as he has withstood every other storm that has gathered about his head, and, in my opinion, in his unreserved recognition of southern men he did more to destroy sectionalism than any other single man has ever accomplished, for his appointees bore the responsibilities of high public station at home and abroad with honor and dignity and with the single purpose of the common good for the common country.

I do not pretend to be the advocate of Mr. Cleveland, nor do I think the time has come when his political eulogy should be pronounced, but if he made mistakes those mistakes were not against the interest of southern people, and whatever they were they are like specks on the sun of his great character, intense patriotism, and unblemished honor. [Loud applause.]

It has always been a fact that the South was perfectly loyal to the Union since the surrender. The difficulty was either that the North did not know this fact or would not admit it for political reasons.

Next to Cleveland, I think the man who did more to bring about this realization was the lamented McKinley, and as a southern man and an American I pause to lay a tribute on his tomb. [Applause.] His varied and extensive knowledge of men and conditions, gathered from eighteen years' experience as a legislator in the House of Representatives, and in other fields to which his people called him, together with his kindliness of nature and integrity of purpose, made him the fitting evangel of peace and good will between the sections which he carried across the continent, and which he practiced in thought, word, and deed. Well do I recall the occasion of Mr. McKinley's visit to Memphis in the spring before his assassination. His reception was generous and sincere, and I can see now the remnant of Company A, grizzled Confederate veterans, with their muskets and uniforms of gray, as they flanked his carriage on both sides and for more than a mile marched as his escort of honor. [Applause.]

There seems to be no suffering or tragedy in life that does not bear its balm, or carry its blessing; so when this great American fell in the plenitude of his power and usefulness, and "gave his honors to the world again, his blessed part to Heaven, and slept in peace," I think that all the people at last realized, as they had never done before, that patriotism was not cribbed or confined by geographical lines of boundary, but spread out and reached to the extremest limits of the Republic, and is the inspiration of us all in the persistent purpose to make this country the best on earth and the home of liberty forever. [Applause.]

Mr. Chairman, the reason for the decrease of the South in political power is not difficult to discover.

It was not the war that kept sectional antagonism alive so long, for the war was fought by brave men on both sides, and a decade under ordinary conditions would have witnessed the end of partisan feeling, but it was universal negro suffrage which provoked a misguided northern feeling and ate its way like a corroding canker to the very heart of the southern people.

It has been a plague on both the houses, North and South. It explains why the Republican party has so completely ignored those of its own political faith in the South, and why the Democratic party, with the acquiescence of the southern people, has not offered a candidate from any Southern State for the highest elective offices in the gift of the people, though always having a majority of the electoral vote.

The fifteenth amendment to the Constitution was conceived in an hour of passion and designed as an act of vengeance.

It was a cruel penalty inflicted by an inflamed foe upon a fallen and beaten adversary. It chained the South to a corpse.

It created and held prominent false and meretricious issues before the country.

It was a gift which the negro did not know how to intelligently use, and its only effect has been to breed false notions of social equality and to provoke swift retribution and bloody violence.

Who does not now believe that his life, liberty, and property, which every good man wishes him to enjoy, would have been more secure without than with political equality?

With all the black men, in the majority in some States and in many particular localities, led by unscrupulous adventurers, intent on public plunder and using the negro as a tool, what was more reasonable or necessary for self-preservation than for all southern men to ally themselves with another party?

Before the war the South was the storm center of political activity, where issues were discussed upon a high plane, so necessary in a republican government and for the development of a high order of statesmanship.

It has been suggested why not attempt to divide the negroes politically; but this would have been a hopeless and ruinous task. Had they been open to reason, which they were not, still the South could not yield the vital principle for which it always stood, nor did it dare by encouraging political to invite ultimate social equality, for it is apparent that if the white people of the South were divided politically and the negroes were likewise divided the negro vote would decide nearly all the political contests; and thus brought in close communion the inevitable end would have been the utter ruin and confusion of both the races.

No matter what the political opinions of southern white men might have been on national questions, or however much they may have divided under different conditions, their votes went massed for the white man and civilization against the black man and ruin.

The unspeakable dread and horror of the time when political equality would obliterate the lines which mark the boundaries of the races has nerved and sustained the southern man through every vicissitude of fortune and carried him safely through every ordeal which vexed the temper and tried the souls of men.

At Appomattox the Confederate soldier surrendered his arms and renewed his vows to the Union. He returned to a desolated land and found his old slaves his political masters.

Without aid or bounty, in proud and incorruptible poverty, true to himself and false to none, he has lived and will die. He is now hurrying to the silence of the shadows which lay thick and heavy across the river, and soon will join the comrades who have gone before at the ghostly camp fires of the bivouac of the dead.

And when the last soldier in gray shall sleep, the impartial historian will tell of his matchless valor on the battlefield, but will write of the struggle he made for his home and fireside as the crowning act and the noblest of a drama so full of pathos, so set with high courage, so rich in imperishable honor. [Applause.]

Mr. Chairman, I do not propose to indulge in any cheap abuse of the negro. He has many kindly qualities, and I am acquainted with self-respecting colored men who are honorable and useful citizens and have the confidence of the people with whom they live.

Nor shall I recall atrocities in the North as a justification for atrocities in the South. They are to be deplored whenever they occur, but the fact remains that like conditions will produce like results in Ohio as in Texas, and I believe that an equal number of negroes are safer in the South than they can be in the North, for there the white people are more lenient with their frailties and charitable to their faults.

That the South was justified in adopting the only alternative presented for self-preservation is being understood and admitted by the intelligence of the entire country.

Time has accomplished much, and the passing years have brought an unmistakable message.

The presence in increasing numbers of negroes in the North, the influx of northern men to the South, closer intercommunication between the sections, concrete decisions by the Supreme Court sustaining the reserved powers of the States, and the Spanish-American war have all been contributing factors to a clear understanding and a more rational sentiment on the vexed question of negro suffrage.

And the Republican party itself finally approved the doctrine that inferior people had no right to political equality with the civilized white race when it declared that American States should never be made of the Philippine Islands, and the people thereof, though Christian Malays, with more intelligence and a much

higher conception of the arts of civilization than the negro ever had, who had never been the slaves of any master, were unfitted for American citizenship and are left unclothed with the elective franchise to be tutored, controlled, and governed by arbitrary power.

From force bills no longer discussed, from monstrous and unnatural political and social relations proposed in passion and abandoned in the day of cool judgment, is a far but inspiring cry.

The amalgamation theory of Wendell Phillips and the recent notable declaration by Elihu Root that universal negro suffrage was a mistake and has been a failure are monuments marking stupendous changes, and set so high that the student of history is blind who does not see and comprehend.

This change, Mr. Chairman, while of immense value to the whole country, is of peculiar interest to the South, which has so long labored under the load of misrepresentation and borne the cruel burden which negro suffrage imposed.

It opens the door of opportunity for a reentrance on the stage of national politics, from which she has been too long excluded.

The day has come for the South to assert her political independence and resume her historical place in the Union.

The hour is now for the South to lift the mortgage on her electoral votes, which she has paid to the uttermost farthing.

The spectacle of a proud people who were willing to forfeit all claims to the highest offices in the country has been all along discouraging and dispiriting, and, in my opinion, not always necessary.

I do not think that to nominate a Southern man for the Presidency would change one electoral vote against the Democratic party. For one, I am weary of hearing the constant and subservient iteration that the South is for any man whom the North may name for President.

It is an injustice to the South and a reflection upon the intelligence and patriotism of the northern Democracy.

Why should John G. Carlisle, the distinguished ex-Speaker of this House and Secretary of the Treasury, be proscribed because he comes from Kentucky?

Why should the leader of the Democratic minority upon this floor, who has exhibited such conspicuous ability and grasp of public questions, be barred from the Presidency because he lives in the State of Mississippi? [Loud applause on the Democratic side.]

Why should the eminent Texan, formerly the leader of the Democratic minority, whose intellect is of the first order, and whose knowledge and exposition of Democratic principles and devotion to high political ideals has given him a deserved reputation, not aspire to the chief office in the gift of the people? [Loud applause on the Democratic side.]

The question should no longer be from what State or section a possible nominee of the Democratic convention should hail, but should solely be what are his qualifications, what his worth, as measured by the high office to which he aspires.

The Democracy and the country need a man of broad Americanism, of high personal standards, whose ambition will be subordinated to the public weal; who is for honest taxation and the legitimate expenditure of public money; who believes in constitutional government and is an implacable foe to executive encroachments at home and abroad.

Such a man can be the next president of the United States, no matter what his name or from whence he comes. [Loud applause on the Democratic side.]

Mr. OVERSTREET. Mr. Chairman, I yield forty-five minutes to the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, the demand for better postal facilities is one of the indications of the high state of intelligence and civilization of the present age. No item in this bill is of greater importance or has better reason for being contained therein than the appropriation for the continuance and extension of the rural free-delivery service.

It is within the memory of those who still live that at one time it cost 25 cents for the transmittal of one letter a distance of 400 miles. In our own land of cheap postage the time was when the farmer's wife was compelled to part with a week's saving of butter and eggs in order to send a letter to her home in the East or to her adventurous boy in the West. In those days the postmaster at the crossroads grocery store frequently received more than a bushel of wheat for the necessary postage on one ordinary letter.

From this almost chaotic state we have steadily and gradually advanced until the present high state of efficiency of our postal facilities is not only desirable but is absolutely necessary for our prosperity, comfort, and happiness.

The delivery of mail outside of the regular post-offices was first undertaken, and quite naturally so, I think, in the cities, and yet it must be admitted and can be readily seen that the people accommodated were not so much in need of and could not receive as much benefit from free delivery as the people in the remote country districts.

It is a matter of comparatively small consequence for a resident of a city or town to be saved a walk of a few blocks to the post-office for the purpose of getting his mail. In the case of the farmer, however, who lives six or eight miles in the country, and who would have to drive that distance over country roads to get his mail, it is not only a great accommodation but a great saving of time and money to have his mail delivered at his front gate.

In the case of the city delivery the patron does not receive his mail on an average as soon as though he himself went to the post-office and made personal inquiry. The resident of the free-delivery districts in cities and towns will therefore dispatch and receive few, if any, more letters on account of the delivery of mail at his residence. The additional expense, therefore, caused by free city delivery is not compensated by any additional revenue in postal receipts. On the other hand, the delivery of mail in the rural districts causes a vast amount of increase in postal revenue.

The farmer in such cases receives his mail sooner and answers it more promptly. He receives more mail and writes more letters. The installation of this service not only adds to the business, the happiness, and the comfort of the farmer, but it vastly increases the revenue of the Post-Office Department. From careful comparisons that have been made at different times it is shown that the increase of business caused by the establishment of rural free delivery has been from 25 to 50 per cent. This increase has not been spasmodic or temporary, but seems to be permanent and increasing from year to year, and those best posted on the subject and who have made careful study of the system are of the opinion that the time will come at no distant day when it will be self-sustaining.

I would not take away or curtail the establishment of free delivery in cities and towns, but on the other hand would increase such service wherever it can be economically done, and yet it seems to me that when we take into consideration the benefits to be derived from the service and the increase of revenue to be added to the receipts it must be conceded that in the extension of the free-delivery service the farmer and the resident in the rural district is entitled to the first and highest consideration.

The free delivery of mail to the rural population in the United States is of comparatively recent origin, and yet it has been experimented with and installed in Great Britain and other European countries for quite a number of years. A comparison, however, between our efforts in this direction and the experiments made by foreign nations is of but little value, for the reason that the rural population of our country are better educated and of a higher moral and social nature than the farmers of foreign lands, and a failure of the system in any other country is no reason why it will not be successful here.

The inauguration of rural free delivery in the United States was beset with many difficulties. In its infancy it was pounced upon by the Democratic party, a party that has an unbroken history of never missing an opportunity to try to throttle the life of every infant industry that may be so unfortunate as to meet it upon the great highway of progress. In making appropriations for the Post-Office Department for the fiscal year ending June 30, 1894, the sum of $10,000 was appropriated for the purpose of making an experiment in the rural free delivery of mail.

This money was available from and after the 1st day of July, 1893. The country was at that time under a Democratic Administration. The Post-Office Department, headed by the Democratic Postmaster-General, was not only opposed to rural free delivery, but it refused and neglected to make any experiments or to institute any rural free-delivery routes. As an excuse for this failure and neglect to obey the mandates of the law the Assistant Postmaster-General, in his report transmitted to Congress in December, 1893, expressed strong views against rural free delivery and the Postmaster-General of this same Democratic Administration approved these views, and in his report to this same Congress spoke of rural free delivery as follows:

> Although it was provided by Congress in the appropriation bill for the fiscal year ending June 30, 1894, that $10,000 should be devoted, at the discretion of the Postmaster-General, to testing the feasibility of establishing a system of free delivery in rural districts, it has been found impossible, by reason of the pressure of more important questions, for the officers having that subject in charge to give the subject the study and consideration that it demands, much less to establish such rural free delivery. It was soon discovered, furthermore, that the appropriation for this experiment is not at all sufficient for thorough and reliable tests, for, in order to give the rural free-delivery system a fair and thorough trial, tests would have to be made in many localities, differing, necessarily, in density of population, topography, class of interests, and condition of highways and thoroughfares. To inaugurate a system of rural free delivery, it would require an appropriation of at least $20,000,000.
>
> I therefore adopt the opinion of the First Assistant Postmaster-General that the Department would not be warranted in burdening the people with such a great expense, when it can more properly, adequately, and economically meet the requirements of postal extension by widening its scope along reasonable and conservative lines and by establishing additional post-offices wherever the communities are justified in asking for them.

Mr. MURDOCK. Is it not true also that before this report Postmaster-General Wanamaker, in 1892, recommended strongly this service?

Mr. NORRIS. I think it is. I think the recommendation was made by the Republican Postmaster-General that preceded this Democratic one.

Mr. CANDLER. Mr. Chairman, is it not a fact that instead of Postmaster-General Wanamaker recommending the rural free-delivery service in the country he simply recommended an extension of the service to villages and smaller towns?

Mr. NORRIS. My recollection is that he recommended both rural free delivery and an extension in the cities and in towns.

Mr. CANDLER. The city delivery had been in existence ever since 1863.

Mr. NORRIS. But a different class of cities were added. The experiments were being tried at that time in towns with a population of 10,000; I think that is the correct number.

Mr. CANDLER. Free delivery in cities was inaugurated in 1863, and what Postmaster-General Wanamaker recommended was that smaller towns should be taken into consideration and free delivery extended to them that were at that time included in city delivery.

Mr. NORRIS. I think it was.

Mr. CANDLER. But his recommendation did not go to the extent of recommending that it take in the country at large.

Mr. NORRIS. It may be that that is his recommendation—I am not sure as to that—and it may be that it did not extend any further than the smaller class of cities already under the law and to those recommended to be put under free delivery.

Mr. THOMAS of North Carolina. I want to say to the gentleman, as I have investigated the question, that I am satisfied that Postmaster-General Wanamaker's recommendation only extended to the suburbs of the cities and towns.

Mr. NORRIS. All right.

Mr. THOMAS of North Carolina. But it did not in any way extend to the rural free delivery in country places as we now know it.

Mr. NORRIS. That may be. I confess I did not look to Postmaster-General Wanamaker's recommendation; but the gentleman from Kansas seems to be of opinion that he had included that, and it was my idea that he did in connection with the extension of the free delivery to the smaller cities.

It will be observed that the Postmaster-General justifies his neglect on two grounds, viz: First, that the Department could not attend to the wants and demands of the farmers of our great country on account of more important business, and, second, that the appropriation was too small. The statement of the first defense is its own sufficient answer.

The reasonable and just demands of 40,000,000 of our people, the very bone and sinew of our Republic, were thus ruthlessly cast aside by a wave of the hand of this great Democratic Postmaster-General on the false ground that he had more important business to attend to. I will show later that the second ground was not only untrue, but that as a matter of fact when the experiment was finally made a few years later by this same Administration, an amount less than $10,000 was used in making it.

Not only was the Administration against rural free delivery, but this Democratic opposition included the other Democratic branches of our National Government. The House of Representatives was also Democratic at that time, and on February 27, 1894, the Committee on the Post-Office and Post-Roads in reporting to the House the annual post-office appropriation bill, used the following language in reference to rural free delivery:

> Although it was provided by Congress in the appropriation bill for the fiscal year ending June 30, 1894, that $10,000 should be devoted, at the discretion of the Postmaster-General, to testing the feasibility of establishing a system of free delivery in rural districts, it has been found impossible, by reason of the pressure of more important questions, for the officers having that subject in charge to give the subject the study and consideration that it demands, much less to establish such rural free delivery. It was soon discovered, furthermore, that the appropriation for this experiment is not at all sufficient for thorough and reliable tests; for, in order to give the rural free-delivery system a fair and thorough trial, tests would have to be made in many localities, differing, necessarily, in density of population, topography, class of interests, and condition of highways and thoroughfares. To inaugurate a system of rural free delivery it would require an appropriation of at least $20,000,000.
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> The Postmaster-General, therefore, adopts the opinion of the First Assistant Postmaster-General that the Department would not be warranted in burdening the people with such a great expense when it can more properly, adequately, and economically meet the requirements of postal extension by widening its scope along reasonable and conservative lines, and by establishing additional post-offices wherever the communities are justified in asking for them.

Mr. THOMAS of North Carolina. What report is that?

Mr. NORRIS. This is a report of the Committee on the Post-Office and Post-Roads made——

Mr. THOMAS of North Carolina. I simply wanted to know under what Postmaster-General it was.

Mr. NORRIS. Well, this was under a Democratic Administration.

Mr. THOMAS of North Carolina. Was it Wilson?

Mr. NORRIS. No; Wilson followed. This was under Bissell's administration.

Mr. MURDOCK. What is the document?

Mr. NORRIS. The document I have read from is a portion of the report of the Committee on Post-Offices and Post-Roads, made to this House at a time when this House and the committee also were controlled by the Democratic party. It will be observed also, we might note in passing, that the committee in making this report, and also the Post-Office Department in giving their reasons for neglecting and refusing to establish this free delivery, say that it will require an appropriation of $20,000,000 to inaugurate this system of rural free delivery. There is no reason on earth why the Post-Office Department and this committee should make any such reference, especially the Post-Office Department, for the reason that the law at that time was, upon its face, experimental. It was not intended by that appropriation to cover the entire United States; hence the excuse, if excuse it may be called, has no reason upon which it can possibly be based.

But the next year we find this same Democratic Administration opposing the installation of rural free delivery and still refusing to obey the law and use the appropriation, which had in the meantime been increased to $20,000, for the establishment of experimental rural free delivery. The First Assistant Postmaster-General, in his report transmitted to Congress in December, 1894, in defending himself for neglecting his duty, practically defies the law and refuses to obey its mandates.

It will be noted now that this is the second report from the same Assistant Postmaster-General. The first time he gave "pressure of more important questions" as the principal reason for delay. After another year of waiting he now throws off this mask of deception and simply refuses to obey the law because he is opposed to rural free delivery. He says:

> To make such tests would require a much larger appropriation than even that provided by Congress for the current year, namely, $20,000, and in the judgment of this office to expend this amount would be inadvisable. The proposed establishment of rural free delivery would result in an additional cost to the people of about $20,000,000 for the first year; and whatever may be the future of the postal system of this country, I do not believe that the people are yet ready or willing to involve themselves in such a large expenditure for this purpose.

Now, the Postmaster-General himself, submitting his report to Congress at the same time, used language that is almost identical with the language of the Assistant Postmaster-General.

Mr. MURDOCK. Give us the date of that.

Mr. NORRIS. This was transmitted to Congress in December, 1894. The Postmaster-General himself says:

> The proposed plan of rural free delivery, if adopted, would result in an additional cost to the people of about $20,000,000 for the first year; and whatever may be the future of the postal system of this country, I do not believe the people are ready or yet willing to involve themselves in such a large expenditure for this purpose.

After another year of waiting, after another year of neglect, after another year of defiance to the demands of the farmers of this country the Democratic Administration does not even have the courage to cry, "pressure of more important questions."

But let us pass on still another year and give the Democratic party additional opportunity and more time to get right on this great question and to heed the voice of an outraged people. We find, however, the Democracy still defiant, still refusing to obey the law. The First Assistant Postmaster-General says in his report transmitted to Congress in December, 1895:

> The amount appropriated by Congress, $20,000, to test the feasibility of establishing rural free delivery in rural districts was not expended, and therefore there are no results to report. The amount was deemed entirely inadequate to meet the requirements of a satisfactory test. Rural free delivery may be useful after a while in the more densely populated States, but even then the benefits derived under the most favorable conditions would not be proportionate to the immense amount of money required to maintain the service. I know of no reason to change my views on this subject expressed in my reports of 1893 and 1894.

Now, the Postmaster-General, in his report transmitted at the same time, used language as follows—it was transmitted to Congress in December, 1895, and was written perhaps during the month of November. He says:

> But the difficulties in the way of such experiments and the reasons for viewing the whole plan as impracticable are fully set forth in the report of the House committee on the post-office appropriation bill, second session Fifty-third Congress.

After practically three years of idleness, three years of disobedience of the plain mandate of the law, three years of defiance, the great Democratic party says: "The whole plan is impracticable." Democracy regarded the free rural delivery as a dream, a delusion, and a snare. During most of the following year the Democratic officials refused to do anything for rural free delivery, although the Congress had made another appropriation for this purpose, making $40,000 in all.

But in the fall of 1896, when scent of impending Democratic disaster was in the air, when the cry of an indignant people was demanding the overthrow of a defiant Democracy, the recreant

officials made a feint at compliance with their duty, and in October, 1896, after waiting over three years, put a few routes into operation, and when Congress convened in December, 1896, the Department was not ready to make a report on the results. On the 1st day of November of that year the First Assistant Postmaster-General, in his official report, said: "The experiment is now being conducted at half a dozen points." None of these, as I have shown, was put in before October of that year.

Mr. MURDOCK. Now, right there, what Postmaster-General was that?

Mr. NORRIS. Postmaster-General Wilson.

Mr. THOMAS of North Carolina. If the gentleman from Nebraska will allow me, doesn't the gentleman know that during the fiscal year of 1896–97, and isn't it an incontrovertible fact, that Postmaster-General Wilson put in operation eighty-four rural free-delivery routes?

Mr. NORRIS. I am about to say what he did. He put in operation some routes in furtherance of this experiment, and if the gentleman will permit me to go on——

Mr. THOMAS of North Carolina. But I want the gentleman to answer my question, if it is not a fact that Postmaster-General Wilson did put in operation during that fiscal year eighty-four routes?

Mr. NORRIS. No; I do not think he did, as many as that. I think the gentleman is mistaken. I will come to that further on.

Mr. THOMAS of North Carolina. But here is a letter from your Republican Postmaster-General, Payne, in which he states that during the fiscal year of 1896–97 eighty-four rural free-delivery routes were put in operation by Postmaster-General Wilson.

Mr. NORRIS. Yes; but the gentleman must understand that during that fiscal year part of it was under the Republican Administration that had come into office on the 4th of March, 1897, and they installed a part of those rural free-delivery routes. I do not intend to be unfair, if the gentleman from North Carolina pleases.

Mr. THOMAS of North Carolina. I do not think the gentleman does.

Mr. NORRIS. I am stating the number upon which they made these experiments. I have it in the report, but it is not under my eye at this time. I am confident, however, that it is not as many as the gentleman states.

Mr. THOMAS of North Carolina. Every single one of those eighty-four routes was inaugurated by Postmaster-General Wilson, whether they all went into operation before the 4th of March or a part of them after McKinley came in. They were inaugurated on Wilson's order, and here is a letter from the Republican Postmaster-General which says so.

Mr. NORRIS. I think the gentleman is mistaken. Postmaster-General Wilson might have made an order before he went out of office; I do not know as to that, but it is immaterial anyway.

Mr. CRUMPACKER. Will the gentleman from Nebraska allow me an interruption?

Mr. NORRIS. Certainly.

Mr. CRUMPACKER. At an earlier stage of the gentleman's remarks there was some question about when rural free-delivery service was first recommended, and the gentleman from Kansas [Mr. SCOTT] a few weeks ago delivered a speech in the House in which he quoted from the report of Postmaster-General Wanamaker in 1892, and said in that connection that he had given the matter careful investigation and that that was the first allusion to a free rural-delivery service, and in the interest of history I will ask the gentleman if he will permit me to read that part of the report. I assume that all parties are in favor of this splendid public service.

Mr. NORRIS. They are at the present time, as far as I know.

Mr. CRUMPACKER. Will the gentleman allow me to read this report?

Mr. NORRIS. Certainly.

Mr. CRUMPACKER. Postmaster-General Wanamaker, in his report of December, 1892, said:

> My ideal for the American postal service is a system modeled upon a district plan, with fewer offices, and those grouped around central offices and under thorough supervision. By this means at least 20,000 offices could be abandoned that produce no revenue to the Department. In the place of every abolished nonmoney-order and nonregistry office might be put an automatic stamp-selling machine and a letter box to receive mail. With the money saved should be instituted a system of collection and delivery by mounted carriers, bicycles, and star-route and messenger contractors, and the free delivery gradually spread all over the country.

I think that is the first mention, reference, or recommendation of a rural free delivery.

Mr. NORRIS. I thank the gentleman from Indiana for reading that extract. I think it explains a controversy that took place some time ago, and is another Republican testimonial in favor of rural free delivery.

Now, let me refer, Mr. Chairman, to the point I had reached in the course of my remarks. I was speaking, I believe, of the waiting of the Democratic officials—the waiting operation that had been taking place for three years or more; in fact, nearly four years. I believe I stated that after waiting for that time they put a few routes in operation, and when Congress convened in December, 1896, the Department was not yet ready to make a report on the result. On the 1st day of November in that year the Assistant Postmaster-General in his official report said—and I quote his exact language:

> The experiment is now being conducted at a half dozen different points.

None of these, as I have shown, were put in before October.

Mr. FLOOD. What is the date of that report?

Mr. NORRIS. The date of that report is the 1st day of November, 1896.

Mr. FLOOD. You mean to contend that Postmaster-General Wilson only put these routes in operation in half a dozen places?

Mr. NORRIS. No. I am not through. I mean to say the Assistant Postmaster-General said he was experimenting at that time at a half a dozen places. That is what he said; and I do not know any other proper course than to take him at his word.

I do concede that before the tests were finished there were more routes put in operation. They kept putting these experimental routes in operation until they went out of office—commencing in October.

Mr. THOMAS of North Carolina. After those few routes that you mention were put in operation, Postmaster-General Wilson, the Democratic Postmaster-General, put in operation eighty-four routes, for your Republican Postmaster-General says so. I have already quoted his letter.

Mr. NORRIS. All right. I do say that according to their own reports he did not put in that many.

Now, I will say to the gentleman it may be possible that prior to going out of office he may have made some kind of an order that brought about the establishment of more routes; but they were not put in—as I think I shall be able to show before I get through—until after the election of 1896. And, after all, it is quite unimportant just how many routes were actually put in by Democratic officials. The fact remains that it had been their duty for four years to put them in and they did nothing until just before going out of office, and in no report do they ever say a word in favor of rural free delivery or recommend its adoption.

Mr. THOMAS of North Carolina. He did make an order; and under that order for the fiscal year 1896–97 eighty-four routes were established.

Mr. NORRIS. I am not denying that eighty-four were established; but the gentleman must permit this distinction to be drawn, that on the 4th day of March, 1897, the Democrats went out of office and the Republicans came in, and the fiscal year did not expire until June 30, 1897, so that those routes were actually put in operation by Republican officials.

Mr. McCLEARY of Minnesota. And those eighty-four routes were within the fiscal year.

Mr. NORRIS. Yes, sir.

On November 20, 1896, the Postmaster-General in his report said he would later report for the information of Congress the result of experiments then in operation, and on March 1, 1897, after the Republican victory of November, 1896, and just before the inauguration of William McKinley as President of the United States, the Democratic Postmaster-General, as one of his last official acts, made the promised report. It should be observed that during practically all of the four years of Democratic Administration the duty had devolved upon the Democratic officials to make this test.

Congress had every year made an appropriation for this purpose. They had delayed and procrastinated; they had disregarded their duty and defied the law; they had been false to their trust and had neglected the interests, the comfort, and the happiness of the millions of our rural population until by the righteous verdict of the American people the Democratic party was practically swept from off the earth. One of the peculiar features of this report was that on its face it showed that the Democratic claim that the amount appropriated was insufficient to make the test was absolutely untrue. The amount used in making the test for the time reported was $3,427.23.

Taking it for granted that money was expended for the service for a time not included in the test, and counting the cost of such excess of time at the same proportion and at the same rate as that included in the test, the amount would still be far below the original appropriation of $10,000 made four years before, and as a matter of fact the Department had at the time at its disposal the subsequent appropriations, amounting in the aggregate to $40,000.

Mr. FLOOD. I do not want to do any injustice, and therefore I want to ascertain how many routes the gentleman concedes were established and in actual operation prior to March 4, 1897.

Mr. NORRIS. Now, I will say to the gentleman that when we started I thought I had that report here, but I see I do not have it. I will say, however, that there were forty-two routes in operation at the time the test was made. He made this test for two months, although, as a matter of fact, some routes had been in op-

eration for a couple of months prior to that time. In fact, during the two months preceding he had been occasionally putting in additional routes.

Mr. FLOOD. And you think those forty-two routes could be put in with an expenditure of $3,000?

Mr. NORRIS. Not for an indefinite length of time; but I mean to say that I have made a computation from this Democratic report and allowed the same expense for the length of time that they were actually in. I have made the computation, and the entire amount would be less than $10,000. As a matter of fact, there was the sum of $40,000 at their disposal at the time they made the test.

Mr. FLOOD. How long do you think it would take to make a fair test of these routes?

Mr. NORRIS. I suppose that might depend upon circumstances. I should think, however, that if a Department of our Government had been instructed to make a test, and had had four years in which to make it, they would not have waited until about three months before they went out of office in order to make it if they wanted to make a fair test.

Mr. MURDOCK. How much did that Democratic Administration pay to rural carriers?

Mr. NORRIS. At the rate of $300 per year, I believe.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Massachusetts?

Mr. NORRIS. Yes, I yield.

Mr. THAYER. I understood you, after reciting the dilatory action of the Democratic party from 1894 to 1896, to say that they were swept out of power. Do you think it made one scintilla of difference in the vote of 1896 whether they established these routes generously or niggardly?

Mr. NORRIS. If the gentleman will remember what I said, or will think it over in his sober moments [laughter], he will find that I did not say that it was on account of this identical one thing alone that the Democratic party was swept out of power but I say, and I think it true, that this was one of the great many reasons why the Democratic party was swept, as I say, off the face of the earth at that time. The Democratic party had other sins, other shortcomings; but I am only discussing this one at this time.

Mr. THAYER. I think it had no more to do with it than the change in the moon.

Mr. NORRIS. That may be. The gentleman has a right to his opinion.

Mr. THAYER. Is it not a fact also that Mr. Loud, chairman of the Committee on the Post-Office and Post-Roads here for the last eight or ten years, has always been opposed not only to increasing the appropriation, but to maintaining the amount of a former year? And is it not also true that the Democratic party, almost to a man, for the last six years at least, has voted for these appropriations as willingly and more so than those upon the Republican side of the House?

Mr. NORRIS. In answer to the gentleman, I will say, I have no doubt that the Democratic party for some time has been in favor of these appropriations. I have no doubt that the Democratic party, at least as far as this House is concerned at the present time, is in favor of rural free delivery; but the trouble is there was a time when rural free delivery was in its infancy, and then was the time when the Democratic officials in the different departments of the Government were against it and tried to starve the life out of it. The trouble with the Democratic party is that it can not see anything until it is too late. [Laughter.]

Mr. THAYER. And the trouble about you is that you can not see anything this side of 1896.

Mr. NORRIS. I would like to say to the gentleman that the Democratic party, upon this proposition, as upon nearly every other, has not been able to see the light until the train has passed.

Mr. THAYER. The Democratic party instituted the scheme originally, did they not?

Mr. NORRIS. No; I will not say that they did.

Mr. THAYER. Will you say that they did not?

Mr. NORRIS. Democratic officials tried in every way they could to kill it while it was yet young, and before it had, figuratively speaking, strength enough to stand alone. In this great train of progress that is speeding along, I want to say to the gentleman, and this illustrates it, the Democratic party is in the last car; you are not only in the last car, but you are sitting on the rear seat and looking out of the back door. [Laughter.] After the train has gone by you are able to recognize a good thing. After the Republican party has inaugurated it, nourished it, and made something out of it, you then try to scrape up some relationship. Now, Mr. Chairman——

Mr. THAYER. Let me say to the gentleman that it seems to be impossible for him to get this side of 1896, as it is for anyone on the Republican side of the House.

Mr. NORRIS. I am willing to have the gentleman ask me a question; but I am not willing to yield for a Democratic speech, because I have some consideration for the gentlemen who are listening to me. [Laughter.]

Mr. FLOOD. May I ask the gentleman a question?

Mr. NORRIS. Yes.

Mr. FLOOD. The gentleman says the Democratic party deserted this proposition in its infancy. I want to ask him if it is not a fact that in the Fifty-fourth Congress the House was Republican and the Senate was Democratic, and if the Republican Post-Office Committee of the House and the Republican House did not refuse to make this appropriation for rural free delivery, and if it is not true that it was only gotten through the Democratic Senate and the conference committee?

Mr. NORRIS. I will come to that subject in my remarks, and I will say that in the Republican Fifty-fourth House a Republican Committee on the Post-Office and Post-Roads reported in favor of rural free delivery and spoke favorably of it, and when I get a little further along, at the right place, I will go into that fully.

Mr. CANDLER. But the Republican House declined to make the appropriation.

Mr. FLOOD. The gentleman does not answer my question.

Mr. NORRIS. I will come to that. Now, in this report, made by the Postmaster-General, wherein he gives the account of these tests, as well as in all other reports made by Democratic officials, there is not one sentence and not one word in favor of rural free delivery, no word for its encouragement, no hope for its life. From Democratic officials there never has been a recommendation in its favor, but, on the other hand, every recommendation has been against it, every effort was to discourage it, every move was to delay it, and every attempt was to kill it.

But now, Mr. Chairman, we come to a time when the Democratic party, as far as rural free delivery is concerned, passes into a state of "innocuous desuetude."

On the 4th of March, 1897, the Republican party took charge of the national branches of our Government, and rural free delivery was given a new lease of life. It had passed through the Democratic purgatory of neglect and abuse, and in a weak, struggling condition it became the ward of the McKinley Administration. It was now about to be touched with the magic wand of Republican encouragement and enthusiasm, and to become a bright and a living reality at the fireside of a million humble homes. From that time on rural free delivery has been given encouragement by every official connected with it in any way.

It has been given respectful consideration, friendly encouragement, and favorable recommendation in every annual report of the Post-Office Department since the Republican party took charge in 1897. Nowhere in any report of any Republican official is there any word of condemnation or discouragement. The officials devoted themselves to the expansion and the upbuilding of the service, and at no time did they neglect it or refuse to perform their duty by reason of "the pressure of more important questions," as their Democratic predecessors admittedly did.

I should like to read at length from some of the reports of the Republican officials, showing the favorable consideration given to rural free delivery since the beginning of the McKinley Administration, but as my time is limited I shall read only a few extracts. First, I desire to call attention to a report from the Committee on the Post-Office and Post-Roads, made to this House in the Fifty-fourth Congress. It must be remembered that at that time the House of Representatives was Republican, and this committee necessarily Republican. This committee, in speaking of rural free delivery, said:

> While the demand for rural free delivery comes from the people in the main, it has been made the subject-matter of discussion by the Post-Office Department from time to time, and it is agreed by those who have investigated the subject that there is no good reason why such accommodations should be withheld.

The first Postmaster-General under the McKinley Administration in his first annual report, in speaking of rural free delivery, used the following language:

> It would be difficult to point to any like expenditure of public money which has been more generously appreciated by the people, or which has conferred greater benefits in proportion to the amount expended. In every instance the introduction of the service has resulted in an increase of the amount of mail matter handled. There is no doubt of the desire wherever the system has been tried that it should be made permanent. There is equally no doubt in my mind that, as stated in the report of the Committee on the Post-Office and Post-Roads to the Fifty-fourth Congress, the continuance of the rural free delivery will "elevate the standard of intelligence and promote the welfare of the people."

This Congress that he refers to is the Fifty-fourth Congress, a Republican Congress, from the report of whose Committee on the Post-Office and Post-Roads the Postmaster-General makes that quotation. He says further:

> It has unquestionably proved itself a potent factor in the attainment of what should be one of the chief aims of our Government, the granting of the best possible postal facilities to the farmer and his family.

In 1899 the Postmaster-General under the McKinley Administration spoke in the highest terms of the service, and expressed the opinion that its general adoption would be desirable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask unanimous consent that the gentleman be permitted to proceed for ten minutes.

Mr. COWHERD. Mr. Chairman, I do not think that ought to come out of the time of this side of the House. Gentlemen over there have plenty of time to yield.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that there has been no limitation whatever of time, and it was expressly understood by the Committee of the Whole that for the present at least there should be no limitation.

Mr. COWHERD. There was also an agreement that the time be equally divided. I have no objection to the time of the gentleman being extended if it is charged to that side.

The CHAIRMAN. Does the Chair understand the gentleman from Missouri to object to the request for unanimous consent?

Mr. COWHERD. I have no objection whatever if the extension is charged to that side of the House.

Mr. CANDLER. I hope there will be no objection, as the gentleman has been very kind in yielding to interruptions.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Nebraska may proceed for ten minutes, the time to be charged to the majority. Is there objection? [After a pause.] The Chair hears none.

Mr. NORRIS. This Postmaster-General, Mr. Chairman and gentlemen, used the following language, and it is Postmaster-General Smith, of the McKinley Administration:

The benefits accruing from the extension of postal facilities to the rural communities may be summarized as follows:

Increased postal receipts, making many of the new deliveries almost immediately self-supporting. In Great Britain, where an extension of rural free delivery on a broader scale has been in progress since 1897, the number of additional letters mailed because of additional facilities afforded is estimated at 50,000,000 for the present year.

Enhancement of the value of farm lands reached by this service and better prices obtained for farm products through more direct communication with the markets and prompter information of their state.

Improved means of travel, some hundreds of miles of country roads, especially in the Western States, having been graded specifically in order to obtain rural free delivery.

Higher educational influences, broader circulation of the means of public intelligence, and closer daily contact with the great world of activity extended to the homes of heretofore isolated rural communities.

In 1900 the Postmaster-General under this same Administration spoke of rural free delivery as follows:

The extraordinary extension of rural free delivery during the past two years has proved to be the most salient, significant, and far-reaching feature of postal development in recent times.

* * * * * * * *

Free delivery in rural communities has been regarded as too costly and burdensome to be admissible. On these grounds the movement encountered great opposition when first proposed, and even when Congress authorized the experiment there was reluctance in trying it. It took time and experience to develop and enforce the more just view, first, that the great body of people who live outside cities and towns are entitled to share in advanced mail facilities even if the cost exceeds the returns; and second, that the barrier of unbalanced expense is not as formidable as was apprehended.

* * * * * * * *

With all these results clearly indicated by the experiment as thus far tried, rural free delivery is plainly here to stay.

In 1901 the Postmaster-General estimated that in four years the service would be extended to the entire country and recommended such extension.

In speaking of the service he said:

The policy of rural free delivery is no longer a subject of serious dispute. It has unmistakably vindicated itself by its fruits.

In 1902 the Postmaster-General spoke of rural free delivery as follows:

Rural-delivery service has become an established fact. It is no longer in the experimental stage, and undoubtedly Congress will continue to increase the appropriation for this service until all the people of the country are reached where it is thickly enough settled to warrant it.

* * * * * * * *

Five years of experiment in this service, added to several months' experience under permanent organization controlled by the civil-service regulations governing other branches of the postal service, have demonstrated that all the claims heretofore advanced in advocacy of the extension of rural free delivery and its adoption as a permanent feature of postal administration have been sustained.

In 1900 rural free delivery received the sanction and approval of President McKinley. In December of that year, in his message to Congress, in speaking of the postal service, he used language as follows:

Its most striking new development is the extension of rural free delivery. * * * This service ameliorates the isolation of farm life, conduces to good roads, and quickens and extends the dissemination of general information.

Experience thus far has tended to allay the apprehension that it would be so expensive as to forbid its general adoption or make it a serious burden. Its actual application has shown that it increases postal receipts and can be accompanied by reduction in other branches of the service, so that the augmented revenues and accomplished savings together materially reduce the net cost.

In his first message to Congress President Roosevelt said:

Among recent postal advances the success of rural free delivery wherever established has been so marked and actual experience has made its benefits so plain that the demand for its extension is general and urgent. It is just that the great agricultural population should share in the improvement of this service.

Again, in his last annual message, the President says:

The rural free-delivery service has been steadily extended. The attention of the Congress is asked to the question of the compensation of the letter carriers and clerks engaged in the postal service, especially on the new rural free-delivery routes. More routes have been installed since the 1st of July last than in any like period in the Department's history. While a due regard to economy must be kept in mind in the establishment of new routes, yet the extension of the rural free-delivery system must be continued, for reasons of sound public policy. No governmental movement of recent years has resulted in greater immediate benefit to the people of the country districts.

Rural free delivery, taken in connection with the telephone, the bicycle, and the trolley, accomplishes much toward lessening the isolation of farm life and making it brighter and more attractive. In the immediate past the lack of just such facilities as these has driven many of the more active and restless young men and women from the farms to the cities, for they rebelled at loneliness and lack of mental companionship. It is unhealthy and undesirable for the cities to grow at the expense of the country; and rural free delivery is not only a good thing in itself, but is good because it is one of the causes which check this unwholesome tendency toward the urban concentration of our population at the expense of the country districts.

It will thus be seen that the rural free-delivery service owes its existence, its advancement, and its present high state of efficiency to the Republican party, and that the comfort and happiness which it carries to the homes of millions of our people is due to the watchful care of the Republican party and in spite of the fact that the Democratic party tried to throttle it and crush the life out of it in its infancy.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. NORRIS. Yes, sir; I yield.

Mr. THAYER. Mr. Chairman, I have listened with a good deal of interest to the gentleman in his attempt to get on behalf of the Republican party all the credit of this rural free delivery. I want to ask him if he is in favor of this provision in the present bill, which reads as follows——

Mr. NORRIS. Well, I will say to the gentleman, I will not be taken from the course of my remarks by any sort of interruption like that.

Mr. THAYER. I ask if you are willing to answer this question?

Mr. NORRIS. No, sir; I am not going to say whether I am in favor of anything or against anything so far as the bill under consideration is concerned until we get to it. I presume there will be a time coming when that provision will be up before the House, and when that time comes I am ready to go on record, but what the gentleman refers to now I do not know.

The rural free-delivery service in this country has grown to mammoth proportions. During the fiscal year ending June 30, 1903, 8,339 routes were inspected, of which number 1,714 were rejected and 6,653 established. This made a total number of routes in operation on June 30, 1903, of 15,119. On that date there were 11,700 petitions for routes awaiting inspection. Since that time the work of inspection has been rapidly going on, and on March 1, 1904, over 22,000 routes were in actual operation. During the last fiscal year this department has delivered 309,428,128 pieces of mail and collected 48,954,390 pieces. Stamps have been canceled amounting in value to nearly a million dollars, while the beneficial results accomplished have exceeded the most sanguine expectations; yet the highest point of the usefulness of the service has not been reached.

It will be extended until every country home in all reasonably well settled communities is supplied with daily mail. It will be continually improved. New ideas, making more efficient and economical service, will be adopted as experience shall develop them. In addition to all this, the service will become self-sustaining. Experience has already shown that there is constant improvement in this respect, and in some localities where the service is the most perfect many routes are now bringing in more revenue than they cost, when the saving from the discontinuance of small post-offices and star routes is taken into consideration.

The farmers of our country are entitled to this service, not as a charity, not as a favor, but as a matter of justice and of right. The farm families of the United States represent 50,000,000 of our people, occupying more than 6,000,000 homes, and representing more in value than the combined wealth of all other industries.

It is at the rural fireside that virtue, morality, and patriotism have reached their highest state.

From the farm the criminal class gets but very few of its recruits, and in the country home disloyalty and anarchy have found no abiding place. It has been the patriotism of the rural population that has given us stability in times of peace, and it has been the arm, strengthened and steadied by country life, that has given us courage in days of trouble and brought victory to our flag in times of war.

The trials, hardships, vicissitudes, and inconveniences of farm life, in the light of present advancement, are fast fading away. Already the world is beginning to see that the highest and truest type of contentment and human happiness can be found in the country home. The educational advantages of rural free delivery, together with the other inventions of our enlightened age, will carry into every such home all the comforts of our day, all the blessings of peace, and at that fireside and around that hearthstone will be taught the lessons of love and virtue, of patriotism and loyalty. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I yield thirty minutes to the gentleman from North Carolina [Mr. THOMAS].

The CHAIRMAN. The gentleman from North Carolina is recognized for thirty minutes.

Mr. THOMAS of North Carolina. Mr. Chairman, both political parties are now in favor of rural free delivery. There is no difference of opinion upon that question. The question, however, which we are endeavoring to decide on both sides of the House is which party is entitled to credit for the origin of the service. I propose, later on in my remarks, to discuss this question in reply to the speech of the gentleman from Nebraska [Mr. NORRIS], who has just preceded me and spoken upon the same subject. Before doing so, however, I will address myself to some of the general provisions of the bill, especially that part of the bill relating to the rural free delivery of mail. This bill, Mr. Chairman, reported by the Committee on Post-Offices and Post-Roads, recommends appropriations which aggregate, in round numbers, $170,000,000, which is about $2,000,000 more than the estimates. The sum recommended by the committee is, in round figures, $17,000,000 more than the appropriation for the current year, which amounted to about $153,000,000, an increase of about 10 per cent.

The regular estimates of the Department did not include complete estimates for the rural service, but stated that in the event of increase of salary of rural carriers and provision for greater extension of the service, then the estimates should be increased in accordance with such provisions.

The committee effected a reduction—

Says the report—

below the estimates of the Department of $3,200,000 (in round numbers) on items outside of the rural free-delivery service. The increase of salaries of rural carriers and additional appropriations for the extension of the rural service necessitated an increase of $5,200,000 above the estimates for that service.

The committee says further:

Your committee recommends an appropriation of $20,180,000 for this service, being an increase of $5,180,000, or 34.6 per cent. The total sum recommended for the support of the rural free-delivery service is $20,773,700, an increase of 64.6 per cent above the appropriation for the current year, which amounted to $12,621,700.

Now, Mr. Chairman, this is apparently a large increase, but it is justified by the value of this service to the people. I am opposed to a large standing army. The Democratic party is opposed to a large standing army. We rely for the protection of the Government upon the citizen soldiery, who upon the call of the Executive are ever ready to respond to the call to arms, when the tocsin of war sounds, in defense of the flag and our national honor. There is some difference of opinion with reference to a great navy. We need a navy large enough to maintain unimpaired the Monroe doctrine and protect our coasts, but the greatest good to the greatest number is involved in liberal appropriations for the postal service, as suggested a few days ago in the eloquent speech of the gentleman from Missouri [Mr. COWHERD]. The Constitution enumerates many powers vested in Congress, but the power to regulate post-offices and post-roads is as important to all the people as any enumerated in that instrument.

As for myself, I stand ready to vote liberal appropriations for this purpose. We may economize on our naval equipment. We should decrease expenditures for an army, maintained and necessary only to carry out a policy of imperialism in acquiring and holding foreign territory, to be governed as colonies contrary to the Constitution and the past theory and practice of the Republic and teachings of the founders of the Government. But the postal service is one agency of the Government which should not be curtailed, even if it does not pay its way. Let us have economy in other directions; let us investigate and stop the frauds and corruption; but let us not economize in the Post-Office Department, in this great branch of the Government service. It is my purpose to-day to address myself particularly to that branch of the postal service known as the rural free delivery of mail. The extraordinary extension of rural free delivery in the past decade has proven the most gratifying feature of our postal development. This is the age of quick and far-reaching communication. We know to-day the events of yesterday in all parts of the world. The telegraph and telephone have annihilated space and time and linked together every nation and all parts of the habitable globe.

We have developed to the highest point the quick dispatch of intelligence by means of the electric wire and telephone and the railway mail service, and these agencies we are now supplementing by rural free delivery, giving the rural home as well as the city home quick and full communication with all parts of the world. At first experimental, the service is now firmly established, and no backward step is possible.

The salaries of the carriers should be increased as recommended by the committee, and the Department should eventually, by means of loop routes, extend the system.

ADVANTAGES OF RURAL FREE DELIVERY.

It is generally conceded—

Said First Assistant Postmaster-General Johnson, in his report, November 16, 1901—

that no other branch of our great postal system is as popular as the rural free-delivery service. This, I think, is due largely to the fact that it carries with it the facilities of all other branches. It is, in short, the extension of the post-office into the homes of the people. The carrier performs all the functions of a postmaster. He not only delivers and collects ordinary mail, but carries a supply of stamps for the accommodation of rural patrons, is prepared to register letters at the roadside, or to accept money for the purchase of money orders. It is evident that the more easily and conveniently the carrier performs these functions the more satisfactory and popular the service becomes.

The services rendered, furthermore, are of the greatest benefit to the people by reason of the fact that recently steps have been taken to provide for the delivery of weather forecasts wherever the information can reach the post-office in time for proper preparation before the carriers leave on their routes, and it is suggested in the annual report of the Postmaster-General for the year ending June 30, 1903, that, in connection with the extension of the rural free-delivery service, there be given a telephone service into the farming districts of the country for the purpose of transmitting the contents of letters to the persons to whom the same are addressed, thus saving much time in the transmission of important messages to the people residing along the lines of the rural free-delivery routes. So that it can be seen at a glance that with the continued improvement and extension of this service the isolation of farm life will be ameliorated and the rural districts of the country brought in closer and quicker communication constantly with the cities and towns of the country.

Experience thus far has tended to allay the apprehension that it would be so expensive as to forbid its general adoption, making it a serious burden. Its actual application has shown that it increases postal receipts and can be accompanied by reductions in other branches of the postal service, so that the increased revenues and savings together materially reduce the net cost.

FIRST EXPERIMENTS AND APPROPRIATIONS.

The first experiments in this service were under Postmaster-General Wilson during Cleveland's Administration, and since that time there has been no backward movement in rural free delivery. Its extension has kept pace with the appropriations made by Congress for its introduction and maintenance. Prior to 1897 and during the second Cleveland Administration the appropriations aggregated $40,000 for experimental service, and with this appropriation a limited number of routes were established by Postmaster-General Wilson. I find from the committee report before me that the appropriations and expenditures for the entire rural free-delivery service since its inauguration experimentally have been, including deficiencies:

Year.	Appropriations, including deficiencies.	Expenditures.
1892	$10,000.00	
1893	10,000.00	
1894	10,000.00	
1895	20,000.00	
1896	Indefinite.	
1897	10,000.00	
1898	50,250.35	$50,250.06
1899	150,098.98	150,078.60
1900	450,000.00	448,480.14
1901	1,753,840.33	1,753,757.36
1902	4,083,922.91	4,083,889.42
1903	8,054,400.00	8,013,046.50
1904	12,950,957.65	

Estimated for 1905, $15,785,400.

Total amount recommended by the committee for the support of the rural free-delivery service for the fiscal year 1905, $20,773,700.

According to the report of the Fourth Assistant Postmaster-General, November 28, 1903, the routes now in operation are 19,398; estimated number March 1, 1904, 22,678; estimated, June 30, 1904, 24,500.

ORIGIN OF THE RURAL FREE-DELIVERY SERVICE.

Many routes established prior to 1897 and prior to the McKinley Administration are set out in page 60 of the annual report of First Assistant Postmaster-General Heath for the year ending

June 30, 1898. It will be seen that numerous routes were established in 1896, prior to the Administration of President McKinley and under the second Administration of President Cleveland. Thus it will be seen that the gentleman from Kansas [Mr. SCOTT] in his late speech was in error in claiming the entire credit of this service for the Republican party. As has been the custom of gentlemen upon that side of the House for some years past, the gentleman from Kansas is claiming that the Republican party is entitled to the credit for everything that is good in the country. No doubt the Republican party will claim credit now for the advance in the price of cotton, due to short crop and the demands of the mills. But it is certainly clearly established that the Republican party did not originate, although it has helped to extend, in compliance with the demand of the people, the rural free-delivery service.

The origin of that service can unquestionably be traced to Democratic sources. The gentleman from Kansas [Mr. SCOTT] stated that Postmaster-General Wanamaker in 1892 strongly indorsed the rural free delivery of mail and urged its extension. He did nothing of the kind. There was no such thing as rural free delivery of mail in his day. What Mr. Wanamaker indorsed and urged was the extension of the letter-carrier system to smaller cities and towns and into the outlying suburbs of the larger cities. It was William L. Wilson, President Cleveland's second Postmaster-General, who, in 1896, began the experiment of rural free delivery of mail, and systematically applied thereto the $40,000 which had accumulated during the Cleveland Administration; appropriations which had been suggested by Democrats, brought in by Democratic committees, and voted by Democratic Houses in 1893, 1894, and 1895, and at the instance of the Senate in 1896, after a Republican House had refused to put the appropriation in the bill. [Applause.]

The gentleman from Kansas [Mr. SCOTT] a few days ago and the gentleman from Indiana [Mr. CRUMPACKER] to-day made the common and venerable mistake about Mr. Wanamaker to which I have alluded. It will be seen by a careful reference to the Wanamaker report that all that Mr. Wanamaker recommended was the extension of the letter-carrier system into the smaller cities and the suburbs of the large cities.

The gentleman from Kansas [Mr. SCOTT] also charged that President Cleveland and his first Postmaster-General, Mr. Bissell, were opposed to the rural free mail-delivery system. They simply thought at the time—and that is all there is in this charge—that it was too expensive to be warranted.

However, Democratic Congresses throughout the second Cleveland Administration continued to vote from year to year $10,000 as an appropriation for beginning the experiment, and in 1896 the incontrovertible fact remains that William L. Wilson, Democratic Postmaster-General, began the experiment in earnest, systematically applying thereto the appropriations of $40,000 which had accumulated for that purpose.

In the Fifty-second Congress the first bills looking to rural free delivery of mail were introduced, and they were introduced by Democrats, such as Clarke of Alabama and others. The Post-Office Committee was in charge of Democrats in the Fifty-second and Fifty-third Congresses. In the Fifty-second Congress Mr. Henderson, of North Carolina, was the chairman of that committee. This committee prepared and reported to the House a committee bill on the subject of rural free mail delivery in May, 1892. But the time was yet too early, and the bill, it is true, was not passed or pressed for action.

In the short session of the same Congress an item of $10,000 as an experimental appropriation for rural free mail delivery was added to the post-office appropriation bill, and by consent of the committee, of the House, of the Senate, and of the President—all Democrats—that bill became a law.

The same thing happened in both sessions of the Fifty-third Congress—a Democratic Congress. In both of those Democratic Congresses almost all those who took sides in any way for rural free mail delivery were Democrats, and most of those who took the other side were Republicans. Among the Democrats who favored rural free delivery were Hon. JOHN SHARP WILLIAMS, LIVINGSTON of Georgia, and many others.

Mr. NORRIS. When the gentleman says that this item was favored by "a Democratic President," I should like to ask him whether the "Democratic President" did anything more than sign the general appropriation bill in which this item was contained along with many others?

Mr. THOMAS of North Carolina. Of course not; but it was a Democratic committee that reported the bill and it was a Democratic House and a Democratic Senate that passed the bill. The President, it is true, simply performed the function of the Executive, as all Presidents do, in signing bills.

Mr. NORRIS. Let me ask the gentleman whether that same Democratic President, or his Postmaster-General, or his Assistant Postmaster-General, during those three or four years, ever said anything in any of their reports in favor of rural free delivery?

Mr. THOMAS of North Carolina. Certainly; William L. Wilson did.

Mr. NORRIS. I should like to have the gentleman quote it. I confess I could not find any such thing.

Mr. THOMAS of North Carolina. Actions speak louder than words. It was William L. Wilson, the Democratic Postmaster-General, who put the first rural free-delivery routes in operation.

Mr. NORRIS. In his reports, however, he has no word of commendation of this system—not one—that I have been able to find. And did he not wait nearly four years before he put any such route in operation?

Mr. THOMAS of North Carolina. I will give the gentleman in a few moments the authority of no less a prominent Republican than Perry S. Heath to the effect that Postmaster-General Wilson is entitled to credit for the inauguration of this service.

Mr. MADDOX. Remember that Postmaster-General Wilson was only in office two years.

Mr. NORRIS. But Postmaster-General Bissell was in office before him.

Mr. MADDOX. That has nothing to do with the case.

Mr. THOMAS of North Carolina. Certainly not.

Now, Mr. Chairman, as is usual in such cases, more was said about this matter, and more opposition was manifested to the rural free-delivery service during the first year or two of its incipiency than during all the intervening years since that time. But the opposition soon vanished.

The reason was that "rural free mail delivery" was a success from the start. Now, the Republicans, like my friend from Nebraska [Mr. NORRIS], are always trying to belittle and misrepresent Postmaster-General Wilson's agency in giving the system a successful start; but the fact remains that he did start the service and that it proved such a success under his management that ever since then it has gone on increasing as a matter of course, without opposition of any value, and almost automatically, as a public necessity of the most pronounced type. It was Postmaster-General Wilson, a Democrat, who laid the foundation and inaugurated this great system, and all the public documents, reports of committees, and records of Congress bear out this statement.

The Republicans, like my friend from Nebraska [Mr. NORRIS], have constantly represented that Mr. Wilson undertook the matter unwillingly and half-heartedly, even going so far as to hint that he took pains to execute the initial operations in such a way as to create a bad effect and make the system unsuccessful. This is the tone in which the subject is detailed in the report of the First Assistant Postmaster-General, Perry Heath, in 1899. That official then declared that although Mr. Wilson had promised to put the experiment to the test "by the best methods he could devise," he did so "with many misgivings" and where the service was "impossible of execution." Mr. Heath goes on to specify and make the most he can of three unsuccessful routes among those established by Mr. Wilson; but afterwards, I will say to the gentleman from Nebraska [Mr. NORRIS], he was compelled to admit and he did admit, in a later report, that these original routes were—

so well placed and gave such immediate satisfaction to the people—

I quote his words—

that their merits could not be obscured.

And these routes—

Says Mr. Heath—

demonstrated clearly that rural free delivery, judiciously inaugurated, could be made less expensive and more nearly self-sustaining than the urban free-delivery service established in many of the smaller cities under the authority of Congress.

And—

Says Mr. Heath—

it was thus made evident that the expansion of rural free delivery would be only a question of time.

See pages 75 and 77 of the report.

This is a great admission on the part of one of the most distinguished Republican partisans who has ever held office in this country, former secretary of the Republican national executive committee. It admits, and very unwillingly admits, that Mr. Wilson's intelligent and faithful experiments were a brilliant success, so much so that they rendered the expansion of rural free mail delivery a certainty.

Now, on page 78 of the same report Mr. Heath goes on to say that no sooner had he got well settled in his office in March, 1897, which was after the inauguration of President McKinley, than—

Petitions from every section of the country where the service had been given a fair trial began to pour in upon the Department.

Here is another candid admission of the great popularity of the results obtained by the routes established by Mr. Wilson, Democratic Postmaster-General.

Since 1896, the year of Mr. Wilson's activity in the matter, there

has been no obstacle in the way of the development of this service. The people have signified that they want the service extended as far as possible and as quickly as possible, and the latest official estimates lead to the expectation that rural free mail delivery will sooner or later be extended all over the United States.

Now, Mr. Chairman, before I leave the question as to the origin of the service, having given the admission of Mr. Heath that Postmaster-General Wilson's experiments laid the foundation of the service, in reply to the gentleman from Nebraska [Mr. NORRIS], I wish further to read from a letter addressed to the Hon. L. F. LIVINGSTON, a Member of this House from the State of Georgia, by Hon. Henry C. Payne, the present Republican Postmaster-General. This, Mr. Chairman, is a copy of the letter, and the original is in the possession of Mr. LIVINGSTON. Mr. Payne says:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 25, 1904.

Hon. L. F. LIVINGSTON, *House of Representatives.*

SIR: Replying to your letter of the 18th instant, making certain inquiries relative to the early history of the rural free-delivery service, I would refer you to the acts making appropriations for the postal service for the fiscal years 1893-94, 1894-95, and 1896-97, from which I quote as follows:

1893-94: "For free-delivery service, including existing experimental free delivery, $11,254,900, of which the sum of $10,000 shall be applied, under the direction of the Postmaster-General, to experimental free delivery in rural communities other than towns and villages."

Postmaster-General Bissell stated in his annual report for this fiscal year that the $10,000 provided for rural delivery was not used. The so-called "experimental delivery," which was established at a limited number of offices under authority of act of October, 1890, and provided a house-to-house delivery of mail in small towns and villages, was continued during this year.

1894-95: "For free delivery, including existing experimental free-delivery offices, $12,327,685.33, of which the sum of $20,000 shall be applied, under the direction of the Postmaster-General, to experimental free delivery in rural communities other than towns and villages, and the Postmaster-General shall be required to report to the next session of Congress such measure as he may deem practical for extending mail service to rural districts and the probable cost of such extension."

In the report of Postmaster-General Wilson, who was appointed in March, 1895, it is stated that the amount appropriated for a test of rural delivery was not expended. The experimental free delivery in towns and villages was continued during the year.

1895-96: "For free-delivery service, including existing experimental free-delivery offices, $12,790,283.64."

No rural routes were established during this year. The experimental free-delivery service in towns and villages was discontinued at the close of this fiscal year, Congress having failed to provide an appropriation for its continuance.

1896-97: "For free-delivery service, * * * in all, $12,818,250, * * * *Provided further*, That $10,000 of this amount may be used to defray the expense of experiments in rural free delivery, under the direction of the Postmaster-General, and that the amount heretofore appropriated for this purpose and still unexpended be available for said experiment."

During this fiscal year eighty-four rural routes were established on the order of Postmaster-General Wilson.

Very respectfully, H. C. PAYNE, *Postmaster-General.*

Mr. CANDLER. What is the date of that letter?

Mr. THOMAS of North Carolina. It is a letter of January 25, 1904.

Mr. NORRIS. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Nebraska?

Mr. THOMAS of North Carolina. I do.

Mr. NORRIS. That fiscal year refers to the fiscal year ending June 30, 1897, does it not?

Mr. THOMAS of North Carolina. It does, but the language of your Republican Postmaster-General, Mr. Payne——

Mr. NORRIS. I understand.

Mr. THOMAS of North Carolina. One moment. Let me reply to the gentleman. The language of your Republican Postmaster-General Payne is, "that during this fiscal year eighty-four rural routes were established on the order of Postmaster-General Wilson."

Mr. NORRIS. Yes; I understand.

Mr. THOMAS of North Carolina. It does not matter whether those routes went into operation before President McKinley was inaugurated on the 4th of March, 1897, or not. It was William L. Wilson, a Democrat, who first established those eighty-four routes, and it was done on his order, and you can not get away from that fact. [Applause.]

Mr. NORRIS. But the letter does not say that they were established by Mr. Wilson.

Mr. THOMAS of North Carolina. It says that "during this fiscal year eighty-four rural routes were established on the order of Postmaster-General Wilson."

Mr. NORRIS. If any of them were put in after the 4th of March, 1897, they were put in operation by Republican officials, were they not?

Mr. THOMAS of North Carolina. This letter does not so state. The gentleman can see the original letter in the possession of Mr. LIVINGSTON.

Mr. NORRIS. Oh, I do not deny the letter.

Mr. THOMAS of North Carolina. I understand that. The letter says during the fiscal year ending June 30, 1897, part of which was under a Democratic Administration and a part under the McKinley Administration, there were eighty-four routes established on the order of Postmaster-General Wilson, and he laid the foundation and basis of the whole rural free-delivery service.

Mr. WILLIAM W. KITCHIN. I will state to the gentleman from Nebraska that if they were established on the order of Postmaster-General Wilson, then the petitions must have been received prior to that time and the examination made and the order given for their establishment, and they had to be established then unless the succeeding Postmaster-General overruled the order and canceled it.

Mr. GRIFFITH. Mr. Chairman, I want to suggest that the first experiment made in rural free delivery was made in Bartholomew County, Ind., in the Fourth Congressional district. This was the first experiment that was made, and that was made in 1896 and under a Democratic Administration; and in 1897, under Mr. McKinley's Administration, this route in Bartholomew County, Ind., the first route ever established in the United States, established by a Democratic Administration, was ordered to be discontinued; but upon my request that order was set aside and the route was reestablished, and it is yet in existence.

Mr. THOMAS of North Carolina. There were a large number of routes in operation in 1896, before McKinley's inauguration.

RURAL FREE DELIVERY BENEFITS THE FARMS.

Whatever may have been the origin of the service, however, Mr. Chairman, the great benefit and benign influence of rural free delivery is being felt throughout the entire country. It is one of the few ways in which the Government has been able to extend help and aid to the farming people, a class of our citizens who have ever received as little benefit from the General Government as any part of our citizenship, and yet at the same time constitute the bone and sinew of the land. With rural free delivery attesting the visible presence and service of the Government, there arises in the mind of the farmer a conviction that he shares with the people of the towns and cities the advantages of the Government. He feels that this helpful agency of his country comes to his door, and the effect is to stir his pride and stimulate his loyalty and patriotism.

The farm is brought into direct daily contact with the currents and movements of the business world. The value of farms, as has been shown in many cases, is enhanced. Good roads become indispensable, and their improvement is an essential condition of the service. It is well known that the tendency of the times has been to overcrowd the great cities and to leave the farms. By rural free delivery this tendency is checked. Rural free delivery brings the farm within the daily range of the activities of the world, and the isolation and monotony which have been the bane of agricultural life are mitigated. It is one of the most effective and powerful agencies in the education of the people. With the closer contact with the world and the distribution of a larger number of newspapers the standard of intelligence is raised and enlightened interest in public affairs is quickened.

RURAL FREE DELIVERY AIDS GOOD ROADS.

Recently there has been inaugurated in Congress a movement for an appropriation by the National Government in aid of good roads. This movement will be of great benefit to the people, and, if carefully safeguarded, I am in favor of such legislation. But with the extension of rural free delivery the movement for good roads is surer of meeting with success, for one of the greatest obstacles encountered in the extension of rural free delivery is the unimproved condition of many of the country roads. But as the rural free-delivery service continues to grow in popularity the people, in order to secure its advantages, will insist upon good roads. With all these advantages of rural free delivery it is plainly here to stay. It can not be abandoned where it has been established, and it can not be maintained without being extended. It is a service in which there can be no backward step. Its extension means also other benefits to the people.

The appropriation recommended for the present fiscal year is no more than is sufficient to meet the growing needs of the service and the demands of the people for this institution. It is estimated that to extend the system throughout the United States would approximate an annual cost of $25,000,000, but it may reasonably be claimed that a general extension of this service would increase the postal revenues from year to year at such a rate that eventually the service will become self-sustaining. This is no more than was claimed by the friends of free city delivery when the introduction of that service into our large cities was opposed by those who saw in it an expenditure which would entail a heavy burden upon the future revenues of the country.

As for myself, Mr. Chairman, representing a great agricultural constituency and their interests, desiring to secure for them the greatest good in every way from the Government under which they live, as well as the best and most improved postal facilities, it is my desire to see the extension of this service in my district and State and throughout the country until it carries its blessings to the door of every farmhouse and every rural community in

the land. I regard the appropriations for this service as returning to the agricultural portion of our people no more than is their just due. The extension of this service and the inauguration of a system of good roads will give greater intelligence, greater satisfaction with farm life, thus counteracting the tendency toward overcrowding our great cities.

So far as I am concerned, Mr. Chairman, I am willing to vote all that is necessary not only for the extension of this service, but for its improvement and its betterment in every way that can be devised. I believe that eventually the service will pay its own way, but if it does not do so it is one of the greatest public conveniences and blessings ever instituted, and it should not be allowed to retrograde, and, as I have endeavored to show, the people owe this great convenience and public blessing mainly to the Democratic party. [Applause.]

Whatever may be its origin, let it be nonpartisan, liberal in its administration—not a party machine, but a great agency, patriotically supported by all parties to benefit and enlighten the people and to benefit especially that class of our population who receive so few appropriations and benefits from our Government—the agricultural people and farmers of this great nation. [Loud applause.]

Mr. OVERSTREET. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I beg to say at the outset that I am earnestly in favor of a substantial increase in the salary of rural carriers. I believe in the perfection of the rural service in every way possible, so that it will carry all possible advantages and conveniences to the rural population of the country. When the proposition to put rural carriers permanently upon the basis of a salary was before the last Congress for consideration, the Hon. Eugene F. Loud, of California, who was then chairman of the Committee on Post-Offices and Post-Roads, opposed the policy, and advocated with much ability and earnestness the idea of letting the carrying by public contract. I believed he was wrong then and I am satisfied now that he was wrong, but in the course of his remarks he took occasion to say that the rural carriers of the country would soon organize into a political body with the view of attempting to influence legislation in securing increased salaries and other favors from Congress.

I have before me, Mr. Chairman, a rather remarkable letter vindicating the prophecy of Mr. Loud. I received through the mails to-day by special delivery, from a carrier in my district, a copy of a letter which he says is being addressed by the president of the National Carriers' Association to every carrier in the United States urging them to send emergency telegrams to their Members of Congress demanding legislation along certain lines. The man who sent me the letter I know personally, and I know him to be thoroughly reliable, and I have no doubt at all that the statement he makes is reliable. His statement is further corroborated by the fact that I received yesterday two telegrams from remote parts of my district, literal copies of the form as set out in the president's circular letter.

I regard this as a most reprehensible proceeding. The country now is criticising the very mild practice, which is the result of a custom as strong as law itself, requiring Members of Congress to make recommendations to the various Departments of the Government on behalf of their constituents, but that is of little consequence in comparison with this insidious attempt to control legislation by political coercion. I am always glad to hear from my constituents respecting their views upon public matters, but I do protest against the organization of public officers for the purpose of bringing pressure to bear upon Congress by methods outlined in the letter which I now send to the Clerk's desk to be read.

The Clerk read as follows:

WASHINGTON, D. C., *March 7, 1904.*

To the rural letter carriers of the United States:

I believe we have got things coming our way and will succeed if you do your part. I understand the situation, and the Department will take no notice of any work you do in regard to pushing our bill.

The general appropriation bill under which our relief will come will be brought before the House for consideration to-day. It will likely be under consideration all this week, and the vote may not be taken before the first of next week, but do not delay your telegrams. Send them as soon as possible after receiving this communication.

The carriers from each county should send a telegram something like the following:

"Hon. ——— ———, M. C., *Washington, D. C.:*

"Rural carriers of ——— County unanimously favor graded scale; fifteen days' vacation. Let privileges alone; earnestly support amendment.

"Yours, respectfully."

Then let every carrier get at least one influential patron or politician, and, if possible, some one who is personally acquainted with your Member of Congress to sign a telegram something like the following:

"Hon. ——— ———, M. C., *Washington, D. C.:*

"Rural patrons unanimously favor graded scale, fifteen days' vacation. Let privileges alone; earnestly support amendment. Vitally interested.

"Yours, respectfully."

These telegrams will not cost more than 40 or 50 cents, so as quick as you can get them signed fire them in. There will be thousands of telegrams and it means over $20 a month increase in our salary. So see to it that your link in the chain does not fail, and if any carrier can send three or four of these kind of telegrams it will greatly assist us.

I have now got the assistance of quite a number of prominent men from different parts of the country who have millions behind them. They are interested and are here personally to help with the fight. We are thoroughly organized, and they are bringing powerful influence to bear upon the Members of Congress.

Where you were once in despair you now have hope. We must have these telegrams. Do your duty, and do it quick.

State officers, do not lose one moment in forwarding these communications to your county associates and carriers throughout your State.

County officers, do not lose one moment in getting these instructions to every carrier in your county, and have him do his duty.

Yours, very respectfully,

F. H. CUNNINGHAM,
National President.

Mr. MADDOX. Mr. Chairman, I should like to ask the gentleman from Indiana where that gentleman lives.

Mr. CRUMPACKER. Mr. Cunningham?

Mr. MADDOX. The gentleman who worked up this matter.

Mr. CRUMPACKER. I understand he lives at Omaha, Nebr., and he is president of the National Rural Carriers' Association.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MADDOX. We had better have him down here and indict him right away.

Mr. OVERSTREET. I yield five minutes more to the gentleman from Indiana, as he desires to answer questions.

Mr. MANN. Mr. Chairman, may I ask the gentleman if this letter is not in contravention of the order issued by the President in reference to employees of the Government?

Mr. CRUMPACKER. I so regard it; and, by the way, I understand Mr. Cunningham is in the city now. I met him personally a week or so ago in the lobby and talked to him about legislation.

Mr. MADDOX. Is he not under civil service? Does not the civil-service law apply to him?

Mr. CRUMPACKER. I understand he is in the classified service, and I presume this is a breach of the service regulations, but the matter has not been brought to the attention of the Administration. It probably will be through the means of the CONGRESSIONAL RECORD, and that is one object I had in putting it in the RECORD.

Mr. LIND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. CRUMPACKER. Certainly.

Mr. LIND. I simply wish to state that I have had four telegrams already of the character indicated in the paper just read. I was called out at midnight last night to receive and read one.

Mr. MADDOX. I have had twelve or fourteen.

Mr. MANN. I hope time enough will be given for the other gentlemen to confess.

Mr. CRUMPACKER. Mr. Chairman, I yield back the balance of my time to my colleague.

Mr. GROSVENOR. I would like to ask the gentleman from Indiana a question before he proceeds: Will it be necessary to have a report from the Post-Office Department embodying these telegrams and the names of the Members who have received them?

Mr. OVERSTREET. I think if the gentleman should wish to prepare another speech, and that was the only means of his doing so, we might accommodate him. Now, Mr. Chairman, I yield fifteen minutes to the gentleman from New York [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Chairman, having taken a very decided, active, and sincere interest in the work of endeavoring to secure for New York City proper postal facilities ever since I have had the honor of being a Member of this House, I deem it, therefore, desirable at this time and during the debate on the post-office and post-roads bill to make a plain statement of the efforts made by myself and others to do justice to our city and outline the position as it exists at the present moment, especially owing to the recent discussion of the matter by the New York City press. The question was taken up by me with the chairman of the Committee on Public Buildings and Grounds [Mr. MERCER] and other gentlemen of that committee early in the first session of the Fifty-seventh Congress. New York City had not been considered for nearly twenty-five years, and the postal facilities provided by the old post-office building were such that it was recognized by all that relief was imperative, that we had justifiable ground to ask it, and that the necessities of the position required prompt extra facilities. The entire New York City delegation advocated strongly the direct appropriation of $2,500,000 to $3,000,000 for the purchase of a site and asked for a commission of New York men to be named, of undoubted character, with authority to take immediate action.

The chairman of the committee, however, felt that it was an important subject, that great care should be used, and he decided that he would prefer to create a commission with power to secure

a site and to report at the next session of Congress, and in this view his committee concurred. It was further decided by the committee that it would be, in their judgment, best to appoint on the commission men who did not reside in New York City, and while I objected to this, as no outsider can understand the requirements of a city as well as a resident, or will take as much pride in reaching a proper conclusion, yet in view of the fact that the committee could not be brought to see the matter from my standpoint, I reluctantly acquiesced, and finally the clause incorporated in the public buildings and grounds bill of 1902 was as follows:

SEC. 13. That a commission hereby created, consisting of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General of the United States, be, and is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site in the city of New York, borough of Manhattan, and State of New York, upon which to erect a fireproof building for the use and accommodation of the United States post-office in said city: *Provided*, That the site selected shall be bounded on each side by a street. When said Commission has acquired a site in said city, as herein provided, the commission shall make a report to Congress, stating the location, dimensions, and cost of the same, and recommend to Congress the character and size of a building that should be erected upon said site, and state the probable cost of such a building, including fireproof vaults, heating and ventilating apparatus, and approaches.

When this bill was being discussed before the House remarks were made by several New York gentlemen, who objected to the likely delay of a commission, and without reviewing the entire proceedings, which can be found in the RECORD under date of Tuesday, April 29, 1902, I would state that the chairman referred specially to several gentlemen, including myself, as those who gave evidence and information of value to the committee. Mr. Mercer stated that the selection of a site was most important; that the commission would have to carefully consider all plans submitted, and that it would be no simple matter to accomplish the purchase; that the site would be expensive and the location must satisfy certain conditions.

At date named I made some remarks in connection with the subject, and without quoting at length would say that I stated among other things that the creation of this commission would undoubtedly secure for us a splendid site, and we would also beyond question obtain a building commensurate in importance with the city's greatness, for which Congress would certainly grant us a proper appropriation; further, that we hoped to secure a Federal building which would be a gratification to our citizens, those who would visit us from other parts of the country, also our foreign friends. When the committee gave us this commission I do not consider that there was the slightest question in the minds of any of these gentlemen, nor was there any doubt whatever with a man on the New York delegation, that it was intended that New York should be granted prompt postal relief and we had practically secured a building worthy of the status of New York, to be erected in a central location convenient for our business men, and there was no other intention or thought. The committee appointed, the Postmaster-General, the Attorney-General, and the Secretary of the Treasury undoubtedly also held similar ideas and views and at the time strongly so expressed themselves.

When Congress reconvened the following winter we all hoped and expected that a report would be ready, but the commission had not been able to bring the matter to a final conclusion, and time went on. During December, 1902, and the early part of 1903, I frequently spoke to the commission on the subject and found they still had not reached a decision. Thus affairs went along until the end of January, and as late as the 29th of that month the Postmaster-General and the Secretary of the Treasury attended a banquet in New York, given by the West Side Republican Club, invited by myself and others, and proposed to further investigate sites at the time. We all now waited with eager expectancy for the conclusions of the committee, as this was the short session and expired by law on the 4th of March. I would call your attention to the fact that the clause creating a commission did not limit the amount to be paid for a site, and directed its purchase, also required the erection of a fireproof building, and after they had acquired the ground they were to report to Congress, giving the location, dimensions, and cost of the same, and recommend the character and size of a building that should be erected, further stating the probable cost, including fireproof vaults, heating, and ventilating apparatus and approaches.

These gentlemen were all busy men at the head of great Departments, and naturally their attention was largely given up to their regular work, and it was difficult for them to properly look after a special matter of this kind, and while not in any way reflecting upon the commission it proved the greater wisdom of having tried to have named a committee composed of men who would have had more time and who lived on the proposed field of action, as they naturally would also have more interest in the matter. Until early in February there was no hint of any kind that a change of plan from the original instructions, intent, and idea was contemplated. About this time, however, a proposition made by the Pennsylvania Railroad was given consideration. This great corporation was proposing to established a footing within the city of New York by tunneling under the Hudson River, and were buying property between Thirty-first and Thirty-third streets and Seventh and Ninth avenues for the purpose of establishing a great freight and passenger station. They proposed to sell the Government a section of land on Eighth avenue between Thirty-first and Thirty-third streets, but to be held subject to the rights of the Pennsylvania Railroad and the New York and Long Island Railroad for the use of trackage, platforms, etc., 20 feet below the curb line of the street.

The Pennsylvania Railroad had only just perfected their plans. It was very uncertain how long it would take them to build their tunnel and be able to place the ground in condition to be built upon. The time was estimated anywhere from four to five years at the minimum. On hearing of this plan I at once took exception to such a disposition of the subject, claiming the site was not a proper one for a post-office and would lead to the thwarting of the cherished and anticipated hopes of the entire New York delegation and the public of our great city, who expected a building to be erected in the heart of the city. It was an absolute and entire change of front and was generally condemned by our press and the public. It was too late to prevent, however, the report from being made, and finally, on or about the 23d day of February, the commission recommended accordingly, which left but a few days before the adjournment of Congress on the 4th of March, 1903. There were no plans of building, estimates of cost, etc., furnished by the commission in accordance with the original act; and, in fact, the commission had failed to carry out any of its provisions. The Committee on Public Buildings and Grounds had reported their bill on the 16th of February, 1903, as, naturally, they could not wait for this special report, and the two million asked for was added as an amendment to the sundry civil bill in the Senate.

The conference report on this bill was only presented to the House March 3, 1903, or the day before adjournment. The report was made at such a late date that it was absolutely impossible for any New York Member to take any action or practically do anything whatever in reference to the matter. The position developed at once an opposition on the part of the conferees of the House, and when the matter was discussed the chairman of the Committee on Appropriations at that time [Mr. CANNON] made this statement, having been requested by several New York Members, including myself, to explain why the provision was eliminated from the bill. Mr. CANNON said that the proposed proposition to buy the Pennsylvania site really never reached the House of Representatives; that it only reached the Senate after the bill had been reported to that body with the amendments of the Senate committee, and on the run, as it were, the Senate put the amendment in the bill. He also stated that when they went into conference a gentleman who spoke or professed to speak in the interest of the New York Central Railroad Company informed them that said company also had a site at its terminal that it wanted to dispose of to the Government for a post-office, and application was made to the committee to say whether that matter could not also be treated.

It was found that said proposition was not in conference, and after obtaining all the light possible to secure in the closing hours of the session the conferees on the part of the House found themselves in a fog. They were not sure that it was wise, whether they wished to buy this terminal property, whether it was worth one million or two million dollars, a suggestion being made that they could buy the New York Central terminal site for one million; also the committee had failed to state what kind of a building it was proposed to erect, and other details being wanted they decided that it was not well to have the item go in the bill. He added that the only positive answer they could get to anything was that these terminals would not be completed before Congress came together again. I would remark at this point this was the first that was ever heard of the New York Central site or proposition. I would also call attention to the fact that the chairman states that at that time the New York Central was willing to sell for $1,000,000. In view of these facts no action was taken, and the matter went over until this year, or the first and second sessions of the Fifty-eighth Congress.

It certainly was most unfortunate and greatly to be deplored that the commission did not recommend, as was expected by every one and their original intention, the purchase of a site in the central section of New York, anywhere, say, from Twenty-third street north and on one of the great arteries of New York City or adjacent to it; also over the subway or so situated as to enable easy connection to be made therewith. Those who are conversant with our city are aware that this great piece of engineering work

was then under way and is now about completed. It is an underground railroad running from one end to the other of the city, north and south, both on the east and west sides of the city, and connecting with the Grand Central Depot; also having connections with ferries east and west, and ultimately branches will be extended to Brooklyn, Williamsburg, and practically all important points. The idea was that the mails once reaching the central station could be assorted rapidly and then cheaply conveyed through the subway to all portions of the city.

I believe that a great opportunity for the improvement of New York's postal facilities was lost, as well as much valuable time, owing to the change in the plan. Had the commission reported this way and promptly, in time for the Committee on Public Buildings and Grounds to have provided the funds necessary for the starting of the building, there is no reason why at this date, the contracts having also been promptly let, that a building would not have been under fair headway and likely to have been completed within two years from now. This brings us up to the situation as it stands at the present moment. As soon as the session opened, as the old commission no longer was in existence by reason of its not having been continued by the Fifty-seventh Congress, and desiring that something should be done without delay, I introduced the following bill appropriating $2,000,000 for the purchase of a site, asking for the appointment by the President of three commissioners, and making it mandatory that they should report within sixty days:

A bill (H. R. 4103) to provide for the erection of a branch post-office in the city of New York.

Be it enacted, etc., That the President of the United States is hereby authorized to appoint three commissioners, residents of New York City, to select a site in said city for a branch post-office, their report to be made within sixty days after they are named, in writing, to the Postmaster-General, who shall approve of the site chosen before purchase is closed; said commissioners to serve without compensation, but to be reimbursed for actual expenses incurred. The site selected shall front on a public street or streets on two sides, at least.

SEC. 2. That $2,000,000, or such less amount as may be needed for the purchase of site, is hereby appropriated out of any money in the Treasury not otherwise appropriated. A site having been secured, the Secretary of the Treasury, the Postmaster-General, and the postmaster of New York City shall be authorized to act as a committee to select plans for a suitable building to be erected thereon. The cost of the building shall not exceed $3,000,000, and this amount, or such less sum as may be required, is hereby appropriated out of any money in the United States Treasury not otherwise appropriated. The building shall be erected by contract under the direction and supervision of the Secretary of the Treasury.

Other bills were also introduced. As we are aware, it was decided that there should be no public buildings and grounds bill at this session. I had several talks with the Postmaster-General early in the session, and was in hopes that he would in his annual report make a special plea for a new post-office. In his report, however, issued in January, he merely recommends, on page 34, that action be taken by Congress on the report of the commission appointed to select a site for a new post-office building in the city of New York, which practically threw the matter back to where it was before. During the present session it further developed that the New York Central Railroad were desirous of also pushing their proposition and reaching a conclusion with the Government, and in place of selling a site were proposing to make an offer of suitable space for handling the mails at a rental of $90,000 per annum, or such less amount as might be agreed upon, and I understand that during January proper representations to this effect were made to the Postmaster-General.

As matters were urgent, I thought that it would be desirable to do something definite in connection with the affair and therefore on the 27th of January advised with various members of the New York delegation, and it was agreed that a meeting should be held February 2 in the committee room on Banking and Currency. This meeting was duly held, and a special committee of four, with myself as chairman, was named to report again to the full delegation on Friday, February 5. The committee named were Messrs. RIDER, GOLDFOGLE, DUNWELL, and myself. We held meetings on February 5 and February 6, discussed the various phases of the question very fully, and duly reported the following resolution, which was unanimous, at the meeting on Friday, February 5, in the same committee room:

Report to the New York delegation—Meeting held February 5, 1904, at 11 a. m., in committee room of Banking and Currency.

Your committee beg to report as follows:

They would recommend that the entire New York delegation should wait on the chairman of the Committee on Public Buildings and Grounds; also consult at once with the chairman of the Committee on Appropriations. If it is the intention of the first-named committee to report a bill this session, we advise that said committee shall be requested to insert in said bill a section as follows:

"That the President of the United States is hereby authorized to appoint three commissioners, residents of New York City, to purchase or acquire through condemnation proceedings a site in said city for a new post-office, their report in writing to be filed within ninety days after they are appointed with the Secretary of the Treasury. Said commissioners to serve without compensation, but to be reimbursed for actual expenses incurred. The site selected shall front on a public street or streets on two sides at least, and $2,000,000 or such less amount as may be needed for the acquirement of the site is hereby appropriated out of any money in the Treasury not otherwise appropriated."

If said committee are not likely to have a public buildings bill we deem it desirable to secure the sympathy and support of the chairman of the committee and request him to aid us with the chairman and the Committee on Appropriations to have this section incorporated in the sundry civil bill, or such other bill as may be decided upon as preferable.

The committee further recommend that a special committee of seven shall be appointed to wait upon the Speaker of the House of Representatives, Hon. JOSEPH G. CANNON; also to advise with the leader of the House on the Republican side, Hon. SERENO E. PAYNE, and the leader on the Democratic side, Hon. JOHN S. WILLIAMS, with a view to securing the cooperation and support of these gentlemen, which will, if secured, go far to do away with the possibility of any personal Member raising any objection to this necessary and just legislation on behalf of New York City.

Your committee also deem it desirable that the entire New York delegation shall in due course wait on the President of the United States, advise him of their action in asking him to name this commission, and request him to aid their efforts to such extent as will be proper and justifiable on his part.

Your committee deem it good policy to leave the selection of a site to the commission that may be named by the President, rather than specify any special site. They also believe it wisdom to have the President name as members of the commission residents of New York City, as such men undoubtedly are better qualified than outsiders to know the needs and requirements of our citizens and determine with judgment the location of the site.

The report of the committee is unanimous.

W. H. DOUGLAS,
Fifteenth District.
IRA E. RIDER,
Fourteenth District.
HENRY M. GOLDFOGLE,
Ninth District.
CHAS. T. DUNWELL,
Third District.

Senators PLATT and DEPEW were invited to attend the Friday meeting, and Senator DEPEW was duly present. You will note that this report distinctly advised the appointment of a new commission to be named by the President, who were to be residents of New York City, authorized to purchase or acquire a site for a new post-office, and who were to make their report in writing within ninety days to the Secretary of the Treasury, and that $2,000,000 were appropriated for this purpose. The report was not adopted, but laid on the table for future consideration at the next meeting, which was to be held February 9.

At the February 5 meeting a further committee of seven was appointed, consisting of Messrs. DUNWELL, HARRISON, RIDER, GOLDFOGLE, SULZER, SHOBER, and myself, who were to wait on the chairman of the Committee on Public Buildings and Grounds, also on the chairman of the Committee on Appropriations, and solicit their aid in any movement that might be made, and further to advise with the leaders on both sides of the House to secure their sympathy. This committee, or portions of the committee, duly made these requests of the gentlemen named. As I found that I would not be able to attend a meeting on the 9th of February, and as Mr. DUNWELL, Mr. SULZER, and others also could not be present, I wrote to all members of the committee and asked them to kindly postpone the proposed meeting.

I make this very plain so that it may be clearly understood that no meeting of the New York delegation was held after the meeting of Friday, February 5, and consequently no unanimous decision of any kind whatever could have been reached, as some gentlemen have claimed, and, in fact, the only resolution which the New York Members jointly considered was the one I have mentioned above. It appears, however, that some gentlemen, notwithstanding the request to postpone the February 9 proposed meeting held a meeting, and without any sanction, except such as would be warranted to be taken by those present, passed resolutions changing the status and indorsing the purchase of the Pennsylvania site at a cost of two millions. This, however, was personal action of the Members present. Some of the gentlemen who had agreed to the first report undoubtedly had changed their minds, which they had a perfect right to do, but that was no justification on their part in assuming that others had also altered their views.

As it was now very evident, in view of their being no public building and grounds bill, that it was necessary to take action, if anything was to be accomplished, through other committees, and as it was also clear that it was practically out of the question to secure an appropriation this session for a special site, according to the original plan, it was decided to endeavor to arrange, so far as the New York Central proposition was concerned, through some other committee, and as the Post-Office and Post-Roads Committee had not yet reported, a recommendation has been placed in this bill authorizing the Postmaster-General to lease suitable space for the necessary postal requirements at said station at a yearly rental of $90,000 or less, the Postmaster-General to have authority to act and secure the lease on the most favorable terms possible. This railroad does not propose giving any ground space, which they reserve for their own use, but will provide accommodations above the first floor for the post-office authorities, and the mails will be sent up by elevators as soon as discharged from the cars.

As I understand it, the entire New York delegation are in favor

of this arrangement, and there is no good reason why it should not be concluded, and personally I am heartily in favor of the plan, and it is only to be hoped that the Postmaster-General will see to it that the interests of the Government are carefully protected in closing the details of lease, of which I have no doubt whatever. The Pennsylvania Railroad proposition has been that the Government should make a purchase of land, as stated heretofore, rather than to lease, and it has been suggested that a clause should be placed in the sundry civil bill authorizing said purchase for $2,000,000. A hearing was asked before said committee, and it was duly held on Wednesday, the 2d of March. Most of the New York delegation were present; also Senator DEPEW.

The result of this hearing appears to have occasioned considerable friction and, I regret to say, some misunderstanding. Also as it has led to the giving out of many somewhat misleading and incorrect statements to the New York press, it is desirable, therefore, to have in the RECORD an authentic statement, at least in part, of the important facts, and I give some in full, and in other cases partial, extracts taken from the official stenographer's report. I specially call attention to the statements made by the gentleman from New York [Mr. SULZER], by which it will be seen that he practically took the exact position that I did in reference to the Pennsylvania site, and advised against its purchase if other arrangements could be made.

I bring this point out prominently, as the New York papers did not do either myself or Mr. DUNWELL justice in this particular. Senator DEPEW made a long statement and gave a full and lucid description of what the New York Central proposed to do; which proposition, however, was really not before the committee. I do not give his remarks in full, as anyone interested can see them by calling on the committee, but I give such extracts as are specially pertinent to the question. I request attention to his statement that, taking 90 per cent of the total mail as coming to New York over the New York Central and the Pennsylvania railroads, the New York Central carries 60 per cent and the Pennsylvania only 40 per cent of the 90 per cent.

If this is correct, it certainly would show that if the space the New York Central proposes to lease will be sufficient for the next fifty years for the Government requirements, we do not require larger space at the Pennsylvania station unless the ratio of mail carried should alter very materially, which is not likely.

I mention this particularly as the proposed purchase of ground at the Pennsylvania terminus is very much larger than what is to be given by the New York Central, or, to quote from the Rider bill, 460 feet on Eighth avenue, with a depth of 640 feet. I give in full my own statement, so that it may be on record. I also give in full the remarks of the gentleman from New York [Mr. DUNWELL], who took practically the same ground that I did in the matter. Several other gentlemen spoke, but I do not incorporate their remarks, as they did not throw further special light on the subject, merely stating that they believed something should be done, and if no other solution could be reached the appropriation should be placed in the bill. The gentlemen from New York [Mr. SCUDDER and Mr. BASSETT] objected to transferring the Federal courts to an uptown building, and I beg to say that on reflection I fully agree with them as to this proposition. They should remain downtown, convenient to the business center and the offices of those who most frequently have to attend such courts.

I might call attention also to the remarks of Mr. WILSON, who referred to the extra facilities that should be secured for prompt delivery of mail between the substations by the pneumatic tube or other similar system, in which I fully concur. A careful revision of the entire hearing will really bring out the fact that the only substantial difference of any moment between the delegation was as to the question of lease or purchase of the proper facilities, which all admitted should be secured at the Pennsylvania terminus. It was clearly shown that to erect on the ground proposed, which is large, a suitable building at the Government expense, would certainly cost several millions of dollars. No special or definite information has ever been offered to show that the Department or the commission appointed ever made any special and concerted effort to secure by lease what space we desire from the Pennsylvania, although they may have done so lately. It seems to me that there is no question whatever but that such effort should be made and before we are called upon to face the alternate proposal. The United States Government pay the Pennsylvania Railway large sums of money yearly for the carrying of the mails, and it certainly is as much for the ultimate benefit and good of that railroad that a substation should be placed there as it is for the Government.

I can therefore hardly concede that the railroad would not meet the postal authorities in a proper spirit if they were approached, and that a settlement agreeable to all could not be arrived at, and I shall likely make this effort at the proper time and endeavor to have given to the Postmaster-General the necessary authority. It is admitted that probably four years at least will elapse in the case of purchase before the Government could start to build on the Pennsylvania site, therefore there is no reason to say that the securing of prompt facilities for New York is being delayed. It goes without saying, if these statements are correct, that no letter would pass through that post-office or substation for at least six years. It may be wisdom, as some say for an excuse in advocating what they know is not right, to take what you can get at times rather than secure nothing, but it is also cowardly, and there is no pressing demand that we must act at once, although understand that I am in favor of doing something and having no longer delay.

The Pennsylvania Railroad have not yet started to build their tunnel under the Hudson. They must then perfect the tunnel on the New York side to their station, put in the proper trackage, and prepare the ground. No one is more earnest or alive to the absolute necessity of finally securing a substation at each of these terminals than myself, and in any case I believe it would have been done in due course by the Department authorities under the usual recommendations and general yearly appropriation. There is a great difference, however, between a substation and a post-office building, even if the space occupied may not materially differ. It is most unfortunate that there was no public buildings and grounds bill this session, as I believe the committee would have given without hesitation a proper appropriation to secure an uptown branch in a desirable location, and I hope that all of us would have stood for this, but we are now forced apparently to abandon for twelve months at least our cherished hope and wish for a general post-office.

It is further evident that the railroad interests are now in the saddle and bound to subordinate all other interests to their own. Senator DEPEW, in his statement before the New York delegation on the 2d of February, very naively stated that the two railroads had now settled all their differences and were united and willing to give us what we wished, and therefore there was no reason why we should not get it, and since then anyone who appears to have had a desire to hold to the original plan has certainly not received much consideration. I have fully realized the position and done what I could to have harmonious action, believing that we would have justice from the House, and I have recognized that it was fair and proper to close with the New York Central, who now offered a reasonable proposition, as they required to have ample time to perfect their plans and were putting up the building.

The great cry, however, about prompt relief seems to have been entirely overlooked by those who were the most insistent upon it only a short time since. Granting that we arrange for one or both substations this year, we will have to wait four or five years before they can be used. Meanwhile, what has become of the great principle of humanitarianism, which my colleagues seemed to have suddenly overlooked? I should like to ask them if they have lost their interest in the men who are daily or weekly, as has been said by some, giving up their positions through loss of health, by reason of having to work in insanitary, dark, and damp surroundings, or crowded together in a sort of loft, called the "chicken coop," in the upper part of the old post-office? I would request attention to the RECORD and the very eloquent and earnest remarks of several gentlemen from New York as to the unfortunate position of these men.

I am interesting myself now, and will continue to do so while I am in Congress, for their relief. I incorporate copy of a letter I have addressed to the Postmaster-General on this subject, requesting that extra money shall be given the New York postmaster, so that he may provide some subbranches in the necessary places and take these men out of their present surroundings and place them where they can do their work properly.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, March 7, 1901.

MY DEAR SIR: I would call your attention to the overcrowded condition of the old New York post-office; to the fact that the men are obliged to work under great disadvantages; that certain sections of the building, it is said, are not in a sanitary condition, as the cellar; that the mail is piled up, especially during the rush times of the year, and much delay is caused through the want of space and delay in sorting; also, that men are crowded together in the upper part of the building.

I hope that you will take these matters into consideration and allow the postmaster at New York a proper extra amount of money this and every year from now forward, until new facilities are obtained, by large substations, so that he can hire at once several extra branch offices and relieve the pressure.

Your attention will oblige,

Respectfully, yours,

WM. H. DOUGLAS.

Hon. HENRY C. PAYNE, *Postmaster-General.*

I have lived in New York all my life and know as well as other citizens the direction in which the great tide of humanity daily ebbs and flows and where the immense retail and wholesale busi-

ness houses are situated, and consequently a post-office should be placed to do what it is expected to accomplish, and I would be derelict in my duty, false to my principles, and devoid of honesty if I were afraid to come forward and state facts, give proper details, and then allow the question to be decided on its merits. I would say, and can not do it too strongly, it would be almost a crime to spend seven millions of the Government's money on such a site as is proposed. It would be the same as if you placed a post-office in Washington at the river front or some other outside position, rather than on Pennsylvania avenue, accessible and convenient to the people. Few citizens of New York will ever know they have a post-office if it is placed on Eighth avenue. A workshop, a sorting place, is not a post-office, no matter how desirable and necessary it may be.

The New York Central branch will be upstairs; the people will not visit it largely. The ground floor, always the most valuable for rental for any purpose, is to be owned by the railroad. The Pennsylvania site may be surrounded by a freight depot, a storage place for cars, locomotive houses, etc., blocked by trucks and wagons, and a hundred other nuisances attendant on a great central station, to say nothing of the likely noise, as I understand the portion of the Pennsylvania site which is to be used by the public will be at a very considerable distance from the proposed site. It is very easy to swim with the tide, as it were, and especially is this wiser when an unknowing public sentiment may be against you, and to accept what may come with complacency, but that should not be the attitude of anyone with convictions on any subject, who believes it best to stand by principles if right, and who would rather fight for them than run away. I have taken the latter course, knowing full well that it would be criticised; but in due time I am satisfied that my statements will prove correct, and I am willing to abide by the result.

If it is a crime to say that if we are to have a post-office we should have it in a proper location, I am agreeable to so state and take the consequences, while advocating as strongly as anyone the relief necessary at both places by substations, and I believe that every man in the delegation will admit the correctness at least of this position, and I sincerely hope that every one will continue to fight for a new central post-office until we secure our just rights for our city. The amount of sorting that has to be done at railroad centers or elsewhere is considerably exaggerated, and I should like to know the amount in percentage of mail that comes in over these two railroads or that leaves our city which is sorted elsewhere, so that it really reaches the railroad station in bags marked and requiring no extra handling. All the through mails from the Orient, Australia, New Zealand, and other places, and destined for Europe, do not require sorting.

The same remarks apply to the mails from foreign countries, coming across the ocean and going to the West, and again across the Pacific. They are all in special bags, which are not broken. The local sorting is the great question. I made some extended remarks on this question Tuesday, April 29, 1902, so that I will not again go fully into the matter. I have, however, been endeavoring to study the question of proper mail distribution in a great city, so far as local requirements are concerned, and have consulted others, and there is no doubt whatever that to-day we are far behind in this particular, and not abreast of other large cities. A careful investigation leads me to think that really the proper solution of the entire question of local delivery is not expensive plants in any central position, but rather a proper central building for sorting, and then a rapid and quick delivery to the public through numerous branch stations properly placed throughout the city.

All these stations should be connected with each other and with the several railroad terminals and central post-office by pneumatic-tube or other proper system. They should have access or be placed very close to the underground railroad, with its many branches and arteries throughout the city. It should be possible for anyone at a small extra cost to have sent from one section of the city to the other by the tube method or otherwise a letter and have the answer come back within a very short period. If we could get in yearly appropriation, subject to the use of the New York postmaster, say, one-half the yearly output that is proposed at the Pennsylvania Railroad if we purchase, or, say, $250,000, so as to give us some fifteen to twenty new stations, it will do more for us than anything else to bring about a final solution of this problem. The city should also be divided into districts—north, south, east, and west—and letters directed accordingly to save time in delivery.

Our post-office and the service generally should be taken entirely out of the sphere of politics and be run strictly on business principles and for the people's good. [Applause.] I do not know that the Department has been niggardly in appropriating money for New York City, but if what I hear is correct they have been. A chief of division told me that New York did not need more than three or four deliveries a day, but I am pleased to say strong protests by myself and others prevented the carrying out of such an idea. We all know that there is hardly a substation in New York where the men are not doing more work than they should, and that they are underpaid; also that the poor substitutes are hardly able to make an approach to a living while they are serving their apprenticeship and trying to become carriers. They are entitled to a fair guaranty, say not less than six or seven hundred dollars a year.

At this point I wish to make a statement that I believe that in no city in America is there a more earnest, efficient, and conscientious corps of men than are employed as carriers, clerks, superintendents, and in other duties under the postal necessities. They serve in all kinds of weather, there are few men who prove dishonest, and from a personal knowledge and acquaintanceship with many I can bear testimony to their worth, their merit, and loyalty to their service, and they should be carefully considered in recommendations they make for improvements in the service and for increased compensation. I believe that the salary of a carrier should be raised at once to not less than $1,200 per annum maximum after service for such number of years as might be fixed, and then after each further five years of service he should have a further reasonable increase in compensation. I do not believe that they should be subject to loss of full pay through sickness, unless it extends beyond, say, ten days or two weeks.

The pay of clerks, superintendents, etc., also should be advanced, and the carriers and clerks should have the right to insist upon not being placed to do their work in unsanitary buildings without proper light and ventilation.

If we paid two millions for the Pennsylvania site and four millions for a building, which is conservative, even if cheaply put up with brick four stories high, as the space is large, and say one million for fittings, it means seven millions, which at 4 per cent interest is $280,000. Then with the heating, lights, elevators, etc., the total would foot up to probably $400,000 a year rental.

The Senator from New York says, and justly, the land around Forty-second street is worth three times the cost of land on the Pennsylvania site, and yet the New York Central is agreeable to grant us all necessary space with equipments for $90,000 or less. Certainly then by a proper bargain we should secure what we need and more room at the same price or less. In fact, they should give us two to two and one-half times as much space for the same amount. This is simply a business proposition, and we should not allow ourselves to be run away with by foolish clamor or sentiment or something worse.

Also, as has been pointed out, a larger percentage of mails come in and go out over the New York Central. Should the Government, therefore, simply because the Pennsylvania Railroad desires to sell and not to lease, be forced to expend likely three hundred and twenty-five to three hundred and fifty thousand dollars yearly and permanently in place of, say, nominally, $75,000? Or should we require the railroad to meet us fairly and thus save this great difference each year? With honest convictions I have, therefore, opposed the purchase proposition before I saw the plans of the Pennsylvania Railroad and knew exactly what they intended giving us in the way of ground and facilities, but I am doubly convinced of the justice of the position after having inspected their plan, and believe that a great mistake will be made if the Government agrees to their present proposition.

It appears in place of selling us a piece of ground some 460 feet on Eighth avenue, running some 650 feet west toward Ninth avenue, and between Thirty-first and Thirty-third streets, as was stated, they really propose something entirely different, and desire to retain for themselves and railroad purposes 50 feet back from the Eighth avenue front and 40 feet back on each of the side streets named; also, to hold as railroad property the central portion of the site, some 175 by 350 feet, for light and air, as their tracks will be under the entire space. Thus the property sold to the Government will be entirely surrounded on three sides by railroad property, and at the back of the site by a private road to be opened, not a public street, and beyond that the railroad yards, etc. Also, what would ordinarily be the center of the building will be held by the railroad. In fact, we would only be buying a square within a square.

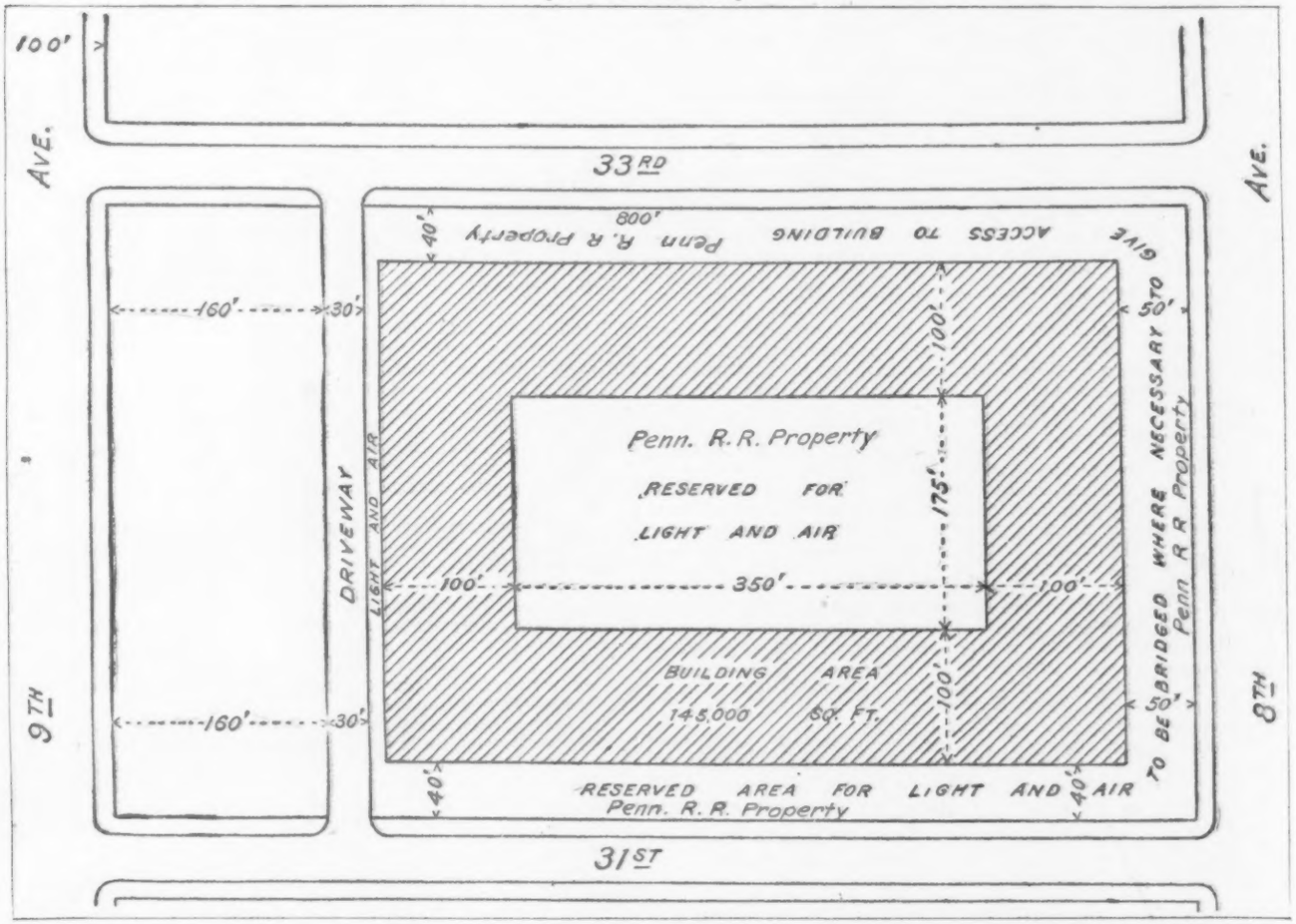
It is well known that the value of any landed property is mostly dependent upon its ground space and the easement or ownership of the street front, and the present property is no exception to the rule. If this frontage is taken away it becomes a serious question what would be the value of the site under discussion; but I hazard the opinion that it could not be sold for one-fourth the amount asked—$2,000,000. The Pennsylvania Railroad grants the privilege of building bridges over the 50 feet on Eighth avenue and the 40 feet on Thirty-first and Thirty-third streets, to allow of entrance to the building, and bridges can also be built

over the central reserve ground if desired, to allow communication between one section of the building to the other, say north and south, and east and west.

The railroad, again, do not agree to build a foundation for the building, as I was lead to expect, but only a retaining wall around the space sold. I am of the opinion few, if any, of my colleagues from New York, or those who have advocated this purchase because they wished, as they say, to secure something, have been aware of these facts, and I will add that it appears to me, as soon as they are made acquainted with the true position and status of the matter, they will see the necessity of changing their position and help to defeat, unless radical changes are made in the proposition, what must appeal to all as an attempt to give the Government an unsuitable, undesirable, and costly site for the reasons given.

UNITED STATES POST-OFFICE BUILDING AT NEW YORK TERMINAL STATION, 1903.

[Scale: 1 inch=100 feet.]



Under the head of personal privilege, I desire, in conclusion, to state that my only wish in giving these actual and indisputable facts has been to do so without feeling or prejudice as regards the position of others and without any intention to impugn their motives or good faith, preferring to leave all differences of opinion to be accounted for by the honest divergence of views which all men may hold; and yet, by reason of the criticism of the New York press—unwarranted statements, and in some instances actual erroneous facts—it appears well to place in the RECORD a fairly complete history of New York post-office issues to date. I had intended to deal in a few stronger statements, but have preferred leaving the actual facts to speak for themselves. Throughout the controversy and as regards my future position, I would add that I am only actuated by a desire to do what I consider clearly a duty and to accomplish what may be best for our city and due to our Government.

I am not interested directly or indirectly in sites or systems of any kind leading up to the improvemen of our postal facilities. These matters I am satisfied to leave to the Department and such commissions as may be named, or to be decided by the action of the committees of the House themselves. Fearlessly, however, will I, in this instance and in all others, do what in my judgment is the right thing, without regard to any consideration except my conscience and obligations to my oath of office. [Applause.]

[Statement of Mr. SULZER, March 2, 1904, before the Committee on Appropriations. Page 3.]

There is no place to-day in this country where postal facilities are more needed than in the city of New York, and it not alone affects the city of New York, but it affects the whole country, because New York is the great distributing point. Now, it is absolutely impossible in the old post-office building to properly distribute the mail. It is wholly inadequate. It is old and dilapidated. It is unsanitary, and the report of the commission, which is before this committee and before Congress, conclusively proves that better postal facilities are needed in the city of New York.

Now, the question is, What is the best way? I am frank to say, Mr. Chairman, that for one I was opposed to this site. I was opposed to what this commission did. I hoped the commission would have selected a site and recommended the building of a new post-office, and left the old post-office as a substation. But the commission did not do that. It recommended the purchase of a piece of property at Eighth avenue and Thirty-first street.

Mr. SULZER. The simple question, in my judgment, for this committee is whether or not you are willing to give us this two millions. We come before this committee a united delegation. We come before this committee voicing the sentiment of the people of New York unanimously. We come before this committee voicing the sentiment of all the newspapers of New York City. Every newspaper in New York is clamoring for this appropriation of two millions in order to go on with this work. (From pages 7 and 8.)

The CHAIRMAN. What do you think of the Pennsylvania Company making the same proposition to the Government that the New York Central has made?

Mr. SULZER. If that is satisfactory, it is entirely satisfactory to me.

The CHAIRMAN. Do you not think it is better?

Mr. SULZER. I want to say, however, I do not speak for the Pennsylvania Railroad. I am speaking for my constituents. Now, if the Pennsylvania Railroad would make such a proposition to the Government, and it was thought by the Government that the proposition of the Pennsylvania Railroad would be fairer and better, that would be entirely satisfactory, in my opinion, to the people of the city of New York. I have not heard, I want to say, a single objection from any newspaper or from anybody competent to speak for the people of the city of New York to the proposition of the New York Central. I think that is a very good and fair proposition. I think that it will ultimately rebound immensely to the advantage of the Government, and perhaps, as you say, if we could get the Pennsylvania Railroad Company to make the same kind of a proposition it would be better. I am frank to say that, in my opinion, the New York Central proposition is a fairer, and better, and more advantageous proposition, so far as finality is concerned, than the Pennsylvania proposition.

The CHAIRMAN. What do you say as to the time; that is, whether it will be one year or two years or three years before the Pennsylvania Railroad Company will deliver mail at this proposed site?

Mr. SULZER. That is a very hard question to answer. They have just begun to build the tunnel.

A VOICE. Three years.

Mr. SULZER. It is a very hard question to answer. They have just begun to build the tunnel. It may be two years, it may be three years, it may be four years, but they are going ahead very rapidly. I know it is the intention of the Pennsylvania Railroad people to finish that tunnel and build that substation and depot there just as quickly as possible. (From pages 9 and 10.)

Mr. SULZER. If I could have the assurance of the Pennsylvania Railroad Company—speaking just for myself—if I could have the assurance of the Pennsylvania Railroad now, that they would put into the Post-Office and Post-Roads Committee appropriation bill the same facilities at their terminus as the New York Central is going to do, I would be willing to accept it. As I say, Mr. Chairman, I represent no one here but my constituents. They are clamoring for better postal facilities; they need better postal facilites. It is a crying shame to this Government that we have got such an old, unhealthy, dilapidated, broken-down post-office building in New York City. It does not compare with the post-offices in several of the cities ten times as small as New York City, and New York City has grown immensely in the last few years.

If we can get the Pennsylvania Railroad to agree to the same proposition as the New York Central has made, why then there is no favoritism, and it seems to me it simplifies the proposition.

The CHAIRMAN. What do you think about the Government entering into partnership with the railroad company in purchasing a site for the company to construct a building on?

Mr. SULZER. As I say, I have never been in favor of this proposition. I have always been against it. I fought against it in every Congress. What I wanted was a new post-office building in the neighborhood of Forty-second street and use the old post-office building as simply a down-town distributing center. I could not succeed. I could not have my way. Now I am willing to take the best I can get. But I want it before this session of Congress adjourns.

[Statement of Senator DEPEW, March 2, 1904, before the Committee on Appropriations.]

Senator DEPEW. Mr. Chairman, if this was simply a railway proposition I would not be here, but I am here in my official capacity, representing the State of New York, and am specially interested as a resident for many years of the city of New York. We have always been handicapped in New York since the stations got so far distant from the post-office, by reason of the length of cartage that it requires. This has led to the formation of substations. There is a substation established. The Government found it necessary to establish it or it could not transact its business near the Grand Central Depot. (From pages 21, 22, and 23.)

Senator DEPEW. Now, the Pennsylvania Railroad have projected, and the Pennsylvania is a rival of the New York Central, but I am just as anxious to have Pennsylvania facilities provided as I am that they shall be provided over the New York Central. The Pennsylvania have projected one of the most extraordinary developments for a complete railway of modern times. They propose, in order to get into the city of New York proper, to build a tunnel under the Hudson River, then across the island of Manhattan, and then across the East River, to come out upon Long Island somewhere in Brooklyn. Now, their proposition, in its practical features as to the receipt and delivery of the mail, is the same except that they propose to convey the land in fee because they have taken such vast spaces over there, and of course the land is nothing in value compared with that which is next to Fifth avenue, as is the New York Central location. With the exception of Broad and Wall streets, there is no location in the world now where land demands and receives readily so much per square foot as it does between Fourth avenue and Forty-fourth street and Fifth avenue and along that line of territory. They propose there to build a structure over the tracks and have the same methods of receipt and delivery. Now, why should there (probably intended) not be two is the question that naturally occurs to the economical mind.

The CHAIRMAN. Let us ask you there, Senator, do I understand it now to be that the Government should buy the site and pay two millions for it?

Senator DEPEW. That is, they buy the surface site. The underground site belongs to the railway.

The CHAIRMAN. And pay two millions for it?

Senator DEPEW. Yes, sir.

The CHAIRMAN. Who is to construct the building?

Senator DEPEW. The Government constructs the building.

Ninety per cent of the mail which comes locally, which comes there for this vast distribution, goes over the two roads in the proportion of 60 to the New York Central and 40 to the Pennsylvania of the 90 per cent.

[Statement of Mr. DOUGLAS, March 2, 1904, before the Committee on Appropriations.]

Mr. DOUGLAS. Mr. Chairman and gentlemen of the committee, in rising I would say we have a statement in New York City that no man should speak after Senator DEPEW, and it is a very wise statement, and a man is usually wise who respects and adopts it. Notwithstanding, however, I would like to say a few things in connection with this post-office matter. The statements made by Senator DEPEW are correct. The growth of the city is wonderful. He has outlined all the facts to you so conclusively, so pleasantly, and so honestly I need not refer to these points. We had a commission appointed two years ago, and I was largely instrumental in having that commission named.

I desired at the time to have New York men placed on the commission. I was not successful because the chairman of the committee at that time felt that he did not desire to be criticised, and consequently he settled on men who were not New Yorkers, although, as we all know, the most honorable and upright men that we can find in the Government to-day. These gentlemen had in view this plan when they were named on the commission. They intended to buy a piece of ground anywhere between Fourteenth street and Forty-second street, and between Sixth avenue and Lexington avenue—that is, in the heart of the city, the section to-day that is the most eminent in business and other ways, and where the population of the city concentrates and where they desire to go for their mail, for postal requirements, for buying money orders, and all facilities that go with a post-office.

The subway in New York, which you gentlemen all know about, is to be built. It is a great undertaking, almost as great as the New York Central and the Pennsylvania plans, and some say it is even greater. That subway will connect practically all parts of New York City, and the intention was to place this building adjacent to or over that subway, with a view that the mails coming from the railroad centers and from all other directions should be run into this central building, with the object of concentrating there the entire mail service, relieving the downtown business. However, time went on and this other solution came up, which seemed feasible and desirable, and they were given consideration by Postmaster-General Payne, and you know all about his recommendations, and therefore I need not allude to them.

I wish to say, however, I shall give up with extreme reluctance the first idea and scheme. I still believe and wish to say very forcibly that that is even to-day what New York City wants, and I believe ultimately you will have to give New York City just what I am now proposing. I am in full accord, however, and full sympathy with everything that Senator DEPEW has said with reference to the New York Central Railroad. They propose—that is, the New York Central—to have a building built on that site, and they will hold the easement on the ground. They will then give us an advantageous station for the distribution of the mails which come in by that railroad. I think we can say, therefore, that every man and all the citizens of New York are thoroughly in favor of that station being accorded to New York City.

I do not agree with the Senator that that station will ever be of any great value to the public, except as a distributing station; but we need it, and we must have it, and therefore I shall dismiss that by saying it is simply a question now, you may say, of how cheap can this Government secure the proper accommodations from the New York Central? It is simply a question of bargain solely, and I am absolutely and entirely in accord with the necessity of having it. I would like now to come to the question of the Pennsylvania Railroad, and I should not now have spoken of it if some of the others had not given me a cue in relation to that matter. The proposition is somewhat different. I wish to say that it is over on the west side of the city, in the tenement-house section.

The Pennsylvania Railroad is spending vast sums of money there, and they are going to have their yards as well as passenger and other accommodations, and it is a very grave question whether it is desirable or necessary or wise to buy ground at that location. I understand that they are asking $2,000,000, and then I further understand that it is probably essential that a building should be placed there by the United States Government. The area of ground they propose to give us is very large. The cost of that building, I am told, as proposed, is about five millions. That is a large sum of money, gentlemen. It would make the cost of that building seven millions, including the site. This means a very heavy rental per annum. It further means the expenditure of large amounts of money for janitor, heating, and other service of various kinds.

And again it is an open question as to the adaptability of that building for any purpose except a general distribution of the mail that comes over that railroad. If we, however, had a general post-office placed anywhere in the location that I mentioned, which you must have, because the city grows, as the Senator says, almost over night, and this is our only chance to do that, and although three or four years off, we will then have a suitable general station. Looking at it from this point of view, if we put up a general post-office and spend several millions of dollars, we will then have an ornament to the great city of New York. We will then have a grand building. We will have something that the citizens will look upon with satisfaction, and we will have a building besides which will be useful and can be utilized very largely for the interests of the city in other ways. It can be used for Federal requirements, for our courts, for internal-revenue offices, and for purposes of that kind which are essential, and as essential as the requirements of the post-office.

Mr. GILLETT of Massachusetts. Do you mean it will be necessary for the post-office alone?

Mr. DOUGLAS. It strikes me the ground they are offering us—that is, the Pennsylvania Railroad—is very large. I wish to say again that putting it in that location, this great central building I propose, in a part of the city where no one who knows anything about New York City would place it, with all deference to the gentlemen who have selected that site, will mean hiding it; but if you place it in a central location you will then have a building that in ten years will be worth fifteen millions to the United States Government. I only wish to bring these points out because I want to call the attention of the committee to them carefully, not because I am not just as much in favor of it—that is, a substation at the Pennsylvania Railroad—and I want to emphasize that very much, because I favor a substation at the point of the Pennsylvania; but I think this committee, as is their duty, should give most earnest consideration to the facts whether the rental is not more desirable than the purchase and erection of an enormous building.

I consider that for the expenditure of perhaps $50,000 to $75,000 a year the Pennsylvania should undoubtedly give us equal accommodations to what the Senator says the New York Central will give us, and it is all we want to arrive at. I do not desire to bar the door for the next ten years so that the New York delegation can not go to the Committee on Public Buildings and Grounds or come to this committee and ask them for further consideration, which we might do if we shut the door by the expenditure of this enormous amount of money, which I also want to call to the committee's attention will not be spent for perhaps another five or six years—three years, anyway—because it can not be built earlier, and that station can not be erected sooner.

The United States Government can not take charge and complete that building under four years, and I say five and six; therefore I simply want to add that I hope the committee will use some moral suasion, which they may be able to accomplish through the Postmaster-General or otherwise, on the Pennsylvania Railroad, to consider whether they will or not give us what we must have and the same as the New York Central location by lease and which I strongly advocate—to give us by lease, not purchase, what we must have, what we should have, what the people of New York demand, and what our friend SULZER says the papers are all for—that is, we also want the Pennsylvania Railroad site.

Mr. SULZER. Will you pardon me just a moment? Is not the matter you are talking about an extraneous matter that ought to come up in a separate bill entirely?

Mr. DOUGLAS. No; it is just what you were talking about, although I am putting it in a different way to suit myself. You spoke just as much on this proposition from your standpoint as I did and practically advocated the very thing that I am now advocating, that it may be desirable, may be more necessary, and may be more effective in the long run for the city of New York to hire that site, taking such ground as may be necessary and desirable for them to obtain from the Pennsylvania Railroad, and practically the same proposition which the Senator from New York has stated the New York Central is going to concede.

I personally will take pleasure in standing with the New York delegation firmly on the proposition, and with what the judgment of the committee may decide is best for us, but I think it is my duty, in fact I know it is, to call the attention of the committee to this point, and I still believe that a rental at a proper valuation, not putting an enormous building there, at an enormous cost, and shutting the doors as I say and barring us from further calls on this House, is perhaps more desirable and more essential than purchasing this site.

The CHAIRMAN. I understand the gentleman to say that in his judgment the better plan would be to try to effect such an arrangement with the Pennsylvania Railroad as is suggested by the New York Central, and build your post-office building at a point up town or nearer the heart of the city.

Mr. DOUGLAS. The central point. Yes; that is my idea.

Mr. DUNWELL addressed the Committee on Appropriations and said (March 2, 1904):

Mr. Chairman and gentlemen of the committee: We all seem to be agreed on the main features of this proposition, but there are a few little points about which we seem to be slightly at variance. So far as I am concerned, I believe in the arguments which have been made by Mr. DOUGLAS with regard to the Government building at some central point in the city of New York, which should be sufficient for the uses of the great city as a receptacle and distributing point for all mail, also for the accommodation of many other departments of the Government in the city of New York which are now suffering for lack of space.

I agree with all that has been said by the gentleman who has spoken in regard to these two terminals. I think we should have a substation well equipped at both of these points, but I fear that for a large appropriation to be made for the building of a Government building on this site proposed by the Pennsylvania Railroad it would then be many years before New York City really gets the great central Government building which is essential to all its interests.

Mr. GOLDFOGLE. Will you pardon an interruption?

Mr. DUNWELL. Certainly.

Mr. GOLDFOGLE. If we do not acquire the site now proposed and offered, how many years do you suppose it will take before we will ever, through Congressional action, get this desired large Government building?

Mr. DUNWELL. I do not think it will take more time to secure a great central building in the city of New York for all the Government purposes than it would take to secure what is wanted at the Pennsylvania site. It has been estimated it would take six years before such a building could be completed and be ready for use. I believe we could complete a building at some central point in the city of New York before that time. I do not believe the question of time enters much into this, and if we erect, as has been suggested, this building on the Pennsylvania site—if we should spend seven millions in the erection of this building on one side of the city, away from its center, I question whether we would not have to be content with that building for fifty years to come, and it would not cost more than that to build this central building which has been mentioned here, at a point where it would be of use to the city for other purposes as well as this.

The CHAIRMAN. Let me ask the gentleman whether he does not think it advisable to go slow with this matter and try to secure such an arrangement with the Pennsylvania Railroad as has been secured, or possibly can be secured, with the New York Central and put this building where it ought to be?

Mr. DUNWELL. That, Mr. Chairman, would be my idea.

Mr. SULZER. Then you are opposed to any legislation for better postal facilities?

Mr. DUNWELL. I am not. No, do not accuse me of anything of that kind.

Mr. SULZER. Then you are opposed to any legislation for any better postal facilities this year?

Mr. DUNWELL. Not at all. I am very much in favor of it if it can be done in the right way.

The CHAIRMAN. I suggest that you gentlemen settle these questions in other ways.

Mr. OVERSTREET. I yield to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, some years ago, under a Republican Administration, this Government began the experiment of delivering to and collecting mail from people living outside cities. This experiment has developed into a system involving the employment of thousands of rural carriers.

To perform his duties the rural carrier must be qualified by honesty, intelligence, energy, and physical endurance. He must travel about 25 miles every day in all kinds of weather. He must keep and feed at least two horses and must own conveyances, harness, and equipment necessary to the performance of his business.

For his own services, the use of his outfit, and the maintenance thereof he is now paid a salary of $600 a year.

The element of equipment expense being an essential factor in considering what a carrier actually receives for his services, I have asked the carriers of the Fourth district of Michigan to inform me as to the length of their routes, number of houses served, horses and vehicles kept, original cost of outfit, the probable life thereof, cost of grain, hay, repairs, horseshoeing, and veterinary services.

An average of the reports of 124 carriers is presented in the following table:

Route number	124
Average length of route (miles)	24.8
Average number houses served	110
Average number horses kept	2
Average number vehicles kept	2
Average original cost of outfit	$337.00
Estimated life of outfit (years)	3
Average cost of grain:	
Per bushel	$0.42
Annual total	$115.24
Average cost of hay:	
Per ton	$9.37
Annual total	$77.58
Average cost of repair outfit	$16.23
Average cost of horseshoeing	$23.44
Average cost of veterinary services	$7.25

TOTAL.

Annual deterioration in outfit (33⅓ per cent)	$112.33
Annual cost of grain	115.24
Annual cost of hay	77.58
Annual cost of repairs to outfit	16.23
Annual cost of horseshoeing	23.44
Annual cost of veterinary services	7.25
Total cost	352.07

These tables show that rural carriers in the Fourth district of Michigan receive less than $250 a year over and above expenses which the Government requires them to incur, and the Fourth district of Michigan is probably a fair illustration.

Eighty cents a day is not fair pay for the service required to be rendered. The Government requires men who apply for this service to pass examinations to test their competency and requires them to have a certain equipment.

Constant, systematic hard work is required of them, and they are charged with important responsibility.

The facts themselves are sufficient argument. [Loud applause.]

And then, on motion of Mr. OVERSTREET, the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13521, the post-office appropriation bill, and had come to no resolution thereon.

POST-OFFICE BUILDING, NEW YORK CITY.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to introduce a bill and that it be referred to the Committee on Appropriations.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

Be it enacted, etc., For the acquisition of a site for a post-office building in the city of New York, State of New York, comprising a frontage of 400 feet on the west side of Eighth avenue and a depth of 640 feet on Thirty-first and Thirty-third streets, to a street to be hereafter made, such site to be subject to the right of the Pennsylvania Railroad Company to use for platforms and trackage under a plane 20 feet below the curb line of the adjoining streets: *Provided, however*, That such use does not interfere with the erection of supports necessary in the construction of a suitable post-office building, $2,000,000.

The SPEAKER. The gentleman asks unanimous consent that he have the privilege of introducing this bill at this time and that it be referred to the Committee on Appropriations. Is there objection?

Mr. MANN. Mr. Speaker, I take it that it does not require unanimous consent to introduce the bill.

The SPEAKER. The Chair will state that under the rule all bills for public buildings would go to the Committee on Public Buildings and Grounds. Now, if the bill was before the House, which it is not, it would be quite competent for the House on motion to refer the bill to any committee it chooses to refer it to. The gentleman from New York [Mr. SULZER] asks unanimous consent that this bill be referred to the Committee on Appropriations.

Mr. SULZER. Mr. Speaker, in that connection I desire to state to the House the reason I ask that this bill be referred to the Committee on Appropriations is because that committee has had a hearing on this matter and it is now pending before that committee.

Mr. MANN. Mr. Speaker, may I make this inquiry, whether it would affect at all the authority of the Committee on Appropriations in reporting an item not warranted by law?

The SPEAKER. The Chair will state that if this goes to the Committee on Appropriations that committee would hold it, subject to the same rules that any other committee would hold it, for a report or otherwise. Is there objection?

Mr. DOUGLAS. Mr. Speaker, I would like to ask the gentleman from New York a question.

Mr. SULZER. Certainly.

Mr. DOUGLAS. I should like to ask the object of making that reference? I understand that this bill is practically before that committee to-day. We had a hearing on it March 2, and we were all present and discussed the bill.

Mr. SULZER. The reason I am introducing the matter in the nature of a bill to-day is to bring the matter more formally before that committee.

Mr. DOUGLAS. I do not consider it necessary to make that reference.

Mr. SULZER. Others think it is necessary. Members of the Committee on Appropriations think it is necessary. This is identically the same bill as the amendment previously offered by me to the Committee on Appropriations.

Mr. DOUGLAS. I should like to ask the gentleman another question.

Mr. SULZER. Certainly.

Mr. DOUGLAS. I would like to ask the gentleman if at the hearing on March 2 the gentleman from New York did not state that he was opposed to that purchase, that he did not believe in the purchase of the Pennsylvania site, and that he thought it was better to lease?

Mr. SULZER. On the contrary, I stated that I was in favor of this purchase.

Mr. DOUGLAS. If the gentleman will give me time I will read his remarks.

Mr. SULZER. Oh, I have not time for the gentleman to read my remarks.

Mr. DOUGLAS. I think he will see that he said what I state he did, and very plainly, too.

Mr. SULZER. If an arrangement can be made, I said, for a

lease, I have no objection to that. I do not think it can be arranged, and consequently this is the only relief I can see at the present time that we can get. Therefore I am in favor of it.

Mr. DOUGLAS. I have before me a plan of this building.

Mr. SULZER. Put that in the RECORD.

Mr. DOUGLAS. I wish to say also to the gentleman from New York that the bill does not give correctly or properly or fairly what is intended to be conveyed to the Government by the plan of the Pennsylvania Railroad. It says the ground is 460 feet by 640 feet, and the plan distinctly shows something entirely different. Therefore, unless that plan goes with the bill, I consider there is a material difference, and I shall object.

Mr. SULZER. I have no objection to the plan going with the bill.

Mr. DOUGLAS. If the plan goes with the bill, I have no objection.

Mr. SULZER. I have no objection to that.

The SPEAKER. The gentleman amends his request for unanimous consent, requesting that the bill go to the Committee on Appropriations accompanied by the plan referred to. Is there objection?

Mr. MANN. Mr. Speaker, for the present, at least, I shall object.

Mr. SULZER. That comes with very bad grace from Chicago.

WILLIAM M. UNDERHILL.

Mr. GIBSON presented a conference report and statement on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8058) granting an increase of pension to William M. Underhill; which were ordered to be printed in the RECORD, and to lie over under the rule.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8058) granting an increase of pension to William M. Underhill, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 8058, granting an increase of pension to William M. Underhill.

This bill originally passed the House at $24 per month, but was amended in the Senate to $20 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JAMES H. HARGIS.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9583) granting an increase of pension to James H. Hargis, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 9583, granting an increase of pension to James H. Hargis.

This bill originally passed the House at $24 per month, but was amended in the Senate to $20 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JONATHAN J. SMITH.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 8376, granting an increase of pension to Jonathan J. Smith.

This bill originally passed the House at $30 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $36 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

DAVID Z. BEIDLER.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6426) granting an increase of pension to David J. Beidler, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 6426, granting an increase of pension to David J. Beidler.

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JOHN HERZOG.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6025) granting an increase of pension to John Herzog, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 6025, granting an increase of pension to John Herzog.

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JAMES R. HAUPTLY.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5555) granting an increase of pension to James R. Hauptly, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 5555, granting an increase of pension to James R. Hauptley.

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JOSHUA HARLAN.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5865) granting an increase of pension to Joshua Harland, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment inserting in lieu thereof the word "forty," and that the House agree to the same.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 5865, granting an increase of pension to Joshua Harlan.

This bill originally passed the House at $50 per month, but was amended in the Senate to $30. As the result of the conference the Senate recedes from its amendment, and agrees to the rate of $40 per month, and your conferees recommend that the rate be agreed to.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

EDWIN A. FORMAN.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6705) granting an increase of pension to Edwin A. Foreman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment inserting in lieu thereof the words "thirty-six;" and that the House agree to the same.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 6705, granting an increase of pension to Edwin A. Foreman.

This bill originally passed the House at $40 per month, but was amended in the Senate to $30. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $36 per month.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

FRANKLIN MOORE.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5367) granting an increase of pension to Franklin Moore, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 5367, granting an increase of pension to Franklin Moore.

This bill originally passed the House at $40 per month, but was amended in the Senate to $35 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $40 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

WILLIAM J. SHEPARD.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4526) granting an increase of pension to William J. Shepard, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 4526, granting an increase of pension to William J. Shepard.

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JOSEPH HINKLE.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4251) granting an increase of pension to Joseph Hinkle, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 4251, granting an increase of pension to Joseph Hinkle.

This bill originally passed the House at $24 per month, but was amended in the Senate to $20 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JOHN G. FAIRCHILD.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2923) granting an increase of pension to John G. Fairchild, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 2923, granting an increase of pension to John G. Fairchild.

This bill originally passed the House at $50 per month, but was amended in the Senate to $40 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $50 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

CALEB ARNETT.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4136) granting an increase of pension to Caleb Arnett, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 4136, granting an increase of pension to Caleb Arnett.

This bill originally passed the House at $40 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $40 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

JOHN WATT.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2809) granting an increase of pension to John Watt, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 2809, granting an increase of pension to John Watt.

The bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

FRANK J. M'LAUGHLIN.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 2477, granting an increase of pension to Frank J. McLaughlin.

This bill originally passed the House at $24 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

WILLIAM PITTENGER.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3032) granting an increase of pension to William Pittenger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to the rate of $50 per month.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 3032, granting an increase of pension to William Pittenger.

This bill originally passed the House at $55 per month, but was amended in the Senate to $40 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $50 per month.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

DANIEL W. HUFFMAN.

Also the following:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment inserting in lieu thereof the words "thirty-six," and that the House agree to the same.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

P. J. MCCUMBER,
T. M. PATTERSON,
Managers on the part of the Senate.

Statement in the case of H. R. 2920, granting an increase of pension to Daniel W. Huffman.

This bill originally passed the House at $50 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $36 per month, and your conferees recommend that the rate be agreed to.

HENRY R. GIBSON,
R. W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

DAYTON, OHIO, AS A PORT OF DELIVERY.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 13212, which is reported as a substitute for the bill H. R. 8130.

The Clerk read as follows:

A bill (H. R. 13212) for the establishment of Dayton, Ohio, as a port of delivery.

Be it enacted, etc., That Dayton, Ohio, be, and is hereby, established as a port of delivery in the customs collection district of New Orleans, La., and that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and are hereby, extended to said port; and there shall be appointed a surveyor of customs to reside at Dayton, who shall receive a salary to be determined by the Secretary of the Treasury.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. One moment, if the gentleman will withhold. The Chair lays before the House the following enrolled bills.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 819. An act to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, District of Columbia, to Sidney Bieber; and

H. R. 10761. An act to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 942. An act to reimburse S. R. Green, postmaster at Oregon City, Oreg.—to the Committee on Claims.

S. 3985. An act granting an increase of pension to Isabel F. Easum—to the Committee on Invalid Pensions.

S. 2329. An act for the erection of a memorial structure at Fort Recovery, Ohio—to the Committee on the Library.

S. 1426. An act to prevent the desecration of the American flag—to the Committee on the Judiciary.

S. 3246. An act to remove the charge of desertion from the name of Frederick W. Joslin—to the Committee on Military Affairs.

S. 2034. An act directing the issue of a duplicate of a lost check drawn by Arthur J. Pritchard, pay director of the United States Navy, in favor of the Davis Coal and Coke Company—to the Committee on Claims.

S. 4421. An act for the preparation of a railroad map of the United States—to the Committee on Printing.

S. 3952. An act for the relief of James E. Simpson, jr., Alfred H. Simpson, and Willie E. Simpson, surviving copartners of the firm of J. E. Simpson & Co.—to the Committee on Claims.

S. 1750. An act to provide for an American register for the British ship *Pyrenees*—to the Committee on the Merchant Marine and Fisheries.

S. 4598. An act providing for the erection of a public building at the city of Fernandina, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

S. 3844. An act to authorize the Nome Improvement Company to open and improve the mouth of Snake River at Nome, Alaska—to the Committee on Rivers and Harbors.

S. 398. An act for the relief of James A. Carroll—to the Committee on Claims.

S. 3622. An act for the relief of Lincoln W. Tibbetts—to the Committee on Claims.

S. R. 54. Joint resolution to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York—to the Committee on Military Affairs.

S. 2314. An act to regulate consular invoice fees—to the Committee on Ways and Means.

S. 3623. An act for the relief of the legal representatives of Alvin M. Ryerson—to the Committee on Claims.

S. 1379. An act for repayment of duty on anthracite coal, and for other purposes—to the Committee on Claims.

S. 143. An act to provide for the purchase of a site and the erection of a public building thereon at Sheridan, in the State of Wyoming—to the Committee on Public Buildings and Grounds.

S. 3725. An act to establish a light-house and fog signal at the entrance to Bellingham Bay, State of Washington—to the Committee on the Merchant Marine and Fisheries.

S. 705. An act for the relief of the legal representatives of G. B. Stimpson—to the Committee on Claims.

S. 2299. An act to authorize the Commissioners of the District of Columbia to remit fines and to grant pardons—to the Committee on the District of Columbia.

S. 3288. An act to provide a public park on Georgetown Heights, in the District of Columbia—to the Committee on Public Buildings and Grounds.

S. 2710. An act for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia—to the Committee on the District of Columbia.

S. 3869. An act for the extension of Albemarle street—to the Committee on the District of Columbia.

S. 4419. An act in relation to contracts with the District of Columbia—to the Committee on the District of Columbia.

S. 4130. An act to amend sections 1288, 1293, and 1294 of the Code of the District of Columbia, relating to marriages, so as to authorize marriages according to the custom of the Society of Friends or Quakers—to the Committee on the District of Columbia.

S. 4033. An act to authorize the abandonment of W street NE., Washington, D. C.—to the Committee on the District of Columbia.

S. 3638. An act to relieve Orville B. Merrill, late captain Company I, Thirty-sixth Regiment Illinois Volunteers, of the charge of dishonorable dismissal—to the Committee on Military Affairs.

S. 2888. An act for the relief of Priscilla R. Burns—to the Committee on Claims.

S. 1646. An act for the relief of Mary A. Coulson, executrix of Sewell Coulson, deceased—to the Committee on War Claims.

Senate concurrent resolution No. 54:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, instructed to report what amounts have been expended in the construction of the retaining wall built to prevent the erosion of the soil of Jamestown Island by the waters of James River, what work remains to be done for the completion of the wall, and an estimate of the cost of completing the same—

to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COOPER of Texas, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. SULZER. Mr. Speaker, I move that the bill just introduced by me, with the plan suggested by the gentleman from New York, be referred to the Committee on Appropriations.

The SPEAKER. The Chair will say to the gentleman that the rules provide how bills shall be introduced and how they shall be referred; and while under a proper motion a bill might be brought before the House under the rules after the reading of the Journal for a change of reference, that is the only way under the rule it can come unless it be by unanimous consent. So that the introduction of the bill and its reference by motion under the rules would not have a status.

Mr. SULZER. Would not a motion be in order now, Mr. Speaker, to refer the bill and plan to the Committee on Appropriations?

The SPEAKER. The bill is not before the House, and the only way it could come before the House, under the rule, is by reference through the box, and then, under the rule, to go to the Committee on Public Buildings and Grounds. When introduced, reference can be changed by unanimous consent, and it can be done now by unanimous consent, both as to introduction and reference.

Mr. SULZER. Then, I ask unanimous consent that the bill and plan be referred to the Committee on Appropriations.

Mr. OVERSTREET. Mr. Speaker, I had made a motion previous to the Chair laying before the House the report of the Committee on Enrolled Bills.

The SPEAKER. That is equivalent to an objection. The gentleman from Indiana moves that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Pink Dews against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, recommending the printing of documents relative to the affairs of Cuba, Porto Rico, and the Philippines—to the Committee on Printing, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a favorable recommendation, a draft of a bill providing for custodianship, etc., of public building at Kingfisher, Okla.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FITZGERALD, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11204) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, reported the same without amendment, accompanied by a report (No. 1586); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 10805) for the relief of Judd O. Hartzell, of Laharpe, Ill., reported the same with amendment, accompanied by a report (No. 1585); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 3397) removing charge of desertion from military record of Isaac Purnell, reported the same adversely, accompanied by a report (No. 1584); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11625) granting an increase of pension to Annie Dulany—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8941) granting an increase of pension to John Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10679) granting a pension to Emma W. Lloyd—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12750) for the relief of John Cover—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DAVIS of Minnesota (by request): A bill (H. R. 13921) to prohibit rebating on life insurance policies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUDENSLAGER: A bill (H. R. 13922) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 13923) confirming the action of the President and Secretary of War in abrogating the agreement commonly known as the Bates treaty—to the Committee on Insular Affairs.

By Mr. DALZELL: A bill (H. R. 13924) to provide a seal for United States commissioners—to the Committee on the Judiciary.

By Mr. JENKINS: A bill (H. R. 13925) to amend section 983 of chapter 22 of the Code of Laws of the District of Columbia—to the Committee on the District of Columbia.

By Mr. POWERS of Massachusetts: A bill (H. R. 13926) regulating the erection of buildings on the Mall in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. YOUNG: A joint resolution (H. J. Res. 130) relative to the semicentennial anniversary of the completion and utilization of the ship canal around the falls of the St. Marys River at the outlet of Lake Superior, in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. PEARRE: A joint resolution (H. J. Res. 131) providing for the appointment of a commission to report a plan for a memorial in honor of the heroes of the Revolutionary war—to the Committee on the Library.

By Mr. WILLIAMSON: A concurrent resolution (H. C. Res. 49) providing for the publishing of 6,000 copies of the state papers relative to the acquisition of the Oregon Country by the United States—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BIRDSALL: A bill (H. R. 13927) granting an increase of pension to John R. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13928) granting an increase of pension to J. Henry Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13929) granting an increase of pension to Armstrong Walton—to the Committee on Invalid Pensions.

By Mr. BOWIE: A bill (H. R. 13930) for the relief of the estate of J. E. Prestridge, deceased, late of Dallas County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13931) granting a pension to Adelia Converse—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 13932) granting an increase of pension to John L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13933) granting an increase of pension to Emilus A. Wellman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13934) granting an increase of pension to Robert W. Cook—to the Committee on Invalid Pensions.

By Mr. CROWLEY: A bill (H. R. 13935) granting an increase of pension to John F. Cummins—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 13936) granting an increase of pension to John W. Thomas—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 13937) granting an increase of pension to George W. Litherland—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 13938) granting an increase of pension to Charles Taylor—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13939) granting a pension to Anna Rogers—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 13940) granting an increase of pension to Robert Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13941) granting a pension to D. M. Allen—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 13942) for the relief of Custis Parke Upshur—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 13943) to pay to Leopold Luchs moneys laid out and expended by him in the improvement of a tract of ground in the District of Columbia, and for other purposes—to the Committee on Claims.

By Mr. GOEBEL: A bill (H. R. 13944) for the relief of William H. Beall—to the Committee on Naval Affairs.

Also, a bill (H. R. 13945) to correct the military record of Henry Wenz—to the Committee on Military Affairs.

Also, a bill (H. R. 13946) granting an increase of pension to Caroline Heinzmann—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 13947) for the relief of Harry Devlin, of Galveston, Tex.—to the Committee on Claims.

Also, a bill (H. R. 13948) for the relief of George E. Robinson, successor to the Galveston Gasfitting and Plumbing Company, of Galveston, Tex.—to the Committee on Claims.

Also, a bill (H. R. 13949) for the relief of W. L. Ratisseau, of Galveston, Tex.—to the Committee on Claims.

By Mr. HAY: A bill (H. R. 13950) for the relief of the estate of Casper Rinker, late of Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 13951) for the relief of Alberta M. Twyman, of Madison County, Va.—to the Committee on War Claims.

By Mr. HAMLIN: A bill (H. R. 13952) granting an increase of pension to Christopher C. Vincent—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 13953) granting an increase of pension to Lewis Y. Foster—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 13954) granting an increase of pension to Isaiah Paisley—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 13955) granting a pension to Elijah G. Wood—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13956) granting a pension to William Pack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13957) granting an increase of pension to John D. Jameson—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 13958) granting an increase of pension to Eliza A. Moss—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 13959) for the relief of Henry A. Tolbert—to the Committee on Claims.

By Mr. KEHOE: A bill (H. R. 13960) granting an increase of pension to Albert Haucke—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 13961) for the relief of John G. Young—to the Committee on Claims.

Also, a bill (H. R. 13962) correcting the military record of William Rommel—to the Committee on Military Affairs.

By Mr. LIND: A bill (H. R. 13963) granting an increase of pension to Chester D. Hill—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 13964) for relief of estate of Willis Ramsey—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 13965) granting an increase of pension to Benjamin H. Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13966) granting a pension to Frank Dixon—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 13967) for the relief of John Mulligan—to the Committee on Claims.

By Mr. McANDREWS: A bill (H. R. 13968) granting an increase of pension to Dennis Remington—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13969) granting a pension to Dora Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13970) granting a pension to James C. McCarty—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13971) granting an increase of pension to Elijah M. Friend—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 13972) for the relief of the heirs of Adeliza Pickett Quays, deceased, late of East Carroll Parish, La.—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13973) for the relief of William C. Bragg, of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13974) for the relief of the estate of James H. Ware, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 13975) for the relief of Jackson Stone—to the Committee on War Claims.

By Mr. SMITH of Kentucky: A bill (H. R. 13976) for the relief of the estate of Robert Holbrook—to the Committee on War Claims.

Also, a bill (H. R. 13977) for the relief of Fred Hamilton—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: A bill (H. R. 13978) granting a pension to Margaret Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13979) granting an increase of pension to Samuel Lhane—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13980) for the relief of the heirs of Jacob Allen, deceased, late of Madison County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 13981) for the relief of the estate of B. V. McGuffee, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

By Mr. BROOKS: A bill (H. R. 13982) granting a pension to Edward Dunscomb—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of W. W. Wright Post, No. 327, of Toulon, Ill.; Custer Post, No. 1, of Laramie, Wyo.; Bedford Post, No. 528, of Bedford, Pa.; James Shields Post, No. 57, of Wellington, Kans.; J. V. Clements Post, No. 363, of Moweaqua, Ill.; R. G. Nance Post, No. 756, of Loogootee, Ill.; Joseph A. Miller Post, No. 178, of White County, Ill.; Harvey Post, No. 724, of Harvey, Ill.; J. W. Dodds Post, No. 370, of Auburn, Ill.; J. B. Manzer Post, No. 215, of Harvard, Ill.; T. A. Apperson Post, No. 202, of Neoga, Ill.; Hecker Post, No. 443, of Belleville, Ill.; E. J. Jenkins Post, No. 452, of Geneseo, Ill.; Bowen Post, No. 17, of Wilmington, Ill.; T. S. Terry Post, No. 463, of Shabbona, Ill.; Polo Post, No. 84, of Polo, Ill.; Miller Post, No. 463, of Hampshire, Ill.; Samuel Walker Post, No. 205, of Pulaski, Ill.; McLeansboro Post, No. 483, of McLeansboro, Ill.; Clay City Post, No. 269, of Clay City, Ill.; Highland Post, No. 437, of Highland, Ill.; F. L. Rhoads Post, No. 586, of New Haven, Ill.; Abraham Lincoln Post, No. 91, of Chicago, Ill.; George H. Thomas Post, No. 5, of Chicago, Ill.; Wilcox Post, No. 668, of Chicago, Ill.; Washington Post, No. 573, of Chicago, Ill.; John E. Bendix Post, No. 402, of Department of New York; J. M. Smith Post, No. 720, of Mount Morris, Ill.; Jaquith Post, No. 293, of Chebanse, Ill.; A. J. Weber Post, No. 421, of Pawnee, Ill.; Aurora Post, No. 20, of Aurora, Ill., and Department of Rhode Island, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMS of Wisconsin: Papers to accompany bill H. R. 13419, granting an increase of pension to George Weeks—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 12651, granting an increase of pension to William H. Shine—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Petition of the directors of the New England Grain Dealers' Association, in favor of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of the King Hardware Company, of Atlanta, Ga., against the passage of bill S. 4319 in its present form—to the Committee on Interstate and Foreign Commerce.

Also, petition of the King Hardware Company, of Atlanta, Ga., in favor of the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Southern Saw Works, and the Beck & Gregg Hardware Company, of Atlanta, Ga., against the passage of an eight-hour law—to the Committee on Labor.

By Mr. ALEXANDER: Petitions of the patrons of rural free delivery route No. 2, of Angola, N. Y., and of patrons of the rural free delivery of North Collins, N. Y., favoring increase of salary

for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: Resolution of the Macon Chamber of Commerce, of Macon, Ga., in favor of bill H. R. 7637, for deepening the channel through the outer bar of Brunswick, Ga.—to the Committee on Rivers and Harbors.

Also, protest of the King Hardware Company, of Atlanta, Ga., against bill S. 4319—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Brotherhood of Boiler Makers and Ironship Builders, Lodge No. 12, of Macon, Ga., favoring the passage of bills H. R. 7056 and S. 2259 and 2263—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENTON: Resolutions of McCook Post, No. 34, Grand Army of the Republic, and Jewell Circle, No. 12, Ladies of the Grand Army of the Republic, both of Lamar, Mo., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURKETT: Petition of John A. Logan Circle, No. 41, Ladies of the Grand Army of the Republic, Department of Nebraska, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of women's clubs in Skowhegan, Me., for the passage of a bill creating a national forest reserve in the White Mountains, New Hampshire—to the Committee on Agriculture.

By Mr. BURNETT: Papers to accompany bill granting a pension to Adelia Converse—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: Petition of Oxford Grange, No. 67, Patrons of Husbandry, of Lincoln University, Pa., in favor of bill H. R. 8678—to the Committee on Agriculture.

Also, petition of John R. Whitney and others, praying for relief of the landless Indians of northern California—to the Committee on Indian Affairs.

Also (by request), petition of the Woman's Club of Chester, Pa., in favor of a forest reserve in the White Mountains of New Hampshire—to the Committee on Agriculture.

Also, petition of residents of Delaware County, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CALDWELL: Paper to accompany bill H. R. 13016—to the Committee on the Judiciary.

By Mr. CAPRON: Resolution of New England Jewelers and Silversmiths' Association, against the passage of an eight-hour law and the anti-injunction bill—to the Committee on Labor.

Also, petition of the Army and Navy Union of the United States, in favor of bill H. R. 11581—to the Committee on Military Affairs.

Also, resolutions of Nonquit Grange, No. 31, of Tiverton; Aquidneck Grange, No. 30, of Middletown; Davisville Grange, No. 8, of North Kingstown; Burrillville Grange, No. 4, of Harrisville; Hope Valley Grange, No. 7, of Hope Valley; Pomona Grange, No. 2, of Hope Valley, and Roger Williams Grange, No. 19, of Providence, all in Rhode Island, Patrons of Husbandry, and the Newport (R. I.) Horticultural Society, in favor of bill H. R. 8678—to the Committee on Agriculture.

By Mr. CONNELL: Petition of the Interstate Commerce Law Convention held at St. Louis, Mo., relative to increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Foote & Shear Company, of Scranton, Pa., against the passage of bill S. 4319 in its present form—to the Committee on Interstate and Foreign Commerce.

By Mr. CROWLEY: Papers to accompany bill granting an increase of pension to John F. Cummins—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany House bill granting an increase of pension to Charles Taylor—to the Committee on Invalid Pensions.

Also, resolution of the Builders' Exchange League of Pittsburg and vicinity, favoring a bill to create a commission to report as to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of custom-house inspectors at Philadelphia, Pa., for increase of compensation—to the Committee on Ways and Means.

By Mr. DOVENER: Papers to accompany bill (H. R. 12570) granting an increase of pension to Albert Taylor—to the Committee on Invalid Pensions.

By Mr. EVANS: Petition of 500 citizens of Lewistown, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Ministerial Association of Johnstown, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Lieutenant S. C. Potts Circle, No. 8, Ladies of the Grand Army of the Republic, of Altoona, Pa., and Grand Army of the Republic Post No. 528, of Bedford, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Johnstown Vehicle Manufacturing Company and others, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. ESCH: Resolution of William McKinley Circle, No. 17, Ladies of the Grand Army of the Republic, of Lancaster, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of Erie Basin Lodge, No. 307, Brotherhood of Boiler Makers and Iron-ship Builders, of Brooklyn, N. Y., in favor of bills H. R. 7056 and S. 2259—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Manufacturers' Association of New York, relative to the improvement of the Kaw and Missouri rivers—to the Committee on Rivers and Harbors.

By Mr. FRENCH: Petitions of Ella D. Crawford and 46 others, of Caldwell, Idaho, and Mrs. C. D. Stevens and 103 others, of St. Anthony, Idaho, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GARDNER of Michigan: Petition of Rev. P. J. Maveety, of Battlecreek, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of the Anti-Saloon League of Fountain City, Smithwood, and Beverly, for the passage of a bill providing that the Government shall not grant liquor-tax receipts to persons residing in prohibition territory, State or local—to the Committee on the Judiciary.

By Mr. GRANGER: Petitions of the William Sweeney Company and the New England Butt Company, of Providence, R. I., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of Indian Territory, protesting against annexation or absorption by Oklahoma of the Indian Territory—to the Committee on the Territories.

Also, petition of the Sheffield Car Company and others, of Three Rivers, Mich., and the Konepass & Stall Company, of Niles, Mich., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HAMLIN: Paper to accompany bill granting a pension to Berry Weese—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of the Salisbury Brothers Furniture Company, of Randolph, Vt., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HAUGEN: Five petitions of patrons of rural routes of Mason City and other towns in Iowa, favoring increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HAY: Papers to accompany bill for the relief of estate of Casper Rinker—to the Committee on War Claims.

By Mr. HEMENWAY: Petition of the Karges Furniture Company, of Evansville, Ind., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the Brotherhood of Boiler Makers and Ironship Builders, Lodge No. 334, of Princeton, Ind., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of O. D. Case & Co., of Hartford, Conn., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of citizens of Union, Lucas, Ringgold, and Adams counties, Iowa, in favor of increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL: Petition of citizens of Milo, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. JAMES: Petitions of W. T. Kirkpatrick and 42 others, and the First Baptist Church, of Paducah, Ky., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FREDERICK LANDIS: Petitions of session of the Wabash (Ind.) Presbyterian Church; J. E. Powell and 23 others, and J. H. Bell and others, of Wabash, Ind., and official board of the First Methodist Episcopal Church of Wabash, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LITTLE: Papers to accompany bill H. R. 13382, for relief of James M. Wright—to the Committee on Military Affairs.

By Mr. LIVERNASH: Resolution of the Chamber of Commerce of San Jose, Cal., favoring investigation of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Retail Grocers' Association of Southern California, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Jacob P. Sargent and 29 others, against the bill making Bensoms Ferry bridge the head of navigation—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Board of Trade of San Francisco, Cal., relative to the merit system in the consular service—to the Committee on Foreign Affairs.

By Mr. LLOYD: Resolution of Sergeant Ryon Post, No. 214,

Grand Army of the Republic, of Brashear, Mo., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of Rubel, Silienfeld & Co., of Chicago, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LOVERING: Petitions of C. A. Jenney and 83 others, of Brockton; George H. Weatherbee and 16 others, of Marshfield; Henry H. Chace and 31 others, of Middleburg; Atkins Hughes and 12 others, of North Truro; Joseph Chamberlain and 52 others, of Taunton, and the Woman's Christian Temperance Union and other bodies, of Wareham, all in Massachusetts, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MCCLEARY of Minnesota: Resolution of the Builders and Traders' Exchange of Minneapolis, Minn., against passage of an eight-hour bill—to the Committee on Labor.

By Mr. MIERS of Indiana: Paper to accompany bill granting a pension to James C. McCarty—to the Committee on Invalid Pensions.

By Mr. OTJEN: Petition of Henry Wallheim and 16 others, of Milwaukee, Wis., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of the Poplar Ridge Young People's Society of Christian Endeavor, of Venice, Cayuga County, N. Y., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of 86 citizens of Indian Territory, protesting against annexation to or absorption by Oklahoma of Indian Territory as against treaty rights, and for other reasons—to the Committee on the Territories.

By Mr. RYAN: Petition of the Central Yellow Pine Association, in favor of the Cooper bill to increase the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Buffalo (N. Y.) Lodge, No. 277, Brotherhood of Boiler Makers and Iron-ship Builders, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John W. Wilkeson Circle, Ladies of the Grand Army of the Republic, Department of New York, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Chicago Real Estate Board, in favor of the Mann bill to remove tunnels in Chicago River—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Kentucky: Papers to accompany bill for the relief of Fred Hamilton—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 1798, granting a pension to Jefferson G. Brown—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of the estate of Robert Holbrook—to the Committee on War Claims.

By Mr. WM. ALDEN SMITH: Resolution of J. M. Pond Circle, No. 23, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Typographical Union No. 39, of Grand Rapids, Mich., in favor of an anti-injunction bill—to the Committee on the Judicary.

Also, petition of Typographical Union No. 39, of Grand Rapids, Mich., in favor of an eight-hour bill—to the Committee on Labor.

Also, resolution of Cascade Grange, Patrons of Husbandry, of Michigan, in favor of a good-roads bill—to the Committee on Agriculture.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of Nancy Barrow, deceased—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of Lodge No. 381, Brotherhood of Boiler Makers and Iron-ship Builders of America, of Amarillo, Tex., relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEVENS of Minnesota: Petition of North St. Paul Casket Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the International Brotherhood of Blacksmiths of St. Paul, Minn., relative to increasing the capacity of the Naval Gun Factory—to the Committee on Naval Affairs.

Also, petition of the faculty and students of Macalester College, St. Paul, Minn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of John F. Wilcox, of Minneapolis; the Commercial Club of St. Paul; the Kimball and Storer Company, of Minneapolis, and the St. Paul Chamber of Commerce, all in Minnesota, against the passage of an eight-hour law—to the Committee on Labor.

Also, resolutions of the Builders and Traders' Exchange of Minneapolis, Minn., against the passage of an eight-hour law—to the Committee on Labor.

By Mr. SULZER: Resolution of the Men's Social Club of Grace Chapel, New York City, in favor of restricting immigration—to the Committee on Immigration and Naturalization.

Also, resolution of the drug trade section of the New York Board of Trade and Transportation, favoring reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of A. H. Bliss, of Chicago, Ill., in favor of bill H. R. 2895—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Petition of women's clubs of Rochester, Minn., for the passage of a bill creating a national forest reserve in the White Mountains, New Hampshire—to the Committee on Agriculture.

Also, petition of citizens of St. Paul, Minn., protesting against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. THAYER: Petitions of the president of the Boston Chamber of Commerce and the president of the Boston Merchants' Association, in favor of the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. WEISSE: Resolution of William McKinley Circle, No. 17, Ladies of the Grand Army of the Republic, of Lancaster, Wis., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Wisconsin Retail Lumber Dealers' Association, in favor of a bill to regulate the carriage of interstate freight, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Waupun Quarterly Meeting of Free Will Baptists, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Beaver Dam Business Men's Association, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WILEY of Alabama: Resolution of the Southern Branch of the National Dental Association, relative to the dental profession in the Navy and against the passage of bill S. 4032—to the Committee on Naval Affairs.

SENATE.

TUESDAY, *March 15, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. The Chair hears none, and it is approved.

INSPECTION OF MEAT, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 3d instant, a report of the health officer of the District of Columbia relative to the inspection of meat, poultry, game, fish, etc., in the District; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 885) granting a pension to Sarah A. Gillham in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. SAMUEL W. SMITH, and Mr. MEYER of Louisiana managers on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1956) to authorize an exchange of sites for the public buildings of Garland County, Ark.;

A bill (H. R. 5067) to prevent the fraudulent sale of merchandise;

A bill (H. R. 9331) to extend the time for the completion of the East Washington Heights Traction Railroad Company;

A bill (H. R. 10306) to authorize a duplicate medal to be struck off and presented to John Horn, of Detroit, Mich., for life-saving; and

A bill (H. R. 13212) for the establishment of Dayton, Ohio, as a port of entry.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 819) to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber; and

A bill (H. R. 10761) to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont.

PETITIONS AND MEMORIALS.

Mr. DILLINGHAM presented petitions of sundry citizens of Ryegate, Rochester, and Barnard; of the congregation of the Reformed Presbyterian Church of Ryegate; of the congregation of the Congregational Church of Jamaica, and of the congregation of the Congregational Church of West Townshend, all in the State of Vermont, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of the St. Paul Mite Society, of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Howell, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a petition of the Board of Trade of Saratoga, Wyo., and a petition of Local Lodge No. 46, Brotherhood of Boiler Makers and Iron-ship Builders, of Cheyenne, Wyo., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

Mr. MCCUMBER presented the petition of Dr. Bayard E. Ryder, of Oakes, N. Dak., praying for the enactment of legislation to increase the efficiency of the medical department of the Army, and also that an appropriation of $400,000 be made for the erection in the District of Columbia of a general hospital for the Army; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a petition of sundry citizens of Douglas County, Minn., praying that an appropriation be made to increase the salaries of rural free-delivery letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Gate City Lodge, No. 201, Brotherhood of Boiler Makers and Iron-ship Builders, of Winona, Minn., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a memorial of the Builders and Traders' Exchange of Minneapolis, Minn., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Minnesota, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a petition of Local Lodge No. 104, International Association of Machinists and Iron-ship Builders, of Huntington, W. Va., praying for the enactment of legislation to develop the merchant marine; which was referred to the Committee on Commerce.

Mr. GALLINGER presented petitions of the Unity Club, of Goffstown; of the Woman's Club of Rochester; of the Concordia Club of Concord; of the Current Events Club of Manchester; of the Fourteenth Club, of Manchester; of the Woman's Club of Conway; of the Outlook Club, of Manchester; of the East Side Current Events Club, of Exeter; of the Nineteenth Century Club of Manchester; of the Current Events Club of Keene; of the Woman's Club of Plymouth; of the Colonial Club, of Littleton; of the Woman's Club of Hillsboro Bridge; of the Woman's Club of Derry; of the Interrogation Club, of Manchester; of the Woman's Club of Tilton; of the Fortnightly Club, of Keene; of the Woman's Club of Lisbon; of the Audubon Club, of Manchester; of the Advance Club, of Manchester; of Greenland Grange, of Greenland; of Crystal Lap Grange, No. 101, of Gilmanton; of Cook Grange, No. 256, of Stratford; of Weirs Grange, No. 248, of Laconia; of Golden Rod Grange, of Swanzey; of Pomona Grange, of Keene; of Mount Belknap Grange, No. 52, of Gilford; of Carroll Grange, No. 160, of Ossipee; of Glen Grange, No. 279, of Bartlett; of Spofford Grange, of West Chesterfield; of Honor Bright Grange, No. 153, of Sullivan; of Star King Grange, of Jefferson; of Penacook Grange, No. 84, of West Concord; of Freedom Grange, of Freedom; of Fremont Grange, No. 180, of Fremont; of Kingston Grange, of Kingston; of Prentice Hill Grange, of East Alstead; of Uncanoomic Grange, of Goffstown; of Deerfield Grange, No. 74, of Deerfield; of Bartlett Grange, No. 104, of Salisbury, and of Peaked Hill Grange, No. 269, of Gilmanton, all of the Patrons of Husbandry, in the State of New Hampshire, praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Concord, N. H., and a petition of sundry citizens of Laconia, N. H., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Charles A. Gifford, of New York City, and the petition of C. M. Bartberger, of the United States, praying for the enactment of legislation to regulate the erection of buildings on the Mall at Washington, D. C.; which were referred to the Committee on Appropriations.

Mr. DRYDEN presented a petition of Local Lodge No. 316, Brotherhood of Boiler Makers and Iron-ship Builders, of Newark, N. J., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the Central Presbyterian Church of Newark, N. J., and a petition of the congregation of the First Congregational Church of East Orange, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Rev. G. F. Greene, of Cranford; of the Young People's Society of Christian Endeavor of Knowlton, and of the Young People's Society of Christian Endeavor of the Presbyterian Church of Milford, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. LONG presented a petition of sundry citizens of Wilson, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of Arkansas City Grange, No. 1452, Patrons of Husbandry, of Arkansas City, Kans., and the petition of E. E. Brown, of Wellington, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Lodge No. 292, Brotherhood of Boiler Makers and Iron-ship Builders, of Parsons, Kans., and a petition of Local Lodge No. 453, Brotherhood of Boiler Makers and Iron-ship Builders, of Hoisington, Kans., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens, veterans of the war of the rebellion, of Peabody; of George H. Thomas Circle, of Kansas, and of Allison Circle, of Vermilion, all of the Department of Kansas, Ladies of the Grand Army of the Republic, in the State of Kansas, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also (for Mr. BURTON) presented a petition of Circle No. 86, Department of Kansas, Ladies of the Grand Army of the Republic, of Kansas City, Kans., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also (for Mr. BURTON) presented petitions of Helpers' Division No. 4, Brotherhood of Boiler Makers and Iron-ship Builders, of Kansas City; of Herington Lodge, No. 340, Brotherhood of Boiler Makers and Iron-ship Builders, of Herington, and of Bad Water Lodge, No. 403, Brotherhood of Boiler Makers and Iron-ship Builders, of Hoisington, all in the State of Kansas, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also (for Mr. BURTON) presented petitions of sundry citizens of Bennington, Sabetha, Washington, Clay Center, Athol, and Effingham, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportion of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MALLORY presented a petition of sundry citizens of South Lake Weir, Fla., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the congregation of the Congregational Church of Daytona, Fla., and a petition of sundry citizens of West Palm Beach, Fla., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLARK of Montana presented a petition of sundry citizens of Granite, Mont., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of directors of the Helena Improvement Society, of Helena, Mont., praying for the enactment of legislation providing for the preservation of the Cal-

averas grove of big trees in California; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Woman's Christian Temperance Union of Dawson County, of the King's Daughters of the Presbyterian Church of Philipsburg, of the Ladies' Aid Society of the Methodist Episcopal Church of Philipsburg, and of the Epworth League of the Methodist Episcopal Church of Philipsburg, all in the State of Montana, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of sundry citizens of Belt, of the Implement and Hardware Dealers' Association of Helena, and of the Business Men's Association of Helena, all in the State of Montana, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE presented a petition of the congregation of the First Methodist Episcopal Church of South Bend, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Harrison Grange, No. 2133, Patrons of Husbandry, of Corydon, Ind., praying for the enactment of legislation to establish a Bureau of Public Highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Lodge No. 334, Brotherhood of Boiler Makers and Iron-ship Builders, of Princeton, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. BARD presented petitions of the Northern California Indian Association, praying that lands in severalty be granted to the landless Indians of northern California; which were referred to the Committee on Indian Affairs.

Mr. FAIRBANKS presented a petition of Local Lodge No. 334, Brotherhood of Boiler Makers and Iron-ship Builders, of Princeton, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented the petition of Joseph Griffith and sundry other citizens of Atwood, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Joseph Griffith and sundry other citizens of Atwood, Ind., praying for the passage of the so-called "prisoners-of-war pension bill;" which was referred to the Committee on Pensions.

He also presented memorials of the Peru Mercantile Company, of Peru; of the Van Vamp Hardware and Iron Company, of Indianapolis, and G. E. Bursley & Co., of Fort Wayne, all in the State of Indiana, remonstrating against the enactment of legislation to prevent the indiscriminate shipping of so-called "high explosives;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of the congregation of the First Methodist Episcopal Church of South Bend, of the congregation of the First Methodist Episcopal Church of Fairmount, of the Woman's Christian Temperance Union of Fairmount, of the congregation of the Wesleyan Methodist Church of Fairmount, of the congregation of the Friends Church of Spiceland, and of Amos French and 23 other citizens of Bluffton, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of Local Lodge No. 61, Brotherhood of Boiler Makers and Iron-ship Builders, of New Haven, Conn., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the board of selectmen of Southington, Conn., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Groton, Stonington, Winchester, Danbury, Waterbury, Windham, Meriden, and Milford; of the Woman's Christian Temperance Union of Milford; of the congregation of the Methodist Episcopal Church of Danbury; of the Woman's Christian Temperance Union of East Lynn; of the congregations of the Methodist Episcopal and Second Congregational churches of Winchester; of the Young Men's Christian Association of Waterbury, and of the Woman's Christian Temperance Union of Stonington, all in the State of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of the Indian Territory, remonstrating against the enactment of any legislation providing for the annexation to or absorption by Oklahoma of the Indian Territory; which were referred to the Committee on Territories.

Mr. PENROSE presented petitions of the congregation of the Presbyterian Church of Cross Creeks Village; of the congregation of the Baptist Church of Northeast; of the congregation of the Cross Roads Church, of Florence; of the congregation of the Presbyterian Church of Nottingham; of sundry citizens of Lewis Run; of the congregation of the Methodist Protestant Church of Kittanning; of the congregation of the Trinity Evangelical Lutheran Church, of Selinsgrove, and of sundry citizens of South Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Sugar Creek and Chaddsford; of the Woman's Christian Temperance Union of Titusville; of the congregation of the Methodist Episcopal Church of Wattsburg; of the congregation of the Presbyterian Church of Wattsburg; of the congregation of St. Paul's Church, of Oaks; of the Young Men's Christian Association of Franklin; of the congregation of the United Evangelical Church of Franklin, and of the congregation of the Presbyterian Church of Franklin, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GAMBLE presented a petition of Local Union No. 1440, United Brotherhood of Carpenters and Joiners, of Lead, S. Dak., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Bowdle, S. Dak., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fortnightly Club of Rapid City, S. Dak., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented the petition of Dr. R. T. Dott, of Salem, S. Dak., praying for the enactment of legislation to increase the efficiency of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (S. 3944) for the relief of G. F. Tarbell, reported it without amendment.

Mr. PENROSE, from the Committee on Finance, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 8505) for the relief of the estate of Cyrus D. Hottenstein, deceased;

A bill (H. R. 6937) for the relief of the estate of Elizabeth S. Cushing; and

A bill (H. R. 10688) for the relief of Johann A. Killian.

EXEMPTION FROM HEAD TAX.

Mr. LODGE. I am directed by the Committee on Immigration, to whom was referred the bill (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States, to report it without amendment. I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 1, chapter 1012, of the Statutes at Large of the United States of America (57th Cong., 2d sess.), by inserting in line 4, after the word "Canada," the word "Newfoundland;" so as to read as follows:

That there shall be levied, collected, and paid a duty of $2 for each and every passenger not a citizen of the United States, or of the Dominion of Canada, Newfoundland, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purposes of enforcing the provisions of this act.

The duty imposed by this section shall be a lien upon the vessels which shall bring such aliens to ports of the United States, and shall be a debt, in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy.

The head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section 32 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARING BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. MCCOMAS on the 12th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer, from time to time as may be necessary, to report the hearings which may be had by the committee or its subcommittees on bills coming before said committee; to sit during the sessions of the Senate; to have its hearings printed, and that any expense incurred shall be paid out of the contingent fund of the Senate.

JAMES T. KILBRETH AND OTHERS.

Mr. PLATT of New York. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 11928) for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York, to report it without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to relieve James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, holding successively the office of collector of customs for the district and port of New York during the period hereinafter stated, and their estates of all liability to the United States by reason of the losses to the Government, aggregating $8,821.34, occurring through the defalcations and embezzlements at various times from July 1, 1895, to February 6, 1903, of Byram W. Winters, a clerk then in the customs service, in charge of the United States customs bureau at the post-office building in the city of New York and of the collection of duties on packages received through the foreign mails, such losses having occurred without default or negligence of the said collectors of customs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

Mr. PLATT of New York, from the Committee on Interoceanic Canals, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals be, and the same is hereby, authorized to employ a stenographer, from time to time as may be necessary, to report the hearings which may be had by the committee or its subcommittees on bills coming before said committee; to sit during the sessions of the Senate; to have its hearings printed, and that any expense incurred shall be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. DILLINGHAM introduced a bill (S. 5056) granting an increase of pension to James D. Folsom; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5057) granting an increase of pension to Philander S. Wright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5058) for the completion of the rolls of the Mississippi Choctaws, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE introduced a bill (S. 5059) granting an increase of pension to Tobias Meader; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5060) to correct the military record of John Bender; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5061) to correct the military record of George I. Spangler; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5062) granting a pension to Fanny Bonner;

A bill (S. 5063) granting an increase of pension to Green Yeiser; and

A bill (S. 5064) granting a pension to Emanuel F. Ditzler.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BALL submitted an amendment proposing to appropriate $37,343.58 to pay the Delaware, Maryland and Virginia Railroad Company for the construction and maintenance of a bridge across the inland waterway at Rehoboth, Del., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $50,874.53 to reimburse the State of Texas for expenses incurred in maintaining a civil government, etc., in what was then known as Greer County, Tex., now known as Greer County, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $78,329.25 to pay certain Pottawatomie Indians, of Michigan, the amounts found due by the Court of Claims in the case of Phineas Pamtopee and others against the United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GAMBLE submitted an amendment authorizing the Secretary of the Interior to issue patents in fee severally to Joseph R. Browne, Augusta Browne, Jennie Browne, Susan F. Browne, Thomas A. Robertson, and Ida Robertson, members of the Sisseton and Wahpeton tribe of Indians, for lands heretofore allotted them in Roberts County, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indians Affairs, and ordered to be printed.

FORT HALL INDIAN RESERVATION.

Mr. DUBOIS submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation, that a clerical error appearing therein may be corrected.

ESTATE OF JAMES B. EADS.

Mr. COCKRELL. I submit a resolution calling for information from the Treasury Department, and I ask for its adoption.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the amount of the balance of interest which in the case of the executors of the estate of James B. Eads, deceased, *v.* The United States (38 Ct. Cls., 275), the Court of Claims on the 2d day of February, 1903, decided was withheld from claimants in violation of the contract of said Eads with the United States, and which was not included in the judgment rendered in favor of the claimants in said case for the reason that the same was barred by the statute of limitations.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HOPKINS. I desire to look into the matter a little, and I object for the present.

The PRESIDENT pro tempore. The resolution goes over under the rule.

ROADS AND ROAD BUILDING.

Mr. GALLINGER. I ask consent that 1,000 additional copies of the hearing before the Committee on Agriculture and Forestry on roads and road building be printed, to be deposited in the document room.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that of the paper which he sends to the desk, printed as a document, 1,000 additional copies be printed for the document room. The Chair hears no objection to the request, and the order is made.

The order was reduced to writing, as follows:

Ordered, That 1,000 copies of the report of the hearing before the Committee on Agriculture and Forestry of the United States Senate, held on Tuesday, January 26, 1904, be printed as a Senate document and deposited in the Senate document room.

JANE I. LONG.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3274) granting an increase of pension to Jane I. Long, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

P. J. MCCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

WILLIAM W. JACKSON.

Mr. MCCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1543) granting an increase of pension to William W. Jackson, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

REPORT OF PAN-AMERICAN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, a letter from the Secretary of State submitting a copy of the report of the commissioner appointed to carry out the resolution with respect to the Pan-American Railway, adopted by the Second International Conference of American States held in the City of Mexico during the winter of 1901-2.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, March 15, 1904.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on Industrial Expositions:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of January, 1904, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory, etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 15, 1904.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5067) to prevent the fraudulent sale of merchandise; and

A bill (H. R. 9331) to extend the time for completion of the East Washington Heights Traction Railroad Company.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 10303) to authorize a duplicate medal to be struck off and presented to John Horn, of Detroit, Mich., for life-saving; and

A bill (H. R. 13212) for the establishment of Dayton, Ohio, as a port of delivery.

The bill (H. R. 1956) to authorize an exchange of sites for the public buildings of Garland County, Ark., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

SARAH A. GILLHAM.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 885) granting a pension to Sarah A. Gillham.

The amendments of the House were, in line 9, after "month," to insert "in lieu of that she is now receiving:" and to amend the title so as to read: "An act granting an increase of pension to Sarah A. Gillham."

Mr. McCUMBER. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LICENSES FOR BATH ESTABLISHMENTS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN were appointed.

RED LAKE RIVER BRIDGE.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (S. 4402) permitting the building of a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 10, after the word "War," to strike out:

And provided further, That such bridge and the appurtenant works shall be so constructed as to permit the free passage of saw logs without unreasonable hindrance and delay.

And to insert—

and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

So as to make the section read:

That the consent of Congress is hereby granted to the Minneapolis, St. Paul and Sault Ste. Marie Railway Company, a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors or assigns, to build a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota: *Provided*, That the plans for the construction of said bridge and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such bridge: *And provided further*, That said Minneapolis, St Paul and Sault Ste. Marie Railway Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of the said bridge, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War, and any changes in said bridge which the Secretary of War may at any time order in the interest of navigation shall be promptly made by said company at its own expense.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 18, after the word "bridge," to strike out "or appurtenant works;" and at the end of the section to insert the following proviso:

Provided, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

So as to make the section read:

SEC. 2. That in case any litigation arises from the building of said bridge or from the obstruction of said river by said bridge cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota, and in the courts of the United States: *Provided*, That nothing in this act shall be so construed, etc.

The amendment was agreed to.

The next amendment was, on page 2, to strike out section 3, as follows:

SEC. 3. That this act shall be null and void unless the bridge herein authorized be completed within two years from and after the passage of this act.

The amendment was agreed to.

The next amendment was, on page 3, after line 2, to insert the following as a new section:

SEC. 3. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and over the approaches thereto upon payment of a reasonable compensation for such use and in case of disagreement between the parties in regard to the compensation to be paid or the conditions to be observed all matters at issue shall be determined by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out section 4, as follows:

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was, on page 3, after line 12, to insert the following new section:

SEC. 4. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission of mails and the troops and munitions of war of the United States over the same than the rate per mile paid for the transportation over the railroad or approaches leading to the said bridge; and it shall enjoy the rights and privileges of other post-roads in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes.

The amendment was agreed to.

The next amendment was, on page 4, at the top of the page, to insert the following new section:

SEC. 5. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert the following new section:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF WILLIAM A. HAMMOND.

Mr. SCOTT. I ask unanimous consent to call up the bill (S. 1665) to amend the act approved March 15, 1878, entitled "An act

for the relief of William A. Hammond, late Surgeon-General of the Army."

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to its present consideration?

Mr. PLATT of Connecticut. I thought that Surgeon-General Hammond died.

The PRESIDENT pro tempore. The bill declares that he is dead, and that the payment shall be made to his widow.

Mr. KEAN. Let the report be read.

The PRESIDENT pro tempore. There is an amendment. The amendment may as well be read first.

Mr. KEAN. Very well. The amendment of the Committee on Military Affairs was, in lines 10 and 11, to strike out the words "his appointment and retirement under said act, on August 27, A. D. 1879" and insert "February 17, 1899;" so as to make the bill read:

Be it enacted, etc., That so much of section 2 of the act entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," approved March 15, 1878, as provides that said Hammond shall not be entitled to pay while on the retired list of the Army be, and the same is hereby, repealed, and the said Hammond shall be entitled to the pay of a brigadier-general of the Army on the retired list from the date of February 17, 1899, up to the date of his death, January 5, 1900, the same to be paid to Esther D. Hammond, his widow.

Mr. SCOTT. What was the request of the Senator from New Jersey?

The PRESIDENT pro tempore. The Senator from New Jersey demanded the reading of the report. The report will be read.

The Secretary proceeded to read the report submitted by Mr. SCOTT on the 10th instant, and read as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1665, to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," report that they have considered the same, and respectfully recommend its passage after it has been amended as follows:

Strike out all after the word "of," in line 10, to and including the word "nine," in line 12, and insert in lieu thereof the following: "February 17, 1899."

A similar bill was favorably reported in the Fifty-fifth and Fifty-Seventh Congresses, and attention is respectfully invited to the accompanying copy of both of these reports.

[Senate Report No. 2960, Fifty-seventh Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (S. 6580) to amend an act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," have examined the same and report:

Under the provisions of the act of March 15, 1878, which is sought to be amended by this bill, Dr. William A. Hammond, late Surgeon-General of the Army, who, in 1864, had been dishonorably discharged from the service under sentence of a general court-martial, was restored to his former rank as Surgeon-General of the Army, with the rank of brigadier-general, and placed on the retired list of the Army by the orders of the President of the United States, "without any pay or allowances whatever, past, present, or future."

Doctor Hammond was at that time a wealthy man, with a considerable income from his profession, and did not ask for any pay or allowances, largely for the reason, perhaps, that he was not in need of the same, his principal object at that time being that his record should be cleared. Subsequently misfortunes overtook him, his wealth dwindled away, and old age coming on he made application to the Fifty-fifth Congress for an amendment to the said act of March 15, 1878, so as to permit him to receive the pay due an officer of his rank on the retired list for the future. Bills were introduced in both Houses of the Fifty-fifth Congress for that purpose, the Senate bill being numbered 5069, and the bill in the House of Representatives being numbered 11241, third session Fifty-fifth Congress.

Both of these bills were favorably reported from the Committee on Military Affairs of both Houses. The report of the Senate Committee on Military Affairs was No. 1684, and sets out the salient facts in reference to the case quite fully and clearly. For the purpose of giving a full history of the proceedings in reference to this matter that report is hereto attached, marked "Exhibit A," and made a part of this report.

The bill in that Congress passed the Senate and was favorably reported from the Committee on Military Affairs of the House of Representatives by the present chairman of that committee in the present Congress. The House bill was also reported favorably by the Committee on Military Affairs of the House. (See H. Repts. Nos. 2220 and 2319, 3d sess. 55th Cong.)

Neither bill, however, passed the House of Representatives, and nothing has since occurred in the case until the introduction of the bill which is here under consideration. In the meantime, to wit, on the 5th of January, 1900, Doctor Hammond died, and the present bill has for its beneficiary his widow, Esther D. Hammond.

The bill proposes to pay to Mrs. Hammond the pay to which Doctor Hammond would have been entitled as a brigadier-general on the retired list, from the date of his retirement, on August 27, 1879, to the date of his death, on the 5th of January, 1900.

Your committee, taking into consideration the meritorious features of this case and the equities in favor of Doctor Hammond, are not willing to go beyond the recommendations of the committee of the Fifty-fifth Congress, above referred to, which recommendations were in accord with the request of Doctor Hammond made at that time. Your committee are willing to grant to his widow the same measure of relief as was proposed to be granted to Doctor Hammond himself in his lifetime by the Fifty-fifth Congress. It is believed by your committee that the relief to be granted to Mrs. Hammond should date from the date of the first report made by the committee of the Fifty-fifth Congress in his favor, to wit, February 17, 1899.

Your committee therefore recommend that the bill be amended as follows:

In line 10 strike out all after word "from."

Strike out all of line 11.

In line 12 strike out all up to and including the word "seventy-nine," and insert in lieu of the portions stricken out the words "February 17, 1899."

As thus amended your committee recommend that the bill pass.

Mr. KEAN. I will not ask for the further reading of the report.

Mr. DANIEL. I should like to have the report read through.

The PRESIDENT pro tempore. The entire report will be read.

The Secretary resumed and concluded the reading of the report, as follows:

EXHIBIT A.

[Senate Report No. 1684, Fifty-fifth Congress, third session.]

The Committee on Military Affairs, to whom was referred the bill (S. 5069) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," report back the bill with certain amendments and recommend the passage of the same.

It appears that Doctor Hammond was dismissed from the service August 18, 1864, in accordance with the sentence of a general court-martial, which found him guilty of certain offenses alleged to have been committed by him while Surgeon-General of the Army. He subsequently appealed to Congress for relief, and upon this appeal was passed the act approved March 15, 1878, which authorized the President to review the proceedings of the court-martial and to annul and set aside the findings and sentence of the court if, after such review, he should deem it right and proper to do so. The act further authorized the President, in the event that he should annul and set aside the findings and sentence of the court, to place Doctor Hammond on the retired list of the Army as Surgeon-General, provided that the said Hammond should not "in virtue of such restoration to the Army, or of any provision of this act or any other act, be entitled to back, present, or future pay or allowances of any kind whatsoever."

In accordance with the provisions of the act of Congress quoted above, the President, after a review of the proceedings of the court-martial, and upon the recommendation of the Secretary of War, annulled and set aside the findings and sentence in the case of Doctor Hammond and placed him on the retired list of the Army, to date from August 27, 1879.

Since the date last named above Doctor Hammond has been borne on the retired list of the Army, but has received no pay or allowances from the Government. It is the object of the bill now pending for his relief to give him, for the future, the pay of a retired officer of his rank, which is that of a brigadier-general.

The Senate Committee on Military Affairs having under consideration the bill which subsequently became the act of March 15, 1878, under which the President set aside the findings and sentence in the case of Doctor Hammond and placed him upon the retired list, made an exhaustive report (Senate Report No. 102, 45th Cong., 2d sess.), which fully sets forth the history of the case and the grounds upon which the committee recommended the passage of the bill. For present purposes it is believed to be sufficient to make the following quotation from that report:

"Let Doctor Hammond, in event he shall satisfy the President of his right thereto, be restored to his family, his friends, and his profession, freed from every taint or blemish which has hitherto been inflicted upon him under fortuitous circumstances. His brethren in the medical profession honor his name and fame, and his countrymen look upon him with pride as foremost in the ranks of American scientists, humanitarians, and gentlemen. Your committee believes this to be a case wherein the constitutional prerogative of Congress to redress grievances may be safely, justly, and fairly exercised, especially since the President is invested, by the provisions of the bill, with wise discretion. If he find against the merits and equities of the case, then the relief sought must be denied. If he find otherwise, and hence favorably, Doctor Hammond will then receive that reparation to which he is entitled, and which avoids, by the terms of the bill, all reflection and humiliation upon any other party concerned."

Doctor Hammond did satisfy the President that he was entitled to be restored to a status of honor, and he was so restored; but although his name has been borne upon the retired list of the Army for nearly twenty years, and although he has been entitled during all that period to bear the title and wear the uniform of his rank, he could not receive any portion of the retired pay of his grade because of the prohibitory proviso in the act of March 15, 1878. It seems to your committee that if it was just and right that Doctor Hammond should be restored to the Army and placed upon the retired list, it was equally just and right that he should receive the pay allowed by law to other retired officers of his grade. However, the pending bill does not propose and your committee does not recommend that any payment shall be made to him for the many years which have elapsed since he was placed upon the retired list. The bill, if enacted into a law, will simply give him for the future the same right as to pay as is enjoyed by all other officers on the retired list. This is a right which in the natural order of things he can only enjoy for a comparatively few years at most, and it seems to your committee to be one which in fairness and justice should be accorded to him. It is accordingly recommended that the bill as amended be passed.

Mr. DANIEL. Mr. President, all I know about this case is what I have caught in the rapid reading of the bill and report by the clerks at the desk. I do not see that it sets forth any equity at all for the payment of a large sum of money to the estate of a medical officer who was long practically out of the service, and who, while he was in the service in a nominal relation, had a mere complimentary title and rendered no service.

It would seem from the report, if I heard it correctly, that in 1864, while the civil war was going on, Dr. Hammond was court-martialed and dismissed from the service. From that time until the date of his death it does not appear that he rendered a day's service to the Government of the United States. It further appears that subsequently he was restored not only to rank, but to a promoted rank. What his rank was when he was dismissed is not stated, but he was promoted to the rank of a brigadier-general on the retired list upon condition and with the specific provision that he should not have pay.

Mr. President, it is impossible for the Senate to judge, without any report on the subject, as to the matter of the court-martial and dismissal of Doctor Hammond. I know nothing of it and can say nothing about it. The bill, I understand, gives to his widow something over $20,000, a mere gratuity, without service rendered for it, and under circumstances of a very questionable character.

Mr. SCOTT. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. DANIEL. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill goes back to the Calendar.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. Pursuant to notice, I ask that the Chair lay before the Senate the fortifications appropriation bill.

The PRESIDENT pro tempore. The Senator from California moves that the Senate proceed to the consideration of the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The motion was agreed to.

Mr. PERKINS. I will yield to the Senator from North Dakota [Mr. MCCUMBER], to my colleague [Mr. BARD], to the junior Senator from Georgia [Mr. CLAY], and to the Senator from Kansas [Mr. LONG]. I will then ask the Senate to proceed with the consideration of the appropriation bill.

Mr. KEAN. Under what rule is this done?

The PRESIDENT pro tempore. There is no rule by which yielding can be controlled or governed.

AGREEMENT WITH CHIPPEWA INDIANS.

Mr. MCCUMBER. I ask unanimous consent for the consideration of the bill (S. 196) to ratify and confirm an agreement with the Turtle Mountain band of the Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect.

Mr. FORAKER. I do not wish to object to the bill, if it is a short one and not to be discussed.

Mr. MCCUMBER. I do not understand that it will be discussed. It is very necessary that the bill should be passed as soon as possible.

Mr. FORAKER. If there is anything urgent about it, I shall not object; but I am very anxious that we shall have an executive session to-day.

The PRESIDENT pro tempore. The bill called up by the Senator from North Dakota will be read.

The Secretary proceeded to read the bill.

Mr. KEAN. I ask the Senator from North Dakota, before the reading is completed, how much money is involved in this measure?

Mr. MCCUMBER. One million dollars.

Mr. KEAN. Then I think the bill had better go over.

Mr. MCCUMBER. I did not hear the Senator from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey objects to the consideration of the bill now.

PUBLIC BUILDING AT LOS ANGELES, CAL.

Mr. BARD. I ask unanimous consent for the present consideration of the bill (S. 4453) to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 17 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902, so as to read as follows:

SEC. 17. That the Secretary of the Treasury be, and he is hereby, authorized and empowered to enlarge the public-building site belonging to the United States in the city of Los Angeles and State of California by the acquisition, by purchase, condemnation, or otherwise, of all of that portion of the remainder of the block lying to the west of the alley in the block in which said public-building site is located: *Provided*, That the same can be acquired at a cost of not to exceed $225,000. In the event that said additional land can not be acquired within said sum of $225,000, the Secretary of the Treasury is hereby authorized and empowered either to acquire, by purchase, condemnation, or otherwise, any additional land in said block which, together with the public-building site belonging to the United States therein, he may deem suitable, sufficient, and necessary for the public building hereinafter authorized to be erected: *Provided*, That the same can be acquired at a cost of not to exceed $200,000; or, at his discretion, to acquire, by purchase, condemnation, or otherwise, a new site in said city of Los Angeles for said public building, and for such purpose, either at his discretion to sell the present public-building site and to apply the net proceeds derived from such sale toward the purchase of said new site in said city of Los Angeles, the limit of cost of which is hereby fixed at $200,000, together with an amount in addition thereto equal to the sum derived from the sale of the present site, or to exchange the present site, or any part thereof, in part or full consideration of and for such new site, and to expend in addition thereto the said sum of $200,000, or so much thereof as may be necessary for the purpose.

"That upon the present site, when so enlarged, or upon the new site, when acquired, the Secretary of the Treasury is authorized and directed to cause to be erected a suitable and commodious fireproof building for the use and accommodation of the United States courts, post-office, and other Government offices in said city of Los Angeles, at a total cost of not to exceed $850,000, inclusive of the cost of additional land or a new site.

"That the unexpended balance of the appropriation of $100,000 contained in section 3 of the act of Congress approved March 3, 1899, entitled 'An act to increase the limit of cost for the erection of a public building at Stockton, Cal., and making provision for the acquisition of additional land, or a new site therefor, and to provide for an addition to the public building at Los Angeles, Cal., and appropriating money therefor,' together with the unexpended balance of the appropriation for 'court-house and post-office at Los Angeles, Cal.; for completion of addition to present building under present limit, $150,000,' are hereby covered into the Treasury as miscellaneous items. Authority is hereby given to the Secretary of the Treasury to settle and adjust any claims for damages due to the abrogation of certain contracts under former appropriations for a public building at Los Angeles, provided the amounts thereof can be liquidated for such sums as in his opinion are just and reasonable, and a sum of money sufficient to cover such adjustments and settlements shall be paid from the amount herein authorized. The Secretary of the Treasury is hereby further authorized and empowered to enter into contracts for the erection of the building herein authorized within the limit of cost hereby fixed."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. CLAY. Mr. President, I ask unanimous consent——

Mr. ALLISON. Regular order, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa asks for the regular order, which is the fortifications appropriation bill.

Mr. PERKINS. Mr. President, I hope my friend from Iowa [Mr. ALLISON] will consent to the passage of the bill the consideration of which is desired by the Senator from Georgia [Mr. CLAY], and also the bill for which the Senator from Kansas [Mr. LONG] desires consideration.

The bill we have before us as the regular order is a bill for fortifications and other works of defense. In extending these courtesies to other Senators I know of nothing which will more strengthen their work of fortification and defense with their colleagues than to permit them to have considered and passed the small bills in which they are interested. [Laughter.]

Mr. ALLISON. Very well; I shall not object.

Mr. PERKINS. I will say to the Senator from Iowa that what those Senators are doing for works of defense in their particular localities will not, in my judgment, delay the passage of the appropriation bill. My friend from Massachusetts [Mr. LODGE] desires to speak on the bill, and we all want to hear him, but he talked enough yesterday about it, I think, as did some others. [Laughter.] I hope we shall extend this courtesy to these Senators, if my friend from Iowa will consent.

Mr. ALLISON. Very well.

Mr. CLAY. I will say to the Senator from Iowa that the bill for which I ask consideration will not, I think, consume half a minute.

Mr. ALLISON. I withdraw my call for the regular order after the statement of the Senator from California [Mr. PERKINS].

PUBLIC BUILDING AT ATLANTA, GA.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (S. 3180) to provide for the erection of a public building at Atlanta, Ga.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 11, before the word "dollars," to strike out "two hundred and fifty thousand;" and on page 2, line 2, before the word "dollars," to strike out "two hundred and fifty thousand;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected at Atlanta, Ga., on a site already owned and possessed by the United States, a suitable building for the use and accommodation of the United States post-office, treasury department, and other Government offices in the city of Atlanta, the cost of said building, including necessary and suitable heating and ventilating apparatus, vaults, elevators, and approaches, not to exceed the sum of $1,000,000, which said sum of $1,000,000 is hereby appropriated for said purpose out of any money in the United States Treasury not otherwise appropriated.

Plans, specifications, drawings, and detailed estimates for said building shall be made and approved according to law before work thereon shall be commenced.

The amendments were agreed to.

Mr. CLAY. I move to further amend the bill, on page 1, line 7, after the word "post-office," by striking out the words "treasury department and other Government offices" and inserting in lieu thereof "custom-house and court-house building."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABSENTEE WYANDOTTE INDIANS.

Mr. LONG. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes. This bill was read the other day, and the senior Senator from North Dakota [Mr. HANSBROUGH] objected to its further consideration. The objection of the Senator from North Dakota has been withdrawn.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes.

The PRESIDENT pro tempore. The bill has been heretofore read, as has been the substitute reported in the nature of an amendment by the Committee on Indian Affairs. The question is on agreeing to the substitute.

Mr. LONG. There are two amendments which I desire to offer to the amendment of the committee.

The PRESIDENT pro tempore. The first amendment proposed by the Senator from Kansas will be stated.

Mr. PLATT of Connecticut. Before that is done I will state that this bill does not take any money from the Treasury. It gives to some Indians who, by mistake, lost their right to 80 acres of land each, the opportunity to select other lands off the reservation. There is no scrip about it, and I think there can be no objection to the bill. It has been considered pretty carefully by the Committee on Indian Affairs.

The PRESIDENT pro tempore. The first amendment submitted by the Senator from Kansas [Mr. LONG] will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee in line 19, on page 2, after the word "person," by striking out "or by his duly authorized attorney in fact;" so as to read:

That each living adult Absentee Wyandotte Indian whose name appears upon a census roll of Absentee Wyandotte Indians made by Special Agent Joel T. Olive, as approved by the Secretary of the Interior December 7, 1896, may select in person, under such rules and regulations as the Secretary of the Interior may prescribe, from the public domain, 80 acres of agricultural land wherever there may be such lands subject to entry, etc.

The amendment was agreed to.

Mr. LONG. I now move the amendment, which I send to the desk, to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by adding at the end thereof the following:

And provided further, That the Secretary of the Interior may add to the said census roll the names of such persons, not exceeding seventeen in number, as he may find properly to have been entitled to enrollment by said Special Agent Joel T. Olive.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LONG. I ask that there may be printed in the RECORD, without reading, a letter from the Secretary of the Interior and one from the Commissioner of Indian Affairs in regard to the second amendment which I have offered to the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1904.

Hon. CHESTER L. LONG, *United States Senate.*

SIR: I am in receipt of your communication dated February 13, 1904, stating that your attention had been called, since a report made by the Committee on Indian Affairs on S. 2268, being a bill to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes, that certain exceptions have been taken to the census roll made by Special Agent Joel T. Olive. You ask to be advised whether there is any objection on the part of the Department to authorize the Secretary of the Interior to add such names to the roll as have been omitted. You transmit the proposed amendment as follows:

"*And provided further*, That the Secretary of the Interior may add to the said census roll the names of such persons, not exceeding seventeen in number, as he may find properly to have been entitled to enrollment by said Special Agent Joel T. Olive."

Your letter was referred to the Commissioner of Indian Affairs on the 18th instant, and the Department is now in receipt of a report from him, recommending that the amendment be adopted.

I concur in said recommendation and transmit a copy of said report for your information.

Respectfully, E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 23, 1904.

The Hon. SECRETARY OF THE INTERIOR.

SIR: This office is in receipt of your communication dated February 18, 1904—I. T. D., 1265-1904—in which you inclose for immediate consideration, report, and recommendation a letter dated February 13, 1904, from Hon. CHESTER I. LONG, wherein he requests to be advised whether there would be any objection on the part of the Department to an amendment to S. 2268, "A bill to authorize the Absentee Wyandotte Indians to select certain lands," and authorizing the Secretary of the Interior to add certain names to the census roll made by Special Allotting Agent Joel T. Olive.

The proposed amendment reads as follows: "*And provided further*, That the Secretary of the Interior may add to the said census roll the names of such persons, not exceeding seventeen in number, as he may find properly to have been entitled to enrollment by said Special Agent Joel T. Olive."

Senator LONG has submitted to this office a list of seventeen persons who it is claimed should have been enrolled by Special Agent Olive. If these persons are entitled to enrollment, they should be added to the census roll made by him and approved by the Department. The proposed amendment authorizes the Secretary to add these names to the roll if he shall find them, or any of them, properly entitled to enrollment.

This office believes that the amendment should be adopted, and so recommends.

Very respectfully, A. C. TONNER, *Acting Commissioner.*

PETER GREEN.

Mr. SPOONER. Will the Senator from California yield to me that I may ask the consideration of a brief bill?

Mr. PERKINS. My friend from Wisconsin is so well intrenched and fortified in the hearts and affections of his immediate constituents in Wisconsin, as well as in those of the whole country, that I do not know that it is necessary for him to have this bill passed in order to gain any further favors; and yet, if my friend the chairman of the committee [Mr. ALLISON] does not object, I shall not.

Mr. ALLISON. I have no objection.

Mr. SPOONER. Then, with the permission of the Senator from California, I ask unanimous consent for the present consideration of the bill (S. 4849) granting an honorable discharge to Peter Green.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to add to the bill the following proviso:

Provided, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Peter Green, late a member of the Sixth Wisconsin Battery, Light Artillery Volunteers, and now a resident of Harvard, Nebr.: *Provided*, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, the pending question being on the amendment submitted by Mr. DANIEL to the amendment of the committee.

The amendment to the amendment was, on page 3, line 17, after the words "two hundred," to strike out "and fifty;" so that the amendment, if amended, would read:

To enable the Secretary of War in his discretion to purchase for the School of Submarine Defense for experimental work one submarine torpedo boat of the type of the Protector, manufactured by the Lake Torpedo Boat Company, not to exceed, in the judgment and discretion of the Secretary of War, $200,000: *Provided*, That before said submarine torpedo boat is purchased or accepted by the War Department it shall have been fully tested to the satisfaction of the Secretary of War and shall fulfill all reasonable requirements for coast defense.

Mr. LODGE. Mr. President, I should hardly venture to say anything further on this amendment; but after the statement of the Senator from California [Mr. PERKINS] that argument is perfectly useless and that our votes can not possibly be affected by anything that may be said, I feel stimulated to try. I dare say it is quite true, as the Senator from California says, that it is impossible to produce any effect by discussion; but at the same time I do not wish to be misunderstood, as I think I was somewhat yesterday, as indicated by some of the remarks made by those who are favoring the Lake boat.

I do not think, Mr. President, that anybody questions the importance of submarine boats. That they constitute one of the branches of naval warfare to which the attention of the world is being given is beyond doubt. Everyone is most anxious to get the best submarine boat that is possible.

Nor, Mr. President, do I quite understand the continual allusions to the Holland boat, as if this were a strife between two boats. Personally, I never approved the appropriations for the Holland boat by name. I never had a great deal of faith in the boat, perhaps without knowing much about it. I am certain that it has required many improvements so as to be made at all practicable. I understand that a type of the Holland boat is now in use in England and has been experimented with by our Government, but I never favored naming it in a bill.

I was not aware that the Holland company had anything to do with the question of this boat. I have received no circular, such as the Senator from Connecticut [Mr. PLATT] referred to yesterday, nor have I seen anyone connected with the interests of either boat.

My objection to this proposition, as I tried to say yesterday, proceeds on two grounds: In the first place, the naval appropriation bill opens to this boat and to all boats an opportunity to come in and secure the approbation of the Government. If this boat is what its friends say it is, it can come in under the provision in the naval appropriation bill and be paid for at its entire cost; for the naval provision opens the entire field of submarine boats to competition, the best to be selected.

We have heard from the president of the Lake company and from the other friends of this boat a description of the boat which, if in any reasonable degree true, demonstrates that it is the most remarkable boat ever invented and that it would not have the slightest difficulty in passing a test and showing its superiority to every other known boat. But this boat, with all its merits, seems to fail in one point—it does not seem to be willing to enter a competitive test.

I think the true way in all these matters of patent devices is to open them to competition, the Government, through its experts, to take the best. I know that rule is often violated, but nevertheless I think it is wise policy.

Mr. WARREN. Mr. President, will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. Why does the Senator state that the Lake boat has refused to enter into competition?

Mr. LODGE. Because it can now go into a competition, and if it is the best boat, under the provisions of the naval appropriation bill, it will get the entire $400,000, or whatever it costs. This is a specific appropriation, which shuts out competition.

Mr. WARREN. But, Mr. President, I again appeal to the Senator, and ask why he states that the Lake boat has refused to enter into competition?

Mr. LODGE. Because it comes here for a specific appropriation in a bill which never before, to my knowledge, carried a provision for a boat.

Mr. WARREN. Exactly; yet the other boat came in for a specific appropriation.

Mr. LODGE. It did; and I just said I thought that was a very bad plan.

Mr. WARREN. I desire to say here that upon the only occasion when the owners of this boat had an opportunity to say whether they would enter it in competition they said they would do so.

Mr. LODGE. Then why do they ask this appropriation, naming one boat?

Mr. WARREN. The Secretary of the Navy states that the reason why this boat has not been put in competition was because at first it was not ready, and later on the Holland people refused to enter into the test. It was so stated here in my remarks yesterday, when I read from a hearing before the House Naval Committee the words of the Secretary of the Navy.

Mr. LODGE. Then this boat is unable to submit to the test of the Navy Department because the Holland people will not submit to a test?

Mr. WARREN. I did not intend to make exactly that statement. I said that the Secretary——

Mr. LODGE. If they alone submit to the test, they will get the money.

Mr. WARREN. The Senator said that they refused to enter into a test, and I challenged that assertion.

Mr. LODGE. I say this amendment is a refusal in itself, because this is a proposition to purchase this specific boat and no other.

Mr. WARREN. It is no refusal on the part of the builders of this boat because the Committee on Appropriations proposed to buy the boat without competition.

Mr. LODGE. Then the builders of the boat did not ask for this amendment?

Mr. WARREN. Nothing was said so far as I know on their part about competition.

Mr. LODGE. I say they did not ask for this amendment.

Mr. WARREN. Certainly. They asked for an appropriation, but made no demand or suggestions concerning competition.

Mr. LODGE. They did ask for it?

Mr. WARREN. Certainly.

Mr. LODGE. Then this amendment excludes competition.

Mr. WARREN. They did not ask that it should be excluded. Furthermore, the facts hardly warrant the Senator's statement that they refused to enter into a test. This committee thought it was unnecessary that they should at this time compete, and so it suggested a direct appropriation.

Mr. LODGE. Very well. If they do not object to a test, then we can easily adopt the amendment offered, I think, by the Senator from Tennessee [Mr. CARMACK], which provides for a test. That can be added to this amendment.

Mr. DANIEL. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. Certainly.

Mr. DANIEL. Can not the Holland boat, this boat, and all other boats go into competition?

Mr. LODGE. Certainly; for under a provision in the naval appropriation bill the competition is open to all boats.

Mr. DANIEL. And there is no advantage to the Holland boat over this one in that respect?

Mr. LODGE. There are more devices for submarine boats than these two, and the naval bill opens the competition to all boats, with a provision that the best shall be taken; which, I think, is sound legislation.

Mr. DANIEL. I will state to the Senator that I asked that question because, as I understood, the Senator from Wyoming [Mr. WARREN] said that the Holland boat refused to go into a competition with the Lake boat. If that be so, are they not all required to go into one competition under this act, and is it not equally fair to everybody?

Mr. LODGE. Under the present amendment?

Mr. DANIEL. No; under the naval appropriation bill.

Mr. LODGE. Under the other act, certainly; it is equally fair to everybody.

Mr. President, that is my objection to a specific provision such as that contained in the amendment. I think it is a great deal better in legislation of this kind to open it to general competition, and if this boat is in any degree what it is said to be, it will not only revolutionize submarine warfare, but it need fear no competition.

But I wish to reiterate what I said yesterday and what seems to me a still more serious objection, which is the one reason that has brought me into this debate—I think that it is confusing two services. I do think the fighting ships ought to be kept under the Navy Department. This is a fighting ship. It is not a diving bell, merely for the purpose of laying submarine mines; but it is a fighting ship, and I do not believe it belongs properly under the War Department.

One of the purposes of this boat, which is set forth in the report of the officers, is that it is to be used to cut cables, and its admirable adaptation for that purpose has been dwelt upon here in the discussion. Who cut the cables in the Spanish war? It was work intrusted to the Navy, and necessarily intrusted to the Navy. The men who go to sea must be men who grapple or cut the cables in any way you please, and the work must be intrusted to them to do.

Of course I remember the Senator from Vermont [Mr. PROCTOR] said, "The Army can employ competent seamen to run these boats." It can employ competent seamen to run these boats, beyond a doubt, but that argument proves too much. You might just as well say, "Put all the battle ships and all the cruisers under the War Department, because the War Department can employ competent seamen to run the battle ships." Of course nobody expects that. Senators will remember that at the time of the landing at Santiago, when the transports—merchantmen employed by the War Department—came there, the troops that landed were taken from the ships to the shore by the Navy, and the work was extremely well done.

Mr. President, it seems to me that to create boats of this character and put them under the War Department is to make a confusion of duties which would be of the greatest possible danger in the case of military operations. I have no objection in the world to appropriations for submarine boats; I am in favor of the largest appropriation for everything that makes up our strength in naval warfare; but I do think that everything relating to fighting ships—and this is a boat—ought to be under the Navy.

It is quite true that under the present arrangement officers of the Army are required to place mines in the harbors; but the preparing and sinking of a mine has nothing to do with a boat. This is a boat pure and simple. You have got to have expert engineers, mechanical engineers, on board; you have got to have it in the hands of men accustomed to the sea. No military officer is going to command that boat, except nominally. If we are going to have boats of that character employed in work on which the safety of the nation may depend, I think we want to put them in the hands of the men who have been trained for that specific work. My great objection to this provision is the confusion which will arise between two great Departments which ought never to be confused, and between which all possible friction should be avoided.

Mr. PERKINS. I think, Mr. President, that the Senate understands the question at issue, and I shall not weary it by making any further remarks, except to state that the position taken by my friend from Massachusetts [Mr. LODGE] is hardly the correct one. There can be no conflict between the Army and the Navy in the defense of our harbors and ports. We have a joint board, consisting of the Admiral of the Navy and other officers of the Navy and the Army.

Mr. LODGE. If the Senator will allow me to interrupt him there, I said nothing about fortifications. This boat is to attack an enemy's fleet, and it is so set forth. That is not fortification work. It is naval warfare.

Mr. PERKINS. The object of this boat, Mr. President, is for coast defense and harbor defense. The joint board of the Army and Navy will meet together and discuss this question, as we have discussed it here to-day. And whatever they decide upon, whether this boat shall be constructed under the auspices and the superintendency of the Navy or the War Department, I have no doubt will be the unanimous decision of both the Secretary of the Navy and the Secretary of War. There can be no conflict. There is but one object in view, and that is to so fortify and defend our harbors as to make them impregnable to the approach of foreign enemies, should they ever arise hereafter to menace the safety of our cities and harbors.

Mr. LODGE. May I ask the Senator a question there?

Mr. PERKINS. Certainly.

Mr. LODGE. The Senator says this is all a question of coast defense. The *Oregon*, the *Indiana*, and the *Massachusetts* were authorized and are described as coast-defense battle ships. Does the Senator think that is a reason for putting them under the Army?

Mr. PERKINS. There is no analogy whatever——

Mr. LODGE. This is a fighting boat.

Mr. PERKINS. It is a fighting boat for the harbor and for the port to lay submarine mines and torpedoes. That was the principal weapon of defense we had during our late war to guard our ports against an imaginary Spanish fleet which we thought might enter New York Harbor or even Norfolk Harbor of the river James. The Senator went down the river James, and his boat stopped before he reached Norfolk a half dozen times as it approached the submarine batteries and submarine torpedoes that had been placed there by the Engineer Corps of the Army, not of the Navy.

There is no conflict whatever between the Army and Navy upon this question. If there were, I am the last one who would advocate investing the Secretary of War with additional powers over our Navy for any purpose connected with it.

Mr. STEWART. If the Senator will allow me, I should like to ask him a question, which I will precede by a little remark. I am very much in favor of giving our inventions to facilitate our fighting capacity on land and sea a fair trial. I do not think we have been extra liberal to our inventors, and for a good many of our most important things we have to go to foreign countries. I believe in giving our inventors a fair trial, if we do lose a little money by it. But in regard to this amendment, if the provision in the naval appropriation bill covers this exactly, is there not some impropriety in putting this provision in the pending bill? I want to inquire whether this Lake boat would not enter into competition with the other boats, the Holland boat, etc., under the provisions of the naval bill, or has it some peculiar merits that would not be brought out in competition and that it would be desirable to test?

Mr. PERKINS. I think that under the provision in the naval appropriation bill this boat and all other boats will be invited to enter into competition to determine the best submarine boat that can be constructed, and the one that is selected by the Department will undoubtedly be the best.

Mr. WARREN. May I ask the Senator a question here? Can the Holland boat, as at present constructed, or invented, while it may serve the purpose of the Navy, compete with the Lake boat, we will say, for the purposes for which the Army needs it in its duty of mining harbors and making harbor defense?

Mr. PERKINS. The Senator's question anticipates what I was about to supplement my remarks by saying that this boat is for a specific purpose of the War Department. It is an experimental test in a measure.

Now, as was stated yesterday again and again, we have passed three different acts whereby we provided an appropriation for the construction of a certain type of Holland torpedo boat. It was named in the appropriation bill. I suggested at the time that it be open to competition. It was said that there were no competitors at that time.

Mr. GALLINGER. Will the Senator from California permit me?

Mr. PERKINS. Certainly.

Mr. GALLINGER. If it be true that this is the only boat which will accomplish the result that the War Department desires, what is the danger of letting some other boat compete with it?

Mr. PERKINS. I must confess that I am of that opinion in the abstract, and if it was for more than one boat I certainly should echo the sentiments of my friend the Senator from New Hampshire. But we have appropriated one million three hundred and odd thousand dollars for a specific boat. We have eight or nine of those boats already in service.

Now, the parties who have invented the Lake boat come here and say, "We have constructed it; we ask no subsidy; we want no bonus. We are willing now to give you this boat that is completed or to build one that will come up to your requirements, and if it meets your approval you can take it at such a price as we may agree upon."

But the whole gist of this matter is that it is left entirely to the judgment and discretion of the Secretary of War. We all have confidence in him and in the Navy Department and in every other Department, and feel that the Secretary of War will not spend one dollar of this appropriation unless he believes it to be in the interest of the public service and especially in the interest of promoting coast defenses.

Mr. GALLINGER. Will the Senator permit me?

Mr. PERKINS. Certainly.

Mr. GALLINGER. Supposing three American inventors had rifles of different construction, and we deliberately put in the army bill a provision that the Secretary of War should examine John Smith's rifle and if was found to be a good one should purchase a thousand of them. Would the Senator think that good legislation?

Mr. PERKINS. We make an appropriation of a hundred thousand dollars a year whereby the Board of Ordnance and Fortification may expermiment and may invite competition——

Mr. GALLINGER. Yes.

Mr. PERKINS. For rifles and for other guns and for carriages and implements of war.

That is the mistake we made in the naval bill. We did not invite competition. The Lake people have spent three times the value of this boat, so they state, in experimenting.

They have asked nothing from the Government, and now if they come to the Government with a boat that meets the requirements—and I am sure the Secretary of War will not decide the matter without consulting with the joint board of the Navy and the War Department—and if they decide that it is advisable and expedient to purchase this boat, can we not leave the responsibility for doing it with the War Department?

Mr. STEWART. I should like to ask the Senator from California a question.

Mr. PERKINS. Certainly.

Mr. STEWART. Is it necessary for the Secretary of War or the War Department to have a boat for the purpose of planting mines, cutting cables, and doing the like of that in a harbor, independent of the general use that is made of such boats by the Navy? Must the War Department have this boat for the special purpose of the duties which are devolved upon the Secretary of War? Is it necessary for him to have a boat of this kind under his control instead of under the control of the Navy?

Mr. PERKINS. The commanding-general of our armies says it is and recommends it.

Mr. STEWART. Under his control?

Mr. PERKINS. He so recommends it, and I defer to him and to his judgment.

Mr. GALLINGER obtained the floor.

Mr. PROCTOR. In answer to the Senator from Nevada, I will state that the mines and all the electrical apparatus and the wires in connection with the bombproof in the fort are under the control of the Secretary of War. The War Department officials must have some means for examining them.

Mr. STEWART. Is it necessary, for the proper discharge of those duties, that the Secretary of War shall have this boat?

Mr. PROCTOR. There must be means of examining them, of taking them up and replacing them.

Mr. STEWART. It has to be under his control?

Mr. PROCTOR. Of course it is necessary to be under the control of the Department which controls the mines.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. GALLINGER. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I thought perhaps I might answer the question which the Senator from Nevada asked—that is, whether, under the provision in the naval appropriation bill, if this boat shall be decided to be the best boat, that is not all that is necessary. But the War Department could get no boat if it were found——

Mr. PERKINS. I so stated.

Mr. PLATT of Connecticut. In that competition that the Lake boat is the very best boat. That is for the Navy. This boat is asked for by General Chaffee, and is recommended by the board of army officers for use in connection with harbor defense and fortifications. It possesses qualifications for that work which certainly no other boat possesses at the present time.

Mr. LODGE. I should like to ask the Senator a question on that point. Does he not think that a boat of this kind, whatever service it is put to, ought to have the approbation of naval experts, or does he think that army officers are as good judges of boats as naval officers?

Mr. PLATT of Connecticut. I can not answer that question

without going into the matter further than I would be justified in doing while trespassing upon the time of the Senator from New Hampshire.

Mr. LODGE. I beg the Senator's pardon. I did not know the Senator from New Hampshire had the floor.

Mr. PLATT of Connecticut. I do not think there is anything to the argument which the Senator from Massachusetts made here this morning as to the confusion which is to result between the Army and the Navy if this amendment should pass, and I think I can demonstrate it when I get the opportunity in my own right.

Mr. GALLINGER. Mr. President, I am not going to prolong this discussion very much. I wish first to call attention to what was said this morning to the effect that the Holland boat people had declined the competition with the Lake boat people. If Senators will refer to the CONGRESSIONAL RECORD of this morning, pages 3223 and 3224, they will find a letter dated Newport, R. I., January 11, 1904. From that letter they will observe that the Lake boat people admitted that their boat possessed a great many defects; and that was two months and three or four days ago.

Mr. LODGE. What page?

Mr. GALLINGER. Pages 3223 and 3224. They admitted that the screws did not work well; that the boat was not making the speed that they expected—in one instance only 3 knots an hour in place of 10; that the battery was wrong; that the shafts were wrong; that the steering gear was not working satisfactorily, etc. And after making these admissions what do they say? This is their modest request:

> Should the board after the examination of the boat find her suitable for naval service, and so recommend, we, contingent upon that encouragement, will make all of these improvements at our expense before turning the vessel over to the Government.

There is not a word about competition.

Mr. PLATT of Connecticut. They offered to go in as they were.

Mr. GALLINGER. There is not a word about competition. And when the Acting Secretary of the Navy replied to that letter, what did he say?

Mr. PLATT of Connecticut. What page?

Mr. GALLINGER. On the same pages. He replied eight days afterwards in these words:

> It is desired, therefore, that before you apply for a competitive trial of your boat you will furnish the Department with a formal statement in writing to the following effect, viz: "That the boat which you submit to the Department for test is at that time finally completed and that you are prepared to accept as final, for the purposes of this act, the results of which your boat is capable of developing on trial at the present time."
>
> It is important that this should be clearly understood, as, in view of the competitive character of these trials, the Department can not allow them to be repeated, but will insist that the results of these trials when once held must be considered as final in the matter of determining the relative merits, under the act of Congress aforesaid, of the various competing boats.

That was written a month and half ago by the Acting Secretary of the Navy to the Lake company, showing that in the judgment of the Navy Department the Lake boat was not prepared at that time to enter into a competitive test.

Mr. President, in the very delightful discussion we had yesterday on the amendment of the committee there was a wide difference of opinion on many points, and there were some conflicting statements, one of which I wish to try to clear up. There were some severe criticisms passed upon the Holland Boat Company. Perhaps the severest criticism passed upon that company was in a letter that was read from the Lake company. I think it was not good taste in that company to animadvert as it did upon its competitor. Severe criticisms were likewise made by Senators regarding the Holland company, one of the points being that the Government put itself back of that company when the boat was simply on paper, and that it is refreshing, as the Senator from California said with so much unction, to find a company which spends its own money to complete a boat, as the Lake company has done.

Mr. President, let us see what the facts are. I think I can dissipate this fairy tale about the Holland company having received any special gratuities from the Government of the United States. The Holland Boat Company spent a great deal of money, in my judgment hundreds of thousands of dollars, upon experiments. They had a boat, not completed, but in process of completion. They came to the Government of the United States and said they would like the Government to advance some money on that uncompleted boat, promising to do their best to put it in such shape that the Government might buy it, and placing themselves under obligation to refund the money that the Government advanced in the event the boat became a failure.

The Government did advance $90,000. The Holland people proceeded to construct their boat. The Government interfered with their construction. The Government insisted that a steam boiler should be put in the boat in place of a gasoline engine. The company knew that the boat could not be navigated with a steam boiler, but they were compelled to do what the Navy Department required them to do, and they did it; and when the boat came to trial it was a complete failure, an absolute and utter failure.

Now, what did that company do? I am not guessing about this matter. I went to the Navy Department for my information, and I find that under date of November 23, 1900, the late Secretary of the Navy, Mr. Long, addressed the following communication to the Holland Torpedo Boat Company:

> GENTLEMEN: Inclosed herewith is one of the triplicates of the contract, duly executed on the part of the United States, entered into by you with this Department for the construction of one submarine torpedo boat, together with one of the triplicates of the bond and of the specifications accompanying said contract.
>
> Receipt is acknowledged of your order of the 19th instant on Messrs. August Belmont & Co. to pay to the Department the sum of $90,000 deposited with them in accordance with the agreement of April 11, 1900, which order is accepted by Messrs. Belmont & Co. and payment promised on proper indorsement thereon by the Department. The necessary action will be taken without delay for the transfer of said sum to the Government.

Mr. President, this was a voluntary act on the part of the Holland company. It is true they were held for the payment of this money, according to the contract they had made with the Government; but it was a very honorable thing for them to step up with a certified check on August Belmont & Co. and hand it over to the Government to wipe out the obligation that the Government had incurred in the construction of a boat which the Government itself, by its interference, had made a failure.

I am not permitted to quote names in this connection, but I will say to Senators that if they will go to the Navy Department they will find there authority for the statement that never in the history of the Government, in matters of this kind, has so honorable and high-minded an act been done by a company that was endeavoring to serve the Government in the matter of a very valuable invention.

Mr. President, what did the company next do? They wiped out the obligation to the Government by the check on August Belmont & Co., which is ordinarily good in this country. They had made a failure of their boat. The boat which had failed was called the *Plunger*. Out of their own funds they proceeded to build the original Holland boat bearing the name of *Holland*, and when that boat became a success, as it did become a success, they offered it to the Government of the United States, and the Government purchased it. That is the entire story.

Mr. President, I submit that the company ought not to be held up here as a company which has received the benefactions of the Government and for that reason is estopped, as the Senators suggested it ought to be estopped, from making a protest against the action proposed in this bill. This company had a right to come here. They discovered in the bill, when it was reported to this body, or their friends or representatives did, that this provision excluding them from competition was in the bill.

They had a right to come here, as they did come here, and protest against it. They would have been false, Mr. President, to the interests of the stockholders of the company, whoever they may be, had they not done that, and instead of being criticised it seems to me they ought to be commended. Not only did the company pay back the $90,000 which they got from the Government, but they paid all the incidental expenses, such as advertising, etc., amounting, as I understand, to two or three thousand dollars, which they were not obligated to do under their contract.

Mr. President, all I ask in this matter is that these different companies and the Government itself, which is building boats of this type, shall be given a fair chance to demonstrate which is the better type of boat. I am opposed, as the Senator from Massachusetts is opposed (and he has stated it much better than I can), to dividing our Navy and putting part of it under the Navy Department and part under the War Department. I think it is a mischievous thing to do and that it will inevitably result in confusion and in conflict of authority.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. GALLINGER. Certainly.

Mr. SPOONER. Is this, strictly speaking, a naval vessel?

Mr. GALLINGER. We have always so treated them.

Mr. SPOONER. Is it not a vessel adapted peculiarly to harbor defense?

Mr. GALLINGER. Just as the Holland boats are.

Mr. SPOONER. I do not care anything about the Holland boats.

Mr. GALLINGER. No.

Mr. SPOONER. It is distinguished from this boat.

Mr. GALLINGER. It is not distinguished from this boat at all.

Mr. SPOONER. I am not speaking with reference to any contest between the boats. I do not want to get into that controversy.

Mr. GALLINGER. No.

Mr. SPOONER. But are not both this boat and the Holland boat peculiarly adapted to harbor defense?

Mr. GALLINGER. That is the way I understand it.

Mr. SPOONER. Is that within the jurisdiction of the Navy Department or the War Department?

Mr. GALLINGER. I should believe it to be within the jurisdiction of the Navy Department. If it is not, let the War Department take over the whole thing.

Mr. SPOONER. I am asking for the fact.

Mr. GALLINGER. The fact is that the Navy Department has always had control of them until this moment.

Mr. SPOONER. Of harbor defense?

Mr. GALLINGER. Of these boats.

Mr. SPOONER. I am talking about harbor defense.

Mr. GALLINGER. Yes, in a sense. I take it if a man-of-war is in a harbor, it will protect the harbor to the best of its ability.

Mr. SPOONER. Certainly. But, referring to the mining of a harbor, is that done under the Navy Department?

Mr. GALLINGER. It is under the War Department.

Mr. SPOONER. Is it under the Navy Department or the War Department—which?

Mr. GALLINGER. Under the War Department. But we never heretofore had any trouble about laying down or taking up mines. We have not required this particular type of boat to do it. We have done it without any difficulty.

Mr. SPOONER. Is the School of Submarine Defenses under the Navy Department or the War Department?

Mr. GALLINGER. Under the War Department.

Mr. SPOONER. Why, then, is there a conflict between the War Department and the Navy Department as to harbor defenses?

Mr. GALLINGER. I do not understand that there has been any conflict; but I think there will be in the near future if we put this provision in this bill and it becomes a law.

Mr. LODGE. If the Senator will allow me, this boat is for far more than harbor defense. It is a seagoing vessel, and is to go and attack ships. The Senator from Missouri [Mr. COCKRELL] says it is to go from New York to London. It is to be used to attack the enemy's fleet. It is not to be used simply to place mines. It is to be used for strictly naval purposes—for scouting, for picketing, for going out and attacking the enemy's fleet when it approaches, and, as I say, the Senator from Missouri expects to have it go from New York to London. If that does not constitute a seagoing vessel I do not know what does.

Mr. SPOONER. The Senator from Massachusetts need not spend any time in indulging in elaborate argument to establish the fact that a vessel which can go from London to New York is a seagoing vessel.

Mr. LODGE. That is the point I wanted to make. It is something far more than for submarine defense. But submarine boats have always been under the Navy Department. That is the fact.

Mr. SPOONER. I am asking for information.

Mr. GALLINGER. The Senator from Wisconsin asked a very pertinent question. I answered it, perhaps not quite as fully as I should have done, when I said that these boats are for harbor defense. Of course they are for more than that. They go out and attack an enemy's ships. If a hostile fleet were lying 5 or 6 miles outside of New York City, threatening to bombard the city, we would expect these boats to go out and attack them.

Mr. SPOONER. I should like to ask the Senator a question. I do not mean this boat or the Holland boat, but take submarine boats generally. Why should not some of them be in charge of the Navy and some in charge of the Army or the War Department; that is to say, why should not there be such boats under the control of the War Department, so far as its duty relates to harbor defense, which is under the control of the War Department?

Mr. GALLINGER. We have always heretofore differentiated on that matter. We are establishing a naval station in Cuba. It is a naval station, but the Army will have charge of the defenses. I do not suppose we will establish a battery there and put it under the Navy Department. We have always clearly distinguished between the duties of the War Department and the duties of the Navy Department. The Navy Department heretofore has had charge of all the boats of this class. Now, if it is a desirable thing to put these boats into the hands of the War Department, let us make a clean sweep of it.

Mr. SPOONER. Why? Does it follow, if I do not bother the Senator——

Mr. GALLINGER. You do not bother me at all.

Mr. SPOONER. Does it follow because such a boat is a valuable adjunct to harbor defense, which is within the jurisdiction of the War Department and properly ought to be, that all these boats should be within the jurisdiction of the War Department?

Mr. GALLINGER. It is very clear to me.

Mr. SPOONER. Is it not perfectly reasonable that some of these boats should be within the control of the War Department, so far as their functions will relate to harbor defense, and all the rest of them be within the control of the Navy Department?

Mr. GALLINGER. I think we might upon the same hypothesis place a war ship in each great American port for the purpose of harbor defense, putting it under the War Department.

Mr. SPOONER. The war ship is not intended for that use in the sense that these boats will be.

Mr. GALLINGER. Well, pretty near. These boats, as the Senator from Massachusetts shows and as is a fact, are not for harbor defense alone. I do not think the Japanese nation has any submarines, although the Senator from West Virginia [Mr. SCOTT] told us that a Japanese who was once a cook on a boat of the Lake type is running the submarines in the Japanese navy, and that he destroyed the Russian navy. But they have boats—torpedo boats—that go out and attack the enemy's fleet; go away from their harbors, from the coast, just as we expect these boats to do, and the Lake people claim their boat is a seagoing vessel.

The Senator from Missouri [Mr. COCKRELL] painted a beautiful picture yesterday, saying that we could spend a million dollars and build a Lake boat that could traverse the sea and destroy pretty nearly all the navies of the world. I understand that such a boat could not be sunk with safety, and hence could not do the work of a submarine vessel.

Mr. SPOONER. Is it not still open to doubt how efficient and successful these submarine boats will be as mere naval boats? Is it open to doubt that they will be of great utility inside of the harbor as a part of the harbor defense? In other words, is not their efficiency to that extent established, whereas their efficiency and possibilities as to use as naval vessels proper remain yet to be determined?

Mr. GALLINGER. I would say to the Senator that I have seen a submarine torpedo boat traverse the water quite a considerable distance, and I will not venture to say how far, but perhaps half a mile——

Mr. SPOONER. They would have to do that to be of any use in harbor defense.

Mr. GALLINGER. Yes.

Mr. SPOONER. Of course.

Mr. GALLINGER. If she can do that, then she could go a much longer distance, as for instance the Holland boats that were caught in the gale and thrown on the rocks, and the Lake boat people cite that to prove they are of no account. They did very recently go a good many hundred miles through the open sea, and with comparative safety.

Now, as I say, I have seen them traverse the water a very considerable distance, come to the surface, fire their torpedo with absolute accuracy, and that is what they are expected to do—to attack the enemy's fleet in the open. I do not see what else they can do. The enemy's fleet is not coming in near proximity to the coast——

Mr. SPOONER. They might get behind a submarine mine and be of utility, and the war ship would not be able to do that without danger of destruction.

Mr. GALLINGER. Well, I do not know——

Mr. SPOONER. I have not heard the debate. I do not profess to know. I am asking merely for information. I do not think that there can be any contest over this matter between the two Departments or between the Holland Boat Company and the Lake Boat Company. It looks to me like a question——

Mr. WARREN. May I ask the Senator a question?

Mr. SPOONER. When I finish my sentence. It seems to me, a mere onlooker, so to speak, that the real question is whether this boat is an efficient boat, whether it has been demonstrated to be an efficient boat for harbor defense, and whether the War Department, which is charged with harbor defense, asks for this boat.

Mr. GALLINGER. I will say to the Senator that the War Department does not ask for it and has not asked for it; and I will go further than that and say to the Senator from Wisconsin that we have appropriated $850,000 in the naval bill to test all these boats.

Mr. SPOONER. That is to develop the capacity of these boats with reference to their utility as naval boats.

Mr. GALLINGER. Oh, no.

Mr. LODGE. No.

Mr. GALLINGER. It covers it all. I will read to the Senator precisely what it does. It provides that the Secretary of the Navy—

> may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in torpedo or submarine warfare.

That is the provision in the naval appropriation bill.

Mr. LODGE. It covers everything.

Mr. GALLINGER. Could the Senator modify that and make it any more specific?

Mr. SPOONER. You have two jurisdictions as to coast defenses. You have, of course, the artillery——

Mr. WARREN. We have a joint board of the Army and Navy to consider exactly such questions and problems as those propounded in this debate. I do not believe it will be contended by the Navy side that you could have a joint board of the Army and Navy of which the Army was not an equal part and did not have

an equal say. Now, the Army, through the duly constituted authorities, have asked for this boat for its (the Army's) purposes.

Mr. GALLINGER. But the Senator is unfortunate in his illustration, inasmuch as the provision of this bill puts it in the hands of the Secretary of War.

Mr. WARREN. Very true.

Mr. GALLINGER. It does not propose that this joint board shall be consulted at all.

Mr. WARREN. Very true; but when it comes to the use of it and to any clash of authorities, if such there should be, and which I believe there will not be, then all such matters will go before the joint board just the same as in the case of the other boats that are ordered or built by the Navy, but used for army purposes.

This boat proposes to do certain work necessary in the coast defenses for the Army which the regular submarine torpedo boats do not propose to do.

Mr. GALLINGER. Will the Senator tell me, then, why he objects to competition? If this boat is the only boat that can do that, it excludes the others.

Mr. WARREN. Very well. I am not objecting to the boat being selected without competition. It is the Senator who objects to that.

Mr. GALLINGER. I beg the Senator's pardon. I have contended all along for competition, as is proposed in the naval bill. I also propose to offer an amendment to this bill providing for competition, but the friends of this amendment say they will not accept my proposition. Now I will read what the proposed provision is. I have changed it so as to apply it to the War Department.

Mr. WARREN. But, Mr. President——

Mr. GALLINGER. Allow me to read this.

Mr. WARREN. The Senator will yield for just a moment.

Mr. GALLINGER. The Senator says I object to competition. This is the amendment I shall offer as a substitute for the pending provision when it gets into the Senate, if it does get into the Senate, which I hope it will not do:

> The Secretary of War is hereby authorized, in his discretion, to contract for or purchase for the School of Submarine Defense, for experimental purposes, one submarine torpedo boat at a cost not exceeding $ 50,000—

I have changed the provision in the naval appropriation bill in that respect—

> *Provided*, That prior to said purchase or contract for said boat any American inventor or owner of a submarine torpedo boat may give reasonable notice and have his, her, or its submarine torpedo boat tested by comparison or competition, or both, with a Government submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of War, who may purchase or contract for a submarine torpedo boat in a manner that will best advance the interests of the United States in torpedo or submarine warfare and coast defense.

Mr. WARREN. That does not reach the question. That is a mere matter of competition with torpedo boats for submarine warfare, and this boat is being purchased because it is a great deal more than a torpedo boat.

Mr. GALLINGER. Very well; then the boat you advocate will have the field to itself.

Mr. WARREN. We leave it entirely in the discretion of the Secretary of War as to whether he shall buy it or not, and how much he will pay, not exceeding $250,000.

Mr. LODGE. If there is no other boat, may I ask the Senator what objection is there to competition?

Mr. WARREN. What reason is there for it? We have voted year after year to buy Holland torpedo boats by name.

Mr. GALLINGER. We did when there was no other boat on the market.

Mr. WARREN. Then you suddenly change, after that concern has sold a large number of boats, and check off some new inventor who wishes some recognition by the Government.

Mr. GALLINGER. Mr. President, I am astounded that the Senator from Wyoming should adopt that line of argument. One year ago, which was the first time in the history of this country when there was a competing submarine torpedo boat invented, the Lake Torpedo Boat Company came to the Committee on Naval Affairs and drafted an amendment, submitted it to the Committee on Naval Affairs, and we put it in the bill; and we repeated it in the bill this year. Now, after having done that, we meeting them with open hands and giving them precisely what they asked for, why is it that they come here now and say that they do not want competition—that the Government ought to buy one of their boats by name?

Mr. LODGE. Because it is beyond competition.

Mr. PLATT of Connecticut. Because there is no boat like theirs, and therefore there can be no competition with a competitor that has a boat like theirs or adapted to do that work.

Mr. GALLINGER. If that is true, then they have the field to themselves. But I want to deny that there is no boat that will compete with them. They will have competition if we open this to competition.

Mr. President, I said in the beginning that I did not propose to delay the consideration of this matter, and I will content myself with the simple added statement that all I am contending for here is fair play between these several boats and fair play so far as the Government itself is concerned, because the Government is building some boats of a submarine type, and with the further statement that I feel it is a very dangerous precedent to establish, when the Navy Department and the Committee on Naval Affairs have been dealing with this question from the time the first submarine boat was presented for consideration to the present time, to now proceed upon an army bill to provide for the construction and purchase of a naval vessel, because it is nothing but a naval vessel.

Mr. PLATT of Connecticut. It is for coast defense.

Mr. GALLINGER. It is of course for coast defense, precisely as other submarine boats and torpedo boats are for coast defense. Every torpedo flotilla is for coast defense primarily. But we were considerably frightened not a great many months ago when it was suggested that some torpedo boats from a far-off nation threatened to appear on our American coast. They are primarily for coast defense, but they have gone beyond that. They are designed to attack an enemy's fleet.

So far as the laying of mines and cutting of mines are concerned, the Senator from California has painted a picture of the dangers there were here a few years ago in the Potomac River. We had no trouble about laying those mines or cutting them.

We do not expect to go out into the harbors of foreign countries and either lay or cut mines with these boats. If they are of any use in the matter of mining or countermining, laying or removing mines, it is to be on our own coast, and we have abundant facilities for doing that now. There is not an American inventor who can not produce something for $50,000 that will do that kind of work just as well as this $250,000 boat can do it. Senators know what the present method is, and that it is an inexpensive method. The idea that we are going to purchase a quarter of a million dollar boat because the inventor has represented that he can lay mines or can countermine or remove mines is absolutely without any force.

Now, Mr. President, that is all I care to say. If the Senate, in its wisdom, sees fit to depart from its established rule in this matter, if it sees fit to refuse competition when these gentlemen themselves insisted upon competition and got it, of course I am estopped from doing anything further than what I now do, and that is to enter a protest against what I can conceive to be bad legislation.

Mr. LODGE. Mr. President, in regard to the point on which the Senator from Wisconsin [Mr. SPOONER] was speaking, we have built four turret harbor-defense monitors. They are vessels which can not fight in a seaway. They get from place to place only with the utmost difficulty and with considerable danger. They are exactly what they are described, harbor-defense vessels. They are practically floating turrets.

We used the old monitors in the Spanish-American war in that way at many of our Atlantic ports. They were used as strictly for harbor defense as anything could be, and yet they have been kept, and very properly, under the command of the Navy.

It seems to me in regard to this boat that the least of her many good qualities is the quality of laying mines.

Mr. WARREN. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. LODGE. Certainly.

Mr. WARREN. Will the Senator state where those monitors are at present?

Mr. LODGE. They are under construction and——

Mr. WARREN. All of them?

Mr. LODGE. No; there are three of them attached to the coast squadron, one to the Pacific Squadron. They are not cruising vessels. They are not cruisers, I can say to the Senator.

Mr. PERKINS. One went to Manila.

Mr. WARREN. The Senator will admit that they are to-day in foreign waters.

Mr. LODGE. One of them is, undoubtedly.

Mr. WARREN. Another is at Panama.

Mr. LODGE. Yes; undoubtedly. They are not cruising vessels, and they can not fight in a seaway.

Mr. WARREN. They are used entirely upon the surface, and they are an entirely different vessel.

Mr. LODGE. Undoubtedly they are used on the surface. Whether a boat is used on the surface or as a submarine craft does not alter the fact that it is a boat.

Mr. WARREN. So is a revenue cutter a war boat, carrying fixed and movable guns, but it is not a part of the Navy of the United States.

Mr. LODGE. But this is a boat filled with machinery which requires a mechanical engineer, for which work the Navy is trained.

Now, Mr. President, I do not want to go over all that again, but I think to have a general on land ordering a fleet attack with its one set of submarines and an admiral at sea ordering another fleet attack with another set of submarines might lead to confusion when it is the same fleet that is attacked.

It seems to me that there is no reason why this boat should not enter the naval competition. For some reason it is not desired to bring it before the naval board. Therefore it is put into the army bill to bring it before an army board. But when we ask for a clause providing for competition we are told that this boat has not a competitor in the world, and that that is the reason why it should not be open to competition; that it is beyond and above competition, and therefore that is a reason for not allowing anybody else to compete. If this boat is so enormously superior to every other boat, and I do not deny it, I do not pretend to know, it should not dread competition. I have not seen it operate even on a committee table, and I do not know that it is not the finest boat in the world. I hope it is. But if it is all it is said to be, why, I ask, should it dread competition?

Mr. ALLISON. Mr. President, I do not wish to prolong this debate, and I will say only a word or two in justification of the reasons which impelled the Committee on Appropriations to insert this particular amendment in the bill.

In the early consideration of this question in the committee I shared very much the view just now expressed by the Senator from Massachusetts that matters respecting torpedo boats and other boats for defensive or aggressive warfare properly belong to the Navy; but after reading the testimony in another place submitted during the consideration of the naval appropriation bill, I became impressed with the great value of this boat. Then it was urged upon the committee first by a commission appointed by the Secretary of War, who had made preliminary tests as respects the characteristics of this boat and made a report to the General of the Army, who warmly and heartily recommended it as an important adjunct to the coast defenses. That seemed to me to be a matter perfectly in line with the duties of the War Department, because they do have charge of the coast defenses, whatever those defenses may be, whether the laying of mines, the erection of fortifications, the emplacement of guns, or what not.

This Mr. Lake, I will say, appeared before us, and after hearing him I became convinced that there was great value in this invention of his. He stated to us that he had been engaged in the various valuable inventions connected with this boat for a great many years, and that he had expended $400,000 or $500,000 in perfecting his inventions. It seemed to me that it would be a most valuable adjunct to our coast defenses, and I can not but believe that it is true now, after hearing many of the arguments pro and con, as I have been able to hear them on the floor of the Senate.

But there is another point that has affected my judgment somewhat, perhaps largely. I am not certain whether this boat will have the kind of test it ought to have under the provision placed in the naval appropriation bill. There is ample provision, I agree, for submarine boats in the naval appropriation bill. The Senate in considering the bill made some amendments respecting the method of dealing with the subject.

Mr. LODGE. May I ask the Senator a question? He says he does not think the test provided in the naval appropriation bill is satisfactory——

Mr. ALLISON. No; I did not say that.

Mr. LODGE. That it would not be fair to this boat?

Mr. ALLISON. No, sir; I certainly did not say that.

Mr. LODGE. I beg the Senator's pardon; I thought he criticised the test provided in the naval appropriation bill.

Mr. ALLISON. No; I do not criticise it. On the contrary, I regard it as a most valuable provision; but whether there can be made under it a test that can deal with all the things that this boat is supposed to be adapted to, I do not know.

Mr. LODGE. That is just what I wanted to ask the Senator. He does not think the test under the naval appropriation bill is sufficiently thorough; he believes that it will be a test of only a part of it?

Mr. ALLISON. If the Senator will allow me, I will endeavor to present the whole of my statement, and then I shall be very glad to hear his suggestion. Here is a test provided in the naval appropriation bill, which, by the way, has not yet passed; it is in limbo between the two Houses.

Mr. LODGE. Both Houses have agreed to the essential part of the bill.

Mr. ALLISON. I do not know whether they have or not.

Mr. GALLINGER. The Senator will observe that it is a House provision.

Mr. ALLISON. Yes, I so observe. I certainly can observe what is right before me——

Mr. GALLINGER. But——

Mr. ALLISON. And I shall read that amendment if I have an opportunity. I hope the Senator will allow me just long enough to do that.

The PRESIDENT pro tempore. The Senator from Iowa declines to yield further.

Mr. ALLISON. No; certainly not. I will yield to the Senator.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. FAIRBANKS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Indiana asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the fortification bill. The Chair hears no objection.

Mr. ALLISON. I do not decline to yield to the Senator from New Hampshire, but I shall endeavor to——

Mr. GALLINGER. I tried to yield to all comers.

Mr. ALLISON. I yield to the Senator with pleasure.

Mr. GALLINGER. I will not interrupt the Senator if it is disagreeable.

Mr. ALLISON. It is not disagreeable.

Mr. GALLINGER. I want to say that the Senator possibly overlooked this House provision, in which the Senate concurred, and the conference committee could not do anything with it if it tried.

Mr. ALLISON. If that be true, then of course my suggestion wholly falls. Now, let us see if that is true.

Mr. GALLINGER. There is the addition of two words.

Mr. ALLISON. Very well. Here is the provision. I will read the whole of it, as I have not occupied much time on this subject.

Provided, That prior to said purchase—

That is, the purchase of subsurface or submarine torpedo boats—

Provided, That prior to said purchase or contract for said boats any American inventor or owner of a subsurface or submarine torpedo boat may give reasonable notice and have his, her, or its subsurface or submarine torpedo boat tested by comparison or competition, or both—

This is a very wide provision, and a very valuable one, I think—

with a Government subsurface or submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparisons, together with its recommendations, to the Secretary of the Navy, who may purchase or contract for subsurface or submarine torpedo boats in a manner that will best advance the interests of the United States in submarine warfare.

That was the original text.

Mr. GALLINGER. "Or coast defense."

Mr. ALLISON. No; I beg the Senator's pardon. That is the point I am coming to. That is the very kernel in this nut that has troubled me. The words "torpedo or" were inserted.

And provided further—

Then there is struck out the provision in the text which reads:

That before any subsurface or submarine torpedo boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy.

Those words are stricken out in the navy appropriation bill, and there are inserted other words which the Senator must have overlooked when he stated that the text was not materially interfered with.

That before any subsurface or submarine torpedo boat—

I am reading now the amendment—

or boats are purchased or accepted by the Navy Department they shall have been fully tested to the satisfaction of the Secretary of the Navy and shall fulfill all reasonable requirements for torpedo or submarine warfare.

That is practically a repetition.

Provided also, That the boats contracted for under this act shall be constructed in accordance with the plans and specifications of the contractor.

The criticism I make and which influenced my mind as respects this provision is that the tests provided for in the provision of the naval appropriation act are tests for naval warfare, and therefore it may be that there are things connected with this invention which are most valuable and important, as I believe they are, for coast defense that will not stand the test for simple naval warfare. If the words the Senator inserted in his quotation were here "naval warfare or coast defense," I should think there was ample opportunity under this provision in the naval appropriation bill, but I must submit to my friend, after having made my explanation, he himself having supposed that those words were here, whether he thinks now that there is not a possible difficulty in making a test or competition under the appropriation of $850,000 in the naval appropriation bill.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. ALLISON. Certainly.

Mr. GALLINGER. I am free to admit I was mistaken as to the words being in the amendment.

Mr. ALLISON. They are most essential words.

Mr. GALLINGER. May I call the Senator's attention to the language of my proposed amendment? Perhaps he was not in when I read the amendment. I shall propose putting it in the hands of the Secretary of War to "purchase or contract for a submarine torpedo boat in a manner that will best advance the interests of the United States in torpedo or submarine warfare and coast defense." Will the Senator object to that provision?

Mr. LODGE. That involves competition, of course.

Mr. GALLINGER. It involves competition.

Mr. ALLISON. I had not reached that phase of my suggestion as yet. I became satisfied, as I said, that here was a valuable invention, both for coast-defense purposes and for naval warfare. The inventor had expended a large sum of money, and was willing to submit to any test his boat might be subjected to, and to submit himself thoroughly to the discretion of the Secretary of War, who certainly will not exercise that discretion until he finds something useful and important in this invention. It seemed to me, therefore, when we had appropriated $850,000 in the naval appropriation bill for torpedo boats, the provision being thus circumscribed and limited, that it was a wise thing for us to give this boat an opportunity of being tested in the discretion of the Secretary of War; and if it shall meet the requirements which its inventor claims it will meet, then I submit, Mr. President, there is no more important duty which can be performed by the two Houses than to expend $250,000 for this experimental craft.

Mr. SPOONER. Is it seagoing?

Mr. ALLISON. Whether it is absolutely a seagoing vessel or not I do not know, although it was claimed for it that it could sail 500 miles out in the ocean. But it seemed to me that here was a valuable invention which ought to be tested, and if the Secretary of War finds after a test that it is most valuable, as the army board and as General Chaffee have already found it to be, then I think it is a most useful appropriation, especially so when we compare the amount involved with the work this little craft can do if it comes up to what is claimed for it. It could destroy the great battle ships of other nations or it could destroy one of our own should it approach the harbor of New York or any other harbor.

We have appropriated in the naval appropriation bill $31,000,000 for the construction of battle ships, chiefly for armored cruisers, and yet this inventor might carry his invention across the sea. He might give it to the Japanese, who were instructed, it seems, on board this vessel by Mr. Lake by disguising themselves as cooks. If a foreign government should have the benefit of this American invention, and if we were to undertake to enter a foreign harbor with one of our battle ships, it could be destroyed in fifteen or twenty minutes by this little craft. Then we would regret many days and many times that we had not ourselves encouraged this inventor in the perfection of this little machine for which there is so much claimed.

I knew nothing about this matter until it was presented to the Committee on Appropriations. My judgment was against it, as I said in the beginning, and I believed it was not in order on this bill. That was my early judgment; but when I came to examine the bill more carefully, it being a fortifications appropriation bill and there being provisions in it without number for mines and electrical apparatus on fortifications and connecting them with the ground and beneath the water, I made up my mind that it is just as essential a part of our coast defenses as is a grappling hook to take up one of the mines. Therefore I believed that the amendment would be as much in order as a part of this fortifications bill as it would be in order in this bill to make provision for building guns upon emplacements in our fortifications in one of our harbors.

So, Mr. President, the Committee on Appropriations believed, first, that they were making a recommendation to the Senate that was in order on the fortifications appropriation bill in providing for our coast defenses. They believed that it is as much a part of the machinery of our coast defenses as are the guns that are in barbette or concealed; that it is as much a part of the machinery of our coast defenses as are the mines that we sink under the water in our harbors.

Mr. President, I only desired to say that my mind is made up as respects these two points. I will say, further, I have no doubt that the Secretary of the Navy will, in the execution of this appropriation of $850,000, test this boat among others as to its seafaring qualities and as to its value for naval warfare as distinguished from coast-defense warfare.

Mr. President, in view of the enormous appropriations we are making year by year for the upbuilding of our Navy (and I have supported them all without criticism and without objection), in view of the enormous appropriations we are making here for the defense of our harbors, amounting to more than $100,000,000 within the last eight or ten years, when we see a proposition here that will eliminate many of the elements of this great cost in our harbor defenses and, it may be, upon the ocean, we should favor it. We should test every invention that is recommended to us as valuable by the high officers of our Government who are familiar with warfare, whether they are officers of the Army or officers of the Navy.

I did not intend to participate in this debate, and I would not have done so except that at the last moment I saw the criticisms were rather severe upon the Appropriations Committee for undertaking to mingle the Navy and the Army in a fortifications bill. There is no such purpose. There is no such mingling. There will be no difficulty whatever in regard to it. If the army and navy officers are patriotic, as I suppose them to be, and there is an engine of destruction such as this engine is believed to be by me, there will be no controversy between the General of the Army and the Admiral of the Navy as to who shall command this great craft, whether it be in the harbor of New York or upon the ocean in the vicinity of New York.

Mr. ALGER. Mr. President, having had some experience during the Spanish-American war, I wish to testify to the need of the War Department for a ship or a boat to plant mines, to remove them, and to put out the electrical apparatus. Whether this is a good ship for the Navy is a question; but if it is as described, it is absolutely needed by the War Department, and I trust it will be given to the War Department, to aid in its coast defense and in the planting of its mines. If the Navy needs such a ship, let them build another.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Virginia [Mr. DANIEL] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on the amendment proposed by the committee.

Mr. MALLORY. Mr. President, I think the Senator from Arkansas [Mr. BERRY], who is absent, is very much interested in this amendment, and therefore I think action upon it had better be deferred for the present.

Mr. GALLINGER. I suggest the want of a quorum, Mr. President.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Dolliver,	Long,	Platt, N. Y.
Allison,	Fairbanks,	McCreary,	Proctor,
Bacon,	Foraker,	McEnery,	Quarles,
Beveridge,	Foster, La.	Mallory,	Quay,
Blackburn,	Frye,	Martin,	Scott,
Burrows,	Fulton,	Millard,	Spooner,
Clark, Mont.	Gallinger,	Money,	Stewart,
Clark, Wyo.	Gibson,	Newlands,	Stone,
Clarke, Ark.	Heyburn,	Patterson,	Teller,
Clay,	Hoar,	Penrose,	Warren,
Cullom,	Kean,	Perkins,	Wetmore.
Daniel,	Latimer,	Pettus,	
Dillingham,	Lodge,	Platt, Conn.	

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum is present. The question recurs on the amendment proposed by the Committee on Appropriations, on page 3, after line 11.

Mr. LODGE. Mr. President, is there not an amendment pending offered by the Senator from Tennessee [Mr. CARMACK]?

The PRESIDENT pro tempore. Such an amendment was not offered, but it was sent to the desk.

Mr. LODGE. I do not see the Senator from Tennessee here. I should like to have that amendment read, and then I will offer it.

The PRESIDENT pro tempore. Does the Senator from Massachusetts desire to offer the amendment which has been sent to the desk by the Senator from Tennessee?

Mr. LODGE. I offer it as an amendment, and ask that it may be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, line 14, after the word "boat," it is proposed to strike out "of the type of the Protector, manufactured by the Lake Torpedo Boat Company," and in lieu thereof to insert "of such type as he may, after careful test and examination, approve."

Mr. GALLINGER. Let the entire amendment be now read as it will read if amended.

The PRESIDENT pro tempore. The amendment as proposed to be amended will now be read.

The Secretary read as follows:

To enable the Secretary of War in his discretion to purchase for the School of Submarine Defense for experimental work one submarine torpedo boat of such type as he may, after careful test and examination, approve, not to exceed, in the judgment and discretion of the Secretary of War, $250,000: *Provided*, That before said submarine torpedo boat is purchased or accepted by the War Department it shall have been fully tested to the satisfaction of the Secretary of War and shall fulfill all reasonable requirements for coast defense.

The PRESIDENT pro tempore. The question is on the amend-

ment of the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Owing to the absence on account of illness of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, I withhold my vote. If he were present, I should vote "nay."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], who is not present, and therefore I withhold my vote.

Mr. FULTON (when Mr. MITCHELL'S name was called). I desire to state that my colleague [Mr. MITCHELL] is necessarily absent from the city because of the death of his daughter.

Mr. SCOTT (when his name was called). I have a general pair with the Senator from Florida [Mr. TALIAFERRO]; but I do not believe this is a question on which I should decline to vote, as Senators do not appear to be voting on party lines. Therefore I shall take the liberty of voting. I vote "nay."

Mr. MALLORY (when Mr. TALIAFERRO'S name was called). My colleague [Mr. TALIAFERRO] is absent on account of sickness.

The roll call was concluded.

Mr. MONEY. My colleague [Mr. MCLAURIN] is absent on account of sickness in his family. He is paired with the Senator from Washington [Mr. FOSTER]. I do not know how my colleague would vote if present.

Mr. FOSTER of Louisiana (after having voted in the affirmative). I have a general pair with the Senator from North Dakota [Mr. MCCUMBER]. He being absent from the Senate, I will withdraw my vote.

Mr. GIBSON (after having voted in the affirmative). I have a general pair with the Senator from Utah [Mr. KEARNS], who is not present. I therefore withdraw my vote.

Mr. DUBOIS. I inquire if the senior Senator from Oregon [Mr. MITCHELL], with whom I have a general pair, has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DUBOIS. Then I withhold my vote.

Mr. PATTERSON (after having voted in the negative). Mr. President, I ask if the Senator from South Dakota [Mr. KITTREDGE], with whom I have a general pair, has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from South Dakota has not voted.

Mr. PATTERSON. Then I withdraw my vote.

The result was announced—yeas 24, nays 25, as follows:

YEAS—24.

Bacon,	Clay,	Hoar,	Martin,
Berry,	Daniel,	Kean,	Money,
Blackburn,	Dolliver,	Lodge,	Newlands,
Carmack,	Fairbanks,	McComas,	Platt, N. Y.
Clark, Mont.	Foraker,	McCreary,	Stewart,
Clarke, Ark.	Gallinger,	Mallory,	Stone.

NAYS—25.

Alger,	Cockrell,	Perkins,	Spooner,
Allison,	Cullom,	Pettus,	Teller,
Ankeny,	Frye,	Platt, Conn.	Warren,
Ball,	Fulton,	Proctor,	Wetmore.
Beveridge,	Heyburn,	Quarles,	
Burrows,	Long,	Quay,	
Clark, Wyo.	Millard,	Scott,	

NOT VOTING—40.

Aldrich,	Dietrich,	Hale,	Mitchell,
Allee,	Dillingham,	Hansbrough,	Morgan,
Bailey,	Dryden,	Hawley,	Nelson,
Bard,	Dubois,	Hopkins,	Overman,
Bate,	Elkins,	Kearns,	Patterson,
Burnham,	Foster, La.	Kittredge,	Penrose,
Burton,	Foster, Wash.	Latimer,	Simmons,
Clapp,	Gamble,	McCumber,	Smoot,
Culberson,	Gibson,	McEnery,	Taliaferro,
Depew,	Gorman,	McLaurin,	Tillman.

So Mr. LODGE'S amendment to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment proposed by the committee.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained by illness. Were he present, I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the senior Senator from Oregon [Mr. MITCHELL].

Mr. GIBSON (when his named was called). I have a general pair with the senior Senator from Utah [Mr. KEARNS]. Were he present, I should vote "nay."

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW].

Mr. PATTERSON (when his name was called). I am paired with the Senator from South Dakota [Mr. KITTREDGE]. He not being present, I withhold my vote.

The roll call was concluded.

Mr. MALLORY. I desire to state again that my colleague [Mr. TALIAFERRO] is sick at home in Florida. He is paired with the Senator from West Virginia [Mr. SCOTT].

Mr. MONEY. I desire to again announce that my colleague [Mr. MCLAURIN] is absent on account of sickness in his family. He has a general pair with the senior Senator from Washington [Mr. FOSTER].

The result was announced—yeas 32, nays 18, as follows:

YEAS—32.

Alger,	Dolliver,	McComas,	Quay,
Allison,	Fairbanks,	McCumber,	Scott,
Ball,	Foraker,	Millard,	Smoot,
Bard,	Frye,	Perkins,	Spooner,
Beveridge,	Fulton,	Pettus,	Stewart,
Clark, Wyo.	Heyburn,	Platt, Conn.	Teller,
Cockrell,	Kean,	Proctor,	Warren,
Cullom,	Long,	Quarles,	Wetmore.

NAYS—18.

Bacon,	Clarke, Ark.	Hoar,	Money,
Berry,	Clay,	Lodge,	Platt, N. Y.
Blackburn,	Daniel,	McCreary,	Stone.
Carmack,	Foster, La.	Mallory,	
Clark, Mont.	Gallinger,	Martin,	

NOT VOTING—39.

Aldrich,	Depew,	Hale,	Morgan,
Allee,	Dietrich,	Hansbrough,	Nelson,
Ankeny,	Dillingham,	Hawley,	Newlands,
Bailey,	Dryden,	Hopkins,	Overman,
Bate,	Dubois,	Kearns,	Patterson,
Burnham,	Elkins,	Kittredge,	Penrose,
Burrows,	Foster, Wash.	Latimer,	Simmons,
Burton,	Gamble,	McEnery,	Taliaferro,
Clapp,	Gibson,	McLaurin,	Tillman.
Culberson,	Gorman,	Mitchell,	

So the amendment of the committee was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment of the committee, on page 9, which was passed over. The Secretary will state the amendment.

The SECRETARY. On page 9, after line 9, it is proposed to strike out the following:

For procurement of land needed as sites for the defenses of the Hawaiian Islands, $200,000.

Mr. LODGE. If I may, I should like to ask the Senator in charge of the bill why that provision was stricken out?

Mr. PERKINS. The appropriation was in the bill for the purpose of acquiring sites for fortifications near Honolulu, in Pearl Harbor, in one of the Hawaiian Islands. The estimated cost of the land was $525,000. By inquiry at the Department we ascertained that the Government had no bond and no option upon this land, and while the members of the committee believed it proper and in the line of the purchase of necessary sites for fortifications, they did not believe it wise or expedient to appropriate $200,000, which could not be used to advantage.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. PERKINS. Certainly.

Mr. BEVERIDGE. Do I understand the Senator to say that we have no fortifications in the Hawaiian Islands, nor sites for the same?

Mr. PERKINS. Nothing that we have appropriated for, except in the general appropriation for insular fortifications, which is in the discretion of the Board of Ordnance and Fortification.

Mr. BEVERIDGE. At the present time are there any fortifications in the Hawaiian Islands?

Mr. PERKINS. There are no fortifications there.

Mr. BEVERIDGE. Nor any sites for fortifications?

Mr. PERKINS. No. Our experience has been where the Government has acquired sites for fortifications, as well as for public buildings, that a sufficient amount should be appropriated to purchase all the land that may be required.

Your committee, therefore, believed that it was the part of wise legislation for the Department to come to Congress with a definite recommendation for an appropriation after they had secured an option upon sufficient land for the erection of the required fortifications.

In my own State, where we desired to purchase land for public buildings, it was found that it was only an invitation for those who had lots adjoining to put up the price when we required more land. Therefore your committee believed it wise, as I stated before, to make no appropriation this year and in the meantime to request the Department to have an estimate and an option on whatever land may be deemed necessary.

Mr. FORAKER. I should like to ask the Senator, before he takes his seat, whether this estimated cost of $500,000 for land on which to erect fortifications contemplates that there shall be only one place where fortifications shall be erected? Is it not true that fortifications are contemplated at additional points?

Mr. PERKINS. That is very true. Perhaps I had better read what finally determined the committee in their recommendation.

Mr. FORAKER. May I further ask the Senator, before I sit

down, if he will allow me, whether or not for $200,000 there could not be procured ample grounds for fortifications at some of the points where it is contemplated that fortifications shall be erected?

Mr. PERKINS. We have no bond and no option upon any land there, so the Department informed us.

Mr. FORAKER. I understand there is no bond and no option, but there was knowledge, as I understand it, before the committee of the House of Representatives, where the provision was framed, and also knowledge before the committee that struck out the House provision. I am inquiring simply for information.

Mr. PERKINS. The estimates for this bill, Mr. President, were $21,573,197. It has been cut down from the estimates to $7,637,192. Therefore, when we increased the appropriations in the bill in the Senate we had this provision under consideration as well as many others that were presented to us. After presenting the matter to the Board of Engineers we received a communication from them, and while urging the appropriation of the full amount they had asked for, they made this statement:

> This increase is respectfully recommended. If, however, the committee can not see its way clear to such increase in the aggregate of the bill, and some item must be correspondingly decreased, it is suggested that the item of $200,000 for land in Hawaii is the one which will probably best stand a reduction, while no work of construction at Pearl Harbor with funds here appropriated is anticipated. Such reduction in the land item would, nevertheless, be regretted. The fortifying of Pearl Harbor and Honolulu is of much importance, and as no work can be commenced until land is purchased, it is desirable that as early action be taken in such land purchase as is practicable. The total cost of such land is, however, estimated at $526,000, and even with an appropriation of $200,000 but a portion of the desired land could be secured.

Mr. SPOONER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PERKINS. Certainly.

Mr. SPOONER. The Senator from California will permit me to ask him a question?

Mr. PERKINS. Certainly.

Mr. SPOONER. We have no fortifications, I understand, at Pearl Harbor?

Mr. PERKINS. We have none.

Mr. SPOONER. Does not the Senator think it is time we entered upon the work of fortifying the Hawaiian Islands?

Mr. PERKINS. There is no question of it.

Mr. SPOONER. Shall we wait until there is immediate use for fortifications?

Mr. PERKINS. There is no question but that we should fortify not only Pearl Harbor and Honolulu Harbor and Diamond Head, but also the five forts named—Manila and Subig Bay, San Luis d'Apra, Guam, and San Juan, P. R.

Mr. SPOONER. There is this difference, if the Senator makes that observation by way of argument, that Hawaii is one of the organized Territories of the United States. The Philippines are not. Neither is Porto Rico in the sense that Hawaii is. I have always supposed that at a reasonably early day the United States would enter upon the work of adequately fortifying the Hawaiian Islands. I see no reason—perhaps the Senator can give me one—why we should not appropriate the money for the acquisition of the land necessary for that purpose.

Mr. PERKINS. That is precisely our view, Mr. President. I am in full accord with the Senator.

Mr. SPOONER. I should like to ask the Senator—he being in agreement with me upon that proposition—whether the money necessary for acquiring the lands necessary for that purpose is not estimated for?

Mr. PERKINS. It is. But the Department assured me that they had no bond, no option, no guaranty that it could be purchased for the amount they estimated.

Mr. SPOONER. I understand it will take about $512,000.

Mr. PERKINS. Five hundred and twenty-six thousand dollars, they estimate.

Mr. SPOONER. The Senator, I suppose, has no doubt that the Government of the United States has power to condemn whatever land we require for that purpose?

Mr. PERKINS. When we will be ready to appropriate the money.

Mr. LODGE. Is it not unusual to appropriate the money after condemnation?

Mr. PERKINS. The Department has not recommended it. We should be only too glad to recommend an amendment if we had a recommendation from the Department.

Mr. SPOONER. The Department has estimated. The Department does not generally estimate for things it does not recommend, I understand. It has estimated five hundred and odd thousand dollars for the acquisition of the necessary land in the Hawaiian Islands. If that money were appropriated, it would mean what? It would not mean that the Government would thereby be at the mercy of some real estate ring. It would mean that the land was to be acquired by purchase where it could be acquired by purchase at a fair price, and where it could not be acquired by purchase at a fair price, under the general laws of the United States, which have been extended in that particular to Hawaii, that the land should be acquired by condemnation, the money having been appropriated to pay for it.

Mr. PERKINS. The Senator, I think, misunderstands the position of the committee upon this matter.

Mr. SPOONER. I evidently do.

Mr. PERKINS. I believe if a recommendation had come from the Department that this land could be secured for $526,000, as they estimate, there would have been very few, if any, dissenting votes in the committee against it. I should have had no objection, certainly; and if the Senate should now decide to make an appropriation of $526,000, I certainly shall not object.

Mr. SPOONER. If the Senator will permit me, is it the idea of the committee to wait until the Department shall have obtained bonds or options which will bring the price of the necessary land to five hundred or five hundred and fifty thousand dollars?

Mr. PERKINS. The object of the committee was not to appropriate $200,000 when they had no assurance that they could get the land or any part of the land.

Mr. SPOONER. If the Senator will permit me, I think the committee is entirely right about that. It seems to me it is the only phase of the subject concerning which the committee is right.

Mr. FORAKER. If the Senator will allow me to ask him a question coming in exactly at this point, what I have been trying to find out is what is the estimated cost of the site for fortifications at Pearl Harbor?

Mr. BEVERIDGE. Five hundred and twenty-six thousand dollars.

Mr. FORAKER. No; $526,000 is the estimated cost of all these sites. Now, I understand at Pearl Harbor, which is the most important of all, we are to have a site which will not cost us $200,000 for all the ground necessary.

Mr. PERKINS. The Senator's opinion differs from that of the committee.

Mr. FORAKER. It is not an opinion. I am asking for information.

Mr. PERKINS. We had no assurance from the Department that any sufficient quantity of land could be purchased for the $200,000, or that it was deemed expedient or businesslike to buy it. However, if the Senator desires to offer an amendment to this bill making the amount $526,000, the estimate, we have no objection.

Mr. SPOONER. I have this feeling about it, and I will take only a moment: That Territory belongs to the United States. Its people belong to the United States. It is under the protection of the United States. It is far outlying in the Pacific Ocean. It is difficult somewhat of access for war ships. We can not always have an adequate fleet, and perhaps might not be able to utilize an adequate fleet, for the protection of those islands, and it seems to me a plain duty of the United States, which must protect that people at all hazards, as it must protect those who live under its flag, to make timely and adequate provision for their protection without reliance upon the Navy solely.

Mr. BEVERIDGE. It is for our own protection.

Mr. SPOONER. It is for our own protection.

Mr. PERKINS. I can not permit my friend to put me or the committee in the position of being inimical to an appropriation for fortifying Honolulu or Pearl Harbor. The point is simply this: The $200,000 that was in the bill is simply an invitation for landholders to advance the price. Appropriate the amount necessary to buy land sufficient for fortifications, and we are with you.

Mr. SPOONER. The committee is the tribunal, if I may call it such, which ordinarily recommends appropriations to the Senate. This whole acquisition, I understand, was estimated for by the Department. That means, if it means anything, if there is any intelligence behind the departmental action, that the Department recommends it.

I agree entirely with the Senator from California, and every other Senator will agree with him——

Mr. BEVERIDGE. Why do you not offer an amendment?

Mr. SPOONER. I am making a speech at the Senator from California, and I can not get him to listen.

Mr. PERKINS. I am all patience and am listening with great benefit to myself, for the Senator from Wisconsin never speaks without those within hearing of his voice getting some information, as well as being edified.

Mr. SPOONER. I am not so intent upon edifying the Senator as I am upon informing him of my opinion.

Mr. PERKINS. We do not differ at all in the object we have in view. It is only the way of getting at it.

Mr. SPOONER. I was about to agree with the Senator from California.

Mr. PERKINS. I am delighted.

Mr. SPOONER. If it will not offend him, I entirely agree with the proposition of the Senator, that if this property is to cost $550,000 it would be childish to the uttermost for us to appropriate $200,000 for that purpose.

Mr. PERKINS. That is the view of your committee.

Mr. SPOONER. I do not agree with him that because the Department is not able to guarantee that all the land can be acquired for $550,000 we should wait indefinitely before beginning the work of fortifying adequately those islands, and of course to begin the work we must acquire the necessary land.

I understand we have acquired Pearl Harbor, for which we paid seventy-odd million dollars in remitted duties on sugar, and have not any land upon which to place fortifications for its protection. I did not suppose that was the situation.

Mr. PERKINS. It is one of the mistakes which was made when the harbor was purchased not to buy sufficient land with it.

Mr. SPOONER. Does the Senator think it ought to be rectified at the earliest possible moment?

Mr. PERKINS. I certainly do.

Mr. SPOONER. Is there any way to rectify it except to appropriate $550,000 for that purpose?

Mr. PERKINS. That is for the Senate to determine. It is a question of policy.

Mr. SPOONER. I will prepare an amendment.

Mr. FORAKER. Mr. President, I entirely agree with all that has been suggested by the Senator from Wisconsin. I think we should be making provision to fortify Hawaii. It has been my understanding, however, that we were to erect fortifications at a number of points, and of course, therefore, we were to secure sites for fortifications at a number of points. It was my impression—I do not know how I got it—that when in the House they incorporated this provision that $200,000 should be appropriated it was a sufficient amount to secure the sites at the most important places to be fortified. The idea was to commence the fortifications by securing sites with the $200,000.

Now, I have just looked at the estimate of the Department, and find that it does not mention the sites separately. It simply in a lump sum estimates $526,000 for sites for fortifications in Hawaii. If we are to do all or to do nothing, I am heartily in favor of doing all. Therefore, I suggest that the Senate disagree to the amendment of the committee.

Mr. SPOONER. I want to offer an amendment.

Mr. LODGE. We want to disagree to the committee amendment first.

Mr. FORAKER. We want first to disagree to the committee amendment, and then to insert "$526,000" instead of "$200,000."

Mr. SPOONER. I wish to offer an amendment to the amendment of the committee.

Mr. LODGE. The first step is to disagree to the committee amendment.

Mr. PERKINS. The first step is for the Senate to disagree to the committee amendment, and then to amend the bill by inserting "$526,000" instead of "$200,000."

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

Mr. SPOONER. I move to amend the bill by striking out "$200,000" and inserting "$526,000."

Mr. FORAKER. "Five hundred and twenty-six thousand one hundred dollars."

Mr. SPOONER. "Five hundred and twenty-six thousand one hundred dollars."

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment which will be stated.

The SECRETARY. On page 9, line 11, it is proposed to strike out "two hundred thousand" before "dollars" and insert "five hundred and twenty-six thousand one hundred;" so as to read:

For procurement of land needed as sites for the defenses of the Hawaiian Islands, $526,100.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. If there be no objection, the amendments made as in Committee of the Whole will be concurred in in gross.

Mr. GALLINGER. I ask that the amendment relating to the Lake torpedo boat be reserved.

The PRESIDENT pro tempore. That amendment will be reserved. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. GALLINGER. I offer what I send to the desk as a substitute for the amendment of the committee which was agreed to in Committee of the Whole on the subject of the Lake torpedo boat.

The PRESIDENT pro tempore. The Senator from New Hampshire offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out the committee amendment on page 3, beginning in line 11 and ending with line 21, and to insert in lieu thereof the following:

The Secretary of War is hereby authorized, in his discretion, to contract for or purchase for the School of Submarine Defense, for experimental purposes, one submarine torpedo boat, at a cost not exceeding $250,000: *Provided*, That prior to said purchase or contract for said boat any American inventor or owner of a submarine torpedo boat may give reasonable notice and have his, her, or its submarine torpedo boat tested by comparison or competition, or both, with a Government submarine torpedo boat or any private competitor, provided there be any such, and thereupon the board appointed for conducting such tests shall report the result of said competition or comparison, together with its recommendations, to the Secretary of War, who may purchase or contract for a submarine torpedo boat in a manner that will best advance the interests of the United States in torpedo or submarine warfare and coast defense.

Mr. GALLINGER. I ask for the yeas and nays on the question of agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from Oregon [Mr. FULTON].

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. Has he voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. SPOONER. I transfer my pair to the Senator from Washington [Mr. ANKENY], and will vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from Connecticut [Mr. HAWLEY], and will vote. I vote "nay."

Mr. CLARK of Wyoming (after having voted in the negative). As the junior Senator from Missouri [Mr. STONE], with whom I am paired, has not voted, I withdraw my vote.

Mr. MONEY. I wish to announce that my colleague [Mr. MCLAURIN] is absent on account of sickness in his family, and has a general pair with the senior Senator from Washington [Mr. FOSTER].

Mr. LATIMER (after having voted in the affirmative). I desire to inquire if the junior Senator from Illinois [Mr. HOPKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. LATIMER. I desire to withdraw my vote, being paired with that Senator.

Mr. CLARK of Wyoming. I suggest to the Senator from South Carolina that we make an exchange of pairs, so that he and I can vote. That will allow the junior Senator from Illinois to stand paired with the junior Senator from Missouri.

Mr. LATIMER. That is satisfactory. I will allow my vote to remain.

Mr. CLARK of Wyoming. I vote "nay."

Mr. HOAR. Has the Senator from Alabama [Mr. PETTUS] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HOAR. I am paired with the Senator from Alabama.

The result was announced—yeas 17, nays 36, as follows:

YEAS—17.

Berry,	Daniel,	Latimer,	Money,
Blackburn,	Dolliver,	Lodge,	Platt, N. Y.
Clark, Mont.	Fairbanks,	McCreary,	
Clarke, Ark.	Foster, La.	Mallory,	
Clay,	Gallinger,	Martin,	

NAYS—36.

Aldrich,	Cullom,	Long,	Proctor,
Alger,	Dillingham,	McCumber,	Quarles,
Allison,	Dryden,	Millard,	Quay,
Bacon,	Foraker,	Morgan,	Scott,
Bail,	Frye,	Nelson,	Smoot,
Bard,	Hansbrough,	Patterson,	Spooner,
Beveridge,	Heyburn,	Penrose,	Teller,
Clark, Wyo.	Kean,	Perkins,	Warren,
Cockrell,	Kittredge,	Platt, Conn.	Wetmore.

NOT VOTING—36.

Allee,	Culberson,	Gorman,	Mitchell,
Ankeny,	Depew,	Hale,	Newlands,
Bailey,	Dietrich,	Hawley,	Overman,
Bate,	Dubois,	Hoar,	Pettus,
Burnham,	Elkins,	Hopkins,	Simmons,
Burrows,	Foster, Wash.	Kearns,	Stewart,
Burton,	Fulton,	McComas,	Stone,
Carmack,	Gamble,	McEnery,	Taliaferro,
Clapp,	Gibson,	McLaurin,	Tillman.

So Mr. GALLINGER's substitute was rejected.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty min-

utes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, March 16, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 15, 1904.

SECRETARIES OF LEGATION.

Henry W. Shoemaker, of Ohio, to be secretary of the legation of the United States at Lisbon, Portugal, to fill an original vacancy.

Nelson O'Shaughnessy, of New York, to be secretary of the legation of the United States at Copenhagen, Denmark, to fill an original vacancy.

CONSUL.

Louis A. Dent, of the District of Columbia, to be consul of the United States at Dawson City, Yukon Territory, Canada, vice Henry D. Saylor, appointed consul-general at Coburg, Germany.

REGISTER OF WILLS.

James Tanner, of the District of Columbia, to be register of wills for the District of Columbia, vice Louis A. Dent, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate March 15, 1904.

MARSHAL.

Victor Loisel, of Louisiana, to be United States marshal for the eastern district of Louisiana.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 15, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

COAL AND ASPHALT LANDS IN THE CHOCTAW AND CHICKASAW NATIONS, IND. T.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Ind. T.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to segregate and reserve from allotment, and to cancel any filings or applications that may heretofore have been made with a view to allotting the following-described lands, situate in the Choctaw Nation, to wit: The north half of the south half of the southeast quarter, and the northeast quarter of the southeast quarter of the southwest quarter of section 9; the north half of the south half of the south half of section 10; the north half of the south half of the south half of section 11, and the north half of the south half of the southwest quarter of section 12, all in township 5 north, range 19 east, containing 250 acres, more or less; and the northwest quarter of the southwest quarter of section 8, township 5 north, range 19 east, and the southwest quarter of the northeast quarter of section 7, township 5 north, range 19 east, containing 80 acres, more or less.

SEC. 2. That the provisions of sections 56 to 63, inclusive, of the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes, and for other purposes," be, and the same are hereby, made applicable to the lands above described, the same as if the said described lands had been made a part of the segregation, as contemplated by said sections 56 to 63, inclusive, of said above act approved July 1, 1902: *Provided*, That the Secretary of the Interior may, in his discretion, add said lands to and make them a part of the coal and asphalt mining leases now in effect, and to which said lands above described are contiguous, the lands in each case to be added to and made a part of the lease to which they are adjacent and which they join, Government subdivisions being followed as nearly as possible.

The amendments recommended by the committee were read, as follows:

On page 2, line 22, after the word "following," add the following:

"*Provided further*, That the holder or holders of the lease or leases to which such lands shall be added shall, before the same are added, pay the Indian or Indians who have filed upon or applied for such lands as their allotments, or who are in possession thereof, the value of the improvements on the lands, such value to be determined under the direction of the Secretary of the Interior."

Add the following section:

"SEC. 3. That the Choctaw, Oklahoma and Gulf Railroad Company is hereby authorized and empowered to sublet, assign, transfer, and set over the leases which it now has upon coal lands in the Choctaw Nation, Indian Territory, or any of them. The assignees or sublessees of said Choctaw, Oklahoma and Gulf Railroad Company shall file good and sufficient bonds for the faithful performance of the terms of the original leases, to be approved by the Secretary of the Interior."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SHACKLEFORD. Mr. Speaker, there is a verbal amendment to be made to section 2, on page 3; after the word "improvements," in line 4, insert the word "placed;" and at the end of said line, after the word "land," insert the words "said Indian or Indians."

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

In line 4, page 3, after the word "improvements," insert the word "placed;" and after the word "land," in same line, insert the words "by the said Indian or Indians."

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Ind. T., and for other purposes."

On motion of Mr. SHACKLEFORD, a motion to reconsider the vote by which the bill was passed was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BOUTELL in the chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. BURTON. Mr. Chairman, it is my desire to address the House upon the increase of national expenditures. This increase is notable in all civilized countries, whether great or small and whatever may be their form of government. It will be profitable to examine into the history and causes of this increase, to investigate whether any dangerous tendencies arise from it, and to attempt to point out a proper policy to be pursued. The average annual expenditures of the United States Government in the last decade of the eighteenth century were $6,835,000. They were greatly increased by the war of 1812, in the decade from 1811 to 1820, but the following decade showed a decrease, and the annual average in the decade ending in 1860 was only $60,000,000. This was followed by the enormous expense of the civil war, and an average annual expenditure approaching ten times as much, or amounting to $530,000,000.

The closing decade of the last century showed an annual average of $407,000,000. If we deduct from the expenditures of the first decade of the Republic interest charges, which were large because of the assumption of State debts and other expenses growing out of the war for independence, the annual average in the last decade of the nineteenth century was very nearly 100 times as great as in the decade from 1791 to 1800, and if we take the last two years for comparison—1902 and 1903—we find them more than 100 times as great. Though the ratio of augmentation has not at all times been so rapid, the same tendency is manifest in all the leading European countries. Two dates may be selected after which there was a notable growth, the years 1830 and 1880. There was a prevalent opinion about the year 1820 that national expenses had reached their maximum. M. Villèle, finance minister of King Louis XVIII, in bringing in a budget in 1822, pointed out that it carried a billion of francs, and made the remark, "Salute these figures, gentlemen; you will never have opportunity to contemplate them again," but he himself lived to see twenty-five budgets exceeding one billion of francs and to a time when the annual average was one and a half billion.

The increase in the years succeeding 1830 was contemporaneous with increase of wealth. If we seek for a date which may be most appropriately regarded as the beginning of the present era of industry and progress we will select the year 1815, the close of the Napoleonic wars. After that year there were decided changes. Influenced by the exhaustion and bloodshed of constant conflicts, controlling forces in diplomacy made a change in the policy of Europe. Instead of a period in which war was continuous, one ensued in which peace was predominant. The individual was more and the state was less. There was a growing and potent sentiment to the effect that the activities of the people should not be guided and shaped for the aggrandizement of the sovereign or the gratification of his ambitions, but for the common benefit of his subjects. An era of invention had commenced at the close of the preceding century, but its benefits had been suspended because of uninterrupted strife. In the fifteen years succeeding 1815 these inventions were made effective, and to them were added great improvements in transportation by the beginnings of railways, the construction and operation of canals, and the development of steam navigation.

With this enlargement of wealth and of the means of communication it was but a normal result that there should be an increase in expenditure. Another period of increase commenced in the year 1880. By a comparison of the year 1880 with the year 1902, it will appear that the expenditures of France have increased 15 per cent; those of Italy, 26 per cent; those of the United States, 76 per cent; those of Austria-Hungary, 83 per cent; of Great Britain, 134 per cent; of Russia, 180 per cent; of Germany, 334 per cent.

The great increase in Great Britain is in a large measure ex-

plained by the expenses of the South African war, and in Russia by the very large amounts expended for building the Siberian Railway, and for the construction of other railways, or taking over the railways formerly owned and operated by private companies.

The Bureau of Labor has kindly prepared certain figures relating to European countries, which, with the consent of the committee, I will file as an exhibit. These figures, however, as showing the relative increase in each, are misleading and to an extent illusory. If we compare the budgets of different nations or compare a budget of the same country in different periods there are three sources from which erroneous conclusions may be derived.

The first is one of bookkeeping merely. A familiar illustration can be derived from the policy of different countries in counting receipts from customs and other sources of taxation. Formerly it was the general practice to count as revenue merely the net amount collected. In the year 1817 a change in France by which the expenses for collection of revenue were counted with other expenditures added to the annual expense account about $24,000,000, and a similar change in Great Britain in 1856 increased the budget by $22,500,000. The prevalent tendency of late is to count the expenses of collecting revenue with other expenses of the government.

Other illustrations of different methods of bookkeeping may be found in the treatment of the income and expenditure of certain activities of the Government. In our own statement of expenditures only the net deficit accruing from the operation of the Post-Office Department is counted. Such was the case in Germany twenty years ago, but now the income of the Post-Office Department is counted on the one side as a receipt and expenditures on the other side. A similar increase arises from the operation of the German state railways. These figures go far to explain the enormous percentage of increase in the expenditures of that country.

A second source of error in comparisons may be found in the different scope of the activities of the state. For instance, a majority of the nations of continental Europe construct, own, and operate railways, and the expenses upon them account very largely for the greater magnitude of the budget.

The third source of error may be found in the different boundary lines between national or federal and local expenditure. For example, in this country 30 per cent of the total amount collected for national, State, and local expenditure goes to the Federal Government. In France the percentage is twice as much, or approximately 60 per cent. The difference in the scope of the enterprises undertaken by the central government may be well illustrated by the number of employees of the two countries. The Civil Service Commission reports that there are 235,000 civil employees of the United States Government. The number has greatly increased in recent years. Of these 235,000, 72,000 are in fourth-class post-offices. France has a population one-half that of the United States; but, according to a statement issued in 1896, there were 466,000 employees of the central government, and at the rate of increase in the preceding decade it is probable that the present number is half a million. Many of the salaries are very small, but this comparison illustrates the very considerable difference between the activities which center in the Federal Government.

There may be said to be two general causes for the increase of national expenditures. One works automatically without the interposition of the legislature. It arises from the necessary enlargement of existing public functions due to the growth of population, to the expansion of territory, and to the higher range of salaries which is correlative with the diminishing purchasing power of money and contemporaneous with improved standards of living.

The second may be said to be under the control of the legislature. Chief among those of this class is the ever-swelling demand for the enlargement of military establishments, the army and the navy. It is to be noticed that this increase exists contemporaneously with a general condition of peace, interrupted by occasional war. The greater cost is due in some degree to improved varieties of armament and equipment employed in war and in a measure to different political ideals. It can not be said that expenses for the army and navy are entirely under the control of the political power, though in a large degree they are. They depend in part upon the position of a state among nations, but more upon the general policy which the dominant influences in each government may choose to adopt.

In no country has the increase in military expenses been so marked as in our own. In the year 1880 the total expenses for the Army and Navy were $42,000,000—twenty-eight millions for the Army and fourteen millions for the Navy. In 1902 these expenses had increased to four times as much. The naval establishment cost in 1902 more than five times as much as in 1880, and under the appropriation bill passed for 1905 it will cost more than seven times as much. The increase between 1902 and 1905 will be more than twice as much as the total cost in 1880.

Another cause of the increase of national expenditures is the enlargement of the scope of the undertakings and enterprises of the state. In this there is found a great question of public policy relating to the dividing line between public and private initiative. It is readily to be noticed that there is a manifest difference in the nature and objects of the two.

Private undertakings look to an immediate return. They are based upon calculations in which the question is considered whether an income can readily be derived from them, so that the venture will prosper as a business or commercial enterprise. National expenditures are based in great degree upon political and social ideals. They look to the ultimate rather than to the immediate future. They should look to the uplifting of the people, to the improvement of industrial conditions, and to betterment in social and moral conditions as well. In this connection it is gratifying to notice that along with the great increase in the expense of war there is one ray of light, for no one item in the budgets of the different civilized countries has shown so large a ratio of increase in the last fifty years as the provision for education. Our own country has shown a constant growth in this particular, but the percentage of increase has been even greater in European countries in recent years than in our own, because an earlier beginning was made here.

Expenses have sometimes been divided into protective and developmental—protective, those which are for the safety of the state, its army, its navy, its police force—things which protect against foreign aggression and against crime and disorder at home; the developmental include those that look to the future, such as public improvements.

Without wishing to add to some remarks made in this House some weeks since, I think it due to say that the proper balance should be struck between these two kinds of expenditure. Everyone will realize that reasonable protection is necessary. The national feeling is perhaps the strongest general impulse among those who owe allegiance to any country; and the defense of the state at home and abroad, the maintenance of its proper prestige, the protection of its citizens in foreign lands, and due provision for the enlargement of its trade and other activities should be taken into account. Danger arises, however, when we allow enthusiasm or misguided patriotism to carry us beyond an ideal which is rational and appropriate for a people whose traditions and interests look toward peace.

In this connection I desire to state that, contrary to what is perhaps a prevalent impression, the burden of national taxation has not increased in this country as rapidly as wealth. We have official statistics of wealth for census years, beginning in the year 1850. It will appear that in 1850 the average wealth per capita of each inhabitant of the United States was $307; in 1860, $513; in 1870, $779; in 1880, $850; in 1890, $1,038; in 1900, while the census statistics are not complete, an estimate made by the Bureau of Statistics places the figure at $1,235.

The expenditure for national purposes in the year 1850 was a little more than one-half of 1 per cent of the wealth of the country. In 1860 it dropped to less than four-tenths. In 1870, for the first and only decennial year, it exceeded 1 per cent. In 1880 it fell to six-tenths of 1 per cent. In 1890 it was forty-eight one-hundredths. In 1900 it increased to fifty-one one-hundreths.

The comparison, however, is clearer if we take a specified year as the basis. Taking the year 1850 as the basis, and representing it by the figure 100, it appears that in three years at the end of decades, the burden of taxation upon wealth was less than in 1850. Those are the years 1860, 1890, and 1900. Counting 1850 as 100, the burden in 1860 was 70; in 1870 (increased by the civil war), 185; in 1880, 113; in 1890, 87; in 1900, 93.

But these figures should not be our excuse for extravagance. They should, on the contrary, lead us to adopt a policy of conservatism and of the utmost care. It may well be questioned whether it is not an essential requisite—or, if not essential, at least preferable—for the development of a people, that the burden of taxation should be diminished from year to year, so that the standard of living may be raised and capital may always be ready for the numerous enterprises which are necessary for the development of commerce and industry and for increasing the wealth of the people. Thus we can not be excused by the enormous advance in the wealth of the country if we allow ourselves to indulge in any line of expenditures which has in it any taint of extravagance.

There are numerous propositions before the country at present with reference to which discussion will arise. They largely belong to the question of the scope of enterprises of the central Government. A proposition is now pending for the expenditure of very large amounts for improvement or construction of public roads in the United States. It is not claimed that these have to do with interstate commerce. The argument for them is the improved condition which will arise from improved methods of communication between local communities. Good roads would confer an economic benefit because the products of the farm

would be more readily carried to market. They would confer a social benefit because there would be readier means of intercourse between town and country and neighboring localities. They have their advantages, all must admit; but we come here to a question which goes to the very essence of all government—can they be provided for most wisely by the central Government, by States, or by local governments?

It would seem that the rule can be derived from the experience of States and communities that expenses are most judicious, are most carefully applied to public objects, are disbursed most economically and efficiently when and in proportion as there is an immediate local interest in the use to which they are applied. And in the same manner improvements and expenditures are kept within well-considered limits in proportion as those who immediately bear the burden decide what undertakings shall be entered upon.

There is also a proposition pending here for a great increase of the pension list. No one will hesitate to vote for any measure which gives due reward to the soldiers of the civil war. In their old age they will be supported, and if they are suffering from wounds or disease, whatever the Government can do for their support will be done, even though it takes the last scruple in the Treasury. But the question must naturally arise, Under what rule should this appropriation be made? Are we willing to establish in this country the standard that for patriotism, for devotion to country, the reward and the chief reward must be in dollars that are raised by national taxation? [Applause.] I do not speak at this time as one opposing this proposition, but to present the question as to what the proper rule should be in this particular.

The pending measure, known as the "post-office appropriation bill," now carries the largest sum of any of the appropriation bills considered by Congress. It recommends for the postal service an aggregate of $169,996,588.75, an increase of more than $16,000,000 over the amount appropriated for the current year, more than twice as much as for the year 1894, two and one-half times as much as for 1890, and more than four and one-half times as much as for 1880.

The Post-Office Department should respond in an exceptional degree to the growth of the country, but so marked an increase makes it desirable to examine into some of its features. In recent years the gain has been greatest in the rural free-delivery service, which has multiplied in cost from $448,000 in 1900, the first year in which it was fully established, to $8,000,000 in 1903, and the proposed expenditure for the ensuing year of 1905 is $20,773,700. So rapid a multiplication of cost is worthy of careful scrutiny. It would be difficult to find an instance in any budget in which there is such a surprising increase in the cost of any branch of the public service. It can not be denied that this service costs nearly five times as much as any revenue derived from it or connected with it. Save Russia, the post-office is a paying institution in practically all of the countries of Europe. While this may not be in accordance with our own policy, the balance of expenses over income in the past has not been large, and the very large expense of this Department threatens to create an additional and undue enlargement of the burdens of taxation.

A statement forwarded me by the bookkeeping department of the Treasury shows that the sum of $25,717,752.85 has been appropriated for expositions. This amount includes the cost of representation in foreign countries, for which inconsiderable sums were expended twenty and even forty years ago; but more than half of the total has been appropriated within the last six years. I am unable to state how much has been or will be repaid. Some of these expositions have commemorated great events of universal interest to all the people, and all of them are associated with occurrences or enterprises more or less interesting, but the disposition to seek national aid has become more and more manifest, so that it will not be long before an exposition in every State will have preferred its demand for an appropriation from the National Treasury. It will be easy to find in each some historical incident so notable as to furnish a basis for the claim that its anniversary should be elaborately celebrated and the National Government bear a large share of the cost. It is well to consider whether the inevitable magnitude of these demands should not cause the abandonment of this class of appropriations, or at least their limitation to an amount sufficient for a suitable governmental exhibit. Every doubtful use of public moneys is not only objectionable in itself, but doubly so in the precedent which it establishes.

The comparative financial condition of the Federal Government on the one side and that of States and municipalities on the other exercise a potent influence upon the situation. The burden of local taxation and of debt, especially in municipalities, is increasing at a very rapid rate. In addition, the fact that so large a share of the national revenues is raised by indirect taxation renders the weight of national taxation seemingly much less oppressive. These reasons and the existence of a surplus in the Treasury tend to create demands upon the National Government for projects and expenditures which otherwise would be undertaken by the States or smaller political divisions.

The increase of deficiency appropriations is to be noted. Supplemental or deficiency budgets are quite common in all countries. It must be conceded that they are undesirable and dangerous to the best ordered administration. Under our parliamentary methods, however, there is an additional danger. A committee or subcommittee may frame a bill for a branch of the public service and seek to secure economy and at the same time sufficient provision for the public functions in question. Afterwards, the amounts recommended and adopted by Congress may be exhausted by some Department of the Government, expenses may be applied for purposes or to an extent which the committee would not have approved, yet another committee or subcommittee not equally familiar with the subject may promptly provide the amount.

I desire to touch briefly upon some of the dangers which pertain to our system of making appropriations and raising revenue and to some of its characteristic features.

The most characteristic feature can be expressed in one word—the word "severance." First, the severance of the executive department from the legislative; next, the severance of the committees or branches of the legislature which provide the revenue from those which determine expenditures, and, third, the severance of the committees which consider estimates and present appropriation bills.

In some governments an entirely different plan is in vogue. The budget is practically prepared, presented, and carried to a vote, or adopted without a vote, by the executive department of the government. In nearly all it has a more controlling influence. But this is not in accordance with our theory of government. There is no lack of reliance upon estimates of the executive department in the making up of our list of expenses in this country.

In early days an able Secretary of the Treasury might almost dominate all classes of expenditures, determine the aggregate amount and the distribution. This was true in the days of Hamilton and of Gallatin, when the executive branch overshadowed the legislative branch. At present the committees of Congress in making up the respective bills consult with no single official. The heads of the different Departments are called upon for information about the needs of the respective branches of the public service. Subordinates in the different Departments are also brought in and questioned about what they want, each with his different ideas concerning the theory of national expenditure, and with even more widely divergent ideas relating to the scale of expenditures to be adopted in his Department. This makes it impossible for any estimate prepared in the executive department to be adequate or controlling or even to exercise more than a limited influence upon the aggregate of national expenditures. When a bill is presented to the President for his approval he must accept or reject it in its entirety. If he should interpose a veto the desirable items of the measure can not be separated from those which he regards as objectionable.

Congress has guarded with great care—and it is not a mere claim of the prerogative of Congress, but is based upon the Constitution itself—the right to determine revenues and expenditures. When estimates come here one committee determines the ways and means of providing revenue, and other committees, quite numerous, determine what shall be expended.

At an earlier time, both in the year when the Committee on Ways and Means was formed and later when it was made a standing committee and endowed with certain prerogatives, that committee controlled not alone revenue but expenditure, and this continued practically until the year 1865. Numerous reasons have been given for the division of the functions of this committee. Those which were accepted then as entirely adequate were that the labor had become too large for one committee and that too much power was lodged in one body of this House. Consequently the Committee on Appropriations was formed in the year 1865. After that different appropriation bills, one by one, were assigned to other committees, leaving a mere minority of appropriation bills with the Committee on Appropriations.

Now, it is evident that under any such system it is impossible to properly harmonize the aggregate of expenses and of receipts, and if changing conditions arise and one is lowered and the other raised, it is exceedingly difficult to make intelligent provision for the changed situation. Not only is the general management of receipts and expenditures intrusted to separate committees, but the control of the expenses of the different branches of the Government is dispersed among many committees. One committee may have an idea "we should have for our department a very large amount." Another committee may think the same. Still another may be dominated by principles and ideas which look toward economy. Numerous suggestions have been made. Perhaps one of the most practicable would be to have a general committee, composed of the heads of all appropriation committees,

which should begin with each session, examine the estimates, and make out approximately the amount which each should receive.

In this connection there is another danger in our system. That is in the relation between the House and the Senate. In some countries the upper house has the right merely to approve or disapprove an appropriation bill as an entirety and not to add, though perhaps to subtract.

Now, in mentioning the danger of having two bodies, one of which may originate but the other may indefinitely amend appropriation bills, no disparagement is expressed for either. If responsibility were left to the sole control of either, no doubt the work would be properly done; but one House will have its opinions concerning an appropriation, and the other House will have very dissimilar opinions upon the same. One body will enlarge a certain appropriation bill or specific items of it to a maximum, and the other body will enlarge another appropriation bill or some of its items to a maximum. The result is a tendency to a maximum in all expenses. The object most to be desired is that the legislative body or other agency having the preparation of the bills making appropriations should have undivided responsibility, and should frame the bills according to established principles, with a well-defined standard of the comparative importance of claims upon the Treasury. It is practically impossible that the standards of two separate coordinate Houses should be the same.

I wish to call attention here to some very great advantages which have been gained. While there has been a growing tendency toward diffusion or dispersion of responsibility through all these years, on the other hand there has been a stricter attention to details, and with it an insistence upon a greater degree of accountability.

The first appropriation bill passed by the House of Representatives became a law September 29, 1789. It contained just twelve and one-half lines and provided for only four items of expenditure—the civil list, Department of War, warrants issued by the late board of the Treasury, and pensions to invalids. That which became a law March 26, 1790, entitled "An act making appropriations for the support of Government for the year 1790," contained a little less than two pages, and is given in seven sections.

The first section is very similar to the act of 1789. Then follow some more specific appropriations in the other sections. Second, expenses arising from and incident to the sessions of Congress; third, contingent charges of the Government; fourth, building of a light-house on Cape Henry and expenses arising from the act for the establishment and support of light-houses, beacons, buoys, and public piers; fifth, personal and miscellaneous claims, including interest on loans; sixth, personal claims. The seventh section authorizes the making of loans.

The third act—of 1791—contains two and two-thirds pages, and specifies the civil list, War Department, and certain specified objects.

Passing on, the act of 1794 contains two and two-thirds pages. That of 1795 contains less than three pages. Among the paragraphs we will find this item, which shows the primitive conditions, and comparatively small appropriations of that day and at the same time the growing disposition to be more specific:

For the expense of firewood and candles for the several offices of the Treasury Department, except the Treasurer's office, $1,500.

Later on these appropriations are divided, separate military, naval, and other bills appearing, and the present system is a gradual outgrowth from that, but with greatly enhanced attention to details in recent years.

Some writers in treating of these subjects have stated that in the earlier history of the Government appropriations were only made for the respective Departments and were there expended by the different Cabinet officers for such purposes as they pleased.

This statement is hardly accurate unless it is limited to a very few years, but it is evident that at that time much greater discretion was left to the different Cabinets and bureaus. New positions were created without the authority of Congress, and salaries were raised to a very considerable extent. The constitutional provision compelling a report of expenditures from time to time was not held to compel annual reports until the year 1800.

A salutary check upon wastefulness was accomplished by the acts of July 12, 1870, and June 20, 1874. These measures were advocated by Mr. Dawes and Mr. Garfield, and required that after two years unused appropriations, excepting those for permanent specific appropriations, rivers and harbors, light-houses, fortifications, public buildings, or the pay of the Navy and Marine Corps, should be covered into the Treasury. The first measure returned to the Treasury $174,000,000 of accumulated unexpended balances. In a single bureau there was an unexpended balance of $36,000,000, the accumulations of a quarter of a century.

Although the manner of regulating income and expenditure in Great Britain is determined in accordance with different ideas upon fundamental principles of government, it will be interesting to give a brief sketch of it, because many have regarded it as the best now in vogue in any country. Estimates are prepared for the different departments by the ministers and supervised by the chancellor of the exchequer. After the speech from the throne demanding supplies, and a vote in response, the whole house resolves itself into what is called a "committee of supply." The estimates are presented by the ministers, and the whole subject is discussed. The committee then makes its recommendations in the form of a report to the house. The house then resolves itself into the committee of the whole on "ways and means" to determine the methods by which the expenditures recommended may be provided.

It will be noticed that this is done after a full discussion and understanding of the amount to be raised. If it is necessary to raise or lower the income tax or the tax on tea, it is done. If it is necessary to impose an export tax on coal or create any other form of revenue, that is done. As stated by Mr. May, the Crown demands money, the Commons grant it, and the Lords assent to the grant. Mr. Gladstone in 1866 laid down the rule that the constitutional duty of the legislative chamber is not to augment, but to decrease expenditure. This principle is a natural outgrowth of the methods employed. The Commons may not increase the appropriations above the estimates. They may, however, diminish or strike out any item. The Lords may strike out any item, though this privilege is theoretical rather than practical.

The French method, which has been much criticised in France and elsewhere, intrusts the budget made up by the ministers to a committee of thirty-three, three from each of eleven groups selected by lot. This committee frames appropriation bills independently of the minister of finance and the cabinet, and even assumes the right to change established law. The budget, after passing the Chamber of Deputies, where it is almost always increased, goes to the Senate, where a policy of greater conservatism prevails. No additions are common in the latter body except to provide for activities or expenses of the Government in pursuance of law which the Chamber of Deputies has stricken out.

In 1876 the Chamber denied the right of the Senate to introduce a new proposition in financial legislation, only conceding the right to reduce or reject altogether. After a lengthy controversy the Chamber yielded the point, but did not concede the right. M. Gambetta, in a plan for the revision of the constitution, advocated giving the Chamber of Deputies the final word on finance, restricting that body, however, so that it would not have power to increase any estimate which came from the minister.

Mr. GILBERT. Mr. Chairman, for my information, how do they ascertain the aggregate in the British House of Commons until each separate department has been investigated to ascertain what are the necessities of that particular department?

Mr. BURTON. Each particular department carefully makes up its list.

Mr. GILBERT. Of the sum total of these items?

Mr. BURTON. They are then submitted to the chancellor of the exchequer, and carefully considered, and where an item is regarded as extravagant it is sent back to the particular department for its consideration, and then the bill is brought before the House of Commons as stated.

I have before me a comparative statement of the receipts and expenditures of the United States for the eight months ending February, 1904. It appears that the total expenses have been $360,000,000, and the total receipts $365,000,000, an excess of receipts of $5,000,000. In the preceding year, for the eight months ending February, 1903, the total expenditures were $344,000,000 and the receipts $377,000,000. Comparing these two years, there was a surplus of $33,000,000 for the eight months of the fiscal year of 1903 and of only $5,000,000 for the eight months of 1904. The receipts of 1903 were $12,000,000 more and the expenditures $16,000,000 less.

There is no occasion for any note of alarm from these figures, but words of caution are not out of place. It is a question whether it would not have been better for us in the years that are passed to have kept down the revenues, thereby maintaining more nearly a balance between revenues and expenditures and doing away with the temptation to extravagance, but these figures bring to our minds the thought that other sources of revenue may be necessary.

A possible danger is apparent here in the absence of any ready provision for flexibility in the amount of revenue. The receipts from established sources change year by year, and they may not rise or fall with the appropriations which are voted. It has been suggested that the Committee on Ways and Means might be charged with the responsibility of supervising all appropriations, criticising such as seem to be objectionable, and opposing or favoring liberal appropriations according to the conditions of the time. It may be desirable for that committee also to consider the subject of prompter provision for changes in the amount of revenue which can be collected. Frequent changes in revenue laws are regarded in this country with distrust and reluctance because of their close interrelation with business conditions. At the

same time the ability to increase or decrease revenue according to existing needs is part of a well-adjusted system of finance.

With a view to meeting unexpected deficiencies the act of June 13, 1898, gave authority to the Secretary of the Treasury to issue certificates of indebtedness, an equivalent of exchequer bills, to an amount not exceeding $100,000,000, payable not exceeding one year from date. It is especially desirable, however, that this method should not be resorted to.

One other feature of our appropriations which is worthy of notice is the very considerable amount of permanent annual appropriations which are paid out of the Treasury without any legislative act. The amount is perhaps one-fifth or one-sixth of the total. They are of the same character as the so-called "consolidated fund" in Great Britain. There are arguments for and against this method of meeting certain kinds of expenses. The argument for permanent annual appropriations is that they give a greater stability to the operations of the Government, that the different undertakings may be carried on and executed without impediment or delay.

Then there is the argument derived from the amount of time consumed in considering these permanent annual charges. It is said that just in proportion as you devote time and pains to examining items which are fixed and necessary, in the same proportion you diminish the care which will be given to those which are mutable and change from year to year. As illustrations, we know the constitutional provision in regard to the Army. Appropriations can not be made for it for more than two years. On the other hand, it is rational to provide for the sinking fund by a permanent annual appropriation. The same is true of the interest upon the public debt. Neither should require annually recurring legislative action. But it must be said on the other side that this custom of expending large amounts, aggregating now, I think, about $100,000,000 or more, without any action by Congress is not in accordance with the most advanced ideas of republican government.

In a report filed in this House in 1893 one hundred and eighty-five different objects were specified for which permanent annual provision was made without any action of Congress.

There is a very manifest incongruity which exists. The expenses of collecting the customs revenue are paid from a permanent appropriation. Those for collecting the internal revenue are annually provided by a bill of Congress. It would seem that there is no reason for this distinction between the two.

In concluding, gentlemen, I desire to say that there is no occasion to indulge in any spirit of pessimism from an account of our financial condition. In the year 1860 about $56,000,000 of revenue was raised. In the year 1866 the amount had then increased, I think, to nearly ten times as much—to about $560,000,000. No nation ever made such a showing as that. I have the exact figures before me, which will be more satisfactory. In the year 1860 the revenue was $56,000,000. With the depleted receipts of 1861 it was only $41,500,000. In 1866 it was $558,000,000, very nearly ten times as great as in 1860. Nothing comparable to that can be found in the history of the world's finances. Industries were flourishing and commerce was making great strides, notwithstanding the absence of millions of men engaged in bloody strife, and when the great armies were disbanded and turned from war back to peace all found immediate employment. That is an illustration of the unsurpassed financial strength and possibilities of this country.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Tennessee?

Mr. BURTON. Certainly.

Mr. SIMS. You stated the amount as collected in 1860; was that not upon a metallic currency, upon a gold and silver basis?

Mr. BURTON. I understand so.

Mr. SIMS. And in 1866 it was upon a paper basis?

Mr. BURTON. It was upon a paper basis, and I should have stated that. I do not recollect the exact premium upon gold. It was perhaps from 20 to 25 per cent in 1866.[a]

The problems of national expenditure in the United States pertain to a country boundless in resources, of almost inconceivable variety, with an ever-widening market in which its position as the chief purveyor of the world's wants is becoming more and more assured, a people ready and patriotic in responding to demands for increased taxation, whose Secretaries of the Treasury, unlike finance ministers of other countries, have been subjected to anxiety not to provide for deficits, but to dispose of surpluses. With all these conditions, there may be confidence that no reasonable expenditure need be curtailed.

But at the same time the greatest caution should be exercised against extravagance. The consideration of the nation's finances is worthy to be ranked with the aspirations of patriotism and every form of national advancement, for wisdom or failure there will bring blessing or misfortune to the whole people. [Great applause.]

Mr. Chairman, I desire unanimous consent to enlarge and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The following is in extension of Mr. BURTON'S remarks:

TABLE A.—*Average annual expenditures of the United States Government by decades.*

1791 to 1800	$6,835,000
1801 to 1810	8,830,000
1811 to 1820	23,305,000
1821 to 1830	16,160,000
1831 to 1840	24,500,000
1841 to 1850	34,610,000
1851 to 1860	63,165,000
1861 to 1870	530,715,000
1871 to 1880	281,530,000
1881 to 1890	265,415,000
1891 to 1900	407,205,000

NOTE.—Interest and premiums on bonds purchased are included. Only the net deficit in the operations of the Post-Office Department is counted.

TABLE B.—*Expenditures of several European countries in selected years.*

GREAT BRITAIN.	Pounds.
1818	88,000,000
1833	48,000,000
1859	64,000,000
1899	108,815,000
1902	195,849,000
FRANCE.	**Francs.**
1815	561,000,000
1828	1,024,000,000
1847	1,629,000,000
1869	1,879,000,000
1902	3,604,000,000
RUSSIA.	**Rubles.**
1869	468,708,000
1875	543,251,000
1880	634,553,000
1890	947,869,000
1897	1,415,971,000
1902	1,946,571,000

TABLE C.—*Proportion of national expenditures to wealth in United States, census years, 1850 to 1900.*

Year.	Wealth per capita.	Annual expenditures per capita.	Annual percentage expenditure to wealth.	Increase or decrease in proportion of expenditure to wealth, counting proportion of 1850 as 100.
1850	$307.69	$1.70	0.005557	100.00
1860	513.93	2.01	.003911	70.37
1870	779.83	8.03	.010297	185.29
1880	850.20	5.34	.00628	113.01
1890	1,038.57	5.07	.004884	87.88
1900	[b]1,235.86	6.39	.00517	93.03

[a] The premium upon gold in the year ending June 30, 1866, was greater, ranging from 25 to 45 per cent, and on some occasions higher.

[b] As estimated by the Bureau of Statistics.

TABLE D.—*Budgets of six leading European countries from 1880 to 1902, inclusive, with equivalents in United States money, and other data, prepared by the Bureau of Labor.*

FRANCE.

[The budgets are taken from the Statesman's Year Book.]

Year.	Budget.		Value of franc.	Population.	Budget per capita.
	Francs.	Equivalent in United States money.			
1880	3,130,494,244	$604,185,390.09	$0.193		
1881	3,406,154,926	657,387,900.72	.193	37,405,290	$17.57
1882	3,315,968,905	639,866,198.67	.193		
1883	3,573,907,839	689,764,212.93	.193		
1884	3,385,409,496	653,384,032.73	.193		
1885	3,319,113,480	640,588,901.64	.193		
1886	3,239,084,710	625,143,349.03	.193	37,886,566	16.50
1887	3,133,731,289	604,810,138.78	.193		
1888	3,542,462,927	683,695,344.91	.193		
1889	3,711,685,832	716,355,385.58	.193		
1890	3,776,712,386	728,905,490.50	.193		
1891	3,712,969,676	716,603,147.47	.193	38,131,385	18.79
1892	3,217,825,525	621,040,329.33	.193		
1893	3,347,691,488	646,104,457.18	.193		
1894	3,439,020,623	663,730,980.24	.193		
1895	3,423,893,702	660,811,496.07	.193		
1896	3,447,918,198	665,448,212.21	.193	38,228,969	17.41
1897	3,385,397,484	653,375,024.41	.193		
1898	3,433,418,395	662,649,750.24	.193		
1899	3,477,575,535	671,172,078.26	.193		
1900	3,496,809,184	674,884,172.51	.193		
1901	3,554,354,212	685,990,362.92	.193	38,641,353	17.75
1902	3,604,415,197	695,652,133.02	.193		

Percentage of increase, 1880 to 1902, 15.14.

ITALY.

Year.	Budget.		Value of lira.	Population.	Budget per capita.
	Lire.	Equivalent in United States money.			
1880	1,420,226,726	$274,103,758.12	$0.193		
1881	1,426,711,988	275,355,413.68	.193	28,459,628	$9.68
1882	1,321,405,359	255,031,234.29	.193		
1883	1,563,355,269	301,727,566.92	.193		
1884	a772,206,593	149,055,883.85	.193		
1885	1,553,266,281	261,180,392.23	.193		
1886	1,707,312,769	329,511,954.42	.193		
1887	1,789,413,851	345,356,873.24	.193		
1888	1,801,757,180	347,739,135.74	.193		
1889	2,105,765,840	406,412,807.12	.193		
1890	1,857,906,850	358,576,022.05	.193		
1891	1,872,133,271	361,321,721.30	.193		
1892	1,780,942,130	343,721,831.09	.193		
1893	1,694,275,629	326,995,196.40	.193		
1894	1,772,018,331	341,969,537.88	.193		
1895	1,797,782,823	346,972,084.84	.193		
1896	1,817,712,075	350,818,430.48	.193		
1897	1,723,541,135	332,643,439.06	.193		
1898	1,692,234,369	326,601,233.22	.193		
1899	1,702,316,483	328,547,081.22	.193		
1900	1,730,208,870	333,930,311.91	.193		
1901	1,742,590,167	336,319,902.23	.193	32,449,754	10.36
1902	1,790,959,779	345,655,237.35	.193		

a For a half year. A change was made at this time in the ending of the fiscal year.

Percentage of increase, 1880 to 1902, 26.10.

AUSTRIA-HUNGARY, INCLUDING AUSTRIA AND HUNGARY.

Year.	Budget.		Value of florin.	Population.	Budget per capita.
	Florins.	Equivalent in United States money.			
1880	840,560,202	$347,151,803.43	$0.413	37,623,923	$9.23
1881	(a)				
1882	931,105,811	378,028,959.27	.406		
1883	(a)				
1884	(a)				
1885	972,336,411	382,139,999.52	.393		
1886	984,575,194	365,277,396.97	.371		
1887	(a)				
1888	1,015,283,258	350,255,474.01	.345		
1889	1,033,777,444	347,349,221.18	.336		
1890	1,034,191,020	356,795,901.90	345	41,057,304	8.69
1891	(a)				
1892	1,118,431,380	369,082,355.40	.330		
1893	1,237,772,277	502,535,544.46	.406		
1894	1,238,752,535	502,933,537.33	.406		
1895	1,256,378,821	510,089,801.33	.406		
1896	1,294,550,485	525,587,496.91	.406		
1897	1,325,945,679	538,333,945.67	.406		
1898	1,382,298,426	561,213,160.96	.406		
1899	2,861,454,358	b580,875,234.67	b.203		
1900	2,983,735,254	b605,698,256.56	b.203	45,015,000	13.46
1901	3,054,754,407	b620,115,156.80	b.203		
1902	3,137,048,993	b636,820,945.58	b.203		

a Figures not accessible. b Crowns; 2 crowns equal 1 florin.

From 1880 to 1892 the monetary unit was a silver florin. The value of the florin as here shown is taken from the report of the Director of the United States Mint. Conversions have been made into United States money, but it is very doubtful if the figures as given in United States money show the relative condition of the several annual budgets as they really affected the Austro-Hungarian Empire. The florin was probably worth more in circulation within the country than its commercial value abroad. The amounts as given in United States money from 1880 to 1892 should be used with great caution, if at all. The gold standard was adopted in August, 1892, since which time it is believed the conversion as shown can be safely accepted.

Percentage of increase, 1880 to 1902, 83.44.

KINGDOM OF GREAT BRITAIN AND IRELAND.

Year.	Budget.		Value of pound sterling.	Population.	Budget per capita.
	Pounds sterling.	Equivalent in United States money.			
1880	84,105,871	$409,301,221.22	$4.8665		
1881	81,995,025	399,028,789.16	4.8665	35,241,482	$11.32
1882	84,364,653	410,560,583.82	4.8665		
1883	88,247,868	429,458,249.62	4.8665		
1884	86,589,358	421,387,110.71	4.8665		
1885	89,898,222	437,489,697.36	4.8665		
1886	94,190,083	458,376,038.92	4.8665		
1887	90,869,282	442,215,360.85	4.8665		
1888	88,036,259	428,428,454.42	4.8665		
1889	87,624,061	423,502,592.86	4.8665		
1890	86,723,168	422,058,297.07	4.8665		
1891	88,511,943	430,743,370.61	4.8665	38,104,975	11.30
1892	90,924,636	442,481,821.19	4.8665		
1893	91,069,560	443,190,013.74	4.8665		
1894	92,056,068	447,990,854.92	4.8665		
1895	94,537,685	460,067,644.05	4.8665		
1896	98,498,496	479,342,930.78	4.8665		
1897	102,324,921	497,964,228.05	4.8665		
1898	104,892,900	510,461,297.85	4.8665		
1899	108,815,030	529,548,372.69	4.8665		
1900	134,671,823	655,380,426.63	4.8665		
1901	184,599,627	898,354,084.80	4.8665	41,605,328	21.59
1902	196,843,259	957,937,719.92	4.8665		

Percentage of increase, 1880 to 1902, 134.04.

RUSSIA.

Year.	Budget.		Value of ruble.	Population.	Budget per capita.
	Rubles.	Equivalent in United States money.			
1880	694,505,313	$357,253,533.01	$0.5144		
1881	717,461,609	369,062,251.67	.5144		
1882	762,004,512	391,975,120.97	.5144		
1883	778,505,423	400,463,189.59	.5144		
1884	801,997,412	412,547,468.73	.5144		
1885	866,294,997	445,622,146.46	.5144	108,787,235	$4.10
1886	871,948,732	448,530,427.74	.5144		
1887	881,341,672	407,091,718.30	.4619		
1888	888,082,110	383,740,279.73	.4321		
1889	895,161,810	408,014,753.00	.4558		
1890	947,899,239	432,038,799.14	.4558		
1891	962,302,521	457,189,927.72	.4751		
1892	965,303,066	458,615,486.66	.4751		
1893	1,040,458,385	474,240,931.88	.4558		
1894	1,083,601,526	514,819,085.00	.4751		
1895	1,214,378,090	576,951,002.05	.4751		
1896	1,361,547,994	646,871,451.95	.4751		
1897	1,413,971,058	671,777,649.66	.4751	129,211,113	5.20
1898	1,474,049,923	700,321,118.42	.4751		
1899	1,571,732,646	746,730,180.11	.4751		
1900	1,757,387,103	906,121,292.23	.5139		
1901	1,788,432,006	928,937,553.92	.5194		
1902	1,946,571,976	1,001,316,624.45	.5144		

The budget is reported in paper rubles in the Statesman's Year Book. The same source gives the value of the paper ruble in English money. The valuation as given in English money has been converted into United States money. Using this valuation, the budget has been converted into United States money. There may be small inaccuracies in the years 1895 to 1899, but the figures can be considered approximately correct.

Percentage of increase, 1880 to 1902, 180.28.

GERMANY.

[1880 to 1903, inclusive.]

Year.	Budget.		Value of mark.	Population.	Budget per capita.
	Marks.	Equivalent in United States money.			
1880	541,021,537	$128,763,125.81	$0.238	45,234,061	$2.85
1881	539,252,640	128,342,128.32	.238		
1882	596,811,409	142,041,115.34	.238		
1883	610,737,707	145,356,574.27	.238		
1884	603,769,704	143,697,189.56	.238		
1885	610,353,000	145,264,014.00	.238	46,855,704	3.10
1886	611,930,672	145,639,499.94	.238		
1887	705,882,344	167,999,997.87	.238		
1888	904,418,000	215,251,484.00	.238		
1889	1,203,768,000	286,496,784.00	.238		
1890	947,307,000	225,459,066.00	.238	49,428,470	4.56
1891	1,259,918,000	299,860,484.00	.238		
1892	1,118,453,000	266,191,814.00	.238		
1893	1,223,727,000	291,247,026.00	.238		
1894	1,330,979,000	316,773,002.00	.238		
1895	1,286,546,000	306,197,948.00	.238	52,279,901	5.86
1896	1,239,251,000	294,941,738.00	.238		
1897	1,267,025,000	301,551,950.00	.238		
1898	1,372,853,000	326,739,014.00	.238		
1899	1,441,579,000	343,095,802.00	.238		
1900	1,960,591,000	466,620,658.00	.238	56,367,178	8.28
1901	2,217,122,000	527,675,036.00	.238		
1902	2,344,586,000	558,011,468.00	.238		
1903	2,349,742,456	559,238,704.53	.238		

Percentage of increase, 1880 to 1902, 334.32.

TABLE E.—*Expenditures made for military and naval purposes in the United States, Austria-Hungary, France, Germany, Italy, Russia, and the United Kingdom of Great Britain and Ireland.*

[Prepared by the Bureau of Labor. The data for the United States are taken from Digest of Appropriations, published by the United States Treasury Department, and for foreign countries they are taken from the Statesman's Year Book. The figures for the United States include deficiency bills for preceding years.]

Country.	Year.	War.	Navy.	Total.
United States	1903	a$92,794,619.35	a$75,049,781.29	a$167,844,400.64
Austria-Hungary	1903	b62,827,490.08	b9,934,986.46	a72,762,476.54
France	1903	b137,223,000.00	b59,212,156.43	b196,435,156.43
Germany	1903	a135,421,048.00	a20,685,532.00	a156,106,580.00
Italy	1903	b54,405,687.33	b24,543,031.05	b78,948,718.38
Russia	1903	b169,910,760.09	b59,550,089.12	b229,460,849.21
United Kingdom	1903	c319,154,806.00	d140,946,492.90	e460,101,295.90

a Not including pensions.
b Report does not state whether pensions are included or not.
c Not including pensions, retired pay, etc., amounting to $18,142,312.
d Not including pensions, retired pay, etc., amounting to $11,158,397.85.
e Not including pensions, retired pay, etc., amounting to $29,300,709.85.

TABLE F.—*Itemized appropriations of the United States from 1880 to 1903, inclusive.*

[From Digest of Appropriations, published by the United States Treasury Department. Prepared by the Bureau of Labor. The figures include deficiency bills for preceding years.]

Year.	Legislative establishment.	Executive establishment.	Judicial establishment.	Foreign intercourse.	Military establishment.	Naval establishment.	Indian affairs.	Pensions.	Public works.	Postal service.[a]	Miscellaneous.	Total.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1880	3,246,798.67	13,188,227.23	400,746.29	1,109,006.30	28,172,005.45	14,079,725.67	4,908,045.63	56,200,078.37	14,998,377.88	3,071,000.00	23,032,636.27	b182,404,647.76
1881	3,132,599.90	14,074,672.60	399,712.63	1,196,793.08	27,294,140.78	14,396,963.47	7,648,143.00	41,645,356.68	16,318,059.54	3,895,688.66	24,116,126.50	154,118,212.64
1882	3,137,286.91	15,707,368.05	399,374.45	1,224,865.03	27,871,351.69	14,749,443.66	5,155,163.35	68,282,396.68	18,213,396.22	----------	23,148,568.10	177,889,214.17
1883	3,345,249.38	18,464,135.10	417,127.40	1,574,222.94	29,139,587.61	15,395,613.44	7,091,888.95	116,000,500.90	30,462,458.47	74,503.18	29,462,830.20	251,428,117.54
1884	3,416,388.76	18,223,627.31	425,372.01	2,185,484.22	25,531,097.32	15,980,437.80	6,039,387.24	86,576,287.49	5,961,351.31	----------	23,572,132.71	187,911,566.17
1885	3,506,374.13	19,315,555.27	408,313.08	1,314,997.90	24,813,978.31	9,242,496.82	6,198,719.67	21,565,525.97	20,259,030.13	4,541,610.58	26,284,795.91	137,451,397.77
1886	3,504,810.96	18,966,959.81	408,300.00	2,033,656.18	24,349,507.54	21,689,759.39	6,008,612.69	60,000,867.92	8,943,029.14	8,193,652.62	16,508,357.38	170,608,113.03
1887	3,346,818.11	17,997,266.06	408,300.00	7,315,960.94	24,711,352.48	17,053,780.59	5,647,481.69	82,575,488.05	23,140,966.20	6,501,247.05	20,969,721.74	209,659,382.91
1888	3,358,385.87	18,173,784.80	416,200.00	1,588,553.96	24,011,485.62	23,925,483.79	5,337,171.10	83,167,500.00	9,943,998.11	3,056,037.13	20,057,290.75	193,035,861.13
1889	3,621,163.70	19,864,279.43	445,955.43	2,205,440.60	24,887,815.21	19,553,438.82	7,221,526.28	85,294,335.20	41,353,505.92	3,888,919.73	36,709,782.57	245,046,172.89
1890	3,527,762.77	17,607,596.55	441,694.73	2,312,082.96	24,917,291.44	22,456,113.48	13,698,558.28	89,759,436.14	11,985,670.68	6,875,035.91	24,534,195.86	c218,115,439.80
1891	3,816,069.97	18,832,944.00	461,682.05	1,941,365.52	24,934,421.45	24,015,586.19	7,480,954.47	123,779,654.63	37,983,961.98	4,741,772.08	30,731,078.62	287,722,488.96
1892	3,861,829.49	19,250,600.40	670,600.00	1,844,937.59	26,500,756.81	31,427,544.94	17,651,842.41	164,550,383.34	19,907,877.39	4,051,489.71	34,065,217.28	323,783,079.36
1893	3,659,513.60	18,531,634.87	766,035.92	1,937,625.75	24,824,862.22	23,013,752.56	8,342,094.94	154,795,868.08	29,704,237.33	5,946,795.19	33,187,716.29	304,710,193.75
1894	3,873,940.09	18,330,597.98	700,031.76	1,863,244.28	24,596,138.53	20,779,407.08	7,954,962.99	180,676,234.12	20,892,811.30	8,250,000.00	31,636,640.41	319,511,846.62
1895	4,728,044.60	17,991,580.67	725,786.01	1,793,927.09	23,954,822.77	24,679,914.41	10,970,926.42	151,582,873.60	26,575,055.29	11,016,541.72	27,769,367.59	301,788,819.78
1896	4,076,216.92	18,469,962.94	772,625.47	1,748,790.83	23,668,030.67	28,236,956.02	8,784,299.93	141,393,658.47	20,816,551.15	9,300,000.00	35,800,012.41	293,057,104.81
1897	4,214,216.73	17,695,846.17	1,087,808.19	1,987,469.93	24,451,259.63	29,836,066.46	7,280,774.93	141,329,322.48	29,789,508.79	11,149,306.13	33,394,905.54	302,786,985.98
1898	4,727,624.70	17,531,950.93	836,607.22	2,125,762.25	23,740,450.04	32,574,082.43	7,668,073.82	141,264,405.19	38,127,847.39	10,504,040.42	32,078,713.15	311,179,557.54
1899	4,796,468.56	18,796,138.91	806,161.20	2,625,173.65	287,841,446.11	107,816,468.06	8,680,621.14	149,555,896.46	44,761,689.00	8,211,570.08	39,158,893.46	673,090,220.63
1900	4,694,934.09	19,429,148.59	789,138.00	23,817,801.73	119,257,192.82	41,892,707.43	8,234,805.74	145,498,503.27	48,698,747.62	7,230,778.79	42,965,332.19	d402,509,750.27
1901	5,006,165.45	20,898,149.20	827,436.87	2,101,092.65	114,635,127.65	55,623,422.30	9,828,744.74	145,245,554.35	40,984,385.88	4,954,762.21	57,047,301.68	457,152,142.98
1902	5,134,904.63	20,361,565.03	828,747.83	2,264,071.05	116,728,655.62	71,371,459.78	10,356,264.96	145,260,350.00	38,978,879.68	2,402,152.52	65,678,606.45	479,365,657.55
1903	5,290,617.94	27,491,680.00	909,471.95	2,672,763.85	92,794,619.35	75,049,781.29	9,941,299.29	140,053,467.00	67,401,867.95	2,768,919.20	62,064,818.86	486,439,906.68

[a] This column gives the debit balance of expenses over receipts in each year's operation of the Post-Office Department.
[b] In 1880 the population of the United States was 50,155,783; the per capita appropriation, $3.24.
[c] In 1890 the population of the United States was 62,622,250; the per capita appropriation, $3.48.
[d] In 1900 the population of the United States was 76,303,387; the per capita appropriation, $5.06.

NOTE.—The above table does not include interest on the public debt.

Mr. MOON of Tennessee. Mr. Chairman, I yield forty minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, on frequent occasions during this session the House has been entertained with eloquent dissertations upon the unprecedented and universal prosperity of the people of the United States.

Whenever reference has been made on this side of the Chamber to the iniquitous protective-tariff law on our statute books, it has invariably provoked some distinguished statesman on that side to refresh and revive our drooping spirits with an impassioned panegyric on national prosperity.

The Dingley tariff, it is earnestly contended, is the pure fountain from which all national blessings flow, and the argument in support of this contention is rank, illogical, unwarrantable assumption on the part of the advocates of protection.

We are told unblushingly and with apparent candor, in effect, that whatever of happiness and prosperity is enjoyed by the eighty-odd million American citizens is traceable largely, if not entirely, to the salutary and beneficent influences of a tariff for protection.

They arrogantly tell us that under and by reason of this policy which we denounce as pernicious and fraught with so much of hardship and oppression to the masses, that labor has found permanent and remunerative employment, that higher wages have been secured to the workingman, and that the distribution of wealth is just and equitable.

No one will contend that present conditions are as bad as they were a few years ago. On the contrary, it is exceedingly gratifying to be able to state that conditions to-day are improved and the people are happier and apparently more prosperous than they were in the recent past. But I deny that the prosperity of the masses to-day is in any wise or to any extent the result of Republican solicitude for public welfare or of Republican legislation. It is the natural and logical result of conditions which the Republican party can neither influence nor control, and comes to the people, not by reason of the odious robber tariff, but in spite of it.

The small measure of prosperity we witness to-day may or may not be permanent. I am no pessimist, but, Mr. Chairman, if the people of the United States are ambitious to be free in the full sense of the word, and if they indulge the fond hope that they may some time live in free homes and be permitted to enjoy the fruits of their toil, I confidently believe and shall attempt to show they can only reach the goal of their ambition and enjoy a realization of their hopes by a complete victory and triumph over the party in power and the repudiation of all it stands for.

For forty years we have been burdened, oppressed, and cursed with the cruel imposition and heartless exactions of protective laws enacted to foster, encourage, and promote the interests of American industries. During this long period of protection the manufacturers have contributed only 19.67 per cent of the vast total volume of our domestic exports, while those engaged in agricultural pursuits have contributed the enormous proportion of 73.50 per cent, or nearly three-fourths of the entire domestic export trade of the United States.

In this connection, Mr. Chairman, I will read and insert in my remarks an extract from the last report of the Secretary of Agriculture:

THE FARMERS' BALANCE OF TRADE.

The immense exports from the farms of the country lead to an examination of the so-called "balance of trade." This examination reveals what seems to have escaped the attention of the public, and that is that the favorable balance of trade, everything included, is due to the still more favorable balance of trade in the products of the farm.

During the thirteen years 1890-1902 the average annual excess of domestic exports over imports amounted to $275,000,000, and during the same time the annual average in favor of farm products was $637,000,000, from which it is apparent that there was an average annual adverse balance of trade in products other than those of the farm amounting to $362,000,000, which the farmers offset and had left $275,000,000 to the credit of themselves and the country.

Taking the business of 1903, the comparison is much more favorable to the farmers than during the preceding thirteen-year period, since the value of domestic exports over imports was $367,000,000, the entire trade being included, while the excess for farm products was $422,000,000, which was sufficient not only to offset the unfavorable balance of trade of $55,000,000 in products other than those of the farm, but to leave, as above stated, the enormous favorable balance of $367,000,000.

During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to $4,809,000,000. Against this was an adverse balance of trade in products other than those of the farm of $865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place $3,940,000,000 to the credit of the nation when the books of international exchange were balanced.

These figures tersely express the immense national reserve-sustaining power of the farmers of the country under present quantities of production. It is the farmers who have paid the foreign bondholders.

In view of this splendid contribution to foreign commerce, in addition to supplying domestic demands, so clearly and fully stated by Secretary Wilson, the farmers of the United States, under fair, just, and equitable laws, ought to be the happiest, most prosperous, and the most independent people on the face of the earth. But, Mr. Chairman, that great army of wealth producers, the 10,381,765 men of brawn and muscle engaged in agriculture, are being ruthlessly and shamelessly pillaged and robbed. They are the victims of inordinate greed and avarice. The discriminations against them in the Dingley tariff act are so conspicuous and flagrant that its revision is now demanded by thoughtful men who are fair in all political parties.

In response to the demand for revision, which, like Banquo's ghost, "will not down at your bidding," party leaders are wont to tell us that in their own good time, when the spirit moves them just right, they will make necessary revision without Democratic aid or participation. This means, if it means anything except a deliberate purpose to further deceive the people, that they will administer such soothing and painless remedies as the beneficiaries of this infamous system of legalized robbery are quite sure will do them no harm and afford the people no relief.

If you are in good faith why don't you proceed to revise, and begin now? [Applause on the Democratic side.] The people are appealing to you, and the privileged class, the tariff and its offspring—the trusts—have a strong majority on this floor and the largest majority they will ever have in the White House. [Laughter and applause.]

Are the people mistaken or are they so very prosperous that your infallible judgment, exalted patriotism, and wise statesmanship lead your impartial minds to honestly conclude that it is best to keep on letting "well enough" alone? How long will conditions continue to be "well enough?"

The unexpected and phenomenal production of gold and its largely increased coinage in recent years, together with a magnificent balance of trade in our favor, have contributed to raise the per capita of circulation from $21.44 in 1896 to $30.75 on the 1st day of this month, an increase of nearly 50 per cent, and inevitably this great increase in the volume of money in circulation and the bounteous harvest with which we have been blessed have produced better times temporarily, at least.

But statistics of the last ten years demonstrate to my mind, reluctant as I am to accept them, that the masses are not enjoying real, lasting prosperity.

The census returns show that the mortgage indebtedness of the people of the United States between 1890 and 1900 increased 39.48 per cent; that during the same period the number of mortgaged homes increased 39.11 per cent. They also show that during this period of ten years the percentage of families owning free homes decreased 2.6 per cent, while those owning mortgaged homes increased 1.3 per cent and those living in rented homes increased 1.3 per cent.

In this connection I desire to read in support of my statements a table I have prepared from information furnished by the Census Bureau and obtained from the Abstract of the Twelfth Census.

	1890.	1900.	Per cent of increase.
Mortgage indebtedness in the United States	$6,019,679,985	$8,394,728,733	39.48
Number of mortgaged homes in the United States	1,696,890	2,361,606	39.11
Per cent of families in the United States having homes:			
Owned free	34.4	31.8	----------
Owned mortgaged	13.4	14.7	----------
Rented	52.2	53.5	----------

These statistics do not inspire or justify the assumption of universal prosperity so eloquently declaimed by gentlemen on the other side. On the contrary, however much we may lament it, they force upon us a sad and unhappy realization of the truth that we are fast ceasing to be a nation of home owners.

The mortgage indebtedness of the United States has increased in ten years at an alarming and prodigious rate—nearly 40 per cent—and the number of mortgaged homes has increased over 39 per cent. This is Republican high-protection prosperity—a kind of prosperity that enables its relentless and merciless creature, the trust, to fasten its poisonous fangs in the homes of the people, and when the unfortunate victim can no longer respond to unreasonable, harsh, and extortionate demands, then to drive him from the old homestead to become a tenant.

In a speech on this floor last December that great party leader, the distinguished gentleman from Iowa [Mr. HEPBURN], said:

> I live in a county of 24,000 people—a farming community. On the 1st day of last October there were $2,580,000 of deposits in the little banks of that county—more than a hundred dollars for every man, woman, and child in the county.

This is a splendid showing for Page County, Iowa, the home of the most influential and powerful advocate of high protection on this floor. But of course his people—his immediate neighbors and close personal friends, citizens of his county and of his State—have prospered under a tariff for protection, or this gallant and fearless Representative would not indorse protection.

The distinguished gentleman from Ohio [Mr. GROSVENOR] after hearing the great speech of the gentleman from Iowa in support of the protective tariff policy of the Republican party, said:

> I do not intend to mar the beauty, the symmetry, and irresistible logic of the gentleman from Iowa.

We may assume that the good people of Athens County, Ohio, are prosperous, too, or surely the great leader from Ohio would not concede the "irresistible logic" of an argument in support of the Dingley tariff.

At this point, Mr. Chairman, I desire to submit some statistics, which I shall incorporate in my remarks, showing the mortgage indebtedness and the number of homes mortgaged in Iowa and Ohio, two of the leading agricultural States of the Union.

	Mortgage indebtedness.		Increased indebtedness.	Per cent of increase.
	1890.	1900.		
Iowa	$199,774,171	$217,040,258	$17,266,087	8.64
Ohio	259,842,188	325,898,374	66,056,186	25.42
Page County, Iowa	1,989,992	2,113,264	123,272	6.19
Athens County, Ohio	4,333,581	5,176,792	843,211	19.46

	Number of homes mortgaged.		Increased number of homes mortgaged.	Per cent of increase.
	1890.	1900.		
Iowa	104,072	118,173	14,101	13.55
Ohio	123,423	158,355	34,932	28.30
Page County, Iowa	1,166	1,471	305	26.16
Athens County, Ohio	913	1,120	207	22.67

These figures, which are carefully compiled from data furnished by the Census Bureau, show that under the operation of this so-called wise and beneficial policy of the Republican party the mortgage indebtedness of Iowa, that stalwart Republican State, has increased 8.64 per cent and the number of mortgaged homes has increased 13.55 per cent in ten years.

In Ohio the increase of mortgage indebtedness from 1890 to 1900 is 25.42 per cent and of mortgaged homes 28.30 per cent.

This is not all. In Page County, Iowa, where we are told the bank deposits equal $100 per capita, these statistics prove that for every dollar deposited in 1903 by the more fortunate there was a like sum in 1900 plastered upon the homes of the people. To be entirely accurate, statistics show that in 1900 there was secured by mortgage—not chattel mortgage, municipal or corporate indebtedness, but by deeds of trusts upon homes of the people of Page County, Iowa—a sum equal to $87.40 for each and every man, woman, and child in that county. [Applause on the Democratic side.]

In Athens County, Ohio, the home of the chief idolater of high tariff, mortgage indebtedness has increased 19.46 per cent and the number of mortgaged homes 22.67 per cent in ten years. These are additional evidences of the wholesome and highly beneficial results of so-called protection. Iowa and Ohio are great agricultural States, and under normal conditions the people ought to prosper. But the blight of tariff for protection falls upon producers everywhere, and, insidiously, day by day steals the fruits of labor to fill the coffers of those who reap where they have not sown. [Applause on the Democratic side.]

Col. J. H. Brigham, Assistant Secretary of Agriculture, in an interview published in the Washington Post recently, used this language:

> It is very well understood by intelligent farmers that trade conditions now existing do not secure to the farmer the full share of the value of his products that rightfully belong to him. They also know that existing combinations compel the farmer to pay more than is equitable for the implements with which he tills the soil and the supplies of the farm and home. It is also well understood that the farmer bears more than his full share of the burden of taxation.

Thus, with great precision and accuracy, speaks one high in authority, whose official duties require him to study the condition of those engaged in agricultural pursuits. Why, in the name of common decency and of all that is right and fair, should "trade conditions" be sacredly preserved and long continued which rob the farmer of part "of the value of his products that rightfully belongs to him?"

What justification can a great political party urge for willfully, knowingly, and deliberately compelling the farmers of the United States to pay "more than their full share of the burden of taxation?"

These are vital questions which you, my Republican friends, will soon be called upon to answer, and I predict your attempted answer, like Macbeth's "Amen," will "stick in your throats." Your siren song of prosperity, with which you have gained and held public confidence, won't always avail you. A day of reckoning is approaching, and, in my judgment, the time is not remote when the "intelligent farmers" of the United States will arise in their might and, as a reasonable and richly merited punishment for your many sins and transgressions, will banish you from political place and power forever. [Applause on the Democratic side].

Mr. Chairman, I have also compiled some statistics of two great manufacturing States—Massachusetts and Connecticut—which I will put in the RECORD:

	1890.	1900.	Per cent of increase.
Mortgage indebtedness:			
Massachusetts	$323,277,668	$498,780,877	54.29
Connecticut	$79,921,071	$109,298,055	36.76
Number of homes mortgaged:			
Massachusetts	66,249	101,809	53.68
Connecticut	28,518	38,991	36.72

This table proves that even in States where protected industries thrive and prosper the masses are not prosperous. In Massachusetts the mortgage indebtedness increased 54.29 per cent and the number of homes mortgaged increased 53.68 per cent, and in Connecticut mortgage indebtedness increased 36.76 per cent and the number of homes mortgaged increased 36.74 per cent in ten years.

But note in comparison what the tariff is doing for protected industries. While wage-earners and farmers are oppressed and burdened and debts are rapidly increasing upon their homes, protected enterprises of all kinds are growing fabulously rich.

I shall insert as part of my remarks this table, giving a summary of manufactures in Massachusetts and Connecticut.

Summary of manufactures.

[Statistical Abstract, 1902.]

	1880.	1890.	1900.
CONNECTICUT.			
Number of establishments	4,488	6,822	9,128
Capital	$120,480,275	$227,004,496	$314,696,736
Total wages	43,501,518	66,465,317	82,767,725
Cost of materials	102,183,341	123,183,080	185,641,219
Value of products	185,697,211	248,336,364	352,824,106
Net profits above cost of materials and labor	40,012,352	58,687,967	84,415,162
MASSACHUSETTS.			
Number of establishments	14,352	26,923	29,180
Capital	$393,806,185	$630,032,341	$823,264,287
Total wages	128,315,362	205,844,337	228,240,442
Cost of materials	386,972,655	473,199,434	552,717,955
Value of products	631,135,284	888,160,403	1,035,198,989
Net profits above cost of materials and labor	115,847,267	209,116,632	254,240,592

Here it is shown that each and every one of the protected industries in these States makes an average annual profit over and above the total cost of labor and materials of about $9,000,000.

In Connecticut the 9,128 concerns made in 1900 above the cost of labor and materials $84,415,162, and in Massachusetts the 29,160 establishments cleared the colossal sum of $254,240,592.

But we hear the argument that a protective tariff aids labor in securing permanent and profitable employment.

I will now read and insert in the RECORD a table found in the Abstract of the Twelfth Census, from which we may discover what great things protection has done for labor.

Comparative summary, 1890 to 1900, Twelfth Census.

	Date of census.		Per cent of increase, 1890 to 1900.
	1900.	1890.	
Number of establishments	512,276	355,405	44.1
Capital	$9,831,486,500	$6,525,050,759	50.7
Salaried officials, clerks, etc., number	397,092	461,001	13.9
Salaries	$404,112,794	$391,984,660	3.1
Wage-earners, average number	5,314,539	4,251,535	25.0
Total wages	$2,327,295,545	$1,891,209,696	23.1
Men, at least 16 years of age	4,114,348	3,326,964	23.7
Wages	$2,019,954,204	$1,659,215,858	21.7
Women, at least 16 years of age	1,031,608	803,686	28.4
Wages	$281,679,649	$215,367,976	30.8
Children, under 16 years	168,583	120,885	39.5
Wages	$25,661,692	$16,625,862	54.3
Miscellaneous expenses	$1,027,865,277	$631,219,783	62.8
Cost of materials used	$7,346,358,979	$5,162,013,878	42.3
Value of products, including custom work and repairing	$13,010,036,514	$9,372,378,843	38.8

These are the latest official figures, and they make it plain that from 1890 to 1900 capital employed in manufacture increased 50 per cent, the value of products increased 38.8 per cent, while the number of wage-earners only increased 25 per cent. This table also shows that with a 25 per cent increase in the number of laborers there was only a 23 per cent increase in total wages paid—a direct reduction of 2 per cent of the wage of every man who earns his bread by the sweat of his brow. It also shows that in 1900 the number of "women at least 16 years of age" who were compelled to delve and toil in workshops for food and raiment was 28.4 per cent more than in 1890.

This is not all. Shameful as it is, unwelcome as the truth may be, statistics show that the number of "children under 16 years of age"—little boys and girls—who are driven by necessity to work for bread has increased 39.5 per cent in ten years, and this, too, in an era of unequaled and unrivaled prosperity.

I warn you—you who espouse the doctrine of protection—that you will not be allowed to escape responsibility for conditions which force "children under 16 years of age" into the great sweat shops of the country. [Applause on the Democratic side.]

Yes; Republican tariff for protection does find employment for labor—the labor of women and children. You breed and nurture and shelter a rapacious, remorseless, ill-shapen monster, politely called the "trusts." This hideous monster, the handiwork of genius inspired and directed by the devil, not content with the huge drops of sweat wrung from the brow of every son of toil who has reached manhood's estate, in fiendish glee demands for its insatiate appetite the sacrifice of the time and labor of women and children. [Applause on the Democratic side.]

Mr. Chairman, I challenge the Republican party to present any good, logical, or satisfactory reason, excuse, or justification for its tenacious support of a policy which enables the protected industries of the United States to compel American consumers to pay higher prices for their goods and wares than they ask and receive for the same products in foreign markets. Yet this is one of the baneful results of your damnable policy of protection. [Applause on the Democratic side.] Farmers and wage-earners, being forced to buy in markets where protection has strangled and murdered competition, are helpless victims of the greed and rapacity of conscienceless and heartless scoundrels whose wholesale robbery is sanctioned by law.

The American Machinist of September 26, 1889, said:

Just why American manufacturers will sell machinery and other goods from 10 to 30 per cent cheaper in Europe than they will sell them to be used at home is rather puzzling, but anyone curious in the matter can easily enough find out that many of them do that.

Mr. A. B. Farquhar, in a letter to the Farmers' Call, of Quincy, Ill., on July 30, 1890, said:

The fact is that our protective laws are a monstrous swindle upon the agricultural community. But, as I have explained, the farmer is being destroyed.

In May, 1901, Mr. Charles M. Schwab, then president of the steel trust, testifying before the Industrial Commission, said:

It is quite true that export prices are made at a very much lower rate than those here.

In Mr. Schwab's testimony this question and answer appear:

Q. Is it a fact, generally true of all exporters in this country, that they do sell at lower prices in foreign markets than they do in the home market?—A. That is true; perfectly true.

Mr. Chairman, I will include in my remarks a short table, published in 1890 in a pamphlet entitled "Protection's Home Market," which shows the difference, at that time, in domestic and foreign wholesale prices of a few articles of common use:

Article.	Domestic price.	Foreign price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes, per dozen	8.25	7.20
Kettles	1.40	.85
Wire nails, per 100 pounds	2.25	1.35
Table knives, per gross	15.00	12.00
Horse nails, per pound	.17	.14
Barbed wire, per 100 pounds	3.00	2.60
Rivets, per 100 pounds	10.00	5.55
Typewriters	100.00	60.00
Sewing machines:		
Fine	27.50	20.75
Medium	22.00	17.50
Cheap	18.00	12.00

In the light of these and other available statistics, all emanating from Republican sources, I am surprised, amazed, and astounded at the temerity of gentlemen who still argue that a protective tariff is conducive to the welfare of the people. It occurs to me that a man who has the hardihood to face his constituents and plead with them to cleave to the delusive hope of protection for the good it has done or that it may do in carrying blessings into the homes of the masses must have cheek of such gigantic proportions that a whole buffalo robe wouldn't make side whiskers for him. [Laughter.]

A few days ago we were derisively asked, "What does the Democratic party stand for?"

The old party stands, as it has always stood, for equal rights to all and special privileges to none. It stands for that great true principle, once of universal acceptation, that "governments derive their just powers from the consent of the governed." It stands as the proud champion of the oppressed wage-earner and producer, resisting further encroachment of organized wealth, the tariff worshipers, the trusts, the devil, and the Republican party. It stands for revision of the tariff, without hostile intent to any legitimate business, but with an unalterable purpose, if intrusted with power, to perform its duty though the combined trusts in the United States should perish in less time than it took the President to produce abortion in Colombia and deliver the infant Republic of Panama. [Laughter and applause.]

The Democratic party stands on tiptoe of expectancy, looking with hopeful eye into the near future, confidently believing the "intelligent farmers" and wage-earners of the United States have discovered the emptiness and barrenness of Republican promises and the utter insincerity of the party, and that they will, in next November, tear from you the robes of hypocrisy and "put in every honest hand a whip to lash the 'G. O. P.' naked through the world, even from the East to the West." [Loud applause on the Democratic side.]

Mr. MOON of Tennessee. I yield twenty minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, labor legislation interests men of all conditions. It often is subjected to the harshest and most unmerited criticism. There are many who are unable to discuss measures intended to benefit the condition of the laborer or mechanic without resort to language of the most intemperate character. There is a mistaken but very prevalent belief that all legislation proposed for the betterment of labor is in reality a covert attack upon capital. In economics labor is not antagonistic to capital, nor are the interests of capital contrary to those of labor. Both are essential to all true progress. Each has its part, its rights, its privileges, and if those rights and privileges were always respected and ever regulated by the eternal principles of justice there would be no conflict of interest.

It is unfortunately true, however, that from time immemorial labor has been compelled to combine and to struggle vigorously for its own protection; and legislation has been imperative to eradicate and to prevent abuses which, if permitted to continue, would seriously menace the welfare of society.

LABOR LEGISLATION IN NEW YORK.

The State of New York, like most other States of the Union, has from time to time enacted what are known as "labor laws," and it is my purpose at this time briefly to discuss some features of them in connection with certain decisions of the New York court of appeals.

In 1897 the legislature passed what is known as the "Labor law." It is chapter 415 of the laws of 1897 and is entitled "An act in relation to labor, constituting chapter 32 of the general laws." Pursuing the policy initiated some years previously of codifying the general laws of the State, this act was intended as, and in fact was, a codification of the general laws affecting labor. Embraced within it are the salient features of fifty laws, which had been enacted at different times, commencing in 1870. The comprehensiveness of the act is apparent from a partial enumeration of the subjects contained therein. It defines a legal day's work; it regulates the wages on public works, the number of hours that constitute a day's work in various industries, and the method of paying wages to employees in certain employments; it provides for the preference in employment of certain persons in public works; it recognizes and protects labels, brands, and devices used by labor organizations; it has provisions for the safety and comfort of employees in factories, upon scaffolding, and on buildings in cities.

By its terms a commission of labor statistics and free public employment bureaus are created, as well as a board of arbitration; and it includes many other beneficial provisions, among which may be specially mentioned those for the protection of minors and of women employed in factories. While there might well be an honest difference regarding some provisions of the law, yet a condition that compelled a State to enact that—

No person or corporation operating a line of railroad of 30 miles in length or over, in whole or in part within this State, shall permit or require a conductor, engineer, fireman, or trainman, who has worked in any capacity for twenty-four consecutive hours, to go again on duty or perform any kind of work, until he has had at least eight hours' rest—

should be sufficient justification, without elaborate argument, to convince humane men that gross abuses existed in the industrial world which could be eradicated only by legislation.

PREVAILING RATE OF WAGES AND EIGHT-HOUR PROVISION.

The provision of the law which has given rise, perhaps, to the greatest controversy, both in and out of the courts, is section 3 of the act. As amended by chapter 567 of the laws of 1899, the section is as follows:

Hours to constitute a day's work: Eight hours shall constitute a legal day's work for all classes of employees in this State, except those engaged in farm and domestic service, unless otherwise provided by law. This section does not prevent an agreement for overwork at an increased compensation, except upon work by or for a municipal corporation or by contractors or subcontractors therewith. Each contract to which the State or a municipal corporation is a party which may involve the employment of laborers, workmen, or mechanics shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property. The wages to be paid for a legal day's work, as hereinbefore defined, to all classes of such laborers, workmen, or mechanics upon all such public work or upon any material to be used in connection therewith shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about, or in connection with which such labor is performed in its final or completed form is to be situated, erected, or used.

Each such contract hereafter made shall contain a stipulation that each such laborer, workman, or mechanic employed by such contractor, subcontractor, or other person on, about, or upon such public work shall receive such wages herein provided for. Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section; and no such person or corporation shall be entitled to receive any sum, nor shall any officer, agent, or employee of the State or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract which in its form or manner of performance violates the provisions of this section.

This section is given at length because it has been the subject of such controversy, and has been passed upon in two cases in the court of appeals. It seeks not alone to prescribe the length of a legal day's work, but it requires the payment of the prevailing, or going, wages upon public works. Its provisions are most drastic, not only forfeiting the contractor's rights for a violation of the provisions of this law, but absolutely prohibiting a State or municipal officer making payment upon a contract for public work which has not been performed in compliance with the provisions of the law. It is often referred to as the "eight-hour law," and frequently as "the prevailing rate of wages law."

PREVAILING RATE OF WAGES PROVISION UNCONSTITUTIONAL IN PART.

The section first came before the court of appeals for review in the Rodgers case (166 N. Y., 1).

That was an appeal from the appellate division of the supreme court in the first department, which reversed an order of the special term denying the relator's application for a peremptory writ of mandamus commanding the comptroller of the city of New York to deliver a warrant on the chamberlain for the amount due upon a contract for grading a certain street, and granting the application.

The contract made with the city of New York contained, in addition to the clauses usual in such contracts, a provision that the contractor would pay his workmen not less than the prevailing rate of wages in the locality, as required by the provision of the labor law just read. The contract was completed, all conditions requisite to the issuing of a warrant fulfilled by the relator, but the comptroller of the city refused to deliver a warrant for the amount due because the contractor had not in all cases paid the prevailing rate of wages to his employees.

The court of appeals held the labor law, so far as it relates to such a case, to be unconstitutional for the following reasons, as stated in the syllabus: First, because in its actual operation it permits and requires the expenditure of the money of the city or that of the local property owner for other than city purposes. Second, because it invades rights of liberty and property in that it denies to the city and the contractor the right to agree with their employees upon the measure of their compensation and compels them in all cases to pay an arbitrary and uniform rate which is expressed in vague language, difficult to define or ascertain and subject to constant change from artificial causes. Third, because it virtually confiscates all property rights of the contractor under his contract for breach of his engagement to obey the statute, and attempts to make acts and commissions penal which in themselves are innocent and harmless, and in effect imposes a penalty for the exercise of the right to agree with employees upon the terms and conditions of employment.

The court was not unanimous in its decision. A vigorous dissenting opinion was read by Chief Judge Parker (see Appendix A) and one also by Judge Haight, in which the law was defended as a proper exercise of legislative power, and the contentions of the majority on all points strongly combated.

DIRECT EMPLOYEES OF STATE OR MUNICIPALITY ENTITLED TO PREVAILING RATE OF WAGES.

This is peculiarly interesting since the decision in the case of Ryan *v.* City of New York (177 N. Y., 271), handed down on January 24, 1904. In that case it is held that the "prevailing rate of wages" provision of the labor law, so far as it relates to the direct employees of the State or of a municipality thereof, is constitutional. So that, as a result of these decisions of the court of appeals, employees of the State or of municipalities upon public works must be paid the "prevailing rate of wages," while those employed under contract on such works need not be so paid.

In the Rodgers case the prevailing opinion was written by Judge O'Brien and dissenting opinions by Judges Parker and Haight, while in the Ryan case the prevailing opinion is written by Judge Parker and Judge O'Brien writes in dissent. (See opinion of Parker, J., in Appendix B.)

UNITED STATES SUPREME COURT FOLLOWS JUDGE PARKER.

Judge Parker, in his opinion in the Ryan case, cites the case of Aiken *v.* State of Kansas (191 U. S., 207), which upholds a statute of Kansas providing that eight hours shall constitute a day's work for all laborers, workmen, mechanics, or other persons now employed, or who may hereafter be employed, by or on behalf of

Kansas, or by or on behalf of any county, city, township, or other municipality of said State. Not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons employed by or on behalf of the State of Kansas, or any county, city, township, or other municipality of said State. All contracts hereafter made by or on behalf of any county, city, township, or other municipality of said State, with any corporation, person, or persons, for the performance of any work, or the furnishing of any material manufactured within the State of Kansas, shall be deemed and considered as made upon the basis of eight hours constituting a day's work. I now quote from the language used by Judge Parker:

A violation of the statute is a misdemeanor. (Referring to the Kansas statute.) Atkin made a contract with a municipality—Kansas City—to pave a street. He was convicted under the statute and the conviction affirmed by the Kansas supreme court. It was argued before the United States Supreme Court that the statute violates the fourteenth amendment in that it deprives the contractor of his liberty and property without due process of law, and denies him the equal protection of the laws. The court holds that the statute does not violate the fourteenth amendment, and in the course of the opinion, written by Mr. Justice Harlan, says:

"If a statute," counsel observes, "such as the one under consideration is justifiable, should it not apply to all persons and to all vocations whatsoever? Why should such a law be limited to contractors with the State and its municipalities? Why should the law allow a contractor to agree with a laborer to shovel dirt for ten hours in a day in performance of a private contract and make exactly the same act, under similar conditions, a misdemeanor when done in performance of a contract for the construction of a public improvement? Why is liberty with reference to contracting restricted in one case and not in the other?"

These questions—indeed, the entire argument of defendant's counsel—seem to attach too little consequence to the relation existing between a State and its municipal corporations. Such corporations are the creatures, mere political subdivisions, of the State for the purpose of exercising a part of its powers. They may exert only such powers as are expressly granted to them or such as may be necessarily implied from those granted. What they lawfully do of a public character is done under the sanction of the State. They are, in every essential sense, only auxiliaries of the State for the purposes of local government.

They may be created or, having been created, their powers may be restricted or enlarged or altogether withdrawn at the will of the legislature, the authority of the legislature, when restricting or withdrawing such powers, being subject only to the fundamental condition that the collective and individual rights of the people of the municipality shall not thereby be destroyed. [Citing cases.] In the last cases cited we said that a municipal corporation is, so far as its purely municipal relations are concerned, simply an agency of the State for conducting the affairs of government, and as such it is subject to the control of the legislature.

The court quotes with approval from the opinion in City of Clinton *v.* Cedar Rapids and Missouri River Railroad Company (24 Iowa, 455, 475): "Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislatures. It breathes into them the breath of life, without which they can not exist. As it creates, so it may destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all municipal corporations in the State, and the corporations could not prevent it. We know of no limitation upon this right, so far as the corporations themselves are concerned. They are, so to phrase it, the mere tenants at will of the legislature."

After referring to the possible motive of the legislature in making the statute, the court continued: "We have no occasion here to consider these questions or to determine upon which side is the sounder reason, for whatever may have been the motives controlling the enactment of the statute in question we can imagine no possible ground to dispute the power of the State to declare that no one undertaking work for it or for one of its municipal agencies should permit or require an employee on such work to labor in excess of eight hours each day and to inflict punishment upon those who are embraced by such regulations and yet disregard them. It can not be deemed a part of the liberty of any contractor that he be allowed to do public work in any mode he may choose to adopt without regard to the wishes of the State. On the contrary, it belongs to the State, as guardian and trustee for its people and having control of its affairs, to prescribe the conditions upon which it will permit public work to be done on its behalf or on behalf of its municipalities. No court has authority to review its action in that respect. Regulations upon this subject suggest only considerations of public policy, and with such considerations the courts have no concern.

This case fully sustains the contentions urged by Judge Parker in his dissenting opinion in the Rodgers case.

DRESSED-STONE LAW UNCONSTITUTIONAL.

Section 14 of the labor law (chap. 415, Laws 1897) is commonly known as the "dressed-stone law." It provides that "all stone used in State and municipal works, except paving blocks and crushed stone, shall be worked, dressed, and carved within the State." There is also a provision for the insertion in all contracts of a clause that the contractor shall comply with the law in this respect, and for a failure to do so the contract shall be revoked and the State or municipality released from all liability.

This provision of the labor law was passed upon by the court of appeals in a proceeding similar to that in the Rodgers case. The court held (People ex rel. Treat *v.* Coler, 166 N. Y., 144) that the section was violative of the State constitution, and that so far as it compelled municipalities and contractors to use in the construction of public works only such stone as is cut, carved, or dressed in the State of New York is a regulation of commerce between the States which the legislature has no power to make, and is void under the commerce clause of the Federal Constitution. In this case, too, following his opinion in the Rodgers case, Judge Parker dissents, and submits his reasons for holding the law not to be in conflict with the Federal Constitution. (See opinion in Appendix C.)

CONVICT-MADE GOODS.

In many States efforts have been made to prevent convict-made goods being placed on the market in competition with the products of free labor. The necessity of keeping convicts employed, recognized as imperative by all criminologists, has added to the difficulties of a problem not easy of solution. If convicts are employed in industries the products of which can not be utilized by the State, some means must be adopted for disposing of them. There are many who realize how detrimental to free labor it is to have such convict-made goods placed on the markets without restrictions.

The people of New York have been keenly alive to the necessity of restrictive measures to protect free labor from the unpaid convict labor, and so, in the constitutional revision of 1894, incorporated into the organic law of the State the following:

The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and on and after the 1st day of January, in the year 1897, no person in any such prison, penitentiary, jail, or reformatory shall be required or allowed to work, while under sentence thereto, at any trade, industry, or occupation wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given, or sold to any person, firm, association, or corporation. This section shall not be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State or any political division thereof. (Const. 1894, art. 3, sec. 29.)

In 1896 the so-called "convict-made goods label act" (chap. 921, Laws 1896) was passed. It required all goods made by convict labor in any penal institution to be labeled "convict made" before being sold or exposed for sale within the State. The law was undoubtedly aimed at convict-made goods of other States, since the products of convict labor of New York could not under the constitutional provision just quoted be placed upon the market. The essential features of this act are now sections 50 to 54 of the labor law, except that in the act of 1896 a provision was added to the penal code (sec. 384b) which made it a misdemeanor to have in possession for the purpose of sale, or offering for sale, any convict-made goods without the brand or label required by law, or to remove or deface any such brand or label.

In People *v.* Hawkins (157 N. Y., 1) this law was held by the court of appeals to be unconstitutional, because it was an attempt to regulate interstate commerce and thus violative of the commerce clause of the Federal Constitution. Judges Bartlett and Parker wrote dissenting opinions, insisting that the act was a proper exercise of legislative power. (See opinion of Parker, J., Appendix D.)

The true purpose of the law was tersely stated by Judge Parker in the following language:

This statute neither prohibits nor attempts to prohibit other States or citizens of other States from putting prison-made goods upon our markets, nor does it prohibit our own citizens from buying or selling them; if it did, then, concededly, the statute would be in violation of the commerce clause of the Federal Constitution and void; it simply requires that prison-made merchandise shall be so branded that our citizens shall know where the goods they are buying were made.

WHAT CONGRESS MIGHT DO.

There is pending in this House a bill (H. R. 10006) to prevent the use by the various Departments of the Federal Government of convict-made goods. It occurs to me that a wise exercise of the power reposed in Congress would be the enactment of a law that would require all prison-made goods, that enter into interstate commerce or are sold in the Territories and the District of Columbia, to be marked or labeled in such a way as to be readily distinguishable from the products of free labor. Such a law, drafted on the lines of the oleomargarine act, would certainly be constitutional. And surely there is more reason for protecting free labor from competition with unpaid convict labor than there is for protecting the makers of butter at the expense of those engaged in the manufacture of oleomargarine.

THE BAKERS' CASE.

In January of this year (1904) another case of importance and upholding a section of the labor law was decided.

Section 110 of article 8 of the labor law is as follows:

No employee shall be required or permitted to work in a biscuit, bread, or cake bakery or confectionery establishment more than sixty hours in any one week or more than ten hours in one day, unless for the purpose of making a shorter workday on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work.

By subdivision 3, section 3841, of the penal code, a violation of the section is made a misdemeanor.

A conviction under the penal code was upheld by the court of appeals in People *v.* Lochner. (177 N. Y., 145.) Elaborate opinions upholding the conviction were read by Judges Parker, Gray, and Vann, and dissenting opinions by Judges O'Brien and Bartlett.

The law is upheld on the ground that it is a valid exercise of the police power of the legislature relating to the public health,

and therefore does not violate either the State or the Federal constitutions.

The following from the opinion of Judge Parker (see Appendix E) clearly defines the proper attitude for courts to assume in passing upon the constitutionality of legislative acts, as it restrains the court to the sphere intended under our system of government, and it contrasts strongly with the action of the courts in many cases.

The courts—

He says—

are frequently confronted with the temptation to substitute their judgment for that of the legislature. A given statute, though plainly within the legislative power, seems so repugnant to a sound public policy as to strongly tempt the court to set aside the statute, instead of waiting, as the spirit of our institutions require, until the people can compel their representatives to repeal the obnoxious statute.

In the early history of this country eminent writers gave expression to the fear that the power of the courts to set aside the enactments of the representatives chosen to legislate for the people would in the end prove a weak point in our governmental system, because of the difficulty of keeping the exercise of such great power within its legitimate bounds.

So far in our judicial history it must be said that the courts have in the main been conservative in passing upon legislation attacked as unconstitutional, but occasionally, and especially when a case is on the border line, it is quite possible that the judgment of the court that the legislation is unwise may operate to carry the decision to the wrong side of that border line. Certain it is that the courts have greatly extended their jurisdiction over many administrative acts that were originally supposed not to present cases for the court to pass upon, and in that way the courts have come to play a very important part in State and municipal administration.

The decisions to which I have called attention have settled many vexed questions that grew out of the enactment of the labor law. In those in which various provisions of the act have been held unconstitutional the people of New York have acquiesced with the same loyalty as in those wherein the law has been upheld. The decisions are important, too, not merely because they determine the law in New York, but by reason of the high esteem in which the court of final resort in New York is held by the courts of other States and the influence its determinations must necessarily have upon the judiciary of the country.

RIGHTS OF LABOR ORGANIZATIONS.

There is one other case to which I desire to call attention. It may be of more interest here on account of certain pending legislation than any already discussed. Certainly it should be carefully weighed by those citizens of my own State who have been so outspoken in condemnation of what are known as the "anti-injunction" and the "anti-conspiracy" bills (H. R. 89, 1234, 4063, and 8136). The case to which I refer is the National Protective Association of Steam Fitters and Helpers et al. *v.* James M. Cumming et al. (170 N. Y., 315). As in most of the cases in the court of appeals in which labor questions are involved, the court is almost evenly divided in the case, although in no instance has the court in such cases divided on political lines.

This action grew out of a dispute between rival labor organizations. Charles McQueed, a member of the National Protective Association of Steam Fitters and Helpers, a corporation organized under the laws of New York, brought an action on behalf of himself and his fellow-members to restrain the board of delegates and certain individuals, members of the Board of Delegates and of the Enterprise Association of Steam Fitters and of the Progress Association of Steam Fitters and Helpers, from preventing the employment of the plaintiffs and from coercing their discharge by any employer, through threats, strikes, or otherwise, and to recover damages.

The trial court gave judgment restraining defendants from—

preventing the work, business, or employment of the plaintiff corporation or any of its members in the city of New York or elsewhere, and from coercing or obtaining by command, threats, strikes, or otherwise the dismissal or discharge by any employer, contractor, or owner, of the members of the plaintiff corporation, or the plaintiff McQueed, or any or either of them from their work, employment, or business, or in any wise interfering with the lawful business or work of the plaintiff corporation or of its members. But the defendants are not, nor is any one of them, enjoined and restrained from refusing to work with the plaintiff or any member of the plaintiff corporation.

This judgment was reversed in the Supreme Court, and its action was affirmed by the court of appeals and judgment absolute ordered for the defendant.

It appears, from an examination of the case, that the defendants, Cumming and Nugent, members of the board of delegates and representing the Enterprise and Progress associations, had caused the plaintiff and other members of the national association to be discharged from various buildings in the course of erection, and the employment in their stead of members of the Progress and Enterprise associations. The discharges were the results of statements on the part of the delegates that unless the plaintiffs were discharged there would be general strikes called upon the buildings where plaintiffs were employed. I desire to quote, at this point, briefly from the opinion of Judge Parker (in full in Appendix F). He lays down in the most comprehensive terms the rule that members of a labor union have not only the right to refuse to work with others, but that it does not affect their right because the reason given does not seem adequate to other people so long as the object to be attained is a legal one. He says:

Stated in other words, the propositions quoted recognize the right of one man to refuse to work for another on any ground that he may regard as sufficient, and the employer has no right to demand a reason for it. But there is, I take it, no legal objection to the employee's giving a reason, if he has one, and the fact that the reason given is that he refuses to work with another who is not a member of his organization, whether stated to his employer or not, does not affect his right to stop work, nor does it give a cause of action to the workman to whom he objects because the employer sees fit to discharge the man objected to rather than lose the services of the objector.

The same rule applies to a body of men who, having organized for purposes deemed beneficial to themselves, refuse to work. Their reasons may seem inadequate to others, but if it seems to be in their interests as members of an organization to refuse longer to work, it is their legal right to stop. The reason may no more be demanded as a right of the organization than of the individual, but if they elect to state the reason their right to stop work is not cut off because the reason seems inadequate or selfish to the employer or to organized society. And if the conduct of the members of an organization is legal in itself, it does not become illegal because the organization directs one of its members to state the reason for its conduct. * * *

It is the giving of this information (that unless members of the plaintiff organization were discharged and those of defendant organizations employed, general strikes would be ordered), a simple notification of their determination, which it was right and proper and reasonable to give, that has been characterized as "threats" by the special term, and which has led to no inconsiderable amount of misunderstanding since. But the sense in which the word was employed by the court is of no consequence, for the defendant associations had the absolute right to threaten to do that which they had the right to do. Having the right to insist that plaintiff's men be discharged and defendant's men be put in their place if the services of the other members of the organization were to be retained, they also had the right to threaten that none of their men would stay unless their members could have all the work there was to do.

This decision is of the utmost importance to those really interested in laboring men and mechanics organized for the betterment of their condition. It is refreshing to have it stated in such unmistakable terms that men do not sacrifice rights merely by banding into what are known as "labor organizations."

Within the past few weeks I have frequently attempted to state this principle in answering communications severe in denouncement of the so-called "anti-injunction" bills now pending in this House. I had in mind this language used in the Cummings case by Judge Parker:

A man may threaten to do that which the law says he may do, provided that, within the rules laid down in those cases, his motive is to help himself. A labor organization is endowed with precisely the same legal right as is an individual, to threaten to do that which it may lawfully do.

Such a declaration of what the law is can readily be comprehended by the lay mind; yet it is often misunderstood and sometimes ignored even by those charged with the duty of interpreting the law.

IMPARTIAL ADMINISTRATION OF LAW ESSENTIAL FOR WELFARE OF SOCIETY.

I have no desire to pose as the champion of lawlessness by members of labor organizations any more than to excuse those aggregations of capital which conduct their operations in defiance of law. Unlawfulness on the part of either labor or capital is inexcusable, and the laws should be enforced impartially against all violators, regardless of the accidental attribute of wealth or of its lack. As was well said by the President in his annual message to this Congress:

No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right, not asked as a favor.

This is an age of organization. Everywhere the tendency seems to be towards concentration. Capital combines that industrial enterprises may be carried on in a style more colossal than the world has ever before imagined; labor organizes the more easily to resist the continued encroachments of aggrandized wealth and to better the condition of the masses. Within recent times the industrial world has undergone a rapid evolution. In the transition abuses have grown up which, on all sides, it is conceded must speedily be eliminated. Society suffers from actions that seemingly transcend the law, but yet are difficult to control by legal process. Our duty is to build up, not to destroy. Our best efforts should be directed so to legislate that neither organized labor nor organized capital shall be done injustice, but that both shall be so regulated, controlled, and promoted by wise and sane measures that the interests of all men shall be advanced and the social equilibrium undisturbed. [Loud applause.]

APPENDIX A.

PEOPLE EX REL. RODGERS VS. COLER, 166 NEW YORK, 1.

PARKER, Ch. J. (dissenting).

The reasoning by which the decision about to be made is sought to be supported fails to persuade me that it is other than a judicial encroachment upon legislative prerogative; for it is that and nothing less if the statute does not offend against either the Federal or State constitution. If the statute, which seems to be regarded by some as vicious in its tendency, attempted to regulate the question of wages as between citizens of the State so as to affect even in the slightest degree the basis on which one citizen should contract with another, then not only would much of the discussion which this statute has invoked be relevant, but the decision about to be made would be unquestionably sound.

The legislature, however, intended nothing of the kind, and the statute not

only omits to express any such purpose, but it is so carefully guarded as to leave no room for doubt that the legislature, appreciating the limits of its authority, intended to and did simply provide with certainty that those who work directly for the State or upon public works within the State shall receive that which may be termed "going wages" in the locality in which any particular public work is being carried on as will at once appear from a reading of the statute, so much of which as is germane to the question under discussion being set out in the statement of facts. In other words, the legislature, which is vested with the power to direct the conduct of the business operations of the State, by this statute has not only declared it to be the policy of the State as a proprietor to pay the prevailing rate of wages, but has enjoined upon its several agents and agencies the duty of executing this policy. An attack upon this statute, therefore, assails the right of the State as a proprietor to pay such wages as it chooses to those who either work for it directly or upon any work of construction in which it may be engaged.

No one has presumed to challenge the right of an individual either to pay the prevailing rate of wages in his locality or, if he concludes to have his work done by contract, to refuse to award it to a contractor who will not agree to pay the going wages to all employees that may be engaged upon the work. But the State seems to be regarded in some quarters as having less power as a proprietor than an individual, so that what an individual may contract to do in the performance of his own work the State itself may not do when it assumes the rôle of proprietor and attempts the construction of important work.

Now, having called attention to the fact that the statute by its terms is expressly limited to laborers employed upon the work of which the State, in its entirety or through some subdivision thereof, is the proprietor, we come to the question whether there is any provision of either the Federal or State constitution that so far restricts the power of the State in constructing its buildings or other public works that it has less liberty of action than one of its citizens.

That it has, to say the least, as much power as a proprietor as has any of the individuals of which its citizenship is comprised would seem to be a self-evident proposition. But as evidence is not wanting that it is not so regarded by others the subject must have some consideration. In 1889 the legislature provided by statute that from and after the passage of the act the wages of day laborers employed by the State, or any officer thereof, should not be less than $2 per day. (Chapter 380 of the Laws of 1889.) It is difficult to imagine from what source the idea could have been born that this statute was unconstitutional, in view of the fact that it was known of all men that the legislature had always fixed the compensation of its executive, legislative, and judicial officers, and had provided from the beginning what compensation, if any, should be paid to all the county and city officers throughout the State. Indeed, the compensation for every kind and character of service whatsoever had always been fixed either by the legislature directly or through agencies created by it, the original source of power in all cases being the legislature.

Nevertheless, there were those who conceived the absurd idea that there was some distinction between the compensation for day laborers and the compensation for all others engaged in the service of the State, and so the demand of one Clark, who was employed upon the canals for the compensation fixed by the legislature, was challenged and finally came to this court, where the question was put at rest by a unanimous decision, which held that "there is no express or implied restriction to be found in the Constitution upon the power of the legislature to fix and declare the rate of compensation to be paid for labor or services performed upon the public works of the State; that legislation is doubtless open to criticism from the standpoint of sound policy and expediency, but the courts have nothing to do with these questions so long as it is not in conflict with the Constitution, and we think that a general law regulating the compensation of laborers employed by the State or by officers under its authority, which disturbs no vested right or contract, was within the power of the legislature to enact, whatever may be said as to its wisdom or policy." (Clark *v.* State of New York, 142 N. Y., 401.)

Now, certainly it need not be argued that, if the Constitution contains no restriction "upon the power of the legislature to fix and declare the rate of compensation to be paid for labor or services performed on the public works of the State," there is nothing in the Constitution to restrict the power of the legislature in declaring that "the rate of compensation to be paid for labor or service performed on the public works of the State" "shall (in the language of the statute) not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about, or in connection with which labor is performed, in its final or completed form is to be situated, erected, or used." So, if authority be needed, we have the authority of this court that the legislature has the power to provide that the policy of the State shall be to pay the going rate of wages in the locality in which a public work is to be done and to command its agents to obey its directions in that regard.

For illustration, were it now engaged in the erection of a new capitol, the public officer or officers having in charge the construction by appointment of the legislature would, under the authority of the Clark case, be obliged to pay the prevailing rate of wages in Albany, and if, in the course of construction, it should be determined to do some part of the work by contract, as was the case during the last year of work upon the capitol, those having in charge the construction would be obliged to provide in the contract that the contractor should pay the prevailing rate of wages in Albany. Of course a contractor would not be obliged to accept a contract under such terms, but certainly would do so if he wished to work, for the State as proprietor would have the right to impose any terms it might choose as a condition of awarding the contract, just as an individual might do.

Terms might thus be imposed which would be wise or very foolish for both the State and the contractor, in the estimation of the latter; but it is the proprietor's right to be unwise if he so wills, in which respect the State is perhaps both in theory and practice on an equality with its citizens. The provision in the contract requiring, in effect, that he should pay the going wages would, of course, interfere with his liberty to hire men for lower wages. So a provision that he must use a certain brand of cement which is no better and costs more than other brands would interfere with his liberty to buy first-class cement at a lower price than the brand named. A provision that some or all of the figure work cut out of stone should be done by workmen from Italy, would perhaps interfere with the employment at less expense of men of equal or greater skill at home who could do equally good or better work, and to that extent his liberty to so contract as to make a greater profit for himself, without injury to the proprietor, would be interfered with, but it is interfered with only because he assents to the proprietor's wishes and contracts that it shall be so, and hence his liberty is not interfered with at all within the meaning of the constitution; for he has solemnly covenanted in his agreement that he shall not be at liberty to do anything in the course of the performance of the contract that shall be contrary to the wishes of the proprietor, as expressed in the written contract.

I have yet to hear an argument from any quarter offered for the purpose of showing that the State, as a proprietor, could not in the erection, for instance, of a new capitol, fix the wages to be paid by its contractors, provide that its sculptors should come from Italy, its decorators from Paris, its stone from specific quarries in Massachusetts, and its cement from England, when perhaps better results could be obtained should only residents of this State be employed and the material purchased within its own borders. But it is said that this statute goes further and applies not only to the work undertaken by the State at large, but also to the public works carried on in the several municipalities of the State, the particular case before the court growing out of a contract made between the city of New York and the relator, by which the latter agreed to regulate and grade West One hundred and thirty-fifth street in that city from Amsterdam avenue to the Boulevard.

The authority of the State, however, is supreme in every part of it, and in all of the public undertakings the State is the proprietor. For convenience of local administration the State has been divided into municipalities, in each of which there may be found local officers exercising a certain measure of authority, but in that which they do they are but the agents of the State, without power to do a single act beyond the boundary set by the State acting through its legislature.

Charters are given to cities by means of which are created what are known as "municipal corporations," but the creation is solely for the purpose of doing the work of the State in the particular locality affected, and in the creation of these agencies the legislature designates the number of officers, determines what they shall be called, prescribes what particular portion of the municipal work each shall do, fixes their compensation, and provides a method by which shall be chosen a proper amount of assistance, clerical and otherwise, to perform the work, and from time to time enlarges or restricts the fields of labor of the several officers; it also from time to time by special enactment authorizes undertakings of large public importance, not contemplated, perhaps, at the time of the granting of the charter or at the time of a general revision of it. If the legislature becomes dissatisfied with the general working of a charter it may change it or create a new one, for it is possessed of supreme authority to provide the method by which the municipal affairs shall be conducted and to determine what great public works, if any, shall be undertaken. If it shall determine that the city is in need of a large supply of pure and wholesome water, the legislature, and the legislature alone, may provide the machinery by which that result may be accomplished. In the doing of it the legislature may devolve the administration of the details of the work upon the local municipal officers already in existence, or it may select another agency without even consulting the wishes of either the taxpayers or the voters of a city, as was the case in the building of the new aqueduct, which was authorized by chapter 490 of the laws of 1883.

The act was entitled "An act to provide new reservoirs, dams, and a new aqueduct, with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water." It contained full authority for the execution of this vast undertaking, which was expected to and did cost the city of New York very many millions of dollars, under the direction of six commissioners named in the act, upon whom was devolved both the power and the duty of effectuating the purpose of the legislature as expressed in the statute. The constitution has, of course, imposed some restrictions upon the legislative power, such, for instance, as that the legislature shall not authorize the construction of a street surface railroad without the consent of the local authorities and 50 per cent of the abutting property owners, or in lieu thereof the consent of the appellate division of the supreme court. But prior to the incorporation of such a provision into the constitution the legislature had the power, and until 1850 exercised it, of authorizing the construction of street surface railroads without the consent of either the local authorities or the property owners, as will appear from an examination of the statutes referred to in Ingersoll *v.* Nassau Railroad Company. (157 N. Y., at p. 486.)

Similar instances almost without number might be multiplied, all of which would serve as illustrations merely that the State acting through its legislature has absolute power and control over all the public works within the State, undertaken and carried on with public funds, whether the work be paid for by a municipality or by the State at large, and that those who let the contracts, superintend the construction, audit the bills and pay them, are, in such work but the agents of the State, whether the agency be created by the provisions of a charter or by special enactment. If authority be needed in support of this proposition, it may be found in Williams *v.* Eggleston (170 U. S., 304). At page 310 the court says: "A municipal corporation is, so far as its purely municipal relations are concerned, simply an agency of the State for conducting the affairs of government, and as such it is subject to the control of the legislature."

Authority to the same effect may also be found in cases in this court, of which Mayor *v.* Tenth National Bank (111 N. Y., 446) is a type. In that case the question presented was whether the city of New York could be compelled by the legislature to pay to the Tenth National Bank moneys that it had advanced without authority of law to the county commissioners which were in part misappropriated by them, the balance of the moneys being used in the construction of the court-house in New York City. The act of the legislature requiring the city to pay to the bank the moneys advanced by it was upheld in this court, and in the course of the opinion the court said: "Municipal corporations are creatures of the State and exist and act in subordination to its sovereign power. The legislature may determine what moneys they may raise and expend, and what taxation for municipal purposes may be imposed; and it certainly does not exceed its constitutional authority when it compels a municipal corporation to pay a debt which has some meritorious basis to rest on."

Other authorities in which the proposition is in effect either decided or asserted that a municipal corporation is simply an agency of the State for the conduct of the affairs of government, and therefore subject to the control of the legislature in all respects except as expressly limited by the constitution, are: In re Protestant Episcopal School (46 N. Y., 178); Terrett *v.* Taylor (9 Cranch, 43); Payne *v.* Treadwell (16 Cal., 221); Jones *v.* Town of Lake View (151 Ill., 663); Mayor, etc., of Frederick *v.* Groshon (30 Md., 436); Groff *v.* Mayor, etc., of Frederick City (44 Md., 67); State Bank *v.* Madison (3 Ind., 43); City of Paterson *v.* Society for E. U. M. (24 N. J. L., 385); State ex rel. Cleveland *v.* Board of Finance, etc. (38 N. J. L., 259); In re Dalton (59 Pac. Rep., 330).

In the latter case the petitioner was arrested for violating the provisions of chapter 114 of the laws of 1891 of the State of Kansas, which provided that eight hours should constitute a day's work for laborers, workmen, mechanics, and other persons employed by or on behalf of the State of Kansas, or by or on behalf of any county, city, township, or other municipality in the State. He sought to be relieved from trial through habeas corpus proceedings, claiming that the act was unconstitutional. The court thought that the statute was constitutional, and in the course of the opinion the court said:

"Whatever orders the State may give directly to its own agents it may require of its political subdivisions, instrumentalities of said government, such as counties, cities, townships. These subdivisions are merely involuntary political or civil divisions of the State, created by statute to aid in the administration of government. 'A county is one of the civil divisions of a country for judicial and political purposes, created by the sovereign power of the State of its own will, without the particular solicitation, consent, or concurrent action of the people who inhabit it; a local organization, which for the purpose of civil administration is invested with certain functions of corporate existence.' It has been held competent for the legislature to establish a State road and cast the cost and expense thereof upon the county in which the road lies, without the consent of the officers or people of the county,

And, in like manner, it may require the county to build a certain kind or number of bridges at specified places, another county to build roads in a particular locality, and another to build public buildings; and for this and other public purposes the counties and other municipalities could be required to levy a tax and make other provisions for the payment of such improvements. Indeed, everything relating to the management of counties, cities, and townships not defined and limited by the Constitution may be taken away by the State, acting through its legislature; and as to these political divisions and their agents the legislature has the same power that it possesses over State officers. We conclude, therefore, that the statute under consideration is a mere direction of the State to its agents and a proper exercise of its power in that respect."

If the views so far expressed be sound, it would seem to follow that the position taken by the State in enacting this statute is precisely like that of an individual who for any reason determines that if it be a little more than honest, as that term is usually employed, it is not more than just to pay for a thing what it is fairly worth, and that the principle should be applied as well to the compensation of labor as to the payment for material, and hence decides that in construction work he will pay the market price. The State, having determined upon such a course of action by this statute, directs its agents and agencies, wherever throughout the State they may be situated, that in the doing of a public work they shall pay the going wages whenever the work is to be done by day's work, and whenever it is to be done by contract, then the agent, wherever situated, shall put into the contract that it executes by authority of the State a provision that the contractor shall pay such rate.

There are no authorities in this State that militate against the position that I have taken. On the contrary, such as there are support it. In People v. Warren (77 Hun, 120) the defendant had been charged before a police magistrate with a violation of section 504, chapter 105 of the laws of 1891, entitled "An act to revise the charter of the city of Buffalo." That charter provided, among other things, that "in contracting for any work required to be done by the city a clause shall be inserted that the contractor submitting proposals shall bind himself in the performance of such work not to discriminate either as to workmen or wages against members of labor organizations, or to accept any more than eight hours as a day's work, to be performed within nine consecutive hours."

The defendant having been convicted, an appeal was taken to the general term, fifth department, where the argument was made that the statute was unconstitutional because offending against the provisions of section 1, article 14 of the Constitution of the United States, and of the provisions of section 1, article 1 of the constitution of the State of New York. It was held by a unanimous court that the statute was constitutional, and the judgment of conviction was affirmed. Subsequently an unsuccessful attempt was made to secure a different result through the instrumentality of a writ of habeas corpus. I take an extract from the opinion, which was written by Judge Hatch, because it is in point on the next proposition that I propose to discuss. "It is said that defendant is an independent contractor, and consequently the rules we have invoked have no application to the case. If this were conceded it might not be possible to answer the claim. But the assertion itself, as I view the facts, is far from being true. In the sense that the defendant is doing work for the city of Buffalo to furnish all material and labor in making a public improvement for a given sum, it is a fact. But that it is relieved from the obligations imposed by the State upon the city of Buffalo and assumed by it is not true as matter of law. * * * The city said to the defendant and to all other contractors when it invited the bids for the performance of the work, 'The statute is one of the conditions which must be complied with and an obligation which must be assumed by the contracting party.' The defendant was not obliged to bid. The conditions imposed applied equally to all who should bid. The act of bidding was with full knowledge and voluntary. Under these conditions defendant made its bid, and when awarded the contract voluntarily executed the same and assumed the obligations imposed upon the city by the statute. How can it be said that he was an independent contractor, freed of obligations? He was an independent contractor, but he is not independent of the obligations imposed by the contract." (People ex rel. Warren *v.* Beck, 10 Misc. Rep., 77.)

It should also be said before passing to the consideration of the contract that the judge before whom this matter came at special term was of the opinion that the act is constitutional, and while there was a difference of view in the appellate division as to certain questions, not one of the judges of that court expressed an opinion that the State in so far as it directed its agents to insert a provision in the contract that the prevailing rate of wages should be paid, acted beyond its power.

Indeed, in the prevailing opinion it is said: "I am satisfied that the legislature has power to prescribe the form of contracts which shall be made by municipal corporations with those entering into contracts with it. No one is bound to enter into such a contract or to do work for a municipal corporation, but when he does he must accept the terms of the contract as prescribed by law, and if he voluntarily makes a contract by which he is to receive pay only upon condition of his performing certain obligations or doing work that he agrees to do in a certain way, the contractor certainly can not complain if the city refuses to pay except upon his compliance with the terms of the engagement."

Since the argument there has been evolved the notion that the few constitutional limitations upon the power of the State to control at will through legislative action all the affairs of municipalities, in some way helps out the contention of the majority that the State is not the proprietor in the grading and construction of the street in question. It seems to me that the effect of these exceptions is to prove the rule, if proof be needed, that the State can do what it chooses in respect to public improvements anywhere within its borders, whether the territory affected be within city limits or in the rural sections of the State, provided only that it does not transcend the limitations that the people have seen fit to place upon that power by means of the constitution. That instrument will be searched in vain for any restrictions upon the power of the legislature to grade or improve highways. The legislature may provide for the building of bridges over streams separating counties, or towns, or both. It may do this at the expense of the State, or at the expense of the towns affected, or of the adjoining counties, or the expense may be apportioned in such manner as the State sees fit. It may build and improve roads at the joint expense of the State and the locality more immediately benefited by the construction of the road, or part of the expense may be assessed upon the property of individuals abutting upon the improved highway; and in cities it may determine to have streets graded and improved and the entire expense assessed upon the property in the neighborhood which is supposed to benefit by the improvement; or it may assess the entire sum upon the city, or apportion the cost between the two. But, however the moneys necessary to pay the expense of such an improvement may be raised, it is the State that authorizes the improvement, selects the agency by which it is conducted, and alone determines the source from which the money needed to pay the expense shall come, and its power in that respect has no limitation whatever.

The prevailing opinions discuss a question which is not up for decision—namely, whether the legislature has the power to provide that the municipal authorities shall pay to their employees going wages. As the discussion which that question has received is, in my opinion, obiter, I shall not refer to it further than to say that I dissent from the views expressed in relation thereto on the ground that the statute offends no provision of the constitution when it undertakes to provide that the city shall pay the prevailing rate of wages to those who work for it. Who denies the power of the legislature to fix the rate of compensation for the mayor, the comptroller, the police commissioner, the clerk, the attendant, and the messenger? If anyone does I have not heard him. Why may it not then fix the rate of compensation of the engineer in charge of its heating and ventilating apparatus, its skilled mechanics, or its street sweepers? Where in the constitution is to be found the provision that so discriminates between the classes into which the public service is divided as to allow the legislature to provide certainty and stability of compensation as to the one and denies a similar power as to the other? My attention has not been called to such a provision, nor have I been able to find it after diligent search.

I have considered the constitutionality of the statute, because it has been insisted, as I think erroneously, that the feature of the statute which is in controversy here is unconstitutional. But if, on the other hand, it were to be conceded that it is unconstitutional, I do not see how it could avail this relator. If the contract were silent on the subject, and the claim made was that the contractor could not recover for work performed because he had not complied with the provisions of the statute requiring contractors to pay the prevailing rate of wages, then he would not only be in a position to attack the constitutionality of the statute, but an adjudication that it was unconstitutional would relieve him from the necessity of paying the prevailing rate of wages. But that is not this case. In the contract between the city and this relator it is agreed in terms that "the wages to be paid for a legal day's work, as hereinbefore defined, to all classes of such laborers, workmen, or mechanics upon all such public work, or upon any material to be used upon or in connection therewith, shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about, or in connection with which labor is performed, in its final or completed form, is to be situated, erected, or used." And it was further in terms agreed that "this contract shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of the labor law." So that not only in terms did the contractor agree to pay the prevailing rate of wages, but the agreement also in effect made the provisions of the labor law a part of the contract.

Whether, therefore, the statute was unconstitutional or not, there was nothing to prevent this relator from consenting to the incorporation of the phraseology of the statute into the contract, and when he did that and voluntarily executed the contract, as in this case, he can not effectively plead as an excuse for the violation of his contract that, inasmuch as certain of its provisions are void when embodied in a statute, they are also void when incorporated into a voluntarily executed contract.

While the majority of the appellate division agreed that the statute was constitutional in so far as it provided for the payment of the prevailing rate of wages, and also that the relator, having voluntarily executed the contract, he is entitled to payment for work done only upon condition of his performing its stipulations, still they were of the opinion that the relator was entitled to a mandamus because the officers of the municipal corporation had failed to avoid the contract prior to the institution of the proceeding.

If the conclusion of the majority was wrong in this respect, they conceded that the defendant rightly succeeded at special term, and, as it seems to be very clear that it was wrong, I shall content myself with a brief presentation of the reasons, and shall omit all reference to the question, also discussed, whether the contract became void by direct operation of the statute upon the contract and its conceded breach. If the statute purported to accomplish such a result, the court thought that it might be unconstitutional. But I shall not consider whether it does purport to accomplish such a result or whether, if it did, it would offend against the constitution, for, as I view it, the question is not before us. Certainly it can not affect the disposition of this matter if what the comptroller did operated to avoid the contract. It is because I think he did all that the situation required in order to enable the city to take advantage of the relator's breach of the contract that leads me to a different result than that reached by the appellate division, for we alike agree on the constitutionality of the statute, so far as it is involved in the proceeding and in the binding effect of every provision of the contract.

It is not easy to appreciate the argument that admits the validity of the contract; its open violation by the relator; concedes that the provision is clear and unambiguous that declares it shall be null and void in the event of such a violation, and still contends that a recovery may be had in the face of the defense urged by every legal method, viz, that the relator can not recover because the contract has become void by his act.

What act it was necessary for the comptroller to do in order to take advantage of the defense the relator had furnished other than first to refuse to pay and afterwards to defend on the ground that the contract was void, owing to the relator's violation of it, has not been suggested. It has been found easier, no doubt, to say that the comptroller, as the fiscal officer, had to do something than to point out the thing he had to do.

It is the relator's violated agreement which entitles the defendant to claim that this contract is no longer of any effect. For it must not be forgotten that this relator comes into court admitting that he has violated the contract by failing to pay the prevailing rate of wages as he agreed to do, and by his contract he agreed that the effect of his failure to do so should cause the contract to become void and of no effect.

The argument that the relator is entitled to a mandamus against the comptroller because he had not avoided the contract before this proceeding was instituted, seems to me without force. It appears affirmatively that the comptroller was not informed that the relator was violating his contract until the 19th day of April, 1900, and that he set on foot an investigation for the purpose of learning the truth of the matter immediately thereafter, with the result that the information received by him was fully confirmed.

Now, the certificate made by the commissioner of highways certifying to the correctness of the relator's account, showing a balance due, to secure a warrant, for which this proceeding was instituted, was dated April 23, 1900, or only four days after the comptroller was first advised of any act leading him to suspect that the relator was violating the contract. From these facts it is apparent that there was nothing in the situation to justify the conclusion that the comptroller allowed him to go on with his work after knowledge on the part of the comptroller that it was within his power to avoid the contract on behalf of the municipality.

On the contrary, it is apparent that no part of the work for which a warrant is claimed was performed after the comptroller's knowledge of the relator's default. This proceeding was instituted about three weeks afterwards, and hence it is manifest that, so far as this claim is concerned, the relator has nothing to complain of in the conduct of the comptroller, assuming, without admitting, that a complaint of that general character could have any legal value toward restoring to life a void contract.

This proceeding was instituted against the comptroller because he refused to deliver to the relator a warrant for the amount of the certified account. The reason for it is set up in his return, and is to the effect that the relator had executed a contract by which he had agreed that in the event of his failure to perform certain of its terms and conditions the contract should be void; that he had failed to comply with such terms, and that hence the contract is

void and the city not liable. Now, if there is anything else that the comptroller was bound to do under the circumstances in order to get rid of paying the amount claimed to be due under a contract that had become void, it has not been pointed out. He resisted payment both before and after the commencement of legal proceedings on the ground that the contract had become void because of the conduct of the contractor, and that is all he was obliged to do in order to relieve the city from making further payments under a void contract.

If the facts were as assumed by the learned judge at the appellate division, that the city authorities with knowledge of the violation of a contract which authorized the city to treat it as void nevertheless permitted the contractor to go on with his work by which the amount in question was earned, it might very well be that a court of equity would undertake to relieve a party from the loss that would otherwise result on the ground that it was the duty of the officers of the city to speak and not to hide their intentions for the purpose of getting work for nothing out of the contractor. But those considerations have no place in a proceeding by mandamus where the relator can only succeed by establishing a clear legal right to that which he demands.

I advise a reversal of the order of the appellate division and an affirmance of that of the special term.

APPENDIX B.

RYAN VS. CITY OF NEW YORK, 177 NEW YORK, 271.

PARKER, Ch. J.: There are two questions presented by this review. The first is, Has the legislature power to provide that its employees and those of the several municipalities shall receive "not less than the prevailing rate" of wages in the locality? In other words, has the legislature—which possesses all the power of the sovereign not expressly withheld by the Constitution—power to provide that work done for it or its several subdivisions shall be paid for at such a rate as individuals and corporations in the same locality pay?

That question was before this court some years ago in so far as it affects the right of the legislature to fix the rate of wages of laborers upon the works of the State. (Clark *v.* State of New York, 142 N. Y., 101.) In 1889 the legislature passed an act (L. 1889, ch. 380) providing that the rate of wages upon the public works of the State should be $2 a day. That was more than the then prevailing rate, and there were those who questioned the power of the State to interfere with its agents in fixing the wages of men working under them. They thought the superintendent of public works had the sole power of fixing wages of employees in that department, and therefore could defy the direction of the legislature as to the amount of compensation to be paid, although he could disburse such moneys only as were appropriated by the legislature. And they entreated the attorney-general to commence an action to have the court declare the impotency of the legislature to interfere on the important subject of compensation to laborers.

But when the case reached this court in 1894 the attorney-general was unable to point to the provision of the constitution which divested the representatives of the people for all matters of legislation of this power, and vested it in the several inferior officials having charge of certain administrative duties conferred upon them in the majority of instances by acts of the same legislature. The court, unaffected, as was its duty, by the argument that the statute was unwise and mindful that its duty was discharged fully and could only be discharged by declaring whether the legislature had the power to enact the statute complained of, unanimously held that the power belonged to it. Judge O'Brien, writing for the unanimous court, says (142 N. Y., 101, 105): "There is no express or implied restriction to be found in the constitution upon the power of the legislature to fix and declare the rate of compensation to be paid for labor or services performed upon the public works of the State."

The principle of that decision controls this one. There the legislature undertakes to fix arbitrarily the sum to be paid to every employee of the State. Here the legislature undertakes to provide for the payment of not less than the prevailing rate of wages, not only to the direct employees of the State, but also to its indirect employees working in its several subdivisions—the cities, counties, towns, and villages. In the administration of the affairs of those subdivisions, as well as in those of the State at large, the legislature is unrestrained unless by express provisions of the constitution. As expressed in Rodgers's case (166 N. Y., 1, 29): "The authority of the State is supreme in every part of it and in all of the public undertakings the State is the proprietor. For convenience of local administration the State has been divided into municipalities, in each of which there may be found local officers exercising a certain measure of authority, but in that which they do they are but the agents of the State, without power to do a single act beyond the boundary set by the State, acting through its legislature." Thus all of these agencies and employees in the several municipalities are doing the work of the State, which is the sovereign and master.

Nevertheless, we find that the argument is again made, as in 1894 in Clark's case, that the legislature is without power to interfere with the agencies it has created for the government of the municipalities. And this is said in the face of the decision in Clark's case, and notwithstanding the fact that the legislature has the power at any time to absolutely change the form of government of a municipality, to blot out of existence any municipal charter, or to consolidate several municipalities under a single charter, as it did in the creation of Greater New York. And this argument is made in spite of the many well-known illustrations of the power of the legislature to control the affairs of municipalities. The scope of that power is illustrated by the construction of the new aqueduct by a board created by the legislature, the expense being charged upon the city of New York, although not a single officer of the city had a voice in controlling the expenditure of the millions that its construction involved; and by the act compelling the elevation of the Harlem railroad tracks in the city of New York, and the imposition of one-half of the expense, amounting to several millions, upon the city of New York, the work all being done through an agency created by the State.

Not only does the legislature fix the salaries of the principal municipal officers throughout the State, but in the city of New York, where this case arises, it fixes the rate of compensation for many laborers. The street-cleaning department will serve as an illustration. The charter provides for the payment of definite sums in some cases, and for a maximum sum in others, for a force numbering over 5,000 employees in that department, and including 3,100 sweepers and 1,600 drivers, hostlers, and stable foremen. The charter in this respect has the support of Clark's case (supra). Now, there are a few mechanics connected with the department whose compensation is not fixed by the charter, and who, therefore, come under the prevailing-rate provision of the labor law. Their compensation could be fixed, of course, at a definite sum, as that of the other employees is, but instead it is provided in effect that they shall be paid at a rate not less than that paid by others for similar services in that locality. Certainly no one can argue that the legislature can provide that the street sweeper shall be paid, for example, $2 a day, but can not provide that he shall be paid the prevailing rate of wages when that happens to be $2. But if one can be found who will attempt to make such an argument, surely it can be safely said that he can not find a constitutional provision upon which to rest it.

Since the foregoing was written the opinion of the United States Supreme Court in Atkin *v.* State of Kansas (191 U. S., 207) has been brought to our attention. It is in point and decides the question in accordance with the views we have already expressed. A Kansas statute provides that "eight hours shall constitute a day's work for all laborers, workmen, mechanics, or other persons now employed, or who may hereafter be employed, by or on behalf of the State of Kansas, or by or on behalf of any county, city, township, or other municipality of said State. * * * Not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons employed by or on behalf of the State of Kansas, or any county, city, township, or other municipality of said State. * * * All contracts hereafter made by or on behalf of the State of Kansas, or by or on behalf of any county, city, township, or other municipality of said State, with any corporation, person, or persons, for the performance of any work or the furnishing of any material manufactured within the State of Kansas shall be deemed and considered as made upon the basis of eight hours constituting a day's work."

A violation of the statute is a misdemeanor. Atkin made a contract with a municipality—Kansas City—to pave a street. He was convicted under the statute, and the conviction affirmed by the Kansas supreme court. It was argued before the United States Supreme Court that the statute violates the fourteenth amendment in that it deprives the contractor of his liberty and property without due process of law and denies him the equal protection of the laws. The court holds that the statute does not violate the fourteenth amendment, and in the course of the opinion, written by Mr. Justice Harlan, says: "'If a statute,' counsel observes, 'such as the one under consideration, is justifiable, should it not apply to all persons and to all vocations whatsoever? Why should such a law be limited to contractors with the State and its municipalities? * * * Why should the law allow a contractor to agree with a laborer to shovel dirt for ten hours a day in performance of a private contract, and make exactly the same act under similar conditions a misdemeanor when done in performance of a contract for the construction of a public improvement? Why is liberty with reference to contracting restricted in one case and not in the other?'

These questions—indeed, the entire argument of defendant's counsel—seem to attach too little consequence to the relation existing between a State and its municipal corporations. Such corporations are the creatures, mere political subdivisions, of the State for the purpose of exercising a part of its powers. They may exert only such powers as are expressly granted to them, or such as may be necessarily implied from those granted. What they lawfully do of a public character is done under the sanction of the State. They are, in every essential sense, only auxiliaries of the State for the purposes of local government.

They may be created, or, having been created, their powers may be restricted or enlarged, or altogether withdrawn, at the will of the legislature; the authority of the legislature, when restricting or withdrawing such powers, being subject only to the fundamental condition that the collective and individual rights of the people of the municipality shall not thereby be destroyed. (Citing several cases, the last being Williams *v.* Eggleston, 170 U. S., 304, 310.) In the last cases cited we said that "a municipal corporation is, so far as its purely municipal relations are concerned, simply an agency of the State for conducting the affairs of government, and as such it is subject to the control of the legislature."

The court quotes with approval from the opinion in City of Clinton *v.* Cedar Rapids and Missouri River Railway Company (24 Iowa, 455, 475): "Municipal corporations owe their origin to and derive their powers and rights wholly from the legislature. It breathes into them the breath of life, without which they can not exist. As it creates, so it may destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all of the municipal corporations in the State, and the corporation could not prevent it. We know of no limitation upon this right, so far as the corporations themselves are concerned. They are, so to phrase it, the mere tenants at will of the legislature."

After referring to the possible motive of the legislature in making the statute, the court continued: "We have no occasion here to consider these questions or to determine upon which side is the sounder reason, for whatever may have been the motives controlling the enactment of the statute in question, we can imagine no possible ground to dispute the power of the State to declare that no one undertaking work for it or for one of its municipal agencies should permit or require an employee on such work to labor in excess of eight hours each day and to inflict punishment upon those who are embraced by such regulations and yet disregard them. It can not be deemed a part of the liberty of any contractor that he be allowed to do public work in any mode he may choose to adopt, without regard to the wishes of the State. On the contrary, it belongs to the State as guardian and trustee for its people, and having control of its affairs to prescribe the conditions upon which it will permit public work to be done on its behalf or on behalf of its municipalities. No court has authority to review its action in that respect. Regulations upon this subject suggest only considerations of public policy. And with such considerations the courts have no concern."

The case under consideration is not controlled by Rodgers's case (166 N. Y., 1). The decision in that case is that so much of the statute as in effect requires a contractor for municipal work to agree that he will pay his workmen not less than the prevailing rate of wages, and makes the contract void if he fails to pay at such rate, at least, is unconstitutional. It is said by the court in support of that decision that the statute invades rights of liberty and property in that it denies to the contractor the right to agree with employees as to the rate of compensation, and imposes a penalty upon the right of the contractor to agree with employees upon terms of employment. It is true that in one of the prevailing opinions argument sufficiently broad to cover this case is made, but it is not necessary for the decision, and is obiter, and therefore need not be followed. Our conclusion is that so much of the statute as is involved in this case is constitutional.

The second question presented by the record is: Did the plaintiff waive his right to insist that his compensation should be at the prevailing rate of wages for rammers in the city of New York? Section 3 of the labor law does not attempt to fix in dollars and cents the wages to be paid to those employed on State or municipal work, but provides that such wages "shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality." The statute, therefore, made it the duty of the person charged with employing plaintiff to ascertain the prevailing rate of wages for similar services in the city, and then to fix the compensation at that amount, or a still greater one, and by the section following the legislature undertook to assure such action by the officials commanded to fix wages at not less than the prevailing rate by providing that an official violating the provisions of the act would be guilty of malfeasance in office, and be suspended or removed.

We must assume—in view of the fact that the question arises from a demurrer to the complaint—that all of its allegations are true, and that the officer employing the plaintiff did not obey the statute, and hence became subject to its penalties. But that fact in no wise aids the plaintiff in his present contention. He had been in the employ of the city for some time prior to May 10, 1894—when the statute went into operation—at the rate of $3 a day, and

that sum the city continued to pay, and he to receive without protest, for a period of six years. The prevailing rate of wages for that period was $3.50 a day, and the employing officer should have fixed plaintiff's wages at that sum or greater. But he did not do it, and while the plaintiff could have properly insisted that the officer should heed the command of the statute in that respect, he chose instead to continue in the service of the city without objecting to the compensation.

Now, "it is well settled by authority that a man may waive any right that he has, whether secured to him by contract, conferred on him by statute, or guaranteed him by the Constitution." (People ex rel. McLaughlin v. Bd. Police Comrs., 174 N. Y., 450, 456, and cases cited.) And the legal effect of plaintiff's action in accepting from time to time during a period of six years, without protest, the wages paid to him by the city, was to waive any claim that he might have had at the time to insist that the employing officer should fix his rate of compensation at a greater sum than he did.

It follows that plaintiff is not entitled to recover.

The judgment should be affirmed, with costs.

APPENDIX C.

PEOPLE EX REL. TREAT VS. COLER, 166 NEW YORK, 144.

PARKER, Ch. J. (dissenting): I do not concur in the decision of the court, because:

1. The relator bound himself by an agreement, voluntarily entered into with the city of New York, to have the stone used on its work cut and dressed within the State of New York. He is not relieved from the performance of his agreement in that respect because the city insisted that unless he so agreed he could not obtain the contract, when it need not have so insisted, because there was no valid statute requiring it.

If it be true that section 14 of the labor law is unconstitutional, because in directing the city authorities to insert in the contract the cut-and-dressed-stone provision the legislature invades municipal rights and powers (which I still doubt), nevertheless the municipal authorities who were to determine what provisions should be incorporated into the contract were not bound to resist the statute on that ground, and might, as they did, heed its suggestions and give them effect. For if the right were theirs to determine the conditions of the agreement, without interference from the legislature, it was none the less their determination because some part of it was borrowed from a statute that they were not bound to heed. And it was just as much their determination as it would have been had some part of it been borrowed from the form of a contract employed by some other municipality that they could but need not follow. So, whether the contract was void or not, the municipal authorities had the power to insist, as they did, upon the conditions in controversy, and the contractor had the right to reject or accept the contract on those terms. He chose to accept, and he should now be held to this agreement as the other party to it demands.

2. Section 14 of the labor law does not violate the State constitution. My reasons for that position are sufficiently presented by the dissenting opinions in People ex rel. Rodgers v. Coler. (166 N. Y., 25, 41.)

3. Section 14 of the labor law is not in contravention of the Federal Constitution.

If that section sought to prevent the citizens of this State from using stone cut and dressed in another State, it would unquestionably offend against the commerce clause of the Federal Constitution and be void. But the statute does not attempt to interfere with the liberty of any citizen to have such stone as he may use cut and dressed where and by whom he shall choose. On the contrary, the statute is but an attempt on the part of a sovereign State to exercise the same function of choice in such regard as the Constitution secures to the citizen.

While the State can not say to the citizen that he must have the stone used in his residence cut and dressed within the State, neither the Federal nor State constitution prevent him from deciding that he will not build a residence unless the stone to be used in it are cut and dressed within the State, nor from incorporating into a contract with a builder a provision that unless every stone used in the structure be both cut and dressed within the State the contract shall be void and the contractor deprived of compensation.

But the liberty of contract with which the citizen is endowed is no greater than that with which the State is invested when it enters on a scheme of construction for the public good. If, as respects freedom of contract, all the people of the State acting together are not greater than one of the units—a citizen—they are at least as great and may be as capricious as it is possible for an individual to be touching the style of architecture, quality of materials, character of workmen, and rate of compensation that they will offer for work to be performed.

The legislature in a statute authorizing the construction of any public work may provide for every detail if it chooses, or it may delegate the whole or some part of the details to an agent or agency. But whichever method it may adopt the choice of materials and of men and the determination whether the work shall be done by day's work or by contract are the choice and determination of the sovereign—the people—speaking through their chosen representative—the legislature—upon which has been conferred every power and authority not expressly forbidden it by the constitution, including, therefore, necessarily, the power to determine whether in a public structure brick or stone shall be used, and if the latter, from what quarries they shall be taken, where cut and dressed, and by whom; and that is all that section 14 of the labor law seeks to accomplish.

It may not be wise for a legislature to thus discriminate as to its public work in favor of its own citizens, but whether it be or not the courts have no right to inquire, for they are without authority to correct a statute even if in their judgment it be founded on an erroneous view of sound principles of political economy. A statute is law, which the courts must both obey and administer unless it violates either the Federal or State constitution, in which event it is void, and as the courts decide what the law is, they may so declare. But when, as in this case, the statute complained of relates only to the administration of the business affairs of the State, it can not, I think, be said to offend against the commerce clause of the Federal Constitution, for through it the legislature is but exercising the right of choice that belongs to the people as a whole as well as to the individual proprietor.

APPENDIX D.

PEOPLE VS. HAWKINS, 157 NEW YORK, PAGE 1.

PARKER, Ch. J. (dissenting).

If the prevailing opinion correctly construes section 29, article 3, of the State constitution, the conclusion reached by it is well founded, for it has not been declared by the people of this State by an amendment to the organic law that the public welfare demands that free labor shall not be put in competition with prison labor. As construed, the provision was not intended to prevent dealing in any article of merchandise even if made by convicts in our own State prisons, but it "simply abolished what was known as the 'contract' system of labor in prisons, whereby the profits of the labor of convicts were secured by contractors or private parties."

I deem it safe to say that such a construction will surprise the members of the convention that recommended the constitution to the people for adoption as well as it will surprise the public at large, for the propriety and wisdom of the provision in question was the subject of much discussion in the public prints and elsewhere at the time of its submission to the people. On the one hand it was urged as most unjust that labor employed in manufacturing should be subjected to the competition of unpaid, compulsorily enforced labor, while on the other it was strenuously insisted that the burdens of the taxpayers should not be added to by restraining the convict from contributing in whole or in part to his own support.

That the provision has been heretofore read by those charged with the administration of the affairs of prisons and those engaged in a consideration of the question from the standpoint of public interest, according to the natural and ordinary meaning of the language employed, seems to me demonstrated by the opinion of Judge Bartlett. I shall, therefore, assume that the people of the State have forbidden the selling of articles manufactured in our prisons for the reason that they deemed it to be against a sound public policy to permit some of the citizens of the State skilled in certain kinds of labor to be subjected to competition with the unpaid labor of convicts.

It is now too late to consider the subject generally from the point of view of the political economist, for the people, in whom reside all power, have set at rest that question so far as this State is concerned. This statute neither prohibits nor attempts to prohibit other States, or the citizens of other States, from putting prison-made goods upon our markets; nor does it prohibit our own citizens from buying or selling them; if it did, then, concededly, the statute would be in violation of the commerce clause of the Federal Constitution and void; it simply requires that prison-made merchandise shall be so branded that our citizens shall know where the goods they are buying were made.

This they have a right to know, for they voted to burden themselves with additional taxation rather than longer to permit a competition which they regarded as a public wrong, and they are, therefore, entitled to such legislation as will permit them to know the truth in regard to articles offered them for sale, in order that they may not, through lack of information, have forced upon them that which they would not buy advisedly. The commerce clause of the Federal Constitution does not stand in the way of their having such information, inasmuch as the constitution of this State establishes a public policy in the working out of which the legislature may go to this extent at least under the police power of the State.

The decisions of the United States Supreme Court in the oleomargarine and other cases, some of which are referred to in Judge Bartlett's opinion, furnish adequate support for that assertion. They establish, generally, that commerce between the States may be regulated to some extent under the police power of the State, which includes, among other things, efforts to prevent fraud and deception on purchasers. In view of the public policy declared by the people of this State through their constitution I am of the opinion that this statute is well within the police power of the State, and therefore, under the decision in the Slaughterhouse cases, not repugnant to the Federal Constitution.

I concur with Judge Bartlett for a reversal of the judgment.

APPENDIX E.

PEOPLE VS. LOCHNER, 177 NEW YORK, 145.

PARKER, Ch. J.: Defendant's conviction is under subdivision 3, section 384*l*, penal code, which makes a violation of Article VIII, chapter 415, laws 1897, a misdemeanor. The judgment is affirmed by the appellate division.

Defendant urges as ground for a reversal that Article VIII, which on its face purports to be, as we shall see later, an exercise of the police power of the State, offends against the first section of the fourteenth amendment to the United States Constitution. That section provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." It is also claimed that the statute violates those provisions of the State constitution which declare that "no member of this State shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers" (Constitution, art. 1, sec. 1), "nor be deprived of life, liberty, or property without due process of law." (Constitution, art. 1, sec. 6.)

The first cases in which the fourteenth amendment is discussed by the United States Supreme Court are the Slaughterhouse cases (83 U. S., 36), wherein is challenged the Louisiana statute authorizing the removal of noxious slaughterhouses from the more densely populated part of New Orleans and their location where they could least affect the health and comfort of the people, and to that end granting a corporation exclusive right for twenty-five years to maintain slaughterhouses within three parishes, containing between 200,000 and 300,000 people, and including New Orleans. This is held to be a police regulation for the health and comfort of the people, and, therefore, within the power of the State legislature, and not affected by the fourteenth amendment, which the court says is not intended to interfere with the exercise of police power by the States.

In Barbier v. Connolly (113 U. S., 27) the Supreme Court has before it a San Francisco ordinance prohibiting work in public laundries within defined territory from 10 p. m. to 6 a. m., claimed to be repugnant to the fourteenth amendment. The court rules that the ordinance is well within the police power, and, in the course of the opinion, says: "Neither the amendment—broad and comprehensive as it is—nor any other amendment was designed to interfere with the power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the State, develop its resources, and add to its wealth and prosperity" (p. 31).

There are many interesting cases in the United States Supreme Court sustaining statutes of different States which in terms seem repugnant to the fourteenth amendment, but which that court declares to be within the police power of the States. Among them are statutes declaring a railroad company liable for damages to an employee although caused by another employee (127 U. S., 205); fixing the damages at double the value of stock killed, when due to the neglect of a railroad company to maintain fences (129 U. S., 26); requiring locomotive engineers to be licensed, and providing that the railroad company employing them pay the fees of examination (128 U. S., 96); requiring cars to be heated otherwise than by stoves on railroads over 50 miles in length (165 U. S., 628); providing for immediate payment of wages by railroad companies to discharged employees (173 U. S., 404); prohibiting options to sell grain (184 U. S., 425); providing for inspection of mines at expense of owners (185 U. S., 203), and one declaring void all contracts for sales of stocks on margins (187 U. S., 606).

I shall call special attention to but one other case, namely, Holden v. Hardy (169 U. S., 366). In that case the court reviews at length many of the cases arising under the fourteenth amendment, beginning with the Slaughterhouse cases. The case involves a Utah statute providing that "The period

of employment of workingmen in all underground mines or workings shall be eight hours per day, except in cases of emergency where life or property is in imminent danger." Violation is made a misdemeanor. The conviction of one Holden under that statute is affirmed by the United States Supreme Court.

It is argued by defendant in that case that the statute has no relation to the health or safety of the public or the persons affected, or if so, only in a very remote degree, while its direct and principal effect is to interfere with the rights and liberties of the contracting parties; that the right to contract contains three essential and indispensable elements, guaranteed and protected by the United States Constitution, namely, "the right of the employer and employee to agree upon (1) the character of the service to be performed, (2) the amount to be paid for such service, and (3) the number of hours per day during which the service is to continue;" that the destruction or abridgment of one element is a destruction or abridgment of the whole of said right to contract; that the statute abridges the "privileges and immunities" in that it deprives the employer and the employee of perfect freedom and liberty to pursue unmolested a lawful vocation in a lawful manner; that the rights of the employer and employee in that direction were unlimited before the adoption of the fourteenth amendment, and that since its adoption it is beyond the power of any State to make any laws abridging or destroying such rights.

This latter contention—which if sustained would practically prevent all further development of the police power on the part of the States—is overborne by the court. Many cases passed upon by the court since the adoption of the fourteenth amendment are cited, furnishing illustrations tending to justify the boast of the devotees of the common law, that by the application of established legal principles the law has been and will continue to be developed from time to time so as to meet the ever-changing conditions of our widely diversified and rapidly developing business interests. The court quotes from Mr. Justice Matthews in Hurtado *v.* California (110 U. S., 516, 530): "This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law. * * * The Constitution of the United States was ordained, it is true, by descendants of Englishmen, who inherited the traditions of English law and history; but it was made for an undefined and expanding future and for a people gathered and to be gathered from many nations and of many tongues. * * * There is nothing in Magna Charta, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we shall expect that the new and various experiences of our own situation and system will mold and shape it into new and not less useful forms."

The court illustrates by forceful examples the necessity of recognizing in legal decisions the change of conditions. After calling attention to the fact that in the early history of the country there was no occasion for any special protection of a particular class, as we were almost purely an agricultural country, it instances coal mining and the manufacture of iron. When these industries began in Pennsylvania as early as 1716, they were carried on in such a limited way and by such primitive methods that no special laws were deemed necessary to protect operatives, but since that time they have assumed such vast proportions in that and other States, and developed so many dangers to the safety and life of those engaged in them, that laws to meet such exigencies have become necessary. It calls attention to many protective statutes enacted in many different States providing for fire escapes in hotels, theaters, factories, and other large buildings; inspection of boilers; appliances to obviate the dangers incident to railroad and steamboat transportation; the protection of dangerous machinery against accidental contact; the shoring up of ventilation shafts; means for signaling in mines for fresh air; the elimination as far as possible of dangerous gases, and safe means of hoisting and lowering employees in mines.

It is said that statutes providing such safeguards "have been repeatedly enforced by the courts of the several States; their validity assumed, and, so far as we are informed, they have been uniformly held to be constitutional" (169 U. S., 366, 394), which, of course, means that the courts of the several States making these decisions hold that such statutes do not deprive citizens of any of the rights or privileges guaranteed by the Constitution, nor deprive them of property without due process of law, for every State constitution contains such a provision or its equivalent. Of such illustrations the court further says (p. 387): "They are mentioned only for the purpose of calling attention to the probability that other changes of no less importance may be made in the future, and that while the cardinal principles of justice are immutable, the methods by which justice is administered are subject to constant fluctuation, and that the Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare without bringing them into conflict with the supreme law of the land."

This broad-minded view—which is characteristic of the development of the law by this great court since the adoption of the fourteenth amendment—should, and doubtless will be followed by the courts of the several States whenever called upon to determine whether statutes offend against the provisions of State constitutions similar or equivalent to the provisions of the fourteenth amendment. The cases cited, and the reasoning of the court, to which but brief reference is made here, demonstrate that this statute does not offend against the fourteenth amendment, and it necessarily follows that it is not repugnant to equivalent provisions in our State constitution.

This court throughout all its history has maintained the same position as that taken by the United States Supreme Court. Many authorities could be cited in support of that assertion, but none need be, for they are all in one direction.

The impossibility of setting the bounds of the police power has up to this time prevented any court from attempting it, and the reason for it is well stated by Judge Gray in People *v.* Ewer (141 N. Y., 129, 132). He says: "It is difficult, if not impossible, to define the police power of a State, or, under recent judicial decisions, to say where the constitutional boundaries limiting its exercise are to be fixed. It is a power essential to be conceded to the State in the interest and for the welfare of its citizens. We may say of it that when its operation is in the direction of so regulating the use of private property or of so restraining personal action as manifestly to secure or to tend to the comfort, prosperity, or protection of the community no constitutional guaranty is violated, and the legislative authority is not transcended." In that case the constitutionality of section 292, Penal Code, is questioned. That section makes it a misdemeanor to exhibit as a dancer a female child under 14 years of age. The court denies that the statute violates our constitution because it deprives the mother, the person arrested, of the rights and privileges secured to her by the constitution.

In People ex rel. Nechamcus *v.* Warden, etc. (144 N. Y., 529), the constitutionality of chapter 602, Laws 1892, is challenged. The act provides for examination and registration of master plumbers, and makes it a misdemeanor for any person to engage in that trade without such registration. This court holds the statute to be within the police power of the legislature, and, therefore, not repugnant to the constitution. Judge Gray says, in the opinion (p. 535): "There has been much discussion upon the subject of what is a valid exercise of the police power of the State through legislative enactment, and there is little to be added to what this and other courts have said. The police power extends to the protection of persons and of property within the State. In order to secure that protection they may be subjected to restraints and burdens by legislative acts.

"If the act is a valid and reasonable exercise of the police power of the State, then it must be submitted to, as a measure designed for the protection of the public and to secure it against some danger, real or anticipated, from a state of things which modifications in our social or commercial life have brought about. The natural right to life, liberty, and the pursuit of happiness is not an absolute right. It must yield whenever the concession is demanded by the welfare, health, or prosperity of the State. The individual must sacrifice his particular interest or desires if the sacrifice is a necessary one in order that organized society as a whole shall be benefited. That is a fundamental condition of the State, and which in the end accomplishes by reaction a general good, from which the individual must also benefit."

In Health Department *v.* Rector, etc. (145 N. Y., 32), the court considers a provision of the New York consolidation act requiring that tenement houses already erected shall be furnished by the owners with water, "whenever they shall be directed so to do by the board of health," "in sufficient quantity at one or more places on each floor, occupied or intended to be occupied by one or more families." The health department served a notice requiring defendant to supply water, as commanded by the statute, in buildings owned by it. Defendant refused to do so, and an action was brought by the health department to compel compliance. Defendant contends in that case that the statute violates that provision of the State constitution which declares that no member of this State shall "be deprived of life, liberty, or property without due process of law."

This court holds that the statute does not offend against the constitution, but that it is a valid exercise of the police power; that the legislature, by virtue of that power, can direct that improvements or alterations shall be made in existing houses at the owners' expense when it clearly appears that it tends in some plain and appreciable manner to guard and protect the public; and that a compensation need not be made to the owner in such case, the effect of the act being not to appropriate private property, but simply to regulate its use and enjoyment by the owner. Judge Peckham, writing the opinion of the court, says (p. 43): "Laws and regulations of a police nature, though they may disturb the enjoyment of individual rights, are not unconstitutional, though no provision is made for compensation for such disturbances. They do not appropriate private property for public use, but simply regulate its use and enjoyment by the owner."

People *v.* Havnor (149 N. Y., 195) is a case as near the border line, perhaps, as any to be found in this State—certainly very much nearer to it than the case under consideration. It exhaustively considers the authorities in this State bearing upon the police power. The case involves the constitutionality of what is known as the "Sunday barber law," which makes it a misdemeanor for any person to carry on the business or work of a barber on the first day of the week, except in the city of New York and the village of Saratoga, where such business or work may be carried on until 1 o'clock in the afternoon of that day. The statute is held to be constitutional, because a valid exercise of the police power. The opinion is written by Judge Vann. After a careful examination of the authorities, he presents the underlying question in this way (p. 201): "The vital question, therefore, is whether the real purpose of the statute under consideration has a reasonable connection with the public health, welfare, or safety."

After stating that the object of the act is to require the observance of Sunday, not as a holy day, but as a day of rest and recreation, he proceeds—with argument buttressed by authority in this State and in other jurisdictions—to answer the question in the affirmative. In the course of the argument he says (p. 203): "According to the common judgment of civilized men, public economy requires, for sanitary reasons, a day of general rest from labor, and the day naturally selected is that regarded as sacred by the greatest number of the citizens, as this causes the least inconvenience through interference with business. It is to the interest of the State to have strong, robust, healthy citizens, capable of self-support, of bearing arms, and of adding to the resources of the country. Laws to effect this purpose, by protecting the citizen from overwork and requiring a general day of rest to restore his strength and preserve his health, have an obvious connection with the public welfare. * * * The statute under discussion tends to effect this result, because it requires persons engaged in a kind of business that takes many hours each day to refrain from carrying it on during one day in seven. This affords an opportunity, recurring at regular intervals, for rest, needed both by the employer and the employed, and the latter at least may not have the power to observe a day of rest without the aid of legislation. * * * As barbers generally work more hours each day than most men the legislature may well have concluded that legislation was necessary for the protection of their health."

The pertinency and controlling force of that argument to the question under consideration here will be manifest when we come to an examination of the statute.

No authorities can be found in this court which conflict with the cases to which I have called attention. Rodgers's case (166 N. Y., 1) is cited in opposition, but why I can not see. The police power is not even considered in that case, the defense to that portion of the statute which is condemned as unconstitutional because it requires a stipulation in all contracts with the State and municipalities that the contractor shall "pay the prevailing rate of wages at least" being rested on the ground (1) that the State as proprietor can do what an individual proprietor can do, namely, insist upon any reasonable provision in a contract as a condition for doing the work; (2) that the State is proprietor not only as to contracts for work for the benefit of the entire State, but also as to contracts for work authorized by it for the various subdivisions of the State made for convenience of administration; (3) that hence it violates no provision of the constitution.

Having shown by an examination of a few of the leading authorities relating to the police power that the decisions of this court are in harmony with those of the United States Supreme Court, and having specially brought out some of the arguments in those decisions for the purpose of presenting something of the vast scope of that power, we come next to the question, In what spirit should the court approach the consideration of a statute said on the one hand to offend against the constitution and on the other to be a proper exercise of the police power?

The courts are frequently confronted with the temptation to substitute their judgment for that of the legislature. A given statute, though plainly within the legislative power, seems so repugnant to a sound public policy as to strongly tempt the court to set aside the statute, instead of waiting, as the spirit of our institutions require, until the people can compel their representatives to repeal the obnoxious statute.

In the early history of this country eminent writers gave expression to the fear that the power of the courts to set aside the enactments of the representatives chosen to legislate for the people would in the end prove a weak point in our governmental system, because of the difficulty of keeping the exercise of such great power within its legitimate bounds. So far in our ju-

dicial history it must be said that the courts have in the main been conservative in passing upon legislation attacked as unconstitutional, but occasionally, and especially when a case is one on the border line, it is quite possible that the judgment of the court that the legislation is unwise may operate to carry the decision to the wrong side of that border line. Certain it is that the courts have greatly extended their jurisdiction over many administrative acts that were originally supposed not to present cases for the court to pass upon, and in that way the courts have come to play a very important part in state and municipal administration. Some expression of our views on that subject is given in Matter of Guden (171 N. Y., 529, 535).

Now, when considering the mental attitude with which the court should begin an examination of this question, it is well to have in mind not only the great breadth and scope of the police power and the legislative control over it as expressed in some of the opinions from which we quote supra, but it is also well to have in mind some of the expressions of this court as to the way in which the court should approach the consideration of such a question as this, involving the constitutionality of a statute.

Judge Andrews says, in People v. King (110 N. Y., 418, 423): "By means of this power the legislature exercises a supervision over matters affecting the common weal. * * * It may be exerted whenever necessary to secure the peace, good order, health, morals, and general welfare of the community, and the propriety of its exercise within constitutional limits is purely a matter of legislative discretion with which courts can not interfere."

Judge Gray says, in Nechamcus's case (supra): "The courts should always assume that the legislature intended by its enactments to promote those ends [public health, comfort, and safety], and if the act admits of two constructions, that should be given to it which sustains it and makes it applicable in furtherance of the public interests." (144 N. Y., 529, 536.)

"Whether the legislation is wise is not for us to consider. The motives actuating and the inducements held out to the legislature are not the subject of inquiry by the courts, which are bound to assume that the lawmaking body acted with a desire to promote the public good. Its enactments must stand, provided always that they do not contravene the constitution, and the test of constitutionality is always one of power, nothing else. But in applying the test the courts must bear in mind that it is their duty to give the force of law to an act of the legislature whenever it can be fairly so construed and applied as to avoid conflict with the constitution." (Bohmer v. Haffen, 161 N. Y., 390, 399.)

Where there "is room for two constructions, both equally obvious and reasonable, the court must, in deference to the legislature of the State, assume that it did not overlook the provisions of the constitution, and designed the act * * * to take effect. Our duty, therefore, is to adopt the construction which, without doing violence to the fair meaning of the words used, brings the statute into harmony with the provisions of the constitution." (Supervisors v. Brodger, 112 U. S., 261, 268; People ex rel. Burrows v. Supervisors of Orange Co., 17 N. Y., 235, 241; People ex rel. Bolton v. Albertson, 55 N. Y., 50, 54; Matter of Gilbert El. Rwy. Co., 70 N. Y., 361, 367; Matter of N. Y. & L. I. Bridge Co. v. Smith, 148 N. Y., 540, 551.)

The court is inclined to so construe the statute as to validate it. (People v. Equitable Trust Co., 96 N. Y., 387, 394; People ex rel. Sinkler v. Terry, 108 N. Y., 1, 7; Matter of N. Y. El. R. R. Co., 70 N. Y., 327, 342; People ex rel. Killen v. Angle, 109 N. Y., 564, 567; Rogers v. Common Council of Buffalo, 123 N. Y., 173, 181; People ex rel. Carter v. Rice, 135 N. Y., 473, 484.)

"Every act of the legislature must be presumed to be in harmony with the fundamental law until the contrary is clearly made to appear." (People ex rel. Kemmler v. Durston, 119 N. Y., 569, 577.)

"Before an act of the legislature can be declared void as repugnant to the constitution the conflict must be manifest." (Matter of Stilwell, 139 N. Y., 337, 341.)

"If the act and the constitution can be so construed as to enable both to stand, and each can be given a proper and legitimate office to perform, it is the duty of the court to adopt such construction." (People v. Rosenberg, 138 N. Y., 410, 415.)

The statute under consideration in that case is held to be within the police power, as is the statute considered in the following case:

"It is not necessary to the validity of a penal statute that the legislature should declare on the face of the statute the policy or purpose for which it was enacted." (People v. West, 106 N. Y., 293, 297.)

Having considered the authorities bearing upon the subject of the exercise of police power at greater length than could be justified were it not for the different view that obtains in this court as to the authority of the legislature to pass the statute in question, and having glanced at a few authorities indicating the frame of mind in which the court should approach the consideration of the question of the constitutionality of an act of the legislature, we come to the consideration of the statute in question, aided by the principles established by the United States Supreme Court and the courts of this State, to which reference has been made.

I quote the whole statute, notwithstanding its length, in order that it may be at once determined, upon its mere reading, whether the purpose of the legislature was to subserve, in some measure, the public good under the police power of the State.

"ARTICLE VIII.—*Bakeries and confectionery establishments.*

"SEC. 110. *Hours of labor in bakeries and confectionery establishments.*—No employee shall be required or permitted to work in a biscuit, bread, or cake bakery, or confectionery establishment more than sixty hours in any one week or more than ten hours in any one day, unless for the purpose of making a shorter workday on the last day of the week, nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employee shall work.

"SEC. 111. *Drainage and plumbing of buildings and rooms occupied by bakeries.*—All buildings or rooms occupied as biscuit, bread, pie, or cake bakeries shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows, or ventilating pipes sufficient to insure ventilation. The factory inspector may direct the proper drainage, plumbing, and ventilation of such rooms or buildings. No cellar or basement not now used for a bakery shall hereafter be so occupied or used unless the proprietor shall comply with the sanitary provisions of this article.

"SEC. 112. *Requirements as to rooms, furniture, utensils, and manufactured products.*—Every room used for the manufacture of flour or meal food products shall be at least 8 feet in height, and shall have, if deemed necessary by the factory inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or an additional flooring of wood, properly saturated with linseed oil. The side walls of such rooms shall be plastered or wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed, and not prevent the proper cleaning of any part of the room. The manufactured flour or meal food products shall be kept in dry and airy rooms, so arranged that the floors, shelves, and other facilities for storing the same can be properly cleaned. No domestic animals, except cats, shall be allowed to remain in a room used as a biscuit, bread, pie, or cake bakery or any room in such bakery where flour or meal products are stored.

"SEC. 113. *Wash rooms and closets; sleeping places.*—Every such bakery shall be provided with a proper wash room and water-closet or water-closets apart from the bake room, or rooms where the manufacture of such food product is conducted, and no water-closet, earth closet, privy, or ash pit shall be within or connected directly with the bake room of any bakery, hotel, or public restaurant.

"No person shall sleep in a room occupied as a bake room. Sleeping places for the persons employed in the bakery shall be separate from the rooms where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored, or sold, the factory inspector may inspect and order them put in a proper sanitary condition.

"SEC. 114. *Inspection of bakeries.*—The factory inspector shall cause all bakeries to be inspected. If it be found upon such inspection that the bakeries so inspected are constructed and conducted in compliance with the provisions of this chapter, the factory inspector shall issue a certificate to the persons owning or conducting such bakeries.

"SEC. 115. *Notice requiring alterations.*—If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article, a written notice shall be served by him upon the owner, agent, or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly."

That the public generally are interested in having bakers' and confectioners' establishments cleanly and wholesome in this day of appreciation of, and apprehension on account of, microbes, which cause disease and death, is beyond question. Not many years ago the baking was largely done in the family, but now in a large percentage of the houses in cities and villages the baker is relied on to a large extent to furnish bread, biscuits, cake, and pie, as well as confectionery, while over many country roads the bakers' wagons go twice a week or more to supply the farmers and inhabitants of small settlements with their wares. Indeed, it can be safely said that the family of to-day is more dependent upon the baker for the necessaries of life than upon any other source of supply.

That being so it is within the police power of the legislature to so regulate the conduct of that business as to best promote and protect the health of the people. And to that end the legislature undertakes to provide, by a statute which bears on its face evidence of an intelligent draftsman acquainted with the dangers of insanitary conditions in such establishments, for proper drainage and plumbing of the building and rooms occupied for such purpose.

Is there room to doubt that the sole purpose of the legislature in prohibiting the use of cellars for bakeries unless the occupant first complies with the sanitary provisions of this article is to protect the public from the use of the food made dangerous by the germs that thrive in darkness and uncleanness? Is it possible that anyone can question that the sole purpose of the legislature is the safeguarding of the public health when it provides for floors, ceilings, and side walls of such material as that they may be readily cleansed; compels the keeping of flour or meal food products in dry and airy rooms, so arranged that the storing facilities can be properly cleaned, and prohibits the keeping of domestic animals within such rooms?

And will anyone question the motive which induced the prohibition of a "water-closet, earth closet, privy, or ashpit * * * within or connected directly with the bake room of any bakery, hotel, or public restaurant?" If not, why should anyone question the object of the legislature in providing in the same article and as a part of the scheme that "no employee shall be required or permitted to work" in such an establishment "more than sixty hours in any one week," an average of ten hours for each working day. It is but reasonable to assume from this statute as a whole that the legislature had in mind that the health and cleanliness of the workers, as well as the cleanliness of the workrooms, was of the utmost importance, and that a man is more likely to be careful and cleanly when well, and not overworked, than when exhausted by fatigue, which makes for careless and slovenly habits, and tends to dirt and disease.

If there is opportunity—and who can doubt it—for this view, then the legislature had the power to enact as it did, and the courts are bound to sustain its action as justified by the police power, as we see from the authorities referred to earlier in this opinion.

I hear but one argument advanced for the purpose of convincing the mind that the object of this statute is not to protect the public, and that argument is that Article VIII is to be found in the labor law. Therefore it is said it is a labor law, not a health law.

The question presented by that argument is, Does the label or the body of the statute prevail? Does calling a statute names deprive it of its intended and real character? If a statute relating principally to banking happens, in the course of codification, to be incorporated as an article in the general corporation law, does it cease to operate on the banking business? I submit without argument that the questions answer themselves.

Assuming, however, for the purpose of argument only, that the label is of such substantial importance that it may be accepted as against the obvious meaning of the statute, then I say that Article VIII bears its own title, which is: "Bakeries and confectionery establishments." All that is contained in that article relates to bakeries and confectionery establishments and their conduct, and to no other subject whatever. Therefore it is fully, appropriately, and harmoniously entitled.

Again, inasmuch as it is obvious, as we have seen, from a mere reading of the statute, that the legislative purpose is to benefit the public, we must assume—even if the object of the legislature in limiting the hours of work of employees is not to protect the health of the general public, who take the wares made by such employees—that the legislature intends to protect the health of the employees in such establishments; that, for some reason sufficient to it, it has reached the conclusion that in work of this character men ought not to be employed more than an average of ten hours a day. Now, that being so—and certainly no more restricted view of that statute can be taken by those who would destroy it—we find that the action of the legislature is within the police power not only under the authorities of the United States, but of this State and of this court.

Special attention has already been called to Holden's case (169 U. S., 366). A Utah statute making it a misdemeanor to employ a man more than eight hours per day in "underground mines or workings" is sustained, and a conviction thereunder upheld by the United States Supreme Court, on the ground that it is within the police power of the State to pass such a statute. That interesting case—to which I have made extended reference supra—is in point and controlling so far as the fourteenth amendment is concerned, and should be controlling in this court so far as equivalent provisions of our State constitution are concerned.

It must also be held, under the authority of Havnor's case (supra)—even though it may be assumed from the reading of the statute that the object of the legislature is to protect employees in such establishments from working more than ten hours a day—that it is within the police power, and therefore not repugnant to the State constitution. The statute which that case passes upon makes it a misdemeanor to carry on the business of a barber on the first day of the week, and a judgment of conviction under that law is affirmed in this court because "The statute under consideration has a reasonable con-

nection with the public health, welfare, or safety." Certainly if this court could so hold in that case, it must so hold in this, even under the construction of the statute which those would give to it who are affected by the fact that Article VIII, chapter 32, general laws, is grouped with twelve other articles, the compilation being known as the "labor law," instead of being in the domestic law with articles entitled "flour and meal," "beef and pork," or in the public health law with articles such as "adulteration," "practice of medicine," or the like.

Again, many medical authorities classify workers in bakers' or confectioners' establishments with potters, stonecutters, file grinders, and other workers whose occupation necessitates the inhalation of dust particles, and hence predisposes its members to consumption. The published medical opinions and vital statistics bearing upon that subject standing alone fully justify the section under review as one to protect the health of the employees in such establishments, and it is the duty of this court to assume that the section was framed not only in the light of but also with full appreciation of the force of the medical authority bearing upon the subject—authority which reasonably challenges the attention and stimulates the helpfulness of the philanthropist.

The conclusion necessarily follows, therefore, from an examination of the statute in the light of the authorities cited, that the purpose of Article VIII, and every part of it, including the provision in question, is to benefit the public; that it has a just and reasonable relation to the public welfare, and hence is within the police power possessed by the legislature. But if, in violation of the duty of the court, as stated in Brodger's case (supra)—which is "to adopt the construction which, without doing violence to the fair meaning of the words used, brings the statute into harmony with the provisions of the constitution"—we award to the title of a general law such potency as causes it to overcome both the title and the provisions of an article therein, thus making the provision a labor law, we are still required to hold that it is within the police power.

The judgment should be affirmed.

APPENDIX F.

NATIONAL PROTECTIVE ASSOCIATION VS. CUMMING, 170 NEW YORK, 315.

PARKER, Ch. J.: The order of the appellate division should be affirmed, on the ground that the facts found do not support the judgment of the special term. In the discussion of that proposition I shall assume that certain principles of law laid down in the opinion of Judge Vann are correct, namely:

"It is not the duty of one man to work for another unless he has agreed to, and if he has so agreed, but for no fixed period, either may end the contract whenever he chooses. The one may work, or refuse to work, at will, and the other may hire or discharge at will. The terms of employment are subject to mutual agreement, without let or hindrance from anyone.

"If the terms do not suit or the employer does not please, the right to quit is absolute, and no one may demand a reason therefor. Whatever one man may do alone he may do in combination with others, provided they have no unlawful object in view. Mere numbers do not ordinarily affect the quality of the act. Workingmen have the right to organize for the purpose of securing higher wages, shorter hours of labor, or improving their relations with their employers. They have the right to strike—that is, to cease working in a body by prearrangement until a grievance is redressed, provided the object is not to gratify malice or inflict injury upon others, but to secure better terms of employment for themselves. A peaceable and orderly strike, not to harm others, but to improve their own condition, is not in violation of law."

Stated in other words, the propositions quoted recognize the right of one man to refuse to work for another on any ground that he may regard as sufficient, and the employer has no right to demand a reason for it. But there is, I take it, no legal objection to the employee's giving a reason, if he has one, and the fact that the reason given is that he refuses to work with another who is not a member of his organization, whether stated to his employer or not, does not affect his right to stop work, nor does it give a cause of action to the workman to whom he objects because the employer sees fit to discharge the man objected to rather than lose the services of the objector.

The same rule applies to a body of men who, having organized for purposes deemed beneficial to themselves, refuse to work. Their reasons may seem inadequate to others, but if it seems to be in their interest as members of an organization to refuse longer to work, it is their legal right to stop. The reason may no more be demanded, as a right, of the organization than of an individual, but if they elect to state the reason their right to stop work is not cut off because the reason seems inadequate or selfish to the employer or to organized society. And if the conduct of the members of an organization is legal in itself, it does not become illegal because the organization directs one of its members to state the reason for its conduct.

The principles quoted above recognize the legal right of members of an organization to strike—that is, to cease working in a body by prearrangement until a grievance is redressed, and they enumerate some things that may be treated as the subject of a grievance, namely, the desire to obtain higher wages, shorter hours of labor, or improved relations with their employers; but this enumeration does not, I take it, purport to cover all the grounds which will lawfully justify members of an organization refusing, in a body and by prearrangement, to work. The enumeration is illustrative rather than comprehensive, for the object of such an organization is to benefit all its members and it is their right to strike, if need be, in order to secure any lawful benefit to the several members of the organization, as, for instance, to secure the reemployment of a member they regard as having been improperly discharged, and to secure from an employer of a number of them employment for other members of their organization who may be out of employment, although the effect will be to cause the discharge of other employees who are not members.

And whenever the courts can see that a refusal of members of an organization to work with nonmembers may be in the interest of the several members, it will not assume, in the absence of a finding to the contrary, that the object of such refusal was solely to gratify malice and to inflict injury upon such nonmembers.

A number of reasons for the action of the organization will at once suggest themselves in a case like this. One reason apparent from the findings in this case, as I shall show later, is the desire of the organization that its own members may do the work the nonmembers are performing. And another most important reason is suggested by the fact that these particular organizations, associations of steam fitters, required every applicant for membership to pass an examination testing his competency. Now, one of the objections sometimes urged against labor organizations is that unskillful workmen receive as large compensation as those thoroughly competent. The examination required by the defendant associations tends to do away with the force of that objection as to them. And, again, their restriction of membership to those who have stood a prescribed test must have the effect of securing careful as well as skillful associates in their work, and that is a matter of no small importance in view of the state of the law, which absolves the master from liability for injuries sustained by a workman through the carelessness of a coemployee.

So long as the law compels the employee to bear the burden of the injury in such cases it can not be open to question but that a legitimate and necessary object of societies like the defendant associations would be to assure the lives and limbs of their members against the negligent acts of a reckless coemployee, and hence it is clearly within the right of an organization to provide such a method of examination and such tests as will secure a careful and competent membership, and to insist that protection of life and limb requires that they shall not be compelled to work with men whom they have not seen fit to admit into their organization, as happened in the case of the plaintiff McQueed.

While I purpose to take the broader ground, which I deem fully justified by the principles quoted, as well as the authorities, that the defendants had the right to strike for any reason they deemed a just one, and further, had the right to notify their employer of their purpose to strike, I am unable to see how it is possible to deny the right of these defendant organizations and their members to refuse to work with nonmembers, when, in the event of injury by the carelessness of such coemployees, the burden would have to be borne by the injured, without compensation from the employer and with no financial responsibility, as a general rule, on the part of those causing the injury; for it is well known that some men, even in the presence of danger, are perfectly reckless of themselves and careless of the rights of others, with the result that accidents are occurring almost constantly which snuff out the lives of workmen as if they were candles, or leave them to struggle through life maimed and helpless. These careless, reckless men are known to their associates, who not only have the right to protect themselves from such men, but, in the present state of the law, it is their duty, through their organizations, to attempt to do it as to the trades affording special opportunities for mischief arising from recklessness.

I know it is said in another opinion in this case that "workmen can not dictate to employers how they shall carry on their business, nor whom they shall or shall not employ;" but I dissent absolutely from that proposition, and assert that, so long as workmen must assume all the risk of injury that may come to them through the carelessness of coemployees, they have the moral and legal right to say that they will not work with certain men, and the employer must accept their dictation or go with out their services.

If it be true, as was recently intimated by the supreme court of Pennsylvania in Durkin *v.* Kingston Coal Company (171 Pa. St., 193), that an act of the legislature which undertakes to "reverse the settled law upon the subject and declare that the employer shall be responsible for an injury to an employee resulting from the negligence of a fellow-workman" is unconstitutional—a doctrine from which I dissent (see Tullis *v.* L. Erie & W. R. R. Co., 175 U. S., 348), but which it is possible may receive the support of the courts—then the only opportunity for protection, in the future as well as the present, to workmen engaged in dangerous occupations is through organizations like these defendant associations, which restrict their memberships to careful and skillful men and prohibit their members from working with members of other organizations which maintain a lower standard or none at all. For the master's duty is discharged if the workman be competent, and for his recklessness, which renders his employment a menace to others, the master is not responsible.

But I shall not further pursue this subject. My object in alluding to it is to emphasize the fact that there are other purposes for which labor organizations can be effectually used than those quoted above; and also, because it is fairly inferable from the facts found that the members of plaintiff association were objectionable to defendants because not up to the latter's standards, so as to make them eligible for membership in defendant organizations, and that this was the motive for defendants' acts in holding a strike and notifying their employer of their intention to do so. But whether this be so or not, when it can be seen from the facts found that such or other motives of advantage to themselves may have prompted defendants' action, a court which can review only upon the law certainly will not presume that another and an unlawful motive and one not stated in the findings of fact, prompted the action of the organization and its members. In other words, this court can not import into the findings of fact a fact that is not therein expressed. This is not a case of unanimous affirmance, but one of reversal, and under section 1338 of the code of civil procedure we are to assume that the appellate division intended to affirm the facts as found by the trial court, and having so affirmed them it then reversed because they were insufficient in law to support the judgment. It is our duty, therefore, if we discover that the facts as actually found are insufficient to support the conclusion of law, to sustain the action of the appellate division in reversing the judgment. (Nat. Harrow Co. *v.* Bement & Sons, 163 N. Y., 505, and cases cited.)

In Bowen *v.* Matheson (14 Allen, 499) the court had before it on demurrer a declaration in an action where the defendants' business had been practically broken up, and it said: "In order to be good the declaration must allege against the defendants the commission of illegal acts. Its allegations must be analyzed to ascertain whether they contain a sufficient statement of such acts." This was followed by an interesting analysis which resulted in disclosing that no illegal act was alleged notwithstanding the liberal use of such extravagant words and phrases as "maliciously conspiring together," and "fellow-conspirators as aforesaid in pursuance of their conspiracy as aforesaid," whereupon the demurrer was sustained and a precedent created which should be followed in this case.

Now, before taking up the findings of fact for analysis in the light of the principles quoted above, as was done in Bowen's case, and with the view of showing that they do not sustain the judgment of the special term, I wish to again call attention to the rules quoted, and particularly to so much of them as intimates that if the motive be unlawful or be not for the good of the organization or some of its members, but prompted wholly by malice and a desire to injure others, then an act, which would be otherwise legal, becomes unlawful.

To state it concretely, if an organization strikes to help its members, the strike is lawful. If its purpose be merely to injure nonmembers, it is unlawful. If the organization notifies the employer that its members will not work with nonmembers, and its real object is to benefit the organization and secure employment for its members, it is lawful. If its sole purpose be to prevent nonmembers working, then it is unlawful. I do not assent to this proposition, although there is authority for it. It seems to me illogical and little short of absurd to say that the every-day acts of the business world, apparently within the domain of competition, may be either lawful or unlawful according to the motive of the actor. If the motive be good, the act is lawful; if it be bad, the act is unlawful. Within all the authorities upholding the principle of competition, if the motive be to destroy another's business in order to secure business for yourself the motive is good; but, according to a few recent authorities, if you do not need the business or do not wish it then the motive is bad, and some court may say to a jury, who are generally the triers of fact, that a given act of competition which destroyed A's business was legal if the act was prompted by a desire on the part of the defendant to secure to himself the benefit of it, but illegal if its purpose was to destroy A's business in revenge for an insult given.

But for the purpose of this discussion I shall assume this proposition to be sound, for it is clear to me that, applying that rule to the facts found, it will appear that the appellate division order should be sustained.

While I shall consider every fact found by the learned trial judge, I shall consider the findings in a different order, because it seems to me the more

logical order. He finds "that the defendants Cumming and Nugent, while acting in their capacity of walking delegates for their respective associations and members of the board of delegates, caused the plaintiff McQueed and other members of the plaintiff association to be discharged by their employers from various pieces of work upon buildings in the course of erection * * * by threatening the * * * employers that if they did not discharge the members of the plaintiff association and employ the members of the Enterprise and Progress associations in their stead, the said walking delegates would cause a general strike of all men of other trades employed on said buildings, and that the defendant Cumming, as such walking delegate, did cause strikes, * * * in order to prevent the members of the plaintiff association from continuing with the work they were doing at the time the strike was ordered, and that said employers, by reason of said threats and the acts of the defendants Cumming and Nugent, discharged the members of the plaintiff association and employed the members of the Enterprise and Progress associations in their stead."

Now, there is not a fact stated in that finding which is not lawful within the rules which I have quoted supra. Those principles concede the right of an association to strike in order to benefit its members; and one method of benefiting them is to secure them employment, a method conceded to be within the right of an organization to employ. There is no pretense that the defendant associations or their walking delegates had any other motive than one which the law justifies of attempting to benefit their members by securing their employment. Nowhere throughout that finding will be found even a hint that a strike was ordered or a notification given of the intention to order a strike for the purpose of accomplishing any other result than that of securing the discharge of the members of the plaintiff association and the substitution of members of the defendant associations in their place. Such a purpose is not illegal within the rules laid down in the opinion of Judge Vann, nor within the authorities cited therein; on the contrary, such a motive is conceded to be a legal one. It is only where the sole purpose is to do injury to another, or the act is prompted by malice, that it is insisted that the act becomes illegal. No such motive is alleged in that finding. It is not hinted at. On the contrary, the motive which always underlies competition is asserted to have been the animating one.

It is beyond the right and the power of this court to import into that finding, in contradiction of another finding or otherwise, the further finding that the motive which prompted the conduct of defendants was an unlawful one, prompted by malice and a desire to do injury to plaintiffs without benefiting the members of the defendant associations.

I doubt if it would ever have occurred to anyone to claim that there was anything in that finding importing a different motive from that specially alleged in the finding had not the draftsman characterized the notice given to the employers by the associations of their intention to strike as "threats."

The defendant associations, as appears from the finding quoted, wanted to put their men in the place of certain men at work who were nonmembers working for smaller pay, and they set about doing it in a perfectly lawful way. They determined that if it were necessary they would bear the burden and expense of a strike to accomplish that result, and in so determining they were clearly within their rights, as all agree. They could have gone upon a strike without offering any explanation until the contractors should have come in distress to the officers of the associations asking the reason for the strike. Then, after explanations, the nonmembers would have been discharged and the men of defendant associations sent back to work. Instead of taking that course, they chose to inform the contractors of their determination and the reason for it.

It is the giving of this information, a simple notification of their determination, which it was right and proper and reasonable to give, that has been characterized as "threats" by the special term, and which has led to no inconsiderable amount of misunderstanding since. But the sense in which the word was employed by the court is of no consequence, for the defendant associations had the absolute right to threaten to do that which they had a right to do. Having the right to insist that plaintiff's men be discharged and defendants' men put in their place if the services of the other members of the organization were to be retained, they also had the right to threaten that none of their men would stay unless their members could have all the work there was to do.

The findings further stated that the defendants, Cumming and Nugent, were the walking delegates of the defendant associations, and as such were members of the board of delegates of the building trades in New York, and were therefore in control of the matters in their respective trades. The trial court also found "that the defendant, Cumming, threatened to cause a general strike against the plaintiff association and against the plaintiff, McQueed wherever he found them at work, and that he would not allow them to work at any job in the city of New York, except some small jobs where the men of the Enterprise Association were not employed, and that he and the defendant, Nugent, threatened to drive the plaintiff association out of existence."

Now, this finding should be read in connection with and in the light of, the other findings which I have already read and commented on and which show that the purpose of the strike was to secure the employment of members of the defendant associations in the places filled by the members of plaintiff's association, who were willing to work for smaller wages, a perfectly proper and legitimate motive, as we have seen. But if the other findings be driven from the mind while considering this one, which the opinions of the appellate division indicate was not justified by the evidence, it will be found that it fairly means no more than that the defendant associations did not purpose to allow McQueed and the members of his association to work upon any jobs where members of defendant associations were employed; that they were perfectly willing to allow them to have small jobs, fitted perhaps for men who were willing to work for small wages, but that the larger jobs, where they could afford to pay and would pay the rate of wages demanded by defendant associations, they intended to secure for their members alone—a determination to which they had a perfect right to come, as is conceded by the rules which I have quoted.

Having reached that conclusion, defendants notified McQueed, who had organized an association when he failed to pass the defendants' examination, that they would prevent him and the men of his association from working on a certain class of jobs. They did not threaten to employ any illegal method to accomplish that result; they notified them of the purpose of the defendants to secure this work for themselves and to prevent McQueed and his associates from getting it, and in doing that they but informed them of their intention to do what they had a right to do, and when a man purposes to do something which he has the legal right to do there is no law which prevents him from telling another, who will be affected by his act, of his intention.

A man has a right under the law to start a store and to sell at such reduced prices that he is able in a short time to drive the other storekeepers in his vicinity out of business, when, having possession of the trade, he finds himself soon able to recover the loss sustained while ruining the others. Such has been the law for centuries. The reason, of course, is that the doctrine has generally been accepted that free competition is worth more to society than it costs, and that, on this ground, the infliction of damages is privileged. (Commonwealth v. Hunt, 4 Metcalf, 111, 134.)

Nor could this storekeeper be prevented from carrying out his scheme because, instead of hiding his purpose, he openly declared to those storekeepers that he intended to drive them out of business in order that he might later profit thereby. Nor would it avail such storekeepers, in the event of their bringing an action to restrain him from accomplishing their ruin by underselling them, to persuade the trial court to characterize the notification as a "threat," for on review the answer would be: A man may threaten to do that which the law says he may do, provided that, within the rules laid down in those cases, his motive is to help himself.

A labor organization is endowed with precisely the same legal right as is an individual to threaten to do that which it may lawfully do.

Having finished the discussion of the facts, I reiterate that, within the rules of law I have quoted, it must appear, in order to make out a cause of action against these defendants, that in what they did they were actuated by improper motives, by a malicious desire to injure the plaintiffs. There is no such finding of fact, and there is no right in this court to infer it if it would, and from the other facts found it is plain that it should not if it could.

The findings conclude with a sentence which commences as follows: "I find that the threats made by the defendants and the acts of the said walking delegates in causing the discharge of the members of the plaintiff association by means of threats of a general strike of other workmen constituted an illegal combination and conspiracy." That is not a finding of fact, but a conclusion of law, that the trial court erroneously, as I think, attempted to draw from the facts found, which I have already discussed, and which clearly, in my judgment, require this court to hold that the defendants acted within their legal rights.

In the last analysis of the findings, therefore, it appears that they declare that members of the organizations refused to work any longer (as they lawfully might); that they threatened to strike (which was also within their lawful right), but without any suggestion whatever in the findings that they threatened an illegal or unlawful act. And such findings are claimed to be sufficient to uphold a judgment that absolutely enjoins the defendant associations and their members from striking. This is certainly a long step in advance of any decision brought to my attention.

I have refrained from discussing the authorities because it seemed unnecessary, for the reason already stated in this opinion. But it seems not out of place to suggest that the decisions of the English courts upon questions affecting the rights of workmen ought, at least, to be received with caution, in view of the fact that the later ones are largely supported by early precedents which were entirely consistent with the policy of the statute law of England, but are hostile not only to the statute law of this country, but to the spirit of our institutions. In support of this view reference to a few early statutes of England will be made.

The statutes (for there are two) of laborers, passed in 1349 and 1350 (22 Ewd. III, and 25 Edw. III, st. 1) provided "that every man and woman of what condition he be, free or bound, able in body, and within the age of three score years," and not having means of his own, "if he in convenient service (his estate considered) be required to serve, he shall be bounden to serve him which so shall him require." And the statutes provide that in case of refusal to serve punishment by imprisonment might be inflicted, and that the laborer should take the customary rate of wages and no more. These statutes not only regulated the wages of laborers and mechanics, but they confined them to their existing places of residence and required them to swear to obey the provisions of the statutes. Sir James Fitzjames Stephen, in his History of the Criminal Law of England (Vol. III, p. 294), says: "The main object of these statutes was to check the rise in wages consequent upon the great pestilence called the 'black death.'"

Nearly two hundred years later, and in 1548, a more general statute was passed which forbade all conspiracies and covenants of artificers, workmen, or laborers, "not to make or do their work but at a certain price or rate," or for other similar purposes, under the penalty on a third conviction of the pillory and loss of an ear, and to "be taken as a man 'infamous.'" (2 and 3 Edw. VI, c. 15.)

Fourteen years later the prior statutes were to some extent amended and consolidated into a longer act, entitled "An act containing divers orders for artificers, laborers, servants of husbandry, and apprentices." It provided in effect that all persons able to work as laborers or artificers and not possessed of independent means or other employments are bound to work as artificers or laborers on demand. The hours of work are fixed; power is given to the justices in their next session after Easter to fix the wages to be paid to mechanics and laborers; elaborate rules are laid down as to apprenticeship, and it further provides that for the future no one is to "set up, occupy, use, or exercise any craft, mystery, or occupation now used" until he has served an apprenticeship of seven years. (5 Eliz., c. 4.) This statute remained in force practically for a long period of time and was not formally repealed until the year 1875.

In the year 1720 an act was passed declaring all agreements between journeymen tailors "for advancing their wages or for lessening their usual hours of work" to be null and void, and subjecting persons entering into such an agreement to imprisonment with or without hard labor for two months. (7 Geo. I, st. 1, c. 13.) Similar enactments were passed as to employees in other manufactures and trades.

The act of 1800 (40 Geo. III, c. 60) provided for a penalty of three months' imprisonment without hard labor or two months with hard labor for every journeyman, workman, or other person who "enters into any combination to obtain an advance of wages, or lessen or alter the hours of work, * * * or who hinders any employer from employing any person as he thinks proper, or who, being hired, refuses without any just or reasonable cause to work with any other journeyman or workman employed or hired to work."

The same penalty is inflicted upon persons who attend meetings held for the purpose of collecting money to further such effort, and the act also makes it an offense to assist in maintaining men who are on strike. This statute, as well as the others referred to, have at last been swept away, but necessarily their influence has been not inconsiderable in shaping the decisions of the courts of England.

The order should be affirmed and judgment absolute ordered for defendants on the plaintiffs' stipulation with costs.

Mr. MOON of Tennessee. I yield twenty minutes to the gentleman from New York [Mr. WILSON].

Mr. WILSON of New York. Mr. Chairman, I take occasion to give my unreserved approval of the bill making appropriations for the Post-Office Department, and I do so with the greatest pleasure.

I said "my unreserved approval," but I ought to qualify that statement a little. I approve of the bill heartily, but with the reservation that I wish the appropriations were even larger and more liberal than they are for certain items, which I shall particularize and dwell upon further as I proceed with my remarks.

First of all, I wish to say a word in regard to the minority re-

port accompanying the bill. I concur fully in the views of the minority as expressed in this report. I knew what it contained, and it was my intention to sign the report; but it so happened that I was not at the Capitol when the document was made ready to send to the printer, so my signature thereto is absent; but I wish it understood by all that the absence was accidental.

As will be seen by all who read the minority report, that document raises no objections against the pending bill itself. It criticises none of the branches of the service and recommends no decreases in any of the items. It simply deplores the prevailing methods of administration in the Department, whereby it has come to pass that Congress has no knowledge and can get no knowledge, at first hand, as to the proper cost of the various arms of the service, but has to take the word of the Department officials for it, thus becoming merely a collection of clerks for carrying out the propositions of the Department chiefs.

Coming now to the bill itself, I repeat that I consider it a meritorious, well-balanced measure in the main, though I could have wished, and do wish, that larger provisions had been made for certain objects. The rural free-delivery service is well provided for, which is very right and proper; but I regret that the claims of the city letter carriers did not receive somewhere near proportionate recognition. The appropriation mentioned for the rural service shows an increase over last year of 34½ per cent; that for the letter carriers only 6 per cent. The appropriation for clerks in the first and second class offices is increased 10 per cent. This is also very right and well deserved, and I am glad of it; but the letter carriers certainly deserve fully as well as the indoor clerks.

There are no members of the postal service, unless perhaps the railway mail agents, who face so much danger and discomfort and who work so hard for the public good as the letter carriers. The rural-route agent has to face storms too, but he does it in a wagon, and the letter carrier does it on foot. In the coldest weather the letter carrier can not wear thick, warm gloves—they interfere with his handling of the mail. In the slipperiest walking he must push ahead at any risk, and cover his rounds on time.

The great benefit the letter carriers render to the community is pretty well understood and appreciated in a general way, but the service is underpaid, and the salaries ought to be materially increased, yet the present bill does not increase the salaries at all. The increase of 6 per cent in the gross appropriation for this branch of the service is simply to provide for its further extension over a wider field. Five hundred thousand dollars is appropriated for the increase of salaries of the post-office clerks, which is meritorious.

A letter carrier has to act as substitute—or "sub," as they call it—for two years before he can get an appointment. During this preliminary period he makes about $25 a month. The first year of his regular appointment he receives $600; the second year, $800; the third year, $1,000. This makes four years he has to work, at about an average of $625 a year, before reaching the princely salary of $1,000—and even that much too small, as we must all agree. In some instances he has to "sub" for three or four years.

Moreover, the letter carriers must be men of the highest character and of a superior order of intelligence, the very kind of men who usually receive the highest grades of salaries in general business concerns. Many of them are married and have to support a family, in these expensive times, by hard, exhausting, responsible labor on $1,000 a year! I respectfully submit, without further argument, that it is about time for Congress to take some suitable action for the benefit of the letter carriers of this country.

One other matter I wish to allude to specially, and then I will trespass no longer upon the valuable time of the committee. That matter is the pneumatic-tube service. This, Mr. Chairman, I am fully convinced is one of the most valuable adjuncts of the postal service ever invented. Last year $800,000 was appropriated for this object, of which it is understood there is a large unexpended balance on hand, so that the Post-Office Committee felt that a further allowance of $500,000 for the next year would be sufficient. I trust that it may be found so, and that nothing may happen to cripple this great benefit to the people or tend to retard its extension.

In all our large cities, covering wide expanses of territory under one municipality, the pneumatic-tube mail service has proved the only satisfactory solution of the problem of how to practically annihilate time and space. Mail wagons, hurried forward by the swiftest horses and driven by the most expert drivers, have been tried and found wanting. So have the electric street cars. So have the elevated railroads. They all can go just so fast and no faster, and they all are in constant danger of getting blockaded.

The pneumatic tubes do reduce to a minimum the time and labor of conveying mail matter from one point to another in a city. They are a great success, and they should be extended rapidly and on a liberal scale in all our large cities, where they should be connected with every railroad station so as to facilitate and accelerate the transmission of all outgoing and incoming mails. This is a practical suggestion, the adoption of which would cost little and would benefit the community enormously. I trust it may be acted upon favorably by Congress and the postal authorities without any needless delay. It is especially needed in New York and Brooklyn, but would no doubt be welcomed in Chicago, Boston, St. Louis, and many other large cities.

This extension of the pneumatic-tube service should be no mere bagatelle. It should not mean merely the conveyance of a few special-delivery or registered letters. It should be developed into a great, comprehensive mail-transportation system, carrying, if not all the mail matter, at least all the letters between the main office in a city and all the branch offices, and also, as I have said, to and from the railroad stations. The last-named feature is in reality the most important of all. The fast mail from the West, we will say, is drawing into the railroad terminal at New York. It has four or five mail cars full of mail matter. The bulk of the first-class mail is made up of business letters to New York and Brooklyn firms from correspondents in Chicago, St. Louis, Milwaukee, San Francisco, and all over the West, and also from the Philippines, China, and Japan. The postal clerks on the train, we will suppose, have made up the letters into bunches of suitable size and shape for transmission by pneumatic tube. If so transmitted they will have reached the main office, three miles away, in less time than it takes to tell about it. The bundles for Brooklyn will also reach as quickly the main office in that borough, five miles away, and across a river at that.

By such transportation a delay of at least half an hour in the case of New York and an hour in the case of Brooklyn is obviated. Millions of dollars' worth of business is consequent upon this single day's mail. In many of the transactions the utmost haste is requisite. Every hour, every minute, is precious. The hour gained by the pneumatic tube may be of great importance to the merchant receiving the early order, by reason of its enabling him to fill the order in time for shipment the same day, and saving thereby perhaps twelve or twenty-four hours' time. In like manner, by means of the pneumatic tube in connection with the outgoing mails, the hour for closing mails at the main office and branch offices can be postponed, and this, too, will add much valuable time to the day of the business man.

I trust that within a few years this pneumatic-tube service may be as completely organized and universally used in our cities as the telephone service, with which it will vie in usefulness; and I would be very glad to see the appropriation for this purpose materially increased in the present bill, and the appropriation for the letter carriers as well. [Loud applause.]

Mr. OVERSTREET. Mr. Chairman, I yield thirty minutes to the gentleman from Indiana [Mr. CROMER].

[Mr. CROMER addressed the committee. See Appendix.]

Mr. OVERSTREET. I yield the floor to the gentleman from Tennessee [Mr. MOON].

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Georgia [Mr. GRIGGS] one hour or such time as he may desire.

Mr. GRIGGS. Mr. Chairman, I am going to submit to this imposing array of empty chairs a few remarks on the post-office appropriation bill and on some other questions connected with the administration of the Post-Office Department, simply because it is easier to stand here and talk it than it is to sit down and write it and put it in the RECORD.

The gentleman from Indiana [Mr. CROMER] who has just taken his seat criticises quite severely the report of the Post-Office Committee, which proposes to increase the salary of the letter carriers to the extent of $120 a year, because, in his opinion, this increase is not a sufficient return to them for the labor they perform as such carriers. In reply to that, it is a truth which no gentleman here can or will attempt to deny that the proposed salary of $720 for rural carriers is a larger income than the average income of the men to whom that mail is delivered and who work equally hard the year round.

I submit to the House that $120 is a sufficient increase for this committee to recommend and for the House to make at one time, with a deficit staring the Post-Office Department in the face greater than has appeared within the last ten or twelve years, or since my service in this body and on this committee.

The gentleman from Indiana [Mr. CROMER] insists that the carriers should be authorized to solicit subscriptions for newspapers and further takes the astounding position that these carriers should be given the privilege of refusing to solicit subscriptions for particular newspapers which happen to be obnoxious to them. He says that the recommendation of the committee against carriers soliciting business for any person, firm, or corporation takes away from the carrier his "right" to determine for whom he shall

solicit business or for what newspaper he shall solicit subscriptions and for whom he will not solicit trade and what newspapers he will boycott.

The gentleman speaks truly. It does deny the carrier such privilege. Does the gentleman believe that a rural carrier should be left free to take away the rights of the newspapers and of the merchants in the town from which he travels? Would he make the carrier the practical dictator of the newspapers that the people of the country shall read and of the merchants in the small towns with whom the people of the country shall trade? Would he have officers of the Government, traveling on Government business, turned into drummers for one merchant to the exclusion of others?

I for one, Mr. Chairman, stand for no official of this Government; I stand for no organization of employees of this Government; I stand for the people who pay these carriers and who have the right to say from whom they shall order their goods and what newspapers they shall subscribe for. They have the right to have such papers as they wish delivered to them by the carriers, just as they desire them delivered, and to buy goods from whatever concerns with which they wish to trade unhampered by the drumming proclivities of rural carriers.

Mr. WILLIAMS of Mississippi. If the gentleman from Georgia will permit an interruption, there is nothing in the report of the committee that prevents carriers from carrying newspapers at all. They come in the mails like letters. The only thing is to prevent them from becoming the paid agents of particular newspapers.

Mr. GRIGGS. Certainly not. I have already stated everything the bill proposes on that particular question.

Mr. WILLIAMS of Mississippi. Now, does not the gentleman from Georgia think, if they should be permitted the privilege of being the agents of any newspapers at all, that they should be compelled by law to be the agents of all newspapers, and at the same commission, if they were allowed to be subscribing agents at all?

Mr. GRIGGS. Certainly. If they are permitted to represent newspapers or to represent firms or corporations engaged in other lines of business, the law should require these carriers to accept orders from everybody equally and impartially—orders to everybody from everybody. But I do not believe Government agents should be private soliciting agents for anybody.

This bill does not prohibit carriers from delivering the papers, as the gentleman from Indiana [Mr. CROMER] appears to understand. It simply proposes to require of carriers that they shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not during their hours of employment carry any merchandise for hire, with a proviso; and I want to call the attention of the House to this proviso particularly, because this question seems to trouble some gentlemen very much indeed:

Provided, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes whenever the same shall not interfere with the proper discharge of their duties, and under such regulations as the Postmaster-General may prescribe.

If you are standing for the rights of the carrier, is not that sufficient privilege? It goes further and accommodates the patrons of the route, the very people for whom the route is established.

Mr. BARTLETT. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman from Georgia yield to his colleague?

Mr. GRIGGS. Why, certainly.

Mr. BARTLETT. That simply means that the citizen along the line can have the carrier comply with his order, but that the carrier can not become the agent of the merchants or the newspapers.

Mr. GRIGGS. That is exactly it. The farmer residing along the route, the man for whose convenience rural free delivery was established, may have the benefit of sending orders by the carrier for such articles of merchandise as he may desire him to bring, and the carrier shall have the right to carry such articles and to receive pay for carrying them. That is all there is in that.

Mr. Chairman, in the second session of the Fifty-sixth Congress I made a speech against the organization of Government employees to promote legislation, and a great many gentlemen professed great astonishment at my temerity in making many statements contained therein, although the vast majority of the Members of this House who spoke to me upon the question privately, and a great many of them did so, agreed with me fully in what I then said. I think it is proper to read a paragraph or two from it in connection with my remarks to-day:

But what of the Government official, Mr. Chairman? Against whom does he organize? Is he organized against capital? He is organized against supposed oppression or wrong somewhere. He is necessarily organized against the Government of the United States. The Government is merely the agent of the people. He is not only himself one of the agents of the people, but he is one of the people. Whenever such organized effort is made by Government employees to bring pressure on Congress for the purpose of changing their relations to the Government, they are engaged in an effort to coerce not only Congress, but the people of the United States. That which would be denounced as treason and conspiracy on the part of soldiers is commended as a patriotic effort to redress wrongs on the part of civil employees.

I said further:

We are seeking to extend the benefits of rural mail delivery over the United States. The extension of this service has been to me a labor of love since I have had the honor to sit in this House. It is due to some of my friends in the House and to the creator of the latest Republican platform that I should disclaim any pretension to the fatherhood of this service. I am content with playing the benevolent stepfather. But, Mr. Chairman, when I look forward to the time when in every county in every Congressional district of this country there will be from 10 to 100 mail carriers organized into a vast body 150,000 strong, ostensibly for the purpose of increasing the efficiency of the service, but really working day and night to increase the salaries of themselves and to fight the Representative who will not bow to their behests, I see danger to American institutions.

I said further:

Let me give you a practical picture. Consider the fact as stated by me before in these remarks—and I defy contradiction—that every one of these employees bettered his financial condition when he entered the Government service and that every one would resign to-day and become a private citizen if by so doing he could better his present condition. If this be true, instead of commiserating with this "poor unfortunate class," we ought to congratulate them upon their great good fortune in having had the opportunity of entering the service of the Government. "Grown gray" in the service, have they? I see men all around me who have grown gray in the public service and who have fought for their lives every second year since entering political life. For their defeat and retirement to private life not a tear will fall from friend or foe. I see men around me in this House who in a few days will retire to private life unwept and unsung, but not, I hope, unhonored. And when it comes time for me, as it must come in the life of every man in public life, to drink of the bitter cup of defeat I must not only drink it amid the jeers and cheers of my opponents, but must take it with apparent relish.

Grown gray feeding at the public crib, the Government officials who are appointed to office must be protected from the people, who support them, their salaries fixed to suit them on demand, and at last pensioned by Congress. Ah, Mr. Chairman, rather than commiserate with the dancers, let us commiserate with the people who must pay the fiddlers. If a kind Providence and a beneficent Government have permitted them to "grow gray in the Government service," with salaries far greater than are paid for the same services in private life, they should thank God for the opportunity to lay up something for the evening of life, and be ready to stand aside with a competency for themselves, saved without compulsion, when, by reason of age, they have become incompetent.

[Applause.]

I said that about four years ago. It has come true to-day. I have never claimed to be a political prophet, but I may be pardoned for calling your attention to the fact that my prophecy made then that the rural carriers would soon organize for the purpose of controlling legislation in the House of Representatives has been verified. The letter inserted in the RECORD yesterday by the gentleman from Indiana [Mr. CRUMPACKER] is absolute proof of the fact that the carriers have organized for the purpose of intimidating Congress into acceding to their demands.

Mr. WILLIAMS of Mississippi. They did intimidate Mr. Loud, and defeated him for reelection.

Mr. GRIGGS. They defeated but did not intimidate him.

Mr. BURLESON. I desire to read to the gentleman from Georgia an Executive order which was issued on the 31st of January, 1902:

Executive order.

All officers and employees of the United States, of every description, serving in or under any of the Executive Departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the Departments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 31, 1902.*

I should like to ask the gentleman from Georgia what has become of this Executive order? Is it still in force? If so, how is it that the gentleman at the head of the Post-Office Department has assured the president of the Rural Letter Carriers National Association that no harm shall come to him because of efforts and influence that he may direct against Congressmen to obtain an increase in pay? Is this Executive order a jest?

Mr. GRIGGS. I have always so understood [laughter]; and I will say, further, to my friend that if I was representing the present occupant of the White House as his attorney in this particular case I would enter a plea of guilty right now and stop further trouble. [Applause and laughter.]

This letter, inserted in the RECORD by the gentleman from Indiana [Mr. CRUMPACKER] the other day, and which I shall print, explains fully and answers fully the question of my friend from Texas [Mr. BURLESON].

Perhaps I had better read that letter to the House:

WASHINGTON, D. C., *March 7, 1904.*

To the rural letter carriers of the United States:

I believe we have got things coming our way and will succeed if you do your part. I understand the situation, and the Department will take no notice of any work you do in regard to pushing our bill.

The general appropriation bill under which our relief will come will be brought before the House for consideration to-day. It will likely be under consideration all this week, and the vote may not be taken before the first of next week, but do not delay your telegrams. Send them as soon as possible after receiving this communication.

The carriers from each county should send a telegram something like the following:

"Hon. ——— ———, M. C., *Washington, D. C.:*

"Rural carriers of ———County unanimously favor graded scale, fifteen days' vacation. Let privileges alone; earnestly support amendment.

"Yours, respectfully."

Then let every carrier get at least one influential patron or politician and, if possible, some one who is personally acquainted with your Member of Congress to sign a telegram something like the following:

"Hon. ——— ———, M. C., *Washington, D. C.:*

"Rural patrons unanimously favor graded scale, fifteen days' vacation. Let privileges alone; earnestly support amendment. Vitally interested.

"Yours, respectfully."

These telegrams will not cost more than 40 or 50 cents, so as quick as you can get them signed fire them in. There will be thousands of telegrams, and it means over $20 a month increase in our salary. So see to it that your link in the chain does not fail, and if any carrier can send three or four of these kind of telegrams it will greatly assist us.

I have now got the assistance of quite a number of prominent men from different parts of the country who have millions behind them. They are interested and are here personally to help with the fight. We are thoroughly organized, and they are bringing powerful influence to bear upon the Members of Congress.

Where you were once in despair you now have hope. We must have these telegrams. Do your duty, and do it quick.

State officers, do not lose one moment in forwarding these communications to your county associates and carriers throughout your State.

County officers, do not lose one moment in getting these instructions to every carrier in your county, and have him do his duty.

Yours, very respectfully,

F. H. CUNNINGHAM,
National President.

Mr. Chairman, I do not know under what sort of orders these carriers have their president in Washington demanding legislation from Congress. I do not know who has given them permission to send their representative here to lobby for increased pay. I do know now why it has happened that within the last few days, since this bill came up for consideration, Members of this House have been flooded with telegrams from their districts, all in exactly the same language, showing conclusively that they were sent out first from one common center. The letter from Cunningham explains that. I do know that these things have happened and that they are happening, and I may be excused for saying further, Mr. Chairman, that my opinion is that a body of gentlemen who are able to maintain a lobby in the city of Washington to look after their interests are certainly getting along pretty well and that the increase of $120 a year—20 per cent—in their salary is the greatest liberality on the part of this House.

Now, gentlemen say they do not understand why it is that the Post-Office Department recommended that the express-package business on the part of carriers be stopped. I will tell you what the Department said to us about it. They said that in a great many districts throughout the country the people have been complaining that the delivery of the mails was delayed on account of it; that carriers go out loaded [laughter]—I mean that they go out with their vehicles loaded to the gunwales with packages of all descriptions, shapes, and sizes—and that the carrying of the mail has come to be a secondary object with them.

That is what came to this committee from the Post-Office Department as the reason for this recommendation. I do not mind saying that this particular provision is the result, as almost all legislation is, of a compromise among all the members of our committee. We all had our ideas about it; we were all, like most politicians, ready to express our ideas within the sacred and secret precincts of the committee room, and we expressed them; but when we finally reached a conclusion—when we finally reached that mental harmony that is necessary among seventeen Members to recommend any sort of legislation, this paragraph was the "baby." This is what we present to the House as, in the opinion of the members of the Committee on the Post-Office and Post-Roads, the very best legislation that can be made on this subject.

Now, I was going to add—but my friend from Texas and myself, I believe, covered that ground in his question to me and in my answer to him; but I will add here that as I understand it no other association of Government employees is permitted to lobby with the Members of Congress. That was stopped several years ago, whether as the result of complaints made by Members of Congress to the Executive I can not say; but I may be pardoned for saying that it was after the delivery of the speech from which I have just quoted that lobbying on the part of organizations of Government employees throughout the United States was stopped by this Executive order, and that so far as I know there is no other organization now plying Members of this House with requests for legislation in their behalf. If in my humble capacity I have succeeded in turning the faces of Republican officials toward the sunlight I am glad. I do not understand why this organization of rural carriers should be permitted privileges not permitted to others, unless it be that every day except Sunday all through the year they travel up and down every public road in the United States and have opportunities of conversing with the people all over the country that other employees do not have.

If that is the reason for it, it is not a good one; if there is any other, I will thank some gentleman to get upon the floor of this House and give it now.

Mr. CRUMPACKER. Will the gentleman permit me to interrupt him?

Mr. GRIGGS. Certainly.

Mr. CRUMPACKER. The gentleman stated that the Rural Delivery Carriers' Association was the only organization that is "permitted" to lobby Congress for legislation.

Mr. GRIGGS. So far as I know.

Mr. CRUMPACKER. The gentleman used the word "permitted." Will the gentleman please explain the evidence that he has that the Administration had any knowledge of the practice of this association before yesterday and that the Administration is permitting it—the Postmaster-General or any other official with authority has given any permission to this organization to violate the civil-service order just read a minute ago by the gentleman from Texas [Mr. BURLESON]?

Mr. GRIGGS. You mean before the information you gave in that letter?

Mr. BURLESON. Will the gentleman permit me to answer the gentleman from Indiana out of the letter that he put in the RECORD?

Mr. GRIGGS. I shall be glad to. I will allow my friend to answer.

Mr. BURLESON. I will read it from the letter the gentleman caused to be printed in the RECORD. This letter commences:

I believe we have got things coming our way and will succeed if you do your part. I understand the situation, and the Department will take no notice of any work you do in regard to pushing our bill.

It meant "the understanding" had with the Department by F. H. Cunningham, the national president; what the gentleman from Indiana is now inquiring about.

Mr. CRUMPACKER. Why does the gentleman say——

Mr. GRIGGS. Now, Mr. Chairman, I would like for my friends to fight their duels in their own time. [Laughter.]

Mr. CRUMPACKER. I beg your pardon.

Mr. GRIGGS. If the gentleman from Indiana will address his remarks to me I will listen. [Laughter.]

Mr. CRUMPACKER. I desire to state to the gentleman from Texas——

Mr. GRIGGS. I do not mean any disrespect to my friend from Texas, but the gentleman from Indiana must address himself to me.

Mr. CRUMPACKER (continuing). It seemed to me it was hardly justifiable to make the statement that the Administration was "permitting" a violation of this peremptory order upon the information contained in that letter. I do not think it a sufficient basis to support that charge.

Mr. GRIGGS. In reply to the distinguished gentleman from Indiana I make that statement, or make use of the word "permitted," on the testimony brought before the House by my friend Judge CRUMPACKER, from Indiana, in whom I have every confidence on every question except one, and he knows what that is. [Laughter and applause.] It is upon the authority of the gentleman from Indiana [Mr. CRUMPACKER] himself. I say the Department has permitted this organization to lobby with Congress and has refused the same privilege to all other organizations of Government employees.

As my friend Judge ADAMSON suggests, it is entirely wrong in itself, but it is doubly wrong when the Post-Office Department investigates Congress whenever Members attempt to lobby with the Post-Office Department for their constituents. [Laughter.]

Mr. BURLESON. I want to call the attention of the gentleman from Georgia to the fact——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Texas?

Mr. GRIGGS. Yes, sir.

Mr. BURLESON (continuing). That in this letter it is stated that Cunningham has an understanding that the Department will take no action against them for the work that they do in that matter.

Mr. GRIGGS. I presumed that all the Members of the House had read the remarks of my friend from Indiana this morning, and that all Members were probably acquainted with this letter, or that if they were not already acquainted with the facts therein contained that, like some of my friends I now see on the other side, they have all gotten the RECORD and perused this letter which seems to have excited so much attention in the House to-day and none when it was read yesterday upon the other side of the House. [Laughter.] Now, Mr. Chairman, the rural carriers in my district are all very clever gentlemen. I know most of them, and before they were covered into the civil service I named a majority of the carriers in my district. I know most of them well, and I gladly testify that in the main they are clever gentlemen

and faithful officials. A number of them have written me, saying, "Exercise your own judgment about this matter, and do what is best for us and for the people."

With very few exceptions they have made no organized demands on me, and if they were to do so I would simply refer them to the speech I made in this House three years ago on this question of the organization of Government employees to promote legislation, and from which I have just quoted. We propose to give them, as the House will understand, a salary of $720 a year, an increase of 20 per cent. Now, what is their complaint? Their chief complaint seems to be that their city brethren get more than they do. That is one complaint they make, that they are entitled to the same pay that their city brethren in the carriers' association are entitled to. That may be true. I will not deny that proposition here to-day, but I will say, gentlemen, that an increase of $120 on $600 in one year is sufficient for any organization to demand and for any man to receive. I recognize the expense necessary for their equipment, but I may be permitted to suggest that a return of $720 per annum on an investment of $400 is a very fair return indeed. Now, I want to say a word on a paragraph in this bill which we refer to down in the committee when we discuss it as the "per diem paragraph." Some members of the committee call it "per de-em" and some of us "per diem," and when we get sometimes real cordially polite we "per diem" fellows change our pronunciation to "per de-em" and our "per de-em" friends change to "per diem;" nevertheless it is a question that has troubled our committee and is worrying some of the members of it to-day.

You will note, gentlemen, in the paragraph on rural agents, for seventy-five rural agents in the field, when actually traveling on business of the Post-Office Department, at a rate not to exceed $3 per day; for seventy-four rural agents when actually traveling on business of the Department, etc., $4 per day. Now, then, this $4 per day which is paid to seventy-four rural agents is paid exclusively to the higher-salaried men in the service. The men who get the highest salary are paid $4 per diem. The men who get the lowest salaries are paid $3 per diem. Is that right? The service is exactly the same. Gentlemen may talk all they please about the work of certain rural agents requiring them to spend $4 per day, while others doing the same work are required to spend $3 per diem. Why, there is hardly a man in the service who has not been in there from three to four years, and they have all had plenty of experience and they all perform exactly the same labor.

Mr. FOSTER of Vermont. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Vermont?

Mr. GRIGGS. With pleasure.

Mr. FOSTER of Vermont. This per diem is intended to pay the necessary traveling expenses?

Mr. GRIGGS. Yes, sir.

Mr. FOSTER of Vermont. The hotel expenses, etc. Does the Post-Office Committee, which reported this provision, claim that it costs more to feed these higher-priced men——

Mr. GRIGGS. I do not understand the gentleman's question.

Mr. FOSTER of Vermont. Does the Post-Office Committee, which reported this provision, claim that it costs more to feed a certain class of these route agents than another class?

Mr. GRIGGS. The member of the committee now speaking does not.

Mr. FOSTER of Vermont. Then I would like to know on just what grounds this committee bases it?

Mr. GRIGGS. The only ground on which the committee inserted this provision is that Mr. Bristow said in his testimony before the committee that it was not all used for actual traveling expenses, but that it was calculated on a basis of about 300 days' work in a year, and it was for compensation rather than for expenses.

Mr. FOSTER of Vermont. But this is all given in addition to the regular salary?

Mr. GRIGGS. In addition to the regular salary. If this House determines that $4 a day is the amount necessary for the actual necessary traveling expenses of these people, then all of these people ought to have that per diem. But if the House determines that $3 a day is sufficient, then $3 per day ought to be granted as a per diem for all of them. They all ought to be in one class so far as per diem is concerned. One grade is not entitled to eat more than the other; one grade is not entitled to sleep in a better bed or a higher-priced room than the other; one grade is not to be sent to the Waldorf and the other to a soup house. [Applause.]

Mr. FOSTER of Vermont. Will the gentleman allow me an interruption?

Mr. GRIGGS. With pleasure.

Mr. FOSTER of Vermont. As I understand, the officials when traveling on the railroad pay no fare. That is a part of the contract of the railroads with the Government, that these men shall travel without paying fare. This question of actual expenses is merely a question of paying the hotel bills.

Mr. GRIGGS. If my friend from Vermont will permit me—he and I seem to agree—the rural agents are paid salaries running from $1,000 up to, I think, sixteen hundred dollars a year. Now, they all perform exactly the same service. They ride under contract between the Government and the railroads on transportation furnished by the railroad free. It doesn't cost the agent anything. They make a return of their bills to the Post-Office Department for livery hire, and that is paid by the Government. The only expense they have is for their actual necessary living. I do not think the question was asked in the hearings, but I believe the Department also construes it to mean Pullman-car fare if they have to travel at night. I think the Government pays that also.

Now, I say there is no reason, there is no justice, in this provision making this difference between these two classes. I think myself $3 a day is enough. I am sure it is sufficient in the South to pay the traveling expenses of these rural agents, and I am sure that gentlemen in the West and the great Northwest think it is sufficient there. I have not discussed it with any friends from the East, but I believe it would apply with equal force to the East.

Mr. JOHNSON. May I interrupt the gentleman?

Mr. GRIGGS. Certainly.

Mr. JOHNSON. Is it not a fact that whenever an agent goes out into the country to lay out a rural route there are always a great many people who are ready, willing, and anxious to haul him through the country? In my district they do not have any buggy or horse hire to pay. The inhabitants are ready and anxious to carry them free.

Mr. GRIGGS. I presume that is a fact. I am not charging that the agents ever return any bills for livery hire that are not correct. What I mean to say is that the Government pays for it whenever necessary, and that it does not come out of their per diem.

Mr. ADAMSON. May I interrupt the gentleman?

Mr. GRIGGS. Yes.

Mr. ADAMSON. I do not wish to break in on the continuity of the gentleman's speech——

Mr. GRIGGS. Oh, the gentleman need not worry about that. It is a disjointed speech.

Mr. ADAMSON. Before the gentleman leaves the discussion of carriers I wish, as a matter of information, for him to explain the proposition of a graded scale of salaries for carriers. We have all received telegrams about it and I have heard gentlemen indorse it. Now, the gentleman has had a great deal of information before the committee, and I want to know whether the carriers want it graded now, to start it off, for fear Congress will not increase their salaries later.

Mr. GRIGGS. The graded scale, as I understand it, is that the carrier when first appointed to the service shall receive $600 a year, the next year $720, and the next year $850.

Mr. ADAMSON. That is, in lieu of allowing Congress to increase it two or three times, they want to relieve Congress of the necessity of acting three times and permit them to act once.

Mr. GRIGGS. Yes.

Mr. ADAMSON. Under that proposition of a graded scale, if a carrier receiving $850 should resign and be succeeded by a new one, would he have to go back and begin at the $600 rate?

Mr. GRIGGS. I understand that he would.

Mr. ADAMSON. Is there any other arm of the civil service in which that graded scale exists?

Mr. GRIGGS. If my friend from Georgia keeps on, I am afraid he will put me in the attitude of defending this proposition. [Laughter.] I will say in answer to the gentleman's question that there is—the city letter carriers.

Mr. ADAMSON. Then they want to extend the abuse to the country.

Mr. GRIGGS. They do, and I do not want them to do it.

Mr. FOSTER of Vermont. Does the question you are discussing involve any new legislation this year?

Mr. GRIGGS. This is all practically new legislation. This entire paragraph is new legislation.

Mr. GAINES of Tennessee. I am informed that one of the reasons why we have a large deficit, an increasing deficit, is because of things like this having been done: That instead of sending our cannon and heavy ordnance by freight from the East to San Francisco to be sent to the Philippines they are sent by the postal service registered, on postal cars, instead of being sent as freight on freight cars, as other freight is sent. Does the gentleman know anything about that?

Mr. GRIGGS. I do not.

Mr. GAINES of Tennessee. I am told that such is the fact, and that that is one reason for the big deficit in our postal service.

Mr. GRIGGS. I have never heard of the matter suggested by

my friend from Tennessee, but I am not on particularly intimate terms with the Department. [Laughter.]

Mr. GAINES of Tennessee. I have asked my question, and my friend has answered it in his usual jolly way. I hope the facts are not as I have suggested, though here I have been told it is a fact that we have been sending our heavy ordnance, including cannon by the postal service instead of by freight. [Laughter.]

Mr. GRIGGS. I have heard somewhere that in some war it occurred to an officer that it would be a good idea to hitch a cannon on the back of a mule—one of these self-acting guns that shoot all day without reloading—and to drive the mule to the front and turn him loose on the enemy. It was never tried but once. To the great consternation and dismay of all the soldiers, I am informed, the mule turned wrong end foremost and by continuous gyrations cleaned up both armies. [Laughter.] I have heard that. I do not know whether that gun was sent there by mail or by mule, or whether it was mule mail or mail mule. [Laughter.]

Mr. GAINES of Tennessee. I asked the gentleman the question because I knew he was an expert on mail service. [Laughter.]

Mr. CHARLES B. LANDIS. The gentleman will allow me to ask whether it has not been the experience of the Democratic party that the mule is not to be trusted on all occasions. [Laughter.]

Mr. GRIGGS. That is true, especially when the mule gets mixed up with Republicans. [Laughter.] What does my friend from Indiana think of the bronco?

Mr. CHARLES B. LANDIS. The bronco always carries his burden and lands it at the right point.

Mr. GRIGGS. Mr. Chairman, I want to say a word about the famous Bristow report. Owing to my illness and subsequent absence from the city on public business at the time of the consideration of the Hay resolution I was not present with the committee when it took final action. However, I was present during many meetings of the subcommittee of the Committee on the Post-Office and Post-Roads when these matters were discussed informally, and so far as I am concerned I can see no reason for criticism of the committee's action. In fact, I can not understand how the Post-Office Committee could have done otherwise than they did. Here was a resolution referred to that committee——

Mr. COOPER of Wisconsin. I understand the gentleman to say he does not see how the Post-Office Committee could have done otherwise than they did.

Mr. GRIGGS. Yes, sir.

Mr. COOPER of Wisconsin. Was there anything that absolutely compelled the Post-Office Committee to print the data which they got from the Post-Office Department under the general heading of "Charges concerning Members of Congress?"

Mr. GRIGGS. Well, I can not indorse the publication under that general head.

Mr. COOPER of Wisconsin. Then there is something else they might have done.

Mr. GRIGGS. That was not in the report that came under my observation.

Mr. COOPER of Wisconsin. That was the report which was filed here by the chairman of the Committee on the Post-Office and Post-Roads.

Mr. GRIGGS. I think that was unfortunate, but I will say——

Mr. OVERSTREET. Will the gentleman from Georgia [Mr. GRIGGS] yield to me a moment?

Mr. GRIGGS. Certainly.

Mr. OVERSTREET. I made my explanation of that matter at the time it was up in the House; I am quite willing to repeat it.

Mr. GRIGGS. For whose benefit is my friend going to repeat it—for mine?

Mr. OVERSTREET. No; to explain the statement made by the gentleman from Wisconsin [Mr. COOPER].

Mr. GRIGGS. Very well.

Mr. OVERSTREET. The manuscript of the report was sent to the Public Printer, and in the very nature of things it was too voluminous to have the proof read by a member of the committee. We trusted to the reading of the proof by the proof reader at the Government Printing Office. The first copies of the report which were sent to this House did contain the language suggested by the gentleman from Wisconsin [Mr. COOPER], and improperly so, I admit, and as soon as I saw the first copy containing that language I directed the committee clerk to notify the Government Printing Office that that was not a proper part of the report, that it was not justified by the original manuscript, and should not be printed on the report.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. GRIGGS. Mr. Chairman, I yielded to the gentleman from Wisconsin [Mr. COOPER] to ask a question. I yielded to my friend from Indiana [Mr. OVERSTREET] to explain. The gentleman from Wisconsin will have plenty of time to talk later. I will see that he gets some time from this committee, if he wishes it, after I conclude.

Mr. COOPER of Wisconsin. I wish to ask one question.

Mr. GRIGGS. Go ahead. I am about as liberal with time as a man can be, I think, if I do say it myself.

Mr. COOPER of Wisconsin. Mr. Chairman, the question I desire to ask is this: I never have known the Government Printing Office to print anything that was not on the manuscript. Who wrote on the manuscript the words "Charges concerning Members of Congress?"

Mr. BARTLETT. We will find out in a few days, I think.

Mr. GRIGGS. I understand, Mr. Chairman, that it was written in the Post-Office Department. I understood so from my friend from Georgia [Mr. BARTLETT] just a moment ago.

Mr. BARTLETT. I did not mean to convey that impression, if my colleague will permit me. I think the House will find out in a few days who is responsible for it, and will find out fully.

Mr. GRIGGS. It is a matter of absolute indifference to me who is responsible for it.

Mr. GROSVENOR. I should like to ask the gentleman to let me interrupt him just a moment.

Mr. GRIGGS. Certainly.

Mr. GROSVENOR. I want to suggest to the gentleman, and indirectly to other members of the committee, whether it would not be wise to wait until we do know a little more about some of these things before we entirely commit ourselves on this question?

Mr. WILLIAMS of Mississippi. Why did you not obey your own precept?

Mr. GROSVENOR. I did; and if gentlemen will turn to my speech they will find that no man's name was mentioned in any remark I made.

Mr. GRIGGS. If you had listened to mine, you would have understood that no man has been named in my remarks.

Mr. GROSVENOR. I have listened.

Mr. GRIGGS. And that I have not committed myself on this question.

Mr. GROSVENOR. I have listened with great interest, and that is the reason why I thought I might join the gentleman.

Mr. GRIGGS. I thank my friend from Ohio for indorsing what I have said [laughter] and joining with me, because it is not often he indorses what a good Democrat says. [Applause.]

Mr. GROSVENOR. I do not exactly indorse what you have said, but I indorse the manner in which you have said it. [Laughter.]

Mr. GRIGGS. I thank you very much for that. When certificates of character seem to be necessary around the House, I am glad to add as many as I can to my bouquet. [Laughter.]

Mr. COOPER of Wisconsin. I understood the gentleman from Georgia to say that he had not mentioned any names. He has distinctly twice called this the Bristow report.

Mr. GRIGGS. Oh, well, that is the name of it.

Mr. COOPER of Wisconsin. No, it is not.

Mr. GRIGGS. It came to us over his name, the first Bristow report.

Mr. COOPER of Wisconsin. No, it is not the Bristow report at all—the last report, the one the gentleman is talking about.

Mr. WILLIAMS of Mississippi. He is talking about the first one.

Mr. GRIGGS. Mr. Chairman, I say right here and now I have no quarrel with Mr. Bristow or with any other official in the Post-Office Department, and if I called this "the Bristow report"—and I presume I did—I called it so because that is the name by which it is generally known. I merely identified it.

Let me read, however, the name of this volume:

> Letter from the Postmaster-General, transmitting so much of the report of the Fourth Assistant Postmaster-General on the investigation of the said Department as may be made public without harm to the public interest.

Mr. Bristow is the Fourth Assistant Postmaster-General.

That is the heading printed on the cover of the first Bristow report.

Mr. BARTLETT. Document No. 383.

Mr. GRIGGS. I do not know what the number of the document is. The second report came to the committee through the examination of Mr. Bristow by members of the committee. He was asked if he could not furnish to the committee what was omitted in that first report of his. It came about in that way. Afterwards a letter was sent from the chairman of the committee to make it formal, but it was first begun under the questioning of members of subcommittee No. 1 of the Post-Office Committee, which had in charge the consideration of this appropriation bill. The second edition of that report was not obtained for the purpose of investigating Members of Congress. It was not during the consideration of the Hay resolution. The facts set forth there were obtained for the purpose of giving to that subcommittee full and complete information on all subjects connected with the Post-

Office Department in order that it might aid us in making up this bill now before the House. That is how it came; and if I called it "the Bristow report" I spoke correctly. I do not think my friend from Wisconsin [Mr. COOPER] ought to complain after this statement of the facts, which will be substantiated and corroborated by every one of the six other members of that subcommittee. I am not attacking Mr. Bristow. I am merely stating facts as I see them.

Now, we got these facts before the Post-Office Committee. We did not know whether anybody else except ourselves knew they were there or not. That was a question that we were unable to fathom; but, Mr. Chairman and gentlemen of the House of Representatives, leaks began somewhere, I do not know where; but it began to leak out that the Post-Office Committee was in possession of information that would condemn Members of this House. You all saw statements in various newspapers to this effect. If there were to be leaks in the barrel, I for one said, and I repeat it to-day, that it was the duty of that committee to pull out the bung, to let all the facts go at once, and let the country see them all together at one time. [Applause.] Leaks might ruin the reputation of any Member of this House, according to the character of the man to whom it leaked or from whom it leaked and whether he liked or disliked that Member of the House; and instead of letting it leak out to the public the Post-Office Committee determined, and I say determined wisely and in the interest of every man whose name is in this report and in the interest of right and of justice, to let all the facts come out into the sunlight at once. That is all there is in that.

I want to say another thing right here, and several gentlemen sitting before me will remember this, too. I insisted last December that every line and every syllable of the Bristow report should be published. Now, listen to the title of this volume:

So much of the report of the Fourth Assistant Postmaster-General on the investigation of the said Department as may be made public without harm to the public interest.

Now, that was confessedly an edited report, and while I shall not violate any committee secrets, I have the right to say for myself that I insisted then on behalf of the committee itself that every word and every line and every jot and every tittle of that report should be given to the public then. In discussing that question with my friends on the other side of this Chamber, both inside and outside the committee, I said that it was due to the committee itself that if it were proposed to publish a report under its sanction, it should be edited, if edited at all, by the committee by whose authority it was to be published; but I insisted then that the whole report ought to be printed, and I believe that to-day.

Gentlemen say that this is as much as may be made public "without harm to the public interest." When I inquire what that means, they say that men are under indictment and that the publication of that entire report might interfere with the wheels of justice. If the publication of the entire Bristow report would acquit every man under indictment he is entitled to have it printed, and the people of the United States are too great, too strong, too powerful, and too generous to convict any man, high or low, by the suppression of any facts. [Applause.] For one I do not believe that inspectors are sent out to convict. They are sent after facts. [Applause.]

I said then, and I say now, that if the publication of these things would convict men not under indictment, be the man of high or low degree, it ought to be printed, and let it stand for whatever it is worth before the whole people of this country. [Loud applause.] I said to my Republican friends, "This report will return to plague you;" and the great hysteria I observed in the House of Representatives when I entered this Hall last Thursday is ample proof of the correctness of my position on that occasion. It stands as self-evident now that not only what we did print at first should have been printed, but that all should have been made public. It is as true to-day as it was then. The Post-Office Department opposes publishing the reports of inspectors. They say that reports of these officials ought not to be given to the public gaze, for what reason I know not. They seem to fear daylight for some reason. If there are men in the inspectors' service who are afraid for their reports to bask in the sunlight, then, gentlemen, such men ought to be got rid of and men put there who are not afraid. [Applause.] There are too many confidential matters in the Post-Office Department. A great public institution full of confidential affairs is an anomaly.

It is not within my knowledge how gentlemen were moved to publish a part of this report at the time. There is some of it not concerning Members of this House, so far as I know, but there are yet other things in the Bristow report on this business that ought to be made public.

Mr. BARTLETT. Permit me to say that there is Exhibit Q, referred to in that report, that was used to base the charges as they claim against Members in that report, and yet that has not yet been published.

Mr. GRIGGS. That is what I was trying to say. [Laughter.] I am glad to have the corroboration of my colleague, because he is a man usually accurate with facts, and not afraid to express his opinion on those facts when he gets possession of them.

Now, then, the minority of the Committee on Post-Offices has made a report on this bill. At least it ought to be called a report, but I am informed that under the rules of the House, about which I know little and care less [laughter]—because of my observations of the workings of these rules ever since I have been here—that under the rules of the House the minority is not allowed to make a report.

The minority is only permitted to file "views." I always did despise a man with "views." I like a man with opinions; but a man with "views" is always and eternally in the way and is of no service to anybody or anything. And yet the minority is forced, under these rules, if it wishes to do anything at all to show disagreement with the majority, to submit "views." Well, we have submitted some "views" to the House, and while we know you can not vote on them—that you will not be permitted by the bosses to vote upon them—these views are here and for the country to read. I commend them to your prayerful consideration.

Did you ever think what a ridiculous aspect this House made of itself the other day? You Republicans were as mad as hornets. I was not here at the beginning of the row, but from what I could see in the papers and from what I saw after I did get here, you were as mad as any hornet ever was. Somewhere in the great Book of Books it is said, "Let not the sun go down on your wrath;" but the leaders on your side of the House were wise enough to let the sun go down on your wrath, and it did go down on your wrath, and the next day you literally overturned the injunction of Paul, "Be ye steadfast in the faith." [General laughter and applause.]

The CHAIRMAN. The gentleman has consumed an hour.

Mr. GRIGGS. Mr. Chairman, I have as much time as I may desire to consume.

The CHAIRMAN. The Chair simply states that an hour has been consumed. The gentleman from Georgia is recognized to conclude his remarks.

Mr. GRIGGS. This is the first time I have ever had the honor to begin a speech to empty chairs and draw a full house before concluding. [Laughter.]

But, Mr. Chairman, did you gentlemen ever think of the ridiculous position this House placed itself in a few days ago? The minority of the committee started out on this principle: That if the Post-Office Department could afford to be investigated, you of the majority could not afford to refuse a general investigation; that if it could not afford an investigation, you could and would probably refuse to give it. You did refuse to investigate.

We set out here to investigate the Post-Office Department, and our Republican friends turned out like hornets when their nest is disturbed, and you insisted that the whole thing from top to bottom must be investigated. It was all in the air here when I came back, among Republicans as well as Democrats. You said, "We will tear the roof off the whole thing and go from the dome to the cellar." I thought then that we were going right through the Department, but it wasn't long before many of the most vociferous among the advance guard were down in the cellar anxiously inquiring, "Has the cyclone passed yet?" My friend from Massachusetts said, "Let us wash our own linen first" [laughter], and you boys answered, "All right," and you turned tail and went to washing your own linen with all possible vigor and haste, and, so far as I can see, you are going to leave the Post-Office Department absolutely free from investigation by Congress. You started to investigate the post-office and wound up with the Post-Office Department investigating you. [Laughter and applause.] You are going to spend the summer investigating and washing yourselves.

That was a great coup on the part of the Department; that was a stroke of state——

Mr. CLAYTON. A sort of loop the loop.

Mr. GRIGGS. Worthy of——

Mr. HAMLIN. Talleyrand.

Mr. GRIGGS. My friend says Talleyrand. I presume that is all right; I suppose he knows whom he is talking about. A gentleman told me a story yesterday, and I believe I will tell it to you in strict confidence. Now, understand, I am not making any comparisons or applications. I am telling you this simply for your entertainment. This gentleman said to me to-day that he once had the best trained lot of setter dogs he ever saw. There were three or four of them, and one day the dogs all came rushing in the house pellmell, helter-skelter, fighting over a bone, each one determined to take it for himself. In the rowthey ran under the bed, and one of the boys tried to get them out.

They paid absolutely no attention to his repeated calls, but

growled and barked and snapped as if to say each for himself, "I am not coming; I am going to 'chaw' this bone or another dog right now." [Applause.] Pretty soon the right man—the master—came. He ordered them out. Immediately the dogs recognized the voice of command. Dropping the bone, they walked out perfectly subdued and quiet, and looking as if they were really ashamed of the racket they had been making. One day you were going through the Post-Office Department like a cyclone. The next day you defeated our resolution to investigate the Department and adopted a miserable resolution investigating yourselves. [Great applause on Democratic side.] Now, gentlemen, I want to congratulate the leaders on that side of the House on having the finest organization in the world. There is no great war captain from Julius Cæsar to Theodore Roosevelt [laughter]—no conquering hero ever marched before a better drilled host than does the gentleman from New York [Mr. PAYNE], the leader on your side. [Applause.] And I may say a few complimentary words about the gentleman from Pennsylvania [Mr. DALZELL]. He is a first-class lieutenant, and, gentlemen, I do not care what anybody may say, these——

A MEMBER. Do not forget General GROSVENOR.

Mr. GRIGGS. Oh, everybody knows that the gentleman from Ohio is one of the great leaders, and that he has a hand in doing everything that is done in this House that is right. Of course he is one of the leaders.

Mr. CLAYTON. He is a major.

Mr. GRIGGS. Yes, these gentlemen may congratulate themselves upon the leadership of this House. They have it in their hands. I am proud of them as fellow-citizens, although I do not like their political affiliations. Now, Mr. Chairman, I want to say a word, not in condemnation of the Post-Office Department, but in criticism of abuses that have grown up there during many years, and probably under both political parties. While the Post-Office Department may not be corrupt, or, rather, may not be more corrupt than is shown by the Bristow report, I do not know whether it is or not, I shall not make charges which I can not substantiate, and I could not sustain a charge like that without an investigation, but I do say that the system is entirely wrong. I repeat that it is a bad system that makes it necessary for a Member of Congress to go to any Department of the Government in order to obtain that to which his constituents are justly entitled.

Now, take a great Department like the Post-Office Department, with its rules relating to allowances made to post-offices kept absolutely secret. I mean the basis on which allowances are calculated and granted. I do not know, you do not know, no postmaster knows what allowances his office is entitled to, and if many are obtained the Member of Congress must go and ask for them and he must make his request in the dark; yet he is charged by somebody with having been guilty of at least improprieties for going and requesting that which his constituents even did not know they were entitled to, and which he himself can not ascertain except by preferring his request for an allowance which he can not know is proper or improper. Now, that is the system. Gentlemen, here is a great Department of the Government run like a little cotton farm in the South. We have a system of croppers down there. The farmer furnishes the land and the stock, and the cropper furnishes the labor.

The expenses of operating the farm are paid out of the proceeds of the crop, and the remainder, if any, is equally divided between the landlord and the cropper. The farmer must supply his cropper during the year, because, as everybody knows, the majority of the people who work the cotton farms in the South are negroes, careless and improvident, and spend all they can lay their hands on during the year. The landlord must spend his time the entire year pulling back against the demands of his croppers in order that they may not owe him more than their share of the crop will sell for in the fall.

Now, that is the method of cotton farming in much of the South. It has to be done that way, for if the landlord acceded to all the demands of his croppers in any one year it would require the interposition of Providence to save him from bankruptcy.

The great Post-Office Department has rules and regulations which are kept secret from Members of Congress, which are kept secret from the postmasters and the other employees of the Department, who may be entitled to allowances for different things, and the Members of Congress must work, year in and year out, in the dark as to what allowances their post-offices and postmasters may be entitled for the betterment of the postal facilities of their constituents.

The system is wrong, gentlemen. Is there a remedy?

I have thought sometimes during all this excitement that it would probably be well for Congress to set apart one day in every month for Members to look after matters in the Post-Office Department. Monday would be the best day. We might then request special prayers for the Department and Members in all the churches the Sunday preceding. Then, after fasting through Sunday, the Member might be required to get up early Monday and before being allowed to eat his breakfast read through the criminal statutes, repeat the Ten Commandments both forward and backward at least thirty times, the number of days in a month, then hanging about his neck a placard as large as may be, according to his avoirdupois, containing the Eighth Commandment in red letters, as a shining testimonial to his honesty. Thus armed and equipped I believe he would be comparativaly safe, at least. If this House wants to get rid of me the adoption of this rule would carry balm to a few aching hearts far away. [Laughter and applause.]

Seriously, I do not know the best remedy for it without further thought, but an editorial in the Washington Post challenged my attention yesterday. The Post is a great newspaper. It is usually fair and always ably edited. The editorial I refer to is entitled "Publicity the only cure." I believe it would be a good thing to do. Let every Department, as suggested here, publish every day a bulletin of what has been done in that Department, and at whose request. It would be worth far more than the CONGRESSIONAL RECORD, talking into which wastes much valuable time here. I believe that this would help the system, as bad as it is. I am glad that the suggestion was made. I hope at some time in the near future Congress in its wisdom will see fit to at least test this idea.

Why not, in addition to this, require the Department to make its rules as to allowances public? If they will do that, then no Member will be in danger of being misconstrued at any time; he will know what he is doing and the public will also know what he is doing.

Mr. WILLIAMS of Mississippi. If the gentleman will pardon me, there will be no danger of any postmaster being swindled by the Government when he is entitled under secret regulation to an advance in pay which is not given to him except upon the personal solicitation of a Member of Congress. If he is entitled to it, and it is retained, he is being swindled by a great Government.

Mr. GRIGGS. There is no question in my mind of that, and I am glad my friend from Mississippi has made it so much clearer than I could possibly have made it. If these post-offices are entitled to these allowances, they ought to know it and ought to have them. If they are not entitled to them, we ought to know it and they ought to know it, and there would be no request for it. I stand for the very best possible mail facilities all over this country, and I intend to see to it, as far as I am able, that my district is not neglected. [Great applause.]

I thank you, gentlemen, for your attention.

[Editorial from Washington Post, March 14, 1904.]

PUBLICITY THE ONLY CURE.

Excitement in Congress over the presentation and consideration of the now famous "Bristow" report on the relations of Congressmen with the Post-Office Department has not yet subsided. The indignation of many Members whose requests for increased allowances for their constituents, made in good faith and from honest motives, have been pronounced "irregular" and "improper" is but natural and justifiable. The unfortunate feature of the case is that they should be compelled to have their names coupled with those of ex-postal officials now under sentence or indictment for Department rascalities. The situation forces the Congressmen involved to enter upon a campaign of explanation, and explanations, be it remembered, are not likely to prove popular with the voters.

The outburst of feeling in Congress will not be in vain if it results in devising a system for the management of departmental affairs that will remove the excuse for conditions warranting a recurrence of such exposures. How can such scandals be avoided in the future? Obviously the greatest safeguard is publicity as now employed and more liberally proposed in the case of trusts. The method of securing this publicity is important, and the Post begs to offer a suggestion. Why should not the Government publish a daily official gazette, under whatever title may be decided upon, giving all appointments, promotions, removals, increases in salaries, increased allowances, award of contracts, and all actions of the Government affecting or involving the expenditure of public money? Such a publication would furnish the means, which the newspapers of the nation would promptly and eagerly welcome, of printing in every Congressional district in the country from day to day every official action of the Congressman affecting the officeholders in his district, and thus subject this action to the test of scrutiny and local criticism.

There would be an end to the scandals over the leasing of public buildings, the increase of allowances for postmasters, and the award of contracts. Bidders would receive notification of pending contracts and favoritism would be made impossible. Publicity invites confidence; secrecy breeds suspicion. Almost every Member of the Congress who has spoken in response to implications made against him in the "Bristow" report has asserted—and the Post believes truthfully—that he has nothing to conceal in the matters under discussion and has done nothing in such connection in a surreptitious manner. Such being the case, the Congressman should welcome the proposed publicity of all departmental affairs affecting matters in his district.

While Department changes are made by the thousand during the year, the daily list could be easily printed in much less space than is now occupied in the production of the CONGRESSIONAL RECORD. The expense of the publication can not be considered, in view of the saving in public money that would undoubtedly be accomplished by the proposed publicity. To make such a publication effective there should be an explicit and positive requirement, either by legislation or Executive order, that Department heads should furnish full and complete information daily upon the matters to be included

in the gazette. The present situation is critical for many Members of the Congress, and we are convinced that they can not protect themselves more effectually than by a law compelling publicity in all such matters.

Mr. WILLIAM W. KITCHIN. Before the gentleman takes his seat I would like to say that I have listened with a great deal of interest to his remarks and have derived much information from them. I want to ask him whether he had any information, or whether any intimation was made to the committee, that the Department in transmitting that report in regard to rentings had suppressed important documents containing the main facts on which the rentings were made?

Mr. GRIGGS. Not so far as I know. But I had very little information about it. I became ill on the day before that particular evidence came to the committee, and have been in the committee but one or two days since then. I was afterwards absent on public business until last Thursday.

Mr. WILLIAM W. KITCHIN. I have stated in reference to one particular case, touching the rentings in Oxford, N. C., that all the important documents were omitted from the report. I wanted to know whether the committee had any information on that matter.

Mr. GRIGGS. The committee had no information on that line which has ever come to my notice.

Mr. MADDOX. Now, if the gentleman from Georgia will pardon me, I noticed in the report in a number of cases, after going through their method, whatever it is, that in a number of instances they say, for instance, a post-office is entitled to $160 and only $100 is allowed. I want to ask the gentleman if he can explain why it is that if they were entitled to $160 the Department should withhold the other $60?

Mr. GRIGGS. No, sir; I can not explain it. There are a number of cases like that. I am, like my colleague, unable to understand them, and from the great number of easily apparent errors on this line I am forced to the conclusion that the man who made the regulations is in as profound a state of ignorance as anyone. I thank the House again for the great compliment of its earnest attention during my talk. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 3274. An act granting an increase of pension to Jane I. Long; and

S. 1543. An act granting an increase of pension to William W. Jackson.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House to the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 885) granting a pension to Sarah A. Gillham.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 55.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate S. 2323, relating to ceded lands on the Fort Hall Indian Reservation, that a clerical error appearing therein may be corrected.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11443. An act to extend the exemption from head tax to citizens of Newfoundland entering the United States;

H. R. 11928. An act for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stanahan, as collectors of customs for the district and port of New York; and

H. R. 5511. An act to authorize registers and receivers of the United States land offices to furnish transcripts of their records to individuals.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested.

S. 577. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or send the record, oath, or the judgment of admission, and to establish a proper record of such citizenship.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I now yield five minutes to the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Chairman, the existence, growth, and development of free rural delivery are the best evidences in recent years that this is a government of the people and for the people. This service has been called a "luxury." It is more than that; and so eagerly has it been sought after in all portions of this country and so thoroughly appreciated wherever its benefits have been bestowed that it has come to be regarded as a necessity by the millions of people who enjoy it.

As late as June 30, 1902, there were only some 8,000 rural routes established, and on the 1st day of April, 1904, there will be 21,962 rural routes in operation in this country, apportioned among the several States and Territories of the Union largely in proportion to the number of petitions received.

It is my belief that the $21,000,000 appropriated in this behalf brings more direct benefit to the inhabitants of this Republic whom it affects than almost any other appropriation made by the General Government.

Forty years ago everyone went or sent to the post-office for his mail, and the farmer in the busy season, when his horses and teams were working in the fields, could sometimes only receive mail for himself and family possibly once a week—on Saturday afternoon. Now it is not only delivered several times daily at the homes and places of business of the inhabitants of more than a thousand cities, but for the last six months of the fiscal year (January 1 to June 30, 1903) there were delivered by the carriers of this service some 310,000,000 pieces of mail on rural routes throughout the United States to farmers and inhabitants of sparsely settled regions.

Increased facilities always bring increased use and enjoyment—more letters are written and received; more newspapers and magazines are subscribed for. While it is not true in every part of the country, yet the official report shows that quite a number of rural routes already pay for themselves by the additional revenues they occasion.

INCREASED VALUE TO FARM LANDS OF THE COUNTRY.

The testimony adduced from all over the country proves that by reason of rural free delivery the actual value of our farm lands has been increased. Many farmers state that they would not dispense with the service for $50 or even $100 per annum. It has been estimated that the value of farm lands has risen by this means as high as $5 per acre in several States. A moderate benefit to the farm lands of the whole country would be from $1 to $3 per acre.

BETTER PRICES FOR FARM PRODUCTS.

The producers, being brought into daily touch with the state of the markets and in better communication with those who buy their products, are able to obtain better prices for all that the farm produces. More definite knowledge of trade conditions is always of great advantage.

GOOD ROADS ENCOURAGED.

Good roads have been built and induced as an incentive for rural free-delivery establishment and to better encourage their maintenance. The Department wisely states that as a prerequisite to the granting of the benefits of rural free delivery there must be good passable roads at all seasons of the year. In many localities the farmers have taken the matter of good roads into their own hands, and through their pathmasters and supervisors have lowered grades, built bridges, turned waterways, and aided in this way the general communication between different points.

The number of routes established can not, in the very nature of things, be exactly in proportion to the population of each State. The demand for the service, the use made of it after it is established, and the condition of the highways and topographical fitness of the country all govern in the consideration of the petition of citizens.

FREE DELIVERY OPPOSED BY LAST DEMOCRATIC ADMINISTRATION.

During the last Administration of President Cleveland the system of rural free delivery was condemned and rejected by the House Committee on Post-Offices and Post-Roads, and under the same Administration, in 1894, Postmaster-General Bissell refused to make use of the appropriation of $10,000 offered him to inaugurate the service, stating that the project was impracticable and unwise. The entire service has been practically established and built up within the last seven years, until it has become one of the most beneficent, wise, and useful items of legislation provided by the Federal Congress. The alacrity and unanimity with which it has been asked for and used by the people at large is conclusive proof of its benefit and wisdom.

OTHER FACILITIES OF RURAL FREE DELIVERY.

Every one of the nearly 22,000 rural carriers is a traveling post-office, making daily calls at the homes of our citizens. They receive mail for registration and furnish a proper receipt therefor. They may accept money for money orders, sell postage stamps, postal cards, and stamped envelopes. They may deliver registered matter, special-delivery letters and packages, and when a pension letter is in their hands it must be delivered to the pensioner in person at the door of patron's house, if within 1 mile of the route.

I congratulate not only the Post-Office Committee but the entire country on the very efficient manner in which the rural free-delivery service has been inaugurated and established all over this land and on the great benefits daily accruing from its use among the people. [Loud applause.]

Mr. OVERSTREET. I yield fifteen minutes to the gentleman from Michigan [Mr. TOWNSEND].

Mr. TOWNSEND. Mr. Chairman, I have asked permission to occupy a few minutes of the committee's time to give notice that I propose to offer two amendments to the bill under consideration, and to state briefly my reasons for the same.

Of all the institutions connected with the Federal Government none touches the people so closely and brings them so much benefit and satisfaction as the Post-Office Department. No other aids so much in educating and improving the people. Through it flows the streams of information which fertilize every community, and the products of the printing press are carried to the people to comfort, enlighten, and instruct.

The development of the postal facilities has been the development of the people in wisdom and greatness. When those facilities reached but a few and at wide intervals, it was a blessing; the tardy letter carried by canal and horses from the East to the western frontier at great expense was a blessing, and when steam was harnessed to the mails and delivered its precious freight at the larger cities and towns to which the people went for miles around to get a weekly paper the benefits were still greater, and larger yet did they become when business men in large cities could receive their mail several times a day, even at their desks, by city carriers.

But not until very recent years was it discovered that the people whose money pays the majority of all taxes levied for Government purposes; who constitute the majority of the people; from whose ranks are recruited armies and navies in time of war; in whom the hope of the nation rests for that stability and wisdom which is unmoved by new and untried schemes, and in whom is cast a safe anchor when storms of corruption and squalls of political delusions beat against the ship of state; not until recent years have any of these people from the country received the benefits of free delivery, and not nearly all of those do now; and yet, judged by policy or right, is any class more entitled to the benefits of free delivery? Where municipalities are being crowded and congested by people drawn from the country and from foreign lands it is the part of wisdom to encourage life in the country: and with electric roads, telephones, and rural delivery the benefits of city life have been extended to the limits of these facilities, municipal boundaries have been removed, and the benefits of the country have invaded the city.

Gentlemen have talked as though they had made concessions to the country by making provisions for the extension of rural service, when in reality they have simply allowed the rural districts a portion of their own.

We are told that there is liable to be a deficit. Possibly that is true, but in the end I am sure that rural delivery will be more than self-supporting. The total receipts of the Post-Office Department have been largely increased since rural delivery was established, and every route report which I have examined, and I have investigated many, shows a steady increase in pieces of mail handled and in stamps sold and canceled; yet this cancellation and sale of stamps does not measure the whole effect of rural delivery; its benefits reach every other department, and much of the general increase can be traced to rural delivery.

But is it necessary that the system shall be self-supporting to entitle it to the support of Congress? Do we maintain schools, found and support colleges because they are self-supporting, or do we provide for general education because that people is greatest and most prosperous which is best educated, and that state most enduring which rests on the foundation of intelligence? And yet I know of no educational influence more far-reaching in its effects, more practical in its results, than that of rural delivery. Have we appropriated a hundred million for the increase and support of our Navy, whose benefits are at least doubtful to the minds of millions of our people, and for the avowed purpose of overawing European nations into respect for the United States—have we done this with the idea that we shall get financial returns to pay for the investment? Have we appropriated millions more on the District of Columbia as an investment upon which we hope to receive dividends? Or have we spent much for the convenience of the people of the District and to satisfy our national pride?

Having done this, shall we now say that our money is gone and we can not appropriate so much as the cost of one battle ship, without which we have thus far for a hundred years maintained our dignity and rights upon sea and land? Shall we, I repeat, say that we can not spend so much as the cost of one battle ship to extend the benefits of rural delivery and pay its carriers living wages, when such extension would do more to keep the nation protected against foreign foes by increasing the intelligence, and therefore the efficiency, of the people, who must finally man those ships, than all the navies built by all our millions?

Shall we be more lavish with the peoples' money in providing for the comfort and convenience of the few who are anxious to live in Washington than we are to give to the people that which is their own, and which they demand?

We have had deficiencies in the Post-Office Department before, and yet it has finally changed the balance, and it will do so again, but whether it does or not we can better curtail appropriations in other directions and extend and improve rural delivery. I say the people demand this, and it is not safe to say that the thousands of petitioners who have asked Congress to extend and improve this service are not sincere and have been induced to ask for what they did not want. I want this service extended until every citizen living on a good road in a well-settled community, shall have free delivery of his mail. A fair provision seems to be made in the bill for extension of the service. At the proper time I shall offer an amendment to the pending bill asking that rural carriers be paid $850 per annum and be allowed fifteen days' vacation per year with pay. I shall do this because I believe it is right, and because I believe the people demand that it shall be done.

I know of no class of Government employees who bring so much satisfaction to the people, who work as hard, everything considered, and who receive so little pay as the rural carriers. Six days out of every seven during the last long winter in Michigan—and I refer to Michigan, because I know conditions there better—the carriers have through snow and ice and intensely cold weather carried the mail their average route of 24 miles for $50 a month. Much of the time they have broken their roads, and many and many a day they have been ten and twelve hours on the trip. They have kept two and three horses each; have been obliged to furnish two carriages, a wagon, and a sleigh, or else have a pair of runners to attach to their wagon body; and for their year's work they will have less money than the man who has worked on the farm during the same period, as proof of which I desire to make a short comparison, which I will state briefly and insert in the RECORD in full for your careful consideration.

The carrier has received from the Government $600 for his year's work.

He has expended for 2 horses, at $100	$200.00
1 wagon	60.00
1 pair runners for snow	6.00
1 harness	20.00
2 blankets, at $3 each	6.00
1 stove and fuel	8.00
200 bushels of oats, at 30 cents	60.00
8 tons of hay, at $8	64.00
4 tons of straw, at $4	16.00
12 months' horseshoeing, at $1.60 per month	19.20
Repairs on wagon and harness	5.00
Total expenses	464.20

Amount of salary over expenses, $136.80.

For the second year his account would be about as follows:

Received from the Government	$600.00
EXPENSES.	
200 bushels of oats, at 30 cents	$60.00
8 tons of hay, at $8 per ton	64.00
4 tons of straw, at $4	16.00
12 months' shoeing, at $1.60 per month	19.20
1 blanket	3.00
Fuel for stove	6.00
Repairs	10.00
Interest on original outfit	27.24
Total expenses second year	205.44

Amount of salary over expenses, $394.56.

The third year his account would be about the same, only his repairs would be greater, and at the beginning of the fourth year he would require a new outfit. The salary he has received for the three years' work would be $136.80 plus $394.56 plus $394.56, or $925.92, or an average of $308.64 per year for himself and two horses, and he has had but two days' vacation.

Now, let us see what the farm laborer has received during the same time.

He has worked one hundred and eighty-two days from April 1

to November 1, at $1.25 per day, and received $227.50; one hundred and thirty days from November 1 to April 1, at $1 per day, $130, and for three hundred and twelve days he has received $357.50, as against $308.64 for our carrier and team, or $48.86 more.

Now, that is an advantage in favor of the farm laborer of $48.86.

Mr. COWHERD. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. TOWNSEND. I do.

Mr. COWHERD. The gentleman, I take it, is arguing that even this amount fixed by the committee, $720 a year, is too small.

Mr. TOWNSEND. Yes.

Mr. COWHERD. Does the gentleman know that to-day we are having identically the same service done on the star routes, over routes 25 miles long, where the mail is delivered to every patron and collected from every patron, at an annual cost of $450 a year?

Mr. TOWNSEND. I do not know that, and neither do I care. If that is being done, it is being done for too little money, and that is no argument against a reasonable salary to rural carriers.

Mr. COWHERD. Does it not show what it costs where you let out the work to competitive bidding?

Mr. TOWNSEND. Well, we are not doing that kind of business now. We are employing rural carriers.

Mr. COWHERD. Is not that a fair illustration? Ought not the Government to get the work done as cheaply as it can, where it can get it done properly? And I say that on star routes 25 miles in length, where the mail is delivered every day to every patron and collected every day from every patron, it now costs $450 a year.

Mr. TOWNSEND. I understand that the Government is trying for some reason or other to change the star-route system and supply the mail on those routes by rural delivery. I also believe that it is the duty of this Government to pay those men what their services are worth. If the gentleman believes this Government ought to let all these contracts to the lowest bidder for doing all the work of the Government, he would find himself in utter confusion if that were done, because the fact is that much of the salaried work that is done in this country, and all of the government offices that are held by gentlemen in this country, could be done and held for much less than is being paid at the present time.

Mr. COWHERD. I will say that for myself I believe so strongly that the mail ought to be delivered by the contract service that I was one of the committee that brought such a bill before the House; one that we said would prevent not only this great political machine, but would save untold millions of dollars a year to the people of this country.

Mr. TOWNSEND. I do not know how it is in other parts of the country, but up in the State of Michigan—and I suppose it is the same everywhere—we have intelligent men doing this work, men whose time is worth more than $720 a year, and they are leaving the service because they are insufficiently paid. I maintain that it can not be done and done well under the present system for $720 a year. I will say that, as my colleague from Michigan [Mr. BISHOP] has suggested to me, the star-route carriers also carry passengers and freight to increase their compensation.

Mr. COWHERD. The rural carrier also is permitted to carry passengers.

Mr. TOWNSEND. The bill proposes to cut that out.

Mr. COWHERD. He is permitted to carry them now.

Mr. TOWNSEND. He does not carry passengers for pay.

Mr. COWHERD. He is permitted to carry them, and in some places he does carry them.

Mr. TOWNSEND. Very few, if any. The fact of the matter is, as I said a moment ago, I do not believe that any gentleman who knows all the circumstances and all the expenses to which these carriers are subjected will contend before this committee that the rural carriers are getting what they ought to have for the work which they do.

Eight hundred and fifty dollars is too small a sum, and I have asked and hoped that rural carriers might receive the same salary as our efficient city carriers. But I offer the amendment as a compromise, believing that the carriers can make that sum do until Congress shall be in a more magnanimous mood and grant them what they deserve. The present salary has compelled many of our best carriers to resign in order that they might engage in more remunerative work, and every such resignation is a detriment to the service. And it is no argument at all to say that hundreds stand ready to take their places, for I answer, as I did the gentleman from Indiana the other day, and say that every office under the Government could be readily filled if the salary were cut in two, and patriots could be found in plenty to occupy the present office buildings in Washington without alterations or improvements. These carriers should be allowed fifteen days' vacation with pay the same as other Government employees, and their substitutes should be allowed to do their work.

The people will approve of such action, the service will be improved, and justice will be more nearly done. [Loud applause.]

Mr. OVERSTREET. I yield the floor to the gentleman from Tennessee.

Mr. MOON of Tennessee. I yield to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I do not rise for the purpose of making a speech, but merely to make a statement in justice to a very distinguished constituent of mine who was wronged, unintentionally, I hope, yesterday on this floor.

We have all, Mr. Chairman, arrived at the point where we fully recognize and universally concede the great benefits that have come to the people of this country from rural free delivery. Consequently, Mr. Chairman, a number of gentlemen have sprung up who are not quite so frank as was my colleague from Georgia [Mr. GRIGGS], who addressed the committee before me this afternoon, and who claim more that he did, namely, that he is the "stepfather" of this great system.

Now, Mr. Chairman, it is a matter of record—I have the proof in my hand and will put it in the RECORD in connection with my remarks, again repeating it, so that the gentlemen who are disposed to forget it will have no further excuse for doing so—that the first law ever passed by this body authorizing rural free delivery was introduced and urged on this floor by my distinguished constituent, Hon. Thomas E. Watson, of Georgia, who then represented the district in Congress I now represent. During the second session of the Fifty-second Congress, while the post-office appropriation bill was before the House, on February 17, 1893, Mr. Watson offered the following amendment:

Amend the paragraph so as to read, as follows:

"For free-delivery service, including existing experimental free-delivery offices, $11,254,900, of which the sum of $10,000 shall be applied, under the direction of the Postmaster-General, to experimental free delivery in rural communities other than towns and villages."

Mr. Watson offered this amendment, and it was conceded on this floor by the chairman of the committee, Mr. Henderson, of North Carolina, and by Mr. Holman, of Indiana, that there was then no existing law for this appropriation, and the point of order was reserved against it. In fact it is undoubtedly true that the distinguished gentleman from Georgia, Mr. Watson, is unquestionably the author of the first law authorizing rural free delivery in this country. I therefore make these remarks, Mr. Chairman, as a mere matter of justice to a distinguished citizen of my own State, who is justly entitled to this credit, about which there seems to be some confusion.

Mr. WILLIAMS of Mississippi. That amendment got on the bill.

Mr. HARDWICK. Yes; it was adopted. The point of order that it was new legislation was first reserved against it, was conceded to be good, and finally was not insisted upon.

Now, Mr. Chairman, in conclusion, I ask permission of the House to extend these remarks so that I can put these facts into the RECORD, with my remarks, so that gentlemen now may be reminded of the historical truth of this matter and Mr. Watson may be given the credit for beginning this great work so useful and important to the people, a credit to which he is entitled by every rule of justice and fair play.

The CHAIRMAN. The gentleman asks permission to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDWICK. The record is as follows:

The Clerk read as follows:

"For free-delivery service, including existing experimental free-delivery offices, $11,254,943."

Mr. WATSON. I have an amendment which I send to the desk.

The Clerk read as follows:

"Amend the paragraph so as to read as follows:

"'For free-delivery service, including existing experimental free-delivery offices, $11,254,900, of which the sum of $10,000 shall be applied, under the direction of the Postmaster-General, to experimental free delivery in rural communities other than towns and villages.'"

Mr. HOLMAN. I reserve a point of order on that.

Mr. WATSON. This reduces the expenditure provided for in the bill.

Mr. HENDERSON of North Carolina. I desire to reserve a point of order.

The CHAIRMAN. A point of order has already been reserved.

Mr. WATSON. Mr. Chairman, the paragraph under consideration provides for the expenditure of $11,254,943 for free-delivery service. My amendment reduces the amount of that expenditure and simply directs that the Postmaster-General shall apply $10,000 of the appropriation to experimental free delivery in rural communities.

Mr. LOUD. That is already provided for; the gentleman will accomplish nothing by his amendment.

Mr. WATSON. It is not provided for in rural districts other than towns and villages.

Mr. BUCHANAN of New Jersey. The experiment is going on now.

Mr. LOUD. And has been for two years. Nothing can be gained by the gentleman's amendment.

Mr. WATSON. There is no experimental service in rural communities other than villages and towns.

Mr. BUCHANAN of New Jersey. You mean "truly rural."

Mr. WATSON. Yes, sir; the real country.

Mr. HOLMAN. I hope the amendment will again be read. It was not understood.

The amendment was again read.

Mr. HOLMAN. I think there is some misapprehension as to the law on this subject. I would like to ask the gentleman from North Carolina in charge of this bill what the existing law is?

Mr. HENDERSON of North Carolina. There is no law on the subject providing for rural free delivery or experiments in that direction. There is a law which provides for experiments in small towns and villages, and forty-eight of these now have free delivery. That condition is preserved in this bill. But no provision is made for rural free delivery.

Mr. WATSON. I understand, Mr. Chairman, that the point of order will not be insisted upon.

The CHAIRMAN. No point of order was submitted; it was only reserved.

Mr. WATSON. It was made under a misapprehension of the law.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia.

Mr. HENDERSON of North Carolina. So far as I am individually concerned, Mr. Chairman, I would have no objection to such an experiment. But I thought it proper to reserve the point of order, not knowing what other gentlemen might think of it.

Mr. LOUD. Are you satisfied in your own mind that this is not substantially the present law?

Mr. HENDERSON of North Carolina. I am not entirely satisfied.

Mr. CALDWELL. There is no provision for rural districts.

Mr. HENDERSON of North Carolina. Oh, I am perfectly satisfied that there is no law in regard to experimental delivery in rural districts.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia.

The question was taken; and on a division there were—ayes 49, noes 50.

Mr. WATSON. No quorum.

The Chair appointed as tellers Mr. Watson and Mr. Henderson of North Carolina.

Mr. WATSON. I would like to have a few moments, with unanimous consent, to make a statement in reference to this matter.

Several MEMBERS. Go on.

The CHAIRMAN. Unless by unanimous consent, pending a division no debate is in order.

Mr. WATSON. I have asked unanimous consent.

The CHAIRMAN. Is there objection to the gentleman proceeding briefly in explanation of this proposition?

There was no objection.

Mr. WATSON. Mr. Chairman——

Mr. LOUD. Does the gentleman withdraw the point of no quorum?

The CHAIRMAN. The Chair does not so understand.

Mr. LOUD. Then I shall object.

Several MEMBERS. Too late.

Mr. CALDWELL. I make the point of order that the gentleman is too late. Unanimous consent has been given.

The CHAIRMAN. The Chair thinks the gentleman is too late.

Mr. WATSON. Mr. Chairman, the present law provides for an experimental free delivery in rural communities; but as I understand it—and the chairman of the committee, the gentleman from North Carolina [Mr. Henderson], makes the same statement to the House—the law has been construed to mean cities, towns, and villages, and there are now in operation experimental free deliveries in certain towns and villages.

The law expressly provides for rural communities, and it seems to me where the general laws make such provision there is no hardship in taking a small amount from this appropriation, only $10,000, and appropriating it for experimental free delivery in absolutely rural communities, that is to say, in the country pure and simple, amongst the farmers, in those neighborhoods where they do not get their mail more than once in every two weeks, and where these deserving people have settled in communities one hundred years old, and do not receive a newspaper that is not two weeks behind the times.

The amendment proposes not to increase the appropriation; it actually diminishes it by a nominal amount, but takes $10,000 of it to be provided for experimental free delivery in absolutely rural communities, instead of towns and villages, which the authorities construe to mean rural communities. In other words, I think that a part of the money ought to be spent in the country, where the law provides it shall be spent, and having made this statement, if we can have another division, and the committee is against my amendment, I will yield to its will.

Mr. HENDERSON of North Carolina. Mr. Chairman, the only law on the subject at all is in the very language used in this appropriation bill:

"For free-delivery service, including existing experimental free-delivery offices."

That is all the law now on the statute books in regard to this question.

I did not want the statement of the gentleman from Georgia in regard to there being a law on the statutes as to rural free delivery to go without correction.

Mr. WATSON. Mr. Chairman, this delivery in the small towns and villages is called rural free delivery.

Mr. HENDERSON of North Carolina. But as a matter of fact there is no law except what is stated here in this appropriation bill.

Mr. HOLMAN. Mr. Chairman, I would like to say a word about this matter. The district which I have the honor to represent is situated in the midst of a great intelligent body of farmers, and so far as I am informed the sentiment is generally that this would be an unnecessary expense. It has been discussed somewhat in the public prints.

This amendment means an increased appropriation of $10,000. Upon its face it simply diverts $10,000 from the proper fund, but it has of course got to be made up. I am very confident that the people of this country do not care to have the taxes imposed upon them increased by what they deem to be an unnecessary expense.

A MEMBER. Do I understand the gentleman from Indiana to say there is no circulation of mail among the farmers of his district? [Laughter.]

The CHAIRMAN. The committee is dividing. Debate is not in order. Does the gentleman from Georgia [Mr. WATSON] insist upon his point of no quorum?

Mr. WATSON. I stated that if we could have a rising vote, I would submit to the decision of the committee.

The CHAIRMAN. Without objection, the Chair will again put the amendment to the committee.

The committee again divided, and there were—ayes 79, noes 41.

Accordingly the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 11, 1904:

H. R. 5749. An act granting a pension to James B. Combs;

H. R. 9835. An act granting a pension to Maggie Fitzpatrick;

H. R. 5580. An act granting a pension to Celia C. Owen;

H. R. 8648. An act granting a pension to Shadrach D. Bardin;

H. R. 9127. An act granting a pension to Moses Schuman;

H. R. 7712. An act granting a pension to Emma Crosier;

H. R. 8185. An act granting a pension to Herman Lemmerman;

H. R. 8343. An act granting a pension to Annie P. Erving;

H. R. 9921. An act granting a pension to Virginia Boyd;

H. R. 9683. An act granting a pension to Henry Austin;

H. R. 4392. An act granting an increase of pension to Abbie E. Webster;

H. R. 880. An act granting a pension to Caroline S. Winn;

H. R. 4750. An act granting a pension to William J. Jackson;

H. R. 4540. An act granting a pension to Amanda Skinner;

H. R. 10968. An act granting a pension to Marceline P. Hamilton;

H. R. 4624. An act granting a pension to Isabella Phelps;

H. R. 7368. An act granting a pension to Annie G. Norwood;

H. R. 5342. An act granting a pension to Jane E. Sutfin;

H. R. 7063. An act granting a pension to Ellen F. Lynch;

H. R. 5030. An act granting an increase of pension to William H. Mount;

H. R. 8922. An act granting a pension to Martha E. Nolan;

H. R. 8924. An act granting a pension to Georgia A. Whitehead;

H. R. 5610. An act granting a pension to Annie Dorfner;

H. R. 7248. An act granting a pension to Robert H. Cooke;

H. R. 7382. An act granting a pension to Ellen A. Harmon;

H. R. 9739. An act granting a pension to Lizzie M. Worster;

H. R. 10741. An act granting a pension to Mary Tate;

H. R. 11345. An act granting a pension to Joseph H. Huie;

H. R. 7559. An act granting a pension to Caroline Hurley;

H. R. 8771. An act granting an increase of pension to Walter F. Horner; and

H. R. 9061. An act granting a pension to Nettie A. Buell.

On March 12, 1904:

H. R. 11287. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1905.

On March 14, 1904:

H. R. 10136. An act authorizing bail in criminal cases upon appeal in the courts of Indian Territory;

H. R. 5761. An act to authorize the Charleroi and Monessen Bridge Company to construct a bridge over the Monongahela River;

H. R. 3578. An act to authorize the Mercantile Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of North Charleroi, Washington County, to a point in Rostraver Township, Westmoreland County; and

H. J. Res. 106. Joint resolution amending public resolution No. 8, Fifty-sixth Congress, second session, approved February 23, 1901, "providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture."

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. MOON of Tennessee. I yield five minutes to the gentleman from Ohio [Mr. BADGER].

Mr. BADGER. Mr. Chairman, I do not know that I shall occupy five minutes in what I desire to say. I do not desire to inflict upon the House any set speech upon this subject. But it has occurred to my mind, Mr. Chairman, that some of our Members do not seem to fully appreciate the responsibilities, and the necessities, I might say, of our system of carriers, both our rural free-delivery and our city carriers.

As to their salaries, I do not think they are paid enough; and, Mr. Chairman, if it would not jeopardize the provision for the increase of the salaries for the rural free-delivery carriers, I think it would be proper for some Member—I would like to take the responsibility myself—to introduce an amendment to this bill increasing as well the salaries of our city carriers and the clerks in our Post-Office Department. There are none of them paid enough.

The responsibilities of the city carriers are very great, and the good that results from a practical service can not be measured in a few dollars and cents, and I hope to see this bill amended accordingly, but that will come later on, when I hope to have something to say and hope to offer something in the line suggested by the gentleman from Michigan [Mr. TOWNSEND], who has just spoken on this subject. There is one thing I do not desire should go unchallenged here this afternoon. My friend from Georgia

[Mr. GRIGGS] and my friend from Indiana [Mr. CRUMPACKER] seem to have overlooked something when they jumped on the carriers and the national organizations of carriers and say that they have no right to petition, no right to say anything in regard to their matters, and had introduced an Executive order here purporting to prohibit any carrier or organization of carriers or their officers of this Department from bringing before this body or any other Department its grievances except through the head of a Department. This is an astounding proposition to me.

Since I was 21 years old I have devoted myself to the study and practice of the law and the administration of the law, and I have yet to be convinced that any American citizen or any class of American citizens have not the right of free speech and the right of petition for any of their rights, and even the right to remonstrate against any injustice. That order, if it is put in the light as contended for by these gentlemen, violates the very spirit of our American institutions. Why, it certainly was not intended in that light. I hope it will never be interpreted in that light. I hope no such order will ever be used to infringe on and curtail the rights of American citizenship. Now, then, as to one other branch of this subject:

A rural carrier in our portion of the State is not only the servant of the Government by reason of his position, but also a servant of the patrons to whom he delivers the mail, and he is largely the servant of our merchants, our wholesale people and our manufacturers, publishers, and the great mercantile world generally who have connection with our rural districts, and in my own district I will almost guarantee that the manufacturers and wholesale and mercantile houses have, before this rural system was in vogue, expended almost as much in sending their advertisements and placing their goods before the people as is now paid for the whole carrier system in my district, and they are willing and anxious that these carriers should be paid fair compensation for their services. This great expense formerly incurred by the business world is now obviated or greatly reduced by reason of the carrier service.

It is not the carriers who are asking it alone, but it is the patrons of the offices, the men in the country, the merchants in our city, and the manufacturers—the great business world and all who are engaged in any considerable line of business who desire to promote the efficiency of the service—and they desire to pay what it is worth and at the same time advance our general interests. The rural carrier is not getting now what he deserves; he is not getting what his position demands; and I hope, my friends, that no point of order will ever prevail against this provision in the bill granting an increase to at least the amount, $720, named in this bill and as much more as Members may vote, and whatever that may be it will not be any too much for the men who perform this duty and help along in this branch of our Government.

One word more on this line. Why should we be penurious in this? Why, this is part of one of the great branches of the Government that pays the Government something from a business standpoint. Our Army and Navy, of both of which we are proud—and whenever anything comes up for their benefit in the way of an appropriation bill we vote for it, and justly do so. I vote for all of them in reason and will do so over and over again as long as I have the opportunity. But why should we be penurious with the carriers and clerks in our Post-Office Department? Our Post-Office Department brings into the Treasury of the Government almost as much revenue as it takes to sustain that Department. Take, for instance, my own city. It pays clear to the Government nearly $400,000 every year more than the local expenses of running the city department. It is well managed and more than self-sustaining. The whole system is almost a self-sustaining one, and why curtail its usefulness or in any way cramp its progress? Why be penurious in this? There is no economy in being penurious, and there is nothing patriotic in it, my friends.

Let us look out in broad lines of progressive American citizenship and American patriotism. Let our rural carriers continue to be the agents for our newspapers, the great vehicles of civilization and progress. Let them help circulate the newspapers, and what financial remuneration they receive for that may go to pay some of the expenses that they must necessarily incur in discharging their duties. The way this bill now contemplates curtailing their privileges and field of usefulness there would not be perquisites enough in a rural carrier's job to give him the finances to pay for the axle grease he wears out on the axles of his wagon.

I believe the carriers should have full scope to act as agents for the newspapers and help both the publisher and his patrons in that regard, so long as it does not interfere with or impede the prompt delivery of the mail. Increase their salaries; keep step to step with the lines we started in when this branch was founded.

Take as an example how efficient our city carrier service has grown from a small beginning. Increase the pay of the boys who do the work, and make both carrier systems even better for the carriers, the patrons, and the General Government. We have a splendid service in our cities and a growing service in the rural free delivery, but we should ever remember the boys who do the work and let their pay increase as their efficiency has already increased, and we will have both carrier branches in that progressive condition that we may regard them as the greatest and most practical branches of our civil government. I now regard them as among the greatest and most practical branches of our Government. [Applause.]

Mr. MOON of Tennessee. I now yield twenty minutes to the gentleman from Missouri [Mr. COCHRAN].

[Mr. COCHRAN of Missouri addressed the committee. See Appendix.]

Mr. MOON of Tennessee. I yield five minutes to the gentleman from South Carolina [Mr. JOHNSON].

[Mr. JOHNSON addressed the committee. See Appendix.]

Mr. MOON of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to say a few words on the pending measure and speak on the subject of rural free delivery and letter carriers in general. I noted with surprise when I came to look at the bill before us that the annual allowance for a rural free-delivery carrier is to be but $720 for the ensuing year. I have not the slightest doubt but that legislation in the way of amendment should and will be attached to this bill granting a much more liberal allowance for this branch of the service. I have been surprised to learn from the statements that have been made throughout the debate on this bill that there are Members who seem inclined to think that $720 per year is plenty, and some of them did not hesitate to say that it is entirely too much. There are gentlemen here who have intimated that in their district it is comparatively easy to get men, any quantity of men, to perform this service for the people for much less money.

I have to say, gentlemen, that if this feature of the mail service is to become a permanent one in the district which I represent and all that country it adjoins, the wages for this service for this rural free delivery of mail will have to be materially increased. It is true that we have been successful so far in getting men to go on with this service, but they have done it because they did not believe that the United States of America would continue to offer such a miserable pittance to an American citizen engaged in such responsible and arduous employment.

I say that with full knowledge of the facts, despite the Executive order which has been issued to prevent a rural free-delivery carrier or his representative from approaching a Congressman.

I know how they feel on that subject, and I am saying this in warning to the people who are charged with the responsibility of this legislation. These men can get better and far more remunerative employment where I reside than the Government offers them. However it is going to affect other districts, I can speak for mine. The city carriers, too, have claims upon this committee, and the city carriers' compensation should have been increased in this bill. I do not see how any man on this floor can stand up and give a reason why the pay of the postal carriers of the United States in the cities have not been increased this year. Has it come about that Members on the other side of the Chamber, who are responsible to these men for the increased cost of living and who with lavish hands spend the money of the Government, must begin curtailing and economizing on the noblest body in the public service—the men who have the confidence of the people they serve, the men who all through this scandal which touched so many branches of the service were passed over and left unsullied?

Are we to commence economizing on them? "Executive orders," they say. There is no Executive order, it seems, to prevent a Congressman going to the head of a Department and having an allowance made for a post-office or for clerk hire, which is in plain violation of the law. I don't say that there should not be an Executive order preventing a mail carrier from approaching a Congressman; I do not doubt its wisdom; but there is more need of an order to prevent a Representative from going to the head of a Department and warping the judgment of men who are supposed to make the allowances according to the laws and regulations and without regard to the wishes or opinions of Members of Congress.

Executive orders! There is no Executive order which prevents a railroad company from going before the postal committee or coming by its representative on the floor of this House and showing Congress that it is necessary to appropriate $100,000 for special facilities which nobody seems to see the necessity of and nobody knows anything about. Special facilities for what? Does anybody mean to state these trains would cease to run or slack their speed if we knocked that appropriation out of the present bill? Let us try it. Make your Executive order to the railroad and to the lobbyist. Extend your Executive order, if you please, so that it will prevent the mail carrier from asking me as a Congressman

to get up in my place and demand upon this floor fair treatment for him, but extend it to the lobbyist, the railroad, and to the Congressmen themselves. [Applause.]

We have heard it stated here to-day that under the contract system this business could be handled much more cheaply than it is at present, and no doubt this is true. But the same argument applies to nearly every work carried on by the Government, and there are people who do not hesitate to say that it even applies to Members of this House and that there can be found men who would be glad to take the places of Members of this body for considerably less than the salary now paid to them and thereby save a considerable sum of money to the Government; but there are other considerations which enter into the selection of officers of our Government than those of economy.

But that question is entirely out of place in this discussion. The rural free delivery is not a contract system. The Government is employing these men directly and itself fixes the wages of the rural and the city carriers. Does anyone expect that either branch of the service will attract men to it who have the intelligence, the education, and the integrity which they now possess in such a high degree unless they are paid a compensation sufficient to enable them to pay their way, educate their children, and live as we are taught to believe American citizens should live?

We have now a force of postal employees that we can justly be proud of. The skill which they bring to bear upon their duties are the proud boast of American citizens the world over. Why should they not be paid commensurately with the services they render? There are many Departments of the Government which will bear watching, but, believe me, the American people, who come in daily contact with these men and who have grown to depend on them, will not look with favor upon a cheese-paring policy so far as they are concerned.

A 20 per cent increase in the pay of letter carriers would hardly leave them where they were before. The cost of living has increased more than that and it has been brought about by legislation admittedly framed for the purpose of permitting higher prices, in the belief that wages would necessarily go up in accordance therewith. Why don't you put up the wages of these men whom you forbid taking any step to help themselves?

I have not seen a single representative of theirs, nor have I been asked to take any action in their behalf; but I know many of them personally. Among them I am proud to number some of my closest friends, and I say to you, gentlemen, that you are not treating them fairly. They may not even ask for what any man in this land may demand and follow up its refusal by a strike.

They are between the upper and nether millstones, and between high prices and low wages are being oppressed to such a degree that they must soon lose that pride and dignity which is the possession of him only who knows that his energy, integrity, and ability are properly appraised and appreciated—dignity without which no man can do the best that is in him, either in the Government service or out of it.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. MOON of Tennessee. I now yield five minutes to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I see by the clock that it is nearly half past 5. I wanted to read and comment upon an article, which I hold in my hand, from the Brooklyn Eagle, but instead of doing so I shall ask unanimous consent to insert the article in the RECORD. It is from the Brooklyn Eagle of March 13, signed by Frederick Boyd Stevenson, upon the subject of "The approaching deficit and its causes."

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to insert in the RECORD the article which he has alluded to. Is there objection? [After a pause.] The Chair hears none.

The article referred to above is as follows:

[The Brooklyn Daily Eagle, New York, Sunday, March 13, 1904.]

FADS, FRAUDS, AND FOLLIES CRIPPLE NATION'S FINANCES—DEFICIT OF $42,000,000 IN THE COMING FISCAL YEAR SHOWN BY EVEN THE MOST SUPERFICIAL EXAMINATION TO BE DUE TO RECKLESS WASTEFULNESS IN THE GOVERNMENT'S EXPENDITURES.

WHERE THE MILLIONS LEAK OUT.

The following figures show where some of the big leaks occur in expending the millions that are required to conduct the affairs of the Government:

Increase in salaries (1903)	$204,952
Expended on airships, estimated	200,000
Forty-five customs ports where expenditures exceed receipts	101,788
French novels for Department libraries	200,000
Loss to the Government on account of inefficient clerks	130,000
Free horses and carriages for Cabinet and other officers	40,000
Unnecessary expenditure out of $77,411,011 army bill	7,000,000
Unnecessary expenditure out of $82,426,030 navy bill	3,000,000
Unnecessary expenditure out of $23,362,656 navy machinery	2,000,000
Unnecessary expenditure out of $15,004,420 fortifications	5,000,000
Unnecessary expenditure out of $3,534,973 (1903) armor navy	500,000
Unnecessary expenditure out of $10,000,000 (1903) armor navy	2,500,000
Unnecessary expenditure out of $3,312,035 contingent fund	1,250,000
Appropriation St. Louis Exposition (recent)	4,600,000
Unnecessary expenditure out of $6,485,137, printing	$2,300,000
Transportation of Army, $15,500,000 (one-third bonus to roads)	5,000,000
Unnecessary expenditure out of $1,874,004, House salaries	500,000
Unnecessary expenditure out of $532,443, Senate salaries	250,000
"Restoring" and refurnishing the White House	475,445
Refurnishing U. S. S. *Mayflower* for use as President's private yacht	100,000
Cost of refitting and repairing *Mayflower* in 1902 and 1903 for President's personal use	65,000
Cost of repairs to *Mayflower*, 1904	30,000
Cost of keeping *Mayflower* and *Sylph* at disposition of President in 1902 and 1903	60,000
Cost of keeping the two vessels in readiness for a call from President this year	25,000
New White House stable asked for by the President	90,000
Total	35,622,185

Congress is called upon to deal with a deficit of $42,000,000 as the direct result of a long reign of riotous recklessness. The situation marks the climax of an Administration that has broken all records in the wasteful expenditure of public money. The billion-dollar Congress of notorious memory, at its most expensive session, spent $232,000,000 less than this present session of Congress aims to appropriate.

Millions have been poured into Government rat holes like water.

The insatiable maw of the Army has acquired $77,000,000 to appease it, and the itching palms of the railroads and the steamship owners are again reaching for their bit out of $15,500,000 for transporting troops and supplies in a time of slumbrous peace.

The Navy Department, with a lump sum of $15,000,000 for "machinery," to say nothing of the $82,000,000 required to keep its wheels greased and its whistles wet in 1904, now asks for $102,000,000 for 1905. And in the meantime the steel trust is figuring on million-dollar chances in the bills asking for $28,000,000 for "fortifications, armor, and armaments."

The city of St. Louis has just secured a gratuitous contribution of $4,600,000 to add to the more than generous appropriations already granted by the Government.

From $50,000 to $200,000—the exact sum is concealed under the euphonious title of "engines of war"—have been cheerfully given and as cheerfully spent on flying machines that fail to fly, and recently a proposition was made in all seriousness before Congress that the Government appropriate $25,000 for the purchase of a collection of butterflies industriously captured in the flower-topped fields of Pennsylvania by a grand old Grand Army man, who was an all-around good fellow and hard-working ward worker, now defunct, whose widow needed the money.

From such attempts as this to reach the hearts of the statesmen and the deposit vaults in the Treasury it is but a step to the placing in the departmental libraries of a complete line of French novels for the delectation of Government clerks who suffer with ennui during their six or seven hours of waiting for the time ball to drop.

Customs ports are maintained where it costs hundreds of dollars to collect $1. From the higher officers down to the cheapest clerk demands have been made for increases in salaries.

Extra pay has been voted to men for extra work performed during the hours when they were supposed to be doing labor for which they are paid good salaries by the Government. Expensive horses and carriages and smart-looking coachmen have been maintained for private use at public expense by the heads of Departments and Cabinet officers, and in some instances Government funds have paid the private butlers of high officials.

Thus on every hand—from those in the seats of authority to the humblest sweeper on the Capitol steps—there seems to be but one aim in life: "Get all you can out of Uncle Sam!" It is this state of affairs that has caused the great deficit.

Since 1875 the expenses of the country have shot upward almost in a straight line. The story is forcibly told in the figures of the last year of Cleveland's Administration—1896—when it cost $457,088,344 to run the Government, and those of to-day which show the estimates for 1904 to be $747,317,922.

What is the cause of it?

Representative HEMENWAY, the bright young Republican from Indiana, who succeeds "Uncle Joe" CANNON as chairman of the House Committee on Appropriations, says it is reckless expenditure.

Representative ROBINSON, also from Indiana, says it is flying machines, frivolities, and foolish fads.

"The big leaks are in the Army and Navy," says Representative HITCHCOCK, of Nebraska.

But Commissioner West, of the District of Columbia, insists that the deficit is due to a plague of national spendthrifts whom the profane call "grafters," who have become so used to big figures in appropriation bills that they can not appreciate the meaning of a million when they hear it.

As for the common herd which pays the freight, perhaps it may be interested in a calm, dispassionate investigation of some of the things for which the country pays so dearly.

THE SERIOUS DILEMMA THAT FACES THE NATION.

One man who thoroughly realizes the reckless manner in which the public money is being expended is Representative JAMES A. HEMENWAY, of Indiana, chairman of the House Committee on Appropriations. He sees that the present way of conducting the financial affairs of the nation will lead to dangerous difficulties. Since the opening of this session of Congress he has striven in every possible way to induce the Departments to cut down their estimates and reduce expenses. On nearly every side he has been met with stubborn resistance. Wherever he has seen a leak he has tried to stop it, but at each attempt at retrenchment there has gone forth a mighty wail from the army of spenders that threatens to carry him and his committee from the high moral ground they have attempted to maintain.

"The proposition is just here," said Mr. HEMENWAY, "we must find some way to reduce the estimated expense of conducting this Government by at least $42,000,000. The estimated expenses for the ensuing fiscal year are $747,317,922. The total revenues for the fiscal year beginning July 1 next are $704,472,000. Now, it doesn't require much of a mathematician to figure out that we have a deficit of $42,845,862. The big problem that is now before us becomes all the more serious when we know that at the last session Congress appropriated, exclusive of deficiencies, within less than $10,000,000 all that was submitted in the estimates, and that at the first session of the last Congress, which corresponds to this session, the appropriations, exclusive of deficiencies and the large sum of $50,130,000 for the isthmian canal, approached the estimates within a little less than $24,000,000.

"There is no comfort for us in the fact that the total estimates, excluding the sinking fund submitted in the last Congress, were at the first session $19,672,311 less than the estimated revenues, and at the last session $44,310,887 less than the estimated revenues. It only argues this point: That we now have no latitude to appropriate beyond the lines laid down in the regular estimates, and that those lines must be greatly contracted.

"Three of our great Government supply bills—the pension, legislative executive, and judicial, and the army—carry an aggregate of $242,000,000

nearly one-third of the entire annual estimates, as presented to us by the executive, but in their sum total they show a reduction of only $4,116,623. Now, if that ratio of reduction is not materially increased, the expenses for the next fiscal year can be met only by making heavy inroads on the surplus in the Treasury. The available cash balance in the Treasury is at present $229,000,000, and it is likely to be materially diminished before long on account of these payments: The isthmian canal, $50,000,000; unexpended balance of appropriations for increase of the Navy, $27,000,000; rivers and harbors, $37,000,000; public buildings, $17,000,000. You will see, therefore, that if our outstanding obligations, fixed by appropriations already made, were liquidated, the net cash in the Treasury would be reduced to the dangerously low mark of $98,000,000. That would be a sum less than it has reached at any period since the era of depression just before Mr. McKinle's first Administrationy.

"We must not forget, moreover, that we have to provide at this session for $60,804,821 on contract obligations appropriated by the last Congress on account of public works. This means that we must begin to draw the line somewhere. Our receipts ought to be equal to our expenditures. That is simply a matter of plain, common-sense business. We have been running to woeful extravagances, and it is high time to call a halt. For the first time since the war we have passed the legislative, the judicial, and the executive bills without raising the salaries of employees. This was not because the raises were not asked for. From every Department, from the head sometimes, down, came demands for more pay. The higher officials unblushingly ask that they receive more remuneration for their services. Why, the request for more pay for clerks and other employees came even from the Executive Department. In all there were 796 demands for increases in salaries, but in no instance was an increase granted by this committee. Instead of increasing the pay, we found it absolutely necessary to reduce it in as many cases as we could. The result is that we have cut off from the appropriation bill in reduced salaries $1,452,000. But the increase in salaries is only one of the little leaks. There are many more, and many of them run into millions."

"For instance, there is——?"

"Well, some of the insignificant customs ports are a useless expense to the Government. There is no reason whatever for maintaining them. Why, it costs nearly $600 to collect a fee of $1 at Galena, Ill., and there are forty-five of these ports where the expenses greatly exceed the receipts."

"But where does the leak of millions occur?"

"It is a pretty difficult matter to put your finger on the expenditure of millions and say that it ought not to be made. Of course it costs a great deal of money to run a country like the United States. And we can't afford to be niggardly. Now, as chairman of this committee, I am not in the cheese-paring business. Any legitimate expense that is for the good of the Government I am heartily in favor of. There is a great tendency to conceal the real purport of an appropriation under a general title. This must stop. An appropriation bill must come out in its true colors. The people want to know what the money is spent for. Of late years there has been a great tendency to crowd a lot of useless expenditures into the contingency bill. The contingency bill covers a multitude of foolishness and fads. Thousands of dollars of useless expenditures are covered up by it. Another practice has been for a Department to make a job lot of an appropriation. I am trying to insist that every appropriation must be made in detail.

"I am of the opinion that the Government is much too willing to spend money for matters that do not come within its scope. We have gone too readily into scientific research, and have paid for theories, when we ought to pay only for practical results. Take the theoretical work at the Naval Observatory and the scientific research and experiments at some of our other institutions. I should say, in round numbers, that it is costing us fully $100,000 a year more than it should for legitimate work. Then the Government is always buying something it does not need or putting up a public building that is not necessary. It is a very easy matter to spend millions in this way. But it is in the constant little leaks—in the things that are about us every day; things we don't notice—that the expenses roll up into the high figures."

Recently, on the floor of the House, Mr. HEMENWAY asserted that French novels and other books of fiction were to be found on the shelves of the libraries of the various Departments, the volumes of which were supposed to be devoted to purely technical subjects. After some discussion an amendment was passed that only professional books and periodicals should be purchased with Government funds for the departmental libraries.

"These books were procured at considerable extra expense, were they not?" I asked.

"I should say," replied Mr. HEMENWAY, "that the maintenance of the departmental libraries, including interest on the money invested in them, amounts to fully $200,000 a year. For my part I can not see why the great libraries of Washington do not answer all the purposes. The Congressional Library, the public library, and the libraries in the numerous institutions are the finest in the world, and I am sure one may find all he requires in them. I can not understand why it is necessary for every Department to maintain its own library. It certainly is not necessary for them to contain French novels.

"But this is not a popular job," added Mr. HEMENWAY. "The man who can deal out patronage and let the bills go through is the good fellow—not the man who is cutting down expenses."

HOW THE NATION'S EXPENSES HAVE BEEN EXPANDING.

Within the last few years the increase in the cost of conducting the affairs of the United States has been sensational. Making due allowances for the increase in population and natural expansion, the figures have been out of all proportion to what they should have been. The total appropriations for the Forty-third Congress, 1875-76, was $653,794,991, less by $93,000,000 than it is proposed to spend at one session of the present Congress. This, too, it must be borne in mind, is at a time when we have no war tax and no extraordinary public expenditures. The population of the country in 1875 was 50,000,000. According to the census of 1900 it was 75,000,000. In ratio to the increased population the appropriation bills for both sessions of the Fifty-eighth Congress should have been in the neighborhood of $980,000,000. Instead they are $1,500,000,000, fully $500,000,000 more than the natural increase would warrant.

During the years 1877 and 1878 the appropriations were reduced to $595,597,832, which included a special appropriation of $1,634,700 to increase the cavalry force to aid in suppressing Indian hostilities. In the next two years the appropriation ran up to $704,527,405. This increase was due mainly to a $5,500,000 fishery award, to $26,867,200 voted by special act for pension arrears, and to $2,090,000 for expenses of the United States courts omitted from the sundry civil act for 1880. In the next Congress the expenses climbed still higher, amounting to $727,537,684. These were the first years in which separate appropriations were made for the Agricultural Department, up to this time it having been provided for in the legislative acts. Then came the jump to $777,435,948—an increase of $50,000,000 in the Forty-seventh Congress.

In 1824 a great political-reform wave swept over the country and in 1885 Grover Cleveland was seated in the White House. The ends of a spendthrift Congress that had just passed out were quickly gathered together and the next appropriation bill was reduced to $655,269,402, showing an immediate cut of more than $122,000,000 in the running expenses of the Government during one Congress. When Harrison went in in 1889 the appropriations at once mounted to $794,146,424. Then followed the scandalous one-billion-dollar Congress and a cry went up from all parts of the country. But there was another break when Cleveland went back in 1893, and expenses were once more reduced, as well as they could be with the waste that was left in the track of the reckless Fifty-first Congress. The Republicans again got control. Then came the war with Spain and in the Fifty-fifth Congress even Reed's record was broken and we had a billion-and-a-half Congress. From that time forward the figures have not fallen far below the billion-and-a-half mark, and the indications are that the present Congress will not lower any high-water record of the past.

The fluctuations that appear on the diagram here presented do not redound to the thrift of a nation. They show, rather, a free and easy spending, as if with both hands.

Table showing increase of national expenditures.

Fifty-seventh Congress	$1,568,212,637
Fifty-sixth Congress	1,553,683,002
Fifty-fifth Congress	1,440,489,437
Fifty-fourth Congress	1,023,792,365
Fifty-third Congress	954,496,055
Fifty-second Congress	943,617,052
Fifty-first Congress	917,013,523
Fiftieth Congress	794,146,424
Forty-ninth Congress	777,435,948
Forty-eighth Congress	746,342,495
Forty-seventh Congress	727,537,684
Forty-sixth Congress	704,527,405
Forty-fifth Congress	655,269,402
Forty-fourth Congress	653,794,991
Forty-third Congress	595,597,832

Where have these billions gone?

Great sums of money are required to conduct the business of the Government. There is an honest outlay of millions of dollars each year. But other millions have been expended on foolish fads and ridiculous propositions that no shrewd business man would consider for a moment. Lax methods have prevailed that would wreck the strongest mercantile establishment in the world. It is impossible to go into all these leaks, some of which have been adroitly concealed, but enough of them may be exposed to indicate the reckless manner in which the affairs of the country are being conducted.

SINKING FORTUNES IN AIR SHIPS THAT CAN'T FLY.

Perhaps some day there may be air ships that really will sail in the air. The fever-heated imaginations of romancers have already pictured fierce aerial battle ships, darting like great birds of prey hither and yon through the ether, shooting forth fire and destruction in a war of the worlds. It must have been some such picture as this that spurred the supposedly sober and sedate War Department into the formation of a partnership with a modern Darius Green. As far back as 1895 Prof. S. P. Langley, of the Smithsonian Institution, claimed to have actually perfected a flying ship. Not long ago it was announced with great eclat that he was about to perform an experiment with a new model that would surely soar heavenward.

But the air ship did not circle around the steeples. Something broke, and it turned a double flip-flap and came down on its back in the mud, with its hind legs kicking in the air.

Somebody has been footing the bills. Uncle Sam went into his wallet for part of the expenses.

"We have received only $50,000 from the Government for experiments in air ships," said Prof. C. M. Manly, Professor Langley's assistant, in conversation with me the other day.

"It has cost the United States Government $200,000 to find out that Langley's flying machine can't fly," said Representative JAMES M. ROBINSON, of Indiana.

"You tell Langley for me," said Representative GILBERT M. HITCHCOCK, of Nebraska, "that the only thing he ever made fly was Government money."

Like many other expenditures of public money, those for the Langley air ship are said to be concealed in the ambiguous wording of the appropriation bill. In an act approved last March an appropriation was made for "fortifications and other works of defense." The expense of the Langley air ship experiments was provided for in this section:

"Board of Ordnance and Fortification: To enable the Board to make all needful and proper purchases, experiments, and tests, to ascertain with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the Board, be necessary in the proper discharge of the duty devolved upon it by the act approved September 22, 1888 * * * for the payment of the necessary expenses of the Board * * * and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortifications, $100,000, the expenditure of which shall be made by the several bureaus of the War Department heretofore having jurisdiction of the same, or by the Board itself, as the Secretary of War may direct." * * *

Under the terms "other implements and engines of war" and "other devices" it would be as easy to buy a flying machine as a 13-inch gun, and with a few appropriations like the one just quoted it would not be a difficult matter to drop in a few hundred thousand dollars without attracting particular attention. But an almost unlimited opportunity to purchase "queer things" has been afforded in the estimates for 1904-5 in the item of "fortification," which provides for expenditures of $15,004,420. There is a chance for a navy of air ships.

If one should call on Professor Langley, who is the Secretary of the Smithsonian Institution, the probabilities are one would not see him. One would be informed that Professor Langley is a very busy man. And doubtless that is so. Beside being at the head of the Smithsonian to all intents and purposes, the Blue Book shows that Professor Langley is keeper ex officio of the National Museum, director of the Astrophysical Observatory at Washington, member of the National Monument Association, director of the National Zoological Park, and director of the Bureau of American Ethnology.

But, busy as he is, Professor Langley has found time to write several dissertations on flying machines, which have been published at the Government Printing Office. One of the aerial stories is entitled "The Greatest Flying Creature." Within its fascinating pages, which are profusely illustrated, is described the *Pterodactyl ornithostoma* (the hero of the weird tale), after which Professor Langley has modeled his air ship.

"In former epochs of our planet's history there were larger flying creatures than now," begins Professor Langley, "notably the Pterodactyl, a brother to dragons, a reptile rather than a bird, but a reptile with enormously large wings."

Then the professor proceeds to give facts and figures to prove that there is no reason on earth why, if the *Pterodactyl ornithostoma* can fly, man shouldn't. Didn't Darius Green reason in the same line when he queried:

The birds can fly,
An' why can't I?

Among the other books of aerial adventure by Professor Langley, published at the Government Printing Office, are Story of Experiments in Mechanical Flight and The Langley Aerodrome, which contain elaborate plans and diagrams and descriptions of air ships in flight.

It was such stories as these, doubtless, that resulted in an investment of public funds in flying machines. Just how much has been put into them is a question. Recently an inquiry in Congress brought out a report from the Board of Ordnance and Fortification to the effect that tests of Doctor Langley's aerodrome were still in progress.

This report was made January 27, 1904, and the most exciting thing about it was the fact that Langley had cost the Government $50,000. The allotment was made in 1898, but Professor Langley is still making his test. It is admitted that the Smithsonian Institution had expended in addition to the amount named by the Board $23,000 on the Langley air ship. How much may be concealed in other appropriations and contingent funds no one seems to be able to find out.

OFFICIALS WHO RIDE IN GOVERNMENT COACHES.

Flying machines, however, are not the only means of transportation in Washington. There are coaches for officials which are paid for out of the public funds. Even Cabinet officers are not above riding in carriages bought with Uncle Sam's money, drawn by horses paid for out of the funds of the United States Treasury, and equipped with coachmen who are maintained at Government expense on falsified pay rolls as "laborers" and "messengers." Those who were caught at this petty business were the Secretary of the Treasury, the Postmaster-General, the Secretary of War, the Secretary of the Navy, the Secretary of Commerce and Labor, and the Department of Justice.

One of the first acts of Grover Cleveland's Administration in 1885, when the Democratic party came into power, was to reform the official carriage abuse. One Cabinet officer after another ordered his horses and carriages sold, and the men who were acting as drivers and coachmen were put back at Government work. Upon the return of the Republicans there has been a steady increase in the number of official carriages, the majority of which are used for private and social purposes.

The man who first forcibly brought the attention of Congress to this abuse was Representative GILBERT M. HITCHCOCK, of Nebraska. Before that an amendment had been introduced by Representative C. B. LANDIS, of Indiana, eliminating horses and carriages to be used for private purposes from the appropriation bill. Mr. LANDIS, who, by the way, is a Republican, made the statement that the private carriages of public officials, maintained at Government expense, would reach from the White House to the Capitol. Representative HEMENWAY, the Republican chairman of the House Committee on Appropriations, admitted on the floor that he had been unable to ascertain by inquiry among the heads of the different Departments how many horses and carriages were maintained at public expense. Then it was that Representative HITCHCOCK introduced a series of resolutions addressed to each Cabinet officer requesting him to furnish to the House a statement "showing the number of horses, carriages, and automobiles maintained at Government expense for the officials of his Department, together with data showing the cost of said horses, carriages, automobiles, and harness, and the amount of wages paid to the men acting as coachmen, footmen, and chauffeurs, whether carried on the rolls as such or in some other classification."

The result of Mr. HITCHCOCK's resolutions was reports on the number of horses and carriages in use. In no instance was an automobile maintained at public expense. A summary of the reports shows:

Department.	Horses.	Cost.	Carriages.	Cost.	Coachmen.	Pay.
Commerce and Labor	8	$1,785	10	$4,250	4	$2,820
War	6	1,625	5	2,655	3	2,220
Post-Office	4	1,090	3	1,495	2	1,380
Justice	3	690	4	2,249	2	1,440
Navy	4	1,102	5	3,275	2	1,380
Treasury	7	1,900	6	3,660	7	4,620
Total	32	8,192	33	17,584	20	13,860

This is but a partial list of private horses and carriages maintained at the cost of the public, but it shows a total cost of $39,636, and a spirit of smallness that is far from becoming in a Cabinet officer of the United States. The average salary paid to the coachman is more than $50 a month. Good coachmen may be hired in Washington for $35 a month. But the most shameful part of the whole proceedings was the attempt to conceal the real nature of the coachmen's and the drivers' duties under false entries on the pay rolls. In not one instance in the reports received could it be shown that the men who were employed as coachmen and drivers for these private carriages were entered fairly and honestly on the public pay rolls in that capacity. Secretary of the Treasury L. M. Shaw was obliged to state in his report:

"There are assigned for driving and caring for the horses and carriages described seven men, who are borne on the rolls as laborers and receive compensation at the rate of $660 per annum each."

Postmaster-General H. C. Payne, in his signed report, says:

"The driver is carried on the rolls of the Department as a watchman, at a salary of $720 per annum, and his assistant is carried on the rolls as a laborer, at a salary of $660 per annum."

Secretary of the Navy William H. Moody says:

"One employee, carried on the rolls as an assistant messenger, at a compensation of $720 per annum, acts as driver for the Secretary. One employee, carried on the rolls as laborer, at $660 per annum, is used as driver for the Assistant Secretary."

Secretary George B. Cortelyou, of the Department of Commerce and Labor, says:

"Laborer, detailed to drive surrey and coupé, $660; assistant messenger, who acts as driver, $720; messenger, who acts as driver, $660; foreman of stables and driver to Secretary, $840."

A rather peculiar feature has been brought to light in connection with the horse and carriage service in Secretary Cortelyou's Department. Representative HITCHCOCK'S resolution was adopted January 18. On January 20 Secretary Cortelyou's Department was using twelve horses and fifteen carriages. Then came the word of the resolution, and on February 1, when the report was returned to Congress, four horses and five carriages had been disposed of. In the figures given the cost of the harnesses had not been taken into account. In some instances they are quite expensive, running as high as $300 or more, and swelling the sum total by several thousand dollars.

But it isn't just coachmen and drivers alone that serve the high officials privately and receive their pay at the public crib. According to an old employee in one of the Departments, it is a common thing for Cabinet officers to take men who are maintained on the Government pay rolls to serve in their homes as butlers during public receptions. One man in particular, who is employed as a messenger, it was said, has served repeatedly in the capacity of butler for a certain Cabinet officer.

FRENCH NOVELS, CUSTOMS PORTS, AND OTHER LEAKS.

In a line with the apparently universal policy at Washington of getting the Government to pay for everything, the luxuriant literary tastes of the Department clerks, which have developed a penchant for French novels, has resulted in a surprisingly choice collection of that class of reading in the libraries devoted to their exclusive use, and for the maintenance of which appropriation bills are turned into Congress regularly each session.

The capital has probably some of the finest libraries in the world. But the Congressional Library, with its thousands of volumes; the great Public Library of the District of Columbia, the magnificent scientific library of the Smithsonian Institution, and the half dozen others, all of which are available, seemingly are not enough. Each Department of the Government has its own private library. Recently the suspicion has been growing that the technical books these private libraries were supposed to be devoted to exclusively were being supplemented by racy novels—French and otherwise. An investigation of this suspicion led to a proposition by Chairman HEMENWAY, of the House Committee on Appropriations, that in the future all purchases be limited to the exact needs of the libraries in question.

The War Department has the largest of the exclusive libraries. It contains 50,000 volumes and is estimated to be worth $75,000. When the edict by Mr. HEMENWAY went forth, the order came quickly from the head of the Department to take the works of fiction from the shelves, and within the last few days the librarian, James W. Cheney, has sent away 900 novels. The same thing has been done in the other departmental libraries. Altogether there are something like fifteen of these departmental libraries, which are probably worth in the neighborhood of $300,000. It has been estimated that the total number of novels contained in them would reach 7,000 or 8,000, to say nothing of thousands of books that are not on technical lines and have no place in such libraries, which are simply supposed to be working adjuncts to the Departments.

Mention has been made of custom ports whose expenses exceed their receipts by many hundreds of dollars. The list is as follows:

Name of port.	Receipts.	Expenses.	Number employed.	Cost of collecting $1.
Albemarle, N. J	$87.00	$1,770.67	2	$20.35
Apalachicola, Fla	1,913.61	3,513.63	4	1.83
Barnstable, Mass	761.43	4,107.16	7	5.63
Beaufort, N. C	13.01	1,775.12	2	136.44
Beaufort, S. C	761.41	3,585.32	4	4.70
Belfast, Me	2,738.80	2,986.45	6	1.09
Brazos, Tex	4,732.77	31,991.11	26	6.75
Bridgeton, N. J	292.60	1,437.38	5	4.91
Bristol, R. I	103.61	254.15	2	2.45
Burlington, Iowa	52.67	441.80	1	8.38
Burlington, N. J	4.80	162.00	2	33.75
Castine, Me	1,808.35	4,542.55	6	2.51
Chattanooga, Tenn	27.73	388.70	2	14.01
Cherrystone, Va	30.00	956.80	3	31.89
Crisfield, Md	737.00	2,824.20	2	381.04
Edgartown, Mass	534.64	2,538.18	4	4.74
Frenchmans Bay, Me	982.37	3,827.49	5	3.89
Galena, Ill	.70	378.05	1	540.07
Georgetown, S. C	32.27	485.42	2	15.04
Gloucester, Mass	7,611.24	18,489.65	14	2.42
Great Egg Harbor, N. J	1,890.84	2,045.19	3	1.08
Humboldt, Cal	1,491.64	2,874.18	1	1.92
Kennebunk, Me	6.47	114.32	2	17.66
La Crosse, Wis	13.80	362.00	2	26.23
Machias, Me	1,212.44	4,290.43	5	3.53
Grand Haven, Mich	5,132.42	8,886.69	14	1.73
Nantucket, Mass	15.70	366.20	1	23.32
New London, Conn	1,278.53	4,911.44	5	3.84
Pamlico, N. C	1,324.50	5,891.50	5	4.44
Pearl River, Miss	7,914.93	9,177.84	6	1.16
Plymouth, Mass	786.06	1,455.10	2	1.85
Rock Island, Ill	22.06	775.14	2	35.10
Saco, Me	87.35	482.26	2	5.52
St. Marks, Fla	300.05	1,523.59	2	5.07
St. Marys, Ga	2.44	581.90	1	238.48
Salem, Mass	5,308.96	6,117.19	6	1.15
Sandusky, Ohio	2,359.28	4,377.55	9	1.85
South Oregon, Oreg	10.00	1,308.92	2	130.89
Teche, La	109.21	3,036.43	3	27.80
Vicksburg, Miss	26.20	547.55	1	20.89
Waldoboro, Me	4,028.75	7,459.87	7	1.85
Wheeling, W. Va	880.55	1,529.90	2	1.73
Wilmington, N. C	4,760.43	6,720.12	5	1.41
Wiscasset, Me	966.94	3,388.96	3	3.50
York, Me	5.19	236.87	1	45.44
Total	63,127.07	164,915.97	192	.....

One of the biggest leaks is in the salaries of the clerks and other employees of the House and Senate. If one should go to the head doorkeeper of either legislative branch and ask him how many men he had in his employ, the answer would be evasive. As a matter of fact, it would be a difficult thing for anyone to obtain definite information on that subject. If you look through the appropriations you will find a jumble of oddly constructed sentences indicating that special and assistant messengers and clerks and doorkeepers had been employed, and always winding up for the demand for extra money. For instance, in the last appropriation bill we find a jumble of sentences indicating that many men have been employed, for which $97,450 is demanded. Then we see that the under superintendent of the Capitol building and his men want $61,776. After that comes a request for $92,684 for clerks and messengers to committees. Then there is a demand for $16,146 for more clerks, and then the Sergeant-at-Arms and his assistants want $18,810, and right along in the same breath come the Doorkeeper and his assistants with a request for $161,042, followed by more special messengers and extra clerks until the total salaries of the House are swelled to $515,204; and just as one is drawing a sigh of relief he sees the item $458,800 for clerk hire for Members and Delegates, which amount they certify they have paid or agree to pay for necessary work, which is allowed under the resolution approved March 3, 1893. This raises the total to $1,074,004.

In the Senate it is about the same, in proportion to the number, for the total amount or salaries is $532,443. It has been estimated that both House and Senate could get along as well with one-half the number of employees as they now have. The messengers and clerks are literally running over one another. In view of this state of affairs, it is said that a saving of at least $500,000 a year could be made in the two branches of the Government. Ac-

cording to a good authority, fully 15 per cent of the present force of clerks are inefficient, causing a sheer loss to the Government in this respect of $130,000 annually.

Despite the fact, however, that the clerks have barely enough to do to keep them awake during the sessions, which seldom last more than four or five hours, bills are usually passed toward the close of Congress allowing them extra pay for "extra" work done during the regular hours of business. In addition to this, we find that in the appropriation bill of 1903 salaries in all departments were raised to the extent of $204,952.

In the appropriations for the Printing Office there are chances for many leaks. Last year the general appropriation for printing was $6,485,137, but this did not include it all. Within the last few years some most remarkable books have been turned out by the Public Printer. Originally intended to print public documents, the shop has gradually been turned into a general publishing concern. There has been a great demand by the gifted authors who have contributed regularly to the CONGRESSIONAL RECORD and such books as the Agricultural Department and the Weather Bureau issue to see their productions illustrated. This grew to be a craze, until at the last Congress official directories were printed with half-tone photographs of Senators and Representatives neatly inserted at the proper pages. But this was too much for even a billion and a half dollar Congress, and the entire edition was ordered in, and the edict issued that in the future Congressional directories would be printed unembellished.

But back of all the efforts to get money out of the Government are the contingent bills. They include in gross lumps all the expenses that accrue during a session of Congress and offer a wide field for "bunching" bills that could not get through under ordinary circumstances. Last year the contingent bills footed up to more than $3,000,000. A fair example of the way in which they are put in may be shown in the contingent expenses of the land offices. One of them reads:

"For clerk hire, rent, and other incidental expenses of the district land offices, $200,000." No other explanation is deemed necessary. Some of the other big contingent bills were: From the Treasury Department, $164,000; foreign missions, $202,000; Marine Corps, $160,000; Senate, $206,800; House, $189,275; Post-Office, $147,000, and consular service, $346,977.

When the Departments have gone the limit even with an indulgent Congress, they turn to their old friend, the contingent bill.

MILLIONS SIFTED THROUGH ARMY AND NAVY BILLS.

"Millions of dollars go into our Army and Navy every year," said Representative GILBERT M. HITCHCOCK, of Nebraska. "There are chances for great leaks in the appropriation bills for both. We have about 59,000 men in our Army, and this year the appropriation for it is $77,000,000. The appropriation for the German army is less than $150,000,000 with 600,000 men—ten times the number that we have and only twice the appropriation. The appropriation for the French army is less than $150,000,000 and numbers 561,000 men.

"The big item, I find, is transportation. Here is a big leak. The appropriation bill for 1903 shows that it amounted to $15,500,000. More than one-third of this goes to the railroads, which clearly indicates why all the railroad officials favor great armies. The estimates for the Army for 1905 are $77,000,000, practically the same that they were for this year, but the navy appropriation has been increased from $82,000,000 to $102,000,000. Out of $23,000,000 for construction and machinery and $13,000,000 for armor and armament, the steel trust will get the lion's share. A cut of $23,000,000 has been made in battle ships, which will have to go on the bill next year.

"The expense of running the United States Government for 1904 will be $775,000,000, while the expenses of Great Britain, which is paying war debts, are $920,000,000; Germany, $500,000,000, and France, $719,000,000. In this connection it must be considered that the other nations are burdened with heavy interest on their debts. England pays an interest of $115,000,000 and France $300,000,000, while the United States has an interest of less than $28,000,000. But there seems to be a desire to increase expenses on every side. The Naval Board asked the House Committee on Naval Affairs for a naval station in the Philippines to cost $32,000,000, but Admiral Dewey opposed the plan and said what was needed there was docks. That is only an instance of what they are all doing. The expenses of conducting the business of the country have doubled since Cleveland's Administration. Then it was costing us $1,000,000 a day. Now it is costing us $2,000,000 a day. And this is in a time of absolute peace. This vast revenue taken from the people should be regarded as a trust fund, and the chairman of the Committee on Appropriations owes it to the people to see that all these ridiculous fads and foibles, these experiments and wastes of public money, are stopped."

Representative JAMES M. ROBINSON, of Indiana, in speaking on the expenses of the Government, said:

"Mr. HEMENWAY, chairman of the House Committee on Appropriations, sounded the note of discontent when he warned his Republican colleagues the other day that there must be retrenchment and reform, and that a deficiency of $42,000,000 this year is upon us. Farsighted Republican Members of Congress have for years foreseen this menace, but have been too few in number to stay it.

"A new expenditure must be reckoned with in this Congress. A vast amount of money will be needed for ferreting out and prosecuting the post-office grafters and in covering a vastly greater number of cases against malefactors in localities not yet investigated. But the post-office cases will be dwarfed in comparison with the land thefts. When judge, ex-judge, official, and ex-official in every station connected with the service are charged by the Secretary of the Interior with wholesale violations of law, and the work not yet begun, the enormity of the situation and the expense is made apparent. Then come the Indian-land frauds and the frauds in the Indian Territory, and more money must be furnished to send the guilty ones to prison. Canal and waterway improvements of merit must stop till we check up the books and see whether the deficit is to be $42,000,000 or more."

"It is simply an age of riotous extravagance," said Henry L. West, Commissioner of the District of Columbia, who is a close student of the nation's finances. "In Jackson's time there was a fight for the spoils of office, but to-day the entire patronage of that period would not amount to the patronage in the State of New York alone. The President has taken $80,000,000 in personal patronage out of the Treasury. In every Department there is evidence of the grossest laxity. It takes more men in the auditing department of the money-order division of the Post-Office than it does to run the New York Central, the Pennsylvania, the Erie, and the Chicago, Burlington and Quincy railroads combined. In all Departments there is an army of inefficient clerks, but they are never discharged. There are 2,300 clerks in the Pension Office, and the ages of some of them vary from 65 to 95 years, yet not a man is dropped. When Congress adjourns, every clerk in the Capitol building will leave and his work will stop till next session, but his salary will go on just the same. And every year we pass resolutions to give extra salaries to these clerks, when they don't earn those they have already received. Congressmen are allowed $1,200 a year for a secretary. The money is not paid on separate vouchers, but is given directly to the Congressmen. Many appoint their wives or sons or daughters to the position and are that much ahead.

"It has cost $750,000 to remodel the White House. In 1904 the amount asked for the rural free delivery was $12,500,000, and for 1905 it is $15,000,000. The system in the last few years has grown to alarming proportions. It was all right when it started, but now every little bunch of four or five farmers living within a radius of ten miles of one another have their postman. Congressmen have found out that it helps them in their campaigns to get through a rural free delivery for every farmer in their districts. The appropriation began with $100,000 and now it is $15,000,000. But, you see, the advantage of it comes in right here: Every one of those rural mail carriers is a Republican and carries Republican literature to the farmers and makes them Republican speeches."

In the meantime the Committee on Appropriations is striving to keep down the bills and prevent the deficit from reaching beyond the $42,000,000 limit.

FREDERICK BOYD STEVENSON.

Mr. GRIGGS. Mr. Chairman, I ask unanimous consent that I may have leave to insert some statements in the RECORD entirely disconnected from my speech.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to insert some statements in the RECORD. Is there objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9480. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes; and

H. R. 891. An act granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2661. An act granting an increase of pension to John H. Klingler;

S. 2690. An act granting an increase of pension to James Garry;

S. 2857. An act granting an increase of pension to Orine H. Rapka;

S. 2863. An act granting an increase of pension to David C. Coleman;

S. 2871. An act granting an increase of pension to Justen M. Cooper;

S. 2872. An act granting an increase of pension to Albert Schermerhorn;

S. 2894. An act granting a pension to Clara G. Garretson;

S. 2937. An act granting an increase of pension to Julius Bodenstab;

S. 2938. An act granting an increase of pension to James L. Ackley;

S. 2946. An act granting an increase of pension to Joshua Day;

S. 2952. An act granting an increase of pension to William J. P. Buck;

S. 2959. An act granting an increase of pension to Ada Johnson;

S. 2960. An act granting an increase of pension to Jacob Harning;

S. 2971. An act granting a pension to Amelia Walsh;

S. 3201. An act granting an increase of pension to James I. Shafer;

S. 3377. An act granting an increase of pension to John M. Tyree;

S. 3394. An act granting an increase of pension to Joseph B. Crawford;

S. 3417. An act granting a pension to Garrett V. Chamberlin;

S. 3457. An act granting an increase of pension to Marcellus M. Parker;

S. 3491. An act granting an increase of pension to Andrew J. Howe;

S. 3499. An act granting an increase of pension to Samuel E. Lookingbill;

S. 3500. An act granting an increase of pension to Orrin L. Mann;

S. 3519. An act granting a pension to Ruby A. Stirdivant;

S. 3523. An act granting an increase of pension to Joseph W. Butz;

S. 3535. An act granting an increase of pension to John Walton;

S. 3544. An act granting an increase of pension to George W. Phillips;

S. 3573. An act granting an increase of pension to Calvin E. Myers;

S. 3860. An act granting a pension to James Henry Martineau;

S. 3651. An act granting an increase of pension to Mildred S. Ogden;

S. 3654. An act granting a pension to Hannah Hall;
S. 3690. An act granting an increase of pension to George W. Gregory;
S. 3727. An act granting an increase of pension to Eli Headley;
S. 3771. An act granting an increase of pension to Virginia C. Spencer;
S. 3827. An act granting an increase of pension to Norman B. Davenport;
S. 3833. An act granting an increase of pension to George F. Edwards;
S. 2655. An act granting an increase of pension to Isaac Zellers;
S. 64. An act to correct the military record of William B. Thompson;
S. 200. An act granting an increase of pension to Austin Almy;
S. 140. An act granting an increase of pension to Daniel B. Bailey;
S. 106. An act granting an increase of pension to Carrie Wages;
S. 201. An act to establish a port of delivery at Salt Lake City, Utah;
S. 236. An act granting an increase of pension to Andrew Jackson Power;
S. 305. An act granting an increase of pension to John R. Evans;
S. 336. An act granting an increase of pension to William Lechleidner;
S. 358. An act granting an increase of pension to Phebe A. Ford;
S. 360. An act granting an increase of pension to Mary Lucetta Arnold;
S. 447. An act granting an increase of pension to David H. George;
S. 450. An act granting an increase of pension to George H. Sutherland;
S. 454. An act granting an increase of pension to Renaldo M. Greswald;
S. 569. An act granting an increase of pension to Jesse B. Nurse;
S. 783. An act granting an increase of pension to William McGee;
S. 827. An act granting an increase of pension to Elias S. Gibson;
S. 1388. An act granting an increase of pension to Orsen H. Sawtelle;
S. 1394. An act granting an increase of pension to Lewis M. Webster;
S. 1423. An act granting an increase of pension to Samuel F. Murry;
S. 1436. An act granting an increase of pension to Thomas P. Wentworth;
S. 1661. An act granting an increase of pension to Mary E. Riley;
S. 1667. An act granting an increase of pension to Stalnaker Marteney;
S. 1760. An act granting an increase of pension to Ann A. Devore;
S. 1764. An act granting an increase of pension to John Shehan;
S. 1959. An act granting a pension to Mary Remington;
S. 1899. An act granting an increase of pension to Thompson Warren;
S. 2029. An act granting an increase of pension to Peter P. Dabozy;
S. 2058. An act granting an increase of pension to Jacob A. Roof;
S. 2320. An act granting an increase of pension to Samuel H. Legrow; and
S. 2348. An act granting an increase of pension to Hamilton S. Gillespie.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3622. An act for the relief of Lincoln W. Tibbetts—to the Committee on War Claims.

S. 577. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship—to the Committee on the Judiciary.

MEMORIAL OF MISSISSIPPI CHOCTAW INDIANS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed as a House document a memorial from the Mississippi Choctaw Indians, praying for an extension of time within which their right to remove to the Choctaw country may be permitted.

The SPEAKER. The gentleman from Texas asks unanimous consent to have printed as a House document a memorial from the Choctaw Indians.

Mr. PAYNE. Mr. Speaker, as this is a document that comes from an Indian tribe, I will not object to it; otherwise I should.

The SPEAKER. The Chair hears no objection.

The following is the document referred to:

Memorial of Mississippi Choctaws, praying for an extension of time within which their right to remove to the Choctaw country may be permitted and the passage of bill H. R. 13560.

The honorable the Senate and House of Representatives:

Your memorialists, full-blood Mississippi Choctaws, residents of Mississippi and of Indian Territory, most humbly pray that those who shall have been identified by the United States Commission to the Five Civilized Tribes may be permitted at any time prior to the completion of allotments to file their applications to said Commission for allotments, and that they be not required to conform to any other rules relative to their enrollment or allotment than other citizens of the Choctaw Nation by blood.

Your memorialists respectfully submit that by the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," it was provided by article 41 that Mississippi Choctaws should, within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and furnish proof of such settlement within one year after the date of their said identification as Mississippi Choctaws, under penalty of being barred from their rights as Choctaws.

Many of your petitioners do not understand the English language.

At the request of the Choctaw Nation, through its delegate, Congress has heretofore provided that no contracts made by Mississippi Choctaw srelative to the lands to be allotted them in the Choctaw-Chickasaw Nation should be valid. This cuts off from the Mississippi Choctaws the opportunity of employing attorneys willing to incur the expense of attending to the various requirements imposed by the statutes.

These requirements were inserted in the act of Congress upon the insistence of the delegates and attorneys of the Choctaw-Chickasaw Nation with a view to depriving your petitioners of their rights, knowing that your petitioners were very misinformed, and entirely without means, and that many of them did not understand the English language.

Your memorialists are further required, after having resided upon the lands of the Choctaw-Chickasaw Nation for a period of three years and before the expiration of four years, to furnish proof of the fact of the three years' residence as a further condition of enjoying the right of Choctaw citizenship. Your memorialists humbly pray for an amendment of the present law, as follows, to wit:

"Mississippi Choctaws, identified by the United States Commission to the Five Civilized Tribes as full-blood Choctaws, shall have the right at any time, prior to the closing of the allotment office of the Choctaw-Chickasaw country, to make application and have allotted to them and to their children born of them prior to the closing of the Choctaw rolls lands the same as other Choctaws by blood, without being required to comply with any other conditions than imposed upon other Choctaws, and any conditions making a distinction against the said Mississippi Choctaws are hereby repealed."

Your memorialists respectfully submit that ingenious conditions have been inserted in the law at the request of the attorneys of the Choctaw-Chickasaw Nation, by virtue of which many Mississippi Choctaws would be barred. Said attorneys have a contract with the Choctaw Nation by which said attorneys receive a fee from the Choctaw Nation for each applicant for citizenship defeated by said attorneys, as your memorialists are informed and believe; for example, your memorialists were required within six months after the date of identification to make bona fide settlement within the Choctaw-Chickasaw country, when it was well known that your memorialists were exceedingly poor; when it was well known that your memorialists, under the Mississippi statutes, could not leave their landlords during the crop season; when under that statute it was a misdemeanor for anyone to invite a Mississippi Choctaw to leave his landlord, when under contract with or in debt to his landlord; that such removal could only be accomplished by a compromise with the landlord and the payment of the indebtedness of the Mississippi Choctaw before he could be allowed to remove; when by the skillful contrivance of the attorneys of the Choctaw Nation the Mississippi Choctaws were cut off from financial support, by being refused the right to contract with regard to the right of their prospective inheritance in the Choctaw country; that under these artful conditions many of your memorialists were prevented within the six months from making bona fide settlement in the Choctaw country; that these attorneys, having a pecuniary interest as aforesaid, have invoked the courts against your memorialists, as will appear by Exhibit "A."

The attorneys for the Choctaw Nation have further ingeniously contrived and invented various other pitfalls for the Mississippi Choctaws who by incompetency or ignorance or poverty may neglect to make due proof of three years' bona fide residence and prior to the termination of a fixed four-year term.

Your memorialists respectfully insist that these conditions are imposed for the artful purpose of making fees for the attorneys of the Choctaw Nation, to the great harm of your memorialists and without serving any good cause either to the Choctaw Nation or to the United States.

Your memorialists have heretofore set up their rights in the premises to the Congress of the United States by various petitions, as will appear from the following:

Memorials of December, 1896, and January, 1897, and September, 1897.
House Report No. 3080, Fifty-fourth Congress, second session.
House bill No. 10372.
Senate Document No. 129, Fifty-fourth Congress, second session.
House Document No. 274, Fifty-fifth Congress, second session.
Public 162, approved June 28, 1898, Curtis Act.
Emma Nabors *v.* Choctaw Nation, Supreme Court United States, October term, 1898, brief of appellants.
House Document No. 426, Fifty-sixth Congress, first session.
Senate Document No. 263, Fifty-sixth Congress, first session.
Indian appropriation act approved May 31, 1900. By this act (Public 131, p. 18) it was provided as follows:

"*Provided*, That any Mississippi Choctaw, duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotments: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the land to be allotted to said Mississippi Choctaws shall be null and void."

These particulars we pray shall be reenacted as above prayed for. Your memorialists call attention to the fact that this language prevented us from receiving proper and necessary pecuniary assistance, and the provisions of

the Curtis Act, Public 162, section 19, page 8, prohibits us pledging any money which might ultimately be due us per capita, the law saying: "The same shall not be liable to the payment of any previously contracted obligations."

Your memorialists were thus cut off from pecuniary assistance when it was well known to the Choctaws that we were too poor to remove ourselves, as they themselves so memorialized Congress of the United States, and made that representation through the Choctaw general council, declaring that we were too poor to emigrate ourselves into the Choctaw Nation. (P. 3, H. R. Rept. No. 2080, 54th Cong., 2d sess.)

Your memorialists call attention to the various endeavors to deny them the right conceded to them by Congress. The rights of your memorialists are further set up in House Report No. 2522, Fifty-sixth Congress, second session; House Document No. 490, Fifty-sixth Congress, second session, and Senate Document No. 319, Fifty-seventh Congress, first session, and by the Choctaw-Chickasaw agreement (Public, 228), approved July 1, 1902, in sections 41, 42, 43, and 44.

Your memorialists humbly submit that putting the Mississippi Choctaws, who have been identified, upon the same basis as other Choctaws will serve an important part in disentangling a portion of the complicated conditions brought about in allotting the lands of Indian Territory, and will serve to prevent delay in final allotment.

THE MISSISSIPPI CHOCTAWS,
By CHARLES F. WINTON.
R. L. OWEN, *Counsel.*

To Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, as the Commission to the Five Civilized Tribes:

You are hereby notified that the Choctaw and Chickasaw nations or tribes of Indians will, on the 18th day of January, 1904, at 2 o'clock p. m., or at such time as may be fixed by the court, apply to the Hon. Charles W. Raymond, judge of the United States court for the western district of the Indian Territory, to grant a temporary restraining order against you, as the Commission to the Five Civilized Tribes, as prayed for in the bill in equity, a copy of which is hereto attached and marked "Exhibit A."

CHOCTAW AND CHICKASAW NATIONS OR TRIBES OF INDIANS,
By MANSFIELD, MCMURRAY & CORNISH, *Attorneys.*

In the United States court for the western district of the Indian Territory, sitting at Muscogee. The Choctaw and Chickasaw nations or tribes of Indians, plaintiffs, *v.* Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, as the Commission to the Five Civilized Tribes, defendants. Bill in equity.

The plaintiffs, the Choctaw and Chickasaw nations or tribes of Indians, for cause of action against the defendants, state:

That under the laws of the United States and the treaties between said nations and the United States they are the owners of all the lands embraced within the area known as the Choctaw and Chickasaw nations; that the individual members of said tribes own said lands in fee simple, the character of their holding being fixed by the following provision of article 1 of the treaty of 1855, between the United States and the Choctaw and Chickasaw nations or tribes of Indians:

"And pursuant to an act of Congress approved May 28, 1830, the United States do hereby secure and guarantee the lands embraced within the said limits, to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal undivided interest in the whole: *Provided*, No part thereof shall ever be sold without the consent of both tribes; and that said lands shall revert to the United States if said Indians and their heirs become extinct or abandon the same."

That under the provisions of the treaty entered into between the United States and said nation or tribes of Indians, on April 23, 1898, commonly known as the Atoka agreement, and the agreement supplementary thereto, entered into on the 21st day of March, 1902, and approved by act of Congress of July 1, 1902, the Commission to the Five Civilized Tribes is authorized and empowered, in strict conformity with said treaties, to allot said lands in severalty among the members of said tribes, as therein provided.

That among other things said supplementary treaty contains the following provision in regard to Mississippi Choctaws:

"SEC. 41. All persons duly identified by the Commission to the Five Civilized Tribes, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement in the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior. The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the said treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation. All of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll.

"SEC. 42. When any such Mississippi Choctaw shall have, in good faith, continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous, bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him, as provided in this agreement for citizens of the Choctaw and Chickasaw nations.

"SEC. 43. Applications for enrollment as Mississippi Choctaws, and applications to have land set apart to them as such, must be made personally before the Commission to the Five Civilized Tribes. Fathers may apply for their minor children, and if the father be dead, the mother may apply. Husbands may apply for wives. Applications for orphans, insane persons, and persons of unsound minds may be made by duly appointed guardians or curator, and for aged and infirm persons and prisoners by agents duly authorized thereunto by power of attorney, in the discretion of said Commission.

"SEC. 44. If within four years after such enrollment any such Mississippi Choctaw, or his heirs or representatives, if he be dead, fails to make proof of such continuous bona fide residence for the period so prescribed, or up to the time of the death of such Mississippi Choctaw, in case of his death after enrollment, he and his heirs and representatives, if he be dead, shall be deemed to have acquired no interest in the lands set apart to him, and the same shall be sold at public auction for case, under rules and regulations prescribed by the Secretary of the Interior, and the proceeds paid into the Treasury of the United States to the credit of the Choctaw and Chickasaw tribes, and distributed per capita with other funds of the tribes. Such lands shall not be sold for less than their appraised value. Upon payment of the full purchase price patent shall issue to the purchaser."

That the defendants, as the Commission to the Five Civilized Tribes, have no power and authority to receive proof of the settlement of any person identified as a Mississippi Choctaw, entitled to allotment as provided in said treaty, after the expiration of six months from the identification of said person as a Mississippi Choctaw, entitled to benefits under the provisions of said supplementary agreement; nor has the Commissioner any power, after proof of such settlement, to enroll such person and allot to him a share of the lands of said tribes, as provided in said agreement.

The plaintiffs further state that on the 14th day of February, 1903, the defendants, as the Commission to the Five Civilized Tribes, identified under the provisions of said agreement all the persons so applying for identification as Mississippi Choctaws in the case of King Brandy et al., pending before said Commission, viz, King Brandy, Joe Baptieste, William Cole, Mary Baptieste and her two minor children, Sam and Louisa Baptieste, and Celestine Brandy.

That the six months within which said persons so identified as Mississippi Choctaws could, under the provisions of said treaty, make bona fide settlement within the Choctaw and Chickasaw country expired on the 14th day of August, 1903, and that up to and including that date none of said persons removed to and made bona fide settlement within the Choctaw-Chickasaw country.

That notwithstanding this failure to comply with the law, and notwithstanding said defendants, as the Commission to the Five Civilized Tribes, have no lawful power and authority to do so, the defendants are threatening and will, unless restrained, permit said persons to remove to and make settlement in the Choctaw-Chickasaw country and take possession of the lands belonging to these plaintiffs to the exclusion of bona fide members of said tribes, and are threatening and unless restrained will permit said parties to make proof of such settlement to said Commission and will, unless restrained, enroll said persons as Mississippi Choctaws and make to them an allotment of lands as provided in said supplementary agreement.

That the plaintiffs, the members of the Choctaw and Chickasaw Nation, will thus be deprived of their common property of the approximate value of $40,000 to the great damage of these plaintiffs and in violation of their legal and treaty rights.

Plaintiffs further state that said threatened action by the defendants is unlawful, to the great damage of plaintiffs, and constitutes an injury to them for which they have no adequate legal remedy.

Wherefore, the premises considered, the plaintiffs pray that the defendants be enjoined from taking such threatened action, and that upon final hearing that a decree be entered perpetually enjoining them from taking such action in regard to all of such persons or in regard to any persons similarly situated.

CHOCTAW AND CHICKASAW NATIONS OR TRIBES OF INDIANS,
By MANSFIELD, MCMURRAY & CORNISH, *Attorneys.*

I, R. P. Harrison, clerk of the United States court of the western district of the Indian Territory, do hereby certify that the attached is a true and correct copy of an order of court made on the 18th day of January, 1904, as the same appears from the original on file in my office.

Witness my hand and the seal of said court at Muscogee, in said Territory, this 19th day of January, A. D. 1904.

[SEAL.]

R. P. HARRISON, *Clerk.*
R. A. BAYNE,
Deputy Clerk.

In the United States court in the Indian Territory, western district, sitting at Muscogee. The Choctaw and Chickasaw nations or tribes of Indians, plaintiffs, *v.* Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, W. E. Stanley as the Commission to the Five Civilized Tribes, defendants.

Now, on this 18th day of January, 1904, come the above-named plaintiffs and defendants, by their respective attorneys, and the application for an injunction, filed in the above-entitled cause, having been presented to, seen, and considered by the court, and the court having heard the evidence introduced in support thereof and the argument of the counsel, and being fully advised in the premises, doth order that the temporary restraining order prayed for in said bill should issue.

Wherefore it is by the court ordered and adjudged that Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, individually and as the Commission to the Five Civilized Tribes, be, and they are hereby, restrained until the further order of this court from enrolling King Brandy, Jow Baptieste, William Cole, Mary Baptieste and her two minor children, Sam and Louisa Baptieste, and Celestine Brandy as Mississippi Choctaws, and from making to them an allotment of land as provided in said supplemental agreement, and that the restraining order be in full force and effect from and after the filing with the clerk of this court a bond in the sum of $2,000, to be conditioned as by law required, the sureties on said bond to be approved by the clerk of the court.

This January 18, 1904, at Muscogee, Ind. T.

C. W. RAYMOND, *Judge.*

[Form No. 191.]

SUMMONS.

UNITED STATES OF AMERICA,
Indian Territory, Western District, ss.

The President of the United States of America to the United States Marshal for the Indian Territory, Western District:

You are commanded to summons Tams Bixby, Thomas B. Needles, Clifton R. Breckinridge, and W. E. Stanley, as the Commission to the Five Civilized Tribes, to answer on the first day of the next October term of the United States court in the Indian Territory, western district, at Muscogee, being the 3d day of October, A. D. 1904, a complaint filed against them in said court by the Choctaw and Chickasaw nations or tribes of Indians, and warn them that upon their failure to answer the complaint will be taken for confessed and you will make due return of the summons on the first day of next October term of said court.

Witness the Hon. C. W. Raymond, judge of said court, and the seal thereof, at Muscogee, Ind. T., this 19th day of January, A. D. 1904.

[SEAL.] E. P. HARRISON, *Clerk.*
By R. A. BAYNE, *Deputy.*

(Indorsed on back as follows:) 278—1110. No. 5208. Summons. The Choctaw and Chickasaw Nations *v.* Tams Bixby et al. Summons issued the 19th day of January, 1904; returnable October term, 1904. Mansfield, McMurray & Cornish, attorneys for plaintiff.

LOUISIANA PURCHASE EXPOSITION.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Industrial Arts and Expositions, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State covering a statement showing the receipts and disbursements of the Louisiana Purchase Exposition Company for the month of January, 1904, furnished by the Louisiana Purchase Exposition Commission in pursuance of section 11 of the "act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory," etc., approved March 3, 1901.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 15, 1904.*

PAN-AMERICAN RAILWAY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, a letter from the Secretary of State submitting a copy of the report of the commissioner appointed to carry out the resolution with respect to the Pan-American Railway, adopted by the second international conference of American States, held in the City of Mexico during the winter of 1901–2.

THEODORE ROOSEVELT.

WHITE HOUSE, *Washington, March 15, 1904.*

ABRAM CLAYPOOL.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and laid on the table:

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 12th instant (the Senate concurring), I return herewith House bill No. 9791, entitled "An act granting a pension to Abram Claypool."

THEODORE ROOSEVELT.

WHITE HOUSE, *March 15, 1904.*

CEDED LANDS ON FORT HALL INDIAN RESERVATION.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read, and, by unanimous consent, considered and concurred in:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (S. 2323) "relating to ceded lands on the Fort Hall Indian Reservation," that a clerical error appearing therein may be corrected.

WITHDRAWAL OF PAPERS.

Mr. GARDNER of New Jersey, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of B. F. Hundforth (Fifty-fourth Congress), no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Naval Affairs was discharged from the further consideration of the bill (S. 2114) to fix the rank of certain officers in the Army, and the same was referred to the Committee on Military Affairs.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, after conference with the gentleman in charge of the time on the part of the minority on the post-office appropriation bill, I have reached the conclusion that we can agree now upon a limitation of the general debate. I therefore ask unanimous consent that general debate on the post-office appropriation bill be limited to five hours. That would mean five hours from the time we go into Committee of the Whole to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. OVERSTREET]? The Chair hears none, and it is ordered accordingly.

ADJOURNMENT.

And then, on motion of Mr. OVERSTREET (at 5.30 p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for compilation, etc., of documented merchant vessels of the United States before July 1, 1820—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2465) to revive and amend an act entitled "An act to authorize the Montgomery and Autauga Bridge Company to construct a bridge across the Alabama River near the city of Montgomery, Ala.," reported the same without amendment, accompanied by a report (No. 1591); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River, reported the same with amendment, accompanied by a report (No. 1592); which said bill and report were referred to the House Calendar.

Mr. ROBINSON of Indiana, from the Committee on the Territories, to which was referred the bill of the House (H. R. 7266) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 1593); which said bill and report were referred to the House Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 11) to refund to the State of Texas the sum of $50,875.53, the same being the amount due the State of Texas in the adjustment of claims relating to the transfer of Greer County, Oklahoma Territory, from the State of Texas to the United States, reported the same without amendment, accompanied by a report (No. 1595); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 2004) for the relief of Capt. Herman C. Schumm, reported the same without amendment, accompanied by a report (No. 1587); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. DENNY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7532) to remove the charge of desertion from the record of Henry D. Cutting, alias Henry C. Stratton, reported the same adversely, accompanied by a report (No. 1588); which said bill and report were ordered laid on the table.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9919) to amend the military record of Henry Keeler, reported the same adversely, accompanied by a report (No. 1589); which said bill and report were ordered laid on the table.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9401) for the relief of Daniel Craven, reported the same adversely, accompanied by a report (No. 1590); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the joint resolution (S. R. 54) to permit Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board of consulting engineers in connection with the improvement and enlargement of the navigable canals of the State of New York, reported the same adversely, accompanied by a report (No. 1594); which said joint resolution and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAYLOR: A bill (H. R. 13983) to authorize the appoint-

ment of official stenographic reporters for the several circuit and district courts of the United States, to provide compensation therefor, and to define the duties thereof, and for other purposes—to the Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 13984) to establish a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. PEARRE: A bill (H. R. 13985) for the relief of policemen employed at the railroad crossings in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GROSVENOR: A bill (H. R. 13986) to amend section 24 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce"—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Pennsylvania (by request): A bill (H. R. 13987) relating to the issuance of transfers by the street railways of the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. BIRDSALL: A bill (H. R. 13988) to provide for the allowance of clerk hire in third-class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 13989) to amend section 3859 of chapter 1, Title XLVI, of the Revised Statutes, relating to compensation of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13990) to provide for the government of the canal zone at Panama, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. GLASS: A bill (H. R. 13991) to provide for enlarging the public building at Roanoke, Va., in order to accommodate the United States courts—to the Committee on Public Buildings and Grounds.

By Mr. CURTIS: A bill (H. R. 13992) permitting the Missouri, Kansas and Oklahoma Railroad Company to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company—to the Committee on Indian Affairs.

By Mr. EMERICH: A bill (H. R. 13993) to provide for employees of the United States engaged in the postal service who are incapacitated by injuries sustained in the performance of their duties or who become superannuated after twenty successive years of service, and for other purposes—to the Committee on Reform in the Civil Service.

By Mr. LOUDENSLAGER: A bill (H. R. 13994) to provide for surveys of rivers and harbors at the expense of State or municipal authorities—to the Committee on Rivers and Harbors.

By Mr. FLOOD: A bill (H. R. 13995) to create the Shenandoah Valley Park Commission, and for other purposes—to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 13996) to purchase and equip a rifle range in Prince George County, Md., and for other purposes—to the Committee on Military Affairs.

By Mr. GREGG: A bill (H. R. 13997) to incorporate the Great Council of the United States of the Improved Order of Red Men—to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 13998) to increase the efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 13999) granting a pension to Charles S. Abney—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14000) granting an increase of pension to Bradford A. Gehr—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 14001) granting an increase of pension to Leslie C. Armour—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 14002) for the relief of F. X. Mulhaupt and Caroline Mulhaupt, of Jackson County, Mo.—to the Committee on War Claims.

By Mr. CURTIS: A bill (H. R. 14003) for the relief of Theophilus Fisk Mills—to the Committee on the Library.

By Mr. DICK: A bill (H. R. 14004) granting an increase of pension to Sidney H. Cook—to the Committee on Pensions.

Also, a bill (H. R. 14005) granting an increase of pension to George W. Jacques—to the Committee on Invalid Pensions.

By Mr. GILLETT of California: A bill (H. R. 14006) granting an increase of pension to John Wood—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 14007) granting a pension to James A. Sams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14008) granting a pension to David Wadkins, John Wadkins, and Jacob Shope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14009) granting a pension to W. J. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14010) granting a pension to B. W. Bond, alias Smoke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14011) granting an increasc of pension to Nathan Coward—to the Committee on Pensions.

Also, a bill (H. R. 14012) granting an increase of pension to J. L. Welshaus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14013) granting an increase of pension to George Stillman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14014) to complete the military record of James A. Sams, and for an honorable discharge—to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 14015) for the relief of the heirs of James Stewart, deceased, and John Lee McMichael, deceased, late of Jasper County, Ga.—to the Committee on War Claims.

By Mr. JONES of Virginia: A bill (H. R. 14016) granting an increase of pension to William J. Whealton—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 14017) granting an increase of pension to Louis Voll—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14018) to remove the charge of desertion from the record of James Lyons—to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 14019) for the relief of the estate of Washington W. Miller, late of Maury County, Tenn.—to the Committee on War Claims.

By Mr. ROBB: A bill (H. R. 14020) granting an increase of pension to Nancy A. Meredith—to the Committee on Pensions.

By Mr. SCUDDER: A bill (H. R. 14021) granting an increase of pension to Henry C. Earle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14022) granting an increase of pension to Peter Walster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14023) granting a pension to Phoebe E. Noon—to the Committee on Pensions.

By Mr. SHULL: A bill (H. R. 14024) granting a pension to John J. Gangwere—to the Committee on Invalid Pensions.

By Mr. SOUTHALL: A bill (H. R. 14025) for the relief of the estate of Peter McEnery, deceased—to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 14026) for the relief of Alex Ebberson—to the Committee on Claims.

Also, a bill (H. R. 14027) granting an honorable discharge to Jacob Niebels—to the Committee on Military Affairs.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 14028) granting an increase of pension to Carrie E. Risley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14029) granting a pension to Clara D. Jones—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 14030) for the relief of Deloss M. Baker, Frank W. Clay, and Herman V. C. Hart, committee, and to reimburse those who subscribed and paid for site for post-office building at Adrian, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. WADE: A bill (H. R. 14031) granting an increase of pension to W. S. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14032) granting an increase of pension to John J. Hasson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14033) granting an increase of pension to James S. Throop—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 14034) granting an increase of pension to Edward C. Sanders—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 14035) granting an increase of pension to Sarah F. Burnet—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 14036) granting an increase of pension to R. T. Hazzard—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., in favor of bill H. R. 3586—to the Committee on Naval Affairs.

By Mr. ADAMS of Pennsylvania: Petitions of 89 citizens, M. J. Kappers and 15 others, George A. Stoeckel and 193 others, Michael Koenig and 141 others, Andrew Vogt and 107 others, William Gretz and 27 others, William Giger and 34 others, James McCabe

and 47 others, Henry Stroh and 49 others, Adam Zimmerman and 296 others, all of Philadelphia, Pa., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., in favor of bills H. R. 3586 and S. 656—to the Committee on Naval Affairs.

Also, resolution of the Philadelphia Association of Retail Druggists, in favor of bill H. R. 12646—to the Committee on Naval Affairs.

Also, resolution of the Philadelphia Association of Retail Druggists, in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BABCOCK: Papers to accompany bill H. R. 11451, granting an increase of pension to Alexander Morrison—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petition of Frank M. Rhomberg and others, of Dubuque, Iowa, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolution of Allison Circle, Ladies of the Grand Army of the Republic, of Vermilion, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CONNELL: Petition of the Scranton Bedding Company, in favor of the enactment of bill H. R. 9302, providing for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

By Mr. COWHERD: Petition of Dreyfus, Jones & Co. and others, of Kansas City, Mo., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany bill H. R. 14002, for relief of F. H. Mulhaupt and Caroline Mulhaupt—to the Committee on War Claims.

By Mr. CURRIER: Resolution of Lebanon (N. H.) Grange, favoring bill H. R. 10765, providing for good roads—to the Committee on Agriculture.

Also, petition of the Prescott Piano Company, of Concord, N. H., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. CURTIS: Petition of the Columbia Novelty Company, of Leavenworth, Kans., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of Allison Circle, Ladies of the Grand Army of the Republic, Vermilion, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Yacht Masters and Engineers' Association, of Brooklyn, N. Y., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the executive committee of the Troy (N. Y.) Branch of the Women's National Indian Association, praying for relief for the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. ESCH: Petition of Thomas P. Benton & Son, in favor of bill H. R. 9302, providing for a reduction of duty on alcohol used in arts and manufactures—to the Committee on Ways and Means.

By Mr. GAINES of West Virginia: Petitions of C. H. Merrill and W. T. Turner, jr., and 28 others, of St. Albans, W. Va.; R. E. Thrasher and members of Richlands Grange, No. 76, of Lewisburg, W. Va., and E. C. Colcord and 48 others, of Kanawha City, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of the John Cobb Chair Company, of Aurora, Ind., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of citizens of Lancaster, Ohio, in favor of an increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. GUDGER: Papers to accompany House bill granting a pension to James A. Sams—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petitions of patrons of rural route No. 5, of rural route No. 3, of rural route No. 7, and of rural route No. 6, of Corning, Iowa; of Mount Etna, Iowa, and of Union County, Iowa, asking for increased pay for rural route carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petition of Charles H. Lindley and others, of Salt Lake City, Utah, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUFF: Resolution of the Chicago Real Estate Board, in favor of bill H. R. 4483—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Captain George A. Cribbs Circle, Ladies of the Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Philadelphia Association of Retail Druggists, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. MILLER: Petition of veterans of the civil war of Lost Springs, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolution of the Philadelphia Association of Retail Druggists, in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Philadelphia Association of Retail Druggists, in favor of bill H. R. 12646—to the Committee on Naval Affairs.

Also, petition of General Hector Tyndale Circle, No. 65, Ladies of the Grand Army of the Republic, of Philadelphia, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., in favor of bills H. R. 3586 and S. 656—to the Committee on Naval Affairs.

By Mr. RANDELL of Texas: Petitions of W. H. Chandler and others, of Plano, Tex., and E. W. Olderson and 37 others, of Sherman, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Papers to accompany bill for relief of William C. Bragg—to the Committee on War Claims.

Also, papers to accompany bill for relief of James H. Ware—to the Committee on War Claims.

By Mr. ROBB: Paper to accompany bill granting an increase of pension to Nancy A. Meredith—to the Committee on Pensions.

By Mr. ROBINSON of Indiana: Petition of Morton T. McComb, of Fort Wayne, Ind., in favor of an increase of salary and privileges for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dr. Z. H. Stamets, of Auburn, Ind., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. RYAN: Petition of Hayward Porter Circle, No. 12, Ladies of the Grand Army of the Republic, of Troy, N. Y., in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of the New England Grain Dealers' Association, of Boston, in favor of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of the drug trade section of the New York Board of Trade and Transportation, to reduce the tax on alcohol—to the Committee on Ways and Means.

By Mr. STEENERSON: Paper to accompany bill for relief of Alex. Ebberson—to the Committee on Claims.

By Mr. SULLIVAN of Massachusetts: Petition of the Doten-Dunton Desk Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. SULZER: Petition of R. A. Anthony, of New York, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the Travelers' Protective Association of America, relative to amending the bankruptcy act—to the Committee on the Judiciary.

Also, letter of Post Commander Greenough, relative to remodeling of the post at Fort Hamilton, N. Y.—to the Committee on Military Affairs.

Also, resolution of the Chicago Real Estate Board, in favor of bill H. R. 4483, known as the "Mann bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS: Papers to accompany House bill granting a pension to Samuel Lhane—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Margaret Dunbar—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of Lake Erie Lodge, No. 461; Helfurs Division, No. 56, and Lodge No. 125, Brotherhood of Boiler Makers and Iron-ship Builders of America, of Dunkirk, N. Y., for the passage of a bill for the development of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Picking Naval Garrison, No. 4, of Erie, Pa., for the passage of the Penrose-Bates naval retirement bill—to the Committee on Naval Affairs.

Also, petition of the Atlas Furniture Company, the Jamestown Brewing Company, and the Shearman Bus Company, of Jamestown, N. Y., for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

By Mr. WADE: Petitions of M. Hollopeter and others, of Roszta, Iowa, and G. W. Swift and others, of Morse, Iowa, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Resolution of Coleman Post, No. 508, Grand Army of the Republic, Mount Vernon, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Andrew Davison and others, of Metropolis, Ill., in favor of bill H. R. 9302—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *March 16, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

PUBLIC BUILDINGS OF GARLAND COUNTY, ARK.

Mr. BERRY. Yesterday the bill (H. R. 1956) to authorize an exchange of sites for the public buildings of Garland County, Ark., was received from the House of Representatives and referred by the presiding officer to the Committee on Public Lands, but by a mistake in the Journal it is shown that it was referred to the Committee on Public Buildings and Grounds. The bill belongs to the Committee on Public Lands. It has no reference whatever to any Government building, and the Chair referred it properly, but by mistake it was sent to another committee. Some of the officers of the Senate have suggested to me that the better and more convenient way would be simply to move to discharge the Committee on Public Buildings and Grounds from the further consideration of the bill, and that it be referred to the Committee on Public Lands. I make that motion.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the Committee on Public Buildings and Grounds be discharged from the further consideration of House bill 1956, and that it be referred to the Committee on Public Lands. The Chair hears no objection, and that order is made.

REPORT ON REINDEER IN ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 12th instant, a letter from the Commissioner of Education forwarding the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into Alaska;" which, on motion of Mr. NELSON, was, with the accompanying report, together with the maps and illustrations, referred to the Committee on Territories, and ordered to be printed.

MARGARET V. MADDUX.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Margaret V. Maddux *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate recalling from the President the bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 64) to correct the military record of William B. Thompson;

A bill (S. 106) granting an increase of pension to Carrie Wages;

A bill (S. 140) granting an increase of pension to Daniel B. Bailey;

A bill (S. 200) granting an increase of pension to Austin Almy;

A bill (S. 201) to establish a port of delivery at Salt Lake City, Utah;

A bill (S. 236) granting an increase of pension to Andrew Jackson Power;

A bill (S. 305) granting an increase of pension to John R. Evans;

A bill (S. 336) granting an increase of pension to William Lechleidner;

A bill (S. 358) granting an increase of pension to Phebe A. Ford;

A bill (S. 360) granting an increase of pension to Mary Lucetta Arnold;

A bill (S. 447) granting an increase of pension to David H. George;

A bill (S. 450) granting an increase of pension to George H. Sutherland;

A bill (S. 454) granting an increase of pension to Renaldo M. Greswald;

A bill (S. 569) granting an increase of pension to Jesse B. Nurse;

A bill (S. 783) granting an increase of pension to William McGee;

A bill (S. 827) granting an increase of pension to Elias S. Gibson;

A bill (S. 1388) granting an increase of pension to Orsen H. Sawtelle;

A bill (S. 1394) granting an increase of pension to Lewis M. Webster;

A bill (S. 1423) granting an increase of pension to Samuel F. Murry;

A bill (S. 1436) granting an increase of pension to Thomas P. Wentworth;

A bill (S. 1661) granting an increase of pension to Mary E. Riley;

A bill (S. 1667) granting an increase of pension to Stalnaker Marteney;

A bill (S. 1760) granting an increase of pension to Ann A. Devore;

A bill (S. 1764) granting an increase of pension to John Shehan;

A bill (S. 1899) granting an increase of pension to Thompson Warren;

A bill (S. 1959) granting a pension to Mary Remington;

A bill (S. 2029) granting an increase of pension to Peter P. Dabozy;

A bill (S. 2058) granting an increase of pension to Jacob A. Roof;

A bill (S. 2320) granting an increase of pension to Samuel H. Legrow;

A bill (S. 2348) granting an increase of pension to Hamilton S. Gillespie;

A bill (S. 2655) granting an increase of pension to Isaac Zellers;

A bill (S. 2661) granting an increase of pension to John H. Klingler;

A bill (S. 2690) granting an increase of pension to James Garry;

A bill (S. 2857) granting an increase of pension to Orine H. Rapka;

A bill (S. 2863) granting an increase of pension to David C. Coleman;

A bill (S. 2871) granting an increase of pension to Justen M. Cooper;

A bill (S. 2872) granting an increase of pension to Albert Schermerhorn;

A bill (S. 2894) granting a pension to Clara G. Garretson;

A bill (S. 2937) granting an increase of pension to Julius Bodenstab;

A bill (S. 2938) granting an increase of pension to James L. Ackley;

A bill (S. 2946) granting an increase of pension to Joshua Day;

A bill (S. 2952) granting an increase of pension to William J. P. Buck;

A bill (S. 2959) granting an increase of pension to Ada Johnson;

A bill (S. 2960) granting an increase of pension to Jacob Harning;

A bill (S. 2971) granting a pension to Amelia Walsh;

A bill (S. 3201) granting an increase of pension to James I. Shafer;

A bill (S. 3377) granting an increase of pension to John M. Tyree;

A bill (S. 3394) granting an increase of pension to Joseph B. Crawford;

A bill (S. 3417) granting a pension to Garrett V. Chamberlin;

A bill (S. 3457) granting an increase of pension to Marcellus M. Parker;

A bill (S. 3491) granting an increase of pension to Andrew J. Howe;

A bill (S. 3499) granting an increase of pension to Samuel E. Lookingbill;

A bill (S. 3500) granting an increase of pension to Orrin L. Mann;

A bill (S. 3519) granting a pension to Ruby A. Stirdivant;

A bill (S. 3523) granting an increase of pension to Joseph W. Butz;

A bill (S. 3535) granting an increase of pension to John Walton;

A bill (S. 3544) granting an increase of pension to George W. Phillips;

A bill (S. 3573) granting an increase of pension to Calvin E. Myers;

A bill (S. 3651) granting an increase of pension to Mildred S. Ogden;

A bill (S. 3654) granting a pension to Hannah Hall;

A bill (S. 3690) granting an increase of pension to George W. Gregory;

A bill (S. 3727) granting an increase of pension to Eli Headley;

A bill (S. 3771) granting an increase of pension to Virginia C. Spencer;

A bill (S. 3827) granting an increase of pension to Norman B. Davenport;

A bill (S. 3833) granting an increase of pension to George F. Edwards;

A bill (S. 3860) granting a pension to James Henry Martineau;

A bill (H. R. 891) granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district; and

A bill (H. R. 9480) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the Oakland Men's Union, of Chicago, and of the Woman's Christian Temperance Union of Quincy, in the State of Illinois; of the Christian Endeavor Society of the Alnutt Memorial Methodist Protestant Church, of Baltimore, and of the congregation of the East Baltimore Station Methodist Protestant Church, of Baltimore, in the State of Maryland; of the Woman's Christian Temperance Union of Cincinnati; of the Christian Endeavor Society of the Ludlow Grove Presbyterian Church, of Cincinnati; of the Woman's Christian Temperance Union of New Vienna, and of the congregation of the First Baptist Church of Piqua, all in the State of Ohio; of sundry citizens of Bradford, Pa., and of sundry citizens of Rogersville, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Durango, Colo., praying for the enactment of legislation providing for the preservation of prehistoric monuments and ruins in the United States; which was referred to the Committee on the Library.

Mr. CULLOM presented a petition of the congregation of the Christian Church of De Land, Ill., and a petition of sundry citizens of Mount Carmel, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of Local Lodge No. 17, Brotherhood of Boiler Makers and Iron-ship Builders, of Chester, Pa., and a petition of Local Lodge No. 164, Brotherhood of Boiler Makers and Iron-ship Builders, of Bradford, Pa., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented petitions of the congregations of the Wesley Methodist Episcopal Church, of Newcastle; the Methodist Episcopal Church of Royersford; the United Evangelical Church of Royersford, and the Monday Night Club, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of the Federation of Woman's Clubs of Hillsdale, Mich., praying for the establishment of a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Wayland and Akron, in the State of Michigan, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of sundry citizens of Garfield, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Joe Hooker Post, No. 25, Department of Washington and Alaska, of Chehalis, Wash., and a petition of Abraham Lincoln Circle, Department of Washington and Alaska, Ladies of the Grand Army of the Republic, of Seattle, Wash., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. ANKENY presented a petition of sundry citizens of Garfield, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of Abraham Lincoln Circle, Department of Washington and Alaska, Ladies of the Grand Army of the Republic, of Seattle; of George H. Thomas Post, Department of Washington and Alaska, Grand Army of the Republic, of Olympia; of General H. W. Lawton Circle, No. 14, Department of Washington and Alaska, Ladies of the Grand Army of the Republic, of Ballard; of Commodore Foote Post, No. 84, Department of Washington and Alaska, Grand Army of the Republic, of Port Orchard; of Lieutenant Cushing Post, No. 56, Department of Washington and Alaska, Grand Army of the Republic, of Ballard; of General H. W. Lawton Post, No. 99, Department of Washington and Alaska, Grand Army of the Republic, of Orting; of D. Chaplain Post, Department of Washington and Alaska, Grand Army of the Republic, of Coupeville; of General Saunders Post, No. 83, Department of Washington and Alaska, Grand Army of the Republic, of Kelso; of Garfield Post, No. 13, Department of Washington and Alaska, Grand Army of the Republic, of Montesano, and of John A. Logan Circle, No. 16, Department of Washington and Alaska, Ladies of the Grand Army of the Republic, of Tacoma, all in the State of Washington, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of Columbia Pomona Grange, No. 1, Patrons of Husbandry, of Washington, praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. STONE presented a petition of Terminal Lodge, No. 472, Brotherhood of Railroad Trainmen, of St. Louis, Mo., praying for the passage of the so-called "employers' liability bill," and also the anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of T. J. Bronster Post, No. 233, Department of Missouri, Grand Army of the Republic, of Clayton, Mo., and a petition of sundry citizens, veterans of the Mexican war, of Nevada, Mo., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Armstrong, Howard County, and Polo, all in the State of Missouri, praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Ozark, Mo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Christian Temperance Union of Carthage; of the Woman's Christian Temperance Union of Campbell; of sundry citizens of Chamois, Winona, Summersville, Neosho, and South St. Louis, all in the State of Missouri, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Hermann, Mo., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Louis, Mo., praying for the enactment of legislation to regulate the retirement of veterans of the civil war; which was referred to the Committee on Military Affairs.

He also presented a petition of the Cotton Exchange of St. Louis, Mo., praying for the enactment of legislation providing for the deepening of the harbor at Brunswick, Ga.; which was referred to the Committee on Commerce.

He also presented petitions of Local Lodge No. 230, of Joplin; of Helpers Lodge No. 126, of St. Louis; of Gate City Lodge, No. 32, of Kansas City, and of Wabash Lodge, No. 267, of Moberly, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of Missouri, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

Mr. GALLINGER. I present a petition of the board of visitors and the medical staff of Providence Hospital, praying that an appropriation be made by Congress sufficient to pay the outstanding bills incurred in the reconstruction and completion of the Providence Hospital buildings. I move that the petition and accompanying papers be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. GALLINGER presented a petition of sundry patrons of rural free-delivery route of Epping, N. H., and a petition of sundry patrons of rural free-delivery route of New London, N. H., praying that an appropriation be made to increase the salaries of rural letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Frank T. Mason, of Santa Fe, Isle of Pines, Cuba, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Charles Moore, of Detroit, Mich., relative to the improvement of the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented the petitions of Walter B. Chambers, of New York; of Perot & Bissell, of Philadelphia, Pa.; of H. Roberts, of New Jersey; of Stephen C. Earle and Lucius W. Briggs, of Worcester, Mass., and of William D. Hewitt, praying for the enactment of legislation to regulate the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. WARREN presented a petition of the Colorado and Wyoming Lumber Dealers' Association, of Colorado Springs, Colo.,

praying for the enactment of legislation to compel and regulate the carriage of interstate freight on all railroads engaged in interstate transportation; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Colorado and Wyoming Lumber Dealers' Association, of Colorado Springs, Colo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. SPOONER presented petitions of H. L. Moore, of Wauwatosa; of Local Lodge No. 221, Independent Order of Good Templars, of Black Creek; of the Temperance Association of Lake Geneva; of Fall River Lodge, No. 280, Independent Order of Good Templars, of Fall River, and of the congregation of the First Congregational Church of Platteville, all in the State of Wisconsin, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of Helpers Division No. 86, Brotherhood of Boiler Makers and Iron-ship Builders, of Winona, Minn., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Farmers' Institute of Washington County, Minn., praying that an appropriation be made to increase the salaries of the rural free-delivery letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DANIEL presented petitions of sundry citizens of Frederick County, of Accomac Court House, and of Cappahosic, all in the State of Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of Local Lodge No. 249, Brotherhood of Boiler Makers and Iron-ship Builders, of Huntington, W. Va., praying for the enactment of legislation to restore to American mechanics the building of the vessels required for American foreign trade; which was referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of the board of directors of the Merchants' Exchange of St. Louis, Mo., and a petition of Local Lodge No. 32, Boiler Makers and Iron-ship Builders, of Kansas City, Mo., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of New Florence, of sundry citizens of New Florence, and of the congregation of the First Presbyterian Church of Oregon, all in the State of Missouri, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. FRYE presented memorials of the Turn Verein of Milwaukee, Wis.; of the Rock Spring Turn Verein, of St. Louis; of Mutual Lodge, No. 529, of St. Louis, in the State of Missouri; of Twin Sisters Lodge, No. 138, of Twin Sisters, Tex.; of the Turn Verein of Baltimore, Md.; of the Mozart Singing Society, of Wheeling, W. Va.; of the German Krieger Verein of Richmond, Va.; of the Germania Arion Singing Society, of Paterson, N. J.; of the St. Joseph's Aid Society, of Honesdale; of the German Catholic Knights of Ashland; of the St. Mauritius Society, of Ashland; of the Beneficial Society of Pittsburg, and of the St. John's Baptist Society, of Pottsville, all in the State of Pennsylvania; of the Sociale Turn Verein, of Cleveland; of the Turn Verein of Dayton; of the Concordia Singing Society, of Columbus; of the Turn Verein of Cincinnati; of Wallrod Commandery, No. 2, of Dayton; of the North Cincinnati Turn Verein, of Cincinnati, and of the Schweizer Maennerchor, of Hamilton, all in the State of Ohio, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 4267) to grade the consular service, reported it with amendments.

Mr. BARD, from the Committee on Public Lands, to whom was referred the bill (S. 4372) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 199) for the relief of John H. McLaughlin, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 463) to pay Hewlette A. Hall balance due for services in connection with the Paris exposition; and

A bill (S. 5053) for the relief of Sarah K. McLean.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on February 10, proposing to appropriate $500,000 for the acquisition of square No. 324 in the city of Washington, D. C., as a site for an addition to the post-office building, intended to be proposed to the sundry civil appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4119) to refer the claims for the *Saugus* and *Napa* to the Court of Claims; and

A bill (S. 4234) for the relief of Emma Morris.

INDEFINITE POSTPONEMENT OF DUPLICATE CLAIMS BILLS.

Mr. WARREN. I am directed by the Committee on Claims to report back thirty-nine claims bills. They are duplicates, identical with other bills providing for the same claims, and I ask that they may be laid on the table. In the ordinary way they would perhaps be best disposed of by an indefinite postponement, but I am informed by the Secretary of the Senate, who has charge of such matters, that if the bills are indefinitely postponed the papers can not be returned to the claimants except by an order of the Senate. We find that in the case of some of the bills the papers, proofs, etc., are all with one bill, and in other cases the papers are divided and a part with one bill and a part with another bill bearing on the same subject. If we indefinitely postpone a bill, the papers attached to it are of course locked up until the case is opened with new evidence or a special order is had; and it was suggested by the Secretary that I might move to lay the bills on the table, leaving the papers of evidence, etc., free. However, I am not insistent upon that course. Whatever is the orderly way to dispose of the bills will be satisfactory to the committee.

The PRESIDENT pro tempore. Does the committee find as a matter of fact that the bills ought not to be passed?

Mr. WARREN. They are duplicates of bills that are under consideration by the committee, some of which may be reported favorably and others adversely, but to clear the docket and to get matters in a more concrete form we desire to dispose of these duplicates.

Mr. SPOONER. I should like to ask the Senator if the papers should not be retained with the bills that are now before the committee?

Mr. WARREN. Some of them are, and papers are coming in from day to day. Affidavits are often filed after the bills come in to the committee. But certain papers are with the bills now on the table; and if the bills are indefinitely postponed, it requires an order of the Senate to return the papers so that they may be filed with other bills relating to the same claims.

Mr. HOAR. If the bills lie on the table, they will have to be reprinted with a history or account of the bills on our Calendar every day from now to the end of the session, which would seem to be lumbering up the Calendar unnecessarily with thirty-nine bills. I merely make a suggestion to the Senator; I do not wish to interfere with his disposition of the bill; but it strikes me that probably in the cases where the bills are accompanied with papers, the papers should be retained and the bills indefinitely postponed.

Mr. WARREN. In view of what the Senator has said, and if it be in order, I will move that the papers submitted with the duplicate bills may be returned to the Secretary's office, to in turn be transmitted to the committee for consideration with the retained bills to which they may refer, and that the bills themselves, which are now under consideration, may be indefinitely postponed.

Mr. ALDRICH. I suggest to the Senator to withdraw the papers.

Mr. WARREN. Very well; if permitted I will hold the papers in the committee, and ask that the committee itself may make a list and return them to the Secretary of the Senate.

Mr. ALLISON (to Mr. WARREN). Ask unanimous consent.

Mr. WARREN. I ask unanimous consent, then, to withdraw the papers accompanying the bills, and I will then move the indefinite postponement of the bills.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent to withdraw the papers sent to the desk with the bills. Is there objection? The Chair hears none. The bills sent to the desk will be indefinitely postponed.

Under the order the following bills were postponed indefinitely:

A bill (S. 4518) for the relief of James W. Person and Isabella M. Person;

A bill (S. 4701) for the relief of Mrs. Ann E. Sanders;

A bill (S. 4632) for the relief of John Conner, sr.;

A bill (S. 2827) for the relief of Thomas C. Sweeney;
A bill (S. 1040) for the relief of the estate of John Rist, deceased;
A bill (S. 1192) for the relief of the estate of John Rist, deceased;
A bill (S. 1028) for the relief of J. E. Whittington;
A bill (S. 1027) for the relief of Abner P. Bush;
A bill (S. 1123) for the relief of Patrick J. Finley;
A bill (S. 1122) to quiet the titles of certain lands in the State of Mississippi, and for the relief of the estate of Eli Ayers, deceased;
A bill (S. 1111) for the relief of the estate of Samuel D. Kelley, deceased;
A bill (S. 1184) for the relief of the estate of John M. Hawkins, deceased;
A bill (S. 1166) for the relief of the estate of George M. Coker, deceased;
A bill (S. 1144) for the relief of Mrs. E. A. B. Legg;
A bill (S. 1381) for the relief of the heirs of John D. Clemson;
A bill (S. 1196) for the relief of the estate of John Fleming, deceased;
A bill (S. 1197) for the relief of the estate of Franklin S. Whitney, deceased;
A bill (S. 1194) for the relief of Alice G. Boogher, nee Newman, and Anna Holmes, nee Newman;
A bill (S. 523) for the relief of the estate of Lewis W. Mann;
A bill (S. 1088) for the relief of L. A. Whitehead;
A bill (S. 548) for the relief of Henry Harris;
A bill (S. 809) for the relief of William G. Tidwell;
A bill (S. 3588) for the relief of the trustees of Mill Creek Baptist Church, of Davidson County, Tenn.;
A bill (S. 3760) for the relief of the estate of Mrs. Sarah T. Jarratt or her legal representatives;
A bill (S. 3763) for the relief of Smith Simmons, administrator of John Watres, deceased;
A bill (S. 720) for the relief of B. Jackman;
A bill (S. 1076) for the relief of U. Lunenburger;
A bill (S. 2063) for the relief of the personal representatives of Minthorne Tompkins, deceased;
A bill (S. 2471) to carry out the findings of the Court of Claims in the case of James H. Dennis;
A bill (S. 1260) to authorize the readjustment of the accounts of army officers in certain cases, and for other purposes;
A bill (S. 1742) for the relief of John L. Smithmeyer and Paul J. Pelz;
A bill (S. 1158) for the relief of R. M. Lay, administrator of Henry Lay, deceased;
A bill (S. 1110) for the relief of R. A. Myrick;
A bill (S. 2313) for the relief of Richard R. Conner;
A bill (S. 3726) to carry into effect the findings of the Court of Claims in the case (Congressional, No. 23193) of the Washington Loan and Trust Company, legal representative of the estate of Aaron Van Camp, deceased, and Mary M. U. Chapin and Rua P. Chapin, legal representatives of the estate of Virginius P. Chapin, deceased;
A bill (S. 353) for the relief of Miss Eliza A. White;
A bill (S. 1438) to authorize the reinstatement, readjustment, settlement, and payment of dues to army officers in certain cases;
A bill (S. 4873) for the relief of the trustees of the Baptist Church at Somerset, Ky.; and
A bill (S. 584) for the relief of John H. McLaughlin.

DAVID TWEED.

Mr. WARREN. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 2193) for the relief of David Tweed, to report it favorably without amendment, and as it is short and the case is exceedingly urgent, I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to David Tweed, of Miners Delight, Fremont County, State of Wyoming, $3,500, as compensation for injuries received while guiding a soldier of the United States Army, who was carrying important dispatches, on or about the 4th day of January, 1875, from Fort Brown (now Fort Washakie), Wyo., to Fort Stambaugh, Wyo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS OF JOSEPH L. BERNARD.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (S. 4146) for the relief of the heirs of Joseph L. Bernard, deceased, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 4146) entitled "For the relief of the heirs of Joseph L. Bernard, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

PUBLIC BUILDINGS OF GARLAND COUNTY, ARK.

Mr. BERRY. I report back favorably, without amendment, from the Committee on Public Lands, the bill (H. R. 1956) to authorize an exchange of sites for the public buildings of Garland County, Ark. I will state that parties at Hot Springs are very anxious that the bill shall be passed, as it relates to a matter which is important to them. Its passage is recommended by the Secretary of the Interior, and the bill was reported unanimously by the committee of the House and passed unanimously by the House. I would like very much to have unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEARINGS BEFORE COMMITTEE ON INTEROCEANIC CANALS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported yesterday from the Committee on Interoceanic Canals, by Mr. PLATT of New York, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Interoceanic Canals be, and the same is hereby, authorized to employ a stenographer, from time to time as may be necessary, to report the hearings which may be had by the committee or its subcommittees on bills coming before said committee; to sit during the sessions of the Senate; to have its hearings printed, and that any expense incurred shall be paid out of the contingent fund of the Senate.

FUR-BEARING ANIMALS IN ALASKA.

Mr. FORAKER. I am directed by the Committee on Foreign Relations to report a joint resolution to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," as a substitute for Senate bill 3355, Fifty-eighth Congress, second session, in regard to the same subject. I ask for the present consideration of the joint resolution.

The joint resolution (S. R. 61) requesting the President of the United States to negotiate and, if possible, conclude negotiations with the Government of Great Britain for a review and revision of the rules and regulations which now govern the taking of fur seals in the open waters of the North Pacific Ocean and Bering Sea, and so forth, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the President be, and he is hereby, requested to negotiate and, if possible, conclude negotiations with the Government of Great Britain for a review and revision of the rules and regulations which now govern the taking of fur seals in the open waters of the North Pacific Ocean and Bering Sea, pursuant to the treaty articles of the award of the Bering Sea Tribunal of Arbitration made at Paris August 15, 1893, said review to determine what revision of these rules and regulations shall be made, if any can be devised and agreed upon, which will restore and preserve the fur-seal industry upon the seal islands of Alaska and abate the killing of nursing mother seals on the high seas now permitted and conducted.

SEC. 2. That the President be, and he is hereby, requested to negotiate and, if possible, conclude negotiations with the Governments of Russia and Japan to the end of securing their adherence to and a common agreement with the terms of any satisfactory revision of the rules and regulations specified in section 1 of this resolution which may be agreed upon by the Governments of Great Britain and the United States.

SEC. 3. That all expenses incident to said review, investigation, acquisition of authentic data, and the preparation of expert reports of the case of the United States, ordered and approved by the President, shall be paid by the Secretary of the Treasury out of any moneys in the Treasury of the United States not otherwise appropriated, and which amounts are hereby appropriated.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bill (S. 3355) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," will be indefinitely postponed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. COCKRELL introduced a bill (S. 5065) permitting the Missouri, Kansas and Oklahoma Railroad Company, a consolidated railroad corporation organized and existing under the laws of the Territory of Oklahoma, to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas; which was read twice by its title, and referred to the Committee on Territories.

Mr. STEWART (by request) introduced a bill (S. 5066) to incorporate the District Telephone Company, and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PETTUS introduced a bill (S. 5067) for the relief of Henry O. Bassett, heir of Henry Opeman Bassett, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 5068) for the relief of Alexander Meggett; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5069) for the relief of John Cover; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5070) to amend section 858 of the Revised Statutes of the United States; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. FORAKER introduced a bill (S. 5071) for the relief of Edward Merrel; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5072) granting an increase of pension to S. A. McNeil; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5073) granting an increase of pension to John E. Hadsall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 5074) granting a pension to Adele Jeanette Hughes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced a bill (S. 5075) to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SMOOT introduced a bill (S. 5076) granting an increase of pension to Stacy Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 5077) granting an increase of pension to Agnes Harmon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 5078) granting an increase of pension to Asa Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5079) for the relief of the legal representatives of John H. Caldwell, deceased;

A bill (S. 5080) for the relief of the legal representative of William Fitzpatrick, deceased;

A bill (S. 5081) for the relief of the legal representatives of the firm of Radley & Showers;

A bill (S. 5082) for the relief of the legal representative of William R. Boice, deceased;

A bill (S. 5083) for the relief of George D. Martin;

A bill (by request) (S. 5084) for the relief of the Louisville and Nashville Turnpike Company, and for other purposes; and

A bill (S. 5085) for the relief of the legal representatives of Oscar H. Burbridge, deceased.

Mr. FOSTER of Louisiana introduced a bill (S. 5086) for the relief of Hugh W. Brown, executor of Andrew Brown, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5087) granting an increase of pension to Alexander Gall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON (by request) introduced a bill (S. 5088) to aid the Western Alaska Construction Company; which was read twice by its title, and referred to the Committee on Territories.

Mr. DANIEL (by request) introduced a bill (S. 5089) for the relief of the estate of William B. Ott, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 5090) for the relief of James L. Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 5091) for the relief of Archie B. Forbess; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULBERSON introduced a bill (S. 5092) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved June 13, 1902, making appropriation for improving Trinity River, Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 5093) for the protection of the President of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PROCTOR introduced a bill (S. 5094) to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE introduced a joint resolution (S. R. 60) providing for the printing of the proceedings in the case of the United States against The Northern Securities Company; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. STEWART submitted an amendment authorizing the City Gardens Association to use such vacant ground in the District of Columbia as may be available for the purposes of said association, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUAY submitted an amendment providing for the ascertainment of the difference between the currency value and the gold value of the sum of $286,742.15 paid by the United States to the Delaware Indians from 1862 to 1878, inclusive, under the treaty with said Indians of July 2, 1861, and proposing to appropriate $130,000 for the payment to said Indians of the difference so ascertained, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $25,000 for subsistence and other exigencies of the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, pending the settlement of their claim for immediate relief, and to pay the contingent expenses of the United States Government for making and completing the surveys of their present reservation, and for locating said Indians upon an allotment of lands in severalty within and without said reservation, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $1,073.35 to pay George W. Fleming for services as inspector of letter boxes from March 29, 1902, to June 11, 1903, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. NEWLANDS submitted an amendment providing that no building shall be erected on the Mall of Washington, D. C., within 445 feet of a central line stretching from the center of the Dome of the Capitol to the center of the Washington Monument, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DUBOIS submitted an amendment authorizing the payment, out of any money in the Treasury belonging to the Creek Nation of Indians, to Ruter W. Springer, executor of the estate of William M. Springer, deceased, for professional services rendered to said nation, of the sum of $3,687.48; authorizing the payment, out of any money in the Treasury belonging to the Cherokee Nation, of two Cherokee warrants issued to William M. Springer for $1,500 each, and authorizing the payment, out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache tribes of Indians, of the sum of $5,000 for professional services rendered said Indians by the said William M. Springer, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment providing that in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, court shall be held in the town of Wapanucka; and all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created in the town of Wapanucka, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ESTATE OF JAMES B. EADS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. COCKRELL, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate the amount of the balance of interest which in the case of the executors of the estate of James B. Eads, deceased, *v.* The United States (38 Ct. Cls., 275), the Court of Claims on the 2d day of February, 1903, decided was withheld from claimants in violation of the contract of said Eads

with the United States, and which was not included in the judgment rendered in favor of the claimants in said case for the reason that the same was barred by the statute of limitations.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 15th instant approved and signed the act (S. 2696) authorizing and directing the Secretary of the Treasury to pay John F. Weston the sum of $241.61, etc.

HOUSE BILL REFERRED.

The bill (H. R. 11126) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Ind. T., was read twice by its title, and referred to the Committee on Indian Affairs.

REPUBLIC OF PANAMA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, with accompanying papers, in further response to the Senate resolution of February 18, 1904, requesting information concerning the organization of the Government of the Republic of Panama.

THEODORE ROOSEVELT.

WHITE HOUSE, *March 16, 1904.*

MONUMENT AT PROVINCETOWN, MASS.

Mr. HOAR. I ask unanimous consent to call up for consideration the bill (S. 4250) to appropriate the sum of $40,000 to the Cape Cod Pilgrims' Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the first landing of the Pilgrims on Cape Cod and the signing of the compact in the cabin of the *Mayflower* in the harbor of said Provincetown. But the appropriation shall not be payable until there shall have been raised and made available for the erection of the monument an additional sum of at least $40,000. The design of the monument shall be approved by the Secretary of War, the governor of the Commonwealth of Massachusetts, and the president of the Cape Cod Pilgrims' Memorial Association; and the moneys for the erection of the monument shall be expended under the supervision of the Secretary of War, the governor of Massachusetts, and the president of the Cape Cod Pilgrims' Memorial Association.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact."

FISH-CULTURE STATION IN WYOMING.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

Mr. CLARK of Wyoming. Will the Senator yield to me one moment for the consideration of a short bill?

Mr. FORAKER. I will yield to the Senator from Wyoming, but I wish to give notice that I can not yield to any other such request. I promised the Senator from Wyoming yesterday that I would yield to him.

Mr. CLARK of Wyoming. I ask unanimous consent to call up the bill (S. 575) to establish a fish-culture station on Blacks Fork of Green River, in the State of Wyoming.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000 for the establishment of a fish-culture station, including purchase of site, construction of buildings and ponds, and equipment, at a point on Blacks Fork of Green River, in the State of Wyoming, to be selected by the United States Commissioner of Fish and Fisheries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until tomorrow, Thursday, March 17, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 16, 1904.

PROMOTIONS IN THE NAVY.

Capt. Theodore F. Jewell to be a rear-admiral in the Navy from the 15th day of March, 1904, vice Rear-Admiral Charles O'Neil, retired.

Lieut. Commander James M. Helm to be a commander in the Navy from the 11th day of October, 1903, vice Commander Charles T. Forse, promoted.

Lieut. (Junior Grade) Austin Kautz to be a lieutenant in the Navy from the 1st day of January, 1904, vice Lieut. Alexander S. Halstead, promoted.

Ensign Ernest A. Weichert to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904, having completed three years' service in his present grade.

Civil Engineer Adolfo J. Menocal to have the rank of lieutenant-commander in the Navy from the 6th day of March, 1904, vice Civil Engineer George Mackay, retired.

Civil Engineer Homer R. Stanford to have the rank of lieutenant in the Navy from the 6th day of March, 1904, vice Civil Engineer Adolfo J. Menocal.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 16, 1904.

PROMOTIONS IN THE NAVY.

Capt. Theodore F. Jewell to be a rear-admiral in the Navy.

Gunner Frank L. Hoagland to be a chief gunner in the Navy from the 13th day of February, 1903.

ASSISTANT ATTORNEY-GENERAL.

Charles H. Robb, of Vermont, to be Assistant Attorney-General.

POSTMASTERS.

ALABAMA.

Emily R. Lawrence to be postmaster at Livingston, in the county of Sumter and State of Alabama.

DELAWARE.

John G. King to be postmaster at Newcastle, in the county of Newcastle and State of Delaware.

INDIANA.

Austin B. Cochran to be postmaster at Atlanta, in the county of Hamilton and State of Indiana.

Wilbur H. Dean to be postmaster at Windfall, in the county of Tipton and State of Indiana.

KANSAS.

Charles S. Hutchison to be postmaster at Wilson, in the county of Ellsworth and State of Kansas.

MASSACHUSETTS.

Clarke P. Harding to be postmaster at Medway, in the county of Norfolk and State of Massachusetts.

MISSOURI.

George H. Kunkel to be postmaster at Mexico, in the county of Audrain and State of Missouri.

Philip G. Wild to be postmaster at Spickard, in the county of Grundy and State of Missouri.

NEBRASKA.

Edmund J. Burke to be postmaster at Bancroft, in the county of Cuming and State of Nebraska.

John Ring to be postmaster at Hooper, in the county of Dodge and State of Nebraska.

NEW JERSEY.

Charles D. Stainton to be postmaster at Englewood, in the county of Bergen and State of New Jersey.

NEW YORK.

William E. Clark to be postmaster at Fredonia, in the county of Chautauqua and State of New York.

Fred F. Hawley to be postmaster at Lake George, late Caldwell, in the county of Warren and State of New York.

PENNSYLVANIA.

Harvey E. Brinley to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania.

SOUTH CAROLINA.

Julia M. Merrick to be postmaster at Walhalla, in the county of Oconee and State of South Carolina.

WISCONSIN.

Martin J. Gosa to be postmaster at Palmyra, in the county of Jefferson and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 16, 1904.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL SERVICES TO THE LATE REPRESENTATIVE FOERDERER.

Mr. MOON of Pennsylvania. Mr. Speaker, I rise to ask unanimous consent that the House fix a day for the memorial services to a deceased Member, Hon. ROBERT FOERDERER, of Pennsylvania. I would suggest Sunday, March 27, for that purpose.

The SPEAKER. The gentleman asks unanimous consent that Sunday, March 27, be fixed for memorial services to the late Representative FOERDERER. Is there objection?

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill; and pending that, I wish to state that I assume that the division of time will be as has heretofore been arranged, to be controlled by the gentleman from Tennessee [Mr. MOON] and myself; but for the purpose of making it clear to the House, I suggest that three hours yet remain for the gentleman from Tennessee [Mr. MOON] and two hours for myself.

The SPEAKER. Without objection, that will be the arrangement.

There was no objection.

Mr. COWHERD. Mr. Speaker, I did not hear the arrangement.

Mr. OVERSTREET. Simply that three hours of the five are to be controlled by the gentleman from Tennessee [Mr. MOON] and two hours to be controlled by me.

Mr. COWHERD. That is the time remaining?

Mr. OVERSTREET. That is the time remaining—five hours.

The motion of Mr. OVERSTREET was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13521, the post-office appropriation bill, with Mr. BOUTELL in the chair.

Mr. OVERSTREET. I wish the gentleman from Tennessee [Mr. MOON] would occupy an hour.

Mr. MOON of Tennessee. Very well. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. MADDOX. Mr. Chairman, I do not desire the five minutes yielded to me. I simply rise for the purpose of stating that I have introduced a bill into this House for the purpose of distributing the surplus in the Treasury to build roads throughout the United States. I ask unanimous consent to print that bill in the RECORD and some remarks in reference thereto.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to print in the RECORD the bill referred to and some remarks thereon. Is there objection?

Mr. PAYNE. What is the bill.

Mr. MADDOX. It is a bill to distribute the surplus that may be in the Treasury, to the extent of $25,000,000, for the purpose of building roads, paying to the States per capita the amount to be divided between them, after reserving all that the law requires in the Treasury.

Mr. PAYNE. Well, I do not know but the best place to bury that bill would be in the RECORD. I do not think I will object.

Mr. MADDOX. I do not propose to have it buried. I propose to revive it after a while. I yield back my time.

The CHAIRMAN. The gentleman yields back his time.

Mr. MOON of Tennessee. I yield one minute to the gentleman from North Carolina [Mr. THOMAS] to make a request.

Mr. THOMAS of North Carolina. I submitted some remarks on the post-office appropriation bill the other day. I ask leave to extend those remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Chairman, I now yield thirty minutes to the gentleman from Mississippi [Mr. SPIGHT].

Mr. SPIGHT. Mr. Chairman, I wish to speak a little while upon a subject which is attracting attention all over the country, not in a spirit of retaliation, nor for the purpose of indulging in harsh criticism, but to show by comparison the injustice sometimes done one section of the country and incidentally to vindicate the people of that section against the general charge of brutality and barbarism, and at the same time to show that those people have clearer conceptions of the remedy for existing evils in their own communities than have those who are more remote.

What is called the "negro problem" has become a question of national interest and demands attention wherever, North and South, the negro appears in any considerable numbers. Practically all of the Southern States, in which the negro forms such a percentage of the population as to make him a political factor to be reckoned with, have by constitutional provision deprived him of his power for harm in the administration of our domestic affairs, and we have done it because it was absolutely necessary to protect our people from financial ruin and to preserve our civilization. For a time we were compelled to employ methods that were extremely distasteful and very demoralizing, but now we are accomplishing the same and even better results by strictly constitutional and legal procedure.

For more than ten years the negroes in Mississippi have understood that they were not to be allowed to participate in State or county governments, and as a result we have had but little trouble with them, and they have been better satisfied and more prosperous than at any time since their emancipation. We recognize that the negro is a producer of wealth, especially in our cotton fields, and this fact, coupled with the naturally kind feeling entertained for him by the white people with whom he has lived all his life, gives him an opportunity for honest, productive labor not enjoyed by his race anywhere else. We deny him the right to vote, under certain conditions, and to hold office, but have never denied him the right to work for an honest living, as has been repeatedly done in some of the Northern States. We sometimes kill them for outrageous crimes, but never because they want to work. [Applause.]

This brings to mind the subject of lynching, which has called down upon the South unmerited abuse and vituperation at the hands of the northern press and people.

I frankly confess, and am sorry that I have to do it, that unnecessary lynchings have sometimes occurred in the South. So far as I am concerned, I am opposed to mob violence as a general proposition. I do not think that lynchings for any other crime than the nameless one against womanhood ought ever to occur. In all others the courts of the country are ample and generally, with us, swift to punish. But in the one class of crimes so brutal and destructive of all that is dear to an enlightened people no one with a spark of manhood in him can doubt that instant death to the perpetrator should follow upon the ascertainment of the guilty facts. The poor, suffering woman who has been the victim of the devilish lust of a brute, white or black, should not be compelled to appear in court and repeat before a jury the horrible details of the outrage, but personally I am opposed to burning or needless torture, because of the brutalizing tendencies. This sentiment in favor of immediate punishment by death to the criminal is not confined to any section or any State, but will occur in any community and has repeatedly occurred in northern as well as in southern communities.

Nor is the burning at the stake of such brutes confined to the South, but it has occurred in a number of Northern States, and only last summer, in the city of Wilmington, in the State of Delaware, for the outrage and murder of a pure young woman, the negro who committed the double crime was taken from the jail by a mob of the "better class of citizens" and hanged and his body burned, and a Presbyterian minister of the gospel on the following Sunday, from the pulpit of a crowded church, openly and vigorously justified it. If this had occurred in Mississippi or any other Southern State, the pharisaical pretended negro lovers of the northern press would have held up their hands in holy horror and under flaming headlines would have been loud in their denunciation of "another southern outrage" and evidence of "barbarism in that Godless section." But for once many of them forgot their cowardly denunciations of a long-suffering people and became, for the time being, men with red blood in their veins, and spoke like men in the presence of an awful crime swiftly and horribly avenged.

The Philadelphia Public Ledger, published within 30 miles of the scene of the tragedy, said the next day:

> The wretch who died at the stake yesterday morning on the spot where his hateful crime had been committed deserved no more merciful an end. The cruel, pitiable, unspeakably grievous wrong of his victim cried out for retribution like this. In the fact that it came—let there be no hypocritical pretense otherwise—most of us can not repress an instinctive thrill of satisfaction.

No southern paper nor any southern man could have expressed it more forcibly.

The Philadelphia Press, a leading Republican paper, the property of ex-Postmater-General Smith, says:

> When we consider the offense of the negro, cruel as was his punishment, there will be no sympathy wasted on him. The human brute who sacrifices to his lust the life of an innocent young woman puts himself out of the pale of pity, no matter how horrible the punishment that follows in the wake of the crime.

The Minneapolis Times says:

Parallels of latitude seem to have naught to do with this species of lawlessness nowadays. Given a negro guilty of the horrible crime for which so many have suffered death, North and South, men are not disposed to await the deliberate processes of the law, but rush to the jail in frenzy and wreak ghastly vengeance upon the accused.

And this from the Buffalo Courier:

The truth may as well be recognized that there is not a section in the United States inhabited by white people where hands would voluntarily be kept off the perpetrator of such an unspeakably fiendish deed as the Delaware negro committed.

But it will be remembered that this mob did not stop at the burning of the criminal, but attacked the negro settlement in the city, and other negroes and white men were killed and wounded. This never occurs in the South. When the guilty wretch has paid the penalty of his awful crime, that is an end of it, and the mob is satisfied and does not wreak indiscriminate vengeance upon the innocent because they belong to the same race as the criminal. Much has been said of race prejudice in the South.

We have enough of this prejudice, if you wish to call it so, to forever debar the negro from active participation in our State governments, to exclude him from our dining rooms except as a waiter, and to shut the door tight and fast to any approach to social equality; and while we occasionally burn a black devil that has committed a fiendish crime, unlike our northern brethren, we don't go out in open defiance of law, with a torch in one hand and a gun in the other, burning the houses over the heads of defenseless women and children and shooting the poor scared inmates as they flee for their lives. This occurred in the great city of New York in the summer of 1900, after a negro had killed a policeman, and it was said at the time that the mob was led by officers in uniform. During the same year, in Illinois, a mob of white men, with guns and, I believe, cannon, drove off a lot of negroes who had been carried there from the South to work inth e mines. No charge against them except that they wanted to work.

In the little city of Danville, Ill., the home of the distinguished Speaker of this House, one negro was lynched last year, if I remember correctly, because he made some objection to efforts of the mob to take another negro from the jail, who was charged with the crime the penalty for which is usually death by hanging or at the stake. The mob failed to get the negro from the jail, but so determined was the effort that several white men were killed or wounded before the attempt was abandoned. It is true that by a bloody sacrifice the life of the guilty negro was saved; but this does not controvert my argument that the men of Illinois are like the men of Mississippi under similar conditions, and that in the presence of a specially brutal crime the same spirit of vengeance will assert itself.

Indiana, the home of Mr. CRUMPACKER, who has displayed so much zeal in his efforts to punish Southern States because unwilling to acknowledge the political equality of the negro with the white man, has also a record for lynching and burning. And only last week in the city of Springfield, in the State of Ohio, which State is the home of one of the most distinguished advocates of what he is pleased to call "manhood suffrage" upon this floor, a negro murderer was lynched by an undisguised mob, and it is said that they went "wild with delight" while they poured a shower of bullets into the body of the dead negro as it hung dangling from a telegraph pole in a public place in this city of 40,000 people. But this didn't satisfy the jolly fellows. But at night they came together again and set fire to the houses in the negro settlement in the city and, cold as it was, drove the frightened men, women, and children to the near-by woods to save their lives. Springfield is said to be the home of a cultured, refined, and Christian people, with fifty churches, more than twenty schools and colleges, and not more than 50 miles from the State capital.

Just at this point, let me, by contrast, show what was done only a few days ago by the governor of Mississippi, who was denounced all over the North last fall because during his campaign for election he declared that education had done no good to the negro. After the lynching of the negro at Springfield and after a large part of the negro settlement had been burned the governor of Ohio ordered several companies of militia to go to the scene and stop further destruction of property. In Mississippi, when it reached the ears of Governor Vardaman that a negro murderer was in danger of being lynched in a town 150 miles from the capital, the courageous chief executive, instead of ordering the military to repair to the scene of danger, put himself at the head of the soldiers, chartered a special train, and with lightning speed went to the help of the brave sheriff of the county, rescued the imperiled negro, and removed him to a place of safety; and in a day or two afterwards this same conscientious governor saved another negro from a mob.

Both of these cases were murders of peculiar atrocity, and yet this chief executive of a much-maligned State, who had been so roundly denounced as unfriendly to the negro, was too courageous and conscientious to suffer the law to be violated when in human power to prevent it. The New York Times, commenting on the Ohio lawlessness and comparing the action of the officials with that of Governor Vardaman, to which I have referred, says:

The brutal and cowardly murder of a negro prisoner in Springfield, Ohio, permitted by a pusillanimous sheriff and an inefficient or faithless police force, might well be compared with the recent treatment of a like crime threatened in Mississippi to the sore discredit of the northern community.

This paper says, further, what everybody knows is true, that "the prisoner would not have been slaughtered as he was had he not been a negro." Here are two other extracts:

The State of Ohio appears to need a Vardaman to protect captives of the authorities from mob murder. The lynching of the negro Dixon at Springfield last Monday seems to have been a case of mob vengeance on a man whose color even more than his crime made him obnoxious to the rabble who clubbed and shot him to death, and then dragged his body in savage triumph through the streets. Does anybody suppose that such ruffians are shocked at the crime of manslaughter—unless it chances to be a negro who commits it? (Milwaukee Sentinel.)

Mississippi, with its dense black population and a governor who ran for office on a platform opposing common-school education for the negroes, has put Ohio to shame in the latest lynching episodes reported from the two States. The executive of the southern State has just shown praiseworthy courage, promptness, and determination in foiling two successive attempts to lynch colored prisoners. The authorities of the great Commonwealth of Ohio, with its wealth, its schools, and its overwhelming majority of white citizens, seemingly took no steps whatever to save from mob vengeance the negro who was lynched yesterday by a mob at Springfield.

In this instance it should be noted the prisoner was not charged with "the usual crime" of attacking white women. (Philadelphia Bulletin.)

This comparison of cases shows another thing that ought to put to shame every man who prates hypocritically about race prejudice in the South. Such scenes as I have described of the killing of negroes because they want to work, burning their houses and driving them out into the bitter cold of midwinter simply because they are negroes, have never occurred in the South. Such race prejudice finds no place in southern hearts. With us every deserving, law-abiding negro is encouraged to work, and they are found not only on the farms, but in the shops in every village, town, and city, and they know that the white men are their friends even though they are not allowed to vote or hold office, and they are happier for it. It is only the idle and the vicious that fall under the white man's displeasure, while the industrious and worthy are as safe from harm as their white neighbors.

I have noticed that not only is the prejudice against the negro much stronger in the North than in the South, but I have noticed also that northern communities are beginning to have a wholesome dread of too great an influx of negro population and the consequent danger of his political power for evil. Not long ago the Philadelphia Record, in speaking of the danger of the increase of negro voters in Pennsylvania, said:

The move in Maryland to disfranchise negroes, following upon disfranchisement in Virginia, is not without peril to the people of Pennsylvania, if as a result of it there shall be a further African invasion of this State. Our heavy negro vote is already a political misfortune, contributing potentially toward the continuance of misgovernment. It is also an undeniable fact that the safety of life and property has been put at greater hazard in the southern and eastern counties of Pennsylvania by the drift northward of an undesirable negro element. It is quite possible that in the near future the people of this State may be obliged to take measures to protect themselves against further African intrusion.

This is a wise view to take of a vital question, and this paper deserves credit for sounding this note of warning against the "black peril," and I trust that neither Pennsylvania nor any other State in the Union may ever have to drink the bitter cup which was pressed so unrelentingly to Mississippi's lips during the dark period of reconstruction. You Pennsylvanians, whether Republicans or Democrats, would not stand for an hour what we endured for long weary years, and what, by the help of God, we never intend to bear again.

Mr. Chairman, I have thus far quoted only from northern papers, and introduced only northern witnesses, and by their own testimony are they condemned.

I have said that since the practical disfranchisement of the negro he has been better contented and more prosperous than ever before, and this would continue to be true if he is "let alone;" but dangerous influences are at work fraught with untold evil to both the white and colored races. One of the first of these was the surprising practical illustration of social equality given by the President of the United States when he took a negro into his dining room at the White House and sat down to dinner with him as graciously as if he had been the governor of the State of New York. I have always been sorry that Booker Washington didn't have more sense and self-respect than to accept the invitation. It would have been infinitely to his credit if he had declined. This one incident has done more to inflame the passions of the negro and give him a perverted idea of his importance and his near approach to social equality than anything that has been done during the last ten years.

Only a few days ago in looking over the Commercial-Appeal, of Memphis, Tenn., in my judgment the greatest newspaper in the South and published so near the Mississippi line as to be par excellence the paper of Mississippi, I read a communication from

one of the best known and most honorable men in the State detailing facts too horrible to contemplate as occurring within this month of March, 1904, in one of the wealthiest sections in the State where the negro population largely outnumbers the whites. The facts as stated, and in which I place implicit confidence, are so pregnant with danger that I shuddered when I read the letter. Hear what this honorable and truthful citizen says, whose name is A. G. Paxton, a lawyer and large planter, and whose post-office address is Leland, Miss.:

To the Commercial Appeal:

On Friday evening, arriving at Leland on my way to my plantation, I found an excited gathering of some of the most prominent planters and citizens of this county and was requested to remain over there to assist in looking after a matter of the highest public importance, involving the present and future peace not only of this neighborhood, but of this whole southern country. The town marshal and a justice of the peace were enlisted, and, going around to the livery stable, four men—white men—were arrested. All were taken red-handed. In their baggage we found many beautiful pictures—photographs of landscapes and other views.

These pictures, gotten up by the Whiteside View Company, of Cincinnati, Ohio, they had been showing and selling to white people. In addition to this we found other photographs of the most infamous and indecent character, some white women in night robes, with portions of their persons exposed, and others of white women utterly naked, with not a rag nor a leaf to hide their exposed naked persons. One in particular represented several white women naked as they came into the world, each in the arms of a naked negro. Pictures of this character, it was proved and admitted by the men, were widely sold to negroes. None of this character had been seen or shown by them to white people. One of the last named was taken from a negro by my brother, A. J. Paxton, at Wilmot, Miss.

All of these pictures purport to have been gotten up and issued by the Whiteside View Company, of Cincinnati, Ohio, whose name is printed thereon. With each set of pictures sold there was also sold a little view glass in a frame, which, I believe, is called a "stereoscope." It gives the perspective. Placing the picture in the frame and looking through, it shows like an open view-like nature. It is proper to say that the last-named picture was a representation of Bouguereau's picture, The Birth of Venus. In the original the man no doubt was white, but in the pictures being circulated the man had been colored black. Manifestly it was blacked for a purpose.

All of them claimed that they were regularly employed by the Whiteside View Company, of Cincinnati, Ohio, and they stated that "this concern had not less than 100 agents scattered over the country," scattering this infamous seed of race hatred, desire for social equality, miscegenation, and lust of rape.

The three men—B. D. Shieves, L. D. Truitt, and J. H. Washburn—were tried in an orderly manner yesterday before F. H. Ivey, justice of the peace at Leland, and pleading guilty, they were each fined $40 and given in addition twenty days on the county farm, the utmost penalty provided by the law.

The conduct of the people in thus permitting the law, utterly inefficient in its penalties, to take its course, is, to say the least, a tribute to their patience and to their qualities as law-abiding and law-loving citizens.

After sentence had been pronounced and the crowd dispersed it was developed that through the mail there had been sent to one of the convicted men, B. D. Shieves, from the Royal Picture Gallery Company, of 152 Lake street, Chicago, a sample of an article for sale. Mr. Campbell, of Greenville, who prosecuted the men, and I personally looked at this sample article. It consisted of a magnificent engraving, showing President Theodore Roosevelt and Booker Washington seated at dinner in the White House. Upon a streamer on the front side of the table was printed in blazing letters the word "Equality." Accompanying this picture was a circular showing where these engravings, together with beautiful gilt frames, could be had, to wit, from the firm above named.

It may be possible, and I hope it is true, that no house in Cincinnati is responsible for these vile publications, but whether they are or not, the mischief is being done, the seeds of lust are being sown, and a harvest of shame and death will be garnered in the end. See how these pictures are associated as companion pieces. One teaching practical social equality by the man who, by virtue of an assassin's bullet, occupies the highest place in the gift of the American people, and following it to its logical end, inflaming the basest passions of a brutal nature, are the other pictures the product of a diabolical brain. Indeed, these men of Washington County, Miss., displayed the greatest forbearance in that they did not hang every infamous scoundrel engaged in this hellish traffic. The men who printed these pictures and the men who sold them are worse even than the ignorant brutes whose lustful desires they play upon.

When I think of the possibilities for harm that may flow from the dissemination of these vile prints, I am overwhelmed with apprehension. Nothing but harm can come to the negroes themselves, and the more they cultivate the idea of social equality the more dangerous becomes their position and the surer that death by violence will overtake them sooner or later. But the most appalling danger is to the women of the South, than whom no sweeter, purer, nobler ever lived in any land or in any age, and the men of the South will protect their honor if it requires the extermination of the negro to do it. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SPIGHT. I ask the gentleman from Tennessee [Mr. MOON] for a little more time to conclude my remarks.

Mr. MOON of Tennessee. I yield the gentleman five minutes more, which is all that I have not already allotted.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes longer.

Mr. SPIGHT. As showing the evil effects of lax views on social equality of the races, I remember that I saw it stated in the public press—I think in January of this year—that in Evansville, Ind., a city of about 70,000 population, a negro who had been for some time living in open and undisturbed lewdness with a depraved white woman criminally assaulted a little white girl, and, says the Evansville Courier:

Feeling secure from the fate that is usually meted out to the perpetrators of such crimes, the negro not only made no effort to escape, but attempted to repeat his awful crime.

In the first place, it is impossible that in the South a white woman could become so depraved as to live in this relation with a negro; and, in the second place, if she did it wouldn't continue any longer than the discovery of the fact, when she would be treated to a coat of tar and feathers, if nothing worse.

I have seen it stated that as a result of these crimes a feeling of such intense hatred for the negro as a race was engendered that it became necessary to put this city of Evansville under the control of the military for a week or more, that several whites were killed, including a young woman, and that feeling ran so high that it turned upon the soldiers, who were only obeying orders, something that has never occurred in the South, and as a final result hundreds of frightened, fleeing, innocent, helpless negroes were huddled like sheep on the Kentucky side of the Ohio River begging for protection from an infuriated Indiana mob, a spectacle which has never been witnessed in the South, and under existing conditions could never occur there. Such are the fruits of teaching, for selfish purposes, the pernicious and doubly dangerous doctrines of political and social equality.

Even the more intelligent negroes are beginning to learn that the pretended love of northern Republicans is a hollow sham and that the best friends they have in the world are the southern white people. Hear the experience of a deluded Alabama negro who made the mistake of going to Chicago:

It is idle talk to say that a negro finds a welcome in Chicago. The foreigners are employed in preference as laborers, and each year the negro is driven farther back. He is ostracised as a laborer as well as in a social way. Southern people understand us, and are our friends when we keep our places; northern people are deeply prejudiced against us. I shall not return, but remain here in Birmingham the balance of my life, and shall expect to work and to prosper.

Now, Mr. Chairman, I haven't made these remarks for the purpose of arousing any unkind feeling, but to show how unjust has been the wholesale denunciation of the South by the northern press and people, and that we are all of the same flesh and blood, and that upon similar provocation we all are prone to indulge the same passion for vengeance. I have endeavored to show, too, the overshadowing danger of teaching the utterly false doctrine of political and social equality of the black and white races. All the Roosevelts that live now, ever did, or ever will live can never induce the proud-spirited, pure-blooded Anglo-Saxons of the South to accept such a damnable heresy. I have intended to show, further, that if it takes the life of every negro in the land we will protect the purity of our glorious southern womanhood and preserve our civilization, the highest and purest the world has ever known. [Loud applause.]

Mr. MOON of Tennessee. I yield thirty minutes to the gentleman from Indiana [Mr. ROBINSON].

Mr. ROBINSON of Indiana. Mr. Chairman, I will ask the Clerk to read the part of the sections of the bill on post-office railroad subsidy.

The CHAIRMAN. The Clerk will read in the gentleman's time.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75.

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary.

Mr. ROBINSON of Indiana. Mr. Chairman, I take the floor to oppose railroad-subsidy legislation. Subsidies, pure, unvarnished, and bald, are ingrafted on this bill by the majority of the committee—reluctantly, I hope—and there they rest a blot and a stain and a suspicion on us all until they are defeated by our votes. Unjustifiable, unexcused, indefensible, and inexcusable as they are, we find them here. That they are not novel, in that the bill has carried them before, is the pretense of excuse that rests in antiquity, a singular position that an admitted evil becomes a virtue by age and should be continued.

Some days ago, when our attention was called to these railroad subsidies in an able speech by the gentleman from Tennessee [Mr. MOON] in opposition, in a warmth of language justified by the importance of the subject and following his minority report against them, we of this side were humiliated by a bold charge made by the gentleman from Ohio [Mr. GROSVENOR] that these corporation subsidies were of Democratic parentage and by Democratic votes was this blot placed on our legislation. Some Democrats reminded the gentleman that Congress had been controlled for some years by the Republicans and their Post-Office Committee and their Congresses were responsible for the infamy. The gentleman, however, persisted in his contention, and in his attitude and in the whole history of this un-Democratic and un-

Republican legislation can be found the best reason for Democratic denunciation of this corporation subsidy.

So long as Democrats vote for this subsidy so long will these votes be held up and paraded in the northern Republican districts as a justification for Republican support of ship subsidy. No one knows this better than the gentleman from Ohio [Mr. GROSVENOR], with his astute political sagacity, and I would be unmindful of my duty to not warn the Democrats of the South and ask them not to throw such obstructions in our way. Safe and secure in their districts, I want to remind the Members from the South that to carry the House of Representatives they must sow the seeds of pure old-fashioned Democracy in the fertile fields of the doubtful Republican districts in the North and West. You fly in the face of the party's national good when you ingraft upon a bill by your vote this un-Democratic measure.

The other day I listened with infinite pleasure to a roll call by the gentleman from Tennessee [Mr. PATTERSON] of the distinguished Southern Democrats who shed a luster from the beginning of our Government and during Democratic ascendency. With pleasure and pride I listened. They filled the office of President; they were potent in Congress; they illumined their States, and shed an imperishable renown on our national history. They served in diplomatic station abroad; everywhere where the bright pages of our country's history is found is found the names of the distinguished men of the South who molded our history. Would you follow in their footsteps? Then vote against this subsidy. In their day and generation they did not vote against principle to favor locality or special interests.

Now, it is made possible for the gentleman from Ohio to say that some depart from the traditions and policies and government of those illustrious men. Will we do so again? The gentleman from Ohio stated that he uniformly opposed this graft upon the public service, and for one I applaud his course. He set aside partisanship and fought his battles on this floor and cast his vote for the country's good. The gentleman could well have rested there and gathered his laurels from this act of public duty, without injecting the other day that Democratic influences had invited and supported this useless and unasked-for subsidy.

The ancestry of this unholy offspring of subterfuge, chicanery, and deep-laid plans is not difficult to trace. Its age is no complication in the inquiry. It is an annual product. It is born every session of Congress, and it expires when the Postmaster-General at the end of every year, forced to do so as he is by Congress and against his consent, pays out the last dollar of the $167,000 of which the people's Treasury is annually robbed. The matter as to who originated it is not vital, but Who is going to father it now? is the question of concern to the people of every Congressional district. What has gone before is a burnt issue; it is a tale that was told; but those who stand up for it in this Congress will have the burning issue directly confronting them and they must face that issue.

With regret I must admit that in former years Members from Democratic districts have come to me while we were in Committee of the Whole considering the question, where no record vote upon it could be made to go back to our constituents, and asked me as a personal favor to them to retire to the cloakroom during the vote or to be conveniently absent, yielding to me the right to go upon record in the House on roll call against it, but assuring me that parliamentary tactics (which as well could be denominated parliamentary tricks) would be resorted to to defeat the right of the House to a record vote.

To my surprise and chagrin, a motion was in each instance permitted by the Speaker, under his power of recognition, which effectually cut the House out of the right to recommit the bill with instructions to strike out railroad subsidies, and thus a record vote showing Democratic support of a railroad subsidy was stifled. Is the House proud of the record? Why is there a dispute as to the authorship of this subsidy?

Would the Democrats who voted for it last year or the year before have voted for a land subsidy to a railroad or a ship subsidy or a bounty on sugar or rice or wheat? If they vote for a railroad subsidy to carry mail, let us have a roll call, so that a record can be made here and back in our districts. Let the vote be open. In former years the vote was stifled. Mark you, the country will not stand for secrecy now in post-office matters.

In former years the Speaker who used the power of recognition to cover it up was a Republican. Those Houses that supported this unusual parliamentary procedure were Republican, and I am content to allow whatever advantage can be drawn from this action, and rest it there as to the responsibility.

Mr. SIBLEY. I would like to ask my friend if that subsidy is not used in the States of the South?

Mr. ROBINSON of Indiana. That subsidy makes a great dark line down through the southern territory.

Mr. SIBLEY. Now, then, let me ask you, is it not the case and does not every man recognize that in the South, with her industries and resources undeveloped, there are not those means of rapid communication that exist in the North, and it would be justifiable in the South where it was not justifiable in the States of New England and the Middle West?

Mr. ROBINSON of Indiana. Oh, the gentleman should not fly against his Republican administration of the Post-Office Department, which for ten years has said that Congressional influence forced this subsidy upon the appropriation bill against its recommendations.

Mr. SIBLEY. Let us be fair about this. I do not think there is any partisanship in it; it is merely a business proposition.

Mr. ROBINSON of Indiana. The gentleman will not make a speech in my time, I hope. There certainly is no partisanship in it; it rises above that. I would protect all the people and the Treasury against this graft.

Mr. SIBLEY. Now, I think there is no partisanship in it. I think that the men who realize the needs of it, in the committee and on the floor of this House, feel that we would be doing a manifest injustice to the business interests of the country, of the South, if we should not provide for it. That is the reason I now interrupt the gentleman.

Mr. ROBINSON of Indiana. That is a speech the gentleman can make in his own time, and I will ask him to yield me five minutes. I want to hold him to that proposition on time.

Mr. SIBLEY. I will yield to the gentleman if I have any time.

Mr. LAMB. Will the gentleman yield to me for a moment?

Mr. ROBINSON of Indiana. Certainly.

Mr. LAMB. Does not the gentleman know that many good Democrats have supported this measure?

Mr. ROBINSON of Indiana. The gentleman from Ohio has so charged, and I shall not resort to any invidious comparisons.

Mr. LAMB. I would like, while on the floor, to ask the gentleman another question. He said just now that the Post-Office Department had said that Congressional influence had been used to keep this appropriation on. Will he furnish proof of so grave a charge?

Mr. ROBINSON of Indiana. I will a little later on.

Mr. LAMB. Well, I would like to have your authority on that.

Mr. ROBINSON of Indiana. I will read it from the RECORD a little later on. I believe it is the duty of every Member, regardless of party, because, agreeing with my friend from Pennsylvania, it rises above partisanship, but I differ with him on the proposition: I think it is the duty to look to economy. It is our duty to pursue the lines of good government; and we can not do that by perpetrating upon the Post-Office Department, that great business department, something unasked for. It is our custom to cut down estimates of the Departments for appropriations and not to force appropriations on them against their recommendation, but we do it here if this pass.

Mr. HOLLIDAY. Will the gentleman yield to me for a moment?

Mr. ROBINSON of Indiana. Certainly.

Mr. HOLLIDAY. Does not the gentleman know that in the Fifty-seventh Congress one of his colleagues on this side undertook to strike out that appropriation?

Mr. ROBINSON of Indiana. If the gentleman says so, I will rely on his statement.

Mr. HOLLIDAY. And three-fourths of the Members on that side of the House—the Democratic side—voted against that motion.

Mr. ROBINSON of Indiana. The gentleman can present the record in his own time in support of that. I censure Democrats for voting for any subsidy.

Mr. GAINES of Tennessee. I voted against it, notwithstanding the fact that the Louisville and Nashville, a beneficiary railroad, runs right through my home city; and I am against this as I am against any other legalized steal.

Mr. ROBINSON of Indiana. Is my colleague [Mr. HOLLIDAY] going to vote for this?

Mr. HOLLIDAY. No; I shall vote against it.

Mr. ROBINSON of Indiana. The gentleman from Tennessee says that local interests may prompt some, and I have no criticism to make against such gentlemen.

Mr. GAINES of Tennessee. Local interest does not prompt me. I denounce it as a steal, and I am against it. [Applause.]

Mr. ROBINSON of Indiana. The gentleman is not going to spoil my compliment to him. Local interest may influence some Members, but the gentleman says it passes through his district and without remitting he has opposed it. I commend him for it. I want to give you instances of three other Members, conspicuous for their standing and ability, who never allow themselves to be swerved from duty by local interests, and there are many others; they likewise performed their duty, notwithstanding what might be inferred to be State interest or local interests were present to influence, and I saw their action on this floor, and I will name them standing with the gentleman from Tennessee—Senator BAILEY,

the gentleman from Mississippi [Mr. WILLIAMS], and the gentleman from Tennessee [Mr. MOON]. They have never swerved in their devotion to Democratic principle and policy of good government, though it might affect particular interests in their districts; and I commend their example.

Mr. GAINES of Tennessee. Will the gentleman yield to me a minute?

Mr. ROBINSON of Indiana. About half a minute.

Mr. GAINES of Tennessee. I have consistently voted against that matter. It is a subsidy, and while it is shared in by the Louisville and Nashville Railroad, which runs through my town, I have voted against it, because the Postmaster-General has said it was not necessary now; that he could get as good service without it as he could with it, and was doing so.

Mr. ROBINSON of Indiana. And the good administration of the office demanded its rejection. I have just said that.

Mr. KLUTTZ. I think my distinguished friend from Tennessee must be mistaken. I know he would not intentionally misstate any fact, but I can find no record of such a statement by the Postmaster-General.

Mr. GAINES of Tennessee. And I say it was so stated to me.

Mr. ROBINSON of Indiana. Well, the gentleman from Tennessee says that that was stated to him, and I will read the RECORD a little later on to prove it all.

Mr. GAINES of Tennessee. Not the Postmaster-General, but the Second Assistant Postmaster-General, or, what is the man's name? Shallenberger; he is the man—Mr. Shallenberger.

Mr. ROBINSON of Indiana. Mr. Chairman, no advantage can be gained by flying in the face of the Democracy of the whole country, though it may seem to bring some special advantage to a particular section.

Mr. LAMB. I deny, I challenge the statement of my good friend, and say that he makes a misstatement when he makes that.

Mr. ROBINSON of Indiana. Well, we will let the House judge upon the proposition when it comes to a vote. For myself I resented on each occasion the proposition of "'Walk into my parlor,' said the spider to the fly," and remained upon the floor to oppose this subsidy; and while those who asked me to stultify myself and forsake my constituency have passed from this arena of legislation back to their respective districts I remain to, in a feeble way, warn their successors that the only safe and sure way to Democratic hope and ascendency is in the performance of Democratic duty. I concede to every Democrat the right to do just what he thinks best for his district. Each is entirely without my censure.

I conceive it my duty to stand for economy, for the good of the public service, for the good of all the people. This is my notion of true Democracy. If others in pursuit of the same object travel pathways diverging from the ones I follow, I have no criticism. But I can not and will not repress myself from a note of warning. No advantage will come from yielding Democracy to special interests. The minority here has troubles enough without seeking others.

We who have served in the House for some years prior to this Congress have seen the most partisan efforts put forth and power used, from the high position of the Speaker on down, to weaken and embarrass the minority.

We have seen the deliberate loading of the minority of committees by former Speakers of the House. If a minority Member of the House could be found who was out of line with his party on a single subject, he was loaded on some committee on the minority that gave him special opportunities to accentuate divisions.

If a minority Member were from a locality whereby it was thought he would be embarrassed on a certain committee, on that committee he went, and the promotion of discord went on. This in former years was the policy with reference to all the important political committees.

The other day the gentleman from Connecticut [Mr. HILL] with a glee referred to the disproportionately small number of northern Democrats on the important committees. He did not take the time nor did it seem to be within the purview of his purpose to notice the years of discrimination and the peculiar tactics resorted to against all the Democrats in committee appointments by former Republican Speakers, nor did he seem to want to know that where a northern Republican from a particular State was on an important committee that it is not the rule that a Democrat from the same State was placed thereon, making two Members of the same State on the same committee.

Under the wiser and more statesmanlike rule adopted at the beginning of this Congress, in the course of a reasonable time the gentleman's complaints will fade away and the good of the public service will be promoted. The trouble before was with the Speakers.

If the accounts may be credited, the situation is well illustrated in the gentleman's own case. He was not satisfied, it seems, with the splendid assignment on the Ways and Means Committee, but wished to retain his place also on the Banking and Currency Committee.

So long as he remained on both what Democrat from Connecticut, who might be elected, could hope to be assigned to either of those committees of which he was a member?

Take Indiana, my own State, its Members ever alert—knowing a good thing when they see it, and they usually get everything they want in sight—Indiana holds places on all the prominent committees of the House, and yet to give Democratic Members of long service a chance for membership on those committees the usual rule of double State membership on committees is overturned, and thus I hold membership on committees, as do each of my Democratic colleagues, with a Republican colleague from Indiana on the same committee. Republican rules, policies, and arbitrary action have militated against us, my Democratic colleagues, and we should do the best we can under the circumstances. Our interest will be promoted by keeping along the line of safe Democratic economy, policy, and tradition.

For my part I can not but see that a vote apparently enforced on a Member by the special interests of his district and contrary to broad Democratic doctrine is a hurt to the Democratic party. In past years we heard of Democrats favoring local interests, though running counter to general Democratic good; we heard then of Democratic White House Members, and in those years it was said that some did not scruple to curry favors for special interests in districts and secured plums from the Republican tree, as it was charged by Republican Members, for recreancy to party.

We can felicitate ourselves, I think, that no such condition now prevails. Equal rights to all, special privileges to none, is the safest rule to follow, and it can not be departed from even though that course is invited by some special or local interests or privileges that seem to come our way. The proposition of subsidy is vicious in principle. It has no support in right policy of government.

Every consideration of reasonable economy points out our duty to defeat it. The country would not stand for this special gratuity if it were presented to the people. No Congressional district would stand for it. The railroads of the country, save the two specially favored, are against it. And the people of no Congressional district would stand for a Member who votes for it if it were the only question presented in the election. As a partisan question every Democrat should vote against it. As a public question every Republican should vote against it. Happily it rises above partisanship, and the good of the country demands and the Post-Office Department—that great business Department of the Government—demands its rejection.

To stand up for principle, fundamental as it seems to me, is the duty of all. Local interests can not outweigh party fealty in matters so vital. If the barnacle is old, let us rid ourselves of it. The ship will sail better if clean. The Republicans charge us with the responsibility, and thereby they announce their willingness to aid us to remove this canker that corrodes the purity of Democratic action. Will we accept the proposition they offer to aid in its defeat or will you sail off in false and un-Democratic seas and lie under their charge and wince under their denunciation? That some Republicans want to hold this over our heads and make of it a shield for themselves should spur us on the more to the performance of our Democratic duty. Southern Democrats should not want to continue this long, dark line through the South and hamper us in the North, but by their votes should compel the Republicans, if they want it, to pass it and be responsible for it. A pretty pass it is when Republicans with any show of reason can charge Democrats with being in favor of a subsidy.

Are Democrats strengthening their position by asking favors of Republicans along Republican lines—by getting from them financial favors at the expense of the Treasury, because, perchance, the loot of the Treasury brings some public money to particular States, districts, and sections? Are Democratic principles and policies and Democratic action to be molded by the measure of where the money voted away goes? Are vicious policies to be pursued and followed, though contrary to Democracy, because it feathers the right of way through Democratic territory? What if a man gain the whole world and lose his own soul, or what if you get the whole of this miserable subsidy of $167,000 and lose your Democratic tendency? Can a Democrat who votes for it criticise any abuse of government or power, can any be heard to declaim against any paternalism?

This subsidy proposition exceeds in its viciousness any hothouse banana proposition I ever heard of.

The gentleman from Tennessee [Mr. MOON], straightforward and just always, denounces justly and in unmeasured terms this subsidy. He characterizes it as unwise, un-Democratic, and an unwise departure from just principles, and his contentions are

well supported. I am satisfied that those on this side who may feel impelled by local considerations to support this proposition will rise up hereafter and call us blessed who resist it. Let us look into this matter carefully. For something like a week the House has been agitated and the country disturbed by the Post-Office Committee report recently brought to our table.

Many upon the floor have claimed that by reason of the scandals in the Post-Office Department, that by the action of that committee in bringing in a report that names nearly 200 Members of Congress, that the Department seeks to make Congress bear its share of responsibility for irregularities in that Department. Whatever has been said or may be said here excusing Members for seeking to aid their constituencies by indorsing requests that come in the usual channels to them, I want to call to the attention of the House that in this corporation subsidy you are threatened with a real scandal that the Post-Office Department is excused from and that Congress is wholly responsible for.

The Post-Office Department in late years has decried against this loot of the Treasury, has denounced it as an interference with a proper and legitimate administration of its duties, has asked Congress to cut it out of the bill as unneeded, as injudicious; and yet Congress, innocently, has forced upon the Postmaster-General this graft appropriation, this loot of the Treasury, and brought upon itself the just charge of perpetuating this real scandal.

As a reward for the Democratic support before—because some Democrats have voted for it—the whole party stands charged today by the utterances of the sage and prognosticator of the Republican party, the gentleman from Ohio; he to whom the sunset of life gives mystical lore and to whom coming events cast their shadows before. Will you lie under these charges longer, when the Postmaster-General and his Department ask you to save yourselves and the country from this scandal? Congress, and Congress alone, is responsible.

I will read what the Post-Office Department has said on this subject as a warrant for the House to save itself from a further perpetuation of this arrant and flagrant scandal.

Now, I will give you the record—proof that was called for by the language of the gentleman in charge of the Railway Mail Service, Mr. Grant. He said:

> There seems to be no justification for the special-facilities payment, judging from results obtained. If we treated all lines on this basis, then we should pay the Northwestern Railroad for running an early morning train from Chicago at 3.45 a. m. to Fort Howard, Wis; also for Cedar Rapids from Chicago. We should also pay the Chicago, Milwaukee and St. Paul Railroad for a train leaving Chicago at the same hour and running to Marion and the West; also the same road for a train from Chicago to Milwaukee and St. Paul; the Chicago, Burlington and Quincy for a train leaving Chicago at 3 a. m. and running to Burlington and Omaha; the Monon Route for a train leaving Chicago in the early morning for Cincinnati. The Illinois Central also has a train leaving Chicago about the same hour, as has also the Pittsburg, Fort Wayne and Chicago and the Lake Shore and Michigan Southern.

Here is the language of the Department, and I commend it to the consideration of my distinguished friend. It was the answer of the Postmaster-General, and this very question was covered:

> Well, the Department would have power to withhold it, but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

The Department came that year with this language by the Postmaster-General:

> In submitting the estimates for several years past this office has declined to include the item of special facilities, for the reason heretofore stated, but appropriations have, however, been made.

Now, the Department makes this statement, and I read from the evidence before that distinguished commission whose report we have not got, but a part of which has been put in the RECORD. This question was asked of the Postmaster-General:

> Is not the tendency where we give subsidies to one line for others to ask or expect the same kind of pay?

Does not that sound reasonable? That would be true in the case of men, and it is true in the case of corporations. Listen to the answer:

> The tendency is to produce discontent and dissatisfaction, if not hesitancy on the part of the other roads in giving us similar service without special appropriation.

This has always been the attitude of the Department. Who will deny it?

Conditions are entirely different, I will say to my colleagues, from what they were a year ago when we passed the post-office bill. Scandals have broken out in various departments; looters have been prosecuted and sent to prison.

The CHAIRMAN. The gentleman's time has expired.

Mr. MOON of Tennessee. I yield the gentleman five minutes more.

Mr. ROBINSON of Indiana. The post-office throughout is under suspicion; the feeling against boodleism, graft, and peculation is intense throughout the country. Everybody in public life is warned to do his best and utmost to restore purity in public affairs. And woe to the man who is involved in a real scandal. Conditions are different from a year ago in this House. We have a new Speaker; we have a reorganized Post-Office Committee, and the people are looking our way with a critical eye to see who stands for and who is against reform. In this view what are we asked to do? Out of the 200,000 miles of railroads in the country, by influence—not in the Post-Office Department, not in the country, but in Congress—we are asked to select out a thousand miles of railroad, one-half of one per cent of the whole, for special favors, and make a gift to them of $167,000.

Mr. LAMB. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Virginia?

Mr. LAMB. There is but one question I want to ask of the gentleman.

Mr. ROBINSON of Indiana. I can not yield.

Mr. LAMB. It is but a question.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. ROBINSON of Indiana. I do not yield, unless I can get more time.

The CHAIRMAN. The gentleman declines to yield.

Mr. ROBINSON of Indiana. For what is this gift bestowed? For the same services—that is, "to carry the mail with reasonable expedition"—which the other railroads of the country are doing without a subsidy.

We know that under the system of railroad estimation for transportation of mails it affords the most munificent remuneration—if not too much.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON of Indiana. Mr. Chairman, I can not yield. Should these two subsidized railroads, legally or morally, do less than the other railroads of the country? Why, then, is this subsidy kept up? Only because influence in Congress alone keeps it up. Talk to me about reform, of economy in administration, and then by your vote keep up this travesty on both. Oh, consistency, thou art a jewel that would shine in a London fog. To such as favor it I say: Oh, paternalism, where is thy terror? Oh, subsidy, where is thy sting?

Congress passing this subsidy, placing a stain upon itself and this blot on an otherwise "decent bill" (using the language of the gentleman from Tennessee), would justify its veto by the President; and a provision so flagrant, born of Congressional influence alone and opposed directly to the recommendations of the Post-Office Department, should cause the Postmaster-General to set aside, in this instance, the usual rules of constructon of Congressional enactment, meaning executive compliance; and by reason of its iniquity, he should feel mandated, under the Congressional utterances of the option clause, to reject it.

I am satisfied that this action would meet the sober and final conclusion of Congress and would receive the approval of all the people.

Congress should free itself from the stain. The ranking Democratic member of the Committee on the Post-Office and Post-Roads has given his emphatic dissent to this enactment. What has the name of the gentleman from Tennessee [Mr. MOON] stood for during his long and useful career as a Member of Congress? What has it stood for as a member of the committees of which he is a member? What has it stood for in the House of Representatives? In those committees, in Congress, on this floor, in his district and State, and throughout the nation he has stood always and everywhere for sturdy honesty, for high conceptions of purity in official life, he has stood for unswerving devotion to Democratic duty. Let us follow his example. [Applause on the Democratic side.]

Mr. PEARRE. Mr. Chairman, the condition of my health this morning, as it has been for two weeks past, rather makes me hesitate to inflict myself upon the House of Representatives for the time allowed me, and in consideration of those facts I would forbear to address the House were it not that the reports of the Post-Office Department upon the Hay resolution mention my name and involve certain considerations between the executive and legislative departments of the Government which, I think, it is important to fairly and firmly and fully discuss before my colleagues in the House of Representatives. I have heard and seen, Mr. Chairman, much comment during the debate upon this resolution, both in the House of Representatives and in the press of the country, deprecating what is characterized as hysteria upon the part of Members of Congress who have presumed to discuss this resolution in the House.

I shall endeavor in the discussion of that report to avoid anything which might be characterized as hysteria, but I do not pretend to assure the House that in my manner and remarks there may not be something which shows profound indignation, both personal and official, on account of this resolution and the anony-

mous report from the Post-Office Department which it has provoked. Mr. Chairman, I belive that I am safe in saying that it is almost the unanimous opinion of the House of Representatives, regardless of party, that a grave mistake has been made by some one, either in the executive or the legislative departments of this Government, in the offering of this resolution and the reporting of it with the rough and undigested mass of stuff—because it deserves no better name—which has been injected into this House by the Post-Office Department and embodied by the Committee on the Post-Office and Post-Roads as an integral part of its report.

I do not mean to say that the gentleman from Virginia [Mr. HAY] or any other Member of this House need apologize for the introduction of any resolution under a correct impression of the obligations resting upon him as a Member of the House, or that he should be criticised therefor, but, sir, I submit that the reasons for such radical action against the membership of this House should be good and unequivocal. This resolution is ostensibly based upon the Bristow report of his investigations of the Post-Office Department and not of the House of Representatives, because the President of the United States has and had and can have no power or authority to authorize a member of the Executive Departments of the Government to investigate or suggest criti cism of the Members of this body.

Now, if this resolution has any justification or any excuse it must be contained in the report of Mr. Bristow. The gentleman from Virginia [Mr. HAY] evidently intended that that should be the basis of his resolution, because he justifies it by the recitals in the preamble of his resolutions, which of themselves assume that certain charges have been made against Members of Congress by the report of General Bristow; and in so assuming, if that assumption be baseless, the gentleman assumes to make those charges himself. What are they, Mr. Chairman? The first basis or justification for the introduction of this resolution is contained in the first paragraph of the preamble:

Whereas Fourth Assistant Postmaster-General J. L. Bristow, in his report to the Postmaster-General dated October 24, 1903, and which report has been transmitted to a committee of this House, has charged that "long-time leases for post-office premises were canceled and the rent increased upon the recommendation of influential Representatives."

Now, Mr. Chairman, it is true that the report of Mr. Bristow contains such a statement; but in this whole discussion I have seen no law quoted, I have heard no regulation of the Post-Office Department mentioned which prohibited Members of Congress from making such recommendations.

True it is, I admit, that action upon such recommendation by an executive officer without authority of law and without the authority of some regulation would be either contrary to law or in violation of good public policy—not by the Member of Congress making such recommendation, because, indeed, that Member of Congress may be imbued with the conviction that the rental in such cases is below what other property in the same neighborhood brings for similar service, but by the executive officer.

I find no charge, no imputation, there against Members of Congress in the absence of proof that the Member of Congress was personally interested in the lease and therefore in the increased allowance for rent.

Now, Mr. Chairman, how does such a recommendation by a Congressman become the proper basis of any resolution to investigate? Is it necessary whenever a report may be made by any Department of this Government that a resolution of inquiry shall be immediately introduced, regardless of whether any serious or well-founded charge of violation of law or violation of the proprieties of the public service has been made against the Representative?

The acceptance of the proposals for lease of buildings for post-offices seems, as far as I have been able to learn, to rest in the discretion of the superintendent of the division of salaries and allowances. Of course this discretion is expected to be honestly exercised to the advantage and not to the detriment of the Government. If in its exercise it be tainted in any way by fraud or misrepresentation upon the part of the executive officer or the Congressman making the recommendation, of course a violation of law and public duty would be involved, but where no such elements appear, no Congressman can be blamed for making recommendations as to the location of such post-offices or as to what would be a fair rental. Indeed, after a search through the report of Mr. Bristow upon his investigation of the Post-Office Department, on pages 138, 139, 140, 141, 142, and 143, I find no intimation that Congressmen have transcended their duty to the public or violated any law or regulation of the Department in making such recommendations, it being always understood that this statement applies only to those cases where Congressmen are not the lessors of the property. Such cases may stand upon a different basis.

At the bottom of page 143 of Mr. Bristow's report I find the following comment by him, after a discussion of the canceling of leases, the increase of rentals over amount of proposals, and the increase of rentals after changing leases:

After the property owners in a city have been invited to submit proposals for leasing premises for post-office purposes, and such proposals have been considered by the Department, a site selected, and lease executed in accordance with the provisions of such proposal, no departmental officer should increase, either by direct or indirect method, the rental provided for in that lease without receiving additional increase of service.

While this statement is true, as a general rule, there may be many commendable exceptions, but at all events no imputation is cast in such cases upon Congressmen, in the absence of fraud or personal profit, and Mr. Bristow nowhere in his report says that there is. The gentleman from Virginia, therefore, finds no statement in the Bristow report justifying this clause of the preamble upon which he bases his resolution of investigation.

What is the next paragraph of this preamble?

Whereas it is charged in the same report that "if a Member of Congress requested an increase in the clerk hire allowed a postmaster Beavers usually complied, regardless of the merits of the case."

Suppose that Beavers did comply; he rests under indictment today. Will my brother from Virginia attempt to asseverate that this language of his report contains a charge against Members of Congress; that because Mr. Beavers, in violation of law or in violation of the regulations of the Department, granted allowances greater than he should have granted upon the recommendation of Congressmen, that was such an imputation upon Congressmen as justified a resolution of investigation unless it were coupled with the further statement and the further fact that the Congressmen had knowledge that such recommendation was in violation of law or in the teeth of some regulation of the Post-Office Department?

Why, sir, Mr. Bristow himself says on page 145 of his report, which is made the basis of the resolution, that—

The executive officer is expected to do his duty in accordance with the law and the practice of the Department. Congressmen, as a rule, want their constituents to have what they are justly entitled to and no more. It is true there are occasional exceptions to this rule, but happily such exceptions are few. But whatever may be the requests of Congressmen, the executive officer has a plain duty which the Member of Congress expects him to perform.

And of course the Member of Congress has the right to expect of the executive officer the performance of his public duty in the execution of the law and the regulations of the Department.

In the report of the committee on the Hay resolution, the following language occurs:

In the disbursement of the appropriation for rent, light, and fuel, your committee finds that in many instances recommendations in regard to changes of allowance for rent were made by Members of Congress; yet both in these cases and in the matter of increased allowances to postmasters out of the fund referred to the recommendations of Members appear clearly to have been in harmony with the long-established custom of referring to the Department applications from postmasters seeking increased accommodations.

Why, Mr. Chairman, if you will look over these cases or if my colleagues in the House will look over these cases of allowances for clerk hire, they will find that in every case, I think I am safe in saying, there is and can be no kind of imputation upon the honor or honesty or integrity or the faithful public service of the Congressman who made the recommendation.

Nay, more, Mr. Chairman, what further does Mr. Bristow say in his report on page 132? He says:

In the disbursing of these appropriations—

Which appropriations? The appropriations covering clerk hire in distributing offices and clerk hire where unusual conditions exist or unusual business is being done.

In the disbursing of these appropriations great latitude is given the Department. The amount allowed to third and fourth class offices is based upon the number of pieces of mail handled in transit, or because of some exceptional or unusual business—that is, where star routes run from a third or fourth class office the postmaster is required to make up the mail for the offices located upon these star routes, and the Department may make him an allowance for the employment of a clerk to do that work; or if the business of an office becomes abnormally large, because of unusual or unexpected conditions, a special allowance may be made for the employment of clerks to handle such business. By the wording of the statutes, wide discretion is given the Department in the assignment of this fund among the third and fourth class offices.

Furthermore, the Postmaster-General himself, in his letter of transmittal of information to the Post-Office Department, dated February 5, 1904, states:

The present law providing for allowances for clerk hire at third and fourth class post-offices on account of separating service and unusual business leaves the question of what shall be allowed entirely to the discretion of the Department. The records show, however, that this discretion was exercised arbitrarily in making allowances to many offices in excess of what was permissible under the rule or scale adopted by the Department for its guidance in such matters.

Arbitrarily granted by whom? Not by Members of Congress, but by the officer of the Department.

This statement sustaining Mr. Bristow shows that allowances for clerk hire were entirely in the discretion of the executive officer, regulated by a secret rule of the Department and not known to the Congressmen. When the executive officer granted an allowance beyond this rule he violated a regulation of the Department, but no law, and no stretch of the imagination could impugn

the honor of a Congressman for recommending increased allowances, unless actual collusion with the executive officer or fraud could be shown, and it is not contended that such conditions exist here.

What is the statute? Let us discuss this matter without hysteria, but let us make a proper analysis of the report of the Fourth Assistant Postmaster-General, of the material subsequently sent here, and of the reason and justification for the introduction of these resolutions.

The Postmaster-General—

So says the law in section 3859 of the Revised Statutes of the United States.

The Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third, fourth, or fifth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duty.

Who limits and who is to limit the determination of that reasonable compensation? As was said by the distinguished gentleman from Iowa [Mr. HEPBURN] the other day, the whole matter rests in the discretion of the executive officer in the Post-Office Department, and when that executive discretion is so reposed, every Member of Congress not only has the right, but I deem it his duty, in response to the requests and demands of his constituents, to see to it that in the exercise of that discretion reasonable allowances are made in the cases of the individual postmasters who appeal to him for justice and assistance.

So it is, Mr. Chairman, with regard to cases where unusual business has accrued. As said in section 3663 of the Revised Statutes of the United States:

Whenever unusual business accrues to any post-office, the Postmaster-General shall make—

It does not say "may make," but—

the Postmaster-General shall make—

The most mandatory word in the English langugage is used—"shall"—

the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

Those are the two sections of the law of the land under which Members of Congress have appealed to the Post-Office Department, and for such just and legally authorized appeal they are pilloried before the people of the United States in press and pulpit as a set of ragamuffins, a set of rogues.

I say, Mr. Chairman, if hysteria has not taken possession of the Members of the House of Representatives under such imputation cast upon them by the preamble of these resolutions, then it is time that an honest hysteria should be developed in the breast of each individual of the House of Representatives as a protest before the country against Executive Departments and everybody else for the suggestion even of impropriety in the conduct of a Member of Congress who has faithfully, intelligently, and lawfully represented his constituents.

Now, Mr. Chairman, the net result of all this is that that clause of the preamble, as a basis for charges against Congressmen, will not sustain it, because they have the right to do it.

Mr. Bristow says Members of Congress had the right to make these recommendations for increased allowances for clerk hire. Mr. Payne, the Postmaster-General, says the same thing. And it is conceded on all sides in the House that Members had such right. This right has been declared by the gentleman from Mississippi, Mr. WILLIAMS, the Democratic leader on the floor of the House; by Mr. COWHERD, the minority member of the Committee on Post-Offices and Post-Roads, and by the report of the committee itself, which recommended that the Hay resolution lay upon the table.

Why recite it, then, as a crime or as one of the offenses hinted at or charged in Mr. Bristow's report as a ground for this resolution and a justification for its introduction?

Now, Mr. Chairman, a little further on, in the next paragraph, another ground is given, and here I desire to say to my friend from the State of Virginia—and I believe he has not done it wittingly or intentionally—he makes an assumption of wrongdoing by certain of his colleagues in this House which, upon investigation, is absolutely without justification.

Whereas certain cases of an aggravated character are cited on pages 133, 134, and 135 of such report to sustain the above charges—

Now, who says they are "aggravated" cases? Will my friend from Virginia tell me who has used the words "aggravated cases" or intimated that those were aggravated cases except my friend himself in the preamble to his resolution? No one. Does Mr. Bristow say so? No. Does any executive officer, anyone connected with the executive department of the Government, say so? No. What are those cases? Why, Mr. Chairman, they are simply used in the words of Mr. Bristow in this report to serve as "illustrations" of improper allowances upon the recommendation of Congressmen, not as cases to be separated and segregated from the 100 or 151 other cases, but the cases are simply quoted as samples of the other cases which the Assistant Postmaster-General absolutely justifies in his own report, and quotes the law and the regulation of the Department which justify them.

On page 133 of Mr. Bristow's report to the Postmaster-General of the result of his investigations of the Post-Office Department Mr. Bristow says:

If a Senator, Member of Congress, or any prominent politician requested an increase in the clerk hire allowed a postmaster, Beavers usually complied, regardless of the merits of the case. When such a request came from an influential Member of Congress, Beavers would frequently write him, stating that while under the rules the postmaster was not entitled to the amount asked, yet because of your personal interest in the matter the allowance has been made. The postmaster would then be advised that at the earnest solicitation of Congressman Blank his clerk hire had been advanced, etc.

The distribution of large appropriations of public money as matters of personal favor, regardless of departmental rules and in violation of the law, can not be condoned. To illustrate (Exhibit Q).

This is the language with which Mr. Bristow introduces a statement as to the cases referred to in the third preamble of the Hay resolution, and he says they are used "to illustrate." His comment is a criticism upon the method and motive of Beavers, of which he does not approve, because, as he says later on, it seems to have been done by Beavers to curry favor with Congressmen. It is not a criticism of Congressmen and casts no imputation upon them. Members of Congress did not "distribute large appropriations of public money as matters of personal favor, regardless of departmental rules or in violation of law," because they made their recommendations to meet the demands of their constituents for better postal services. They did not know the secret departmental rule upon the subject and they violated no law, because there is no law prohibiting them from making such recommendations, nor, indeed, prohibiting the executive officer in such cases in complying with them. Why, then, should the gentleman from Virginia have labeled the cases referred to on pages 133, 134, and 135 of General Bristow's report as "aggravated cases," and made them as such the basis of a resolution to investigate the membership of the House?

The first case was that of Lestershire, N. Y., which appears on page 133 of the Postmaster-General's report. That was the case of Mr. Ray, of New York, now gracing the United States bench and formerly chairman of the great Committee on the Judiciary of the House of Representatives. Mr. Ray made a recommendation for clerk hire. It turned out subsequently that it was not a distributing office, and solely upon that ground a charge is made against Mr. Ray of violation of the law.

The next is the case from Iowa which was recommended by Mr. COUSINS, a Member of Congress from that State, and in the very letter recommending the increase as quoted here Mr. COUSINS says that he would like to have the increase made if it may be "consistently" done.

I would ask the gentleman from Virginia, is that an aggravated case? Why should these of his colleagues be selected as the targets of scorn and public contempt and these illustrations labeled as aggravated cases, when they are simply used "to illustrate," and are absolutely as harmless and innocuous as any other cases mentioned in the list of 151?

Then we have Phoebus, Va. I do not know who represents the district in which Phœbus lies, but no Congressman makes the recommendation. The postmaster himself asks for the increase, and Mr. Beavers allows it. Yet it is one of the aggravated cases which is pointed out in the preamble to this resolution as one of the justifications and excuses for the introduction of that resolution for investigating Congressmen.

These men are pointed out with the finger of scorn, and identified by that resolution as being men particularly and peculiarly guilty in all this matter.

Pinckneyville, in Illinois, is the next of the "aggravated" cases, where allowances were made upon the recommendation of the Hon. GEORGE W. SMITH, which differs in no way from the other cases of allowances. The next is the post-office at Tryon, N. C. The recommendation for an allowance here was made by Harrison J. Barrett, an executive officer, and not a Congressman. The next case is Duquoin, Ill., recommended by Senator Mason and Congressman SMITH, and in no way differing from the other cases. John W. Langley, appointment clerk at the Census Office, and not a Member of Congress, makes the next recommendation for clerk hire at Prestonsburg, Ky. The next of the aggravated cases is at Conyers, Ga., recommended by a Democratic Member of Congress, differing in no way from the other cases of allowances of increased clerk hire and free from the suggestion that an influential Congressman had overwhelmed the virtue of the executive officer with importunities and influence. The next is Herndon, Va., where a temporary clerk was appointed and an allowance made for her. This differs in no way from the other cases except that the charge is made that Mrs. Landreau did not perform any services. Of course this should not have been permitted. It does not appear from Mr. Bristow's report that this

allowance was made upon the recommendation of a Congressman. Port Deposit, Md., is the next case where the allowance after having been made was rescinded, and the Government, therefore, lost nothing.

The next of the alleged "aggravated" cases is the case of Rockville, Md., in the district which I have the honor to represent.

Now, Mr. Chairman, if there has been any wrong or any crime or any laxity in the performance of public duty by me in making the recommendations for increased clerk hire at Rockville I want it ascertained, and ascertained at once. I am here to say, as the Representative of my people, and upon the profound obligation which rests upon me as a Member of this House under my oath, if there was a suggestion of wrongdoing or intimation of wrongdoing in any of those recommendations, I can say, sir, that I have here the proof of the fact that I am sustained by the Post-Office Department itself since this investigation was instituted and this resolution introduced in the House of Representatives.

Let us look at the Rockville case. The Rockville case, Mr. Chairman, is the case of a post-office about 14 miles from Washington, where mail trains pass almost hourly. It has one railroad, with numerous mails to and from Washington. Five star routes come into the town. A large portion of the population, employed in Washington, write their letters here and get their mail delivered in Rockville.

The anonymous report from the Post-Office Department states that on January 17, 1902, I personally recommended an increase in the allowance for clerk hire from $800 to $1,100, and that such increase was allowed and made effective February 1, 1902, and that I was so advised. This statement I believe to be true, although I have no personal recollection of it, and it is doubtless the fact that upon the application of the postmaster at that point I recommended to the Post-Office authorities an increase, and that increase was made up to the extent of $1,100.

When this spasm of virtue passed over the country, in order to give it indorsement, reductions must be made all along the line. A reduction is made to $360 as the maximum allowed by the regulations of the Department, not by law, mark you, because there is no law to such effect, but by the secret regulations of the Post-Office Department, unknown to myself, as it was unknown to other Members of Congress. The postmaster wired me asking me to see the Post-Office Department and to prevent the reduction. I wired from my home to the Department to hold up until I could get here and see the Postmaster-General. It was not held up. The reduction was made. I came at the first opportunity after that, upon the solicitation of the postmaster, and presented the gravity of the condition of affairs which tended to the impairment of the postal facilities and the public service there.

I appealed to General Wynne, the First Assistant Postmaster-General, to increase the amount. Mr. Wynne's reply was: "Under our regulations, $360 is all that can be allowed." I informed the postmaster. The postmaster insisted. He said: "I have to pay clerks out of my own pocket; it does not pay me—it is unfair, it is unjust, it is outrageous." I said to him, "You come with me and go to First Assistant Postmaster-General Wynne," which we did, and after one or two interviews with the Postmaster-General an inspector was sent to Rockville, and that inspector reported the gravity of the condition of affairs and recommended an increased allowance to $600 at least. That is within less than two months.

Now, what does the First Assistant Postmaster-General do? In violation of the rule, if you like to put it that way, fixing $360 as being the maximum that could be allowed, he has increased that clerk-hire allowance to $600. Is he guilty, too? I say, no! I am here to bear the responsibility without thrusting it on General Wynne, if necessary. I assume the responsibility for the increase; and I say furthermore, sir, to my colleagues here and to the public, that I am still urging the First Assistant Postmaster-General to make an additional allowance there upon the representation, on the insistence, not only by the postmaster, but by the people of Rockville, that it is necessary. I have here a petition, largely signed by the best men in the community—Democrats and Republicans—setting out the fact that the clerk hire is not sufficient, and urging the First Assistant Postmaster-General to make allowance for an additional clerk.

Let the guilt be where it may. Let my brother bring in a resolution or any other Member of the House. I assume the responsibility for that increase, and shall endeavor, and I am now endeavoring, to secure more, and will continue to importune the Post-Office Department until the postal facilities of my constituents at that point shall be proper and sufficient; and, Mr. Chairman, whatever the resolution may recite, I am willing to leave it to the people of the Sixth district of Maryland, in whose service I have so assiduously worked to secure for them all that belongs to them under the law and everything that is necessary to secure them every postal facility and convenience to which they may be entitled.

Is this an aggravated case? To prove that neither Mr. Bristow in his report nor anyone, indeed, except the gentleman from Virginia has characterized the Rockville case and the others I have mentioned previously as "aggravated cases" I will quote from Mr. Bristow's report, on page 135, where he says:

> The foregoing cases refer to clerk hire in third and fourth class offices. A hundred other similar cases could be cited.

I find that on page 135 Mr. Bristow in his report states:

> On June 14, Frank M. Page having been transferred from the post-office at Rockville elsewhere, the allowance was reduced to $800.

In reply to that covert insinuation I will call the attention of the Fourth Assistant Postmaster-General to the fact that Mr. Page was not appointed to the Rockville post-office upon my recommendation nor transferred from it to the Post-Office Department upon my recommendation, but that this action was taken by the Post-Office Department, in both instances, in spite of my protest.

I beg here to insert the correspondence between the Department, Mr. James P. B. Viers, the postmaster, and myself upon the matter of this reduction and subsequent increase, as well as the report of the post-office inspector:

ROCKVILLE, MD., *December 7, 1903.*

MR. WATERS,
Chief Salary and Allowance Division,
Post-Office Department, Washington, D. C.

DEAR SIR: Please send out the inspector as soon as you can, in regard to the matter discussed by you, General Wynne, Representative PEARRE, and myself on the 1st instant.

It is impossible to give a good service under the present arrangement.

Very respectfully,

JAMES P. B. VIERS, *Postmaster.*

DECEMBER 28, 1903.

POSTMASTER, *Rockville, Md.*

SIR: The reduction in the allowance for clerk hire at your office from $1,100 to $360 per annum has been changed to take effect from November 1, 1903, instead of October 1, 1903, as you were previously notified.

Very respectfully,

First Assistant Postmaster-General.

ROCKVILLE, MD., *January 2, 1904.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Post-Office Department, Washington, D. C.

SIR: The inspector has not yet visited this office. My assistant has been and is now sick. I will thank you to have the inspector sent out Monday morning next.

Very respectfully,

JAMES P. B. VIERS, *Postmaster.*

JANUARY 9, 1904

POSTMASTER, *Rockville, Md.*

SIR: In connection with the inclosed notice of increase in your allowance for clerical assistance from $360 to $600 per annum, I beg to advise you that this action is based upon a report just received from a post-office inspector, and the additional $240 per annum is based upon section 309, Postal Laws and Regulations. As this increase is dated November 1, 1903, it will amount to a reduction in your allowance from $1,100 to $600 from that date.

This allowance is extremely liberal in comparison with the amounts received by other post-offices of your grade, many of which have no allowance whatever for clerk hire.

Very respectfully,

First Assistant Postmaster-General.

JANUARY 11, 1904.

Hon. GEORGE A. PEARRE, *House of Representatives.*

SIR: I have the honor to state for your information in connection with your recent inquiry that upon the basis of a report of a post-office inspector, just received, the allowance for clerk hire at Rockville, Md., has been fixed at $600 per annum, to take effect November 1, 1903. This amounts to a reduction in the allowance for clerk hire from $1,100 to $600.

Very respectfully,

First Assistant Postmaster-General.

ROCKVILLE, MD., *January 11, 1904.*

FIRST ASSISTANT POSTMASTER-GENERAL,
Post-Office Department, Washington, D. C.

SIR: In reply to your letter of recent date informing me of the amount of clerical allowance for this office, I have to say the sum is wholly inadequate for the purpose of employing two men. I beg to recall to you your promise to me when I saw you last that you would favor such sum as the inspector, after an investigation of the office, would recommend.

The inspector, after his investigation, said to me that it was an outrage for two men to have to do the work here, and that there were conditions existing that would warrant an allowance under section 309.

I have to work fourteen hours a day, and often come back later to the office to perform work I am unable to do during the day.

I am worn out by these labors, and as a consequence have to sleep in the office like a dog.

You will please permit me to say, respectfully, that I consider this an aggravated outrage.

I make the request you will send for the inspector and have him discuss the matter to you in person, and thereafter allow the office such sum as you consider just and right.

Very respectfully,

JAMES P. B. VIERS, *Postmaster.*

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.:

We, the undersigned, some of the business patrons of the Rockville, Md., post-office, in order that we may have a more prompt mail service, respectfully petition you to allow another clerk at this office.

D. J. Briody, Joseph Reading, R. C. Warfield, Lawrence Flack, Robert B. Peter, W. F. Locke, W. E. Viett, C. M. Pettyway, Alex Kilgour, John L. Burnett, Bowie F. Wade, E. J. Shaffer, T. C. Groomis, C. W. Owen, W. B. Burdette, H. Reisinger, J. T. Ketchum, John H. Hilton, J. C. Muncaster, W. Pinckney Mason, E. C. Peter, attorney; H. Frail, Arthur Williams, L. H. Wanner, M. D.; E. Anderson, M. D.; W. R. Humphrey, J. Alby Henderson, Walter A. Williams, E. S. Hege, Thos. Unison, A. A. Braddock, J. D. Bowman, George H. Lamar, W. Hicks, C. D. Morgan, J. G. Darby, J. Arthur Kemp, K. W. Vinson, E. L. Lillard, John B. Brewer, Nicholas D. Offut, T. K. Bready, Harvey C. Fawcett, Lee Offut, E. L. Ischiffely, B. H. Whitton, S. B. Haney, Washington Waters, H. C. Fields, Dani. H. Warfield, Wm. D. Maulden, C. E. Garrett, C. E. Larkins, Choles M. Jones, Albert King, John I. Higgins, S. T. Mullican, W. E. Morgan, B. Hurst, V. M. Luthiema, Walter S. Thompson, Clarance L. Hilkerson, T. H. Campbell, I. O. Maulden, Rev. Thos. J. Paward, E. G. Anthony, Kailip D. Land, Otho H. W. Talbott, R. W. Blain, Leonidas Richetts, Robt. G. Hilton, Henry C. Allnutt, Wm. M. Walsh, E. I. Poole, Jno. Brewer, G. E. Lewis, Thos. Dawson, H. W. Talbott, J. Harry King, Julian F. Walters, Stephen B. Lydane, O. J. Maddox, Merril D. Knight, H. C. Hurley.

OCTOBER 7, 1903.

Hon. GEORGE A. PEARRE, *Cumberland, Md.*

SIR: In reply to your recent telegram addressed to the Fourth Assistant Postmaster-General I beg to advise you that on September 24 last the allowance for clerical assistance at Rockville, Md., was reduced from $1.100 to $360 per annum, to take effect October 1, 1903. This action was based upon reports from the postmaster and officials of this Department, showing that, in accordance with the present law, the latter amount is as much as can be approved for clerk hire at Rockville, that office being of the third class.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

ROCKVILLE, MD., *March 6, 1904.*

Hon. R. J. WYNNE,
First Assistant Postmaster-General, Washington, D. C.

DEAR SIR: I wish to make another request that you will increase the clerical allowance for this office. That I should be compelled to do the work I do and to remain on duty from 5.30 a. m. until 7 p. m., sometimes without breakfast and often without lunch, is, I think, an outrage.

Last Monday I had neither breakfast nor lunch, and had my first meal that day at 7 o'clock at night. The following day I had my first meal at 12 m. and had to eat that in this office. Time and again I have had to go from early breakfast until 7 o'clock for a second meal. I do have to and do actually sleep in the office. This state of affairs certainly must exceed the duties of other like postmasters. Practically the whole patronage of the office is complaining of lack of mail service. The star routes are never dispatched on time and are usually very much delayed, often as late as an hour. Some of them have to meet intersecting routes, which if they fail the mail to other offices are delayed a day.

I have written to you several times about this matter since I saw you last, though I have received no reply from you. Please give it your personal attention.

Very respectfully,

JAMES P. B. VIERS,
Postmaster.

MARCH 7, 1904.

MR. JAMES P. B. VIERS,
Postmaster, Rockville, Md.

SIR: I beg to acknowledge the receipt of your personal letter of the 6th instant, requesting an additional allowance for clerk hire. The allowance was increased from $360 to $600, to take effect November 1, under date of January 9 last, on recommendation of Post-Office Inspector Sharon, and on January 26 last you were directed to make a new count of the transit mail to ascertain whether any further allowance could be made under section 308, Postal Laws and Regulations. Apparently you have not reported on this request, and no further action can be taken. The Department is not warranted in making any additional allowance under section 308.

Very respectfully,

——— ———,
First Assistant Postmaster-General.

MARCH 18, 1904.

Hon. G. A. PEARRE,
House of Representatives.

DEAR SIR: In compliance with your verbal request of this day I beg to inclose synopsis of report made by Post-Office Inspector F. F. Sharon relative to the allowance for clerical assistance at the Rockville, Md., post-office.

Very respectfully,

J. J. HARLEY,
Acting First Assistant Postmaster-General.

Inspector's report.

Extract of report made by Post-Office Inspector F. F. Sharon relative to the allowance for clerical assistance in the Rockville, Md., post-office under date of January 5, 1904.

Inspector Sharon says the hours of service (5.30 a. m. to 7 p. m.) are long and arduous, demanding two clerks practically all the time and three during certain busy hours. The work done, he says, would require three men working eight hours per day, due, among other things, to the very numerous receipts and dispatches of mail by rail and star routes. The inspector believes that a postmaster should not be required to divert any considerable portion of his salary to the hiring of necessary help when he devotes his entire time and attention to the service, hence the inspector recommends that the clerk-hire allowance at Rockville be increased to $600 at least, which will enable the postmaster to hire one good assistant. The "unusual business clause," the inspector believes, will cover such an increase.

Now, Mr. Wynne says that was not wrong, because after the reduction was made to $360 it was increased to $600, and he has ordered another counting of the mail at Rockville, Md., in order to ascertain the fact whether he may not give a further allowance. Ah, but gentlemen may ask, "Under what law did he do it? Was it on account of its being a distributing office, or was it on account of unusual business?" Mr. Wynne, in his letter granting the increase, says that it is on account of unusual business, and the matter is still pending as to whether or not that postmaster is not entitled to additional clerk hire under the distributing provision of the law.

The increase in clerk hire at the Rockville post-office, therefore, was not "an aggravated" case, as the gentleman from Virginia will, upon investigation, I believe, admit, and the preamble to his resolution, therefore, did me grave injustice, as it did other Members mentioned in his list of "aggravated" cases.

But the criticism may be made that an allowance of $1,100 for clerk hire appears to be excessive when compared with the salary of the postmaster, which is $1,500. An examination of the gross receipts, expenses, and net revenue of Presidential post-offices for the fiscal year ending June 30, 1903, as shown on pages 702 to 815 in the Annual Report of the Post-Office Department, will show that such is not the case.

For instance, at Baltimore, Md., a first-class post-office, the salary of the postmaster is $6,000, while the allowance for clerk hire is $308,064.33; the salary of the postmaster at Annapolis, Md., is $2,500, while $3,771.74 is allowed for clerk hire; the salary of the postmaster at Cambridge, Md., is $2,000, and the clerk-hire allowance is $1,375; the salary of the postmaster at Cumberland, Md., is $2,900, and the allowance for clerk hire is $5,515.49; the salary of the postmaster at Easton, Md., is $2,100, while the clerk-hire allowance is $1,900; the salary of the postmaster at Frederick, Md., is $2,500, while his clerk-hire allowance is $3,800; the salary of the postmaster at Hagerstown, Md., is $2,700, while the clerk-hire allowance is $5,096.63; the salary of the postmaster at Lonaconing, Md., is $1,500, and the clerk-hire allowance is $1,000; the gross receipts of the post-office at Adams, Mass., are $9,914.26, the salary of the postmaster is $2,200, and the clerk-hire allowance $2,400; the salary of the postmaster at Athol, Mass., is $2,400, while the clerk-hire allowance is $4,272.28; the salary of the postmaster at Salisbury, Md., is $2,200, while the clerk-hire allowance is $3,038.59; the salary of the postmaster at Westminster, Md., is $2,300, while the clerk-hire allowance is $2,789.96; the gross receipts of the post-office at Belfast, Me., are $8,844.60, the salary of the postmaster is $2,000, while the clerk-hire allowance is $1,500.01; the salary of the postmaster at Gardiner, Me., is $2,200, while the allowance for clerk hire is $3,156.23; the salary of the postmaster at Saco, Me., is $2,000, and the allowance for clerk hire is $1,435.19; the salary of the postmaster at Cynthiana, Ky., is $2,000, and the allowance for clerk hire $1,560.51; the salary of the postmaster at Owensboro, Ky., is $2,700, and the clerk-hire allowance is $5,849.46; the salary of the postmaster at Abilene, Kans., is $2,300, while the allowance for clerk hire is $2,332.65.

These cases will serve as illustrations and are taken indiscriminately from the tables above referred to, and show that the propriety and amount of clerk-hire allowance are in no way regulated by the postmaster's salary, and that an excessive clerk-hire allowance over the postmaster's salary is no evidence of a wasteful expenditure of public moneys, nor of any violation of a public duty upon the part of the departmental officers or Members of Congress. The fact of the matter is that third and fourth class postmasters are in very many instances the hardest worked and poorest paid officials of the Government. The Department itself admits the truth of this statement, and the First Assistant Postmaster-General, in his report dated November 10, 1903, and appearing on page 81 of the report of the Post-Office Department, to which I have already referred, begins his report by recommending that the allowances for clerk hire in third-class offices be increased throughout the whole scale over what is now allowed under the secret rule of the Department.

Now, Mr. Chairman, before leaving the subject of increased allowances for clerk hire, I desire to say that in this anonymous report, alleged to contain charges made in the report of the Fourth Assistant Postmaster-General against Members of Congress, my name is mentioned four times in connection with the post-offices at Deer Park, Garrett County, Md.; Luke, Allegany County, Md.; Brunswick, Frederick County, Md., and Rockville, Montgomery County, Md. For the mention of my name in a report so labeled, in connection with the Luke, Deer Park, and Brunswick cases, I desire to say it is a libel upon me and in no sense responsive to the letters of the chairman of the Committee on the Post-Office and Post-Roads asking for information and documents from the Post-Office Department.

The request of the committee on the Post-Office Department was:

(1) For information as to leases which had been canceled or rent increased.

(2) Leases in which Congressmen were the lessors.

(3) Allowances for clerk hire which were excessive and have since been discontinued.

My connection with the post-office at Luke, at Brunswick, and

at Deer Park involved no such conditions, and the inclusion of my name, therefore, in the compliance of the Post-Office Department with the request of the chairman of the Committee on Post-Offices and Post-Roads is entirely gratuitous and without justification. Indeed, this is true with regard to a great majority of cases named in this outrageous list.

It will be observed that in a note at the beginning of this list the following language occurs:

Where no excess is shown the allowance was warranted at the time it was authorized.

An examination of the list will show that no excess is shown with regard to either Deer Park or Luke. At these two points, under the statement made by the Postmaster-General, these allowances were legal and proper when authorized.

The Brunswick case is remarkable, as I will show, and it is inconceivable, upon the theory that the man or men who prepared this anonymous report had no ulterior purpose against the Congressman, how any reference to the lease of a post-office at Brunswick should have been included in this report. The facts covering the matter appear on pages 101 and 102 of Report No. 1395, or the report labeled, in short, "Charges against Congressmen."

To verify the report I called at the office of the acting chief of the division of salaries and allowances and went over the correspondence; and as I desire to have it appear in the record of my remarks, I will quote from pages 101 and 102 of said anonymous report:

BRUNSWICK, MD.

At Brunswick, Md., in 1900, the salary of the postmaster and gross receipts of the office were $1,000 and $1,994, respectively. At that time the annual allowance for rent was $60, with an additional $18 for fuel and light.

Under date of October 23, 1900, Mr. William Schnauffer called at the Department and submitted a proposition from Mary M. Collary to erect a building 18 by 19 feet and rent it to the Department for $200 per annum. Mr. Schnauffer was introduced by Hon. GEORGE A. PEARRE in a communication as follows:

CUMBERLAND, MD., *October 15, 1900.*

Hon. EDWIN C. MADDEN,
Third Assistant Postmaster-General, Washington, D. C.

DEAR SIR: This letter will introduce to you my friend Mr. William Schnauffer, of Brunswick, Md. Mr. Schnauffer is an active and influential Republican of Frederick County, and is one of the most substantial citizens of Brunswick. Any assistance and courtesy you may be able to show him will be highly appreciated by me.

Very truly, yours, GEORGE A. PEARRE.

Under date of October 23, 1900, notification of acceptance of this proposition was communicated to Congressman PEARRE in a letter, which reads as follows:

OCTOBER 23, 1900.

Hon. GEORGE A. PEARRE, *Cumberland, Md.*

DEAR SIR: Mr. William Schnauffer, of Brunswick, Md., called at the Department to-day with your letter of introduction of the 15th instant, addressed to Hon. Edwin C. Madden, Third Assistant Postmaster-General.

Mr. Schnauffer made a proposition to lease a room for use of the post-office at Brunswick, in a new building to be constructed across the street from the bank, and upon your recommendation this proposition has been accepted, and the post-office will be moved to the new building when completed, probably the 15th of January next.

Very respectfully, ————,
Acting First Assistant Postmaster-General.

While I have no recollection of this case whatever, the papers in the case above quoted clearly show that Mr. Schnauffer wrote me a letter asking for a letter of introduction to Mr. Madden, the Third Assistant Postmaster-General, without telling me what his business was with Mr. Madden. I wrote the formal letter of introduction to Mr. Madden, as requested by Mr. Schnauffer, and forwarded it to him. Mr. Schnauffer then calls upon the Third Assistant Postmaster-General, doubtless discloses his business, and is referred to the office of the First Assistant Postmaster-General, where he makes the proposition referred to in the above letters, which is accepted, and then the Acting First Assistant Postmaster-General, knowing that the post-office is in my district, courteously writes me a letter stating that the lease is made upon my recommendation, doubtless construing the letter of introduction into a recommendation.

The letter bears no such construction, and the mention of this matter in this anonymous report is an outrage upon me and upon decency. I doubtless would have recommended the removal of the post-office from a little wooden box, in which it was previously kept, to a more commodious and more centrally located building if I had been asked. This case serves to show the desperate effort that has been made by the author or authors of the anonymous report to lug and drag Members of Congress into some connection with the postal scandal.

Now, Mr. Chairman, I do not desire to animadvert upon my colleague from Virginia, and I am simply calling the attention of the House to this matter to show how absolutely futile, how absolutely unnecessary, and absolutely causeless this resolution, which has made this trouble in this House and cast imputations upon its membership of which they may not live to relieve themselves, how unnecessary such a resolution was.

Why, Mr. Chairman, there are a number of other things to which I would like to call attention, but I find time is passing quickly by, and I shall have to hurry on. I believe it is said if influential Congressmen went to Mr. Beavers he would grant their request at once. I find here, among the gentlemen on the Virginia delegation, that Mr. SWANSON, a very brilliant, industrious, and able representative of that State, has secured more allowances perhaps than any other man in the House of Representatives. It is not presumed by Mr. Bristow, I fancy, that Mr. SWANSON'S influence with the Republican executives of the Department under Republican administration was overwhelming to such an extent as to warp the virtue as well as the judgment of the officers of the Executive Department. Now, sir, to conclude my remarks on the introduction of this resolution, I would say that in my humble judgment there was no adequate cause for its introduction. I do not believe that the resolution should have been introduced and that, if introduced, the preamble of that resolution should not have contained the assumption of charges of guilt in Bristow's report which the language of Bristow's report, in connection with the law and the regulations of the Department therein quoted, did not justify.

To sustain my judgment upon this point I would say that the gentleman from Mississippi [Mr. WILLIAMS], the Democratic leader on the floor of the House, the gentleman from Missouri [Mr. COWHERD], the minority member of the Committee on Post-Offices and Post-Roads, and the gentleman from Indiana, the chairman of the Committee on Post-Offices and Post-Roads, have all said that there was nothing illegal or improper in the recommendations made by Congressmen for increased allowances of clerk hire, and their opinions have been sustained by the unanimous action of the Committee on Post-Offices and Post-Roads, which in reporting this resolution recommended that it lie upon the table. So much for the introduction of the Hay resolution.

Now, gentlemen, what ought to have been done with it by the committee when it came here? I think that a blunder has been made, an egregious blunder. What ought to have been done with it? It was referred to the Committee on Post-Offices and Post-Roads, and they reported back a unanimous report, joined in by the gentleman from Virginia, who recited these charges in the preamble to his resolution, to table the whole matter. It sneaked in the back door of this House without a sponsor, and it ought to have been kicked out the front door.

Mr. HAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Virginia?

Mr. PEARRE. I yield to the gentleman.

Mr. HAY. The gentleman has stated that I joined in a unanimous report to lay on the table.

Mr. PEARRE. I understood it was a unanimous one.

Mr. HAY. I am not on the Committee on Post-Offices and Post-Roads, which made this report, and therefore could not have joined in it. The gentleman should have informed himself before making any such statement.

Mr. PEARRE. Then I will withdraw the statement as far as the gentleman from Virginia is concerned, and I apologize for having made it, so I hope the gentleman is satisfied with that statement.

Mr. LITTLEFIELD. But the report itself was unanimous?

Mr. PEARRE. The report was unanimous, however. That was a proper disposition of it, if it had gone there and stopped. But what does the committee do? It brings a lot of slush and trash gathered up from the floors and sweepings from the waste baskets of the Post-Office Department and puts it all together and sends it up here, as what? Sends it in here as a report. From whom? Mr. Bristow? No. Mr. Bristow, I am informed by gentlemen on the floor of this House, was not responsible for it. Who is? Who is responsible for the conduct of that department of the Government if not Mr. Bristow?

Mr. COOPER of Wisconsin. And is called "charges concerning Congress."

Mr. PEARRE. And it is labeled by the committee "charges concerning Congressmen," and there is offered the very lame explanation putting the blame on the Public Printer. The trouble is, sir, every man who is responsible for anything in connection with this resolution seems, as soon as he meets the fire of indignation aroused in the breasts and hearts of his colleagues here by the wrong that has been done, tries to slip out from the responsibility and put it on somebody else.

Now, sir, my friend from Missouri says, "What else could have been done?" I will tell you what else could have been done. You could have taken the information that came with this anonymous report from the Post-Office Department, a poor bastard report, the paternity of which no one will now acknowledge, an unknown document, not of doubtful parentage, but of unknown parentage. You take the resolution introduced into the House, and in reporting upon it you bundle all this stuff up and make yourselves responsible for it by embodying it in your report as an integral part thereof. What the committee should have done, if I may be permitted to suggest, was to have gone through the report, found

those portions of it which did in any way reflect on Congressmen, and report these features and none others. Or, as the committee after investigation had determined absolutely to ignore it and lay the resolution on the table, then they would have been justified in ignoring it as to the floor of the House, as they did in the committee room, the statement that had come up without any parentage at all, and report back to the House that they had examined this matter and recommended that this resolution lie on the table.

The committee had examined it: the committee knew that it was not a report from any responsible person, nor, indeed, from any individual or official of the Government. The committee had found its statements and charges to be thin, vapory, and without substance: the committee had found nothing in it, as they had found nothing which they could sustain or would sustain in the charges contained in the preamble to the resolution of the gentleman from Virginia, and therefore this vague and unauthentic stuff, I respectfully submit, should not have been made a part of the report upon the resolution which the committee had laid upon the table.

I have not, Mr. Chairman, discussed that section of the preamble of the resolution of the gentleman from Virginia which contains the allegation that Members of Congress violated the law in becoming lessors of buildings to the Government of the United States to be used as post-offices, nor shall I do so to any great length.

There is doubtless a statute prohibiting such contracts between Members of Congress and the Government, contained in section 3739 of the Revised Statutes of the United States, which is as follows:

> No Member of or Delegate to Congress shall, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States by any officer or person authorized to make contracts on behalf of the United States. All contracts or agreements made in violation of this section shall be void.

Mr. Beavers had no right to entertain such contracts, and, as this is confessedly at least a technical violation of the law, I shall not anticipate the judgment of the special committee thereon, but will content myself with referring to the letter of the Hon. J. L. Bristow to the Hon. JESSE OVERSTREET, chairman of the Committee on Post-Offices and Post-Roads, dated January 25, 1904, which refers to the Geneseo, N. Y., post-office lease, the Lawrence, Kans., post-office lease, and the Station A, Winsted, Conn., lease.

In the closing sentence of that letter Mr. Bristow says:

> In none of the above cases does it appear that the Government has paid an excessive rental. I referred to these cases in my report, not because there was any fraud indicated in the business transaction, but solely because such contracts appeared to be in violation of the statute above mentioned.

There are other cases of leases to Congressmen referred to in the anonymous report, but in some of these cases, at least, it is the fact that the Congressmen leased their property at the request of the Government. As stated by the committee in its report on the Hay resolution, on page 3, in the very limited number of leases, three in all, where the property was owned by Members of the House, it appears that the Government was itself desirous of securing the property for post-office purposes, and that the rental was entirely satisfactory to the Government, and that in each case the original lease of the building for post-office purposes was made at a time when the owner of the building was not a Member of the House.

Now, there is in this report, but not quoted in the report of the committee, a statement or two from the Fourth Assistant Postmaster-General which, it strikes me, is absolutely gratuitous.

> Congressmen, as a rule, want their constituents to have what they are justly entitled to and no more. It is true that there are occasional exceptions to this rule, but happily such exceptions are few. But whatever may be the request of the Congressman, the executive officer has a plain duty which the Member of Congress expects him to perform.

Mr. Bristow further says, on page 141 of his report, in discussing the canceling of leases:

> It will be observed that instead of using this authority given by Congress to make long-time leases to secure better buildings for less money it has been used for the benefit of "grafters" who seek to pillage the public revenues.

Who gave Mr. Bristow the authority or right to criticise Members of Congress in any such language? When he says there are exceptions, but the exceptions are few, he rests an imputation upon every individual Member of the House of Representatives, because he does not separate the sheep from the goats. These few may include you, and that statement, couched in such language, includes the membership of the House. I say it was a piece of impudent effrontery upon the part of the Fourth Assistant Postmaster-General or upon the part of anyone who justified or sanctioned that statement, until an investigation be made and these Members of the House of Representatives who have lapsed from public virtue may be identified and properly characterized.

There is a larger question than all of these special personal matters involved, and that is the relations which shall subsist in the future between the great Executive Departments of this Government and its legislative department. If I know anything about the Constitution of my country, if I know anything of the growth of civil liberty, democratic and republican government, I know this: That in a democracy the people are supposed to be the rulers; and in every form of government adopted by a democracy that body which is closest to the people, and which most nearly represents the will and wishes of the people, should be the predominant and controlling power of the Government.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. OVERSTREET. Mr. Chairman, I will yield the gentleman five minutes more.

Mr. PEARRE. Why, sir, under the constitutional monarchy of England is the House of Lords the predominant party, is the King the controlling factor? No, sir. The House of Commons rules the country, as the House of Representatives should rule the Government of the United States. We are the last to come from the people and we are the first to return to them; we are in touch with their sympathies, their motives, their aspirations, and their wishes, and it is here, sir, that the great heart of the people within the bosom of this popular body reposes, and here we feel every pulsation of the great heart of the people. [Applause.]

Let any man beware, sir, whether high or low, how he casts imputations upon the tribunes and representatives of the people of the United States in the House of Representatives assembled. [Applause.]

One by one the ancient rights and prerogatives of the House of Representatives have been curtailed by the aggression of the executive department and the Senate of the United States, until the House has almost degenerated into a mere body to ratify the will of the Executive or the whim of the Senate.

Let it not be forgotten, sir, that authority in this Republic is not vested in one man or set of men, but that the elements of sovereignty of the state have been wisely divided into the executive, legislative, and judicial; that in our theory of government no one of these is presumed to predominate over the other, but supreme within their respective spheres and coordinating their respective powers in making up the sum total of national sovereignty, neither of them can be shorn of their proper function without detriment to the state and without danger to civil liberty.

The time has about arrived when the House of Representatives should issue a declaration of independence and maintain the integrity of its powers and membership. Are we to be told that Members of Congress may no longer visit the various Executive Departments and make representations and recommendations for their constituents, who live many miles from the seat of government and have no other way of securing the ear of the executive officers?

Why, sir, the President of the United States invites Members of Congress and Senators to see him and counsel with him in regard to great public policies, but now we are learning the lesson from subordinates in the Post-Office Department that we will not be permitted to advise with them or make recommendations within the limit of the law without an aspersion of our motives. I spurn such an insinuation, and I cast it back in the teeth of any man who has made a suggestion of improper conduct on my part as a representative of the people. I cast back the charge with contemptuous indignation, which the subject and the individual deserves. Let it be understood that here in the House of Representatives and throughout the country that the individual Members are imbued with as sensitive an honor as is the President in the White House or any other citizen; that the membership of this House, lofty and noble in its purpose and aspirations, determined to serve the people, many of them with great sacrifice, is as sensitive to every appeal of honor as any man connected with the Government of the United States. [Applause.]

Oh, Mr. Bristow charges us, does he? And what do we do? We have an investigation of the Members of Congress, if you please, in this report, but no investigation of Mr. Bristow. I am to be pilloried for the Rockville post-office, and we are all to be labeled as scamps and grafters and as looters of the Treasury, as the public press tells us, and yet Mr. Bristow, mentioned two or three times in this report as having made excessive recommendations—one to the extent of $440—is not to be investigated! And, forsooth, he is not only to investigate the Cuban postal frauds and all frauds in the Post-Office Department, but now he has obtained by his own appointment the dignified and exalted position of being the critic of the House of Representatives, and endeavors to hector the Members to his behests.

Here, sir, on pages 12 and 13 of the anonymous report, I find that the Hon. J. L. Bristow, the Fourth Assistant Postmaster-General and the self-constituted investigator and critic of the House of Representatives, the membership of which he has condemned by insinuation for making recommendations for increased

clerk hire, recommended an increase at the Erie post-office, in Kansas, from $50 to $180, which was $130 in excess of the regulations of the Department. On page 13 I find that, together with the Hon. C. I. LONG, the Hon. J. L. Bristow, Fourth Assistant Postmaster-General and critic aforesaid, recommended at the Kingman post-office, in Kansas, an allowance of $500, which was $440 in excess of the proper allowance under the rule of the Department.

It is clear, therefore, that of all the men mentioned in this report as having violated the post-office regulations and the proprieties of the public service Hon. J. L. Bristow is the most guilty. Members of Congress who made recommendations for excessive allowances did not know, it is admitted, that the allowances were in excess of the amount fixed by the secret regulations of the Department; but this same justification can not be pleaded in Mr. Bristow's defense in the cases of the Erie and Kingman (Kans.) post-offices. He, as one of the Assistant Postmasters-General of the Government of the United States, knew the regulations of the Department which fixed the allowances, and when, therefore, he made recommendations of excessive allowances for clerk hire he did it knowing the rule, and thus knowingly violated it.

Does it lie in Mr. Bristow's mouth to say that most of the Members are honest, but that there are exceptions? Let the House, by appropriate action, investigate the investigator and ascertain what is at the bottom of this outrageous imposition upon the dignity, the rights, the integrity, the privileges, and the honor of the House of Representatives. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 1956. An act to authorize an exchange of sites for the public buildings of Garland County, Ark.; and

H. R. 2193. An act for the relief of David Tweed.

The message also announced that the Senate had passed with amendments the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 4402. An act permitting the building of a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota;

S. 4453. An act to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes;"

S. 3180. An act to provide for the erection of a public building at Atlanta, Ga.;

S. 2268. An act to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes; and

S. 4849. An act granting an honorable discharge to Peter Green.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I expect to devote my remarks chiefly to certain provisions contained in the pending bill. I shall have little to say about the Bristow report. I have examined it with a good deal of care, and in my opinion no fact stated in that report reflects upon the integrity or the honor of a single Member of this House.

My judgment is that some Members of the House have put an improper construction upon the report. They have altogether mistaken its import. The Bristow investigation did not include Members of Congress at all. It was an investigation of alleged shortcomings of certain executive officers in the Post-Office Department, and Members of Congress were named or their recommendations were referred to simply for the purpose of illustrating the methods of the superintendent of the salary and allowance division of that Department. It was charged that Mr. Beavers, the superintendent of that division, made improvident allowances.

It was at no time charged that improper requests were made by Congressmen. The Fourth Assistant Postmaster-General does not pretend to say that any Member of the House made an improper request of Mr. Beavers, but he does say that Mr. Beavers granted requests without any regard to the merits of the case. Members of the House in making recommendations had the right to expect they would be decided according to law. Properly construed, I do not conceive the Bristow report to impute illegality or dishonesty to the conduct of a single Member of the House.

The bill under consideration is the largest of all the great supply bills of this Government. In round figures it carries $170,000,000—an enormous sum. This great amount of money for postal purposes shows to some extent the increase in business in the United States during the recent period of our national existence. I listened with a great deal of interest and profit a day or two ago to the able and philosophical address of the gentleman from Ohio [Mr. BURTON] in relation to the dangerous tendency to unduly increase the general appropriations, and the thought occurred to me during the course of his remarks that these increased appropriations are called for largely because of the high standard of living that exists throughout the civilized world. They are called for by the greatly multiplied wants of modern civilization.

The people demand more and they have a right to expect more from the Government to-day than at any other time in history. They supply themselves with more of the comforts and conveniences of life through their own individual and private agencies, and they expect correspondingly more from the Government. But, after all, Mr. Chairman, there is great danger of extravagance and waste, and it is the duty of Congress to hold appropriations within reasonable limits, to be exceedingly careful not to appropriate moneys for enterprises that are not helpful. The people of the country are willing to pay taxes, provided always that they receive an adequate return for the money which they pay.

Mr. Chairman, among other provisions of this bill is one carrying an appropriation of about $145,000 to facilitate the mails between the city of Washington and the city of New Orleans, known as the "southern subsidy proposition." This appropriation has been attacked regularly every year for the last five years. This is the third or fourth time that I have spoken against it. Notwithstanding it seems that the private judgment of a large number—I believe I may say a large majority—of the Members of the House is against the proposition, yet, somehow or other, the appropriation always goes through.

This appropriation was first made to the Southern road in 1893. At that time the gross receipts of that line of roads as statutory pay from the Government for carrying the mails was $382,000, being at the rate of $335 per mile per year. There are about 185,000 miles of railroad in the United States, and something like twenty-seven hundred and fifty railway mail routes, and the average statutory pay for carrying the mails throughout the country is in the neighborhood of $180 per mile per year.

At the time this subsidy was voted this line of road was receiving, in the way of statutory pay, from the Government $335 per mile—almost twice the average throughout the country. The Southern road and a road from Kansas City, Mo., to the town of Newton, Kans., are the only two lines of road in all the network of railroads throughout the United States that are getting special pay for carrying the mails.

Mr. FINLEY. I should like to ask the gentleman whether he has observed this provision of the bill on page 23:

For marine postal service, Detroit, Mich., $4,500.

Has the gentleman read that?

Mr. CRUMPACKER. Yes, sir, I have; and I heard the provision explained. That is an appropriation made to provide for receiving and delivering mails in boats while in motion on the Detroit River.

Mr. FINLEY. The gentleman will allow me to ask him whether the real practical effect of that provision is not simply to expedite the delivery of mails from boats passing up and down the lakes; in other words, expediting the delivery of the mails?

Mr. CRUMPACKER. I assume, of course, that is the purpose.

Mr. FINLEY. And it is for special facilities; that is true, is it not?

Mr. CRUMPACKER. Yes.

Mr. FINLEY. Then how does the gentleman differentiate that case from the appropriation for the Southern Railroad and for the railroad from Kansas City to Newton, both of those appropriations being in effect for special facilities?

Mr. STAFFORD. Will the gentleman from Indiana [Mr. CRUMPACKER] permit me to make a short explanation of the marine mail service at Detroit?

Mr. CRUMPACKER. I have some ideas in regard to the matter, and I would prefer not to yield just now. Why, sir, it is the easiest thing in the world to make the differentiation, because the service at Detroit is peculiar and exceptional. There is no similarity between them at all.

We have no regular schedule of pay for the receipt and delivery of mail under those circumstances. But for carrying the mails between the city of Washington and New Orleans we have a regular rate fixed by statute, the same rate that is fixed for carrying the mails between New York and Boston and Chicago and

all the great cities of the country, the same rate that all lines of railroad throughout the length and breadth of the land are willing to accept—a rate satisfactory everywhere. But the lines of railroad now receiving this subsidy do not furnish additional facilities on account of this special appropriation. It is, in my judgment, a pure gratuity.

Mr. FINLEY. Does not the gentleman know that the boats provided for in the appropriation I have read are boats which intercept the boats going to and from Detroit and carrying the mail? And in that way is not the "marine postal service" provided for at Detroit of practically the same character as the "special facilities" for which the Government pays as such? Is not that true?

Mr. CRUMPACKER. That may be true.

Mr. FINLEY again rose.

Mr. CRUMPACKER. I prefer that the gentleman should make his speech in his own time. My time is limited.

The analogy which the gentleman has just suggested applies to every railroad in the country. The railroads carrying the mails to the West—the lines from New York to Chicago—make connections for the Pacific coast. It might as well be claimed that they are furnishing special facilities for the Pacific coast mail, on the same principle that the transmission of mails to the South over the Southern road is claimed to afford special facilities. They all make important connections for mail, express, and passenger business, and all the roads do the work for the statutory pay except the Southern.

Mr. STAFFORD. Will the gentleman from Indiana permit me a moment? I have charge of the time in the absence of the gentleman from Indiana [Mr. OVERSTREET]; and if I use some of the gentleman's time, I will yield him further time. I wish to say a word in answer to the gentleman from South Carolina.

Mr. CRUMPACKER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. In answer to the query of the gentleman from South Carolina, I wish to explain that the distinction between the subsidy provided for the transportation of the mails from Washington to New Orleans and also for that from Kansas City to Newton and the appropriation for the marine postal service at Detroit is, as claimed by those who oppose the subsidy to these railroads, that an additional payment is made for service that the railroads are obligated to, and would otherwise, render, while with the marine mail service no other facility is provided, nor allowance made for the delivery of the mails to the thousands of seamen whose trade confines them, for more than six months, to these merchant vessels plying the Lakes.

True, this is a means of expediting the service. All our mail service is that in one sense. In many instances the only place where they are able to obtain their mail is at that designated point, Detroit, and it is by means of this boat, which there transfers the mails to the passing ships, that they enjoy the benefits of our postal service.

Mr. CRUMPACKER. I think my friend from Wisconsin [Mr. STAFFORD] has made a very satisfactory explanation of the "marine postal service" at Detroit.

Now, Mr. Chairman, the statutory pay of the line of road from Washington to New Orleans at the present time is over $800,000 a year. It has more than doubled since this special-facility appropriation was originally made. The statutory pay now is nearly $300,000 a year more than the statutory pay and subsidy combined when the subsidy was originally voted. This is an important line of railroad. It does a large passenger traffic and a great express business. It runs through a splendid portion of the country, and there is no reason at all why this subsidy should continue to be voted year after year. It is granted notwithstanding the Postal Commission a few years ago recommended its discontinuance; notwithstanding Postmaster-General after Postmaster-General has recommended its discontinuance.

Mr. MAYNARD. I should like to ask the gentleman whether in any of the evidence that has been before the committee there is anything to designate what these special facilities are for which this amount of money is appropriated?

Mr. CRUMPACKER. Originally there was an arrangement by which the Southern road was to put on an extra fast train to run between the city of Washington and the city of New Orleans, and that train still runs. That train is necessary for the conduct of the business of the railroad. It can not be dispensed with.

It is necessary for the road to make the time and connections that it does make. The passenger and express business demands it. It is the same kind of a train that the Louisville and Nashville road runs from Cincinnati to New Orleans, and substantially the same kind of a train that the Illinois Central road runs from Chicago to New Orleans, and those roads carry mail for the statutory pay, and their earnings for carrying mail is much below the statutory earnings of the Southern line from Washington to New Orleans.

Now, I say every officer of the Government who has examined into this question and has reported to Congress on it has recommended the discontinuance of the appropriation. There is a proviso in the bill vesting the expenditure of the money in the discretion of the Postmaster-General; but two or three years ago the Second Assistant Postmaster-General said that the appropriation was made against the recommendation of the Postmaster-General, and that the Department interpreted that action to mean that Congress desired the money to be expended without regard to the question of benefits. He said in that hearing that the Postmaster-General would continue to expend the appropriation as long as Congress continued to make it, even though it attached to it the discretionary proviso.

Mr. LAMB. Will my friend point out where and when the Postmaster-General recommended a discontinuance of this appropriation?

Mr. CRUMPACKER. I can not.

Mr. LAMB. I do not think the gentleman can do it.

Mr. CRUMPACKER. No, I can not, because I am not sufficiently familiar with the history of the matter.

I remember taking it up two or three years ago, and I made a speech in which I quoted the language of General Shallenberger in which he said that Postmaster-General Wilson had recommended against it. He said the Postal Commission had recommended against it, and he said it embarrassed the administration of the Post-Office Department, because it excited criticism and jealousy upon the part of other roads that were performing the same kind of service exactly for the statutory pay.

Now, Mr. Chairman, I have this proposition to make: I hope the gentleman from Tennessee [Mr. MOON], who dissented from the recommendation of the committee upon this appropriation, will follow up his dissent, and if the appropriation should not be stricken out by the Committee of the Whole, that he will make a motion to commit the bill with instructions that the committee report it back at once, omitting the Southern subsidy appropriation. This will afford Members of the House who are talking so loudly against subsidies and corporations an opportunity to go on record, with their views in permanent form.

Mr. LAMB. Can my friend point out how this is a subsidy and by what means he characterizes it as a subsidy?

Mr. CRUMPACKER. I have undertaken to show that it is a subsidy because it does not bring to the Government a single additional facility. It may accelerate the speed of a train now and then, but there is no fair equivalent for the money. This road does not run any faster trains than the other great trunk lines that carry the mails for the statutory pay. It is receiving three or four times the statutory pay now of the average of the railway mail routes in the United States, and it furnishes no additional advantages. Its statutory pay is nearly $300,000 more a year than its statutory pay and the subsidy together were ten years ago; and if we are ever to discontinue this appropriation, in the name of justice when shall it be?

Is it to go on forever? The country through which this line of road runs is the oldest territory of the United States. It is well-settled country, dotted over with thrifty, enterprising commercial towns and cities. The passenger, mail, and express connections of the road are important all along the line, so it is compelled to run its trains upon substantially the same schedule that it now does to accommodate its own business.

If this hundred and sixty-odd thousand dollars is stricken out, we can add probably $20 a year to the salaries of the rural-delivery carriers without increasing the aggregate in the bill. [Applause.] I believe that that would be a good arrangement. The carriers are compelled to expend from $250 to $300 to procure an outfit, and they must maintain two horses, travel from 20 to 30 miles a day for three hundred days in the year, and get but $600 for it all. They would appreciate this $167,000 if it were equitably distributed among them.

Mr. BOWIE. Does the gentleman know how much was actually paid to the Southern Railroad on account of that appropriation?

Mr. CRUMPACKER. I have not examined the report of the Second Assistant Postmaster-General, but I think there were $15,000 or $20,000 deducted for fines.

Mr. BOWIE. I was informed that they were paid about $80,000 last year. Now, there are over 20,000 letter carriers, and within the next year there will probably be 30,000. This will leave about $80,000, so that that would be about $3 apiece instead of $20.

Mr. CRUMPACKER. Even if it was $3, they would appreciate it; but I can not accept the gentleman's figures.

Mr. BOWIE. I expect to give it to them myself—two or three dollars—and a good deal more.

Mr. CRUMPACKER. Now, I wish to devote the balance of my time to the rural free-delivery service. Splendid as the service is now, it is in the formative stage of development yet. It carries with it perhaps greater blessings than any other modern facility

of government. It enhances the measure of happiness in rural life, and that is one of the things which have been the concern of statesmen and philosophers for the last fifty years.

There was a time in the history of civilization when the aristocrats lived on the farm, but in modern times the great cities monopolize the features that charm and fascinate, and the ambitious and enterprising have been attracted to the cities. Farm life is regarded as too prosy, and it lacks the convenience and advantages that modern young Americans desire. But conditions are gradually changing. Good roads are being constructed all over the country. Telephone service is being supplied to the farm, means of husbandry are greatly improved, and with the free rural mail service a revolution will take place in relation to the desirable residential portion of the country.

In my judgment, if we keep on improving the conditions of country life, the pleasure hunters of the land will again be occupants of the farm. The farms are the great conservators of safety in our civilization. Farm homes contain the very best virtues of individual and collective life.

I believe in perfecting this splendid system as rapidly as it can be done with a reasonable expenditure of public funds. We can not do everything in a single year.

The men who carry the mails into the country are poorly paid. Their salaries are too small. I believe in making a substantial increase in their allowances. I do not favor the salary proposition contained in the pending bill. The bill provides for a maximum salary of $720 a year. Let members of the committee bear in mind that the bill does not increase the salary of a rural carrier a single dollar, but it provides the maximum amount, beyond which the Post-Office Department can not go. It simply authorizes the Postmaster-General to increase the salaries if he desires to.

If this bill shall become law not a single carrier will get any increase of salary unless the Post-Office Department in its discretion shall grant that increase. It vests in the Post-Office Department a discretion to fix, classify, and arrange the salaries upon any kind of theory it may adopt. If there is one thing, Mr. Chairman, that Congress ought to do, it is to reduce the discretion of the administrative officers to the lowest minimum consistent with efficient administration. [Applause.]

Mr. STAFFORD. Mr. Chairman, I wish to ask the gentleman whether the wording in the present bill as to the payment of salaries to rural mail carriers is not in the same language as the present law?

Mr. CRUMPACKER. It is; and that is the reason——

Mr. STAFFORD. And that the present carriers receive $600 a year for their service?

Mr. CRUMPACKER. The maximum salary is now $600 a year. The Postmaster-General reports that carriers are paid from two to six hundred dollars a year. I have in my district, in one county where there is complete county service, a town from which six or seven carriers leave, and they all do substantially the same work, and yet about half of them get a salary of $600 and the others only $500. They all travel over about the same number of miles, but some of the routes have less than 100 houses on them, and their salaries are cut $100 a year on that account.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. CRUMPACKER. A question.

Mr. STAFFORD. Do any rural carriers who cover 20 miles or more receive less than $600 a year?

Mr. CRUMPACKER. I have a letter in my pocket now from a carrier in the State of Indiana who says his route is twenty-four and a fraction miles long and he is receiving only $500 a year because there are less than a hundred houses on his route. That is an illustration, Mr. Chairman, of the result of vesting discretion in Departments. That discretion is apt to be operated upon some theoretical basis utterly void of practical benefits. It is necessary, I concede, in many instances, that a wide discretion be given to executive officers, but Congress ought to fix uniform salaries whenever it can be done fairly. Congress ought to establish regulations for public business as far as they can be permanent and uniform.

Mr. STAFFORD. Will the gentleman permit another question?

Mr. CRUMPACKER. I will.

Mr. STAFFORD. Has the gentleman in mind any route 20 miles or more in length and having a hundred families resident along it where the carrier does not receive $600 a year?

Mr. CRUMPACKER. No; I have not. The schedule or classification of salaries reported by the Postmaster-General fixes the pay on all routes not less than 20 miles in length at $600.

Mr. STAFFORD. But is not there a further regulation that requires 100 families to be resident along a proposed route before the service will be established?

Mr. CRUMPACKER. Well, it is not expressed in the report. A route must contain 100 families now before it will be established. Imagine the situation at the town I referred to, where six or seven carriers go out of the same post-office, all substantially traveling the same distance and some receiving $600 and others only $500 a year!

Mr. STAFFORD. Will the gentleman advocate making the salary of $720 payable to carriers who travel but 10 miles?

Mr. CRUMPACKER. No; I would not do that.

Mr. STAFFORD. Or 15 miles?

Mr. CRUMPACKER. My idea is that where the service is substantially the same the salary ought to be uniform. It is impossible to have absolute justice. We can only approximate equality.

Mr. STAFFORD. Is not the salary of $600 paid uniformly where the carrier serves a route along which 100 families or more are resident?

Mr. CRUMPACKER. On that hypothesis——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. STAFFORD. I yield ten minutes further to the gentleman from Indiana.

Mr. JOHNSON. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. CRUMPACKER. I yield for a question.

Mr. JOHNSON. I would like to ask the gentleman if he does not think these salaries ought to be put on a mileage basis of $30 a mile or $35 a mile?

Mr. CRUMPACKER. I believe in that plan. I have an amendment which I propose to have put in the RECORD, not that I shall insist upon its exact provisions, but in the hope that it may suggest the basis of a feasible plan. It provides for a uniform salary of $750 a year upon all routes upward of 20 miles in length. It takes a carrier substantially all of his time to serve upon a 20-mile route every day in a year, and the salaries on routes about that length ought to be uniform. Salaries can not be adjusted so nicely that the pay will conform with perfect equality to the amount of work done. A postmaster of the third class who receives a salary of $1,950 a year is compelled to pay all of the clerk hire out of his salary. The moment the salary gets to be $2,000 a year the Government provides him with an assistant postmaster and pays all the clerk hire. There is no justice or equality in that. It does not approximate equality.

Now, I say, practical equality is all we can attain, and therefore, Mr. Chairman, I am in favor of a uniform salary of $750 a year (I fix that sum for the reason it is recommended by the Post-Office Department) on all routes of 20 miles and upward and a salary of $35 per mile per annum upon all routes below 20 miles, counting the distance from the post-office and counting fractions over half a mile. That takes the whole question of rural carriers' salaries out of the discretion of the Post-Office Department, and it will save Members of the House the bother and the annoyance of importuning Department officers with a discretion for an increased allowance upon the ground that the route contains hills, bridges, mud, and the like. Gentleman know what that means and what it may lead to.

Mr. Chairman, I send my proposed amendment to the Clerk's desk to be read at this time.

The Clerk read as follows:

On and after July 1, 1904, letter carriers of the rural free-delivery service who carry upon routes 20 miles or more in length, measuring from the post-office from which the carriers start, shall receive an annual salary of $750; and those who carry upon routes less than 20 miles in length shall receive $35 per annum for each mile and each fraction over one-half mile contained in their respective routes, and no other or further allowance or salary shall be paid to said carriers.

I believe the time has not yet come for a graduated scale of salaries.

Mr. GOLDFOGLE. Will the gentleman allow me a question?

Mr. CRUMPACKER. I have only a few minutes left, and I have twenty ideas to deliver in that time. I hope the gentleman will pardon me. Mr. Chairman, ultimately it may be that this service will be placed on a graduated scale of pay, but the important thing now is to pay a fair salary for the service and to extend the benefits of the service as much as possible into localities that do not enjoy it now. Let us extend it and allow the service to mature and develop, so that it will pay a larger share of the cost of its maintenance than it does at this time. The receipts from the service are constantly increasing on account of the increased use of the mails, and in time the rural service will come near paying its own cost.

For the present let us provide a reasonable increase in the pay of carriers, and later on, if the service develops as we all have reason to believe it will, we can make another increase. City carriers were paid no more than rural carriers are paid now when city service was as young as the rural service now is. I believe a uniform salary of $750 a year is all that the condition of the service and the revenues of the country will justify at this time.

Now, in relation to carrying parcels, I do not believe that public officers ought to be allowed to represent private enterprises.

If we pay $750 a year to rural carriers, we ought not to allow the carriers to engage in any side lines of business during the hours of their official duties. The result of that policy, where the salary is fixed and the only opportunity the officer has to increase his income is to extend his private business, will be that his energy and thought will be directed to the development of his private business at the expense of the public. Besides he will serve where he can get the best pay, and the result will be rivalry and jealousy between those competing for his services. It violates sound public policy.

But, as I have said, the rural service is for the benefit of those living in the country, and the carrier ought to be permitted, yes, he ought to be required under reasonable regulations adopted by the Postmaster-General, to carry packages of reasonable bulk and weight upon the special request of any patron on his line so far as it will not conflict with his official duty. I do not believe that would interfere with the service. It would greatly promote the comfort, happiness, and convenience of the people living in the country. Farmers often at the busy season of the year may want something from town, and it would be a great convenience if the carriers could serve them.

The Postmaster-General can adopt regulations that will prevent abuses. He may require a written order in every instance, and a weekly report by the carrier showing the number and character of errands performed, the compensation received, and the like. But this convenience is demanded by the patrons of the rural service through the country, and there will be great disappointment if it shall not be granted. I have had more letters, inspired by proper motives, from the farmers living in the country protesting against the proposition to take from the carriers the right to serve them in these particulars than upon any other aspect of the service.

There are other provisions in this bill, Mr. Chairman, that may not meet my judgment, but in the criticisms I have made I want it understood that I cast no reflection upon the intelligence, the judgment, or the fidelity of the committee that reported this bill. In a body of this kind we have various views, and a bill of this importance reported by a committee of the House must, in a measure, be a compromise. I have nothing but words of commendation for the splendid work that the Committee on the Post-Office and Post-Roads has done.

I have submitted what I believe to be just criticisms upon two important provisions in the bill. I believe that the Southern subsidy ought to be voted out of the bill. I believe that the pay of the rural carriers ought to be increased and that it ought to be put upon a uniform basis as far as possible. Let the increase be a reasonable one, and as the service grows and pays a larger percentage of its cost of maintenance, further increases can be made. [Applause.]

Mr. STAFFORD. Mr. Chairman, I will now ask the gentleman from Tennessee to use some of his time.

Mr. MOON of Tennessee. I yield to the gentleman from New York [Mr. GOLDFOGLE].

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. MOON of Tennessee. I now yield ten minutes to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. Mr. Chairman, early in the session I introduced a bill providing for the payment of salaries of $900 per annum to rural mail carriers. The Postmaster-General in his report recommends that they be paid $750, which amount I think entirely inadequate.

In discussing this question it is well to bear in mind the fact that there are other considerations than that of the mere money involved; considerations which should claim the attention of every Member of this body, for they touch not the carriers only but some 25,000,000 farmers, who have the right to expect fair treatment at our hands.

The rapid decline in the number of the more prosperous residents in the country, and the consequent increase of population in our towns and cities indicate a most unhealthy condition in our industrial policy, a condition which, if not altered, must lead to grave consequences.

The intelligent citizen of this day, whether on the farm, in the store, in the factory, or whatever may be his avocation, wants to be ever in touch with the public pulse and wants to enjoy at least a portion of the comforts and conveniences of life. In too many instances, rather than lead a life of isolation and have his family and himself deprived of so many of the conveniences and even necessities of these days, the rural citizen will leave his home, place his lands in the hands of improvident and irresponsible tenants, and move to the towns and cities where better advantages are offered.

This is no exaggeration; it is but the plain truth. I have seen some of the most intelligent and thrifty rural communities of my own State broken up, and I have seen the congestion of our towns and cities, small as they are, and the cause is usually traceable to a disposition to get away from the loneliness and the lack of educational facilities of the country and to seek the conveniences which the towns afford.

It is a principle so well understood that I need scarcely repeat it, "that our prosperity may be measured largely by the productions of our soil." This, in the last analysis, is the foundation of wealth, and anything that contributes to a contented and prosperous rural population contributes to the wealth of the nation.

That man will be fortunate and a benefactor indeed who can devise any measure of public policy that will contribute to the contentment and prosperity of that portion of our people who till the soil and whose labors contribute so largely to the wealth of our country. The agriculturists of the United States constitute practically one-half of our entire population, and if this Government can afford to send armies and navies to right the wrongs of the Cubans and the far-away Filipinos it can certainly afford to make a reasonable annual allowance to carry the mails to our own people. [Applause.]

Personally I am in favor of spending the money at home, amongst the people who pay the taxes, support the Government, and fight the battles of the country, and whom we are sent here to represent. [Applause.] Only a few generations have passed since our Southern States were dotted all over with attractive and hospitable country homes, surrounded by all that could possibly add to the comfort and pleasure as well as the education and refinement of their owners.

That was a population representing the highest degree of everything desirable in citizenship. These were the homes of virtue, intelligence, and patriotism, and from them came young men whose wisdom, courage, and devotion to duty made them worthy and eminent citizens of the Republic. But with the rapid advancement in the modes of travel, the facilities for the spread of information through the towns and cities, life in the country became, in comparison, slow and irksome.

People on the farm felt that they were not keeping step with the progress of the age in which they were living. The result is that many of these splendid country homes have been deserted, and we are losing the benefit of a good part of that honest, virtuous, and strong population that a wholesome and attractive country life always furnishes. [Applause.]

All the surplus wealth of the country is to-day concentrated in the cities and large towns. We should offer every possible inducement for the educated man to engage in the honorable and happy pursuit of agriculture. We want him to have every convenience of the town that it is possible for him to have and all the encouragement the Post-Office and Agricultural Departments can possibly give him to put farming on as sound scientific and financial basis as are the other vocations. [Applause.]

I do not advocate paternalism on the part of the Government, but I do say that the Government should lose no opportunity of granting the demands of rural districts, when those demands are based on justice and are simply in line with such as have been granted to more populous sections. In South Carolina, realizing the necessity for making country life more attractive, the legislature at its last session passed an act providing free rural public school libraries.

Another act along the same line gives one or more scholarships annually in Clemson College, one of the best institutions of its kind in this country, to each county of the State, exclusively for students desiring to take the agricultural course.

In national legislation the rural free delivery is a great step in the right direction, but it is yet in its infancy. It needs much encouragement and intelligent study to perfect its methods.

The pay of the carriers should be such as to insure the best and most painstaking service. It should be enough to induce educated and ambitious men, who will endeavor to improve and perfect the service, to compete for the positions. The rural carriers should be paid sufficient salaries to avoid the necessity of these good men being compelled to do an express and post-parcel business, and of being reduced almost to the level of hucksters and peddlers to enable them to make ends meet.

The Post-Office Department was never intended as a money-making institution, but is for the convenience of the people. All its machinery necessary should be used to make the delivery of mail in the country as nearly like the free delivery in the cities as possible. With this result accomplished we can go to our homes conscious of having done some little measure of justice to the most neglected of all our people.

But let us consider the question for a moment from a financial standpoint, though I contend that this solely is not a proper standard of measurement. Referring to the report of the Postmaster-General, we find that for six months—January and June of 1903, inclusive—the average monthly cancellation of postage stamps on each route was $11.22, and the average pay received by the carriers $49.78.

It is stated on good authority that the mail received by the patrons on these rural routes has been increased several hundred per cent since their establishment. Is it not reasonable to suppose that this tremendous increase in mail received is due, in large measure, to the establishment of the rural delivery system? And if due to this system, should it not be considered a part of the earning capacity of the system?

The total cancellation of stamps for mail collected on the rural routes during the period referred to, on 48,954,390 pieces, amounting to $949,048, or $11.22 per month for each carrier, is but a small part of their earnings, if you consider that 309,428,128 pieces were delivered by them in the rural districts during the same period—something like six times more than was delivered during a like period under the old system.

If the carriers receive credit for a just proportion of the cancellations on account of increased delivery, it can readily be seen that they are at least self-sustaining, if not a source of revenue. There is one other financial feature which we should bear in mind in passing. This increase of communication between country and town undoubtedly increases commercial transactions and results in profit to the towns. The cities and towns are well compensated for any tax paid for this purpose.

The good people living in the country deserve as much consideration at the hands of the Government as those who live in the towns and cities. Millions are voted annually for the improvement of rivers and harbors. Other millions are sought for ship subsidies and others for special fast mail trains between large cities. Why can not a reasonable amount be appropriated for the improvement of country life and in aid of scientific farming? [Applause.]

The country, where lives many of the best of our population, the great storehouse from which our cities must draw new blood, after the inevitable decline that comes to all overcrowded sections, should be made as attractive as the city. At least a portion of the wealth which now flows into the populous sections should be retained in the country by the intelligent and industrious farmers; and it should be the policy of the Government, within reasonable bounds, to use every effort to induce them to remain there in contentment.

Let us return specifically to the cause of the carriers. The city carriers are paid $1,000, $800, and $600, respectively, and where it is necessary they are furnished a conveyance, or $300 in lieu of a conveyance. They walk the streets of a well-paved city and are at no expense except for their own maintenance. It is seldom that he resigns; once the position is secured he grows gray in the service.

Mr. FINLEY. Or dies——

Mr. AIKEN. How is it with the rural carrier? He is paid only $600, and he is required to furnish his own horse, buggy, and harness at a cost of about $250 or $300 to start with. This outfit must necessarily be replaced with a new one at the end of three years. Those who are informed know that 17 miles a day the year around, or 25 miles every other day, is the full capacity of a good roadster, and when driven more than this a horse seldom lasts for more than two years. The carrier must pay out about $140 a year for horse feed, repairs to vehicles and harness, and shoeing horses.

It can be safely asserted that he must pay out as capital $300 per year, which leaves only $300 for his services and with which to maintain himself and family.

Contrast, if you please, the difficulties of his service with those of his fellow-carrier in the city. His round of 25 or 30 miles must be made every day, over roads often almost impassable. In sweltering August and freezing January he must trudge over the same dreary route, braving the danger of crossing swollen streams, meeting highwaymen, and numerous other possible attendant dangers. And for what? For the pitiful sum of $300.

But some will say that the people are anxious for the places even at this price. Granted that they are. It does not justify a parsimonious policy on the part of the Government, and, above all things, an unfair discrimination against him. There is no justice in this parsimonious treatment. We should provide more liberally for these overworked and underpaid public servants. [Applause.]

Is there any wonder that our rural carriers frequently resign? In South Carolina alone about seventy have resigned in the two or three years that the system has been in operation there, while in the United States something like 19 per cent of the whole number employed resigned in a single year.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FINLEY. Mr. Chairman, I will ask the gentleman in charge of the time to yield two more minutes to my colleague.

Mr. MOON of Tennessee. I will yield the gentleman two more minutes.

Mr. AIKEN. Mr. Chairman, no employer on this floor cares to pay less for work than fair, living wages. Surely we ought not willingly take advantage of the extremity of the poorer carriers, who must work to support themselves and families, even if it is for a mere subsistence, when we are generally so liberal in our appropriations for public services, past and present.

The rural free delivery has long since passed the experimental stage; it has the approval of our best citizens, North and South, as no other public measure has. It is time we were beginning to look on it as a reality and give it adequate support, for in no other way are the people's taxes returned more directly to them.

As stated, my bill provides $900 per annum for the pay of each rural carrier. It is not graduated, for the reason that the greatest expense is incurred on entering the service; and even this amount will not put him on an equal footing with the city carrier. [Loud applause on the Democratic side.]

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FINLEY] such time as may be necessary to conclude his remarks, not exceeding forty-seven minutes.

[Mr. FINLEY addressed the committee. See Appendix.]

Mr. FLOOD. Mr. Chairman, I have been astonished at the recklessness with which the Republicans, or at least certain gentlemen who have spoken for them, have undertaken to claim the credit for the inauguration of the system of rural free delivery of mails in this country. Some time ago I heard this claim put forward by the distinguished and able gentleman from Iowa [Mr. HEPBURN], but after he was confronted with the facts he did not press the contention. Two days ago, in an elaborate speech made by the distinguished gentleman from Nebraska, Judge NORRIS, the same claim was made. During his speech it developed that the great and good friend of ex-President Cleveland, the gentleman from Kansas [Mr. SCOTT], had formerly made a speech setting up the same contention, and yesterday the gentleman from Pennsylvania [Mr. BATES] arose to enforce that claim.

Mr. Chairman, there is absolutely no foundation in fact for this claim thus set up by the Republican party. It is a bold and bald-faced attempt to obtain goods under false pretenses. [Applause and laughter on the Democratic side.] I believe this claim on the part of the Republican party was first put forward by First Assistant Postmaster-General Perry S. Heath, until recently secretary of the national Republican campaign committee, notwithstanding the fact that he had not emerged from the post-office scandals with a name as unsullied as "the Alpine snows thrice bleached by northern blasts."

As Mr. Heath rests under the strongly founded suspicion of being implicated in defrauding the Government whose interest he had taken an oath to protect, I was not surprised that he was willing to defraud an opposing political party of the credit to which it was entitled; but I must protest that his example should not be followed by honorable gentlemen upon this floor.

The facts of the case, Mr. Chairman, are that this reform, or more properly this expansion in our postal system, was conceived and pressed by Democratic brains, supported by Democratic Congresses, and inaugurated by a Democratic Administration. After it was once inaugurated and its merits demonstrated, it went on expanding by reason of its own merit, and it did not need the fostering care of any political party to develop it. The Republican party can not, therefore, claim the credit for the development of this purely Democratic idea.

To sustain the propositions I have laid down—first, that the rural free delivery of mails was conceived by Democratic brains; second, that it was pressed by Democratic statesmen; third, that it was supported by Democratic Congresses, and fourth, that it was inaugurated by a Democratic Administration—I desire to call attention to a few bits of recent history.

Mr. Chairman, the first suggestion made by any official of this Government upon the floor of Congress or in any Executive Department of the application of this system to this country was made upon the floor of this House on the 19th day of February, 1891, by Mr. Breckinridge, a Democratic Member from Kentucky. I read what Mr. Breckinridge said on that occasion in reference to this matter:

> I believe that the true reformation of our mail service is to be found in the adoption of some system by which, instead of having so many post-offices, we will have a delivery not only in the small cities but in the country. There is no earthly reason why a man may not start from one of our shire towns and travel in a circuit every day, delivering and taking up letters and papers, so that those who live in the country can have a daily mail.

That entirely and completely outlines the system of rural free delivery that we have to-day.

Mr. HARDWICK. The amendment proposed by Mr. Breckinridge was not adopted, however, was it?

Mr. FLOOD. It was not an amendment, but a speech.

Mr. HARDWICK. He did not offer an amendment?

Mr. FLOOD. No, sir.

Mr. JOHNSON. He offered an idea.

Mr. FLOOD. In the discussion of the post-office appropriation

bill Mr. Breckinridge suggested this idea, which was afterwards taken up by other Members of Congress, among them a constituent of my distinguished friend from Georgia [Mr. HARDWICK], and was so splendidly pressed to the fruition which we have to-day. That was the first suggestion which was ever made by any Government official of this idea as applied to this country.

The first bill that was presented to Congress on this subject was introduced in this House on the 5th of January, 1892, by Mr. Clarke, a Democrat from Alabama, and provided for the free collection and delivery of mails in rural districts. That bill, with others which followed it on the same line, was referred to the Committee on the Post-Office and Post-Roads; and in May of that year that committee reported a bill to this House authorizing the Postmaster-General to make experiments in free delivery of mail matter in rural districts.

So in the Fifty-second Congress the Democratic Committee on the Post-Office and Post-Roads gave the system its imprimatur—the very first committee that did so in either branch of Congress. That bill was not acted upon, and on the 1st day of June, 1892, Mr. LIVINGSTON, a distinguished Democratic Member of this House from Georgia, offered the first amendment to a post-office supply bill providing for the inauguration of this system. His amendment provided that $100,000 be expended in experimental rural free mail delivery. That, with other amendments, was ruled out upon a point of order. But during the next session of the Fifty-second Congress, on the 17th day of February, 1893, upon the motion of Mr. Watson, who was then a Democratic Representative from Georgia, that Democratic House voted an appropriation of $10,000 for "experimental free delivery in rural communities other than towns and villages."

The Fifty-third Congress, Mr. Chairman, was Democratic in both branches, and at both sessions of that Congress similar appropriations of $10,000 were made.

The Fifty-fourth Congress was Republican in the House and Democratic in the Senate. The post-office bill as it went from this body omitted the appropriation of $10,000 which had been put on it for three successive years by Democratic Houses. It went to the Senate; and the Democratic Senate saved the system in its infancy from destruction at the hands of a Republican House by putting the appropriation for rural free delivery of mails in the bill and forcing the Republican House to accept this amendment.

Happily, Mr. Chairman, for the welfare of the people, the Democrats were in the majority at the other end of this Capitol, and they prevented the Republican majority of this House from strangling this infant Hercules in its cradle.

Mr. NORRIS. I should like to ask the gentleman whether it is not true that, notwithstanding the appropriation of $10,000 which, as the gentleman states, a Democratic Congress made, the then Postmaster-General, a Democrat, refused to put into operation the experimental routes provided for?

Mr. FLOOD. I will not evade this question as the gentleman from Nebraska evaded the one I asked him the other day, as to whether the House in the Fifty-fourth Congress did not fail to put this item in its appropriation bill. I will answer directly. [Applause on the Democratic side.] They did not do it. For three years, Mr. Chairman, the Democratic executive officers did not put this experiment into operation, for the reason that, as they alleged in every report which the gentleman from Nebraska read on Monday, the appropriation was not large enough to give a thorough, complete, and honest test to the system.

Mr. NORRIS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Nebraska?

Mr. FLOOD. Yes.

Mr. NORRIS. I want to ask the gentleman, if that is true that that was not enough to give a fair and honest test to the system, then what credit can the gentleman claim for that Democratic House for giving a dishonest and niggardly amount? [Applause on the Republican side.]

Mr. FLOOD. The Democratic House kept on for three years making the appropriation, until it was large enough. The Democratic House had one idea as to the amount that was sufficient. The Democratic Post-Office officials, who may have been better informed, had another idea; but the Democratic House stood by this Democratic idea—this idea which was intended to benefit the agricultural masses of the people—until they appropriated money enough to give a fair and complete test to the system, and that test was given under Democratic auspices and resulted in the splendid system we have to-day.

Now, Mr. Chairman, we come on down to the time when, under these appropriations made by Democratic Congresses, the system had been thoroughly tested, had been approved by the people, and its popularity was known throughout the length and breadth of the land. We come to the Fifty-seventh Congress, when no party would have dared openly to fight the system.

Mr. WILLIAMS of Mississippi. Will the gentleman excuse me? Before the gentleman passes that I should like to call his attention to the fact that while William L. Wilson, of West Virginia, was Postmaster-General the experiments were tried, and the system was put in operation as fully as could be done with the money at the disposal of the Department.

Mr. FLOOD. I am coming to that.

Mr. NORRIS. That was in the fiscal year 1896-97.

Mr. FLOOD. In the Fifty-seventh Congress the Republican Committee on the Post-Office and Post-Roads undertook to deal a covert blow to this system, which would have utterly destroyed it. They brought in a bill here providing that these carriers should be selected, as star-route carriers are selected, from the lowest bidders. The gentleman from Virginia [Mr. SWANSON] made an adverse report on that proposition, and when the matter was discussed here the Republican House saw that they could not fool the people and Mr. SWANSON'S ideas prevailed. And as in its infancy it had been rescued from the evil purposes of a Republican House by a Democratic Senate, so in its strength it was a Democratic statesman who prevented it from being seriously crippled, if not destroyed, by another Republican House.

I desire to read a portion of the report made by Mr. SWANSON upon that occasion:

RURAL FREE-DELIVERY SERVICE.

The undersigned, members of the Committee on the Post-Office and Post-Roads, desire to dissent from the conclusions of the majority in regard to that portion of House bill 11728 which requires that the delivery and collection of mails and the performance of other postal duties on rural-delivery routes shall be let by contract to the lowest bidder.

In our judgment the adoption of that provision would change the whole character of the rural free-delivery service and deprive it of the elements which now render it most acceptable to the people and which have made it exceptionally successful even during its experimental stages.

We are satisfied that if the rural free-delivery service is continued on present lines it will greatly aid and facilitate the development of rural districts, make farm life more comfortable, increase the value of farm lands, and tend to prevent the further congestion of population in the large cities, which has become a peril to our institutions.

Being warmly in favor of the continuance and extension of rural free delivery, we can not agree to so radical a change, a change which we are satisfied would result in much injury to the service, if not in its practical destruction. The present system has been conceded to be a great success. This is shown by the phenomenal and constantly increasing demand for its continuance and extension. It therefore seems to us unwise in Congress to attempt so radical a departure, one which at best must be experimental and which might result disastrously. Those who are in favor of an efficient rural delivery should hesitate before venturing to take the step this bill proposes.

It should be noted that if the present status of the service is continued the Department will not be barred from offering the routes to those who will bid the lowest. We are satisfied that the Department will be willing to make experiments in different sections of the country to ascertain whether this contract system has in it the merits claimed for it by its advocates. We think it much wiser for Congress to wait until an experiment of the contract system has been made and practical results attained before making the system peremptory upon the Department. If this provision becomes a law, the Department will be compelled to follow the contract system even though it should find it to be very injurious to the rural-delivery service. All the reports of the Government officials show that the present rural-delivery system has attained marked success, and we see no reason at this time for so radical a reversal of policy as this bill calls for.

A carrier in the rural free-delivery system has to render service the success of which is dependent entirely upon his personal fitness. Under the present system a carrier is practically a traveling postmaster. He collects mail, he distributes mail, he registers letters, he sells stamps, he accepts money for the purchase of money orders. It therefore seems clear to us that there is as much reason for awarding post-offices to lowest bidders as there is for awarding the position of rural carrier, who is a traveling postmaster, to the lowest bidder.

The policy the Government has always pursued in the selection of employees requiring special personal fitness is to fix a specific salary and then try to get the best person for that salary. We can see no reason why there should be a departure in this respect in the selection of rural carriers. We do not see why rural carriers should be discriminated against—why a different ruling should be applied to them from that applied to all other employees in other branches of the postal service.

We are unable to understand the justice of subjecting this service to competitive bidding and not doing likewise to other branches of the postal service, where personal fitness is no more a requirement than it is in the rural service. We are unable to understand the justice of putting rural carriers, who perform more duties than city carriers, under the contract system and allowing the city carriers to continue under a salary. It would surely be far more sensible to arrange a contract scheme for the hundreds of letter carriers who simply act as collectors of the mail in the large cities and who perform no clerical work whatever. We are unwilling that the rural employee should be singled out for the contract system and that a discrimination should be made against the service which affects the residents of rural communities who contribute their share of the taxes and bear their portion of the burdens of the Government.

The reason urged for the difference of treatment to be given the city and the rural service is not tenable. It is claimed that a city carrier performs eight hours' work and hence it is possible to fix a specific compensation. It is urged that this is impossible in the rural-delivery service. We insist that it is perfectly practicable to establish routes requiring about eight hours' service of the rural carrier, and that his compensation can be fixed on short routes in proportion to the time it takes him to complete his work. Wherever it is found that it takes less than eight hours a day to do his work his route can be extended. After the system has been perfected there will be no difficulty in fixing upon practically a time basis, if desired, for the compensation of the carrier in the rural service. Then, too, it might be found advisable to fix compensation on a mileage basis. We think it wise, however, to leave the Department with full discretion in the handling of this question; we have full confidence in its ability to satisfactorily solve all problems that may arise. Under the present system the Department has this discretion; it is now exercising it, and we are satisfied that if the radical change proposed is not forced upon the Department, the further development of the present system to a higher degree of perfection will be certain. It should be remembered that this system is still being developed, and it would be the

height of folly to hamper it, to stifle it with an untried scheme, which would tie the hands of the Department.

The contract system would attract persons least fitted to perform the duties of carrier—those who could afford to carry the mail for the least money. Persons of intelligence, energy, and good address, having finer business opportunities offered them, could not afford to work for as small a sum as those who are deficient in these qualifications so necessary for a successful carrier. It has been fully demonstrated in the star-route service that under competitive bidding the efficiency of the mail service has been injured by the character of those to whom the contracts were awarded. So general has been this complaint that the Department has been forced to make modifications in the manner of awarding contracts in the star-route service. The success of the star-route system with these changes is still equivocal. We are unwilling to change the present rural free-delivery service, which has been acceptable, and apply to it the star-route system, against which there has been so much complaint and dissatisfaction.

Besides, under the proposed contract system the contractor would feel under no obligations to perform any service except that which his contract plainly called for. A responsible contractor submitting a low bid would naturally and properly try to make all the money he could out of his contract. The cheapest cart, the poorest horse, the least service, the shortest cuts, would be his constant aim. A desire or effort to improve the service, to accommodate the people, to increase the business of the route would be the furthest from his thoughts. He would not encourage the use of the registry or money-order systems, because the registering of letters on route and the giving of receipts for money for the purchase of money orders would add to his time and would not be in keeping with the average contractor's motto: "The least possible service for the compensation received." On the other hand, a salaried carrier, feeling that he was an employee of the Government, anxious to retain his position, would be accommodating and endeavor to render all the service possible to his patrons. This difference of feeling and difference of interest between a contractor and a salaried carrier would make a vast difference in the success of the service.

Again, under the contract system, it would be difficult to get changes in established routes; every time a route was changed, increased or curtailed for the accommodation of the patrons or in the interest of good service, it would be necessary, under this bill, to relet the contract. The friends of the contractor, fearing that he would not be the lowest bidder under the reletting, would antagonize any change in the route for the accommodation of the people, or in the adjustment of established routes when new service would be added. Hence much difficulty would be encountered, and the systematic development and ultimate perfection of the service would be retarded. Under the present system extensions and changes are easily made and patrons are correspondingly accommodated. We are unwilling to put this serious obstacle in the way of accomplishing the development and perfection of this service.

The bill also leaves to the discretion of the Department the determining of the trustworthiness and character of the bidders. Whenever an unacceptable carrier would be the lowest bidder complaint would be lodged with the Department and interminable conflicts and scandals ensue. Every community would have dissensions over the worthiness or unworthiness of the various bidders, which they would seek to ventilate before the Department and insist upon the Department passing upon them. Every Representative in Congress would be besieged to take a hand one way or the other in these conflicts. The only escape the Department would have from such a deplorable system would be to strictly adhere to awarding a contract to the lowest bidder. It is easily seen that if this course should be pursued a very unacceptable and inefficient class of employees would be secured.

The bill also gives the Postmaster-General the power to reject any or all bids. This provision would be a standing inducement to political partisans in all sections of the country to bring all the pressure possible to bear on their Representatives in Congress to have the Department reject bids where their political friends had been unsuccessful, and if the power given in this provision should be exercised the service would become what it should not be—a political and partisan service.

The bill provides for no specified length of time for which a contract shall be awarded, and hence a contractor could not be given any assurance of permanent service or of a reasonable duration of contract. Under such circumstances no contractor would be willing to incur the expense of properly equipping himself for service which he might lose on short notice. A law or rule permitting a contractor to throw up the service on thirty days' notice to the Government would simply invite people to bid for the service who were temporarily out of employment and who would be willing to perform the service as a makeshift until they could secure other employment. In the winter months, during inclement weather, when the roads are bad and the work of delivering the mail is very disagreeable, there would be many abandonments of contract, and new contractors could not be secured except at exorbitant prices. This, too, would be at a time when the people are most interested in having the mails brought to their homes.

All through the early legislative history of this proposition the Democratic party has been its friend and the Republican party its enemy. Of course, Mr. Chairman, there were some Republicans who favored it. The distinguished gentleman from Iowa, Mr. Henderson, afterwards the Speaker of this House, was one of the conspicuous advocates of it, but the general trend of Republican sentiment was against it, and strongly against it.

Mr. NORRIS. Will the gentleman permit another question?

Mr. FLOOD. Yes.

Mr. NORRIS. I want to ask the gentleman if $10,000 was not enough for an experiment; if it is not a fact that the first Congress that ever appropriated more than $10,000 at one time for this service was a Republican Congress?

Mr. FLOOD. Why, when they did that, Mr. Chairman, William L. Wilson had demonstrated the efficiency, usefulness, and popularity of the system, and the Republicans, getting on the band wagon, would have appropriated any amount for this popular expansion. [Applause on the Democratic side.]

Mr. NORRIS. I want to call the gentleman's attention to the fact that when Mr. Wilson made the test we had a Republican Congress, and $40,000 was at the disposal of the Postmaster-General.

Mr. FLOOD. How did you get it? Ten thousand dollars was appropriated by the Democratic Congress in the Fifty-second Congress, $20,000 in the Fifty-third Congress——

Mr. NORRIS. I beg your pardon.

Mr. FLOOD. And $10,000 was forced from a Republican House by a Democratic Senate in the Fifty-fourth Congress. [Applause on the Democratic side.]

Mr. NORRIS. That was made available for that year, making $40,000.

Mr. FLOOD. It may have been made available, but I have stated distinctly——

Mr. NORRIS. And it was made available by a Republican Congress.

Mr. FLOOD. That Congress was not Republican; only the House was Republican, and I have stated distinctly and correctly how and when these appropriations were made, and that but for the Democratic Senate the Republican House would never have made it available.

Now we come to the action of the executive branch of the Government upon this question under the Democratic Administration, the time when there was $40,000 in hand, a sum sufficient to give a fair test to the system, and when it was first inaugurated.

Mr. NORRIS. I want to ask the gentleman another question.

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Nebraska?

Mr. FLOOD. No; not right now.

The CHAIRMAN. The gentleman declines to yield.

Mr. FLOOD. In October, 1896, Postmaster-General William L. Wilson put his force of agents in the field to test this system thoroughly, honestly, and fairly.

I learn from a letter read here from Postmaster-General Payne that Mr. Wilson had had eighty-four routes investigated and ordered in between that time and the close of the Cleveland Administration. Now, Mr. Chairman, such a thorough test of it——

Mr. NORRIS. I do not believe the gentleman wants to mislead.

Mr. FLOOD. No, I do not.

Mr. NORRIS. That letter did not say prior to the going out of the Democratic Administration.

Mr. FLOOD. He ordered eighty-four routes in. They had been investigated, and he ordered them in. As his term expired on March 3, 1897, of course it was prior to that day they were ordered in. I know that from the letter of the present Postmaster-General, who belongs to the gentleman's own party, which was read here by the gentleman from North Carolina [Mr. THOMAS] during his speech on Monday.

Now, Mr. Chairman, these routes were scattered all over this country, located at places that differed in population, in topography of the country, in classes of interest, and in the character of the highways, and so carefully was that test made, so thoroughly efficient was it, that the putting in of these eighty-four routes absolutely demonstrated the efficiency, the usefulness, and the popularity of the service.

With such a start there was no question as to the success of the movement, and it is clear that the Democratic party successfully introduced the system of free rural mail delivery before the inauguration of Mr. McKinley.

Let me sum up the facts:

First, Mr. Breckinridge, a Democrat, suggested the system.

Second, Mr. Clark, a Democrat, offered the first bill providing for its introduction.

Third, a Democratic Committee on the Post-Office and Post-Roads reported the first bill providing for its inauguration.

Fourth, Mr. LIVINGSTON, a Democrat, offered the first amendment to the post-office supply bill directing that the system be tested.

Fifth, Democratic Congresses made the first appropriation for this purpose, and

Sixth, a Democratic Administration inaugurated the system.

With such explicit evidence on the subject accessible to them, it seems inexcusable that Republican speakers should attempt to appropriate for their party the credit of this system.

But the most reprehensible aspect of Republican speakers on this question is the charge that Postmaster-General W. L. Wilson, in reluctantly yielding to the demand of the country for the establishment of this service, deliberately located the routes at places where the service could not possibly prove satisfactory or of such a promising nature as to warrant a continuance of the experiment. In other words, that there was a deliberate and dishonest purpose on the part of Mr. Wilson and his Post-Office officials to use the money at his command—now swelled to $40,000—in a manner to defeat the system by not giving it the fair test desired by the people and intended by Congress.

Could political partisan effrontery go further? Did the eagerness for manufacturing political and campaign capital ever witness a more reckless indifference to the truth of history? Does anyone believe that William L. Wilson was capable of such deceit and dishonesty in the discharge of a public trust? Assuredly not. His most conspicuous and notable traits of character were the very opposite of this. Of all men he was open, frank, straightforward, and sincere in his expressions and methods. No

devious or dishonest sentiment ever found an abode in his bosom. There could be no more flagrant instance of the extremity to which the rage of partisan triumph will carry its votaries than this most unfounded and brutal attack upon the character of a pure and upright man.

And if the facts involved in this discussion had been investigated before such statements were made, these unfounded assertions would not encumber the record.

Nearly all of the routes established by Postmaster-General Wilson are still in successful operation. The showing made by these routes is splendid, especially when you consider the fact that it was the very first experiment with the system in this country.

The wisdom and circumspection of the Democratic Administration in the selection of the best localities and routes is shown by responses to letters of inquiry sent out by Mr. Perry S. Heath in October, 1898, to the patrons of forty-four of the routes established by Mr. Wilson. This was two years after the tests had been started. In nearly every instance the answer was most favorable, commending the system, and thus demonstrating its popularity among the people. One of the notable exceptions, if indeed it was not the only one, was from Allensville, Todd County, Ky., and the principal complaint came from the postmaster at that point, whose objection was that the rural carriers were Democrats and not Republicans.

In nothing does the Federal Government come so immediately and so beneficially in contact with the individual citizen as in the postal service.

The cities and towns have long enjoyed the great boon of the free-delivery mail service; and now by means of rural free delivery the people of the country districts are being given a participation in it. Their letters, papers, and packages are delivered to them at their very doors, and at their very doors the carriers take their letters and packages and send them on their various destinations. The dwellers in remote sections thus have daily communication with the busy, bustling world. They feel, as it were, the very pulse of the business, political, and social events that are occurring in every portion of the civilized globe.

There was in the very nature of things a logical propriety that the system should originate with the Democratic party, since it is so distinctly a Democratic idea, operating peculiarly for the benefit of the people.

It is a great blessing to the farmers, especially in busy season. It brings the living, vibrating, tumultuous world to their very doors.

It has been truly said that an intelligent man in the most remote rural region, who takes magazines and papers and who has books of travel, with maps of illustration, may sit by his country fireside and travel around the world. The rural delivery of mail enables the inhabitants of these isolated sections of the country to take advantage of the method of education; it enables them to enter into the deliberations and doings of their National Congress and the State legislatures and to acquaint themselves with what is going on in the outside world.

The beneficent results of this Democratic idea are destined in the near future to be extended to our entire agricultural population.

And, Mr. Chairman, let me add that the time is not far distant when other Democratic ideas and doctrines as beneficent as this one, as broad in their application to the whole people, will sweep this country and will permanently hold it in their righteous embrace. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. I now yield to the gentleman from Minnesota [Mr. MCCLEARY.]

[Mr. MCCLEARY of Minnesota addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MCCLEARY of Minnesota. Now, Mr. Chairman, I yield my time back to the gentleman from Indiana.

Mr. OVERSTREET. Mr. Chairman, I yield fifteen minutes to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, in the time in which I shall occupy the attention of this committee I desire to address myself to two features contained in the Post-Office Committee's report. I say this with a full appreciation of the conscientious effort which has been made in the preparation of this report and the able manner in which it has been presented by the chairman before this body. One is the rural free-delivery service. It may indeed seem, after the able addresses which have been delivered, to be a matter of supererogation to spend further time upon the matter. My justification is the intense interest which is taken in the subject throughout the country. I do not propose to spend much time in demonstrating what has not been controverted so far upon the floor, that a salary even of $720 a year under the provisions of this bill is not an adequate compensation for the rural free-delivery carriers.

It has been shown, as was stated by the gentleman from Indiana a short time since, that every carrier, almost without exception, must keep at least two horses, and almost anyone in this body—everyone in this body—has sufficient knowledge of the expense of keeping two horses to be able to easily show, when you figure up the actual outlay which the carrier must make, that it leaves him only a portion of that sum, possibly about $400, and I think this a liberal estimate, with which to pay the expenses of his own support, an inadequate compensation by general consent of everyone conversant with the subject. Let me digress a moment to more fully explain.

I figure the expenses of the rural carrier's outfit as follows:

Support of his horses, $2 a week, or $4 for the two, amounting to $208 a year. This leaves, on the salary reported, $512. Shoeing I place at $40 a year; repairs of harnesses and wagons, at $30. Thus, without including incidental expenses, you have reduced that salary to $442.

But horses are liable to diseases or meet with accident or are worn out with usage, so that in a few years they must be replaced. One-third of that salary for one horse suitable for the service is then gone.

On the average in a term of years the compensation of the rural carrier is ridiculous, unless provision is made for earning a substantial sum in connection with his regular employment. This of course should not be permitted to interfere with his postal work, and is based upon the assumption that at present the expenses of maintaining this service is disproportionate to the revenue. It is to avoid a large deficit in the postal receipts created by this service.

It has been the custom in post-office administration to extend and perfect the postal service when receipts begin to equal the revenues. Postage has been reduced, pneumatic service installed, the money-order system extended, and in a thousand ways improvements made, resulting at first in a large deficit, but so stimulating the postal business that after a time the same process is repeated.

We can confidently assert that, great as the cost may be in the establishment of rural free delivery throughout the country, and great as the deficit may now be, a few years only will elapse before we shall witness such a growth in revenue that history will repeat itself and the Department substantially be paying its way again.

I am not advocating extravagant appropriations, but stating an historical fact in connection with this subject. It is a safe rule to follow to pay as you go. The justification of the present rule is claimed to be the inestimable educational influence created by postal facilities, the increase in receipts that follow, and the commercial and business advantages secured.

When rural free delivery was first introduced few anticipated so speedily its unprecedented growth.

The routes were first established about 1890, and down as late as 1897 there were only 44 routes in operation. In 1899 the service had grown to but 392. In 1900 they began with marvelous rapidity to spread over the country. Why such a demand and so unexpected a growth from that time on seemed almost inexplicable.

In 1902 there were 8,466 routes in operation. During the fiscal year ending June 30, 1903, 6,653 were established, making a total of 15,119 on that date.

In 1897 $40,000 was appropriated for this service, while for 1903 the appropriation was $8,054,400.

Six thousand six hundred and fifty-three routes were established during the current year.

July 1, 1902, 11,726 petitions were pending, while on June 30, 1903, 11,700 petitions were on file awaiting action.

The present bill recommends for the pay of letter carriers and clerks in charge of substations of the rural free-delivery service $20,180,000.

The limited territory and dense population of my own State—Massachusetts—accounts in great part for the slow growth of this service there, the number of routes at the close of the fiscal year being 129. I know, however, that it is one of the most popular and best appreciated branches of the service.

During the year these routes showed the following business transactions: Registered letters, 2,032; letters, 866,266; postal cards, 195,748; newspapers, 1,216,899; circulars, 304,077; packages, 61,558, or a total of 2,647,250 pieces handled during the year.

Now, the committee have formulated a bill in which it is provided that a salary not exceeding $720 shall be given to a rural

free-delivery carrier, but that he shall be debarred from engaging in any other avocation.

That is the rule, except there is added a proviso to which I de ire to call attention. That proviso says "That said carriers may carry merchandise for hire upon the request of patrons residing upon their respective routes." The first question which arises is, what is meant by merchandise? It can not include circulars or local papers or many things that will suggest themselves to your mind. That is a matter of interpretation as to what merchandise means. Then it says "upon the request of patrons residing upon their respective routes." That cuts the carrier out from conveying or transporting merchandise to anyone else. "Upon request of patrons." Does that mean a request made in each individual case? Does it mean a written or an oral request? Can that request be made for the entire year and for everything comprehended in this proviso? Then it goes on to say "whenever the same shall not interfere with the proper discharge of their official duty."

In other words, the Depar[t]ment is the arbiter as to what shall be carried, how long it shall be carried, and the nature of the article which the rural free-delivery carrier can carry under this proviso. There is no appeal from the decision of the Department on this question, because the last line is "under such regulations as the Postmaster-General may prescribe."

Now, I want to suppose a few cases and see where this may lead us. What shall be the weight of the merchandise which they are permitted to carry and transport for hire? Shall it weigh a half a pound, 2 pounds, or 3 pounds? What shall be the nature of it? It is indeterminate in this bill. How many packages will they be allowed to deliver, and under what terms and conditions? All is under the regulations of the Postmaster-General; and I claim that under the provisions of this bill they can practically exclude the rural free-delivery carrier from carrying anything because it says "in the proper discharge of their official duty," and it may be that these regulations will be such that they might not, in the judgment of the Post-Office Department, be able to transport any merchandise in the proper performance of the duties that are assigned them.

We can infer something as to what the rules and regulations will be under this provision if we know the attitude of the Department relative to this matter. That can be ascertained by referring to the report of the Fourth Assistant Postmaster-General, as contained in the annual report of the Post-Office Department on page 623. There it says most emphatically that so far as soliciting for subscriptions for periodicals and newspapers is concerned the Department is irrevocably opposed to that because it leads to complaints from other newspapers covering the same territory, alleging that the carriers discriminate in favor of one paper against another.

Mr. HILL of Connecticut. Mr. Chairman, will the gentleman yield for a question?

Mr. TIRRELL. I will; but my time is getting very short.

Mr. HILL of Connecticut. Does the gentleman himself favor the allowing of carriers to solicit subscriptions for papers and flood the district they are serving with papers of their own choice? Does the gentleman believe in it?

Mr. TIRRELL. I do; I believe in it.

Mr. HILL of Connecticut. Now, the gentleman has no doubt given serious consideration to the matter, and I take it that in his district, as in mine, there are carriers of all political beliefs. Does the gentleman wish to have the rural free-delivery carrier in his district circulate Democratic papers to the exclusion of Republican papers?

Mr. TIRRELL. I will come to that in a moment.

Mr. HILL of Connecticut. Because if there is objection to a Democratic paper in your district, there is objection to a Republican paper in the district of my friends on the other side. It is neither fair nor right.

Mr. TIRRELL. I will come to that in a moment. I desire to call the attention of Members to the attitude of the Department in regard to the express business. The Fourth Assistant Postmaster-General says in his report complaint is being made by express companies that there is an interference with their business; that in many cases the delivery of mail is a secondary matter to the express-package business, being regarded by the carrier as the more important part of his work; that if the carrier is to be allowed to still continue and engage in the business the star-route system which was condemned by the Fifty-seventh Congress should be restored. And then they wind up their conclusion, which demonstrates the attitude of the Post-Office Department, by saying:

> It is therefore recommended that rural carriers be restricted in the discharge of their official duty the same as city carriers, as prescribed by the Department, and to provide a compensation commensurate with the services performed the maximum salary should be raised to $750 per annum for a route of 25 miles.

Now, I want to ask the gentleman from Connecticut, in view of the attitude of the Department, if he does not believe that under the provisions of this proviso, through which, as General Butler used to say, you could drive a two-ox team, that the discretion and unlimited power given to the Department, if this bill passes without change, would absolutely prohibit the carriers from carrying any merchandise whatever?

Mr. HILL of Connecticut. I do not think so; I think the gentleman is absolutely mistaken.

Mr. TIRRELL. Now, let me ask the gentleman if he does not believe in the discretion and the information of the people at large? As to the local papers which these carriers alone solicit for the people upon their route, does not the gentleman think that the people know what they want? Are they so ignorant in the gentleman's district, or the section which he represents, that his people do not know what is contained in the local papers and what it is they themselves want?

And do you believe that any Democratic carrier or any Republican carrier is going to find anyone upon his route so stupid, so ignorant of the affairs of the country that he does not know the character of the paper which the rural free-delivery carrier is soliciting?

Mr. HILL of Connecticut rose.

Mr. TIRRELL. Oh, I can not give the gentleman any more time. I wish I had an hour in which to debate the question. I say that inasmuch as the dissemination of information by the greatest circulation of periodicals and newspapers is educational and must better the citizenship and bind together more indissolubly the people of the country, that I disagree entirely with the gentleman from Connecticut [Mr. HILL]; and I believe that rural free-delivery carriers are doing a grand educational work in the spread of literature as they are spreading it now so rapidly all over the rural districts of the country.

As for the soliciting of subscriptions for periodicals, who can reasonably object to that? Is it not a benefit in a literary way? Does it not add greatly to the contentment and happiness of the home away from the social center?

The great periodicals of the country have been created by solicitation. Every imaginable scheme has been resorted to to add to their circulation. Millions have been spent in advertising. Prizes are temptingly offered to canvassers. All kinds of combination offers are held out to catch the unwary. No one complains. We applaud their enterprise. We know that the more they can circulate their publication the more information they are imparting among the people.

Nor need we mourn over any slothfulness of express companies who, in the keen competition of the day, watch eagerly for business openings and crush competition with a ruthless hand.

It looks to me like pretty small business when they are unable to take care of this part of the business themselves, that they should endeavor to prevent the rural carrier who can, or should deny the competition which they invoke to an equally worthy class of men.

I want now, Mr. Chairman, to address myself for a moment to the matter of this express-package business, and to see what there is in that. Do not we all know, can we be so ignorant of the fact that the express companies limit the delivery of their packages to the cities or towns where the population is segregated, and do not go but a very short distance beyond the main office? That is so throughout the Commonwealth of Massachusetts and I suppose it is also so throughout the country. If there is a package to be delivered beyond those limits, then word is sent through the mail or otherwise to the person to whom that package is delivered, and that person comes to the office, pays the charges, and gets the property.

Therefore, Mr. Chairman, the system under which this business is now carried on by the rural carriers of the country is the delivery of packages beyond the limits of the express company's offices. They are for rural routes beginning, for instance, some distance from where the post-office is located, which is usually in the most thickly settled part of the town. In other words, you are giving millions of people in this country the benefit of the delivery of packages by express companies beyond the limit of the village or city which those companies cover. You are extending a beneficent system all over the land under the operation of the law as it now exists.

Now, I want to ask another question, and that is this: Can you find in this report, or has it been asserted here upon the floor of this House by any Member thereof that he knows a single instance in this country where the people for whom this law was enacted have complained of the existing order of things? Complaint is made, it is true, by the Department in this report, but how is it with the people? Have we not all been stormed by telegrams and letters from those interested—the patrons of these routes—and is anyone able to produce a single telegram or letter where the people who are benefited desire to have this privilege taken from them?

Therefore, I say, Mr. Chairman, because these things are wanted

by the people, because it accommodates them in the transaction of their business, because it brings home to them great educational influence throughout the country, because it makes the resident of the country for all purposes except social a resident of the village or the city itself, I am in favor of the retention of the present system unless you can incorporate into the law a provision to pay a salary which shall be adequate for the rural free-delivery carriers, and as long as it is admitted here that such a salary is not provided for at $720 a year, then I say that under the system originally inaugurated and still recognized by this bill not to require the exclusive service of the rural carrier, while some relief is afforded, it is insufficient, and it will neither afford relief to him nor prevent the demoralization of the service by resignations during the current year. Some conception can be formed of what that will be when the facts appear.

Two thousand eight hundred and seventy-nine rural carriers resigned last year—19 per cent of the whole number; or, taking the total at the beginning of the year, 8,466, and the number enrolled at the end, 15,119, and averaging the same, 25 per cent of the whole.

The present arrangement, enabling the carrier, where it does not interfere with his governmental duties, to engage in business, was a tentative proposition, more or less experimental, designed to tide over the method of distributing the mail until the system was fully established and the expense of its maintenance known. Until a living wage is paid it must be continued to retain the carrier, as he can not live properly on $400 a year.

Reasonable compensation, with exclusive service for the rural carrier, can not be reckoned at less than $900 a year.

All the provisions in this bill restricting the rural carrier, in my judgment, should be eliminated and the regulations remain as now, with the salary fixed at $720 a year.

The second feature of the bill to which I call attention is the omission to provide compensation for seven assistant superintendents, salary and allowance division.

Noticing this omission, I went to headquarters to ascertain the cause. I assumed that it was on the recommendation of the Post-Office Department. I found that the object was to remove this division from the First to the Fourth Assistant Postmaster-General's office, thereby consolidating with the fourth-class offices under his control the rentals, leases, clerks' hire, and other functions connected with Presidential offices.

The omission to provide compensation for these superintendents removes them from office and delegates their work to post-office inspectors, as was the case until some three years ago, when, at the request of the Post-Office officials, on account of the dissatisfaction and inconvenience attending the work by inspectors, the change was made.

I asked who would do the work hereafter. The answer was: "Inspectors—possibly some might be detailed to give their entire time to it."

I notice in the bill that five new inspectors are provided for, presumably to have a sufficient number to perform the work.

If inspectors are to be permanently detailed, why make any change at all? What will you have then but superintendents, to all intents and purposes? Is anything gained by abolishing one board to provide another modeled on the same lines? Will you advocate superseding the experts and able officials with experiments? If it is proper to have inspectors, and they do their work as formerly, the answer is: "They have been tried and discarded."

What does an ordinary inspector know about rental values? Inspectors are sent from one section of the country to another and are ignorant of local conditions. We have been suffering in eastern Massachusetts from an inundation of some of them from abroad. With honest intentions, no doubt, but ignorant of our localities and conditions, they have, along with much good work, caused infinite trouble in the correction of their errors. How much worse will it be when it comes to the application of their judgment to matters almost all of which require previous study, knowledge, and practical education?

What would an inspector from West Virginia or Kentucky or any other distant State know about real-estate values in the suburbs of Boston, on which side of the street the land value was greatest, and why or how to figure the rental value of post-offices already located or to be placed in a new building to be constructed, or on what basis to reckon, without a knowledge of construction, or how an office should be constructed from plans, the amount of space for clerical work and for patrons, the ingress or egress, and arrangements of the office itself, or what should be allowed for clerk hire, and how much help would be needed according to the business done and the office occupied?

No one but an expert is fitted for such duties. None but one who has, either as agent or owner, handled or appraised property or by employment made a specialty of this business, is fitted to do this work. Any other agent—call him inspector or what you will—can make leases and contracts but with men who can twist him around their fingers with the technical knowledge of the matter, and the Government thereby suffers.

Do you suppose an ordinary inspector, perhaps never a land-owner himself, or without experience, could properly perform the work that requires special preparation?

There are gentlemen here, appraisers of savings banks and experts in this line, who know better.

I know something of the valuable services some of these superintendents have rendered. They have been untiring in their zeal to protect the Government from imposition. They have acquired a detailed knowledge requisite to perform their duties. By study, by observation, by inquiry, by the intuitive perception which absorption in any business gives, they have become experts for the Government, which no imposition can deceive and no specious pleading can lead astray.

This change I have heard no call for. I believe that the Fourth Assistant Postmaster-General should not have, in addition to the 70,000 fourth-class offices now in his control, this burden added, swelling the number of officials in his division in the postal service of the country to over 100,000 persons. It will so increase the multifariousness of work as to lead to the same complaints as caused originally the appointment of these men. It will result, I prophesy, in great losses to the Government and to some extent cripple the service, which on the whole is the admiration of the world.

Mr. OVERSTREET. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Chairman, I desire to address myself briefly to the same proposition that has been discussed by the gentleman from Massachusetts [Mr. TIRRELL]. It seems to me that it is a phase of this bill which requires the serious consideration of every Member of this House. This bill proposes to increase the expenses of the Government by way of increasing the salary of the rural carriers to the extent of $120 per year. In very many instances it adds no benefit to the carrier himself. There are a great many cases, I am sure, where the carrier will be deprived by other provisions in this bill of more compensation than he receives by way of the increase provided for in the bill.

It has been said that there are now more than 18,000 rural carriers, and an increase of $120 per year increases the cost to the Government more than $2,000,000 in the operation of the free rural-delivery system; and in every instance where this provision in the bill takes from the carrier more than it gives him, it increases the cost to the Government that much, without giving any benefit—not one cent's worth—to the carrier or anybody else. But if in all cases the carrier can make it up to himself by having extended to him the privilege of delivering daily and weekly newspapers to the patrons along his route, to the amount of $120 per year, then these provisions in this bill simply extend and add to the cost of free rural delivery $2,000,000, without giving any benefit to anybody at all.

I object to it as a business proposition. I say there is no reason why the Government should incur this additional expense, and at the same time take away a few innocent harmless privileges which these carriers might have, by which they could increase their salaries to the extent of $100 or $120 per year and impose no additional expense at all on the Government.

I am not objecting to this increase of salary; I am in favor of it. I understand, and I think we all understand, that at a salary of $720 per year the rural carrier is more poorly paid than any other class of American labor in this great land. The railroad companies pay more to their men; mercantile firms pay more to their salesmen and their clerks; very few of the positions here in the Departments at Washington pay less than $60 per month; the mechanic makes from $2 to $4 per pay, and none of these people have a cent invested in the enterprises to which they contribute their labor. None of them are bound to maintain the cost of a team and a wagon and an outfit. When the rural carrier has paid the expense of his outfit he has at the end of the year less than any other class of American labor.

These men ought to be paid more; and certainly, when it harms no one, they ought not to be deprived of the privilege of delivering daily and weekly newspapers to patrons on their routes. This bill ought to be so amended as to give them the right to act as agents to take or collect subscriptions, and to deliver newspapers to their patrons directly from the printing office or from the express office or from the freight office—wherever the publisher may see fit to deliver them for local circulation. If the carriers were allowed this privilege, they could thereby acquire a few of the comforts of life. They could in a small measure increase their salaries. This would be a benefit to the rural carrier, a benefit to the farmers on the various routes, a benefit to the newspapers that might be represented by the carrier as their agent. It would be a benefit to all three of these classes of citizens; and

I beg any gentleman to say where it would do any harm—where, from the highest functionary of the Government down to the humblest citizen, any person would be wronged by giving the carrier this privilege of handling newspapers as the agent of the publishers.

It has been said that if this privilege should be granted it might deprive the Government of the revenue which it might otherwise obtain by having the publishers of newspapers send their papers through the post-office. I say, sir, that this Government ought not to undertake to compel the publishers of newspapers or any other class of citizens to patronize the postal system if they can transport their papers more cheaply through some other medium. On the other hand, Mr. Chairman, there are many instances where it is impossible for the daily newspapers to reach their destination through the mails for delivery on the day of publication. If they can be sent by express or by freight to the depot of the town from which the rural carrier starts, he can receive those papers direct and deliver them to the farmers on his route the same day. Inasmuch as this privilege will give benefit to all these three classes—the carrier, the farmer, and the newspaper publisher—and can do no harm to anyone anywhere at any time, I believe the bill ought to be amended so as to extend this privilege to the carrier. [Loud applause.]

[Here the hammer fell.]

Mr. OVERSTREET. Mr. Chairman, the time for general debate on this side is, I believe, exhausted. The gentleman from Tennessee [Mr. MOON] will now dispose of the remainder.

The CHAIRMAN. The gentleman from Tennessee has twenty-seven minutes.

Mr. MOON of Tennessee. I yield one minute to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I ask unanimous consent to extend my remarks in the RECORD, and also to insert certain tables and documents.

There being no objection, leave was granted.

Mr. MOON of Tennessee. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, on yesterday the Supreme Court of the United States decided the Northern Securities case. Immediately afterwards the Attorney-General of the United States was interviewed, and was careful to tell the country that the Government "would not run amuck" against all railroad combinations. Of course the Attorney-General would not have been interviewed unless he had wanted to be interviewed: nor would he have wanted to be interviewed unless he had some object in being interviewed and in sending that particular message to the country. This morning the New York Times comes out with an editorial headed "As to running amuck." This editorial is so felicitous a comment upon the situation, especially that part of it which seems to have called upon the Attorney-General to quiet the apprehensions of trusts and combines for fear they might think that the Government was going into the business of discovering and prosecuting them miscellaneously, without regard to political affiliations or connections with Republican policies, that I desire to have the Clerk read the article from the desk.

The CHAIRMAN. The Clerk will read the newspaper article in the time of the gentleman from Mississippi.

The Clerk read as follows:

[From the New York Times.]

AS TO RUNNING AMUCK.

In his comment upon the Supreme Court decision in the Northern Securities case Attorney-General Knox said: "During the trial and argument the Government paid no heed to defendants' contention that the make-up of substantially all the great American systems of railroads was on trial. The Government's position then was that the question before the court was the validity of the Northern Securities device. Its invalidity is what the court has decided. The Government is claiming no more now in respect to this case than it did before the bar of the court. I say this much, not because it is necessary to give the country assurances that the Government does not mean to run amuck, but because of the historical character of that part of the defendants' case and some utterances that followed the decision of the court below."

And why, pray, does the Government now falter and draw back? The Government intends to enforce the law, does it not? If the President and the Attorney-General keep the obligation of their oaths to enforce the law they must forthwith begin proceedings that in their consequences will be quite indistinguishable from those of the act happily described by the Attorney-General as running amuck. The savage who runs amuck cuts and slashes on every side. That is exactly what the President and the Attorney-General must do. Scores, hundreds, perhaps thousands of corporations in this country are to-day doing business in open and flagrant violation of the law of Congress just applied in all its rigor by the Supreme Court.

The railroad systems controlled by the Rock Island, the Pennsylvania, the New York Central, and the New York, New Haven and Hartford companies are operated under agreements and consolidations which constitute in the several cases a "contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States," in defiance of the antitrust act. The violations of the law in these cases are as unmistakable as was the violation in the case of the Northern Securities Company. Have the people of the States within which these law-breaking railroad systems are operated no rights which the Government is bound to respect? Justice Harlan, in writing the opinion of the court, said that the forbidden restraints upon interstate commerce invade rights "which the public is entitled to have protected."

Are the rights of the people of the Dakotas, of Wyoming, of Montana, Idaho, Oregon, and Washington more sacred than the rights of the people of New York City, for instance, who can not travel north, south, east, or west without paying tribute to a transportation company carrying on its business in violation of the law of 1890? Is it because President Hill is more odious to the Administration than President Mellen that the one is smitten and the other goes scot free? Has the "Government" any special tenderness for Mr. Cassatt or for the Vanderbilts that it winks at their lawlessness while calling Mr. Hill and Mr. Morgan to stern account?

This will not do. Nothing but the most contemptible hypocrisy and cowardice can now restrain the Administration from letting loose all the dogs of war upon the guilty restrainers of trade. President Cleveland and President McKinley, innocent souls, did not know, for they had never measured either their powers or their duties under this law. The excuse of ignorance has been swept away from Mr. Roosevelt's Administration by his own acts, culminating in the authoritative declarations of the Supreme Court. Will his political friends advise him that an assault upon four-fifths of the railroad systems of the country would be a bad beginning for his campaign? They are evil counselors, Mr. President.

Your duty as President is a duty you owe to the public. Your campaign interests are wholly private. Justice Harlan said in his opinion that "the interests of private persons and corporations can not be made paramount to the interests of the general public." And again he declared "that the supremacy of the law is the foundation rock upon which our institutions rest." There is the mandate of the President and of the Attorney-General. They can not disobey, they can not refuse to heed, without running a risk of greater damage to their reputations than they ought to be willing to incur.

Standing by itself the suit against the Northern Securities Company, pressed with so much ardor, will pass for a theatrical campaign trick, a studied and carefully contrived device of the President to win the approval and the votes of the antimonopolists and the enemies of the corporations. That charge will be brought against him by every campaign speaker of the opposition. He can meet it, he can demonstrate his sincerity, he can prove that he has been actuated solely by a sense of public duty only by continuing with unflinching courage and unflagging zeal the work he has so triumphantly begun. Only when he can plant his feet upon the wreck of fifty great railroad corporations will his reputation as an honest, disinterested, and fearless Executive be secure. Does Theodore Roosevelt wish to have it said that he has succumbed to the threats or to the blandishments of Wall street?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the country will wait carefully to see whether this is "a mere theatrical campaign trick" or whether it is the beginning of a general policy of "shackling cunning" now, as we have in the past shackled force, according to a celebrated utterance of the President.

[Here the hammer fell.]

Mr. MOON of Tennessee. I now yield to the gentleman from Illinois [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, I both trust and believe that this very important bill, reaching as it does every nook and corner in the nation, and affecting every person who sends or receives mail, will receive—as I believe it will—the careful consideration that it should. Carrying the enormous appropriation that it does, it is proper that it should be very carefully considered, and that every detail and every appropriation carried by it should receive the most careful and painstaking attention.

While, as I have stated, I consider this bill—taking into consideration the enormous appropriation that it carries—of the utmost consequence, I do not consider it the only very important measure that has received or that is to receive the consideration of this House or that should receive its consideration.

While I know that information as distributed by our immense postal system is one of the bulwarks of our institutions, I think the fact should not be lost sight of that in times past information and the distribution of knowledge were not alone needed for the preservation of our Government, but that physical energy and patriotic valor also were necessary.

When I speak of valor and energy in connection with the past history of this country, I allude to that valor and energy which, supplemented by the boundless patriotism that was possessed by the soldiers of this nation in the war of the rebellion, brought victory to our arms and saved the Union.

I have on more than one occasion this session listened to debate, frequently general in its nature, when the House had under consideration private pension bills. The tendency on these occasions has been to frequently criticise the Committee on Invalid Pensions on account of the large number of bills reported by it, while in a few instances some particular bill has been singled out with the intention of preventing its passage.

These attacks, I am pleased to say, as far as I am advised, have not resulted in any of the bills so attacked being unfavorably reported, the House on every occasion supporting the committee. In my opinion the Committee of this House on Invalid Pensions needs no defense other than the careful reading of its reports. They are uniformly carefully prepared documents, and always indicate in the conclusions reached and the recommendations made a degree of thoroughness not excelled by any other committee of this House.

The reports made by that committee to the House only show a part of its labor, because the claims that are unfavorably acted upon in committee require to be written up and require a part of the time of its members in their consideration, and still they do not appear on the Private Calendar of the House as evidencing the labor of the committee in that direction. This committee has not, to my knowledge, made a favorable report in a single instance when it should not have done so.

It has, in my opinion, in considering some claims, recommended too small an amount, thus showing that the members of it prefer to practice economy to making an excessive recommendation, though possibly moved to do so by sympathy for the old soldier.

I do not criticise this committee for not considering all the bills referred to it, but I commend it for its arduous labor in considering as many as it does.

If the Members of this House really desire all the pension bills they introduce considered, then let them favor increasing the membership of this committee to three times what it now is and direct the Bureau of Pensions to detail two more good men for duty there, and the thousands of bills referred to that committee can then be looked over and the meritorious ones selected and reported to this House. If a court of law was as much behind with its work as is this committee, would, or at least should, reasonable individuals desire its abolition? I think not. On the contrary, I think it would be desirable to so increase it in numbers that cases might be reached without unnecessary delay.

Does consuming the time of this House by reading reports and attacking certain bills mean opposition to granting or increasing pensions by special or private acts *only*, or does it mean opposition to granting pensions *at all*? I will not attempt to answer this question, because I am not prepared to say what the motives of anyone are, and sometimes it is, to say the least, embarrassing to call attention to such actions.

As a northern man and a Member of this House from the State of Illinois, at least one-half of whose quota of troops in the war of the rebellion were Democrats, and as a rugular Democrat and a fairly good party man, I desire to state most unequivocally and emphatically that I am in favor of liberal pensions, both by general and private legislation, for the soldiers of the war of the rebellion. Their valor and their patriotism helped to prevent the dismemberment of this Republic, and I favor liberal aid from a wealthy nation like ours to her defenders, now all old and many of them indigent and helpless.

We can, in my opinion, measure the life of this or any other nation by the patriotism of its people, and I know of no better way to keep that patriotism alive and vigorous than to keep the glorious achievements of our soldiers before the rising generation. If the youth of to-day sees the scarred and feeble soldier of the civil war in want, will it raise in him a desire to serve a country in war which thus neglects its defenders? And will it not tend to prevent the growth of patriotism? Nourish and cherish well that patriotism which makes us strong as a nation.

Treat the old soldiers so well that the young men will be anxious, in time of need, to attempt to do what they have done in the past. [Applause.]

While feeling thus toward the men who fought in the Union Army during the war of the rebellion, I have nothing but similar kindly feelings for the men who wore the gray in that conflict and who were defeated. They were as valiant a set of men as ever gallant soldiers met, and personally, if it were possible and if the fortunes of war permitted it, I would be pleased to treat them differently.

When the naval appropriation bill was before this House for consideration I favored its amendment to the extent that no larger amount should be carried than was carried by the bill for the present fiscal year. Had that been done and some other savings been made, we would have been in shape to have seriously considered at this session of Congress a service-pension bill, especially if we had taken into consideration the fact that the pension appropriation bill for the next fiscal year is many millions of dollars less than was appropriated for the same purpose a few years ago.

The increase in the naval appropriation bill for next year, as compared with the present year, amounting to fourteen or fifteen millions, if added to the difference between what we will pay out for pensions during the next year, as compared with what we paid out for the same purpose a few years ago, would, with judicious economy, give us enough to meet the increase resulting from the passage of a conservative service-pension bill.

Now, inasmuch as that was not done, should the friends of a service-pension bill fold their hands and quit trying? Of course not. There is no reason why we should quit trying. Allow me to say to my Republican friends that in my opinion the time has come to pass a service-pension bill. The old soldiers who made the dismemberment of the Union impossible in the sixties want you to pass such an act this session, and the people join with the old soldiers in demanding it.

While I desire to see an early adjournment of Congress, I am not in so much of a hurry to leave but what I would stay, if necessary, until the Fourth of July to pass a liberal and thoroughly considered service-pension bill.

Action in this direction has already been too long delayed. The boys of the civil war are now all old men. Had they been as slow in the sixties in responding to the call of their country as is Congress now in considering their petitions and giving them aid, the civil war might have had an entirely different termination.

Is the Republican majority in this House going to give Democrats who feel as I do a chance to help pass a measure of this kind? You are in the majority—it is up to you—and if such legislation is not enacted at this session of Congress the people of this country should know, and will know, why it was not done. I know that I voice the sentiments of a very large majority of the people of central Illinois, regardless of politics, when I say that they expect this Congress to pass a service-pension bill.

Will you of the majority allow those of the minority who feel as I do to help you pass it?

In behalf of the soldiers of this country I most earnestly request the Republican leaders of this House to at once submit for consideration a service-pension bill. [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I now yield the remainder of the time, which I believe is about fourteen minutes, to my colleague, the gentleman from Tennessee [Mr. GAINES].

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is recognized for fourteen minutes.

Mr. GAINES of Tennessee. We were informed by the gentleman from Indiana [Mr. CRUMPACKER] in his speech in the House in 1902—March 13—that this mail-subsidy system was begun in 1877, and that this Southern subsidy was begun in 1893, and that gradually it has been entirely abandoned, or almost so. I believe only this Southern subsidy and one other, in Missouri, remains.

The minority report on this subject was prepared by my colleague, Judge MOON.

In this report he says:

> I object to paying these roads this large amount of money to induce them to do that which by law and good morals under the statutory contract they are bound to do—that is, to carry the mail with reasonable expedition. This subsidy was in part paid at one time to the road from Washington to New York, but it is now paid from Washington to New Orleans only, the first-mentioned roads declining to longer accept it, as I am informed. At any rate, there is no provision in the bill for the line between Washington and New York. The old reason given for this subsidy was that it was necessary to control and fix the schedule of a fast mail train from New York in business interests.
>
> This can not be done now, as the train starts from Washington and the Government does not control the New York connections. All of these claims are pure subterfuges to justify if possible the most unjustifiable section, in my opinion, ever openly incorporated in any decent bill. From the best information I can obtain the Kansas City donation is only a contribution to the railroad people for the indirect benefit of Kansas City newspapers. However this may be, it rests on the same pernicious policy that supports the Southern subsidy.

He further says:

> The section of the bill appropriating $142,000 for necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, and $25,000 to Kansas City, Mo., and Newton, Kans., railroads, should be stricken out. * * *
>
> It is bad business policy to give a bonus to one or two roads and not to others doing the same work in the same time in as good or better manner.
>
> These two are the only subsidized roads in the United States, this vicious policy having been abandoned as to all other roads.
>
> These roads receive compensation for carrying the mail under the statutes just as the other roads do, and this compensation is full and adequate as to all roads. The extra amount provided for them in this bill is purely a gift.
>
> These roads do not furnish any facilities that many other roads do not furnish. They have a special train which carries the mail and express and on a part of the line passengers. Other roads do the same thing exactly.

Mr. Chairman, for eight years—since I became a Member of this House—I have opposed these mail subsidies; I oppose this to-day. It is unnecessary. The Post-Office Department does not ask for it. It interferes with making contracts to carry the mail with subsidized railroads. It is construed by the Post-Office Department as an order to spend the money, as Congress, over the protest of the Post-Office Department, will persist in making the appropriation when the Post-Office Department does not call for it. The money being appropriated, the railroads insist that it be paid them, and it is paid them regularly every year.

Mr. Chairman, I insist that we curtail these and other unnecessary expenses and use the money thus saved to raise the salary of the rural carriers as they should be raised, and can extend the rural delivery service into the jungles of the country where it is not now extended. I feel that in attempting to secure the defeat of the subsidy I am doing good service on behalf of the rural carriers and my duty by the Government and the people.

I will review as briefly as I can my recollections of the debates, based on official data.

I believe I can prove that this subsidy is not needed and that, as General Shallenberger, the officer having its use in charge, has said, it militates against the success of the mail contracts that he has to make with the unsubsidized railroads. For example, a railroad train is running 50 miles an hour on that road. One is running on another road over here 49 miles an hour, and we vote to give a subsidy to get that road to run its train 50 miles an hour. Then he goes back to this line here that is running without a subsidy 50 miles an hour and wants to make a contract to carry the mail with it. That railroad says: "Mr. Shallenberger, we are running 50 miles an hour. We want you to give us a subsidy." So that sort of embarrassment permeates his business in letting

these contracts. He has said that he can get a better service or as good a service without the subsidy.

Mr. KLUTTZ. He did not say a better service.

Mr. GAINES of Tennessee. I am going to prove what I say. I am not going to state anything that I do not think is warranted by the evidence heretofore read in this House from post-office officials. Now, he says, or did say in substance, that if you take this subsidy out of the appropriation he will not be bothered when he goes to the unsubsidized railroads and undertakes to make a mail contract with them. So he deprecates this system.

Now, let me turn back to some of these debates and see if I can prove to you that that is true. I have not had the time to go to the report itself from which Members read in former debates. I will read from the CONGRESSIONAL RECORD.

A great deal has been said in the House for the past eight years about this question. There are quite a number of Democrats over here and some Republicans over there who have strenuously opposed it, and all the Democrats from Tennessee have opposed it. I want to say that the Louisville and Nashville Railroad, that gets a part of this subsidy, passes clear through my district in several ways. I believe the subsidy is not needed, and I am opposed to subsidies anyway. I put it upon both grounds, and either one would control me. And in addition to this I am trying to do what I think is right—get more money with which to extend our rural-delivery system.

During one of the debates on this subject in the House there was confusion as to what General Shallenberger's real opinion was on this subject. I went to his office and I said, "General, is this needed?" He said, and I will use one metaphor that he used, he said, "Mr. GAINES, when the tree was young it could not stand alone; we needed it, but we do not need it now. I am getting as good service without the subsidy as I am getting with the subsidy." That was when the bill was under discussion. This was a couple of days, as I recall it, before I made another inquiry of him.

Members were quoting him backward and forward, first one way and then the other, and finally to be sure that General Shallenberger had not changed his mind in the meantime, or that I had not misunderstood him, I walked out of this Hall and went to the telephone in the Speaker's lobby and asked him the question again, and walked back on the floor here to give this House—as I am now trying to do—the correct result of that conversation, as I was able to do.

On page 822 of the CONGRESSIONAL RECORD, volume 32, January 19, 1899, this occurred, just before we took a vote. I walked in and without securing the floor, because we were in the act of taking a vote, in order that I might get this information before the House, I said:

Mr. Chairman, I hope I may be allowed to say just one sentence. Since the beginning of this discussion I have telephoned General Shallenberger. [Cries of "Vote!" "Vote!"] Now, gentlemen, wait a minute and I think I will tell you something that you want to know. General Shallenberger says that when this subsidy business was started it was needed, but that it is not needed now, and he is getting as good service in some places where there is no subsidy as he is in others where there is a subsidy. [Applause.]

Then we took the vote immediately; and the vote to strike out or against the subsidy was—ayes 88, noes 42; and it was defeated in the House, went to the Senate, was put on in the Senate, and finally carried in the appropriation bill.

Now, Mr. Chairman, if you will turn to the debate in 1900 you will find that Mr. Moody, the present Secretary of the Navy, and the gentleman from Arkansas [Mr. LITTLE], Mr. Bromwell, and a number of gentlemen quoted the testimony of the Postmaster-General along the line that corroborates what I said, and I am now trying to find the words used by Mr. Moody that substantially corroborates what I said. Here is what Mr. Moody said, on page 814:

That the same mail facilities can be obtained without the payment of this $170,000 as can be obtained with it.

He was then quoting a conversation he had with General Shallenberger, or quoting from the report. I will read the whole statement.

Mr. MOODY. I do not know whether I said the Postmaster-General—I am informed that I said the Post-Office Department: but I say that if the gentleman will go to the Second Assistant Postmaster-General, Mr. Shallenberger, he will be informed that it is the opinion of that gentleman charged with this special department of the postal service that the same mail facilities can be obtained without the payment of this $170,000 as can be obtained with it.

This substantially corroborates me if I needed it. General Shallenberger said substantially to Mr. Moody what he said to me. Such testimony as this is all through the debate at that time. We have had this question before the House until I am almost sick of it.

I say we are about to place in the hands of General Shallenberger a subsidy that, in his opinion, was in 1900 an embarrassment in making contracts for the expedition of the service with other roads, and, in fact, the subsidy heretofore used between Washington and New York is stopped. Why not stop this? Answer, gentlemen who favor this bald-faced gratuity to this railroad! Why not extend the rural delivery service and give the country people of this land the full benefit of the postal money that we were able to pay out for postal service?

Why give revenue, this tax money, to the railroads and anybody else, if you please, that do not need it? Why such gifts, and then balk about raising rural carrier's salaries and discuss postal deficits?

This subsidy is contrary to public policy. It conflicts with the officer in carrying out his duty, and I say it is absolutely inexcusable and wholly reprehensible. It acts as an order on the Post-Office Department to spend, and simply, as the officials say, because we appropriate it.

Now, Mr. Chairman, either General Shallenberger or the Postmaster-General says that, as you put this in the appropriation over his protest, without his recommendation, they take it "as a mandatory order that he shall spend it on the railroads."

Now, here is the RECORD. I will refer you to the volume, as my time is flying, and I can not read it. It is volume 33, part 5, along in pages 4718 and the following pages. Mr. Bromwell, of the Post-Office Committee, had the floor, and I quote from page 4728. He says:

Mr. Moody asked this question: "If this [appropriation] is under your discretion, Mr. Postmaster-General, why can not you discontinue it?"

Now, the Postmaster-General says:

So long as Congress appropriates for it, and so long as Congress authorizes me to expend the money, why, of course, I look upon it as an order to do so.

What does this do, gentlemen, but order the Post-Office Department to make it necessary in some way to spend this money, since it is ordered to do so?

Now, we had this question up here a year or two ago, when we had the testimony that the subsidized train got to New Orleans in just one minute longer time than the unsubsidized train—that is, that the unsubsidized train made one minute better time than the subsidized train. That is the way I recollect it.

We were subsidizing this train from New York to Washington, thence to New Orleans. I repeat, we have left out of the bill this New York-Washington subsidy. If you say that it was necessary to expedite the mails, I ask how are we going to enable the Postmaster-General by a subsidy to expedite the mail from New York to New Orleans when in the meantime we have cut off the subsidy that used to exist for the train between New York and Washington? Answer, if you will, gentlemen; I repeat, answer.

Now, I can not go all over this subject, because it is familiar to every Member of Congress who has been here since the Fifty-fifth Congress. Why, the chief champion of this is my delightful friend—or one of the great champions—is my good friend from Virginia [Mr. SWANSON]. Now, you may look along through the testimony in here and you will find where he himself says:

Mr. SWANSON. Mr. Shallenberger has stated that he thinks the general mail service would be better performed if we did not make these special appropriations.

But with his keen intellect the gentleman from Virginia insisted, in reply to this, that this subsidy did improve this particular service. To that I reply the "general service." All over the United States must suffer for this special or particular service. Is that right? Is that wise?

In further reply to this argument I submit that it was also in proof a year or two ago that one of these Atlantic seacoast lines down here was subsidized to carry the mail and they gave it up and refused to accept the subsidy, yet the official proof stated this road continued their trains on the same schedule without the subsidy as they did when they had the subsidy. So will this road. This subsidy is not necessary, gentlemen.

Mr. SMITH of Kentucky. Will the gentleman permit me a question?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. GAINES of Tennessee. Yes, with pleasure.

Mr. SMITH of Kentucky. I would like to know if it is not a fact that in some of the previous presentations of this matter it has not been shown that some of these roads running from New York south, receiving part of this subsidy, had trains that did not carry the mail which ran as fast or faster than the one subsidized.

Mr. GAINES of Tennessee. Why, that is my recollection, and I have no desire, nor has my distinguished friend from Kentucky, to purposely misstate a fact in regard to anything. As I have stated before, my recollection is a subsidized train running to New Orleans took one minute more to get there than an unsubsidized train.

Mr. FLOOD. May I ask the gentleman a question?

Mr. GAINES of Tennessee. Yes.

Mr. FLOOD. I understand that the difference in the schedule time is that the subsidized train gets there at 11 o'clock a. m., whereas otherwise it would get there at 8 o'clock p. m. Is that the fact?

Mr. GAINES of Tennessee. I do not know, Mr. Chairman, what they are doing now. Heretofore I worked at this matter as hard

as I ever worked at anything in my life to get at the bottom of it, and when I worked it out and stated it on the floor of the House it was not successfully disputed but that the unsubsidized train got to New Orleans in one minute shorter time than the subsidized train. That is my recollection. And this Atlantic Coast Line kept up its schedule after it gave up this subsidy, just as it did while it was paid a subsidy.

Mr. KLUTTZ. How long ago was that, and is that the case now?

Mr. GAINES of Tennessee. Since I have been in Congress. The RECORD will show.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman let me read just two lines from this report?

Mr. OVERSTREET. I have not any control of the situation.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. By way of extending my remarks I submit the following memoranda:

On April 26, 1900, this question was under discussion, and the gentleman from Arkansas [Mr. LITTLE] made the following quotation from the testimony of the Postmaster-General on this subject:

In submitting the estimates for several years past this office has declined to include the item for special facilities for the reason heretofore stated, but appropriation has, however, been made.

The appropriations were made, although not requested.

This question was asked the Postmaster-General, said Judge LITTLE:

Is not the tendency where they give subsidies to one line for others to ask or expect the same kind of pay?

The Postmaster-General, said Judge LITTLE, replied:

The tendency is to produce discontent and dissatisfaction, if not hesitancy, on part of the other roads in giving us similar service without special appropriation.

I am reading now from the CONGRESSIONAL RECORD of April 26, 1900, page 4718, from the speech of my friend from Arkansas [Mr. LITTLE], who used these quotations in his speech of that day:

Mr. DAVIS. It [the pending bill] says it is not necessary for him [Postmaster-General] to use this money; that the Postmaster-General is not compelled to use it or any part of it "unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service."

The gentleman from Arkansas replied:

Mr. LITTLE. Yes, I will answer that.

Mr. DAVIS. If the Postmaster-General does not regard it as necessary he would not use it. If he does regard it as necessary to give these people this fast mail he ought to use it.

Mr. LITTLE. There is nothing in that argument. It has been repeated here time and time over in face of the declaration of the officers of the Department when they had refused to recommend this appropriation, and Congress goes on and makes the appropriation anyhow; they felt that it was mandatory upon them; that it was an expression of Congress that "we want this money expended, whether you think it necessary or not."

Here is the language of the Department, and I commend it to the consideration of my distinguished friends. It was the answer of the Postmaster-General, and this very question was covered: "Well, the Department would have power to withhold it, but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended as long as it is made."

I have not time and have not had it to go and get the original Post-Office records, but no one disputes the correctness of this official testimony.

Turn over, now, to page 4721 of the same RECORD (April 26, 1900), and you will find where the gentleman from Mississippi [Mr. WILLIAMS] read a part of the minority report on the cause of deficits in the postal service, as follows:

CAUSE OF POSTAL DEFICITS.

We are satisfied that the main cause of the deficiency of the revenues in the Post-Office Department is largely due to the cost of transportation allowed and paid the railroad companies on inland mails. The report then says the railroads get the best terms they can from the Government to perform this service. * * * We pay an average, as shown by the Postmaster-General's report, for carrying the mails of 8 cents per pound.

The best estimate to be made from the proof on the hearings on this question is that the actual expense to the transportation company in carrying the mails is about 1 cent per pound, and that the express companies (which we are informed pay about 40 per cent of their earnings to railroad companies for hauling their cars) underbid the Government on second-class mail matter, and carry it at less than 1 cent per pound on hauls of less than 500 miles and still make a profit.

Then follows a table in the remarks of the gentleman from Mississippi with the following heading: "Facts of grossly excessive pay to railroads for hauling United States mails," which, among other things, states:

	Per cent.
Decline in freight rates since 1878	35
Decline in passenger rates since 1878	17½
Decline in mail rates since 1878	Nothing.

Turn over to page 4724 and you will find the speech of the gentleman from Ohio, Mr. Bromwell, then on the Postal Committee, in which he says:

In the report of the Postmaster-General for the last year, and the language is substantially the same in every report running back for ten years, he said: "In submitting the estimates for several years past this Office has declined to include the item of special privileges for reasons heretofore stated, but appropriations, however, have been made."

The gentleman from Ohio then says:

The Assistant Postmaster-General, in reply to that very question, put to him by the gentleman from Massachusetts [Mr. Moody], as stated in the general debate the other day, says:

"Although on its face it appears to be a discretionary power, yet when Congress, after full debate year after year, has put this provision in the bill and made this appropriation, the Post-Office authorities can not construe it otherwise than as indicating the wish of Congress that it shall be spent and have understood it as mandatory."

Now, turn to the next page and you will find that the Louisville and Nashville Railroad, which runs through my city, Nashville, is a beneficiary of this subsidy.

On page 4727 following you will find that the gentleman from Ohio quotes the question asked by Mr. Moody of the Postmaster-General, to wit:

If this is in your discretion, Mr. Postmaster-General, why can not you discontinue it?

And the Postmaster-General answered:

So long as Congress appropriated for it, and so long as Congress authorize me to expend the money, why of course we look upon it as an order to do so.

Now, Mr. Chairman, isn't it monstrous that Congress should, over a protest of the Department for reasons of public policy and because we are getting as good service without it as with it, that we should again make this appropriation and again "order" this money to be spent needlessly when we can use it otherwise beneficially to foster and encourage the rural-delivery system?

If we save our nickels we will soon have dollars, and thousands and thousands of them if we save nickels that belong to the Government whenever we can.

On the same page—4727—of the RECORD of April 26, 1900, we find this motion to strike out this appropriation:

Mr. LITTLE. Mr. Chairman, I move to strike out that paragraph last read. The paragraph was to appropriate $171,238.75. It was lost by a vote—ayes 41, noes 92.

This is the language of the paragraph:

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, $171,238.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. Chairman, with such a history as this coming from the Department, as it does, it is a shame and an outrage that Congress will sit here and place the money in the hands of a Post-Office officer to spend, when he does not, in his judgment, need or want it for this service. And yet we find it is spent annually.

Is it not an invitation for the railroads thus benefited to demand, to practically "hold up" this officer, whom, we see, yields annually to the expenditure of this money whether the public service requires it or not? Who is the judge here?

Let us take away the temptation to throw away money, or this temptation to railroads or anyone else, directly or indirectly, to compel an officer to do what in his judgment is contrary to public needs and the healthy administration of our public service. Let us use it where we know we need it or keep it in the Treasury.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of House Document No. 598, submitting an estimate of appropriation for shooting galleries, ranges, etc., at Fort Des Moines, Iowa, and the same was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KINKAID, for ten days, commencing the 15th instant, on account of important business.

CONFERENCE REPORTS.

Mr. GIBSON. Mr. Speaker, I call up the conference reports contained on page 3269 of the CONGRESSIONAL RECORD. Mr. Speaker, there are sixteen of these cases, and they have all been considered by the House, and the Senate recedes in nearly all the cases, and I do not think it is necessary——

Mr. WILLIAMS of Mississippi. Has the conference report been printed and laid over for twenty-four hours?

Mr. GIBSON. Yes; forty-eight hours; and I would ask, Mr.

Speaker, that they be agreed to in gross. I ask unanimous consent that that may be done.

The SPEAKER. The Chair thinks perhaps the safer way would be to report each conference report at least by title.

Mr. WILLIAMS of Mississippi. Yes; I am in favor of all due liberality, but I think the "en bloc" business is going a little too far at this stage.

The SPEAKER. The Clerk will read the title of the first bill.

WILLIAM M. UNDERHILL.

The Clerk read as follows:

A bill (H. R. 8058) granting an increase of pension to William M. Underhill.

Mr. GIBSON. Mr. Speaker, I move to dispense with the reading of all the conference reports, and that the statements only be read.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the statement, as follows:

This bill originally passed the House at $24 per month, but was amended in the Senate to $20 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

Mr. GIBSON. I move that the House agree to the conference report.

The conference report was agreed to.

JAMES H. HARGIS.

The Clerk read as follows:

A bill (H. R. 9583) granting an increase of pension to James H. Hargis.

The Clerk read the statement, as follows:

This bill originally passed the House at $24 per month, but was amended in the Senate to $20 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JONATHAN J. SMITH.

The Clerk read as follows:

A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith.

The Clerk read the statement, as follows:

This bill originally passed the House at $36 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $36 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

DAVID Z. BEIDLER.

The Clerk read as follows:

A bill (H. R. 6426) granting an increase of pension to David Z. Beidler.

The Clerk read the statement, as follows:

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JOHN HERZOG.

The Clerk read as follows:

A bill (H. R. 6025) to increase the pension of John Herzog.

The Clerk read the statement, as follows:

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JAMES R. HAUPTLY.

The Clerk read as follows:

A bill (H. R. 5555) granting an increase of pension to James R. Hauptly.

The Clerk read the statement, as follows:

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JOSHUA HARLAN.

The Clerk read as follows:

A bill (H. R. 5885) granting an increase of pension to Joshua Harlan.

The Clerk read the statement, as follows:

This bill originally passed the House at $50 per month, but was amended in the Senate to $30. As the result of the conference the Senate recedes from its amendment, and agrees to the rate of $40 per month, and your conferees recommend that the rate be agreed to.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

EDWIN A. FORMAN.

The Clerk read as follows:

A bill (H. R. 6705) to increase the pension of Edwin A. Forman.

The Clerk read the statement, as follows:

This bill originally passed the House at $40 per month, but was amended in the Senate to $30. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $36 per month.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

FRANKLIN MOORE.

The Clerk read as follows:

A bill (H. R. 5367) granting an increase of pension to Franklin Moore.

The Clerk read the statement, as follows:

This bill originally passed the House at $40 per month, but was amended in the Senate to $35 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $40 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

WILLIAM J. SHEPARD.

The Clerk read as follows:

A bill (H. R. 4526) granting an increase of pension to William J. Shepard.

The Clerk read the statement, as follows:

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JOSEPH HINKLE.

The Clerk read as follows:

A bill (H. R. 4251) granting an increase of pension to Joseph Hinkle.

The Clerk read the statement, as follows:

This bill originally passed the House at $24 per month, but was amended in the Senate to $20 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JOHN G. FAIRCHILD.

The Clerk read as follows:

A bill (H. R. 2323) granting an increase of pension to John G. Fairchild.

The Clerk read the statement, as follows:

This bill originally passed the House at $50 per month, but was amended in the Senate to $40 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $50 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

CALEB ARNETT.

The Clerk read as follows:

A bill (H. R. 4136) granting an increase of pension to Caleb Arnett.

The Clerk read the statement, as follows:

This bill originally passed the House at $40 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $40 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

JOHN WATT.

The Clerk read as follows:

A bill (H. R. 2809) granting an increase of pension to John Watt.

The Clerk read the statement, as follows:

This bill originally passed the House at $30 per month, but was amended in the Senate to $24 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $30 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

FRANK J. M'LAUGHLIN.

The Clerk read as follows:

A bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin.

The Clerk read the statement, as follows:

This bill originally passed the House at $24 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $24 per month, the same as the bill originally passed the House.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

WILLIAM PITTENGER.

The Clerk read as follows:

The bill (H. R. 3032) granting an increase of pension to William Pittenger.

The Clerk read the statement, as follows:

This bill originally passed the House at $55 per month, but was amended in the Senate to $40 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $50 per month.

HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

DANIEL W. HUFFMAN.

The Clerk read as follows:

The bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman.

The Clerk read the statement, as follows:

This bill originally passed the House at $50 per month, but was amended in the Senate to $30 per month. As a result of the conference the Senate recedes from its amendment and agrees to the rate of $36 per month, and your conferees recommend that the rate be agreed to.

HENRY R. GIBSON,
R. W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. GIBSON. Mr. Speaker, I move to reconsider the several votes by which the conference reports were agreed to and to lay that motion on the table.

The motion was agreed to.

ORIGINAL PAPERS USED AS EVIDENCE.

Mr. LAMAR of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10007) to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever the register of any United States land office shall be served with a subpœna duces tecum or other valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the General Land Office of the United States on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such register to at once notify the Commissioner of the General Land Office of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any register of a United States land office the Commissioner of the General Land Office shall at once transmit to such register the original papers specified in such notice, and which such register is required to produce, and to attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued; and such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union.

The amendment recommended by the committee was read, as follows:

At the end of said bill add the following proviso:

"*Provided*, That the Secretary of the Interior shall make rules and regulations to secure the return of such documents to the General Land Office, after use in evidence, without cost to the United States."

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman a question, whether this requires the production of any papers not on record in the Land Office? For instance, suppose these original papers were sent on and should be lost in the mail. What I want to get at is whether there are original records in the office still that could be produced afterwards to fortify the title.

Mr. LAMAR of Missouri. Mr. Speaker, I am not informed as to that, as to whether there is a record made of these papers or not.

Mr. PAYNE. It seems to me there ought to be on file in the office either a record or a copy certified by the Commissioner, so as to preserve the evidence in favor of the grantee in case these papers should be lost.

Mr. LAMAR of Missouri. Here is what the Commissioner of the General Land Office says as to that proposition:

The purpose of this bill is to provide a method by which the original application and other papers on file in the General Land Office, and which form the basis upon which patents have been issued, may be brought into court to be used in evidence and inspected, and which provides that when the register of any local land office has been served by subpœna duces tecum or other process to produce such papers in any court of record, such papers shall be transmitted to him by the Commissioner of the General Land Office, and shall be by such register produced in court and, after being used in evidence, by him returned to the General Land Office, the party requiring the production of such papers to pay the cost thereof.

The necessity for this legislation arises from the fact that in many localities a large number of forged deeds, purporting to be signed by the original patentees of lands, are being placed on record, and quite an amount of litigation growing out of such forgeries and affecting land titles is now and has been pending in the courts, and such forgeries, in many instances, can only be shown by an inspection of the original application and final proof on file in the land office having the signature of the entryman thereon. As the law now stands no method exists by which litigants can secure these original papers as evidence. This bill provides a method by which these papers may be used in evidence in such cases, and at the same time it is believed proper safeguards are provided against their loss.

Attention is invited to the report of the Commissioner of the General Land Office approving this bill, hereto attached and made part of this report, also letter of the Secretary of the Interior concurring therein.

Mr. PAYNE. Then the title would not be invalidated if these papers should be lost. I have no objection.

Mr. MANN. Mr. Speaker, I would like to have some explanation of the reason for the passage of this bill. It seems rather remarkable.

Mr. LAMAR of Missouri. I would say to the gentleman that the purpose of the bill is to allow the production of these papers where forged deeds have been placed on record. The reason for the introduction of the bill is that in my section of Missouri hundreds of forged deeds have been placed on record. The people there have procured certified copies and have tried in every way to show a forgery. The purpose of this is to get the production in court of the original applications and the papers bearing the original signatures of the patentees in order that these forgeries may, if possible, be shown—at least to give to litigants every possible opportunity to expose the forgeries. That is the only and the sole purpose. Consultation was had with the authorities at the Land Office before the bill was drawn, and a bill has been drawn in conformity with their suggestion.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LAMAR, a motion to reconsider the last vote was laid on the table.

EXTENSION OF REMARKS ON POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that under the general debate on the post-office appropriation bill Members may have leave for five days to extend their remarks in the RECORD.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I shall have to object to that.

The SPEAKER. The gentleman from Mississippi objects.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11443. An act to extend the exemption from head tax to citizens of Newfoundland entering the United States;

H. R. 11928. An act for the relief of James E. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York; and

H. R. 5511. An act to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1543. An act granting an increase of pension to William W. Jackson;

S. 3878. An act granting an increase of pension to George Coffee;

S. 3879. An act granting an increase of pension to Cyrus Q. Lemmond;

S. 3896. An act granting an increase of pension to Richard F. Nugent;

S. 3936. An act granting an increase of pension to Sylvania S. Cheney;

S. 3978. An act granting an increase of pension to George W. Howard;

S. 3946. An act granting an increase of pension to Jesse Bright;

S. 3977. An act granting an increase of pension to Luther S. Baker;
S. 3979. An act granting an increase of pension to Sterling L. Parker;
S. 4078. An act granting an increase of pension to Thomas B. Steel;
S. 4237. An act granting an increase of pension to Hannah Small Wiggin;
S. 4246. An act granting an increase of pension to Louis Groverman;
S. 4254. An act granting an increase of pension to William H. Collingswood;
S. 4284. An act granting an increase of pension to Rebecca Hankins;
S. 4317. An act granting an increase of pension to Sarah L. Augur;
S. 4349. An act granting an increase of pension to Laura Ann Seaton;
S. 4285. An act granting an increase of pension to John H. Shands;
S. 4329. An act granting an increase of pension to Mary E. Nesmith;
S. 4371. An act granting a pension to Alison Clifton;
S. 4454. An act granting an increase of pension to John Seiler;
S. 3274. An act granting an increase of pension to Jane I. Long;
S. 885. An act granting an increase of pension to Sarah A. Gillham; and
S. 3919. An act granting a pension to Florence E. Foster.

BILLS PRESENTED TO THE SENATE.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. J. Res. 118. Joint resolution authorizing the Secretary of the Interior to use $5,000 of the amount appropriated by the act approved February 18, 1904 (Public, No. 22), for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in the Indian Territory;

H. R. 819. An act to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber;

H. R. 10761. An act to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont.; and

H. R. 9053. An act to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4402. An act permitting the building of a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota—to the Committee on Interstate and Foreign Commerce.

S. 4453. An act to amend section 17 of the act of Congress approved June 6, 1902, entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes"—to the Committee on Public Buildings and Grounds.

S. 3180. An act to provide for the erection of a public building at Atlanta, Ga.—to the Committee on Public Buildings and Grounds.

S. 2268. An act to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes—to the Committee on Indian Affairs.

S. 4849. An act granting an honorable discharge to Peter Green—to the Committee on Military Affairs.

S. 2467. An act for the relief of the Citizens' Bank of Louisiana—to the Committee on War Claims.

S. 3298. An act to amend section 2326 of the Revised Statutes of the United States, relative to mining claims—to the Committee on Mines and Mining.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 20 minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of Elizabeth Horton, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of David Vincent, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John N. Johnson, administrator of estate of Benjamin Johnson, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9662) to establish four permanent military camp grounds, in the vicinity of Fort Sam Houston, Tex.; Camp Douglas, Wis.; in the Conewago Valley, Pennsylvania, and at or near Nacimiento Ranch, California; reported the same with amendment, accompanied by a report (No. 1632); which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. PALMER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3015) to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania, reported the same without amendment, accompanied by a report (No. 1633); which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. POWERS of Maine, from the Committee on the Territories, to which was referred the bill of the House (H. R. 9643) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu, reported the same with amendment, accompanied by a report (No. 1634); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13518) granting an increase of pension to Chester R. Heath, reported the same without amendment, accompanied by a report (No. 1596); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11793) granting an increase of pension to August Henning, reported the same with amendment, accompanied by a report (No. 1597); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12194) granting an increase of pension to Nathaniel Warren, reported the same without amendment, accompanied by a report (No. 1598); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13284) granting an increase of pension to Daniel W. Graham, reported the same without amendment, accompanied by a report (No. 1599); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13115) granting a pension to Sarah Jane Van Alstyne, reported the same with amendment, accompanied by a report (No. 1600); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13321) granting an increase of pension to John B. Mitchell, reported the same with amendment, accompanied by a report (No. 1601); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12674) granting a pension to Sarah Cordin, reported the same with amendment, accompanied by a report (No. 1602); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 11403) granting a pension to John M. Bailey, reported the same with amendment, accompanied by a report (No. 1603); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7472) granting an increase of pension to Henry McQuirter, reported the same with amendment, accompanied by a report (No. 1604); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11976) granting an increase of pension to Isom New, reported the same with amendment, accompanied by a report (No. 1605); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12133) granting an increase of pension to James Johnson, reported the same with amendment, accompanied by a report (No. 1606); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12164) granting an increase of pension to Joseph Davis, reported the same with amendment, accompanied by a report (No. 1607); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12440) granting an increase of pension to Edward M. Shepard, reported the same with amendment, accompanied by a report (No. 1608); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12456) granting an increase of pension to Marshall Cox, reported the same with amendment, accompanied by a report (No. 1609); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12480) granting an increase of pension to Henry J. Arnold, reported the same with amendment, accompanied by a report (No. 1610); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11293) granting an increase of pension to Frank Fuchs, reported the same with amendment, accompanied by a report (No. 1611); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11033) granting an increase of pension to Noah Minnick, reported the same with amendment, accompanied by a report (No. 1612); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10579) granting an increase of pension to Jacob Dodd, reported the same without amendment, accompanied by a report (No. 1613); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10555) granting an increase of pension to William L. Gerard, reported the same with amendment, accompanied by a report (No. 1614); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10480) granting an increase of pension to Aaron Bayles, reported the same with amendment, accompanied by a report (No. 1615); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10286) granting a pension to Ellen M. Malloy, reported the same with amendment, accompanied by a report (No. 1616); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10288) granting a pension to Anna E. Harman, reported the same with amendment, accompanied by a report (No. 1617); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10265) granting a pension to Elizabeth Murray and Clara E. Murray, reported the same with amendment, accompanied by a report (No. 1618); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9832) granting an increase of pension to Edwin M. Alden, reported the same with amendment, accompanied by a report (No. 1619); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9775) granting an increase of pension to Anna S. Christopherson, reported the same with amendment, accompanied by a report (No. 1620); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9740) granting an increase of pension to William W. Newton, reported the same without amendment, accompanied by a report (No. 1621); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6170) granting a pension to Elizabeth F. Champlin, reported the same with amendment, accompanied by a report (No. 1622); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5973) granting an increase of pension to Henry J. Potter, reported the same with amendment, accompanied by a report (No. 1623); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5338) granting an increase of pension to Joseph S. Wright, reported the same with amendment, accompanied by a report (No. 1624); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9116) granting an increase of pension to Charles W. Abbott, reported the same with amendment, accompanied by a report (No. 1625); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7062) granting a pension to Kate M. A. Mortensen, reported the same with amendment, accompanied by a report (No. 1626); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3244) granting an increase of pension to Lewis Kimer, reported the same without amendment, accompanied by a report (No. 1627); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2969) granting an increase of pension to George W. Fitzgerald, reported the same with amendment, accompanied by a report (No. 1628); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 685) granting an increase of pension to Philip J. Harlow, reported the same with amendment, accompanied by a report (No. 1629); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 883) granting a pension to Ephraim L. Herriott, reported the same without amendment, accompanied by a report (No. 1630); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3149) granting an increase of pension to Charles Bowring, reported the same without amendment, accompanied by a report (No. 1631); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11187) granting an increase of pension to Fyanna Myers, reported the same with amendment, accompanied by a report (No. 1635); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13655) granting an increase of pension to Hannah Hill, reported the same with amendment, accompanied by a report (No. 1636); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13453) granting an increase of pension to Ezekiel Steele, reported the same with amendment, accompanied by a report (No. 1637); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13371) granting an increase of pension to James T. Thompson, reported the same with amendment, accompanied by a report (No. 1638); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13236) granting an increase of pension to George H. Otis, reported the same with amendment, accompanied by a report (No. 1639); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13147) granting an increase of pension to Euphemia A. Young, reported the same with amendment, accompanied by a report (No. 1640); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12993) granting an increase of pension to John Hotchkiss, reported the same with amendment, accompanied by a report (No. 1641); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12850) granting an increase of pension to Simon P. Rittenhouse, reported the same with amendment, accompanied by a report (No. 1642); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12727) granting an increase of pension to Theodore Coonley, reported the same with amendment, accompanied by a report (No. 1643); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12676) granting an increase of pension to James A. Barber, reported the same with amendment, accompanied by a report (No. 1644); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12617) granting an increase of pension to Ezra V. Felton, reported the same with amendment, accompanied by a report (No. 1645); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12413) granting an increase of pension to Timothy Haley, reported the same with amendment, accompanied by a report (No. 1646); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12277) granting an increase of pension to James A. Rapp, reported the same with amendment, accompanied by a report (No. 1647); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12062) granting a pension to Edward H. Bennett, reported the same with amendment, accompanied by a report (No. 1648); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11647) granting an increase of pension to W. C. Scott, reported the same with amendment, accompanied by a report (No. 1649); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11574) granting an increase of pension to Oscar A. Phetteplace, reported the same with amendment, accompanied by a report (No. 1650); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11259) granting a pension to George W. Stennett, reported the same with amendment, accompanied by a report (No. 1651); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11063) granting an increase of pension to Robert L. McMurtry, reported the same with amendment, accompanied by a report (No. 1652); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10062) granting an increase of pension to Oscar Murray, reported the same with amendment, accompanied by a report (No. 1653); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10261) granting an increase of pension to Henry B. Sparks, reported the same with amendment, accompanied by a report (No. 1654); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9978) granting an increase of pension to Samuel Iverson, reported the same with amendment, accompanied by a report (No. 1655); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9429) granting an increase of pension to John C. Hamly, reported the same with amendment, accompanied by a report (No. 1656); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9393) granting an increase of pension to Thomas P. Ryan, reported the same with amendment, accompanied by a report (No. 1657); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7701) granting an increase of pension to J. H. English, reported the same with amendment, accompanied by a report (No. 1658); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7678) granting an increase of pension to Louis Montjar, reported the same with amendment, accompanied by a report (No. 1659); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6927) granting an increase of pension to Rebecca C. Nevin, reported the same with amendment, accompanied by a report (No. 1660); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6746) granting an increase of pension to Francis Van Aernam, reported the same without amendment, accompanied by a report (No. 1661); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6558) granting an increase of pension to R. H. Long, reported the same with amendment, accompanied by a report (No. 1662); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6051) granting a pension to Maggie Dawson, reported the same with amendment, accompanied by a report (No. 1663); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5996) granting an increase of pension to Alfred Howser, reported the same with amendment, accompanied by a report (No. 1664); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5734) granting an increase of pension to John B. Tucker, reported the same with amendment, accompanied by a report (No. 1665); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4983) granting an increase of pension to Charles Gochey, reported the same without amendment, accompanied by a report (No. 1666); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4626) granting a pension to Hattie M. Matheson, reported the same with amendment, accompanied by a report (No. 1667); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4580) granting a pension to Penelope A. Dexter, reported the same with amendment, accompanied by a report (No. 1668); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4369) granting an increase of pension to August Strick, reported the same with amendment, accompanied by a report (No. 1669); which said bill and report were referred to the Private Calendar.

Mr. LUCKING, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4241) granting a pension to Mary A. Denston, reported the same with amendment, accompanied by a report (No. 1670); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3734) granting a pension to James R. Gibson, reported the same with amendment, accompanied by a report (No. 1671); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3445) granting an increase of pension to John P. Webb, reported the same with amendment, accompanied by a report (No. 1672); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3297) granting an increase of pension to Emily A. Trask, guardian of Renel W. Trask, reported the same with amendment, accompanied by a report (No. 1673); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 965) granting an increase of pension to Franklin Webb, reported the same with amendment, accompanied by a report (No. 1674); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 690) granting an increase of pension to Mark F. Holderman, reported the same with amendment, accom-

panied by a report (No. 1675); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 13606) for the relief of Miles T. Oiler—Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 12744) granting a pension to Christopher Buckhannan—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McCALL: A bill (H. R. 14037) regulating the duties and fixing the compensation of the customs inspectors at the port of Boston—to the Committee on Ways and Means.

By Mr. BEALL of Texas: A bill (H. R. 14038) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved June 13, 1902, making appropriation for improving Trinity River, Texas—to the Committee on Rivers and Harbors.

By Mr. RYAN: A bill (H. R. 14039) to establish range lights on the Niagara River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14040) to authorize the construction of lighthouse keepers' dwellings at Buffalo Harbor, New York—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14041) to authorize the construction of lighthouse keepers' dwellings at Buffalo Harbor, New York—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: A bill (H. R. 14042) to provide for the erection of a public building in the city of Lancaster, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: A bill (H. R. 14043) for the printing of a report on the hog industry—to the Committee on Printing.

By Mr. HOLLIDAY: A bill (H. R. 14044) to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. BOWERS: A bill (H. R. 14045) making an appropriation for the improvement of Horn Island Pass, in the State of Mississippi—to the Committee on Rivers and Harbors.

By Mr. WATSON: A bill (H. R. 14046) providing for the selection and promotion of officers on the retired list of the Army—to the Committee on Military Affairs.

By Mr. DICK: A bill (H. R. 14047) to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof—to the Committee on Militia.

By Mr. BABCOCK: A bill (H. R. 14048) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of branch libraries in the District of Columbia, to establish a commission to supervise the erection of branch library buildings in said District, and to provide for their suitable maintenance—to the Committee on the District of Calumbia.

By Mr. STEPHENS of Texas: A bill (H. R. 14049) granting an appeal to the Supreme Court of the United States from the judgment of the Choctaw and Chickasaw citizenship court, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 14050) to subject the mineral lands within Indian reservations in the United States and Territories to location, operation, development, and entry, and for other purposes—to the Committee on Indian Affairs.

By Mr. McNARY: A bill (H. R. 14051) providing that the United States frigate *Constitution* be transferred to Castle Island, Boston Harbor, to be used as a naval museum—to the Committee on Naval Affairs.

By Mr. MONDELL: A bill (H. R. 14052) prohibiting the selection of timber lands in lieu of lands in forest reserves—to the Committee on the Public Lands.

Also, a bill (H. R. 14053) providing for the entry of agricultural lands within forest reserves—to the Committee on the Public Lands.

By Mr. LOUDENSLAGER: A resolution (H. Res. 248) that the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to D. S. Porter of the sum of $500—to the Committee on Accounts.

By Mr. DALZELL: A resolution (H. Res. 249) providing for the printing of 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the third session of the Fifty-eighth Congress—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROOKS: A bill (H. R. 14054) granting a pension to Thomas M. Huffman—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 14055) granting an increase of pension to Henry W. Carvill—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 14056) granting an increase of pension to Joseph Blankenship—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14057) granting an increase of pension to George W. King—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14058) granting an increase of pension to Tobias Fisher—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 14059) granting an increase of pension to Thomas E. Morrow—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 14060) for the relief of Allison J. Pliley, of Kansas City, Kans., late a scout in the Eighteenth Kansas Cavalry Volunteers—to the Committee on Claims.

By Mr. DARRAGH: A bill (H. R. 14061) granting an increase of pension to William H. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14062) granting a pension to James Edward and Ida May Bryant—to the Committee on Invalid Pensons.

Also, a bill (H. R. 14063) to remove the charge of desertion against the name of Hiram A. Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 14064) to remove the charge of desertion from the record of Joseph B. Riley—to the Committee on Military Affairs.

Also, a bill (H. R. 14065) to remove the charge of desertion against the namo of Moses Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 14066) to correct the military record of Richard Foster—to the Committee on Military Affairs.

Also, a bill (H. R. 14067) to correct the military record of Nathan Skidmore—to the Committee on Military Affairs.

By Mr. DE ARMOND (by request): A bill (H. R. 14068) granting an increase of pension to David Lyton—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 14069) granting an increase of pension to William Dilley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14070) granting an increase of pension to T. T. Prior—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14071) granting a pension to Cole B. Fugate—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 14072) granting a pension to Emma W. Hays—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 14073) granting a pension to Joshua F. Powers—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 14074) for the relief of the estate of John Allred—to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 14075) granting a pension to Israel Smith—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 14076) granting a pension to Mary A. Clark—to the Committee on Pensions.

Also, a bill (H. R. 14077) granting a pension to Rebecca E. Maccarty—to the Committee on Pensions.

Also, a bill (H. R. 14078) granting an increase of pension to Margaret J. Kibble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14079) granting an increase of pension to James F. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14080) transferring the custody of certain obsolete ordnance to the city of Boston—to the Committee on Military Affairs.

By Mr. MEYER of Louisiana: A bill (H. R. 14081) for the relief of Hugh W. Brown, of New Orleans, La.—to the Committee on War Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 14082) granting an increase of pension to George I. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14083) granting an increase of pension to Charles H. Frank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14084) granting an increase of pension to Dennis Buckley McCready—to the Committee on Pensions.

Also, a bill (H. R. 14085) for the relief of George Helfridge—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 14086) granting a pension to Joseph G. M. Dunlap—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 14087) granting an increase of pension to Rose Jones—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 14088) for the relief of the legal representatives of John Boyle, deceased—to the Committee on Claims.

By Mr. SPIGHT: A bill (H. R. 14089) for the relief of the estate of Alfred Swearingin, deceased, late of De Soto County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 14090) for the relief of the estate of Joseph N. Moran, deceased, late of Benton County, Miss.—to the Committee on War Claims.

By Mr. WILSON of New York: A bill (H. R. 14091) granting an increase of pension to John M. Crist—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Lieutenant E. R. Geary Circle, No. 7, Ladies of the Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Resolution of Association of Survivors of the Seventy-second Regiment Pennsylvania Volunteers, of Philadelphia, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of A. Friedman & Co. and others, of Denver, Colo., against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOUTELL: Petition of the Price & Teeple Piano Company, of Chicago, Ill., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of the Patriotic Order of Sons of America, of Walden, N. Y., relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. CALDERHEAD: Petition of citizens of Herkimer, Kans., and vicinity, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. CAPRON: Petitions of Henry B. Rowley and 18 others, of Kiowa, Ind. T., and H. T. Lyles and 32 others, of Fanks, Ind. T., against the annexation of Indian Territory to Oklahoma Territory—to the Committee on the Territories.

By Mr. CASSEL: Petition of patrons of rural route No. 3, of Mount Joy, Pa., in favor of increasing salaries of rural mail carriers, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CONNER: Petitions of Joseph Sanderson and others, of rural route No. 1, of Garner, Iowa; Smith Veatch and others, of rural route No. 1; J. W. McCoy and others, of rural route No. 2; E. M. Underwood and others, of rural route No. 3, and A. G. Hathway and others, of rural route No. 4, of Webster City, Iowa, in favor of increasing salaries of rural mail carriers, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Blaschke and others, of rural route No. 2, of Garner, Iowa, in favor of increasing salaries of rural mail carriers, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Wisconsin: Petition of the Simmons Manufacturing Company, of Kenosha, Wis., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of Scandinavian Baptist Church of Racine, Wis., in favor of an amendment to the Constitution prohibiting polygamy, etc.—to the Committee on the Judiciary.

By Mr. CROMER: Papers to accompany House bill granting an increase of pension to Thomas E. Morrow—to the Committee on Invalid Pensions.

By Mr. DANIELS: Petitions of churches in Orange County, Cal., and Rev. F. P. Sigler and 89 others, of Westminster, Cal., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DARRAGH: Papers to accompany bill H. R. 11835, granting an increase of pension to Charles B. Williams—to the Committee on Invalid Pensions.

Also, resolution of General I. C. Smith Post, No. 451, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to James Edward and Ida May Bryant—to the Committee on Invalid Pensions.

By Mr. EMERICH: Memorial of the Chicago Distilling Company and others, of Chicago, Ill., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FLACK: Petition of George A. Buckman, of Ogdensburg, N. Y., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. FLOOD: Petition of residents of Staunton, Va., in favor of a bill to provide for the Shenandoah Valley Park Commission—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: Petition of the Phelps Motor Vehicle Company, of Stoneham, Mass., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of Albert A. Dodge and 8 others, of Hamilton, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Capt. Charles H. Harty, president of the Master Mariners' Association of Gloucester, Mass., and 255 others, master mariners, fishermen, vessel owners, etc., favoring legislation providing for the payment of bounty on dogfish to insure their extermination—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of New Jersey: Petitions of the pastor and 98 members of the Medford Baptist Church, of Medford, N. J.; the pastor and 100 members of the Lower Bank Baptist Church, of Lower Bank, N. J.; the pastor and 530 members of the Commerce Street Methodist Episcopal Church, of Bridgeton, N. J.; the pastor and the congregation of the First Methodist Episcopal Church of Millville, N. J.; the Quarterly Meeting of Friends (500 members) held at Mount Holly, N. J., and the Society of Friends of Moorestown, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: Petition of the Indian Industries League, of Boston, Mass., relative to relief for the landless Indians—to the Committee on Indian Affairs.

By Mr. GRIFFITH: Paper to accompany bill H. R. 10260, to increase the pension of William H. Buchanan—to the Committee on Invalid Pensions.

By Mr. HARDWICK: Resolution of the New York Board of Trade and Transportation, against the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of the Augusta Brewing Company, of Augusta, Ga., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HEDGE: Petition of the Keokuk Club, of Keokuk, Iowa, for improvement of the Kaw River—to the Committee on Rivers and Harbors.

By Mr. HOGG: Resolutions of Colorado and Wyoming Lumber Dealers' Association, in favor of bill S. 4861, and resolution of the same association in favor of bills H. R. 6279 and S. 2439—to the Committee on Interstate and Foreign Commerce.

Also, petition of the congregation of the First Presbyterian Church of Monte Vista, Colo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Circle No. 93, Ladies of the Grand Army of the Republic, of Rocky Ford, Colo., in favor of bills H. R. 4079 and S. 2017—to the Committee on the Public Lands.

Also, petitions of B. F. Butler Circle, No. 4, Ladies of the Grand Army of the Republic, of Pueblo, Colo.; A. J. Smith Post, No. 102, of Florence, Colo.; Wadsworth Post, No. 93, of Rocky Ford, Colo., and Butler Post, No. 91, of Pueblo, Colo., Grand Army of the Republic, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. KEHOE: Petition of W. S. Haviland and 167 others, of Harrison County, Ky., in favor of bill H. R. 3574—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of residents of Oswego County, N. Y., favoring increase of salary for rural mail carriers, etc.—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Brotherhood of Boiler Makers and Ironship Builders of America, Lodge No. 157, of Oswego, N. Y., favoring bills S. 2259 and 2263—to the Committee on the Merchant Marine and Fisheries.

By Mr. LILLEY: Petition of Connecticut Federation of Women's Clubs, in favor of a White Mountain forest reserve—to the Committee on Agriculture.

By Mr. LINDSAY: Resolution of the New York Board of Trade and Transportation, against passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of McLoughlin Brothers, of Brooklyn, N. Y., against the passage of bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Yacht Masters and Engineers' Association of Brooklyn, N. Y., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Haubenstock Parlor Suit Company, of Brooklyn, N. Y., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of the legal representatives of Hugh Dubkins, deceased, praying reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONGWORTH: Petition of G. M. Jewett, of Cincinnati, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of the Peten Cartridge Company, the Sextro Manufacturing Company, and the Huss Brothers Manufacturing Company, of Cincinnati, Ohio, in favor of bill H. R. 9302, provid-

ing for a reduction of duty on alcohol used in the arts—to the Committee on Ways and Means.

By Mr. McDERMOTT: Resolution of the Jersey City Druggists' Association, of Jersey City, N. J., in favor of bill H. R. 13679—to the Committee on Patents.

Also, petition of Jersey City druggists, in favor of the passage of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. MAHON: Resolution of Sergeant Charles Bowen Post, No. 457, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MARSH: Petitions of the Christian Church, the Second United Presbyterian Church, the Woman's Christian Temperance Union, the Catholic Church, the First Presbyterian Church, the Swedish Lutheran Church, the First Baptist Church, the Ninth Avenue United Presbyterian Church, the First United Presbyterian Church, and the Methodist Episcopal Church, all of Warren, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Popel & Giller and others, of Warsaw, Ill., and W. W. Cummings and others, of Dallas City, Ill., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MORRELL: Resolution of the survivors of the Seventy-second Regiment Pennsylvania Volunteers, of Philadelphia, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RIDER: Resolution of the Chicago Real Estate Board, in favor of bill H. R. 4483—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Travelers' Protective Association of America, in favor of amending the bankruptcy act—to the Committee on the Judiciary.

By Mr. RIXEY: Petition of residents of Mount Vernon precinct, Fairfax County, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of C. E. Castle, of Wagoner, Ind. T., favoring single statehood for Indian Territory and Oklahoma—to the Committee on the Territories.

By Mr. RYAN: Resolution of the Yacht Masters and Engineers' Association of Brooklyn, N. Y., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Helpers Division No. 128, Brotherhood of Boiler Makers and Iron-ship Builders, of Buffalo, N. Y., in favor of bills H. R. 7056 and S. 2259—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCOTT: Resolutions of Allison Circle, Department of Kansas, Ladies of the Grand Army of the Republic, favoring the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petition of citizens of the Eighth Congressional district of Missouri, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SHERMAN: Petition of the Cedarine Allen Company, of Clinton, N. Y., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. SHULL: Papers to accompany bill H. R. 13404, granting an increase of pension to Emanuel Peck—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Report to accompany bill H. R. 4641, for relief of estate of John Boyle—to the Committee on Claims.

By Mr. SMITH of Texas: Petition of D. C. Ross and 72 others, of Kimble County, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Papers to accompany bill H. R. 3459, to increase the pension of Patterson Bradley—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of citizens of Middletown, Conn., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. SPIGHT: Papers to accompany bill H. R. 10735, for the relief of the estate of Elizabeth Hull Wellford—to the Committee on War Claims.

By Mr. TIRRELL: Petition of the F. A. Whitney Carriage Company, for a reduction of the tax on alcohol used for industrial purposes—to the Committee on Ways and Means.

By Mr. WARNOCK: Petition of James Benway, of Findlay, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of Cooper & McKee, Brooklyn, N. Y., in favor of bill H. R. 9302, providing for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, resolution of the Manufacturers' Association of New York, favoring improvement of the Kaw River channel—to the Committee on Rivers and Harbors.

SENATE.

THURSDAY, *March 17, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10007) to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin;

A bill (H. R. 2809) granting an increase of pension to John Watt;

A bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman;

A bill (H. R. 2923) granting an increase of pension to John G. Fairchild;

A bill (H. R. 3032) granting an increase of pension to William Pittenger;

A bill (H. R. 4136) granting an increase of pension to Caleb Arnett;

A bill (H. R. 4251) granting an increase of pension to Joseph Hinkle;

A bill (H. R. 4526) granting an increase of pension to William J. Shepard;

A bill (H. R. 5367) granting an increase of pension to Franklin Moore;

A bill (H. R. 5555) granting an increase of pension to James R. Hauptly;

A bill (H. R. 5865) granting an increase of pension to Joshua Harlan;

A bill (H. R. 6025) granting an increase of pension to John Herzog;

A bill (H. R. 6426) granting an increase of pension to David Z. Beidler;

A bill (H. R. 6582) granting an increase of pension to Harry Haller;

A bill (H. R. 6705) granting an increase of pension to Edwin A. Forman;

A bill (H. R. 8058) granting an increase of pension to William M. Underhill;

A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith; and

A bill (H. R. 9583) granting an increase of pension to James H. Hargis.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 885) granting an increase of pension to Sarah A. Gillham;

A bill (S. 1543) granting an increase of pension to William W. Jackson;

A bill (S. 3274) granting an increase of pension to Jane I. Long;

A bill (S. 3878) granting an increase of pension to George Coffee;

A bill (S. 3879) granting an increase of pension to Cyrus Q. Lemmond;

A bill (S. 3896) granting an increase of pension to Richard F. Nugent;

A bill (S. 3919) granting a pension to Florence E. Foster.

A bill (S. 3936) granting an increase of pension to Sylvania S. Cheney;

A bill (S. 3946) granting an increase of pension to Jesse Bright;

A bill (S. 3977) granting an increase of pension to Luther S. Baker;

A bill (S. 3978) granting an increase of pension to George W. Howard;

A bill (S. 3979) granting an increase of pension to Sterling L. Parker;

A bill (S. 4078) granting an increase of pension to Thomas B. Steel;

A bill (S. 4237) granting an increase of pension to Hannah Small Wiggin;

A bill (S. 4246) granting an increase of pension to Louis Groverman;

A bill (S. 4254) granting an increase of pension to William H. Collingswood;

A bill (S. 4284) granting an increase of pension to Rebecca Hankins;

A bill (S. 4285) granting an increase of pension to John H. Shands;

A bill (S. 4317) granting an increase of pension to Sarah L. Augur;

A bill (S. 4329) granting an increase of pension to Mary E. Nesmith;

A bill (S. 4349) granting an increase of pension to Laura Ann Seaton;

A bill (S. 4371) granting a pension to Alison Clifton;

A bill (S. 4454) granting an increase of pension to John Seiler;

A bill (H. R. 5511) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals;

A bill (H. R. 11433) to extend the exemption from head tax to citizens of Newfoundland entering the United States; and

A bill (H. R. 11928) for the relief of James E. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the Plattdeutscher Verein of Jersey City, and the Teutonia Maennerchor, of Jersey City, in the State of New Jersey; of St. Boniface Branch, No. 720, of Philadelphia; of the St. Bonaventura Beneficial Society, of Philadelphia; of St. Mary's German Beneficial Society, of McKeesport; of St. Clair Maennerchor, of Pittsburg; of St. Conrad Society, of Wilkesbarre, and of St. Peter's Beneficial Association, of Pittsburg, all in the State of Pennsylvania; of Humboldt Lodge, No. 184, of Delray, Mich.; of the German Shooting Society of Cincinnati, Ohio; of the Lutheran Congregation of Cicero, Tex.; of the Deutscher Turn Verein of Charleston, S. C., and of the St. Anthony's Commandery, of Evansville, Ind., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Winthrop, Mass., and a petition of the congregation of the Third Presbyterian Church of Cincinnati, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented the petition of Charles A. Andrus and M. C. Andrus, of Mount Carmel, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Clionian Society, of Pontiac, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Club of Evanston, Ill., praying for the purchase of a national forest reserve in the White Mountains; which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Straus Brothers Company, the Joseph Wolf Company, the James E. Pepper Distilling Company, the Chicago Distilling Company, of Stein Brothers, of Hasterlik Brothers, of F. Madlener, and of Grommes & Ullrich, all of Chicago, and of Phil Freiler, of Elgin, all in the State of Illinois, remonstrating against the enactment of the provision in the so-called "pure-food bill" relating to blended whiskies; which were ordered to lie on the table.

Mr. KEAN presented a petition of Kearny Circle, No. 1, Department of New Jersey, Ladies of the Grand Army of the Republic, of New Jersey, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the First Presbyterian Church of Belvidere, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Linnæan Society of New York City, remonstrating against the enactment of legislation to repeal the act for the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Lodge No. 208, of Paterson; of Local Lodge No. 176, of Elizabethport, and of Local Lodge No. 316, of Newark, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of New Jersey, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of the Mercer County Central Labor Union, American Federation of Labor, of Trenton, N. J., and a petition of Local Union No. 31, American Federation of Labor, of Trenton, N. J., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

Mr. DRYDEN presented a petition of the New Jersey Chapter of the American Institute of Architects, of New Jersey, praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Lodge No. 176, Brotherhood of Boiler Makers and Iron-ship Builders, of Elizabethport, N. J., and a petition of Local Lodge No. 208, Brotherhood of Boiler Makers and Iron-ship Builders, of Paterson, N. J., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a memorial of the Millville Association of Retail Druggists, of Millville, N. J., remonstrating against the definition of the term "drug," as proposed in the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Mercer County Central Labor Union, of Trenton, N. J., and a petition of Local Union No. 31, United Brotherhood of Carpenters and Joiners, of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Reformed Church of Brookdale; of the Current News Club, of Morristown, and of the congregation of the First Central Methodist Church of Millville, all in the State of New Jersey, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HOAR presented a petition of the Society of the Descendants of the *Mayflower*, of the District of Columbia, praying that an appropriation of $40,000 be made for the erection of a monument at Provincetown, Mass., to commemorate the landing of the Pilgrims; which was referred to the Committee on Appropriations.

He also presented a memorial of the Worcester Chapter, American Institute of Architects, of Worcester, Mass., remonstrating against the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Club of Concord, Mass., praying for the purchase of a national forest reserve in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Massachusetts, remonstrating against an appropriation being made in aid of the Lewis and Clark Centennial Exposition, except on the condition that the exposition shall be closed on Sundays; which was ordered to be laid on the table.

He also presented a petition of the Young People's Christian Union of the Universalist Church of Worcester, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Indian Industries League, of Boston, Mass., and a petition of sundry citizens of Waltham, Mass., praying that land be granted in severalty to the landless Indians of northern California; which were referred to the Committee on Indian Affairs.

Mr. DEPEW presented petitions of Richmond Lodge, No. 200, of Port Richmond; of Lake Erie Lodge, No. 402, of Dunkirk; of Helpers Division No. 5, of Staten Island; of Local Lodge No. 264, of Richmond Hill; of District Lodge No. 2, of New York City; of Helpers Division No. 56, of Dunkirk; of Local Lodge No. 125, of Dunkirk; of Local Lodge No. 277, of Buffalo; of Local Lodge No. 307, of Brooklyn, and of Local Lodge No. 175, of Oswego, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of New York, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

Mr. ANKENY presented a petition of Pacific Post, No. 48, Department of Washington and Alaska, Grand Army of the Republic, of Washington, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Mount Pleasant Grange, Patrons of Husbandry, of Mount Pleasant, Wash., praying for the passage of the so-called "good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. PROCTOR presented a petition of the Woman's Club of St. Johnsbury, Vt., praying for the enactment of legislation to

purchase a national forest reserve in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented a petition of the Spencer Hardware Company, of Keene, N. H., praying for the adoption of an amendment to the bill to regulate the shipping of so-called "high explosives;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the League of American Pen Women of Washington, D. C., praying for the enactment of legislation to increase the pension of survivors of the Mexican war; which was referred to the Committee on Pensions.

He also presented a memorial of the New York Board of Trade and Transportation, of New York City, remonstrating against the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Dr. John W. Parsons, of Portsmouth, N. H., praying that an appropriation of $400,000 be made for the erection of a general hospital for the Army in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented petitions of George C. Mason, of Philadelphia, and of Albert Kelsey, of Philadelphia, all in the State of Pennsylvania; of George O. Totten, jr., of Newark, and of F. A. Wright, of Summit, all in the State of New Jersey; of Theodore W. E. De Lemis, of New York City; of Henri Fouchaux, of New York City; of J. Ames P. Hamy, of New York City; of William A. Boring, of New York City, and of Frank H. Quinby, of New York City, praying for the enactment of legislation to regulate the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. QUAY. I present a memorial of the Delaware Indians residing in the Cherokee Nation in support of their claim for payment of the difference between gold and silver coin and the currency in which payments were made to them during the years 1862 to 1878. I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. WETMORE presented a petition of Union Grange, No. 5, Patrons of Husbandry, of Woonsocket, R. I., praying that an increased appropriation be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLARD presented a petition of John A. Logan Circle, Department of Nebraska, Grand Army of the Republic, of Nebraska, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented the memorial of S. A. Goldstrom, of South Omaha, Nebr., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Helpers' Division No. 28, Brotherhood of Boiler Makers and Iron-ship Builders, of Omaha, Nebr., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. BARD presented a petition of the congregation of the United Methodist Episcopal Church of Los Angeles, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of Honey Creek Grange, No. 1, Patrons of Husbandry, of Vigo County, Ind., praying for the enactment of legislation to establish a Bureau of Public Highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of E. C. Atkins & Co., of Indianapolis, Ind., praying for the enactment of legislation to revise the laws of the United States relating to trade-marks; which was referred to the Committee on Patents.

He also presented a petition of the National Auxiliary Legislative Committee of the physicians of Hendricks County, Ind., praying for the enactment of legislation to increase the efficiency of the Medical Department of the United States Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Marion County Druggists' Association, of Indianapolis; of the Daniel Stewart Company, of Indianapolis; of D. H. Hawks, of Goshen, and of George W. Rule, of Goshen, all in the State of Indiana, remonstrating against the passage of the so-called "pure-food bill;" which were ordered to be laid on the table.

Mr. DOLLIVER presented a petition of Helpers' Division No. 18, Brotherhood of Boiler Makers and Iron-ship Builders, of Boone, Iowa, praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Defiance, Iowa, remonstrating against the establishment of a parcels-post system, and praying for the enactment of legislation to provide a 1-cent letter-postage rate; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Citizens' Industrial Association of America, remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented petitions of Wainright Post, No. 72, Grand Army of the Republic, of Alvin, Tex.; of Silver Star Circle, No. 23, Department of Ohio, Ladies of the Grand Army of the Republic, of Columbus, Ohio, and of Wisner Circle, No. 33, Department of Ohio, Ladies of the Grand Army of the Republic, of Montezuma, Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Stuart, Iowa, and a petition of the congregation of the First Presbyterian Church of Kent, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of the congregation of the First Presbyterian Church of Shenandoah, Iowa; of the Temperance Club of the Danville Branch of the National Home for Disabled Volunteer Soldiers, of Danville, Ill., and of the congregation of the Methodist Episcopal Church of Kent, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WARREN presented sundry papers to accompany the bill (S. 1124) for the relief of Burwell V. McGuffie; the bill (S. 4460) for the relief of the estate of Emile Rost, deceased; the bill (S. 4981) for the relief of the estate of William Flannigan; the bill (S. 4943) for the relief of the heirs of Jacob Allen, deceased; the bill (S. 3748) for the relief of the Mount Zion Church of United Brethren, of Frederick County, Va.; the bill (S. 3745) for the relief of the Presbyterian Church of Lovettsville, Loudoun County, Va.; the bill (S. 4964) for the relief of the estate of James L. Pearce; the bill (S. 4977) for the relief of the estate of Rigobert Lemelle; the bill (S. 1121) for the relief of the estate of Thomas Jarrell; the bill (S. 4950) for the relief of John C. McNeill; the bill (S. 4976) for the relief of Robert Morris; the bill (S. 5007) for the relief of Jane P. Moore; the bill (S. 4993) for the relief of William C. Bragg; the bill (S. 5013) for the relief of the estate of Elijah Williams; the bill (S. 4966) for the relief of Pierre Lement; the bill (S. 4965) for the relief of Lydia E. Delavenne and estate of Joseph O. Prosdame; the bill (S. 4730) for the relief of Abraham Hisey; the bill (S. 4968) for the relief of the estates of R. J. Packer and Mrs. R. V. Packer; the bill (S. 5001) for the relief of the estate of Mary A. Gough, deceased; the bill (S. 4703) for the relief of the estate of Joseph Logan, deceased; the bill (S. 4941) for the relief of Martha B. Moore; the bill (S. 4946) for the relief of the estate of John Graham, deceased; the bill (S. 4963) for the relief of the estate of Jean Pierre Landry; the bill (S. 4958) for the relief of the estate of James R. Young; the bill (S. 4810) for the relief of the estate of Cyrus Martin, deceased; the (bill S. 5018) for the relief of Elam C. Cooper; the bill (S. 4939) for the relief of Emily E. Bishop; the bill (S. 4702) for the relief of Dr. Ira G. Wood, and the bill (S. 4520) for the relief of the estates of Mrs. M. L. Holt, Mrs. Jane E. Cannon, and Mrs. L. B. Shipp; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 12th instant, proposing to appropriate $90,000 for establishing a light vessel, with fog signal, at Ambrose channel, New York; also proposing to appropriate $125,000 for a light-house at Ambrose channel, New York, and also proposing to appropriate $15,000 for establishing a tank light vessel at Ambrose channel, New York, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4937) to promote the efficiency of the Revenue-Cutter Service, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (H. R. 13212) for the establishment of Dayton, Ohio, as a port of delivery, reported it without amendment.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate $30,000 for establishing a light-house and fog signal at the entrance to Bellingham Bay, State of Washington, intended to be proposed to the sundry

civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 716) granting an honorable discharge to Jacob Neibles, reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 3565) directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 5811) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky or the boundary line between the States of West Virginia and Virginia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River, reported it with amendments, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (S. 4609) to authorize the Secretary of Commerce and Labor to appoint a deputy collector of customs at Manteo, N. C., reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3715) for the relief of Merril Denham, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Louisiana, from the Committee on Commerce, to whom was referred the bill (H. R. 10306) to authorize a duplicate medal to be struck off and presented to John Horn, of Detroit, Mich., for life saving, reported it without amendment.

Mr. PENROSE, from the Committee on Finance, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass.; and

A bill (S. 4069) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise.

Mr. DUBOIS, from the Committee on Public Lands, to whom was referred the bill (S. 4587) granting certain property to the town of Coeur d'Alene, Kootenai County, Idaho, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 3152) to reimburse the Becker Brewing and Malting Company, of Ogden, Utah, for loss resulting from robbery of the United States mails, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate $2,400 for defraying necessary expenses of the compilation by the Bureau of Navigation of the Department of Commerce and Labor of a list of merchant vessels of the United States documented before July 1, 1820, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

DOCUMENTS RELATING TO CUBA AND INSULAR POSSESSIONS.

Mr. PLATT of New York, from the Committee on Printing reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 500 copies of the index to the documents now compiled in the War Department, relating to affairs in Cuba, Porto Rico, the Philippines and other insular possessions of the United States, for the use of the War Department.

DISPOSAL OF TIMBER ON PUBLIC LANDS.

Mr. HANSBROUGH. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 5054) to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes, to report it favorably with an amendment and to submit a report thereon. It being a bill that comes from the Committee on Public Lands unanimously, I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from North Dakota, from the Committee on Public Lands, asks that the bill reported by him may be now considered. The bill will be read for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That it shall be lawful for the Secretary of the Interior to sell to the highest bidder, at public outcry or otherwise, under such rules and regulations and subject to such conditions and restrictions and in such quantities as he may prescribe, the right to cut and remove, within such period of time as he may fix, any timber from any unappropriated, nonmineral, surveyed public lands, after first having had such timber duly appraised and after giving public notice of the time, terms, manner, and place of such sale.

SEC. 2. That the Secretary of the Interior shall have power and authority to reject any and all bids offered at any such sale; and that it shall be unlawful for any purchaser at such sale to sell, transfer, assign, or in any manner alienate the rights secured by him under this act, except as authorized by said Secretary.

SEC. 3. That the act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," approved June 3, 1878, and all acts amendatory thereof, be, and the same are hereby, repealed, and no lands valuable chiefly for timber shall hereafter be patented under the commutation provisions of the homestead laws.

SEC. 4. That any person who violates or attempts to violate any of the provisions of this act, or any regulation or requirement prescribed pursuant thereto, shall forfeit to the United States all benefits conferred by this act and all moneys paid by him thereunder; and any right to cut and remove timber thereunder which he may then hold shall be canceled and revoked.

The bill was reported from the Committee on Public Lands with an amendment, to add the following as a new section:

SEC. 5. That all moneys received from the sale and disposal of the rights to cut and remove timber on public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, as provided in section 1 of this act, shall be, and the same are hereby, reserved, set aside, appropriated, and constituted a part of the reclamation fund created by the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, to be used and expended as provided by that act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HANSBROUGH. I move that Senate bill 370, Senate bill 932, and Senate bill 4916, relating to the same subject, be indefinitely postponed.

The motion was agreed to; and the following bills were postponed indefinitely:

A bill (S. 370) providing for the disposal of timber and stone on public lands chiefly valuable for timber or stone, and for other purposes;

A bill (S. 932) to repeal the act providing for the sale of timber and stone lands, the desert-land act, and the commutation provision of the homestead act; and

A bill (S. 4916) to provide for the disposal of timber on public lands, and for other purposes.

LAND PATENTS IN BITTER ROOT VALLEY, MONTANA.

Mr. GIBSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 6787) to confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all patents heretofore issued for lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the act of June 5, 1872, in desert entries, preemption entries, mining entries, entries under the act of June 3, 1878, as extended to all the public-land States by the act of August 4, 1892, commonly known as the "timber and stone law," and for lands selected for the benefit of the University of the State of Montana prior to the passage of the act of August 3, 1894, are confirmed and the patents validated, to all intents and purposes, the same as if the law under which the patents were issued was applicable to those lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time and passed.

ADDITIONAL HOMESTEAD ENTRIES.

Mr. DUBOIS. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 3165) amending section 3 of the act of June 5, 1900, to report it with an amendment in the nature of a substitute, and to submit a report thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Public Lands with an amendment, to strike out all after the enacting clause and to insert:

That any person who has heretofore made, or who may hereafter make, entry under the homestead laws, but who shall show to the satisfaction of the Commissioner of the General Land Office that he was unable to perfect the entry on account of some unavoidable complication of his personal or business affairs, or on account of an honest mistake as to the character of the land; that he made a bona fide effort to comply with the homestead law, and that he did not relinquish his entry or abandon his claim for a consideration, shall be entitled to the benefit of the homestead laws as though such former entry had not been made.

SEC. 2. That any homestead settler who has heretofore entered, or may hereafter enter, less than one-quarter section of land may enter other and additional land lying contiguous to the original entry which shall not, with the land first entered and occupied, exceed in the aggregate 160 acres, with-

ant proof of residence upon and cultivation of the additional entry; and if final proof of settlement and cultivation has been made for the original entry when the additional entry is made, then the patent shall issue without further proof: *Provided*, That this section shall not apply to or for the benefit of any person who does not own and occupy the lands covered by the original entry: *And provided*, That if the original entry should fail for any reason prior to patent, or should appear to be illegal or fraudulent, the additional entry shall not be permitted, or, if having been initiated, shall be canceled.

SEC. 3. That commutation under the provisions of section 2301 of the Revised Statutes shall not be allowed of an entry made under this act.

Mr. FULTON. Mr. President, I should like to have the author of the bill explain what change it proposes to make in the present law?

Mr. DUBOIS. As the report shows, this bill merely condenses the present law, and in a case where the homesteader has made a homestead entry which he has been compelled, through no fault of his own, to relinquish and for the relinquishment of which he has received no consideration—all of which must be proven to the satisfaction of the Department—it proposes to enable the homesteader to make another homestead entry.

Mr. WARREN. As I understand, this bill merely reinstates right already invested in homesteaders who have failed utterly to obtain the right under some claim which they have relinquished and for which they have received no consideration?

Mr. DUBOIS. The bill is carefully guarded, it providing that the failure of the homesteader was through no fault or neglect of his own.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for second and additional homestead entries, and for other purposes."

GLEN HAVEN CHANNEL, WISCONSIN.

Mr. KEAN. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Wisconsin [Mr. SPOONER], to report it favorably with amendments. I ask unanimous consent for its present consideration.

There being no objection, the Senate proceeded to consider the following resolution, submitted by Mr. SPOONER December 17, 1903:

Resolved, That the Committee on Commerce is instructed to investigate and report, at the earliest practicable day, whether the Government work in the Mississippi River, the boundary line between the States of Wisconsin and Iowa, opposite the county of Grant, in the State of Wisconsin, so far as constructed, or if the same shall be completed as planned, will close or render unnavigable the Glen Haven channel, along the Wisconsin shore, which has been navigable for rafts and steamboats for over forty years.

Resolved, That said committee is authorized to conduct said investigation by full committee or a subcommittee, and shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer, and sit during the sessions of the Senate, at such times and places as the committee may determine; and the actual and necessary expenses of said investigation shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments reported by the Committee to Audit and Control the Contingent Expenses of the Senate were, in line 2, after the word "report," to strike out "at the earliest practicable day;" and in line 9, after the word "steamboats," to strike out "for over forty years" and insert "how long said channel has been so navigable, whether in the public interest such channel should be closed, and also whether said river at said point is susceptible of improvement so as to secure adequate navigable channels on both the Iowa and Wisconsin sides thereof;" so as to read:

Resolved, That the Committee on Commerce is instructed to investigate and report whether the Government work in the Mississippi River, the boundary line between the States of Wisconsin and Iowa, opposite the county of Grant, in the State of Wisconsin, so far as constructed, or if the same shall be completed as planned, will close or render unnavigable the Glen Haven channel, along the Wisconsin shore, which has been navigable for rafts and steamboats; how long said channel has been so navigable, whether in the public interest such channel should be closed, and also whether said river at said point is susceptible of improvement so as to secure adequate navigable channels on both the Iowa and Wisconsin sides thereof, etc.

The amendments were agreed to.

Mr. ALLISON. Mr. President, I wish to express the hope that the Committee on Commerce, who are to make this investigation, will summon to their aid the engineer officers of the Government who have charge of this improvement.

Mr. SPOONER. I have not the slightest objection to their doing that.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

SABINE LAKE CHANNEL, TEXAS.

Mr. CULBERSON. Mr. President, the Senator from Arkansas [Mr. BERRY] reported favorably this morning from the Committee on Commerce the bill (H. R. 3565) directing the Secretary of War to expend $125,000, heretofore appropriated, for a channel through Sabine Lake, Texas. As it is a short bill, and there is some urgency about it, I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the consideration of a bill reported this morning, which will be read to the Senate for its information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to use and expend the $125,000 appropriated by an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 30, 1902, for the purpose of improving mouths of Sabine and Neches rivers, Texas, in accordance with House Document No. 249, Fifty-fourth Congress, second session, by connecting the same with Sabine Pass by a channel 8 feet deep through Sabine Lake, in excavating and constructing a channel 8 or more feet deep from the mouths of the Sabine and Neches rivers, at or near the west shore of Sabine Lake, to Taylors Bayou, a navigable stream in the State of Texas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5095) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of branch libraries in the District of Columbia, to establish a commission to supervise the erection of branch library buildings in said District, and to provide for their suitable maintenance; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ANKENY introduced a bill (S. 5096) granting an increase of pension to Edmond G. Pugsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 5097) to correct the military record of H. J. Rowell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DRYDEN introduced a bill (S. 5098) granting an increase of pension to William Hibbs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BALL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5099) granting a pension to William J. Lank; and

A bill (S. 5100) to fix the status of the Fifth and Sixth Regiments of Delaware Volunteers.

Mr. DOLLIVER introduced a bill (S. 5101) granting an increase of pension to Lewis Y. Foster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5102) establishing a retirement or pension fund for railway postal clerks; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5103) granting an increase of pension to Alfred J. Sellers (with accompanying papers);

A bill (S. 5104) granting an increase of pension to Thomas Williams; and

A bill (S. 5105) granting a pension to Frederic H. Milton.

Mr. ELKINS introduced a bill (S. 5106) to amend section 4136, Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

STATUE OF GENERAL SHERMAN.

Mr. PENROSE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in the form such as is customary in the case of public ceremonies of a similar character, under the direction of the officer in charge of public buildings and grounds, 15,000 copies of the proceedings and accompanying documents, with suitable process plates to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 6,000 to be delivered to the engineer in charge of public buildings and grounds in charge of monument and ceremonies, to be distributed as follows:

One hundred for the President of the United States;

One hundred for the speakers who took part in said ceremonies of unveiling, to be equally distributed;

One hundred for the immediate family of the late General Sherman;

One each to the invited guests, not to exceed 2,500 in all;

Five hundred to the president of each of the societies of the Tennessee, of the Cumberland, of the Ohio, and of the Potomac, and to the commander in chief of the Grand Army of the Republic; in all, 2,500 for such distribution as he may see fit;

Three hundred to the chairman of the Joint Committee on the Library for the use of said joint committee;

Four hundred to the engineer in charge of public buildings and grounds for such distribution as he shall see fit, 25 of this number for the author of the work.

Of the above number out of each allotment, respectively, and distributed as provided, there shall be bound in full morocco, as follows:

Fifteen for the President of the United States;

Ten for the Cabinet, being one for each member and the Secretary to the President;

One for each speaker and clergy who took part in said proceedings;

One for each member of the Supreme Court of the United States;

One for the President pro tempore of the Senate;

One for the Speaker of the House of Representatives;

One for each member of the General Sherman statue committee of the Society of the Army of the Tennessee;

One for each member of the Sherman Statue Commission created by Congress;

One for each of the children, and William Tecumseh Sherman Thorndike, grandson, of the late Gen. William T. Sherman;

One for the president of each of the military societies named and the commander in chief of the Grand Army of the Republic;

Twenty-five for the use of the Joint Committee on the Library and 25 for the engineer in charge of public buildings and grounds, to be used only to make up errors or omissions in the list, including one for the engineer in charge of the monument and ceremonies and one for author of the work.

The engineer in charge of public buildings and grounds is also hereby authorized to pay for such extra work executed in the collection of materials and the preparation of said accompanying papers, including the proceedings of the reunions of the different military societies so far as they have direct relation to the said ceremonies, and for editing, proof reading, and other necessary expert labor in carrying said publication through the press, not to exceed $500.

WITHDRAWAL OF PAPERS—BENJAMIN FRANKLIN HANDFORTH.

On motion of Mr. DRYDEN, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Benjamin Franklin Handforth accompanying Senate bill No. 4641, Fifty-seventh Congress, second session, there being no adverse report thereon.

REPORT ON PAN-AMERICAN RAILWAY.

Mr. CULLOM. On the 15th instant the President transmitted to the Senate a copy of the report of the commissioners appointed to carry out the resolution with respect to the Pan-American Railway. The message and accompanying papers were ordered to be printed. I am informed that there was a map accompanying the message, and I ask that an order be made for the printing of that map.

The PRESIDENT pro tempore. The Senator from Illinois asks for the printing of a map accompanying the message from the President relating to the Pan-American Railway. Is there objection? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the map accompanying the report of the commissioners appointed to carry out the resolution with respect to the Pan-American Railway adopted by the Second International Conference of American States, held in the City of Mexico during the winter of 1901-2, be printed with said report.

HOUSE BILL REFERRED.

The bill (H. R. 10007) to authorize the Commissioner of the General Land Office to transmit original papers to be used as evidence was read twice by its title, and referred to the Committee on Public Lands.

PORT OF DELIVERY AT UTICA, N. Y.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 4074) constituting Utica, N. Y., a port of delivery, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN V. REED.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the consideration at this time of the bill (S. 2540) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy. I will say that this bill was heretofore read and went over under an objection, which has been withdrawn.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BERNARD W. MURRAY

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill (S. 2113) for the relief of Bernard W. Murray.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of the bill named by him, which has been reported by the Committee on Claims with an amendment in the nature of a substitute. The amendment will be read.

The Secretary read the amendment reported by the Committee on Claims, which was to strike out all after the enacting clause of the bill and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 per month for sixty months to Bernard W. Murray: *Provided*, That should the said Bernard W. Murray die before the expiration of sixty months leaving no minor children said payments shall thereupon cease. Should the said Bernard W. Murray die before the expiration of sixty months leaving minor children said payments shall cease upon the majority of the youngest of said children.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. If there be a report in that case, Mr. President, I should like to have it read. It seems to be rather an extraordinary case, in which it is proposed to pay the sum of "$50 per month for sixty months."

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. FULTON on the 3d instant, as follows:

The Committee on Claims, to which was referred Senate bill 2113, having considered the same, recommends the following amendment, and so amended that said bill be passed:

Strike out all after the enacting clause and substitute therefor the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 per month for sixty months to Bernard W. Murray: *Provided*, That should the said Bernard W. Murray die before the expiration of sixty months leaving no minor children said payments shall thereupon cease. Should the said Bernard W. Murray die before the expiration of sixty months leaving minor children said payment shall cease upon the majority of the youngest of said children."

The facts upon which the foregoing claim is based are as follows:

The claimant, Bernard W. Murray, was on January 8, 1901, appointed overseer of the engineering department at large, and sent to Fort Flagler. His duties as overseer required his presence at all times on the works, and while engaged in that capacity, on the 14th day of August, 1901, he met with an accident, the facts concerning which are quite fully set forth in a letter from Mr. R. H. Ober, superintendent, of which the following is a copy:

FORT FLAGLER, WASH., *January 22, 1902.*

DEAR SIR: Referring to your letter of the 9th instant, relative to accident to Bernard W. Murray, overseer, on August 14, 1901, I have the honor to submit the following report of the circumstances of the accident, with outline sketch showing the arrangement of the plant for mixing concrete at the mortar battery, Fort Flagler:

The sand, gravel, and cement are stored in the bunkers shown at "B" on sketch. Along on a side of the bunkers and below the level of the floor runs a car for measuring the sand and gravel. The sand and gravel run from the bunkers through openings in the side into the car.

The proper proportions of sand, gravel, and cement are placed on the car by two men, who then push the car to position over a second car, shown at "C." A swinging door in the bottom of the measuring car is then opened and the charge of sand, gravel, and cement falls into car "C." The weight of this charge is about 3 tons. Signal is then given the engineer, who is stationed at the hoisting drum "D," by means of a push button "E," operating an electric gong at the engineer's station. The engineer then starts the hoisting drum, on which is wound a five-eighths-inch steel cable passing over a sheave at the top of the incline, thence over a sheave on the front end of the car "C," and then back to the upper end of the incline, where it is fastened. The position of the engineer is such that he can not see the car "C" until it is nearly at the top of the incline, on account of the mixer building and trestle intervening. On arrival at the top of the incline, over the concrete mixer, the car automatically dumps the charge and returns by gravity to the foot of the incline.

On the morning of August 14 work of mixing and laying concrete was begun at 8 a. m. The measuring car at the bunkers was operated by Henry Barter and Aug. Riedel, laborers. The car "C" was operated by Arthur L. Jones as engineer, on signals given by Henry Barter. One charge of materials was hauled to the top of the tramway, the materials dumped into the hopper below, and the car returned to the foot of the tramway. It was observed by Mr. Murray that the car did not run down to quite its proper position for receiving the charge from the measuring car, and he asked Barter if the bearings of the car wheels and the sheave had been oiled that morning. Barter replied in the negative. Mr. Murray obtained an oil can, it is supposed from the other end of the bunkers, and returned to the car with it.

In the meantime Barter and Riedel had pushed the car into position under the measuring car and had dropped the charge into it. Telling them not to give the signal to the engineer until he got through oiling the car, Mr. Murray went down on the track in front of the car and began oiling the sheave. Barter and Riedel stood on the platform behind the measuring car. From the position they occupied it was impossible for them see Mr. Murray. While Mr. Murray was at work below Barter pushed the button and gave the signal to the engineer to start the car. As soon as this started Mr. Murray was caught by the cable and wheels of the car in such a way as to fracture the left arm, dislocate one of the vertebræ of the spinal column, and severely bruise the left leg near the hip. Hearing Mr. Murray cry out as the car started, Barter immediately gave the signal to stop and back the car. This was obeyed by the engineer, who stopped the car at a point about 16 feet from the starting point and let the car back, leaving Mr. Murray lying on the track. There were no eyewitnesses of the accident, and it is not clear as to the exact manner in which he was caught by the cable and wheels, but it seems to be certain that the car wheels did not pass over him. The accident happened at about 8.15 a. m.

Barter was immediately discharged. His address is care of St. James Hotel, Seattle, Wash. Aug. Riedel quit on September 9 to go to Seattle. Arthur L. Jones quit on November 16. His address is box 42, Station A, Minneapolis, Minn.

It was Mr. Murray's duty to see that everything connected with the concrete plant was in good running order.

Respectfully, yours,

R. H. OBER,
Superintendent.

Maj. JOHN MILLIS,
Corps of Engineers, United States Army, Seattle, Wash.

The nature and character of his injuries are set forth in the following statements:

"I, Jacob C. House, being duly sworn, depose and say that I have for fourteen years practiced medicine in the city of Port Townsend, county of Jefferson, and State of Washington, being a regular practitioner under the laws of the State of Washington; that I am well acquainted with Bernard W. Mur-

ray; that on the 14th day of August, 1901, I was called in consultation with Doctor Truax, United States Army surgeon at Fort Flagler, in regard to the condition and treatment of said Bernard W. Murray; that said Murray had received severe injuries while underneath a truck car arranging its mechanism, when it was suddenly started, causing a fracture of the left humerus near its middle, a severe contusion of the left hip extending over the lower abdomen, also an injury to the lower dorsal and lumbar spine; that on or about August 21, 1901, I was again called in consultation in the same case for the reason that the injury to the spine was causing severe pain and there was motor paralysis of the lower limbs; that after this consultation and consulting with the son of Bernard W. Murray we decided to send him to the Providence Hospital, at the city of Seattle, where he could receive better nursing. Doctor Truax accompanied him there and placed him in charge of Dr. George M. Horton, of that city.

"JACOB C. HOUSE.

"Subscribed and sworn to before me this 28th day of July, 1903.

[SEAL.] "N. S. SNYDER,

"*Notary Public in and for the State of Washington,*
"*Residing at Port Townsend.*

"To whom it may concern: This is to certify that Mr. B. W. Murray was under my care, confined in Providence Hospital, from September 1, 1901, to the latter part of October of the same year, suffering from an injury which he received at Fort Flagler, at which time he was unable to move himself without assistance, having received a severe injury in the region of his back. My bill for attending Mr. Murray during that time is $75, no part of which has been paid. I further certify that Mr. Murray called upon me October 20, 1903, at my office, still walking with crutches and in a very much crippled condition, and at this time is far from being an able-bodied man, if he ever will be such again.

"Respectfully, "GEO. M. HORTON, M. D.,
"*Attending Physician.*

"SEATTLE, WASH., *October 29, 1903.*"

The Chief of Engineers, to whom the bill was referred, reported thereon as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 18, 1904.

SIR: I have the honor to return Senate bill 2113, Fifty-eighth Congress, first session, for the relief of Bernard W. Murray, late overseer of construction at Fort Flagler, Wash.

From a report of Maj. John Millis, Corps of Engineers, dated January 23, 1902, it appears that Mr. Murray was injured while oiling the bearings of a car used for transporting concrete materials at the concrete-mixing plant at Fort Flagler, another employee giving the starting signal while Mr. Murray was down on the track in front of the car. His injuries, as reported at the time, consisted of a fracture of the left arm, a dislocation of one of the vertebræ of the spinal column, and a severely bruised left leg near the hip. A detailed history of the accident will be found in the accompanying copy of a report from R. H. Ober, superintendent.

It is believed that Mr. Murray is entitled to compensation for the injuries he sustained, but I am unable to say whether the amount provided for in the above-mentioned bill is excessive or merely an equitable amount.

Copies of papers on file in the office concerning the case are herewith.

Very respectfully, your obedient servant,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, U. S. Army.

HON. WM. H. TAFT,
Secretary of War.

Mr. KEAN. I never heard of such a bill having been heretofore passed by the Senate. It seems extraordinary, and I object to the present consideration of the bill, Mr. President.

The PRESIDENT pro tempore. Objection being made, the bill will be returned to the Calendar.

AIDS TO NAVIGATION IN DELAWARE BAY AND RIVER.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 3905) to establish aids to navigation in Delaware Bay and River.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to provide for the establishing of the following aids to navigation in Delaware Bay and River, at a cost not to exceed $635,000; and for that purpose the sum of $250,000 is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, said aids to be established in the order in which they are named.

Brown Shoal, Delaware: For establishing a light-house and fog signal on Brown Shoal, Delaware.

Miah Maull Shoal, New Jersey: For establishing a light-house and fog signal on Miah Maull Shoal, New Jersey.

Elbow of Cross Ledge, New Jersey: For establishing a light-house and fog signal on the Elbow of Cross Ledge, New Jersey.

Joe Flogger Shoal, Delaware: For establishing a light-house and fog signal on Joe Flogger Shoal, Delaware.

Arnold Point Shoal, New Jersey: For establishing a light-house and fog signal on Arnold Point Shoal, New Jersey.

Goose Island Flats, New Jersey: For establishing a light-house and fog signal on Goose Island Flats, New Jersey.

Old Mans Point, New Jersey: For establishing range lights on Old Mans Point, New Jersey.

Seventeen Foot Knoll and Marcus Hook, Delaware: For establishing range lights on Seventeen Foot Knoll and Marcus Hook, Delaware.

Horseshoe Shoal, Pennsylvania: For establishing a light-house and fog signal on Horseshoe Shoal, Pennsylvania.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SPOONER. I do not rise for the purpose of objecting to the bill, but I want to ask the Chair if this subject has not always been within the jurisdiction of the Treasury Department until the Department of Commerce and Labor was established?

Mr. PENROSE. I understand, Mr. President, that that Bureau has been transferred from the Treasury Department to the Department of Commerce and Labor.

Mr. SPOONER. The Senator does not understand my question. I am only asking for information from the Chair, although it is not a parliamentary inquiry——

The PRESIDENT pro tempore. The Chair did not understand the Senator.

Mr. SPOONER. I wanted to know if the Light-House Board has ever been within the jurisdiction of the War Department.

The PRESIDENT pro tempore. It never has, within the knowledge of the Chair, been under the jurisdiction of the War Department, but it has been always under the charge of the Treasury Department until recently, when by law it was transferred to the Department of Commerce and Labor.

Mr. SPOONER. It occurred to me, as the War Department has charge of all improvements of rivers and harbors, of the navigation of which this is an essential part——

Mr. BERRY. These are light-houses.

Mr. SPOONER. I know they are light-houses; but the bill relates to aids to navigation——

Mr. ALLISON. If the Senator will allow me, if I understand the organization of the Light-House Board, it embraces an officer of the War Department and an officer of the Navy, who together are secretaries of the Board, and who are supposed to be acquainted with the needs of navigation and other needs connected with the harbor defenses.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL TELEGRAPH CABLE COMPANY.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 1362) for the relief of the Postal Telegraph Cable Company. It is a very short bill, favorably reported some time ago from the Committee on Claims, and it is important that it should be passed as early as possible.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. The preamble recites that whereas the Postal Telegraph Cable Company rendered telegraph service to the Post-Office Department from July 1, 1889, to June 30, 1893, during which period the bills of the company were properly rendered with a protest against the rate fixed by the Postmaster-General attached, and the same was disallowed and returned with the vouchers owing to the accompanying protest; and whereas the rate fixed by the Postmaster-General was subsequently declared illegal by the United States Court of Claims and the protest filed with the bills sustained. Pending the decision of the Court of Claims sufficient time elapsed as to place this claim beyond the jurisdiction of that court; therefore, the bill provides that the Secretary of the Treasury be directed to pay to the Postal Telegraph Cable Company, a corporation incorporated under the laws of the State of New York, having its principal office at No. 253 Broadway, New York City, $2,155.19, for telegraph service rendered to the Post-Office Department from July 1, 1889, to June 30, 1893.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

HENRY E. RHOADES.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT of New York. Will the Senator from Ohio withhold his motion for a moment that I may ask for the consideration of a bill?

Mr. FORAKER. I will withhold the motion for that purpose.

Mr. PLATT of New York. I ask for the consideration of the bill (S. 2164) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Navy to transfer Assistant Engineer Henry E. Rhoades, upon the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States, to take effect from the date of his retirement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. WERTZ AND WALTER H. SHUPE.

Mr. FORAKER. Mr. President——

Mr. MILLARD. With the consent of the Senator from Ohio, I ask unanimous consent to call up the bill (S. 2284) for the relief of John T. Wertz and Walter H. Shupe.

The PRESIDENT pro tempore. Does the Senator from Ohio yield for that purpose?

Mr. FORAKER. I yield, but I wish to give notice that I can not yield further. I understand that this is a very short bill and that it will take no time.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to repay to John T. Wertz and Walter H. Shupe the amount of purchase money furnished by them, respectively, not exceeding $800 in all, for the purpose of making coal entry No. 43, Helena, Mont., of the southwest quarter of the southeast quarter of section 4, township 13 north, range 19 west, Helena meridian, Montana, February 26, 1887, in the name of Rudolph Boehm, which entry was canceled by the Commissioner of the General Land Office September 5, 1894.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE WHITING VIEW COMPANY.

Mr. McLAURIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. The Senator desires me to yield for what purpose?

Mr. McLAURIN. Simply to have a letter read which is a short page. On last Saturday I read a letter to the Commercial-Appeal, of Memphis, from Mr. Paxton.

Mr. FORAKER. I yield in order that the letter may be read.

Mr. McLAURIN. I have since that time received a letter from the Whiting View Company, and I think in justice to them it ought to be put into the RECORD for whatever it is worth. That is all I ask to have done. I think they have a right to have their side of the question heard, after the reading of the letter which referred to them. I do not wish to do anybody injustice. Somebody or some company printed the obscene pictures sold to negroes but not exhibited to white people. This company denies that it printed them. Their denial and statement are in this their letter. Put into the RECORD, it will go for what it is worth, with the letter of Mr. Paxton and the confession of this company's agents that they were selling obscene pictures, printed by somebody, too bad to exhibit to white people.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent that the following letter may be read. Is there objection to the reading of the letter?

Mr. ALDRICH. What is the subject?

Mr. FORAKER. I understand that it is from the Whiting View Company.

Mr. McLAURIN. I will state that the Whiting View Company was mentioned in a letter to the Commercial-Appeal by Mr. Paxton, which I read to the Senate a few days ago. They feel aggrieved at what was said by me, and want to have what they claim to be a wrong to them righted. I feel that they have a right to have their answer to what was said put into the RECORD for whatever it is worth. In justice to them I think it ought to go into the RECORD; and I ask that it may be read, so that it may go in to-day's RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read as follows:

THE WHITING VIEW COMPANY,
Cincinnati, Ohio, March 14, 1904.

Hon. A. J. McLAURIN,
United States Senate Chamber, Washington, D. C.

HONORED SIR: We write you with reference to the matter you referred to in the United States Senate on Saturday; i. e., the charge made against us by the authorities of Indianola and Leland, Miss., for selling photographs that they claimed were improper for distribution. Our agents have been and are now at work in almost every quarter of this country, and have been for years in not only America, but in foreign countries as well, and yet this is the first charge we have ever had to meet. We strive to make our views of an educational character, and think we have succeeded very well, as our views can be found in many institutions of learning and are recommended by educators everywhere.

Our works consist principally of things of great national interest or of such things or places as have any historical significance in all parts of the known world. We have only a very few photographs of famous paintings, which you will find listed on page 15 of the catalogue we are sending you herewith. They were made for the exceptionally educated person who really admires art work of this class, and never had we any thought of these finding their way into the hands of negroes, who would handle these beautiful things in the light of the ridiculous or ludicrous. Never did we entertain such a thought as placing anything before the public that might in any way be taken to mean that the negro and the white people were on an equality. How could we do such a thing? We have mothers and wives that are Caucasians and we could not do anything that would cause them to blush. No; there has been a great mistake, and we appeal to you to use your influence in making what is wrong right. We can do no more.

We remain, sincerely,

THE WHITING VIEW COMPANY,
Per R. R. WHITING, *Manager.*

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifty-eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 18, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 17, 1904.

SECRETARY OF ARIZONA.

William Francis Nichols, of Arizona, to be secretary of Arizona, vice Isaac C. Stoddard, resigned.

REGISTER OF LAND OFFICE.

Hal J. Cole, of Spokane, Wash., to be register of the land office at Spokane, Wash., vice William H. Ludden, term expired.

INDIAN AGENT.

Caleb B. Jackson, of Sisseton, S. Dak., now superintendent of the Indian training school at Sisseton Agency, to be agent for the Indians of the Sisseton Agency in South Dakota.

Mr. Jackson was originally appointed said Indian agent May 13, 1902, and was appointed school superintendent October 3, 1903, when the agency was discontinued.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 17, 1904.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

John Barrett, of Oregon, now envoy extraordinary and minister plenipotentiary to the Argentine Republic, to be envoy extraordinary and minister plenipotentiary of the United States to Panama.

Arthur M. Beaupré, of Illinois, now envoy extraordinary and minister plenipotentiary to Colombia, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic.

William W. Russell, of the District of Columbia, now secretary of the legation at Panama, Panama, to be envoy extraordinary and minister plenipotentiary of the United States to Colombia.

CONSUL.

Louis A. Dent, of the District of Columbia, to be consul of the United States at Dawson City, Yukon Territory, Canada.

SECRETARIES OF LEGATION.

Henry W. Shoemaker, of Ohio, to be secretary of the legation of the United States at Lisbon, Portugal.

Nelson O'Shaughnessy, of New York, to be secretary of the legation of the United States at Copenhagen, Denmark.

REGISTER OF WILLS.

James Tanner, of the District of Columbia, to be register of wills for the District of Columbia.

INDIAN AGENT.

James H. Monteath, of Montana, to be agent for the Indians of the Blackfeet Agency in Montana, to take effect March 16, 1904.

POSTMASTER.

NEW JERSEY.

William M. Foster to be postmaster at Atlantic Highlands, in the county of Monmouth and State of New Jersey.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 17, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LAND FOR USE OF STREET AT ST. JOSEPH, MO.

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3761) ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to grant, relinquish, and convey to the city of St. Joseph, in the State of Missouri, a strip of land 10 feet in width off of the west side of the site of the Federal building in said city of St. Joseph, and extending along Eighth street, from Edmond to Charles street, a distance of 243 feet, more or less, the said strip of land to be used for street purposes only.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I suppose this is for the purpose of a general widening of the street.

Mr. COCHRAN of Missouri. Yes; and it has the approval of the Supervising Architect and the Secretary of the Treasury.

The SPEAKER. The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. COCHRAN of Missouri, a motion to reconsider the last vote was laid on the table.

MEMORIAL SERVICE IN HONOR OF LATE REPRESENTATIVE BURK OF PENNSYLVANIA.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent that the House fix Sunday, March 27, for memorial services in honor of the late Representative HENRY BURK, of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Sunday, March 27, be devoted to memorial services for the late Representative from Pennsylvania, Mr. BURK. Is there objection?

There was no objection, and it was so ordered.

ADJOURNMENT FROM FRIDAY TO MONDAY.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent that when the House adjourn on Friday next it adjourn to meet on Monday, March 21.

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the House adjourn on Friday next it adjourn to meet on Monday next. Is there objection?

Mr. OVERSTREET. Mr. Speaker, I will not object to this request, but I wish to state to the House that in view of the information that I have that such a motion if made to-morrow will not only be in order but will probably prevail, it might be better to wait until to-morrow. However, I have no objection to the request being granted, although I am very anxious that the bill which is before the House shall be concluded as early as possible.

The SPEAKER. The Chair hears no objection, and it is so ordered.

HOLDING OF COURTS AT ATHENS, GA.

Mr. BRANTLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12904) providing for holding of courts of the eastern division of the northern Federal judicial district of Georgia at Athens, Ga., which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That hereafter court shall be held in the eastern division of the northern Federal judicial district of Georgia at Athens, Ga., on the fourth Monday in April and the first Monday in November in each year, instead of as heretofore provided.

The committee amendment was read, as follows:

In line 1 strike out the word "court" and insert in lieu thereof the word "courts."

The SPEAKER. Is there objection to the present consideration of the bill just reported? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BRANTLEY, a motion to reconsider the last vote was laid on the table.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF GEORGIA.

Mr. BRANTLEY. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 13352) transferring the county of Pierce, in the State of Georgia, from the eastern to the southwestern division of the United States district court for the southern district of Georgia was read, as follows:

Be it enacted, etc., That the county of Pierce, in the State of Georgia, be, and the same is hereby, transferred from the eastern to the southwestern division of the United States district court for the southern district of Georgia.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read the third time; and it was accordingly read the third time, and passed.

On motion of Mr. BRANTLEY, a motion to reconsider the last vote was laid on the table.

HARRY HALLER.

Mr. LOUDENSLAGER. I call up the conference report on the bill (H. R. 6582) granting an increase of pension to Harry Haller; and as both the report and statement have already been printed in the RECORD, I ask that only the statement be read.

The SPEAKER. In the absence of objection, the Clerk will read only the statement.

The Clerk read as follows:

Statement to accompany report of committee of conference on the disagreeing votes of the two Houses on H. R. 6582, granting an increase of pension to Harry Haller.

This bill passed the House at $30 per month, but was amended in the Senate to $24 per month. The result of the conference is that the Senate recedes from its amendment, and your conferees recommend that the bill pass at $30 per month, as originally passed by the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report of the committee of conference was adopted.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. OVERSTREET, the House resolved itself into the Committee of the Whole on the state of the Union (Mr. BOUTELL in the chair) and resumed the consideration of House bill No. 13521, the post-office appropriation bill.

The CHAIRMAN. General debate on this bill being exhausted, the Clerk will begin the reading of the bill by paragraphs for debate and amendment under the five-minute rule.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL.

For advertising, $5,000.

Mr. MADDOX. Mr. Chairman, I think it highly important, especially after the fact has been demonstrated that we have a whole lot of rascals in the Post-Office Department, that the chairman of the Post-Office Committee should tell us what this sum of $5,000 is for; and I might say to him that probably we may now be a little more particular than we have ever been in trying to find out what these appropriations are for and how they are to be expended.

Mr. OVERSTREET. For the past five years, including the present fiscal year, there has been appropriated for this particular item the sum of $7,000. The bill now before the committee recommends a reduction of that appropriation by $2,000, appropriating $5,000 instead of $7,000. This item is for advertising, separately, and I may say almost exclusively, in the supply divisions of the Department.

Mr. MADDOX. Is there any rule or regulation by which this money is spent, or is that matter left in the discretion of the officers of the Department?

Mr. OVERSTREET. The expenditure must be passed upon by the Auditor and must be in accordance with the laws which usually prevail in regard to advertising. The expenditures are shown by vouchers covering the specific matters.

Mr. MADDOX. I suppose all this clerk hire, etc., is also passed upon by the Auditor?

Mr. OVERSTREET. Mostly; and the expenditures are authorized by law; otherwise they would not be made.

Mr. MADDOX. Do they furnish any bills of particulars as to what they advertise for?

Mr. OVERSTREET. They advertise for bids in connection with the purchase of all supplies in the various branches of the Department, but this is principally used for the supply division of the First Assistant's department. Those advertisements are published in newspapers in such a manner as to encourage bids in locations where the articles are to be purchased and to invite proper competition in regard to furnishing the various items of supplies.

Mr. THAYER. I should like the attention of the chairman of the committee for a moment. I understand that in this case there was an application from the Department for $7,000, but the committee reduced the appropriation to $5,000. I should like to ascertain what confidence can be placed in a Department when it asks for $7,000 in a case where the committee think it proper to give only $5,000.

Mr. OVERSTREET. The estimate was for $7,000. The committee based their recommendation of $5,000 on the expenditures as shown for the last two or three years, during which they did not in any one year reach $5,000. We therefore felt that that amount would be an ample appropriation.

Mr. THAYER. Had they some new scheme for advertising other things than the committee thought proper, or did the Department happen to ask for $7,000 when in reality, according to past history in the Department, it needed only $5,000?

Mr. OVERSTREET. There was no "new scheme" suggested, and the money which has been appropriated in previous years in excess of $5,000 was not expended, but was covered into the Treasury. The committee thought that instead of making a liberal appropriation, with the confident belief that a part of it would be covered back into the Treasury at the end of the year, it would be better to appropriate substantially the amount which would probably be expended.

Mr. THAYER. I am entirely in accord with the conclusion to which the committee came. What I wanted to know was whether a Department is not open to some criticism when it asks for $7,000,

when it has expended only $5,000 in years past and no new scheme is proposed for greater expenditure in the ensuing year; in short, when it asks for $2,000 that is not needed.

Mr. OVERSTREET. There are no facts presented to the committee that would indicate there would be occasion of criticism of that estimate. It was the usual appropriation which had been made for a number of years, five years at least, and the unexpended balance of that item of appropriation was at the end of the respective fiscal years covered into the Treasury.

Mr. STEPHENS of Texas. I offer an amendment to come in at the end of line 8.

The Clerk read as follows:

At the end of line 8 insert "to be used in supply department only."

Mr. STEPHENS of Texas. That will limit the way in which the appropriation can be used, and I think it should have some limitation.

Mr. OVERSTREET. Mr. Chairman, there is no need of crippling the service in the effort to economize. There are more articles for purchase of supplies than appears in this specific department. For instance, the Dead-Letter Office have matters that pertain to that department, and there are miscellaneous items which can not be covered by specific designation in each item of appropriation. I think that when the House fixes a reasonable amount for the purpose of meeting the class of expenditure for advertising purposes, advertisements which are specifically intended as a stimulus for competition in bids, that it is answering every purpose. I think the gentleman himself, upon reflection, would appreciate that a limitation specifically to the supply department would necessitate another item for advertising purposes where there were bids which ought to be invited for miscellaneous items and items not covered by this specific item of the supply department.

Mr. STEPHENS of Texas. There is no restriction whatever. It simply says "for advertising."

Mr. OVERSTREET. Exactly.

Mr. STEPHENS of Texas. And it could be used in connection with any advertising of the Post-Office Department, whether necessary or not. I think there ought to be some limitation attached to this bill.

Mr. OVERSTREET. If the gentleman will remember, at a later point in the bill the committee recommends consolidating all the supply divisions, and that would enable a closer scrutiny, not only of the purchase of supplies, but it would create economy in the administration of that expenditure, possibly; but that would be done, and later the appropriations could be segregated and the items of expenditures might admit of a lesser amount of appropriation for advertising for the supply department.

But under the present administration I think the gentleman will appreciate that where we are making a reduction in the item solely for advertising purposes, the limitation of holding all that advertising for supplies, thereby excluding certain miscellaneous items of proper expenditure in the different divisions in the Department, it would operate to embarrass the administration of the service.

Mr. STEPHENS of Texas. Would you admit a limitation that it apply to advertising under the present postal laws?

Mr. OVERSTREET. I think that would not be necessary.

Mr. STEPHENS of Texas. I think there ought to be some limitation.

Mr. OVERSTREET. A limitation is made when we provide it must be for advertising purposes.

Mr. STEPHENS of Texas. I ask for a vote on my amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEPHENS of Texas. Division, Mr. Chairman.

Mr. GRIGGS. Mr. Chairman, is it too late for me to ask that the amendment be reported again?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

The committee again divided; and there were—ayes 19, noes 37.

So the amendment was rejected

The Clerk read as follows:

For miscellaneous items in the office of the Postmaster-General, $2,000.

Mr. MADDOX. Mr. Chairman, I would like to know what these miscellaneous items are.

Mr. OVERSTREET. Mr. Chairman, there has been carried in the annual post-office appropriation bills for practically all the years since the creation of that service an item for miscellaneous expenditures in the office of the Postmaster-General. That item for all of the years named until the last year was $1,000. It was intended to cover the little items which might arise in the administration of the head office of that great Department which were peculiarly incident to it and his personal expenses, which were entirely for the service. There has been a very small amount of the appropriation expended from year to year. It covers his personal expenses when he goes away on Department and official business. It does not cover any other expenses of a personal character. It takes into account the little incidentals of the office; and last year, the year of 1903, there was expended out of that item only $331.96; the preceding year, that of 1902, there was expended $980.13. I will say, for the information of the committee, that vouchers are taken for these expenditures and they are passed upon by the Auditor, who has the authority under the law to refuse to pass an account from this expenditure which is directly incident to the office, not the person, but the office of the Postmaster-General for incidental items of this miscellaneous character.

Mr. BURLESON. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. OVERSTREET. I do.

Mr. BURLESON. If less than $1,000 has been heretofore expended under this item in the bill, why should we increase it to $2,000?

Mr. OVERSTREET. The committee did it for this reason: There is carried in each of the Assistant Postmaster-Generals' offices an item for miscellaneous expenses of $1,000. That has been the law for many years. The committee felt that, inasmuch as the expenditures from these miscellaneous items in the several offices named were limited in amount, have never been entirely expended, and were intended primarily, definitely, and certainly for the miscellaneous items of the office over which the Postmaster-General or one of his four assistants had control, we could well afford to give the Postmaster-General's office $2,000 for those miscellaneous items if each of the assistants had $1,000.

I will say that in none of these departments is there absolute need of the appropriation, but gentlemen will appreciate that in the administration of a great Department like the Post-Office Department there may at times arise necessities for incurring small expenditures incident entirely to the particular office, appropriations for which expenditures are not covered by the general appropriation items.

Mr. MADDOX. Do I understand the gentleman to say that this $2,000 item now proposes to cover the miscellaneous expenditures for the other departments?

Mr. OVERSTREET. No; I stated that each of the Assistant Postmaster-Generals had an item for miscellaneous expenditures in his respective department of $1,000, and to the Postmaster-General we gave $2,000 for the reason that we felt it was at least as important——

Mr. MADDOX. You do state, though, as I understand you, that under this item the Postmaster-General has never expended even $1,000.

Mr. OVERSTREET. Oh, that is quite true; and whatever is unexpended, as shown by the vouchers passed upon by the Auditor, under the law is covered into the Treasury at the end of the year. It is a little leeway in the careful and proper administration of his office.

Mr. BURLESON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BURLESON. The amendment is to strike out the word "two," in line 10, and insert the word "one." For my life, I can not see why, if the Post-Office Department has heretofore expended less than $1,000 under this item, it should now be increased to $2,000. In the light of recent developments it would be only an encouragement, I will not say of extravagance, but of practices that are more reprehensible in the Post-Office Department, and for this reason I insist, Mr. Chairman, that the proper thing to do is to strike out the word "two" and insert the word "one."

Mr. COWHERD. Mr Chairman, if there is one item in this bill that this side of the House ought not to object to, it is that item of $2,000. Of course I do not think it will make any difference in the management of the office or in the amount of money expended whether it is made one thousand or two thousand dollars; but gentlemen will remember that that item was made $6,000 last year for the specific purpose, as stated in the letter of Mr. Loud attached to the Bristow investigation, that the Postmaster-General might have a fund at his disposal to aid in furtherance of that investigation and discovery of the trouble and the crimes committed in the postal service. Now we did not feel like reducing that too far this year; because if he should show any disposition to employ people for that purpose, we wanted him to have the funds on hand, and I think this side of the House, at least, should not insist on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BURLESON].

The amendment was rejected.

The Clerk read as follows:

For compensation and expenses of United States delegate to the Universal Postal Congress, to convene at Rome, Italy, $7,500.

Mr. CROMER. Mr. Chairman, an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 2, page 2, after the word "Italy," the words "seven thousand five hundred" and insert in lieu thereof the words "five thousand."

Mr. CROMER. Mr. Chairman, I understand that the allowance heretofore made for this purpose has been $5,000. At this time, when the spirit of economy has taken hold of the Post-Office Committee, I can not see why this item should be increased to seventy-five hundred dollars. Twenty-five hundred dollars will increase the salaries of ten rural carriers from $600 to $850. I think that if we practice a little economy in the several items of this bill we can pay the rural carriers in this country a sufficient salary to justify them to remain in the service. I am told that the purpose of increasing this item in this bill is that it is the intention of the Post-Office Department to send on this mission a former Member of this House, whose voice has always been raised in the interest of economy, and I know that if he thought such were the intention of the Department he would not sanction this increase in this appropriation.

Mr. TAWNEY. Is this congress to be held at the same place as the others?

Mr. CROMER. Well, this congress is to be held at Rome. They are held in various parts of the world at different times.

Mr. BURKETT. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Nebraska?

Mr. CROMER. Yes, sir.

Mr. BURKETT. This says "a delegate." Was it in the last bill the same way?

Mr. CROMER. Yes.

Mr. BURKETT. I thought we always had three delegates heretofore?

Mr. CROMER. No; there is only one in the last bill.

Mr. BURKETT. But that is the same as this, as I understand it. We have always had three at all these postal congresses in years past, have we not?

Mr. CROMER. I am not familiar with that. I know what the former bill carries, but I can not understand why this $7,500 is in this bill, because one year ago we appropriated $7,500 for this same purpose, and I may be mistaken, but I think it would be perfectly proper to strike out the entire paragraph.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Mississippi?

Mr. CROMER. Yes, sir.

Mr. WILLIAMS of Mississippi. Let me ask the gentleman this question. You say a year ago this appropriation was $7,500. Was it for this same identical purpose?

Mr. CROMER. Yes, sir; it was in the bill passed a year ago.

Mr. SIBLEY. But the meeting of the congress was delayed.

Mr. OVERSTREET. Mr. Chairman, the bill which was passed last year for the present fiscal year carried $7,500 for the compensation and expenses of a United States delegate to the Universal Postal Congress to convene at Rome. At the time the bill was then considered the convention had been called for April of the present year. The delegate had been appointed by the President under the law and authorized by this appropriation as well as existing law. At the time the present bill, now under consideration, was before the Post-Office Committee the Government of Italy notified the United States Government of a postponement of the postal congress this present year for one year, and notification, of course, naturally followed that no delegates need attend during the present year.

The committee felt, however, Mr. Chairman, that inasmuch as this Government had been a strong and influential factor in the postal congress which had heretofore been held that we ought to reappropriate the fund which had been intended for the convention of the present year. We therefore made this provision which is now under consideration. I confess, Mr. Chairman, that we could appropriate but $5,000 or $3,000 or $2,000. What influence, however, the United States Government may have in these conventions, large as it is, may be far below the other countries of the world which send delegates to these congresses, in view of the manner in which they take care of their respective representatives. A great government like this, whose postal service exceeds that of any other nation on the earth, who is seeking influence in an international congress, can not afford, simply for the purpose of strict economy, to be too strict in the amount of the allowance for this purpose.

Mr. BURKETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. OVERSTREET. I yield.

Mr. BURKETT. How many delegates have we always sent to these international congresses?

Mr. OVERSTREET. I can not give exactly each instance, but it is my impression that on one occasion there were three, and, I think, on another there were two. If we increase the number of delegates, it would increase the amount of expenditure.

Mr. BURKETT. Well, the amount of expenditure never has been over this amount, was it, when we sent three delegates?

Mr. OVERSTREET. In 1900, I am informed, we had but one delegate, and I think the appropriation that year was $3,000. I do not remember what the appropriation was at the convention when there were three delegates. I think, however, that the gentleman will remember that the convention to which he is evidently referring was held in this country, and necessarily the amount of expenditure would be greatly lessened.

Mr. TAWNEY. And held in this city.

Mr. BURKETT. I did not refer to any particular convention, but I notice in here the words "compensation and expenses." Were those two words "for compensation" in the provision in the last bill of which this is a reenactment? Has it been customary to pay a compensation to these delegates?

Mr. OVERSTREET. This is the identical language of the last preceding bill, and it authorizes a delegate to this convention which was postponed.

Mr. BURKETT. What I am trying to get at is——

Mr. OVERSTREET. If the gentleman will pardon me, my recollection is that the appropriation in former bills where the delegates were appointed did carry compensation as well as expenses. That is my understanding.

Mr. BURKETT. Well, then I want to ask the gentleman——

Mr. OVERSTREET. Pardon me just a moment. The gentleman from Pennsylvania [Mr. SIBLEY] very properly calls my attention to the fact that at one of the recent conventions held in a foreign country the Second Assistant Postmaster-General attended, and of course there was no compensation, the usual compensation being granted while he was engaged in this service.

Mr. BURKETT. Well, supposing this delegate appointed by the Postmaster-General appoints some man in the Department?

Mr. OVERSTREET. I should say that the compensation would not be allowed, and whatever is appropriated would be covered back into the Treasury.

Mr. BURKETT. How, under the law, could you prevent a man from drawing the salary, even though he was the Postmaster-General himself?

Mr. OVERSTREET. I think there is a regulation—or a law—that would prevent him from drawing the salary.

Mr. THAYER. Mr. Chairman, I do not rise for the purpose of objecting to this in the least. I do, however, think it proper to call the attention of the Members of this House and the attention of the country to the fact that here is an appropriation of $7,500 for a delegate to this convention who will probably be gone but a very few months. The expenses of going to Rome and returning can not be over $300, and while we appropriate for him $7,500, if there was a proposition before the House to-day to increase the salary of Members of the House to $7,500, I believe that nine-tenths of the Members of this House would in their hearts be favorable to it, and yet on a roll call not more than one in three would vote for it, although the salary of Members is the same to-day that it was forty years ago and, as everyone knows, is not sufficient to defray the expenses of Members living in a very unassuming and economical way. I want to call the attention of the Members of this House and of the country to the fact that we are willing to be fairly generous with other people, but we are such cowards and so much afraid that somebody will whisper in our districts that we are salary grabbers that we do not dare to vote for a decent salary for ourselves. [Applause.]

I understand that Mr. Loud is to be sent as a delegate. No more worthy, no more interested, and no person better able to discharge the duties of that position can be found than Mr. Loud. I think the amount appropriated here is very proper, although in all probability he will devote but a few months of the year to those duties.

Mr. OVERSTREET. Will the gentleman from Massachusetts yield?

Mr. THAYER. Certainly.

Mr. OVERSTREET. The gentleman might well say that this delegate going into a foreign country, the expense of employing interpreters and clerks to aid him in the report to the United States would also be a part of his expenses.

Mr. THAYER. I suppose it would; but we have to have interpreters and clerks here, and it costs as much to live in Washington as it does to live in Rome; and it costs just about as much to many Members of this House to get here and return to their homes as it does to go to Rome and return. [Laughter.]

Mr. FOSTER of Vermont rose.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Vermont?

Mr. FOSTER of Vermont. I rose, Mr. Speaker, to ask the floor in my own right.

Mr. THAYER. Very well; I do not want to deprive the gentleman from Vermont of anything that he is entitled to in his own right. [Laughter.]

The CHAIRMAN. The time of the gentleman from Massachusetts had not expired.

Mr. THAYER. I am through, Mr. Chairman. I supposed my time had expired.

The CHAIRMAN. The Chair will recognize the gentleman from Vermont.

Mr. OVERSTREET. If the gentleman from Vermont will pardon me, I think debate has closed on this item. I do not want to enforce the rule, but merely to call attention to it.

The CHAIRMAN. The point made by the gentleman from Indiana, chairman of the committee, is that debate is exhausted on this item.

Mr. FOSTER of Vermont. Then, Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am in favor of this amendment of the gentleman from Indiana. I do not think it is worth any more to go over to Rome for three or four months than it is to sit here the year round and look after the affairs of our constituents. I have no doubt that if the chairman of the Post-Office Committee would amend the clause providing that the delegate should be the Fourth Assistant Postmaster-General, and that the term of service should be for five years, that the House would gladly agree to the $7,500 appropriation. [Laughter.] But as the chairman of the Appropriations Committee indicated the other day, and as the gentleman from Ohio indicated in his very able speech, these are the days in which we should practice economy, and we should practice economy when we send a delegate abroad to this convention.

They talk about delegates requiring interpreters. Why, we can find a man who will need no interpreter to go over there and represent us. So I say that I am heartily in favor of the amendment of the gentleman from Indiana [Mr. CROMER], and I think that $5,000 is a sufficient compensation for the three or four months which he will be required to spend there.

Mr. BUTLER of Pennsylvania. Will the gentleman from Vermont entertain us by telling us what this postal congress is anyhow? What are the duties of a delegate? What does he represent?

Mr. FOSTER of Vermont. I understand that the delegate is expected to go over to Rome, sit around and look wise, and come back and report to the Fourth Assistant Postmaster-General. [Laughter.]

Mr. BUTLER of Pennsylvania. That he was over there. [Laughter.] What does he report besides the mere fact that he attended the convention?

Mr. FOSTER of Vermont. If any Member of Congress undertook to influence him improperly, before he started or while he was there, it would be his duty to report the fact. [Laughter.]

Mr. BUTLER of Pennsylvania. Mr. Chairman, I am perfectly satisfied with the gentleman's explanation. [Laughter.]

Mr. MANN. Will the gentleman from Vermont yield to me?

Mr. FOSTER of Vermont. Certainly.

Mr. MANN. I would like to ask the gentleman whether, if a Member of Congress should see fit to make a suggestion to the postal delegate, it will be regarded as a crime by the Post-Office Department?

Mr. FOSTER of Vermont. I think if the gentleman is selected whom it is now thought will be selected there would be danger of a case of assault and battery if a Congressman attempted to make a suggestion. [Laughter.]

Mr. GAINES of Tennessee. Does the gentleman think that it will cost Mr. Loud $7,500 to go to Rome, sit around, and look wise?

Mr. FOSTER of Vermont. Yes. [Laughter.]

Mr. SIBLEY. Mr. Chairman, I move to strike out the last word. I hope the amendment will not prevail. It has been said that Mr. Loud will probably be selected. I think it is the sense of this House that there is no man probably in this Federal Union better qualified to represent the American postal system at a convention of that character. There is no man more thoroughly equipped. If you speak about economy, if we should send the Second Assistant Postmaster-General or the Third or the Fourth, if their time is worth anything, we should lose their time. The Government would be the loser for the time that it took them away from their duty and sent them abroad.

My friend says, "Of what use is this convention?" If he will recall the fact, with which I am sure he is familiar, he will remember that the postal conventions have made it possible for an American citizen to send his letters at a uniform rate of postage practically over all the civilized globe. Every business interest of this Union and every individual who sends a letter abroad has been benefited by the bringing together of these conventions and the making a common rate of postage applicable to all the nations of the globe.

Mr. MADDOX. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. SIBLEY. Yes, with pleasure.

Mr. MADDOX. Mr. Chairman, I agree with all the gentleman from Pennsylvania has said about our friend, Mr. Loud; but we do not know what he is going to do with the $7,500.

Mr. SIBLEY. I think the chairman of the committee has stated, or at least some other gentleman here, that it will be necessary to hire interpreters and clerks, and it will be necessary for him to put his American ideas into, perhaps, the Italian or the French tongue, whichever may be the language used; and I would ask my friend from Georgia [Mr. MADDOX] if it is not the case, if he does not think that Mr. Loud perhaps did earn $5,000 a year here as a Member of this body, and earned it as faithfully and as well as any gentleman among us?

Mr. MADDOX. That is so.

Mr. BURLESON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. SIBLEY. Yes.

Mr. BURLESON. I will state that I am in favor of this item in the bill, and I hope Mr. Loud will be appointed a delegate; but as I understand it this congress has been postponed for one year.

Mr. SIBLEY. Yes.

Mr. BURLESON. And if so, an appropriation was made last year. Now, I want to know what has become of the money appropriated last year, considering the transactions that are taking place in the Post-Office Department—what has become of the amount of money appropriated last year?

Mr. SIBLEY. That was not used because that convention was not held, and it went over until another year.

Mr. BURLESON. Yes; that is what I understood, but what has become of the money?

Mr. SIBLEY. It was covered back into the Federal Treasury.

Mr. BURLESON. That is a gratifying assurance. [Laughter.]

Mr. CROMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Indiana?

Mr. SIBLEY. Yes.

Mr. CROMER. Mr. Chairman, I would like to ask the gentleman from Pennsylvania how long this congress is in session?

Mr. SIBLEY. I suppose it will be as impossible to determine that as it will be to determine how long we will be in session.

Mr. CROMER. The convention never lasts over thirty days, does it?

Mr. SIBLEY. Oh, I think my friend is in error about that. I am inclined to think there have been sessions which have been very much more prolonged. I do not think anyone can measure the usefulness of this. I want the appropriation large enough so that we can secure the services of just as good a man as Mr. Loud. My friend on my left here suggested a moment ago that up in his district he could find a man that would go over there and would not want an interpreter. I suppose that man has a job now up in some coke oven in Pennsylvania, but we would not want a man of that kind to represent us. [Laughter.]

Mr. THAYER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Massachusetts?

Mr. SIBLEY. Yes.

Mr. THAYER. I understand the gentleman from Pennsylvania to say that he thinks Mr. Loud as a Member of this House earned his $5,000. As a Member of this House, I would like to ask him in that connection whether he thinks he will earn any more as a delegate to Rome in the few weeks he will be there than he earned here representing his district in Congress?

Mr. SIBLEY. No; I do not. Possibly he may; I could not tell. [Laughter.]

Mr. THAYER. Why should we pay him any more as a delegate there on an ordinary mission for a very limited time than he received as a Representative here when a Member of this House for two years' work?

Mr. SIBLEY. I want to say to the gentleman from Massachusetts that I merely want this appropriation large enough so that Mr. Loud will accept the place, or that some man equally well qualified for the discharge of the duties will accept it. I do not want to see it a political position. I do not want to see some man selected merely because he has a political pull, but I would like to see the compensation large enough, and I think the entire Post-Office Committee—almost every member—went to the President and asked him on behalf of the usefulness of the Department to the merchants and the people who are interested in foreign mails to send Mr. Loud as their delegate.

Mr. THAYER. I am fully in accord with the gentleman from Pennsylvania in his desire to have Mr. Loud appointed to this position, and I am in accord with him in the amount of salary fixed, but I wish to call attention to the apparent inequality between this salary and the salary fixed, incorrectly it appears, for ourselves, and I wish to ask the gentleman from Pennsylvania whether if the proposition should come in here to increase our salaries to $7,500 a year he would vote for it?

Mr. SIBLEY. Why, I would, if the Lord would let me live long enough to do so.

Mr. THAYER. But without any "if" about it. [Laughter.]

Mr. SIBLEY. No "if" at all. I only regret that the gentleman does not give us such an opportunity.

Mr. THAYER. I am delighted to know that I have found one Member over there who has the courage of his convictions and is not afraid he may be called a "salary grabber."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The pro forma amendment will be withdrawn. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. CROMER) there were—ayes 79, noes 59.

Mr. OVERSTREET. I call for tellers.

Tellers were ordered; and Mr. OVERSTREET and Mr. CROMER were appointed.

The committee again divided; and the tellers reported—ayes 88, noes 75.

So the amendment was agreed to. [Applause.]

The Clerk read as follows:

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

For compensation to postmasters, $23,250,000.

Mr. MADDOX. I should like to inquire of the chairman of the committee how many postmasters of the first class, the second class, the third class, and the fourth class we have and what pay they receive?

Mr. STAFFORD. Mr. Chairman, in response to the inquiry of the gentleman from Georgia [Mr. MADDOX] I wish to state that at present there are 265 first-class postmasters, 1,208 second-class postmasters, 3,593 third-class postmasters, and something more than 69,000 fourth-class postmasters. The salaries paid to these respective classes of postmasters at the beginning of the present fiscal year amounted to $932,900 to first-class postmasters, $2,831,800 to second-class postmasters, $5,184,900 to third-class postmasters, and $13,039,874.04 to fourth-class postmasters.

The last post-office supply bill provided an appropriation of $21,750,000 for postmasters of all classes. The present bill, as members of the committee will note, calls for an appropriation of $23,250,000, being an increase of $1,500,000. According to the Auditor's figures, based upon the tables compiled for the last two or three years, the total increase in the salaries of postmasters has aggregated on the average $850,000.

The gentleman may ask what is the reason for this apparently abnormal increase of one million and a half of dollars in this bill. Mr. Grandfield, of the office of the First Assistant Postmaster-General, stated in the hearings before the committee that heretofore the appropriation for salaries of postmasters for the ensuing fiscal year always fell short of the amount to which the postmasters at the beginning of the year were entitled, and as a consequence there was a deficiency from the first.

But taking into consideration that there has been an average annual increase of $850,000 during recent years and considering that the expenditure for the fiscal year ending June 30, 1903, was $21,631,724, as shown by the Auditor's books, and adding $850,000 for the increase of the present fiscal year ending June 30, 1904, and another $850,000 for the fiscal year for which we are now providing, ending June 30, 1905, we have $23,331,724.

Now, the gentleman may further ask, Is there not some danger of increasing this amount to an excessive degree? I wish to say to the gentleman that, as he doubtless is aware——

Mr. MADDOX. I should like to say to the gentleman——

Mr. STAFFORD. I gladly yield to the gentleman.

Mr. MADDOX. The idea occurred to me that instead of increasing the total for compensation of postmasters there ought to be a decrease, from the fact that thousands of these offices are being abolished by the introduction of the rural-delivery service. I can not understand why you are increasing the compensation of postmasters when the post-offices are decreasing. I should be glad to have the gentleman tell us how the figures in this respect now stand as compared with the figures for last year—what is the present number of post-offices and what the decrease is.

A MEMBER. Many of the fourth-class post-offices have been abolished.

Mr. MADDOX. I understand that to be the fact.

Mr. STAFFORD. As to the inquiry just made by the gentleman from Georgia [Mr. MADDOX], he must be aware that there is of course a gradual increase in the business of the first, second, and third class offices. Gentlemen may have noted, as published in the newspapers of last week, that with the quarter ending March 30, 1904, forty-nine offices ceased to be fourth-class offices and are now numbered among the third-class offices. According to the estimates to be found in the report of the First Assistant Postmaster-General, it is expected that 125 offices will pass from the third class to the second class. In the same way there will be offices transferred from the second class to the first class. With the increase of business and the additional number of these offices converted into higher grades, the transfer carrying an increase of pay, there must of necessity be an enlarged appropriation for the salaries of postmasters.

As to the fourth-class offices, those that were discontinued by reason of the introduction of the rural-mail service were of no great importance. The allowances to fourth-class offices that have been discontinued would not average much more than $100 each.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent for an additional five minutes to explain this matter more fully.

The CHAIRMAN. The gentleman from Wisconsin asks for an extension of five minutes. Is there objection? The Chair hears none.

Mr. MADDOX. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. STAFFORD. I shall be glad to do so in a minute, when I have finished this line of thought. As far as fourth-class offices are concerned, there were discontinued during the fiscal year ending June 30, 1903, in the neighborhood of 2,000, and, as I have just said to the gentleman, the average compensation paid to these fourth-class post-offices, very small ones, was less than $100 each.

Mr. MADDOX. We are really, then, not saving anything by abolishing these fourth-class post-offices?

Mr. STAFFORD. I wish to say also that we are not saving anything by the discontinuance of the fourth-class offices and the substitution of rural routes, for the reason that, as the gentleman and the members of this committee are aware, the compensation of fourth-class offices is based upon the cancellation of stamps at their respective offices. Upon the discontinuance of a fourth-class office the stamps of the letters that were previously mailed there were of necessity canceled at some other office. If they are canceled at a fourth-class office, the payment goes to another fourth-class postmaster. If it goes to a third-class office, it is an increased allowance, by reason of the additional sale of stamps, which is the basis in these latter offices on which the salaries are paid.

Mr. GAINES of Tennessee. Do we not and should we not save something by reason of the fact that we do away with the star-route service—the old stage? We certainly ought to save some of the money that we paid the stage drivers.

Mr. STAFFORD. This allowance is for the salaries of postmasters, and that would have nothing to do with it. It might affect the amount that is allowed under another item, providing for the star-route service.

Mr. COWHERD. I want to suggest to the gentleman from Tennessee that, notwithstanding we have established about 19,000 rural delivery routes, the total number of star routes has been cut down only 2,000.

Mr. GAINES of Tennessee. But the gentleman has not taken into consideration the fact that where we substitute a rural carrier we do away with the star-route stage and the expenses that we formerly paid for that stage route. The gentleman, as I understand it, has only alluded to the cancellation of stamps at these fourth-class post-offices.

Mr. STAFFORD. That has nothing to do with the item we are now considering. As to the inquiry of the gentleman from Georgia [Mr. MADDOX] why the compensation provided for in the bill has increased, I think that I have explained why there is a necessity for enlarging the appropriation in this item.

Mr. GAINES of Tennessee. I do not think the gentleman has explained my proposition.

Mr. STAFFORD. Then I shall be glad to do so.

Mr. WILLIAMS of Mississippi. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. What is the pending amendment?

The CHAIRMAN. There is no amendment pending before the House except the pro forma amendment.

Mr. WILLIAMS of Mississippi. Then, Mr. Chairman, I wish to offer an amendment.

Mr. STAFFORD. I have not yielded the floor.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that the gentleman from Wisconsin is now speaking to the pro forma amendment.

Mr. STAFFORD. I have the floor, but I have no objection to the gentleman from Mississippi offering his amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I understood that the gentleman from Wisconsin had completed what he had to say and that he was merely answering a question. I will hold the amendment in abeyance.

Mr. STAFFORD. I yield to the gentleman now. I do not think there are any further inquiries concerning this item. Therefore I give way to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Mississippi offers an amendment.

Mr. WILLIAMS of Mississippi. I offer an amendment as a proviso after the word "dollars," on page 2, in line 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," on page 2, in line 5, insert the following:
"*Provided*, That no part of said sum shall be expended until the Postmaster-General shall have determined and published a fixed rule whereby clerical assistance shall be allowed or refused postmasters of all grades."

Mr. OVERSTREET. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Indiana reserves a point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not believe this is subject to a point of order, because it is merely a limitation upon the expenditure of the money herein appropriated. I need not dwell upon that, I hope. It is clearly in order for that reason. Every limitation upon an expenditure is in order.

Now, Mr. Chairman, that proviso ought to be adopted for a reason concerning which we have lately had abundant object lessons. Members of Congress have gone down to the Department to ask that clerical assistance be given postmasters, and they have found out later on that there was a secret rule that they did not know of whereby clerical assistance was determined by the Post-Office Department—a rule unknown to them and unknown to the postmaster who wrote to the Member of Congress to get the increase, perhaps.

Now, all that this amendment undertakes to do is to say that none of this money for compensating postmasters shall be expended until the Post-Office Department has determined and has made public a fixed rule whereby clerical assistance to postmasters of all grades shall be either granted or refused, so that postmasters may know and Members of Congress may know just what the rule is, and so that Members of Congress may not be unjustly and causelessly accused of having attempted unduly to influence the Post-Office Department to override a rule or regulation the existence of which they were ignorant of.

Now, I understand, Mr. Chairman, that the gentleman from Texas [Mr. BURLESON] has prepared, and will offer later on, when we come to the clause relating to separating mail, an amendment of like character bearing upon that secret rule of the Department.

Mr. SCOTT. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Kansas?

Mr. WILLIAMS of Mississippi. I yield to the gentleman.

Mr. SCOTT. I would like to ask a question before you take your seat. Do you think it possible or practicable for the Postmaster-General to adopt a general rule that shall apply in all cases in the matter of clerical help in the post-offices?

Mr. WILLIAMS of Mississippi. Absolutely practicable, and altogether just; and it ought to be published. Now, all he has got to do is to publish the rule he has now, that he keeps secret, if it is a just rule; and if it is an unjust rule it ought to be abolished.

Mr. SCOTT. I understood it was entirely within the discretion of the Postmaster-General—that he may adapt it in such a way as to meet the individual case.

Mr. WILLIAMS of Mississippi. No, the gentlemen is mistaken about that. I understand Members of Congress have asked him what the rule was, and that he declined to give it to them, with the statement that it was thought incompatible with the public service to make it public.

Mr. SCOTT. I was not aware that such a statement had been made.

Mr. COWHERD. If the gentleman will permit me, I will state that there is no law now providing for salaries in third and fourth class post-offices, except the provision which reads "for unusual business," and for which we do not appropriate under the provision reading "for separating service." We provide for no salaries for third and fourth class postmasters.

Mr. WILLIAMS of Mississippi. Not by law, but by grant.

Mr. COWHERD (continuing). There is a law providing that in "case of unusual business," but there is no appropriation for it in this bill, and has not been for years. Now, I could not tell from the reading of the gentleman's amendment at the Clerk's desk, but if that covers by imputation permission to the Postmaster-General to give salaries, in his discretion only, by a rule, to third and fourth class postmasters, then I know that my friend will join with me in agreeing that the amendment should not be adopted.

Mr. WILLIAMS of Mississippi. It does not. It is to give the rule whereby clerical assistance shall be given or refused.

Mr. COWHERD. But we do not allow clerical assistance to third and fourth class offices except in the case of separating service. The separating service is the only case in which we appropriate any money, and the Postmaster-General has the right to allow for clerical service, and when he allows for "unusual business" he does it in violation of the appropriation law, because, notwithstanding there is a general law which says they may have clerical hire "for unusual business," if this House or Congress refuses to appropriate for it he has no right to make the allowance.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. I move to strike out the last word.

Now, Mr. Chairman, the gentleman from Missouri is much better acquainted with the postal laws than I am. I have never served upon the Post-Office Committee, and I have never given any particular study or attention to the postal laws of the United States; but I do know that there is, as he says, a general law under which the Post-Office Department has the right under unusual circumstances—what is the exact language?

Mr. COWHERD. In "case of unusual business."

Mr. WILLIAMS of Mississippi. In case of "unusual business" to give additional compensation in the way of clerical assistance. Now, what I want to get at is that we may know when in their opinion the "unusual-business" contingency has occurred, and when in their opinion the "unusual-business" contingency has not occurred, so that Members of Congress and other people can not be criticised about overriding a law the existence of which they were ignorant.

Mr. BOWIE. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. BOWIE. Is the gentleman from Mississippi aware of the fact that Mr. Robb, the Assistant Attorney-General of the Post-Office Department, only yesterday ruled that there was no appropriation for clerk hire for unusual purposes, and that the fund given for separating purposes would be applied in the future as it had been applied in the past?

Mr. WILLIAMS of Mississippi. I was not aware of that.

Mr. BOWIE. Such a decision was certainly made yesterday.

Mr. WILLIAMS of Mississippi. I was not aware of that, and if the gentleman assures me that there has been such a decision, which controls the Post-Office Department, then my amendment is unnecessary.

Mr. BOWIE. It was published in the press yesterday. Of course I have never seen the amendment——

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask leave that this clause be passed without detriment to the right of amendment until I can look into that matter.

Mr. OVERSTREET. Mr. Chairman, let me suggest to the gentleman from Mississippi that at a later period in the bill I am inclined to think his amendment would be proper, and the committee—at least I have—prepared amendments which will be offered, which, I think, move directly to the difficulty which the gentleman has been discussing.

Mr. WILLIAMS of Mississippi. The gentleman does not understand me——

Mr. OVERSTREET. The gentleman will remember that we are now upon the item of the bill making appropriation to meet expenditures authorized by existing law for postmasters' salaries. This amendment of the gentleman has relation to the employment of clerks and would come properly in at the item below relative to clerks, and I think that when that item in the bill is reached it would shorten the time for discussion concerning the relevancy of the amendment——

Mr. WILLIAMS of Mississippi. Mr. Chairman, there are two clauses in the bill to which amendments of this character may lie. The clause of the bill to which the gentleman from Indiana has referred, beginning on line 8, page 11, reads: "For separating mails at third and fourth class post-offices."

Mr. OVERSTREET. It is at that point that I propose to offer an amendment.

Mr. WILLIAMS of Mississippi. The gentleman from Texas has prepared an amendment, which I have seen, to enter there, for the purpose of determining and publishing the rule whereby compensation for separating mail shall be determined. Now,

then, Mr. Chairman, the clause that I am offering this amendment to reads: "For compensation to postmasters," so much money. Now, they never make an allowance to a clerk eo nomine—to a clerk by name. He is not carried upon the rolls of the Government; it is simply "additional compensation to the postmasters for clerk hire."

Mr. OVERSTREET. In third-class offices.

Mr. WILLIAMS of Mississippi. Yes; it is additional compensation to the postmaster, and therefore, of course, it is germane to the clause which reads "For compensation to postmasters." Now, Mr. Chairman, I ask unanimous consent that these lines 4 and 5, on page 2, be passed without detriment to the right of amendment until I can look into the matter called to my attention by the gentleman from Alabama.

Mr. OVERSTREET. I have no objection.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, against which the gentleman from Indiana, in charge of the bill, has reserved the point of order. The gentleman from Mississippi now asks unanimous consent——

Mr. WILLIAMS of Mississippi. Mr. Chairman, before that is done, we had better determine the point of order, because if it is out of order there is no use of reserving the right to bring it up later. However, I do not think it is out of order, because it is a limitation on an expenditure.

The CHAIRMAN. Does the gentleman from Indiana wish to be heard on the question of the point of order?

Mr. PAYNE. I would suggest to the gentleman from Mississippi that he withdraw the amendment and not spend time on the point of order.

Mr. OVERSTEET. Mr. Chairman, I would also ask that the point of order go over without prejudice.

The CHAIRMAN. The gentleman from Indiana couples with the request that the point of order also go over without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Salary and allowance division: For compensation to assistant postmasters at first and second class post-offices: Two, at $3,500 each; 20, at $3,000 each; 5, at $2,500 each; 5, at $2,000 each; 16, at $1,900 each; 24, at $1,800 each; 40, at $1,700 each; 92, at $1,600 each; 100, at $1,500 each; 100, at $1,400 each; 165, at $1,300 each; 300, at $1,200 each; 350, at $1,100 each; 305, at $1,000 each; 50, at $900 each; 40, at $800 each; and 40, at $700 each; in all, $2,037,800.

Mr. RIDER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 25, after the word "offices," insert:

"All clerks, of all designations, within the classified service, employed in the first-class post-offices, who are receiving a less salary than $1,200 per annum shall, after the 1st day of July, 1904, receive an annual promotion of $100 until their salaries shall amount to $1,200 per annum.

"All clerks, of all designations, within the classified service, employed in the second-class post-offices, who are receiving a less salary than $1,000 per annum shall, after the 1st day of July, 1904, receive an annual promotion of $100 until their salaries shall amount to $1,000 per annum.

"No clerk, of any designation, shall be appointed to a classified position in any first or second class post-office at a less salary than $900 per annum."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order.

Mr. RIDER. Mr. Chairman, the good of the postal service, as well as a desire to do justice to the post-office clerks, should prompt such legislation as will establish a fixed system of promotion.

The need for a definite system of classification has been recognized by every Postmaster-General since the time of General James, in 1881.

Extracts from the reports of former Postmasters-General are herewith submitted (Exhibit No. 1).

These extracts from reports demonstrate that it is the opinion of those competent to pass upon the matter that there should be a reclassification of salaries of post-office clerks. Then why should Congress refuse or decline to act upon the recommendations contained in these reports?

In Exhibit No. 1 will be found a memorial that was addressed to the Postmaster-General by the clerks' association on the 24th day of November, 1903. This memorial sets forth in detail the unfair conditions that surround the post-office clerks, and the injustice that the lack of system subjects the postal service to.

Salaries of letter carriers are fixed by law—$600 for the first year, $800 for the second year, and $1,000 for the third year of service.

The hours of carriers are limited by law to eight. The railway mail clerks receive $800 for their first year of service and $900 for the second year, after which promotion is rapid. The railway mail clerk works one week and is off one week. But the present law for post-office clerks provides for a minimum salary of $400 per annum with no provision of a definite nature for promotion. The hours of the post-office clerk are not limited, and frequently as many as twelve hours of service are exacted in one day.

Prior to July 1, 1899, Congress simply made a lump appropriation for the purpose of "clerk hire" in post-offices. The sum varied each year in amount, but about the period mentioned (1899) would average $10,000,000 annually.

It was the custom to turn this amount over to the superintendent of the salary and allowance division to be apportioned among the many different postmasters throughout the country.

The evils of this system were set forth in the report of Postmaster-General Howe in 1882, which is submitted herewith (Exhibit No. 1).

In 1899 Congress evidently recognized the iniquity of such a system, adopted the plan of making the so-called "segregated appropriation," and has continued this plan up to the present time.

These segregated appropriations aimed to fix the number of clerks that might be employed at any given salary.

But the recent investigation of the Post-Office Department demonstrated that the mere segregation of the items of appropriation will not establish system or prevent wrongdoing.

The investigation of the Post-Office Department simply developed the fact that the salary and allowance division paid no attention whatever to the limitations provided in the segregated appropriations for "clerk hire." It seems very evident that no definite estimate of the true and exact number of clerks in each salary grade was ever submitted to Congress.

In the report of the salary and allowance division for the fiscal year ending July 1, 1902 (Exhibit No. 2), a statement of the number of clerks promoted in each grade is submitted. This statement is entirely inconsistent with the provisions made by the preceding Congress. The fact that this report of the salary and allowance division was a public document shows that no attempt was made to conceal the fact that the law was violated. This failure to observe the intent of the law should have been taken cognizance of by the Committee on Expenditures in the Post-Office Department of the House of Representatives, whose duty it is under the rules of the House to exercise supervision over the expenditure of such appropriations.

The second session of the Fifty-seventh Congress, acting on the estimates submitted by the Post-Office Department, aimed to provide for the promotion of more than 7,000 post-office clerks last year.

The investigation of the Department showed that the estimates submitted were not a true indication of the actual number of clerks in the different grades.

As a result of suddenly attempting to comply with the provisions of the segregated appropriation, after so many years of failure to comply, more than 3,000 deserving post-office clerks were denied promotion, because it was found the grades to which they were to have been promoted were already filled, notwithstanding the estimates to the contrary as submitted to Congress.

The so-called segregated appropriations for "clerk hire" now run from $18,000,000 to $20,000,000 annually. There is practically no system for the distribution of the vast sum. Some one man is responsible for the work, and no matter how honest or capable he may be he can not make a just and equitable distribution of this sum of money.

Under this system favoritism or worse is bound to exist. Some post-offices receive greater consideration than they are entitled to, and many receive practically no consideration at all.

The need for a revision of the present system was so apparent that the Postmaster-General appointed a commission, composed of seven postmasters and the First Assistant Postmaster-General and superintendent of the salary and allowance division, to look into the subject of reclassification for post-office clerks. This commission met in Washington on December 22, 1903, and a copy of their report is submitted herewith as Exhibit No. 3.

This commission adopted a resolution asking favorable consideration for the theory of annual promotion for the great rank and file of the clerks as the correct solution of the present bad conditions.

Exhibit No. 4, an extract from the current report of the Postmaster-General, states that the number of clerks in each grade now complies with the number stipulated by Congress.

This report states that the end was achieved by taking advantage of the "5 per cent transfer clause in the law."

Now, in an extract from the current report of the First Assistant Postmaster-General (Exhibit No. 4), the present number of clerks in each grade is supposedly set forth. But the fact that the "5 per cent transfer clause" was taken advantage of is evidence within itself that the number of clerks in each grade now can not be what the estimate of the First Assistant would indicate, as his figures are the exact figures of the appropriation bill of last year.

The point in this is that Congress does not get an accurate estimate of existing conditions.

No matter who is in charge of the salary and allowance division, no good results can be expected without the adoption of a

system that will be fair to all and establish like conditions in cities of the same class.

The investigation disclosed the fact that many influences were constantly working on the salary and allowance division to acquire special favors for some individual or for some particular office. The investigation actually produced evidence of the existence of a "promotion syndicate" operating in New York City and the vicinity for the purchase of promotions through a supposed Washington connection.

Fourth Assistant Postmaster-General Bristow in his report on the investigation recommended that Congress enact some restraining legislation to apply to the division of salaries and allowances. Even should the division of salaries and allowances comply with the letter of the law as provided in the segregated appropriations, no material reform is assured. It is still possible to distribute the promotions as fancy dictates.

There are over 1,500 postmasters clamoring for more clerks and more promotions; and is it not reasonable to suppose that the postmaster of greatest influence will obtain the lion's share, while the least influential or the one who cares least will obtain practically no relief for his clerks?

EXHIBIT No. 1.

Extracts from reports of Postmasters-General.

[Postmaster-General Thomas L. James, report 1881-82, p. 63.]

CLERK HIRE.

No other item connected with the expense of the bureau is deserving of so much consideration as this. The appropriations for it for two or three years past have been inadequate to meet the numerous and, in the main, absolutely necessary applications of postmasters for allowances for clerk hire or for separating purposes that the public may be properly and promptly served in the distribution and delivery of the mail matter. The bureau during these years has been very much embarrassed in its efforts to apportion the amounts appropriated, so as to satisfy the applicants for such allowances, and at the same time secure the best possible service in the most important localities. The appeals for such assistance annually seem to be increasing, both in number and importance. (Postmaster-General T. O. Howe. Quoted by Postmaster-General William F. Vilas, q. v.)

[Postmaster-General W. Q. Gresham, report 1883-84, p. 65.]

The necessity of such reductions, I regret to say, is becoming too frequent, and is always attended with much embarrassment to the Department and apparent injustice to the postmasters whose allowances are decreased. The appropriations for clerks in post-offices have been altogether too small for some years past, and not at all in proportion to the increase in postal business.

[P. 11.]

Postmasters, backed as many of them are by influential friends, have in some cases been unreasonable in their demands for allowances, and it is not surprising that some of them have received more than their share of the appropriation, while others have received less.

[Postmaster-General F. Hatton, report 1884, p. 43.]

Post-office clerks, as a rule, are underpaid. Their duties are exacting and require close attention. Their salaries are not sufficient to induce them to take a proper interest in their work.

[Postmaster-General Vilas, report 1887, p. 24.]

So far as the postal service is concerned, this large and increasing item of expenditure (besides others for rent, light, fuel, furniture, stationery, and necessary incidentals) is turned over to the Department to be disbursed, nominally, at the will of the head of it, practically by the clerks in the division of salaries and allowances, under correction of its chief and the first assistant. This is in striking contrast with the nice limitations fixed in the annual act for the service of the Department itself, appropriating but about $800,000 to be expended immediately under the eye of the officers charged with its government, in which the particular amount applicable to each of the various classes of clerks in each office and for each item of supplies is carefully assigned. A greater sum is appropriated by the Department for a single post-office.

I have been unable to find that there has ever been a regulation or order fixing system or principles upon which this vast sum of money is to be annually scattered. The First Assistant directs the entry of the necessary orders, prepared in the division and brought up by its chief, after such examination as he finds it possible to give in the mass of duties crowding upon him. The chief of the division makes his best effort to guess the proper sum for each importunate postmaster to expend, and the postmaster adjusts, subject to the same approval, the salaries of his force in accordance with his judgment of their merits. He files his roster of clerks and wages, and the Department, with good success upon the whole, sees to it that he spends for the prescribed objects the amount allowed. Inspectors are directed to examine the office in particular cases, and they assist by their opinions, formed on the ground, the ultimate discretion of the division chief and First Assistant. Such seems to have been from the beginning the only "system" known to the Department. In his report for the year 1882 Postmaster-General Howe directed attention to this subject and said of the prevailing usages:

"These large sums are distributed among the different post-offices entitled thereto by a series of orders, allotting so much to one and so much to another. In theory these orders are made by the First Assistant Postmaster-General; in practice they are made by a fourth-class clerk in the office of the First Assistant. No matter by whom made, this distribution will not be well made. Finite intelligence could not make a wise and just allotment of such a fund; infinite intelligence can not be obtained from fourth-class clerks."

Such a method of providing for the post-offices may have been adapted to the early days of the service, but with gradual expansion its errors, misjudgments, and inequalities must have been constantly accumulating. And it is a high mark of the integrity and fidelity of those who have had charge of the distribution that no other reproach can be aimed at the history of their office, and that reproach is not theirs; theirs is the credit that in such circumstances of embarrassment and difficulty it is no worse.

But the condition presented is sufficiently repulsive to any sense of administrative order and justice.

Among the large offices of the first class there is not only a similar disparity in the proportionate expenses of their maintenance, but little uniformity of organization, of principal officers, of gradation in clerks, in their assignment of duty, or compensation.

The present duty is to bring the existing conditions of this business faithfully and openly to your attention, to be submitted to Congress. It is, however, ardently to be hoped that a contrariety of opinion may not longer hinder and delay desirable improvement, but stimulate a discussion which shall evolve a practicable conclusion. The presentation of the foregoing instructions has been in acknowledgment of the obligation upon one who points out existing evils to propose at least some betterment.

[Postmaster-General John Wanamaker, report for 1892.]

THE CLASSIFICATION OF CLERKS.

The carriers are placed upon a definite and determined scale of salaries, and that is well. Not so the post-office clerks, and yet the duties of the latter are more exacting, their hours of labor—days, nights, and Sundays—are longer, their work is indoors and often in unventilated rooms, and often, too, in unhealthy basements lighted by gas; and, indeed, for these reasons and because of their liability to contagious diseases, their occupation is more dangerous. Yet the present classification law works great injustice and hardship to them. In the past year, as Postmaster Hale, of Minneapolis, writes me, 104 persons have sought examinations for the carrier service against 20 applicants for clerkships. Undoubted facts like this are not wanting to attest the gross injustice.

I have heretofore called attention to the need of a reclassification in the first and second class offices. These now number 796, and show receipts by the recent adjustment aggregating $45,462,624, or 64.12 per cent of the total postal revenue. The total number of clerks and employees attached to first and second class post-offices is 9,965.

[Postmaster-General W. S. Bissell, report for 1893, p. 12.]

In this connection I desire to record my opinion that certain classes of clerks in first and second class post-offices are inadequately compensated, and I recommend that the Congress amend the act approved March 2, 1889, making provision for the classification and the fixing of salaries of clerks and employees attached to first and second class post-offices by increasing the maximum salaries for certain classes of clerical service. Material improvement in the clerical service has resulted from the operations of that act, and further improvement is easily possible.

[Postmaster-General William L. Wilson. Extracts from letter written by him to the Committee on the Post-Office and Post-Roads of the House of Representatives on April 9, 1896.]

The present alleged classification act, covered by section 415, Postal Laws and Regulations, edition of 1893, has caused the Department a large amount of annoyance, and has resulted in confusion by reason of the fact that the bill was loosely drawn and embodied so many terms that were considered synonymous by the different postmasters that it was an impossibility for the Department to have a clear and distinct understanding of the situation at all first and second class post-offices, particularly at the larger first-class post-offices.

* * * It may not be amiss to add that there is not now sufficient encouragement to our best clerks to warrant their remaining in the service; consequently a large number of such clerks annually leave the service to follow other vocations.

In the report of the First Assistant Postmaster-General for the fiscal year ending June, 1900, he says:

"The present classification act of Congress of March 2, 1899, does not properly or satisfactorily classify, embodying many confusing and synonymous designations, and does not provide for regular advancement."

In the report of the Post-Office Department for the year 1901, on page 92, the First Assistant Postmaster-General says:

"I desire again to urge upon Congress the necessity for a reclassification of the post-office clerks in the first and second class post-offices.

"The classification act of March 2, 1889, does not meet the present needs of the service and offers no incentive or inducement for the bright and energetic young man to remain in the Government employ."

Memorial to the Postmaster-General in behalf of the proposed classification of clerks in the first and second class post-offices.

WASHINGTON, D. C., *November 24, 1903.*

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

DEAR SIR: Acting in behalf of the United National Association of Post-Office Clerks, we desire to submit for your consideration the accompanying draft of a proposed bill for the classification of post-office clerks employed in the first and second class post-offices. This draft of bill was framed in accordance with the expressed wish of our membership in convention assembled at Nashville, Tenn., September 7 to 11, 1903. Since your incumbency of the office of Postmaster-General much has been done to relieve the conditions of the post-office clerks.

That the relief accorded them may be theirs in the future and that the service may be benefited by attracting and holding in its employ clerks of a high standard of ability, we ask your favorable consideration of this proposed bill and trust that the same will receive your indorsement. It is quite generally conceded that the classification act of March 2, 1889, under which the post-office clerks are now supposed to be classified, has failed to do justice to the clerks and has also failed to provide properly for the needs of the great and growing postal service. Before entering further into this line of argument, we respectfully request that you give due consideration to the accompanying extracts taken from the reports of the different Postmasters-General from the time of Postmaster-General Thomas L. James, in 1881. A perusal of these extracts will demonstrate that those who have been in charge of the Post-Office Department, and who have witnessed its many operations at first hand, have early concluded that some provision should be made by Congress to provide proper classification for post-office clerks.

In asking you to give favorable consideration to this bill, we recognize the necessity of submitting arguments that will prove how pernicious is the present system of classification and wherein this proposed act will furnish a satisfactory remedy, granting justice to this class of employees and protecting the best interests of the Department. Prior to the act of March 2, 1889, there was practically no legislation on the subject, except the statutes authorizing allowances to certain postmasters for expenditures for the necessary cost of clerical services. Of course the act of January 16, 1883 (known as the "Pendleton Act"), prescribed that within sixty days it shall be the duty of the Postmaster-General, in general conformity to section 163, Revised Statutes,

to separately arrange in "classes" the employees of post-offices where the whole number of said employees shall together amount to as many as fifty; but reference to section 163 shows that only Department clerks came within its purview, and while the general purposes of this statute were accomplished, it presented no practical scheme for the classification and compensation of post-office clerks. Under the system which had thus grown up from the general authority first mentioned, the Postmaster-General would submit to Congress in advance for each fiscal year an estimate (or, as former Postmaster-General Vilas termed it, a "guess") of the probable cost of clerk hire. When the bulk appropriation was made a certain amount was allowed by the chief of the salary and allowance division to each post-office authorized to employ clerks.

The responsibilities that necessarily devolved upon anyone filling the position of chief of the salary and allowance division must be apparent to all.

Perhaps in no other Department of the Government, and certainly not in any department of a private corporation, was such absolute power over an army of employees vested in one man as was the case in this Department. Unfairness and inequality in the matter of salaries could not be prevented under such a system. Under this system a clerk in one post-office may receive but one-half the salary of another clerk in a different city who is discharging duties of exactly the same nature. Two clerks work side by side in the same office, perform the same duties, and yet one of them receives twice the compensation of the other, who is often the better clerk and longer in the service. One clerk performs a much higher grade of work and receives a smaller compensation.

Yet the post-office clerk's salary, admitted generally to be the poorest paid by the Government, is not assured from year to year, so uncertain are the estimates and so uncertain the appropriations of Congress. Then, too, he may be the victim of the caprice of the ever-changing postmasters. The act of March 2, 1889, may have been intended to correct these evils. It is called a "classification act;" but this seems to be a misnomer of the worst sort. The only difference that this act has made, so far as we are able to determine, is the fact that clerks are now paid in even hundreds of dollars. The system is just the same in substance as formerly. There is the same element of uncertainty.

Surely it must appeal to reason that this system, designed for the service in the early days of the Government, is too antiquated for the needs of this great and growing service of to-day. It must be remembered that the day of the postchaise and stagecoach has long since passed. Surely a branch of the service employing an army of some 20,000 clerks should be modernized.

To demonstrate how vague and uncertain is this so-called "classification act," we ask you to consider the following three paragraphs, which apply to the majority of post-office clerks:

"Mailing clerks, letter distributers, dispatchers, registry, money-order, directory, and pixie clerks, nine classes, salary graded in even hundreds of dollars from $600 to not exceeding $1,400 per annum.

"Separators and assorters, paper distributers, record clerks, general-delivery clerks, inquiry clerks, clerks for special-delivery mail, raters of third and fourth class matter, stock or supply clerks and timekeepers, seven classes, graded in even hundreds of dollars from $600 to not exceeding $1,200 per annum.

"Stampers and mail messengers, five classes, salary graded in even hundreds of dollars from $400 to not exceeding $800 per annum."

The grading in these sections is very artificial. They simply mean that the clerk in the rank and file may be paid any salary, just so it is in even hundreds of dollars from $400 to $1,400, regardless of the work performed.

Regardless of the rating or designation that may appear after a clerk's name on the pay roll, he may be performing duties of an entirely different nature. This can hardly be avoided under the present system.

The mails must be dispatched and the general routine of business transacted, regardless of these fine theoretical distinctions and designations. Every clerk must hold himself ready to perform any task assigned him.

Within the past few years Congress, in making appropriations for clerk hire in post-offices, has made segregated appropriations; that is, a certain number of clerks were allowed a certain salary. These segregated appropriations have been more liberal than those heretofore granted; but no genuine reform in the old system can be accomplished in this way.

But we submit it as our opinion that the adoption of the so-called "segregated appropriation" was a step of progress. In making these segregated appropriations the Committee on Post-Offices and Post-Roads was supposed to have submitted to it a positive and authentic statement of the number of clerks employed at a given salary. Thus the committee was in a position to act intelligently in recommending to Congress a definite number of promotions in each grade, and were able to maintain a fair balance, neither top-heavy nor the opposite. It will be observed that in making these segregated appropriations, Congress has gradually reduced the number of clerks who were formerly employed at salaries of $400 and $500 per annum. Competent help could not be induced to enter the service at such salaries.

Under the old system of making lump-sum appropriations, Congress was not able to obtain a comprehensive knowledge of the salaries paid to the individual clerk. To go back to the lump-sum appropriation might result in the employment of more clerks at $400 and $500 per annum, because the present law permits these minimums.

The act of March 2, 1889, is still in force. The appropriation bill but covers the needs of the service for one year and makes no provision for the regular advancement of clerks. Neither does it attempt to designate how many clerks at a given salary may be assigned to any particular post-office. It still leaves a tremendous power in the office of the superintendent of salary and allowances.

The bill which we present for your consideration, if formally enacted, will substitute certainty for uncertainty. It provides simply that all clerks in first-class offices, regardless of all designations, shall be appointed at a salary of $900 per annum, and that they shall receive an annual increase of $100 per annum thereafter until they reach the salary of $1,200 per annum—surely not too much for any clerk who is fit to stay in the service the necessary six years after appointment. Above the grade of $1,200 all promotion is made under such rules and regulations as the Postmaster-General may prescribe. In the second-class offices the clerk is to enter at a salary of $600 per annum and be increased annually thereafter at the rate of $100 until the maximum of $1,000 is reached. Under the regulation of the Postmaster-General these clerks may be further advanced to $1,200 per annum.

We submit that the passage of this measure would not only grant tardy justice to the post-office clerks, the only branch of the Government service not now paid on a definite and fair schedule, but would bring a lasting benefit to the postal service. Better and brighter men would enter the service had they the assurance of fair promotion. The brightest and best men in the service would remain. That under the present conditions the ablest men leave the service is ably attested in the reports of some of the Postmasters-General submitted herewith.

In these prosperous times it is found difficult to induce bright, energetic young men to take the civil-service examinations for this branch of the service. The result is that the least competent of the applicants find their way into the service because of the unwillingness of the more able to qualify. This statement can be verified upon application to any civil-service examiner.

Is it not time to call a halt on the process of using the post-office as a mere training school for positions in the outside world? All the Federal employees are classified and paid upon a somewhat definite basis, while we, the post-office clerks, who, as stated by the late Hon. S. S. Cox, "receive less pay, work more hours, and perform more onerous and indispensable duties than perhaps any other officials in the Government service," are still left to the mere chance of an antiquated system.

Departmental and custom employees are classified and receive a rate of pay compared to which ours dwindles to insignificance. Our duties are indeed arduous and complicated. Frequently many hours of study are demanded, even after the ending of a period of duty lasting from nine to twelve hours. There is no eight-hour law for us. The vacation now received is for the most part earned by performing double duty at the cost of even greater hours. No compensation is provided for the employment of substitutes for the majority of clerks on vacations. Our brothers, the letter carriers and railway-mail clerks, do not have to endure these conditions.

In many offices the clerks are compelled to work in cellars or in old, crowded, antiquated, and poorly ventilated buildings. The long period of substitution that a clerk must undergo, making at such times barely sufficient to sustain life, must be taken into consideration in the proposed regulation of our salaries.

It must be borne in mind that there are some 1,500 postmasters in the different first and second class post-offices of the country, and each of these is master of the destiny of the clerks under him. They are all possessed of different ideas as to promotion. Some have greater influence than others, and make more strenuous efforts to obtain from the salary and allowance division promotions for their clerks. Some are utterly indifferent as to the welfare of their clerks, and fail to make recommendations for promotions, thereby doing a positive injury to those under them. This results in the employees of one office being better treated than those of another.

Almost every postmaster in the country would gladly be rid of the importunities of men prominent in the world of politics, business, or religion in behalf of some clerk's promotion who has sought their assistance. It is not always the most competent clerk who can command such influence. Surely those in the lower grade, particularly, should not be compelled to seek such influences to obtain promotion. Where is the merit in such an order of things? In fact, it seems that there is not much question but what the post-office clerk is underpaid. The only argument that seems to be raised against this proposed legislation is the contention of some that to advance a salary each year would rob the clerk of his incentive to the best endeavor. And yet a reference to the reports of the Postmaster-General, herewith submitted, will disclose the fact that in their belief the present system affords no incentitive, and in their opinion a reclassification along the lines suggested by us would surely furnish honest incentive to the very best endeavor. We feel that the average man will work more faithfully where fairly dealt with and with the certain prospect of promotion before him. There is something for him to labor for. If he will not work faithfully under these conditions, then he should be promptly removed from the service. Salaries throughout the Government service are usually fixed, or else promotion is largely based upon seniority of service. In the industrial world wages of those employed at the various trades are fixed. And in the industrial world there has been a steady upward tendency of wages and salaries.

In the Army and Navy we find promotion based upon seniority of service. Yet you hear no criticisms of its efficiency.

In some States we find State laws governing the salaries of school-teachers upon the basis of seniority of service. Our school system is admittedly a splendid one. In fact, the majority of public employees are paid upon the basis of either a fixed salary or promotion on seniority of service.

We find that the salaries of postmasters are fixed upon the basis of the receipts of the post-office over which they preside. Yet the postmaster is not in a position to honestly influence the receipts of his office. The receipts are dependent upon the business life of the community in which the office is located.

Even the salaries of our Congressmen and Senators are fixed by law, under the theory that all Congressmen render the Government a like service. In committee appointments it seems that as a general rule the Congress has been unable to devise a better system of promotion for its Members than by seniority of service.

While this measure which we submit for your consideration only applies to the clerks of the rank and file, we recognize the necessity of a complete reclassification of all those employed in the clerical service, from the assistant postmaster down; but we do not deem it to be within our province to suggest or offer amendments to the Department that would concern these official positions. We are of the opinion that the shortcomings of the act of 1889, in so far as it applies to the official class of clerical help in the post-office, are quite familiar to the Department, and that it is not unlikely that the Department will recommend to Congress that suitable changes be made to correct these recognized omissions. But we earnestly petition you that should the Department see fit to ask Congress to change that part of the act of 1889 that applies to the clerks of the rank and file that our recommendations contained herein be incorporated therein. We believe there are many postmasters throughout the country whose experience has been such that they would gladly welcome the enactment by Congress of a measure such as we submit herewith.

We make no appeal for the drone. There is no place for him in the industrial world, and there should be no place for him in the Government employ.

We submit it as our belief that the bill which we are now asking you to favorably consider is drafted along the only lines that will prevent favoritism and grant justice to the post-office clerks. We trust that this appeal, backed up by the expert opinion of so many who have been in charge of the Post-Office Department, will not go unheeded.

Respectfully submitted.

COMMITTEE UNITED NATIONAL ASSOCIATION OF POST-OFFICE CLERKS.

EXHIBIT No. 2.

RECLASSIFICATION OF CLERKS.

I desire again to renew, with increased emphasis, my recommendation of the necessity for a reclassification of clerks in first and second class post-offices. The very generous appropriations made for the past four years by Congress have enabled the Department to increase the salary of every low-grade, meritorious clerk, and to-day these clerks are receiving about as large annual salaries as they would receive had they been employed under any proposed classification bill. The service has grown so rapidly, however, that the Department has been obliged to augment the force by the employment of many additional clerks of the lowest grade, so that the average pay for clerks in the postal service is practically no better than it was four years ago.

On July 1 last every known capable and energetic clerk receiving a salary of $300, $400, $500, $600, $700, $800, and $900, who had been one year in the postal service or in these grades for a similar period, received a substantial increase in his salary ($100 being the minimum), as follows:

Clerks.	Receiving—	Advanced to—
117	$300	$400
443	400	500
1,016	500	600
2,200	600	700
1,750	700	800
2,100	800	900
1,700	900	1,000
1,300	1,000	1,100
144	1,100	1,200
198	1,200	1,300
176	1,300	1,400
11,144		

Thus, out of about 12,000 promotions made by the Department to date more than 11,000 clerks were promoted in the lower grades, as above shown. In an experience of more than twenty-three years it can be asserted without fear of contradiction that the postal service at this writing is on a most substantial basis; the clerks as a rule are willing, efficient, and well satisfied, and the mails are better and more intelligently handled than ever. In the larger first-class post-offices the clerks are not working in excess of eight hours, and in New York and Chicago, where for some years past more or less congestion had existed, the mails are being dispatched earlier by several hours than heretofore.

With the increased business, however, it will be difficult, if not impossible, to maintain these conditions without the increases mentioned below.

A careful estimate for clerk hire for first and second class post-offices for the fiscal year ending June 30, 1904, shows that the Department will practically require as large an appropriation for its ordinary necessities as it would to make the following classification bill effective as a law:

"PROPOSED CLASSIFICATION OF CLERKS IN FIRST AND SECOND CLASS POST-OFFICES.

"That the Postmaster-General be, and he is hereby, authorized to classify and fix salaries of clerks and employees of first and second class post-offices from and after July 1, 1903, as hereinafter provided:

"*At first-class post-offices.*

"Class 1: Auditors at New York, N. Y., and Chicago, Ill.; salary, $3,000 each.

"Class 2: Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry; salary, graded in even hundreds of dollars, not exceeding 45 per cent of the salary of the postmaster, five classes, at $1,400, $1,600, $1,800, $2,200, and not exceeding $2,700 per annum, except at New York, N. Y., where the salary of the superintendent of delivery, superintendent of mails, superintendent of money order, and superintendent of registry shall be fixed at $3,200 per annum each.

"Class 3: Cashiers, six classes; salary, $1,600, $1,800, $2,000, $2,200, $2,400, and not exceeding $2,600 per annum.

"Class 4: Assistant cashiers, assistant superintendents, bookkeepers, finance clerks, foremen of crews, inspectors of stations, physicians, and private secretaries, four classes; salary, $1,200, $1,400, $1,600, and not exceeding $1,800, except at New York, N. Y., where the salary of the first and second assistant superintendents of registry shall be fixed at $2,400 and $1,800, respectively, and that of the first and second assistant superintendents of money order shall be fixed at $2,400 and $1,800, respectively.

"Class 5: Superintendents of stations, eight classes; salary, $1,000, $1,200, $1,400, $1,600, $1,800, $2,000, $2,200, and not exceeding $2,500, according to the amount of business transacted.

"Class 6: Clerks in charge of stations, nine classes; salary, graded in even hundreds of dollars, from $100 to not exceeding $900 per annum, according to the amount of business transacted.

"Class 7: Carpenters, firemen, janitors, laborers, messengers, porters, pressmen, and watchmen, four classes; salary, graded in even hundreds of dollars, from $400 to not exceeding $700 per annum.

"That all clerks employed as assorters, directory clerks, general-delivery clerks, inquiry clerks, money-order clerks, mailing clerks, registry clerks, stamp clerks, distributers, nixie clerks, record clerks, special-delivery clerks, supply clerks, raters, mail weighers, separators, dispatchers, timekeepers, stampers, utility clerks, in the first-class post-offices now established, and in each post-office that may on or after July 1, 1903, become a post-office of the first class, who at the date of July 1, 1903, may be receiving salaries of less than $1,000 per annum, shall thereafter, from said date, receive annual increases of $100 per annum until their salaries shall amount to $1,000 per annum; and, furthermore, that clerks receiving salaries of $1,000 per annum may, in the discretion of the Post-Office Department, receive annual increases of $100 until their salaries shall amount to $1,400 per annum, and that said annual increases shall be governed by such rules and regulations as the Post-Office Department may make.

"*At second-class post-offices.*

"Class 1: Clerks in charge of stations, nine classes; salary, graded in even hundreds of dollars, from $100 to not exceeding $900 per annum, according to the amount of business transacted.

"Class 2: Janitors, laborers, messengers, porters, and watchman, four classes; salary, graded in even hundreds of dollars, from $300 to not exceeding $600 per annum.

"That all clerks in the second-class post-offices employed as assorters, directory clerks, general-delivery clerks, inquiry clerks, money-order clerks, mailing clerks, registry clerks, stamp clerks, distributers, nixie clerks, record clerks, special-delivery clerks, supply clerks, raters, mail weighers, separators, dispatchers, timekeepers, stampers, utility clerks, who on the 1st day of July, 1903, may be receiving salaries of less than $800 per annum shall thereafter from said 1st day of July, 1903, receive increases of $100 per annum until their salaries shall amount to $800 per annum; and, furthermore, the clerks receiving salaries of $800 per annum may, in the discretion of the Post-Office Department, receive additional promotions up to the amount of $1,000.

"That when the salaries hereinbefore stated are adjusted and fixed no clerk shall be appointed, promoted, reduced, or removed without the approval of the Postmaster-General: *And provided*, That clerks and employees, however designated, when detailed to other duties shall not be entitled to additional compensation.

"That all acts and parts of acts that conflict with the provisions hereinbefore stated are hereby repealed."

This estimate provides that all clerks in second-class post-offices receiving annual salaries of less than $800 be given annual increases until $800 is reached, and all clerks in first-class post-offices receiving annual salaries of less than $1,000 be annually increased until $1,000 is reached. The bill also fixes the minimum at second-class post-offices at $500 and at first-class post-offices at $600 per annum. The average post-office clerk is certainly the peer of the letter carrier, and this bill simply provides that a post-office clerk shall receive a salary of $1,000 in first-class post-offices at the end of four years' satisfactory service. Under the present law regulating letter carriers' salaries a letter carrier receives $1,000 salary at the end of two years.

The estimate to meet this bill provides an increase of $1,412,100, promotes 10,415 clerks in the lower grades, and provides for the appointment of 2,285 clerks additional, at $500 and $600 per annum. An estimate without regard to the proposed classification bill would only admit of a reduction of $100,000, but in order to make this reduction the Department would be required to employ many new clerks at $500 instead of $600 per annum.

Estimate for clerks at first and second class offices for the fiscal year beginning July 1, 1903, on the basis of the present classification act.

Grade.	Present number.	Amount.	Proposed number.	Amount.
$100	1,300	$130,000	1,000	$100,000
200	350	70,000	350	70,000
300	250	75,000	250	75,000
400	100	40,000	200	80,000
500	2,120	1,060,000	800	400,000
600	3,200	1,920,000	4,200	2,520,000
700	1,000	700,000	2,300	1,610,000
800	3,900	3,120,000	4,000	3,200,000
900	1,900	1,710,000	2,500	2,250,000
1,000	2,100	2,100,000	2,300	2,300,000
1,100	1,100	1,210,000	1,500	1,650,000
1,200	1,400	1,680,000	1,400	1,680,000
1,300	300	390,000	400	520,000
1,400	250	350,000	350	490,000
1,500	110	165,000	110	165,000
1,600	110	176,000	110	176,000
1,700	125	212,500	125	212,500
1,800	80	144,000	60	108,000
2,000	75	150,000	80	160,000
2,100	7	14,700	16	33,600
2,200	30	66,000	30	66,000
2,400	25	60,000	25	60,000
2,500	10	25,000	10	25,000
2,600	25	65,000	30	78,000
2,700	14	37,800	20	54,000
3,000	2	6,000	2	6,000
3,200	4	12,800	4	12,800
Total	19,887	15,689,800	22,172	18,101,900

It is recommended that an appropriation of $18,101,900 for clerk hire at first and second class post-offices be requested.

CLERKS IN POST-OFFICES.

Allowances for clerks in post-offices of the first and second classes and stations connected therewith.

Year.	Estimate.	Appropriation. Amount.	Increase.	Per cent of increase.	Expenditure. Amount.	Increase.	Per cent of increase.
1893-94	$8,860,000	$8,810,000	$450,000	5.38	$8,736,011	$394,368	4.73
1894-95	9,700,000	9,700,000	890,000	10.10	9,429,523	693,512	7.94
1895-96	10,100,000	10,100,000	400,000	4.12	9,963,992	534,469	5.77
1896-97	10,500,000	10,400,000	300,000	2.97	10,382,061	418,069	4.20
1897-98	11,000,000	10,600,000	200,000	1.92	10,598,329	216,268	2.08
1898-99	11,300,000	11,100,000	500,000	4.72	11,094,179	495,850	4.68
1899-1900	11,800,000	11,498,000	398,000	3.59	11,496,617	402,438	3.61
1900-1901	11,656,900	11,704,700	206,700	1.79	[a]11,723,514	226,877	1.97
1901-2	13,300,000	13,038,700	1,334,000	11.40	[b]13,048,953	1,325,439	11.36
1902-3	14,878,200	15,689,800	2,651,100	20.33			
Total			7,329,800			4,707,250	
Average			732,980			523,028	

[a] Including $20,665 obtained from postmasters' salaries at post-offices consolidated with other post-offices.

[b] Including $14,449 obtained from postmasters' salaries at post-offices consolidated with other post-offices.

CLERK HIRE AND SEPARATING MAILS AT THIRD AND FOURTH-CLASS POST-OFFICES.

The Department has repeatedly recommended to Congress that a small allowance for clerk hire or a deputy postmaster be allowed postmasters of offices of the third class when it has been satisfactorily demonstrated that the postmaster by devoting his entire time to the duties of the office can not, unaided, meet the public demands. It is obvious that no one person can continuously, without relief, keep a post-office open during the hours required by the Department, and it is equally clear that many of the larger third-class post-offices require at times more than two persons. There are 1,680 post-offices at which the salaries of the postmasters range from $1,500 to $1,900 per annum, at many of which postmasters have no allowances whatever. It is recommended that when the postmaster does not "farm" out his post-office—that is, when he devotes his entire time to the duties of the office and can not, without assistance, render a prompt and satisfactory service—he be allowed one regular clerk at a salary not to exceed $500, upon proper authorization by this Department.

Statement of transactions in separating clerk hire during the year ended June 30, 1902.

Item.	Amount.
Separating clerk hire standing June 30, 1901	$930,602
Allowances made during the year	169,615
Temporary allowances made	32,817
Allowances reduced and discontinued	60,016
Net increase during the year	109,599

It is recommended that an appropriation of $1,300,000, an increase of $200,000, be requested.

TEMPORARY CLERK HIRE.

The regular clerk hire appropriation under the present segregation not being available for temporary or emergency clerk hire at the larger post-

offices, it is recommended that this appropriation covering temporary clerk hire at first and second class post-offices be made $300,000, an increase of $25,000.

SUBSTITUTES FOR CLERKS ON VACATION.

This appropriation has enabled the Department to provide substitutes for about all of the clerks in second-class post-offices and some of the clerks in the smaller first-class post-offices during their vacations. With the increased force allowed July 1, 1902, however, it will be necessary to increase same. Hence it is recommended that an appropriation of $200,000, an increase of $25,000, be requested.

PROVIDING FOR PRESIDENTIAL POST-OFFICES.

The annual adjustment of postmasters' salaries for the present fiscal year, under the act of Congress approved March 3, 1883, resulted in assigning 4,783 offices to the Presidential class. These offices, together with the stations connected with first and second class post-offices, and offices that may be advanced to the Presidential class during the present fiscal year, estimated at 350, are to be provided for out of this appropriation. As shown in statement under the head of "Leases," 250 post-offices and stations are in Government buildings, and these offices should be excluded, leaving 1,359 post-offices to be provided with rent, light, and fuel.

LEASES FOR POST-OFFICES.

On June 30, 1902, there were 1,245 post-offices of the first and second classes. Of this number 250 are in Government buildings and 842 in buildings leased to the Government. Three hundred and seven stations of first and second class post-offices and 210 post-offices of the third class are in leased buildings, a total of 1,359. The annual rental of these buildings on June 30, 1902, amounted to $1,207,439.

Class.	Number of post-offices in Government buildings.	Leased premises.	
		Number.	Rental.
First class	161	55	$94,027
Stations	1	293	504,322
Second class	89	787	532,347
Stations	1	14	4,721
Third class	22	210	72,022
Fourth class	1	.....	.....
Total	275	1,359	1,207,439

The rapid growth of the rural free-delivery service affects the rent, fuel, and light appropriation perhaps more than any other single appropriation made the Post-Office Department by Congress. Many smaller post-offices are being discontinued and the work merged with some central office, which at once becomes a Presidential office and therefore entitled under the law to a reasonable allowance for rent, fuel, and light. These rural free-delivery centers are seldom established with fewer than three or four rural carriers, and the additional room and other facilities needed make the demands upon this appropriation almost continuous and frequently beyond the limit fixed by law.

When the buildings contemplated in the omnibus public building bill of the last Congress are made ready for occupancy they will undoubtedly save this appropriation, but there is no prospect of any of these buildings being occupied before from four to seven years.

In this connection it is desired to call the attention of Congress to the amounts of rentals paid for station premises at the twenty largest post-offices, as follows:

New York, N. Y	$224,410	Buffalo, N. Y	$5,070
Chicago, Ill	89,036	Cleveland, Ohio	5,110
Philadelphia, Pa	39,850	Detroit, Mich	4,880
Boston, Mass	46,585	Kansas City, Mo	4,792
St. Louis, Mo	3,010	Minneapolis, Minn	4,070
Brooklyn, N. Y	30,460	Washington, D. C	9,010
Cincinnati, Ohio	5,680	Milwaukee, Wis	2,775
Baltimore, Md	5,460	St. Paul, Minn	3,550
Pittsburg, Pa	7,740	New Orleans, La	3,400
San Francisco, Cal	17,931	Louisville, Ky	1,990

If Congress were to authorize the purchase of public-building sites for these stations, as under the public-building act, within a period of ten years there would be no occasion whatever for the payment of rentals for station purposes. In our larger cities the municipal governments have long since seen the wisdom and necessity of selecting permanent sites and erecting thereon suitable buildings for their police and fire departments, as have also the express companies; and as the postal service and its necessities have become permanently fixed, the selection of permanent homes for our station service would seem to be demanded in the interest of business prudence and economy.

It is recommended that an appropriation of $2,500,000, an increase of $150,000, for rent, fuel, and light be requested.

FOR MISCELLANEOUS AND INCIDENTAL ITEMS.

For necessary miscellaneous and incidental items directly connected with first and second class offices, including furniture, cleaning, electric motors and power, and all other items of expense not specifically provided for in other appropriations, $250,000.

"*Provided*, That the Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any postmasters of such offices to expend the fund he may allow them for such purposes without the written consent of the Postmaster-General."

Year.	Estimate.	Appropriation.			Expenditure.			
		Amount.	Increase.	Per cent.	Amount.	Increase.	Decrease.	Per cent.
1893-94	$140,000	$125,000	$15,000	13.64	$111,688	$4,377	.....	4.08
1894-95	140,000	140,000	15,000	12.00	120,371	8,683	.....	7.77
1895-96	150,000	150,000	10,000	6.67	111,753	.....	$8,618	7.16
1896-97	150,000	150,000	.....	.....	143,616	31,863	.....	28.51
1897-98	150,000	150,000	.....	.....	147,923	4,307	.....	3.00
1898-99	200,000	175,000	25,000	16.67	171,360	23,437	.....	15.85
1899-1900	200,000	200,000	25,000	14.34	199,891	28,531	.....	16.65
1900-1901	250,000	225,000	25,000	12.50	224,301	24,410	.....	12.21
1901-2	250,000	250,000	25,000	11.11	249,861	25,560	.....	11.40
1902-3	250,000	250,000	.....	.....	.....	.....	.....	.....
Net average increase	.....	.....	14,000	.....	.....	15,839	.....	.....

ADVERTISING.

For advertising and the purchase of newspapers containing official advertisements contracted for under this appropriation, $25,000.

CANCELING MACHINES.

There are now under rental—

Made by—	Number.	Rental.
International Postal Supply Co., New York, N. Y	250	$100
Barry Postal Supply Co., Oswego, N. Y	75	150
Columbia Postal Supply Co., Silvercreek, N. Y	42	150
Barr-Fyke Machine Co., Kansas City, Mo	37	150
Pneumatic Canceling Machine Co., Indianapolis, Ind	20	150
American Postal Machines Co., Boston, Mass	462	110

And in addition 200 Doremus automatic hand-power machines were purchased at $225 each for post-offices where electric current was either too expensive or unavailable during the post-office business hours. Many of the smaller first and second class post-offices receive and dispatch mails coincidently, and postmasters are obliged during such periods to practically close the windows to the public. A canceling machine not only relieves several clerks of the necessity of postmarking or back stamping letters by hand, but insures as well a uniform and legible postmark, and at the same time protects the Government by a thorough cancellation. In my judgment, the canceling machine is better than two or three clerks at times, and has grown to be an indispensable adjunct to a post-office. It is suggested that each post-office of the first and second classes be provided with one or more canceling machines, and in order to make more satisfactory contracts with the owners thereof this Department be permitted to contract for a term not to exceed four years.

It is recommended that an appropriation of $300,000 be provided by Congress, and that payment for the motors and current therefor be made out of the miscellaneous and incidental appropriation. Many of the machines are run on an electric-meter basis, and with a small margin the Department is more or less embarrassed to keep such expenditures within the limits of the appropriation.

ASSISTANT SUPERINTENDENTS, SALARY AND ALLOWANCE DIVISION.

During the past year the assistant superintendents of this division have visited 778 post-offices, principally of the second and third classes, where the public accommodations and facilities have been greatly improved. Theretofore these post-offices had occupied quarters in connection with some other business, with decidedly primitive furniture, lock boxes, etc. In almost every instance post-offices were provided with exclusive quarters, fitted up with the latest improved furniture and equipment, and the public and press have commented upon the fact that the Department had at last given them post-offices in keeping with the importance and dignity of their localities.

Many of the larger first-class post-offices were visited during the past year after the postmaster's estimates had been submitted and same were carefully investigated before allowances were made.

It is recommended that an appropriation of $24,200 for salaries ($14,000) and per diem ($10,220) for seven assistant superintendents, be granted.

Recapitulation of estimates.

Items.	Present appropriation.	Average annual increase for past decade.	Estimate 1903-4.	Increase.
Compensation of postmasters	$21,000,000	$641,670	$21,500,000	$500,000
(Any portion thereof saved by the consolidation of post-offices under existing law shall be available for the payment of salaries of superintendents and clerks at stations established in lieu of the post-offices thus discontinued.)				
Assistant postmasters	1,701,500	.....	1,894,100	192,600
Clerk hire	15,689,800	732,980	18,101,900	2,412,100
Rent, fuel, and light	2,350,000	99,085	2,500,000	150,000
Clerk hire and separating mails at third and fourth class post-offices	1,100,000	.....	1,300,000	200,000
Temporary clerk hire	175,000	.....	200,000	25,000
Substitutes for clerks on vacation	175,000	.....	200,000	25,000
Necessary miscellaneous and incidental items connected with first and second class offices, including furniture, cleaning, and all other matters not specifically provided for in other appropriations	250,000	14,000	250,000	.....
Advertising and purchase of newspapers containing official advertisements contracted for under this appropriation	25,000	.....	25,000	.....
For rental or purchase of canceling machines	190,000	.....	300,000	110,000
Special agents and per diem	24,220	.....	24,220	.....
Provided, That 5 per cent of the foregoing appropriation for the division of salaries and allowances of the First Assistant Postmaster-General's Office may be available interchangeably for expenditures on the objects named; but no one item of the appropriation shall thereby be increased more than 5 per cent.				
Total	42,680,520	.....	46,295,220	3,614,700

Respectfully submitted.

GEORGE W. BEAVERS,
General Superintendent.

EXHIBIT No. 3.

[Report of special committee called by Postmaster-General Payne to consider and advise as to legislation necessary to secure proper classification of postal employees.]

WASHINGTON, D. C., *December 22, 1903.*

Hon. H. C. PAYNE, *Postmaster-General.*

SIR: The committee appointed by you "to consider and advise as to legislation necessary to secure proper classification of postal employees" met at 6.30 o'clock p. m. of Tuesday, December 15, 1903, in parlor A of the Arlington Hotel, Washington, D. C., the following members being present: C. M. Waters, acting general superintendent salary and allowance division, Post-Office Department; F. B. Dickerson, postmaster of Detroit, Mich.; J. S. Graham, postmaster of Rochester, N. Y.; W. D. Hale, postmaster of Minneapolis, Minn.; G. A. Hibbard, postmaster of Boston, Mass.; J. L. Waite, postmaster of Burlington, Iowa; A. W. Wills, postmaster of Nashville, Tenn.; F. E. Coyne, postmaster of Chicago, Ill.

Mr. Waters was elected temporary chairman and took the chair.

On motion of Mr. Dickerson, Hon. Robert J. Wynne, First Assistant Postmaster-General, was made permanent chairman, and presided during the meetings of the committee.

Mr. G. A. Hibbard was made vice-chairman.

The proposed classification of clerks in first and second class post offices recommended in the report of the First Assistant Postmaster-General, to take the place of the present act of Congress classifying clerks in post-offices, was discussed item by item. After full discussion the following measure was approved:

"CLASSIFICATION OF CLERKS AND EMPLOYEES IN FIRST AND SECOND CLASS POST-OFFICES.

"The Postmaster-General is hereby authorized to classify and fix the salaries of the clerks and employees attached to the first-class offices from and after July 1, 1904, as hereinafter provided.

"Assistant postmaster, salary, not exceeding 50 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,500 to not exceeding $4,000.

"Second assistant postmaster at offices where the receipts are $2,000,000 and over, salary, not exceeding 40 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $2,400 to $3,000.

"Auditor at offices where the receipts are $2,000,000 and over, salary, not exceeding 40 per cent of the salary of the postmaster, graded in even hundreds of dollars.

"Night superintendent, salary, not exceeding 35 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $2,100 to $2,800.

"Superintendent of carriers, superintendent of second-class matter, and chief stamp clerk, salary, not exceeding 35 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,000 to $2,800.

"Superintendents of inquiry at New York, N. Y., and Chicago, Ill., salary, not exceeding 35 per cent of the salary of the postmaster.

"Superintendent of mails, superintendent of delivery, superintendent of money order, superintendent of registry, and cashiers, salary, not exceeding 45 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,300 to not exceeding $2,700, except at New York, N. Y., and Chicago, Ill., where the salary shall not exceed 40 per cent of the salary of the postmaster.

"Assistant superintendent of mails, assistant superintendent of delivery, assistant superintendent of money order, assistant superintendent of registry, salary, not exceeding 35 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,200 to $2,400.

"Examiner of stations, salary, not exceeding 35 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,400 to $2,000.

"Assistant cashier, private secretary, finance clerk, and bookkeeper, salary, not exceeding 30 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $900 to $2,400.

"Superintendent of stations, salary, graded in even hundreds of dollars, from $1,100 to $2,500, according to the amount of business transacted.

"Assistant superintendents of stations, salary, graded in even hundreds of dollars, from $1,000 to $1,800, according to the amount of business transacted.

"Physician at offices where the receipts are $2,000,000 and over, salary, $1,700.

"Clerks in charge of stations, salary, graded in even hundreds of dollars, from $100 to $1,000, according to the amount of business transacted.

"Foremen of crews, salary, graded in even hundreds of dollars, from $1,200 to $1,600.

"Clerks, salary, graded in even hundreds of dollars, from $600 to $1,400.

"Printers, salary, graded in even hundreds of dollars, from $900 to $1,200.

"Carpenters and pressmen, salary, graded in even hundreds of dollars, from $900 to $900.

"Laborers, janitors, watchmen, messengers, and porters, salary, graded in even hundreds of dollars, from $400 to $700.

"The Postmaster-General is hereby authorized to classify and fix the salary of the clerks and employees at second-class offices as hereinafter provided.

"Assistant postmaster, salary, not less than 40 per cent and not exceeding 50 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $800 to $1,400, except at Ponce, P. R., where the salary of the assistant postmaster may be $1,500.

"Clerks in charge of stations, salary, graded in even hundreds of dollars, from $100 to $1,000, according to the amount of business transacted.

"Clerks, salary, graded in even hundreds of dollars, from $300 to $1,200.

"Laborers, salary, graded in even hundreds of dollars, from $300 to $600.

"*Provided*, That when the salaries hereinbefore stated are adjusted and fixed, no clerk or employee shall be reduced or advanced in grade or salary without the approval of the Postmaster-General.

"That all acts and parts of acts that conflict with the provisions hereinbefore stated are hereby repealed."

This classification differs from that proposed in the report of the First Assistant Postmaster-General in the following particulars:

The office of second assistant postmaster is created at offices having receipts of $2,000,000 and upward. This will affect five post-offices—New York, Chicago, Philadelphia, Boston, and St. Louis. The present law provides for a second assistant postmaster at New York only.

Auditors are provided for at offices having receipts of $2,000,000 and upward, instead of allowing such position at all post-offices.

Night superintendents are allowed only at offices having receipts of $600,000 and upward.

Superintendents of inquiry are allowed at New York and Chicago only.

The maximum salary of assistant superintendents of the four principal divisions (assistant superintendent of mails, of delivery, of money order, and of registry) is raised from 30 to 35 per cent. The office of examiner of stations, at from $1,400 to $2,000, is created. The position of assistant auditor is eliminated. The position of superintendent of second-class matter is created. The salary of assistant superintendent of stations is fixed at from $1,000 to $1,800 instead of on a percentage basis. The minimum salary of clerks at first-class post-offices is raised from $500 to $600.

The committee strongly indorses the recommendation made by the First Assistant Postmaster-General in his annual report that the appropriation for clerks in first and second class post-offices be made in a lump sum rather than segregated into grades.

The committee adopted a resolution calling the attention of the Postmaster-General to the advisability of adopting a different rule relative to the probationary appointment of substitute clerks. At present the Civil Service Commission holds that the six months' probation of a clerk begins with his appointment as a substitute. A postmaster is thus called upon to recommend permanent appointment at the end of six months' probation as a substitute, and it sometimes happens that he has absolutely no opportunity to judge as to the man's qualifications. It would seem that the probationary appointment should begin with the appointment as a regular clerk instead of as a substitute.[a]

A resolution was adopted calling the attention of the Postmaster-General to the advisability of providing a regular salary for substitute clerks.

The following resolution was also adopted:

"*Resolved*, That it is the sense of this committee that careful consideration should be given by the Postmaster-General in the matter of a yearly increase of salary of $100 per annum to clerks in post-offices of the first class up to the $1,000 grade: *Provided, however*, That no advancement be made without the recommendation of the postmaster, approved by the Department.

"It is also the sense of this committee that the policy of an eight-hour schedule, as now in vogue, be adhered to and extended wherever practicable."

Before adjournment the committee expressed its appreciation of the honor conferred on the individual members by the Postmaster-General in designating them for committee service. A vote of thanks, as indicated, was adopted unanimously.

The committee adjourned subject to the call of the chairman.

Respectfully submitted.

ROBERT J. WYNNE,
First Assistant Postmaster-General, Chairman.
G. A. HIBBARD,
Vice Chairman.
F. B. DICKERSON,
J. S. GRAHAM,
W. D. HALE,
J. L. WAITE,
A. W. WILLS,
F. E. COYNE,
C. M. WATERS,
Committee.

EXHIBIT No. 4.

PAY AND HOURS OF CLERKS IN POST-OFFICES.

As stated in my last annual report, the Department had been endeavoring during the fiscal year ending June 30, 1902, to better, wherever possible, the conditions of the postal employees, especially so in the cases of clerks in post-offices, there having been, in my opinion, very great inequalities and injustice in the compensation of this class of employees. To remedy this inequality more than 12,000 clerks were promoted during the fiscal year ending June 30, 1902, nearly all of whom were receiving less than $1,000 per year compensation, and it was the intention of the Department to continue this equalization and promotion in the lower grades of clerks during the fiscal year ending June 30, 1903, but for the reasons hereinafter stated it was found impossible to do so, much to my regret. In order to enable the Department to deal in a practical way with this subject, I earnestly recommend that Congress make a "lump-sum" appropriation for clerks in first and second class post-offices, instead of appropriating for clerks by grades, as at present.

The acts of Congress making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1900, and subsequent years, have defined and specified the number of clerks in each grade in first and second class post-offices from $100 to $3,200. Prior to July 1, 1899, the appropriations for clerks had been made in a lump sum. The present plan originated in Congress, and is in line with the method of making appropriations for the Executive Departments. Although this segregated appropriation became effective July 1, 1899, it was not put in operation until July 1, 1900. Apparently the Department found it impracticable to fit the number of clerks in first and second class offices to the number fixed in each grade in the appropriation, and the law was therefore construed to mean that so long as the total appropriation was not exceeded it made no particular difference whether there were more clerks in one grade than appropriated for by Congress. The records show that on July 1, 1899, the number of clerks in certain grades exceeded the number defined in the appropriation, and no attempt to comply strictly with the law was made until the beginning of the present fiscal year.

APPLICATION OF THE LAW.

A proper construction of the law had been requested of the Comptroller of the Treasury, who decided that the Department was not authorized to allow a greater number of clerks in any one grade than specified in the appropriation law, increased by 5 per cent.

It then becam necessary to fit the number of clerks in first and second class post-offices into the grades fixed by Congress, and our experience has clearly demonstrated that this method of appropriating for the general postal service is cumbersome and unsatisfactory, if not wholly impracticable. While no clerk was actually reduced in salary, it was necessary to cancel more than 3,400 promotions previously authorized. In certain grades all promotions recommended by postmasters were allowed; in other grades very few, thus causing great dissatisfaction among the clerks. It was difficult to explain to the clerks why promotions from $900 to $1,000 were allowed, and promotions from $800 to $900 refused. In some instances we were compelled to jump grades, allowing $200 promotions, and many of the additional clerks were allowed at higher salaries than recommended by the postmasters—a seeming extravagance. We are now paying out of the appropriations for temporary clerks and for substitutes in place of clerks on vacation, 250 regular clerks at $900 each, an unsatisfactory method, but absolutely necessary under present conditions, in order not to cripple the postal service. However, after taking advantage of the 5 per cent transfer clause in the law, the number of clerks does not now exceed in any grade the number fixed by Congress.

INTERESTING EXTRACTS FROM THE REPORT OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

I also recommend a new classification act for clerks in first and second class post-offices, creating a number of new positions and abolishing the titles of all clerks below the grade of foreman, simply designating as "clerks" employees whose duties are purely clerical.

In the estimates submitted we ask a lump-sum appropriation for clerks in first and second class post-offices. If Congress shall deem it advisable to continue the present method of segregating the appropriations, we have prepared estimates accordingly.

* * * * * * *

[a] Civil Service Commission has since agreed to this.

Statement showing the number of assistant postmasters provided for in the appropriation for the current fiscal year and the estimated number for the next fiscal year.

Grade (salary).	Present—		Proposed—	
	Number.	Amount.	Number.	Amount.
$3,500	2	$7,000	2	$7,000
3,000	16	48,000	21	63,000
2,500	6	15,000	6	15,000
2,000	4	8,000	6	12,000
1,900	14	26,600	20	38,000
1,800	20	36,000	30	54,000
1,700	35	59,500	45	76,500
1,600	85	136,000	92	147,200
1,500	100	150,000	100	150,000
1,400	80	112,000	100	140,000
1,300	150	195,000	180	234,000
1,200	300	360,000	320	384,000
1,100	310	341,000	370	407,000
1,000	400	400,000	355	355,000
Total	1,522	1,894,100	1,647	2,082,700
Increase			125	188,600

CLERKS IN FIRST AND SECOND CLASS POST-OFFICES.

Prior to July 1, 1899, the appropriation for clerks in first and second class post-offices was made in one sum. For the fiscal year ended June 30, 1900, and for subsequent years Congress has segregated the appropriation into grades, and has defined the number of clerks in each grade from $100 to $3,200. The decision of the Comptroller of the Treasury, rendered April 8, 1903, that the Department is not authorized to allow a greater number of clerks in any one grade than specified in the appropriation act, necessitated a revision of the allowances previously authorized and the cancellation of a number of promotions. It is manifestly impossible to estimate with any degree of accuracy the number of clerks required in each grade during the fiscal year ending June 30, 1905, and yet that is what is required under an appropriation in its present form.

Owing to the rapid growth of the postal service it is not practicable to allow at the beginning of each fiscal year sufficient clerks at every office for the entire fiscal year. The Department must meet emergencies as they arise and increase or decrease the number of clerks from time to time, so that there will be no delay in the prompt handling of the mails. I am convinced that the most economical plan is to have an appropriation for clerks in post-offices in one sum, and that the present method of segregating the appropriation into grades should be discontinued The present appropriation for clerks in post-offices is as follows:

For regular clerks at first and second class offices, $18,113,900, segregated into grades, from $100 to $3,200; for substitutes for clerks on vacation, $200,000; for temporary clerks, $20,000, making a total of $18,513,900 available for clerk hire at first and second class post-offices. Estimating the increase in the number of first and second class offices at 125 at the next annual readjustment, I am of the opinion that $20,000,000 will be required for clerk hire. I therefore recommend that the appropriation of $20,000,000 for clerks at first and second class offices, including compensation to substitutes for clerks on vacation and for temporary clerks, be requested. This is an increase of $1,486,100 above the appropriation for the current year, or about 8 per cent. The growth of the service, as shown by the gross revenue for the last fiscal year, is about 11½ per cent. If this ratio of increase is maintained, the estimate for clerks in first and second class offices is too low, and it will be necessary to increase the estimate for clerk hire.

If the appropriation is not made in a lump sum, but segregated into grades, a much larger appropriation will be required, since a safe margin must be left in each grade, and as the allowances can not be apportioned economically on the first day of the fiscal year for the entire year, the appropriation must be increased sufficiently to allow for lapses.

The act of Congress classifying clerks in post-offices, though defective in many particulars, fixes the maximum and minimum salary of all classes of clerks in first and second class offices. No one has ever contended that the salaries of clerks in post-offices, under this law, are too high. On the contrary, the need for a revision of the classification act is to provide proper titles and to increase the maximum salary in certain grades. As the maximum salary of clerks is fixed by law, there is no economy in segregating the appropriation into grades. However, if it is desired to continue the appropriation by grades, I recommend an appropriation of $20,614,500, segregated into grades from $100 to $3,200, and an appropriation for temporary clerk hire and for substitutes in place of clerks on vacation of $250,000. This estimate involves an increase in the segregated appropriation of $2,500,600, and a reduction in the appropriations for temporary clerks and for substitutes for clerks on vacation of $150,000, or a net increase in the appropriation for clerks at first and second class post-offices of $2,350,600. This estimate provides for 12,150 promotions, 11,297 of which are in grades below $1,200.

A statement showing the present appropriation for clerks in first and second class post-offices, and the estimates by grades, follows:

Grade.	Present—		Proposed—	
	Number.	Amount.	Number.	Amount.
$100	1,000	$100,000	1,200	$120,000
200	350	70,000	700	140,000
300	250	75,000	400	120,000
400	200	80,000	500	200,000
500	800	400,000	600	300,000
600	4,200	2,520,000	3,400	2,040,000
700	2,300	1,610,000	3,800	2,660,000
800	4,000	3,200,000	3,000	2,400,000
900	2,500	2,250,000	3,200	2,880,000
1,000	2,300	2,300,000	2,400	2,400,000
1,100	1,500	1,650,000	2,100	2,310,000
1,200	1,400	1,680,000	1,800	2,160,000
1,300	400	520,000	800	1,040,000
1,400	350	490,000	430	602,000
1,500	110	165,000	160	240,000
1,600	110	176,000	110	176,000
1,700	125	212,500	115	195,500
1,800	60	108,000	80	144,000
2,000	80	160,000	75	150,000
2,100	16	$33,600	25	$52,500
2,200	30	66,000	25	55,000
2,400	25	60,000	25	60,000
2,500	10	25,000	10	25,000
2,600	30	78,000	20	52,000
2,700	20	54,000	26	70,200
3,000	6	18,000	6	18,000
3,200	4	12,800	4	12,800
Total	22,176	18,113,900	25,006	20,623,000
Increase			2,830	2,509,100

EXHIBIT No. 5.

Statement of appropriations and expenditures for temporary clerk hire.

Year.	Estimate.	Appropriation.			Expenditure.		
		Amount.	Increase.	Per cent of increase.	Amount.	Increase.	Per cent of increase.
1899–1900		a $75,134.14			$75,134.14		
1900–1901	$100,000	b 115,000.00	$39,865.86	53.06	114,361.41	$39,227.27	52.21
1901–2	125,000	125,000.00	10,000.00	8.98	123,155.59	8,794.18	7.69
1902–3	150,000	175,000.00	50,000.00	40.00	168,500.17	45,344.58	36.84
1903–4	200,000	200,000.00	25,000.00	14.29			
Total			124,865.86			93,366.03	
Average			31,216.46			31,122.01	

a Including $134.14, deficiency appropriation.
b Including $15,000, deficiency appropriation.

Promotions.—On July 1, 1903, all clerks in first and second class post-offices receiving less than $800 per annum who had rendered satisfactory service during the preceding fiscal year were allowed increases of at least $100. Unfortunately, in the grades between $800 and $1,400 there were not sufficient vacancies to allow of merited promotions, and a large number of deserving clerks were necessarily denied increases. In the grades above $1,400 there were sufficient vacancies to permit of promotions of superintendents and others where increases were warranted by the importance of the positions and the capabilities of the employees. These facts furnish an additional argument for making the appropriations for clerks in first and second class post-offices in one sum rather than by grades, as canceling promotions in the $800, $900, $1,000, $1,100, $1,200, and $1,300 grades naturally caused much dissatisfaction. However, the aggregate sum allowed for promotions was very large—about $1,000,000.

Bonds of post-office clerks.—Under the act of June 13, 1898, assistant postmasters at first, second, and third class post-offices, and cashiers at first and second class post-offices, and, when deemed necessary by the Postmaster-General, other employees of first and second class post-offices are required to give bond to the Government for the faithful discharge of all duties and trusts imposed upon them. Under this law 5,039 assistant postmasters at Presidential offices are now under bond to the United States, the amounts ranging from $1,000 to 25 per cent of the bonds given by the postmasters. All cashiers at first and second class post-offices, finance clerks, stamp clerks, money order and registry clerks, and clerks in charge of stations are under bond (these being positions of financial responsibility), and about 50 per cent of other employees, the latter being bonded upon recommendation of the postmasters. The law gives the post-office clerks the right to furnish either a personal or corporate surety.

The Department recently secured information as to the rates of premium charged by the various surety companies, which were found to be not uniform in different sections, but governed by competition, and has placed this information in the hands of postmasters for the guidance of employees. This will undoubtedly enable clerks to obtain surety-company bonds at a minimum of cost.

Classification.—The service has to a certain extent outgrown the "classification act" passed in 1889. The maximum salaries should be raised in certain grades, and where practicable fixed on a percentage basis, and in a few instances the minimum salaries should be lowered. The title of "chief clerk" at second-class offices should be abolished and that of "assistant postmaster" substituted. Some additional titles should be created.

In the present law the maximum salary of superintendents of registry and superintendents of money order is less than superintendents of delivery and superintendents of mails, while the maximum salary of assistant superintendents of registry and assistant superintendents of money order is greater than assistant superintendents of mails and assistant superintendents of delivery.

The salaries of superintendents of divisions, cashiers, and auditors should be placed on the same basis, not to exceed 45 per cent of the postmaster's salary, as now fixed for superintendents of mails and superintendents of delivery.

The salaries of assistant superintendents, assistant cashiers, bookkeepers, finance clerks, secretaries, etc., should be fixed on a percentage basis, not to exceed 30 per cent of the postmaster's salary.

A number of additional titles should be created, such as superintendents of carriers, superintendents of inquiry, chief stamp clerks, inspectors of stations, night superintendents, and assistant superintendents of stations.

Such titles as separators, assorters, general delivery clerks, etc., are superfluous. All persons in first and second class offices employed in a purely clerical capacity should be designated as clerks.

The following is a complete classification of clerks in first and second class post-offices proposed to take the place of the present law:

"CLASSIFICATION OF CLERKS AND EMPLOYEES IN FIRST AND SECOND CLASS POST-OFFICES.

"The Postmaster-General is hereby authorized to classify and fix the salaries of the clerks and employees attached to the first-class offices from and after July 1, 1904, as hereinafter provided.

"Assistant postmaster, salary not exceeding 50 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,500 to not exceeding $4,000.

"Superintendents of mails, superintendents of delivery, superintendents of money order, superintendents of registry, cashiers, and auditors, not exceeding 45 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,300 to not exceeding $2,700, except at New York, N. Y., and Chicago, Ill., where the salary shall not exceed 40 per cent of the salary of the postmaster.

"Night superintendents, superintendents of carriers, superintendents of inquiry, and chief stamp clerks, salary, not exceeding 35 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $1,000 to not exceeding $2,800.

"Assistant superintendents of mails, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, assistant cashiers, assistant auditors, private secretaries, chief clerks, finance clerks, and bookkeepers, salary, not exceeding 30 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $900 to $2,400.

"Superintendents of stations, salary, graded in even hundreds of dollars, from $1,100 to $2,500, according to the amount of business transacted.

"Physician, at offices where the receipts are $2,000,000 and over, salary $1,700.

"Clerks in charge of stations, salary, graded in even hundreds of dollars, from $100 to $1,000, according to the amount of business transacted.

"Foremen of crews, salary, graded in even hundreds of dollars, from $1,200 to $1,600.

"Clerks, salary, graded in even hundreds of dollars, from $500 to $1,400.

"Printers, salary, graded in even hundreds of dollars, from $900 to $1,200.

"Carpenters and pressmen, salary, graded in even hundreds of dollars, from $600 to $900.

"Laborers, janitors, watchmen, messengers, and porters, salary, graded in even hundreds of dollars, from $400 to $700.

"The Postmaster-General is hereby authorized to classify and fix salaries of the clerks and employees at second-class offices as hereinafter provided.

"Assistant postmaster, salary, not less than 40 per cent and not exceeding 50 per cent of the salary of the postmaster, graded in even hundreds of dollars, from $800 to $1,400, except at Ponce, P. R., where the salary of the assistant postmaster may be $1,500.

"Clerks in charge of stations, salary, graded in even hundreds of dollars, from $100 to $1,000, according to the amount of business transacted.

"Clerks, salary, graded in even hundreds of dollars, from $300 to $1,200.

"Laborers, salary, graded in even hundreds of dollars, from $300 to $600.

"*Provided*, That when the salaries hereinbefore stated are adjusted and fixed, no clerk or employee shall be reduced or advanced in grade or salary without the approval of the Postmaster-General.

"That all acts and parts of acts that conflict with the provisions hereinbefore stated are hereby repealed.

CLERK HIRE FOR THIRD AND FOURTH CLASS POST OFFICES.

The present appropriation is for separating mails at third and fourth class post-offices. I am convinced that allowances for clerk hire should be made at the third-class post-offices irrespective of whether they have separating service or not and in addition to the allowance for separating service, provided the postmaster devotes his full time to the duties of the office.

The attention of Congress has been repeatedly called to the necessity of an allowance for clerk hire at the larger third-class post-offices in the annual reports of the Department. It does not seem fair that a postmaster should be compelled to pay out the greater portion of his salary for clerk hire. The extension of the rural free-delivery system has curtailed the separating service and necessarily the allowance for this service. This has affected more especially the larger third-class offices and furnishes another argument for authorizing clerk hire for local work. During the current fiscal year the law giving the Department authority to make allowances for clerk hire on account of separating service or unusual business only has been rigidly enforced, and therefore the necessity for amending the law as indicated is more apparent than ever.

I recommend, therefore, that the law be amended and the Department be authorized to make allowances in addition to the allowances for separating service, as follows:

Not to exceed $600 at all post-offices where the salary of the postmaster is $1,900 per annum.

Not to exceed $500 at all post-offices where the salary of the postmaster is $1,800 per annum.

Not to exceed $400 at all post-offices where the salary of the postmaster is $1,700 per annum.

Not to exceed $300 at all post-offices where the salary of the postmaster is $1,600 per annum.

If this authority is given the Department, it is estimated that it will require an appropriation of $1,700,000 for separating service and for clerk hire at third and fourth class post-offices. This is an increase of $400,000 above the present appropriation.

In the small fourth-class post-offices the allowances for separating service should be made as additional compensation to the postmaster, since there is not sufficient local work to keep the postmaster employed and there is no necessity for a clerk. I recommend that section 3859 of the Revised Statutes be amended to read:

"The Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices, and where any such office is of the third or fourth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties, or, *in the case of small fourth-class post-offices, allow additional compensation to the postmaster out of the appropriation for separating service.*"

The words in italics show the amendment proposed.

The estimates, appropriations, and expenditures for clerk hire for third and fourth class post-offices since 1899 are as follows. Prior to July 1, 1899, expenditures on account of separating mails were paid from the appropriation for clerk hire at first and second class post-offices.

Year.	Estimate.	Appropriation.			Expenditure.		
		Amount.	Increase.	Per cent of increase.	Amount.	Increase.	Per cent of increase.
1899-1900	.....	$750,000	.....	.....	$749,615.14	.....	.....
1900-1901	$900,000	900,000	$150,000	20.00	888,493.06	$138,877.92	18.53
1901-2	1,050,000	1,050,000	150,000	16.67	1,003,259.88	114,766.82	12.92
1902-3	1,100,000	1,100,000	50,000	4.76	1,078,075.31	74,815.43	7.46
1903-4	1,300,000	1,300,000	200,000	18.18	.....	.....	.....
Total	.....	.....	550,000	.....	.....	328,460.17	.....
Average	.....	.....	137,500	.....	.....	109,486.72	.....

EXHIBIT No. 7.

CLASSIFICATION AND SALARIES OF CLERKS AT OFFICES OF THE FIRST CLASS.

[1889, Mar. 2, ch. 374, 1 Supp., 680.]

The Postmaster-General is hereby authorized to classify and fix the salaries of the clerks and employees attached to the first-class post-offices as hereinafter provided.

Assistant postmaster, salary not exceeding 50 per cent of the salary of the postmaster, as provided by act of March 3, 1883 (sec. 255), graded in even hundreds of dollars, from $1,500 to not exceeding $3,000, except New York, N. Y., where the salary of the assistant postmaster shall be fixed at $3,500 per annum and that of the second assistant postmaster at $2,000 per annum.

Secretary and stenographer to postmaster, five classes; salary, graded in even hundreds of dollars, from $1,200 to not exceeding $1,600 per annum.

Cashier, five classes; salary, graded in even hundreds of dollars, at $1,800, $2,000, $2,200, $2,400, and not exceeding $2,600 per annum.

Assistant cashier, three classes; salary, graded in even hundreds of dollars, at $1,200, $1,300, and not exceeding $1,400 per annum.

Finance clerks, including bookkeepers, six classes; salary, graded in even hundreds of dollars, from $1,200 to not exceeding $1,700 per annum.

Stamp clerks, ten classes; salary, graded in even hundreds of dollars, from $800 to not exceeding $1,700 per annum.

Superintendents of mails, salary not exceeding 45 per cent of the salary of the postmaster, as provided by the act of March 3, 1883 (sec. 255), graded in even hundreds of dollars, from $1,300 to not exceeding $2,700 per annum, except at New York, N. Y., where the salary of the superintendent of mails shall be fixed at $3,200 per annum.

Assistant superintendent of mails, three classes; salary, graded in even hundreds of dollars, at $1,200, $1,300, and not exceeding $1,400 per annum.

Superintendents of delivery, salary not exceeding 45 per cent of the salary of the postmaster, as provided by the act of March 3, 1883 (sec. 255), graded in even hundreds of dollars, from $1,300 to not exceeding $2,700 per annum, except New York, N. Y., where the salary of the superintendent of delivery shall be fixed at $3,200 per annum.

Assistant superintendents of delivery, three classes; salary, graded in even hundreds of dollars, at $1,200, $1,300, and not exceeding $1,400 per annum.

Superintendents of registry, salary not exceeding 35 per cent of the salary of the postmaster, as provided by the act of March 3, 1883 (sec. 255), graded in even hundreds of dollars, from $1,000 to not exceeding $2,100 per annum, except at New York, N. Y.; Chicago, Ill., and Washington, D. C., where the salary of the superintendent of registry shall be fixed at not exceeding 40 per cent of the salary of the postmaster, as provided by the act of March 3, 1883 (sec. 255).

Assistant superintendents of registry, salary not exceeding 25 per cent of the salary of the postmaster, as provided by the act of March 3, 1883 (sec. 255), graded in even hundreds of dollars, from $1,000 to not exceeding $1,500 per annum, except at New York, N. Y., where the salary of the first and second assistant superintendents of registry shall be fixed at $2,400 and $1,800 per annum, respectively.

Superintendent money-order division, salary not exceeding 40 per cent of the salary of the postmaster, as provided by the act of March 3, 1883 (sec. 255), graded in even hundreds of dollars, from $1,000 to not exceeding $2,400 per annum, except at New York, N. Y., where the salary of the superintendent of the money-order division shall be fixed at $3,300 per annum.

Assistant superintendent money-order division, ten (eleven) classes, salary, graded in even hundreds of dollars, from $800 to not exceeding $1,800 per annum, except at New York, N. Y., where the salary of the first and second assistant superintendents of money-order division and the chief bookkeeper shall be fixed at $2,400, $1,800, and $1,800, respectively.

Superintendents of stations, ten (eleven) classes, salary, graded in even hundreds of dollars, from $1,000 to not exceeding $2,000 per annum, except at New York, N. Y., where the salaries of superintendents of stations A and D shall be fixed at $2,500 each per annum, and superintendents of stations E and F shall be fixed at $2,200 each per annum.

Clerks in charge of stations, nine classes, salary, graded in even hundreds of dollars, from $100 to not exceeding $900 per annum.

Foremen of crews or working sections, six classes, salary, graded in even hundreds of dollars, from $900 to not exceeding $1,400 per annum.

Mailing clerks, letter distributers, dispatchers, registry, money-order, directory, and nixie clerks, nine classes, salary, graded in even hundreds of dollars, from $600 to not exceeding $1,400 per annum.

Separators and assorters, paper distributers, record clerks, general-delivery clerks, inquiry clerks, clerks for special-delivery mail, raters of third and fourth class mail matter, weighers of second-class mail matter, stock or supply clerks, and timekeepers, seven classes, salary, graded in even hundreds of dollars, from $600 to not exceeding $1,200 per annum.

Stampers and mail messengers, five classes; salary, graded in even hundreds of dollars, from $400 to not exceeding $800 per annum.

Printers, four classes; salary, graded in even hundreds of dollars, from $900 to not exceeding $1,200 per annum.

Pressmen, messengers, watchmen, laborers, janitors, porters, firemen, carpenters, waste-paper examiners, and general-utility clerks, four classes; salary, graded in even hundreds of dollars, from $400 to not exceeding $700 per annum.

Auditor and draftsman at New York, N. Y., $3,000 and $1,200 per annum, respectively. (See note.)

NOTE.—Stamp agents have not been provided for in appropriations for several years and are omitted as shown by stars after stamp clerks. The act of March 3, 1901 (ch. 851, 31 Stat. L., 1102), provided an appropriation of $3,000 for an auditor at Chicago, Ill.

CLASSIFICATION OF CLERKS IN OFFICES OF THE SECOND CLASS.

[1889, Mar. 2, ch. 374, 1 Supp. R. S., 682.]

The Postmaster-General is hereby authorized to classify and fix the salaries of the clerks attached to second-class post-offices as hereinafter provided.

Chief clerk (?), nine classes; salary, graded in even hundreds of dollars, from $700 to not exceeding $1,500 per annum.

Mailing clerks, letter distributers, dispatchers, registry clerks, stamp clerks, and money-order clerks, five classes; salary, graded in even hundreds of dollars, from $600 to not exceeding $1,000 per annum.

Separators and assorters, paper distributers, general-delivery clerks, and general-utility clerks, four classes; salary, graded in even hundreds of dollars, from $600 to not exceeding $900 per annum.

Stampers, messengers, porters, janitors, and watchmen, four classes; salary, graded in even hundreds of dollars, from $300 to not exceeding $600.

Salary grades of post-office clerks.	Present number of clerks in each grade.	Number of clerks in each grade requested by Department.	Number of clerks in each grade allowed by Post-Office Committee in appropriation bill.	Number of promotions provided in each grade.
$100	1,000	1,200	1,300	
200	350	700	900	
300	250	400	400	
400	200	500	500	
500	800	600	800	
600	4,200	3,400	4,611	1,542
700	2,300	3,800	3,308	534
800	4,000	3,000	3,596	938
900	2,500	3,200	2,700	738
1,000	2,300	2,400	2,625	413
1,100	1,500	2,100	1,612	301
1,200	1,400	1,800	1,637	64
1,300	400	800	445	19
1,400	350	430	369	
1,500	110	160	122	
1,600	110	110	105	
1,700	125	115	119	
1,800	60	80	60	
2,000	80	75	77	
2,100	16	25	16	
2,200	30	25	29	
2,400	25	25	25	
2,500	10	10	6	
2,600	30	20	21	
2,700	20	26	17	
3,000	6	6	6	
3,200	4	4	4	

Mr. OVERSTREET. Mr. Chairman, this amendment is clearly new legislation, and I make the point of order.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. RIDER. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Cashiers, chief stamp clerks, night superintendents, superintendents of carriers, superintendents of delivery, superintendents of inquiry, superintendents of mails, superintendents of money order, superintendents of registry, and superintendents of second-class matter, seventeen, at $2,700, $45,900.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. SMITH of Kentucky. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Kentucky. I make the point of order first as to cashiers. The law now fixes the salary of these officials, as I understand it, at a maximum of $2,600. This proposes to increase it to $2,700. The same with reference to the chief stamp clerks. I also make a point of order against the provision for night superintendents. There is now no such place, and this section proposes to create that position. The same with reference to the superintendent of carriers; there is now no such place. The same with reference to the superintendent of inquiry. These are all new places created by this paragraph. The same with reference to the superintendent of second-class matter; there is no such place under existing law and this law creates this new position.

The CHAIRMAN. The gentleman from Kentucky rises to several points of order. Does the gentleman from Indiana wish to be heard?

Mr. OVERSTREET. I simply rise, Mr. Chairman, to know what several designations the gentleman referred to.

Mr. SMITH of Kentucky. I will yield to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. The points of order are as follows: "Cashiers." The point of order is that it is a change of existing law. The maximum salary now allowed by law is $2,600, and this bill provides for a compensation of $2,700. The "chief stamp clerk," exactly the same point of order. The maximum now allowed is $2,600. The next designation is "night superintendent," and the point of order there is different; it is not that it is a change of existing law, but new legislation. There is no such place known in existing law as "night superintendent," but it is a creation of a position. "Superintendent of carriers" is new legislation; no such place known to existing law. "Superintendent of inquiry" is new legislation; no such place known to existing law. The "superintendent of second-class matter" is new legislation; no such place known to existing law.

Mr. OVERSTREET. Mr. Chairman, first as to the cashiers and chief stamp clerk which are now designated positions. It is true that that raises the salary and ought to be stricken out; it was intended for the next lower item. I concede that. As to "night superintendent," "superintendent of carriers," "superintendent of inquiry," and "superintendent of second-class matter," it is true there are not at present positions of those designations. There are, however, employees at the salaries carried in this item now discharging those duties and so designated on the roster. It is not the creation of new offices; it is simply new designations of places now in operation.

Mr. WILLIAMS of Mississippi. If new designations, then it is new legislation.

Mr. OVERSTREET. It would be, it is true, but it was thought better to give these employees a designation that was in harmony with the real service they were performing. It does not create any new position; it is simply a new designation.

Mr. WILLIAMS of Mississippi. Isn't there the same appropriation in this bill for these people who are serving in these positions? In other words, does not this bill in other places carry these assistants the same as the last bill carried them?

Mr. OVERSTREET. No. I will say to the gentleman that there is not any increase in the number of employees mentioned in this particular paragraph. To explain more in detail——

Mr. WILLIAMS of Mississippi. This increases their salary, however.

Mr. OVERSTREET. Not as to the individuals who are doing the service of superintendent of inquiry, nor to those doing service as superintendents of second-class matter, nor as to night superintendent. These men are getting the same salary for the same work that we appropriate in this particular item. We seek to give only a designation in harmony with the service which they are rendering. I concede that as to the cashiers and the chief stamp clerks the point of order would probably lie.

I concede further that technically a point of order would properly lie as to the designation of the night superintendent and these other superintendents which I have just indicated; but it would leave the same men in the service at the same salary designated by positions which are not as proper as these designations given in this paragraph. The law passed last year authorized twenty of these men mentioned in this particular paragraph. Inasmuch as only seventeen are now in the service, it was believed that there would not be in all probability any more needed, and we only authorized seventeen, the number which is now employed, making a reduction as far as authorization goes, of three. I think the gentleman will appreciate the value of the new designations on the assumption which I make, based upon the testimony of the First Assistant Postmaster-General's experts that these particular duties are now being performed by employees at these specific salaries. While it is true that it is a change of legislation, it would not be such a change as would ordinarily justify a point of order. If the point of order is sustained it would simply leave it as at present—the same employment at the same salary under other designations not quite as much in harmony.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I am one of those common-place, plebeian believers in the old-fashioned virtue of economy—"cheeseparing," if necessary. I notice that a great many people use the term very contemptuously when referring to the expenditure of other people's money—the public's money. I notice that no man is very fond of despising it when he refers to the expenditure of his own money. He cheesepares then just as much as he can. Now, I appreciate what the gentleman has said. He admits that the point of order does lie as to the cashiers and as to the chief stamp clerks, and I shall insist upon it. He then appeals to me not to make the point of order on these other places, although he admits it is new legislation. I would not ordinarily insist upon it, but I think I ought to. I have never served upon this particular committee, but upon other committees I have found this, that whenever you start in a bill a "new designation," you start a new route for promotion.

I am tired of all the expenditures of the Government taking the routes of new positions and promotions of people in office in Washington and around in the places here. It seems to me that more of the money ought to be expended for extension of the service in the country at large and less of it for salaries and increase of salaries here in the city of Washington. I know that as a practical matter, although, perhaps, in this particular bill expenditures will not be increased by changing the designation to "night superintendents" and "superintendents of carriers," "superintendents of inquiry," and all that, yet additional expenditure of money will follow on future appropriation bills. It puts these men in the highest class here, receiving this amount of money, and fixes it as the maximum toward which clerks in the Departments are to be promoted, and it just helps get a way to put favorite men in places at salaries exceeding what they already receive. It will appear from the bill hereafter that night superintendents receive $2,700 a year. When there is a favorite in the Department whom they want to promote, they will simply make him a "night superintendent," a "superintendent of inquiry," or something else. If he is left on the clerical roll, as he was originally, he has got to stay there, or else he has got to get not only a new designation for promotion, but new duties in addition. And he ought not to be promoted unless he has new duties in addition to the new designation.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Indiana?

Mr. WILLIAMS of Mississippi. I do.

Mr. OVERSTREET. If the gentleman from Mississippi intends to insist upon it I would like to make a little more explanation. I will ask the gentleman if he has yielded the floor?

Mr. WILLIAMS of Mississippi. Oh, no; I do not yield the floor. I yield to the gentleman.

Mr. OVERSTREET. I did not want to ask a question.

Mr. WILLIAMS of Mississippi. I yield to the gentleman to make such explanation as he chooses.

Mr. OVERSTREET. Mr. Chairman, the committee has sought in the preparation of this bill not only to insist rigidly upon the segregation of the various items of appropriation in order that hereafter the House, as well as the committee, might be more fully informed of the specific expenditures, but has sought also to make clearer and more definite the designation of employees for whom those appropriations are made. It is well known that in the many thousands of post-offices throughout the country, the many hundreds of first and second class post-offices, a very large number of clerks are employed.

Necessarily, as incident to the dispatch of this service, the designation or titles of these clerks have become more or less confused, and for the purpose of giving proper title to the employee, consistent with the service which he is performing, the committee has acted largely upon the recommendation of the First Assistant Postmaster-General and the chief of the salary and allowance division in fixing titles which are more nearly in harmony with the duties which those officials are now performing. There is no need now of the additional employees provided for in this item. We are not prepared to say just where the increases occur and for what purpose.

This further fact I desire to call to the attention of the gentleman from Mississippi [Mr. WILLIAMS], that under a segregation of appropriated items, both as to amounts of money appropriated and as to the titles of the employees for whom the appropriations are made, it is made far more difficult for expenditures to grow for purposes other than those intended by the Congress. Not only that, but the limitation, the constant tendency on the part of the House—which this committee shares in and approves—for further restrictions of the designations and the segregations into their proper items, make it so that they can not make a promotion unless there shall be a proper vacancy in order to create a position to which the promotion may be made.

For example, there are now employed in the offices throughout the country of the first class seventeen men drawing salaries of $2,700 a year. They are performing service for the Government. They are positions which have been heretofore authorized and for which appropriations of a similar character have been made. We make no increase in that number. We do curtail the authorization of the present law from twenty such individuals to seventeen, in order to restrict them to the exact number now employed.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. OVERSTREET. Yes.

Mr. MANN. Is it not a fact that the Post-Office Department recommended twenty-six of these employees for the ensuing fiscal year?

Mr. OVERSTREET. The First Assistant's Office made an estimate of twenty-six; but in a supplemental estimate which they made it was agreed that seventeen, the present number, would be ample for the ensuing year.

We pressed the inquiry relative to the authorization of twenty, how many of that twenty would properly be needed in the present year, and learned that none of them would probably be needed and we assumed they probably would not be needed next year. Hence we asked for an additional or supplemental recommendation which is in conformity with the present law.

Now, I have no criticism to make upon the suggestion of my friend from Mississippi [Mr. WILLIAMS]. I am quite in accord with his views relative to the common-sense, everyday methods of framing appropriations with reference to the individuals who do the work. That is just what we are seeking to do by giving these officers designations or, if you please, titles which correspond with the duties now imposed upon them. Take, for instance, "night superintendents." In a few of the larger cities, which must necessarily keep open the entire twenty-four hours, a night superintendent of the office is just as essential as the day superintendent. In the service at these offices there is, if you please, a night shift of employees, corresponding with the night shift in great factories or other large establishments.

It is true at these offices there is now taken for such service a man of the designated class because the duties at night are equally responsible and important as those in the day. In many cases the incoming mails and the preparations for outgoing mails are exceedingly important during the night service.

It is true that men are now performing this service without bearing these designations. In one office the man assigned to this duty may be superintendent of mails, in another he may be superintendent of the registry or money order who is pressed into service to do the work of a night superintendent.

Not only that, but the practice has grown up of designating, for instance, some man as acting cashier, because the duties are of equal responsibility with those of that rank, and there is no vacancy to which an appointment for that service may be made; and upon such a one there may be imposed the duty of a night superintendent, or a superintendent in charge of the classification of the second-class matter which goes out of and comes into those few very large offices.

Therefore, if we can not only segregate the item of appropriation so that the House and hereafter the committee may see more clearly and definitely just what the appropriations have been made for and how nearly accurate the expenditures have been, we shall then be in a position to legislate more accurately and satisfactorily. In the same way, if we give a proper title or designation to these individuals doing this service, it will be equally in harmony with our own interests for a more careful review in future of the expenditures before we make additional appropriations.

So far as the appropriation is concerned, it will not make any difference whether a man who may be doing the work of a night superintendent is a superintendent in the registry division, or a superintendent in the registry division may be doing the duty of examiner of second-class matter—it will not make any difference if that particular office be abolished as to designation and given the designation which will bring the title of the officer into absolute harmony with the duties of the position. I say that in respect to these matters the appropriation will make no difference.

I believe that the gentleman from Mississippi upon reflection will agree with me as I agree with him in the effort for close scrutiny of the items of appropriation and expenditure—the closest scrutiny of the service of the employee consistent with the duties devolved upon him.

While a point of order, I admit, would lie against these changes of designation, and while we would get along in the long run, yet in harmony with the honest efforts of the House, as well as the members of this committee, to give a still closer scrutiny to these expenditures, it would be better not to insist upon the point of order.

Mr. WILLIAMS of Mississippi. Let me ask why the committee did not extend these designations farther down in these clauses?

Mr. OVERSTREET. I admit that the change of designation in the succeeding paragraphs is subject to a point of order.

Mr. WILLIAMS of Mississippi. The gentleman did not allow me to finish the statement of the point I was about to make.

Mr. OVERSTREET. Probably not.

Mr. WILLIAMS of Mississippi. I was making a preliminary statement, in order to base upon it the question why did not the committee in each of these clauses say how many "night superintendents" there should be; how many "superintendents of carriers," how many "superintendents of deliveries" they were appropriating for? Now, in the agricultural appropriations, when we made a special designation—and it was generally a very unfortunate experiment, by the way, when we did so—we designated always the number of officers of the particular designation.

Mr. OVERSTREET. I will say to the gentleman that the First Assistant and the experts from his office explained to the committee the confusion existing in the various offices to which I have referred by reason of an employee doing the work of a particular line under a designation which clearly did not indicate the line of his service. Accordingly they prepared a list of these positions corresponding with the salaries which the men were to draw in these several offices, changing the designations to meet the conditions.

We adopted in the bill that classification, with the changed designations of the offices, so that whatever number of men are today doing the duty of night superintendents at a salary of $2,700 would continue to perform the same duty at the same salary but under the designation of night superintendents, whatever may have been their designation heretofore. Neither did the First Assistant's office or the Post-Office Committee seek to substitute an officer and then by the substitution create a vacancy which we have filled by a lower grade. We have not done that.

I will say to the gentleman that we have made some provision for promotions in the cases of the first and second class clerks. That provision is designated by our segregation of these separate individual items, so that we know exactly where these promotions go, and then they can not appoint any more. If we fix seventeen men in this particular item under these designations they can not appoint

a single additional man, and, therefore, if the gentleman should insist upon his point of order and these new designations should go out of the bill, it simply reverts to the existing conditions, and where these employees are serving and performing this service under other designations they would continue the same character of service at the same amount of salary.

Mr. SMITH of Kentucky. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. SMITH of Kentucky. Does not the gentleman from Indiana concede that it would be very much better to specify in the bill the number of employees in each class?

Mr. OVERSTREET. That is true, and I think I could indicate the number, but I can not say what offices they are in.

Mr. STAFFORD. If the gentleman will allow me?

Mr. OVERSTREET. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I desire to add a word in answer to the question propounded by the gentleman from Mississippi [Mr. WILLIAMS], as well as that just put by the gentleman from Kentucky [Mr. SMITH].

I wish to explain to the gentleman that the committee has inaugurated a method of designation which will enable it to get such data, so that in the next bill we shall be able to segregate and specify the number of men in these different offices doing this work, respectively; but as long as these men continue under the old classification to perform duties that are virtually not included under the designation for which they are receiving a salary, it is impossible for the Post-Office Committee to ascertain exactly how many men are employed and how many additional officials will be needed in the future.

This classification as embodied in this bill is an endeavor in the right direction, because next year we can call upon the First Assistant for a statement of the number employed in each respective grade. In fact, let me say to the gentleman from Mississippi that the First Assistant Postmaster-General desired absolute authority which would supersede the proposed segregation. He wanted us to vest him with the absolute authority in the distribution of $20,000,000 for clerk hire, and furthermore he desired to have retained the interchangeable clause which was carried in the last bill, providing for 5 per cent interchange of any of these classified appropriations among any of these various classes; but the committee struck out the interchangeable clause.

It has limited the expenditure of these sums in every particular where consistent with the service, and if the gentleman will withdraw his point of order the new classification will result in the betterment of the service. Certainly in this bill as it now reads not one additional employee is created in these higher grades. What matters it if these men receiving twenty-seven hundred dollars are named according to the designation proper to their work or that which is misleading?

It will be an aid to the Auditor in more closely scrutinizing the expenditures in the Post-Office Department. As the Auditor explained, there are 138 segregations, and it is our purpose to insure the Auditor a means of adequately checking the disbursements in the Post-Office Department; but if you allow the old system to prevail, where men do work under designations which are not applicable to their specified names, the Auditor will be hampered and the committee and Congress will always be at a disadvantage in ascertaining the conditions and needs of the Department.

So I ask the gentleman, in furtherance of this plan to secure a more satisfactory means of legislating for the Post-Office Department, to withdraw his point of order to these proposed changes.

Mr. WILLIAMS of Mississippi rose and was recognized.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Illinois.

Mr. MANN. I simply wish to call the attention of the gentleman from Mississippi to a specific case which will be affected by the point of order. The item in the existing appropriation law provides for twenty superintendents of delivery and superintendents of mails at twenty-seven hundred dollars, and those are the only designations under which twenty-seven hundred dollars is authorized to be paid. Now, there are seventeen persons in those classes. It will be perfectly evident to the gentleman from Mississippi and to all of the other Members of the House that in a city like Chicago or New York it is necessary to have a day superintendent of mails and a night superintendent of mails. It is necessary to have a superintendent of carriers and it is necessary to have superintendents of delivery. It is necessary to have superintendents of inquiry.

Now, under the existing law, all of these places are filled. They are called superintendents of delivery or superintendents of mails, designated as so-and-so. A designation is made, but on the roster they are called, under the appropriation law, "superintendents of mail" and "superintendents of delivery," and the gentleman will very readily understand that a superintendent of mails in the daytime and a superintendent of mails at night become mixed in their titles unless there is a designation of one as day superintendent of mails or general superintendent and one as night superintendent. And without a designation defining the difference between the two persons there is a mixing not only in the office but in the accounting to the Government, and this, as I understand, is the only purpose of putting in these provisions. I do not know why the other designations are made in the bill.

Mr. OVERSTREET. If the gentleman from Mississippi will yield to me for a moment—a while ago, in stating the definition of cashiers and chief stamp clerks, I do not want to be understood that that makes a new position, new salaries, nor that it makes a promotion of old salaries or increases old salaries. These two designations are exactly like these others. For example, with a fixed situation of designations of the employees, they would, under their authority of appointment of superintendents of mails—having authority to appoint more than they were using—appoint a superintendent of mails at $2,700 at a certain office, and utilize him as a cashier or as a chief stamp clerk.

Now, we seek under their recommendation, because the assistant recommended that that particular individual be designated with reference to the position which his service calls for——

Mr. WILLIAMS of Mississippi. The gentleman will excuse me for asking him a question?

Mr. OVERSTREET. I am quite willing to answer questions to the gentleman.

Mr. WILLIAMS of Mississippi. I find, for instance, a chief stamp clerk. Now, the maximum allowed for that by law is $1,700.

Mr. OVERSTREET. Quite true.

Mr. WILLIAMS of Mississippi. And yet he is given $2,700 under this. Will the gentleman point out to me in this bill where a saving is made of that difference?

Mr. OVERSTREET. The law——

Mr. WILLIAMS of Mississippi. Here are these men now increased in salary at one jump $1,000. The maximum allowed for a stamp clerk is $1,700, and you are giving him $2,700.

Mr. OVERSTREET. If the gentleman will allow me——

Mr. WILLIAMS of Mississippi. Now, in what other part of the bill is that expenditure cut off?

Mr. OVERSTREET. Let me explain. As I stated a while ago, the present law authorizes twenty men at $2,700 each. These men are not given the designation exactly as carried in the item of the pending bill, but under the authority of law which the Department has heretofore had in appointing a man at $2,700 they would appoint a man—Mr. Jones, for example—at $2,700, and give him the name of "chief stamp clerk" in a large office. The gentleman is in error when he says that the maximum which the law allows the "chief stamp clerk" is $1,700. There is no allowance in the law for "chief stamp clerk." The law is for "stamp clerks;" but heretofore, at some of the large offices, like New York, Chicago, and Boston, only a few——

Mr. WILLIAMS of Mississippi. Of course, I could not make the point of order on the word "chief." Where there are stamp clerks somebody has to be the chief. Now, the stamp clerks are paid $1,700. Now some of them are designated "chiefs" and paid $2,700.

Mr. OVERSTREET. No, it does not operate that way. There is no law to-day for a "chief stamp clerk" at $1,700 or any other salary. The only law is for "stamp clerk" at $1,700. In some of the larger offices where they have a number of stamp clerks—say at Chicago or New York—they appoint a man as "superintendent of mails," having that authority, at $2,700, and assign him to the control of and having charge over all the stamp clerks, and they call him the "chief stamp clerk" in their nomenclature in the local office. But in his designation under the law they call him "superintendent of mails."

Now, we seek to connect closely the employee with his service and make such provision for his compensation as that service justifies, and if now they are employing a man under the title of "superintendent of mail" as a "cashier," and another under a title authorized by the law as "superintendent of registry" as a "night superintendent," we authorize the same number of men at the same salary, but we designate the one as a "cashier" and other as "night superintendent."

I will say to the gentleman from Mississippi that we do not take advantage in the after part of the bill of having created apparently cashiers at $2,700, and promote a cashier of $2,600 to that position. We do not do that. As I said, there are provisions for promotion purposes purely in the bill, for first and second class post-office clerks, but this is not one of them. They are in the lower grades first, being a limited number of the $1,700 to $1,800 grade, but the largest number being in the $600 grade.

We have reduced the amount of appropriations for purely promotion purposes more than half what it has been in any recent year.

Mr. MANN. And you have not half done justice to the post-office clerks, too.

Mr. OVERSTREET. That may be true. If we have erred at all the error has been in the interest of economic administration rather than an extravagant administration.

Mr. SMITH of Kentucky. Mr. Chairman, I would like to ask the gentleman from Indiana a question.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. OVERSTREET. I am glad to yield.

Mr. SMITH of Kentucky. In this bill do you provide for any more $2,700 offices than have been provided for in the previous appropriation bill?

Mr. OVERSTREET. We provide for less by three, and in the next item we provide for seven less than the present law authorizes.

Mr. MANN. And in the next paragraph you provide for four less.

Mr. OVERSTREET. And in the next paragraph we provide for four less.

Mr. MANN. And every one ought to be provided fully in the interest of the service, too.

Mr. OVERSTREET. That shows the difference of opinion. As I stated, the effort of the committee was, first, to segregate carefully the appropriation so that each appropriation should be expended for its particular purpose; second, to so designate the employees in the segregated items that each employee would perform the service exactly for which he was paid, and if we have erred I am inclined to think it is more in the interest of economy in the amount of appropriation than in the line of extravagance.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. OVERSTREET. I trust that the gentleman will not insist upon his point of order, as it would simply throw things back again in a confused condition.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I shall insist upon the point of order with regard to cashiers and with regard to chief stamp clerks. I will waive the point of order as to the designation for them.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Mississippi. The Chair understands this goes to the first four words of the paragraph.

Mr. SMITH of Kentucky. Yes.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Cashiers, chief stamp clerks, night superintendents, superintendents of carriers, superintendents of delivery, superintendents of inquiry, superintendents of mails, superintendents of money order, superintendents of registry, and superintendents of second-class matter, twenty-one, at $2,600 each, $54,600.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I make the point of order, on page 3, in line 16, "chief stamp clerks," that it is a change of existing law. The present pay of stamp clerks is $1,700 and this clause gives certain of them, to be designated as chief stamp clerks, $2,600 each. I will not interfere with the designation; I will not make the point of order upon the designation. I make the point of order that this is a change of existing law.

The CHAIRMAN. Does the gentleman from Indiana wish to be heard?

Mr. OVERSTREET. I concede that occupies the same relation as the preceding paragraph.

The CHAIRMAN. The Chair sustains the point of order as to the three words in line 16, "chief stamp clerks."

Mr. WILLIAMS of Mississippi. Mr. Chairman, it goes without saying that this point of order will have to be accompanied by a reduction of the gross sum. That will have to be taken care of.

Mr. OVERSTREET. Mr. Chairman, just a moment. That is quite true, except this: There are now, for example, in the first paragraph, seventeen men performing that service, and their respective salaries are $2,700 each. They are not all designated just as they are here.

Mr. WILLIAMS of Mississippi. Of course the point of order will require the gentleman to offer amendments later on to take care of that.

Mr. OVERSTREET. I assume that, not as to the amount, but we will offer the amendment so as to provide the same officer who is doing the service; otherwise you have taken out of the service some one who is now employed.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, here are stamp clerks. Stamp clerks are paid $1,700. It is easy to detail one of them to be superintendent of his fellows and let him still serve at $1,700. I object to making him a "chief stamp clerk," and then promoting him to a $2,700 place, or have a separate allowance when taken from some other duty. It ought not to be done, and a $1,700 stamp clerk can serve as chief of stamp clerks without an increase of salary.

Mr. OVERSTREET. But I state to the gentleman——

Mr. WILLIAMS of Mississippi. I do not want a $2,700 man serving as a chief stamp clerk.

Mr. OVERSTREET. How is that?

Mr. WILLIAMS of Mississippi. I do not want a $2,700 man serving as a chief stamp clerk. Let a stamp clerk who knows the business and receives $1,700 serve as chief, if he chooses, and continue to receive the $1,700 a year.

Mr. OVERSTREET. I quite agree with the gentleman that the total will have to be modified in accordance with the amendment, but I am not quite prepared to say just now just how many of these men there are receiving $2,700 who are now doing this service which is called that of "chief stamp clerk."

Mr. COWHERD. Mr. Chairman, I want to ask the chairman of the committee whether, after consideration, he thinks the totals will have to be changed?

Mr. OVERSTREET. I do not. I said I was not prepared to state that.

Mr. COWHERD. I thought the gentleman admitted that the gentleman from Mississippi was right, that the totals would have to be changed.

Mr. WILLIAMS of Mississippi. How many chief stamp clerks are provided for?

Mr. COWHERD. If the gentleman from Mississippi understood the statement of the chairman of the committee, he remembers that they were designated under these different names——

Mr. WILLIAMS of Mississippi. How many men will be required to fill the positions of chief stamp clerks under this clause in line 9?

Mr. COWHERD. I do not know; I can not say. We provide that only a certain amount may be expended, and that covers only seventeen men. There may be ten night superintendents, five cashiers, and two chief stamp clerks, or they may be divided in some other way; we do not know. The fact is, in the last bill we provided for twenty superintendents of delivery and superintendents of mail at $2,700, and we cut it down to seventeen. We objected to the custom grown up in the service of putting a man in a position and calling him superintendent of delivery, or superintendent of mails, and detailing him to some other business. They said to us that in the great offices where stamp clerks sell millions upon millions of dollars' worth of stamps they had to have a high-class man in command of these people; and for that reason they put a superintendent there in control of the force. We said if you are going to have him there, you ought not to have him there as a superintendent of mails or a superintendent of delivery, you ought to have him there at some designation or name that shows the business he has to do. And therefore we simply changed the nomenclature but cut down the appropriation. We cut down the number of high-class men allowed, and simply changed the nomenclature.

You have got to have in the great post-offices of the country, like Chicago and New York, bringing in to the Government millions and millions of dollars a year, a man capable of handling that amount of money, or supervising the men that handle it; you can not afford to put a man there on too meager a salary. We have already cut this down, in my opinion, as much as the good of the service can stand. And so, if the gentleman from Mississippi insists on striking out the nomenclature, I hope that the House will not cut down the amount appropriated. The Department tell us they must have the men; and if you leave the amount appropriated the same, they can get them under whatever momenclature you adopt.

Mr. OVERSTREET. Mr. Chairman, I think there are only two men now employed in the positions, one at New York and one at Chicago.

Mr. WILLIAMS of Mississippi. Mr. Chairman, having made the point of order as to chief stamp clerk, and the chief stamp clerk being only a stamp clerk, and the stamp clerk now receiving $1,700, and being informed by the chairman of the committee that there are two of these now in the post-offices, and the difference between $1,700 and $2,700 being $1,000, and there being two of them, I move to reduce this lump sum from $45,900 to $43,900.

Mr. MANN. Mr. Chairman, I do not think the gentleman will accomplish his purpose by that amendment.

Mr. WILLIAMS of Mississippi. I move to strike out "forty-five" and insert "forty-three."

Mr. MANN. That will not accomplish the gentleman's purpose, because the words "chief stamp clerks" have gone out, and so stamp clerks are not in this item at all.

Mr. WILLIAMS of Mississippi. I understand that.

Mr. MANN. Cutting down this appropriation would not affect the stamp clerks.

Mr. WILLIAMS of Mississippi. The gentleman is right; that will have to be put in afterwards, where the stamp clerks are provided for. I move to strike out "forty-five" and insert "forty thousand five hundred."

Mr. MANN. We have passed that item.

The CHAIRMAN. The Chair will state that while the Clerk was reading the other paragraph the gentleman from Mississippi called the attention of the Chair to the fact that the totals had not been changed. The Chair thinks that it will be in order to change them now. The Chair will suggest to the gentleman from Mississippi and the gentleman from Indiana that if there are a number of these paragraphs which are in any way dependent upon or affected by this, these paragraphs might be passed over without prejudice.

Mr. WILLIAMS of Mississippi. That is what I intended to do and what I asked to do, but the gentleman from Indiana objected.

Mr. OVERSTREET. Mr. Chairman, the gentleman from Mississippi would not accomplish the purpose which I think he intends to accomplish by the amendment. There are to-day employed in offices of the first class seventeen men at salaries of $2,700 each. The law has authorized such designation and such payment of salaries. If, therefore, we seek in a proper way by proper nomenclature to designate the seventeen men according to the services which they are now rendering, and a point of order is made to the nomenclature and the Chair strikes it out, as he must under the insistence of the gentleman to the point of order, that does not change the status of the service of these men, for they are now employed.

To illustrate: Two men are employed, one at Chicago and one at New York, the two great post-offices of the country, at salaries of $2,700 each. Whatever their designation may be, assistant superintendents or superintendents of registry, or mails, or what not, they are engaged in the employment which the law has authorized and at the compensation already fixed. If, therefore, you reduce the total on either of these paragraphs those men would come to Congress under the deficiency bill and Congress would appropriate the amount which it had failed to carry in the proper bill.

The gentleman may believe that an individual known now as a stamp clerk, at a salary of $1,700, is of sufficient caliber to discharge the duty of control over a large number of other stamp clerks, and even though he is not called chief his duty would be equally well performed, and therefore would insist upon striking out the nomenclature which this bill carries; but, Mr. Chairman, I submit that if at New York or Chicago there is some individual properly designated under existing law at a salary of $2,700 who is discharging his duty in that service, it does not strike him out nor modify his compensation under the law. Therefore, I agree with the gentleman from Missouri [Mr. COWHERD], who has stated clearly that you can not reduce the total without reducing the service.

Now, if they do not need that man at New York or at Chicago, then he ought to be stricken out. If they do not need another $2,700 man at either of these great offices to perform that service, even though he may now be properly designated as a superintendent of mail or a superintendent of registry, then he ought not to be in the service there. But there is no contention by any man, not even the gentleman from Mississippi [Mr. WILLIAMS], that that service is not proper; and if you strike down the total, even if it should result in the man's removal it would necessarily result in the crippling of the service at those two great offices.

I submit to the gentleman that while we all agree that the closest scrutiny should be made and the fullest and fairest possible explanation given, not only as to appropriations, but as well to expenditures and titles of employees, that we also all agree that in our zeal we do not desire to cripple the service in any respect. The result will be that the striking out of the chief stamp clerk or cashier—a point of order because it changes existing law as to nomenclature—would still leave the service under the same method of discharge which is now in operation in those great offices.

Mr. WILLIAMS of Mississippi. Mr. Chairman, just a few words, because I do not want to be put in the attitude of being unduly factional. I do not want to be unduly critical, but this bill is very awkwardly constructed. Whenever the Post-Office Committee will bring in a bill here, a special bill, to reorganize the Post-Office Department, I will give it my most cordial and earnest support, but there ought not to be an attempt to reorganize the Post-Office Department upon an appropriation bill, and, besides, if an attempt is made to reorganize the Post-Office Department it ought to be done in a definite and specific way. There were twenty employees under certain designations receiving $2,700. They are segregated, and then, instead of saying that there shall be two cashiers, one chief stamp clerk, two night superintendents, three superintendents of carriers, or whatever might have been the number of each one of these men under the new designation, this bill reads awkwardly, "cashiers, chief stamp clerks, night superintendents, superintendents of carriers, superintendents of inquiry," etc., without giving the number of each, and we are placed in this queer position.

The Post-Office Committee does not know and does not pretend to know how many cashiers there will be, how many chief stamp clerks, how many night superintendents, how many superintendents of carriers, how many superintendents of inquiry. I submit that is too general and too vague and too indefinite a reorganization of the Post-Office Department; so I shall insist upon the point of order.

Now, Mr. Chairman, as to the point made by the gentleman from Indiana [Mr. OVERSTREET], it follows with absolute certainty that if the words "chief stamp clerks" and the word "cashiers" go out, and there are two chief stamp clerks, and they go out of the bill and they are paid $2,700 under the clause here, that $5,400 goes out of the bill at that place. Whether it is put back some place else or not is another question.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Indiana?

Mr. WILLIAMS of Mississippi. Yes.

Mr. OVERSTREET. There is no cashier, no chief stamp clerk, to-day employed anywhere at a salary of $2,700; but there is some individual designated——

Mr. WILLIAMS of Mississippi. Oh, I understand that.

Mr. OVERSTREET. Very well. Therefore, if you strike out the cashier and the chief stamp clerk, you do not strike out the men who are doing the service under another designation.

Mr. WILLIAMS of Mississippi. The gentleman does not understand me. I understand him perfectly. It may be that the gross total of the bill itself will not be reduced, but the gross total of this paragraph must be reduced.

If the gentleman wants to put somewhere else in the bill the two twenty-seven hundred dollar men—stricken out here on a point of order—or the one twenty-seven hundred dollar man stricken out on a point of order as a cashier, then it might come in at a subsequent point in the bill; but so far as this particular paragraph is concerned, of course when provision for those men is stricken out their pay is stricken out. They may come in under the old law, which the gentleman from Missouri [Mr. COWHERD] has in his hand——

Mr. COWHERD. The gentleman says they can come in under the old law. The old law reads, "superintendents of delivery;" and you leave here the words, "superintendents of delivery." So, when you strike out the "chief stamp clerk" and the "cashier," you merely strike out the names, if you intend the service still to be performed; and instead of having five superintendents of delivery and two stamp clerks you would have seven superintendents of delivery. So that the gentleman does not reduce the appropriation in this item unless he means to strike out the service of those men.

Mr. WILLIAMS of Mississippi. I do mean to reduce the appropriation; and if my point of order lies, I have reduced the appropriation. When I strike out "cashiers," who are at present allowed $2,600, I strike out $100 of the salary here proposed. When I strike out "two chief stamp clerks," at $1,700, I strike out $3,400. The gentleman from Indiana [Mr. OVERSTREET] may put them back somewhere else in the bill under a different name and provide for them at these salaries; but my intent is not that, whatever else may be the intent of the gentleman from Indiana. My intent is that cashiers in that Department shall not be paid $2,700, but $2,600, as now; and my intent is that stamp clerks shall not be paid $2,700, but $1,700, as now, regardless of the fact whether you call one a "stamp clerk" and the other a "chief stamp clerk." If the effort should be made later on to put these men back in the bill under another designation, I shall resist it; but I submit that, the point of order having prevailed, the reduction ought to take place in the gross sum of the paragraph.

Mr. MANN. Mr. Chairman, it is very evident that if these officers are to be retained at all they ought to be retained under this item in the appropriation bill. The suggestion of the gentleman from Mississippi that they can be put back somewhere else in the bill is futile, because this is the only item in the bill——

Mr. WILLIAMS of Mississippi. I do not want them put back.

Mr. MANN. I am saying it is not possible to do it. This is the only item in the bill which carries positions at salaries of $2,700; and an amendment, if offered to another place in the bill to accomplish the same purpose, would be subject to the point of order which the gentleman from Mississippi informs us he would promptly raise, because he is opposed to such a provision.

Now, let me suggest to the gentleman from Mississippi and other gentlemen of the House that in New York the postmaster sells from twelve million to fifteen million dollars' worth of stamps a year. Those stamps are not under the immediate supervision of the postmaster; that is an impossibility. They must be under

the supervision and in the custody of some official appointed for the purpose, who is held responsible for those stamps and for their disposition. The suggestion made now by the gentleman from Mississippi is that a mere stamp clerk, any one of the stamp clerks, without any increase of pay, shall have imposed upon him the increased responsibility of taking charge of all the stamps in that office and all the people who sell the stamps, a suggestion which I think the gentleman, upon reflection, would not insist upon. He would not insist that a man who has under his charge this vast amount of stamps, and who is responsible for them and responsible for the people who sell them, should have no more pay than a man who stands at the stamp window and hands out the stamps to purchasers.

So, I say, Mr. Chairman, that these two offices now being filled and necessarily being filled, one at Chicago and one at New York City, it would not be possible in the House to cut down the salaries. I had an objection to the report of the committee because they reduced the number of employees at this salary. There seems a general disposition in the House just now to increase the pay of the rural free-delivery carriers at the expense of the city service. The city service ought to be given at least a reasonable chance for existence. The city of New York and the city of Chicago each turns over to the Government for aid in the transportation of the mails, both on the railroads and on the country roads, from five to eight million dollars a year; yet in the face of this fact the committee itself, in its report, has not given to these cities fair provision for the clerical help required in those post-offices; and here is a proposition to still further cripple the service.

Mr. FINLEY. Mr. Chairman, I move to strike out the last two words. As I understand this provision, it is not proposed here to increase the salary of anybody. My understanding is that the salaries provided in this provision are the same as are given under existing law. Now, this being true, I can see no good reason why the totals here should be reduced.

It was all very well, on the point of order made by my distinguished friend from Mississippi [Mr. WILLIAMS], to strike out the designation "chief stamp clerks." That was a designation pure and simple, one which merely changed another designation, and the provision as it stands with the point of order sustained does not increase the salary of a single individual carried in this paragraph. That being true, the total should not be reduced.

Mr. STAFFORD. I move to strike out the last three words, in order to speak to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

I hardly think, with all due deference to the gentleman from Mississippi, that he is consistent in his position when he insists on reducing the number of clerks in this class of twenty-seven hundred dollars by two. He has withdrawn his opposition to the nomenclature as provided in this bill, because it will enable those who are now performing the work to be more properly described than heretofore under the designation of "superintendents of delivery" and "superintendents of mails."

It is not denied that seventeen men are now employed in necessary service in the various post-offices of the country at twenty-seven hundred dollars a year. If you strike this number down to fifteen you necessarily hamper and impair the service to an extent that you can not estimate. I wish to call the attention of the gentleman from Mississippi, as well as other gentlemen of the committee, to the fact that segregation in these various classes as to clerkships has been a matter of but recent origin, dating only from 1901.

If you reduce the number by two, you surely cripple the service to that extent, where they are now necessarily employed. The gentleman says he has no objection, so far as these other designations are concerned, to a proper and more specific description, and yet he is insisting that some men who to-day are employed—and necessarily employed—shall not be employed hereafter.

Mr. WILLIAMS of Mississippi. If the gentleman thinks I am illogical about it, I will renew the point of order to the designation.

Mr. STAFFORD. I am not objecting so much to the gentleman's inconsistency. I approve of his withdrawing the point of order, for I believe it was done with a desire to better the service. But in this particular there are seventeen men now employed. If those two men are doing duty to-day as chief stamp clerks under the designation of superintendent of delivery and superintendent of mails, you must confess and admit that they are performing a necessary service. This bill last year provided for twenty men at twenty-seven hundred dollars each. The Department only availed itself of seventeen. It is a fair presumption to say that they were necessarily employed at a salary of twenty-seven hundred dollars. We are not increasing the present force one iota. Strike this down to fifteen and you cripple the service to that extent. I hope the amendment of the gentleman from Mississippi will not prevail.

Mr. WILEY of Alabama. Mr. Chairman, I move to strike out the last five words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last five words.

Mr. WILEY of Alabama. Mr. Chairman, at an early day of the present month I introduced in this House the following resolution:

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, authorized and directed to have the Director of the Census investigate the subject of public-road construction in the United States, and to obtain and compile all available statistics from the different States, counties, and municipalities which may tend to show the cost of construction, as well as maintenance, of roads built under legal authority during the past few years, and also the amount and character of the indebtedness thereby incurred, when and how payable; and to ascertain also the States whose constitutions prohibit them from engaging in works of internal improvement, as well as those which permit them to authorize the issue of bonds for the construction of highways; and also the aggregate mileage of public roads in the several States and Territories; and, when the investigation is completed, to publish these statistics in the form of a bulletin for the information of the public in connection with the bills pending in both Houses of Congress looking to a uniform system by which better roads will be constructed throughout the country and more efficient mail facilities thereby furnished to the people.

This resolution is self-explanatory. In asking that the revenues of the National Government be applied in part to the improvement of our public roads throughout the Union the only sensible and practical thing to do, in the first instance, is to have the Census Bureau gather the data here called for, in order that we may have some intelligent appreciation of the probable cost of construction, as well as maintenance, of a well-devised system of public highways, both on the part of the Federal Government and the different communities through which these great thoroughfares are to be built and kept in repair. The scheme, however, is not free from difficulty.

There are two bills pending in Congress—one, H. R. 85, introduced in the House by Mr. BROWNLOW, of Tennessee, and the other, S. 4098, introduced in the Senate by Mr. LATIMER, of South Carolina. The provisions of both these bills are substantially the same.

I want to say, in this connection, that I am in favor of some uniform system of granting governmental aid in the construction of public roads, over which the United States mails are to be carried, at the least possible cost to the taxpayer. To this end I am willing to work with unflagging zeal. Twelve years ago I introduced in the Alabama legislature, of which I was a member, a bill, which became a law, to authorize the board of revenue of Montgomery County to issue $350,000 of long-time bonds, bearing a low rate of interest, and subsequently $100,000 of like securities, aggregating $450,000, the proceeds of which were to be applied and were applied to the construction of our present magnificent system of public highways, which are to be found in every direction in my home county.

While under the constitution of Alabama the various counties and municipalities, under certain limitations, may engage in works of internal improvement, the sovereign State itself can not lend its aid for any such purpose.

To harmonize the different and conflicting constitutions of the various States in such manner that a uniform system of constructing and maintaining these public roads is the great obstacle in our pathway which Congressional legislation will have to surmount and overcome. It is with this end in view that I have offered the resolution which I have just read in your hearing.

There can be no doubt that for many years in the history of this Government one of the cardinal tenets of the Democratic party was opposition to governmental aid for purposes of internal improvement. The party to which I have the honor to belong was in favor of a strict construction of the Federal Constitution and was strenuously opposed to what is commonly termed "paternalism," no matter what guise it wore or from what quarter it came. It set its face like flint against legislation making appropriations for the purpose of constructing roads and canals and improving the navigation of our water courses. As an evidence of this policy, on March 3, 1817, President James Madison vetoed a measure entitled "An act to set apart and pledge certain funds for internal improvements," in short, appropriating money—

For constructing roads and canals and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce amongst the several States and to render more easy and less expensive the means and provisions for the common defense.

In his veto message to Congress he employed these words:

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

The power to regulate commerce among the several States can not include a power to construct roads and canals and to improve the navigation of water courses in order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of

the terms strengthened by the known inconveniences, which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause "to provide for the common defense and general welfare" would be contrary to the established and consistent rules of interpretation, as rendering the special and careful enumeration of powers which follow the clause nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation instead of the defined and limited one hitherto understood to belong to them, the term "common defense and general welfare" embracing every object and act within the purview of a legislative trust.

It would have the effect of subjecting both the Constitution and laws of the several States in all cases not specifically exempted to be superseded by laws of Congress, it being expressly declared "that the Constitution of the United States and laws made in pursuance thereof shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the General and the State Governments, inasmuch as questions relating to the general welfare, being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals and to improve the navigation of water courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill can not confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution.

I am not unaware of the great importance of roads and canals and the improved navigation of water courses, and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the Constitution, and believing that it can not be deduced from any part of it without an inadmissible latitude of construction and a reliance on insufficient precedents; believing also that the permanent success of the Constitution depends on a definite partition of powers between the General and the State Governments, and that no adequate landmarks would be left by the constructive extension of the powers of Congress as proposed in the bill, I have no option but to withhold my signature from it and to cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers to the same wisdom and virtue in the nation which established the Constitution in its actual form and providently marked out in the instrument itself a safe and practicable mode of improving it as experience might suggest.

Again, on May 4, 1822, President James Monroe vetoed a bill entitled "An act for the preservation and repair of the Cumberland road." In the message which he transmitted to the House of Representatives he used this language:

A power to establish turnpikes, with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor on a valuation and to pass laws for the protection of the road from injuries, and if it exist as to one road it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money under the power vested in Congress to make appropriations, under which power, with the consent of the States through which this road passes, the work was originally commenced and has been so far executed. I am of opinion that Congress does not possess this power; that the States individually can not grant it, for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution, and in the mode prescribed by it.

The logic of events, the progress and prosperity of the country, our material growth and national exaltation, the very civilization of the age itself, required the representatives of the people, no matter the name of the political party with which they affiliated, to change this restrictive policy and to recognize and adopt the broader and more latitudinous interpretation which the Supreme Court of the United States, when an opportunity presented itself, placed upon the Federal Constitution.

There can be no doubt, therefore, that such a measure as the Brownlow or Latimer bill, if enacted into a law, would be upheld as constitutional.

It is provided by the Constitution that Congress shall have power to provide for the common defense and general welfare of the United States. How it shall provide for the common defense and general welfare is not specified. The Supreme Court of the United States decided the national-bank act to be constitutional on the ground that Congress alone was the judge of the necessity of such an act. Under this "general-welfare" clause of the Constitution large powers are vested in Congress, and measures will generally be upheld as constitutional where in the judgment of a majority of this body they are needful, either for the common defense or the general welfare.

In practice Congress has been very liberal in the construction of its powers. It not only supports the Army and Navy, but the Military and Naval academies in which to educate young men especially for that service. It not only builds forts, but improves rivers and harbors, so that they can be better navigated. It has passed the oleomargarine bills to prevent a discrimination against pure butter, and similar measures looking to the health and morals of the people, saying, in many instances even, what we shall eat and drink and wherewithal we shall be clothed. It has indorsed, and continues to indorse, the notes of national banks, in order to give them value, to the extent of hundreds of millions of dollars. It not only builds post-roads, but guarantees the bonds of railroad companies for millions of dollars to aid in constructing railways, on the ground that they may in time be needed for carrying the mail and in transporting troops. It has given subsidies to ships and railways, as well as bounties to sugar, made from both cane and beet, and made provision for irrigating arid lands.

A few years ago, upon the report of failure of crops in Oklahoma, it voted rations for the needy boomers, while at the same time it was engaged in constructing proper defenses against future overflows of the Mississippi River. It has laid out magnificent national parks and maintains soldiers' homes and burying grounds. It has passed bills to require railroads to use safety appliances for coupling cars; to tax State-bank money out of existence; to purchase lands, build warehouses, stock and care for whisky; to purchase Alaska; to donate millions of acres of the public domain to corporations; to appropriate money to fire and flood sufferers; to send expeditions to the North Pole; to lend and give money to industrial expositions and world fairs; to grant pensions to soldiers and their wives, and to make pecuniary outlays in many other instances where no provision is made therefor by any express warrant in the Constitution.

All this remarkable character of legislation (some of which I have never approved) is predicated upon nothing more nor less than the implied powers of Congress, and was enacted under what is known as the "general-welfare" clause of the Constitution. Congress is the sole judge as to when and where and how these implied powers shall be invoked under this "general-welfare" clause. In the light of these facts, surely no liberal-minded gentleman ought to object to a measure intended for the benefit of the traveling public, and calculated to redound to the general welfare of the people, on the ground that the same is not justified by the organic law of the land, particularly where it is manifest that the States are unwilling singly and alone to legislate in respect to such matters. Almost any and every thing intended for the common defense and general welfare lies within the province of Congress to be enacted for the benefit of the people.

In the great case of McCulloch *v.* The State of Maryland, reported in 4 Wheaton, page 316, the question was whether or not Congress had the power to incorporate a bank. And it was held that Congress had the constitutional authority to establish a banking corporation, not in the exercise of a distinct sovereign power or end of government, but as a means of carrying into effect other powers which are sovereign.

Chief Justice Marshall, in the magnificent opinion which he delivered in that case, declared, among other things, the following great truths, to wit:

The Government of the Union is a government of the people. It emanates from them; its powers are granted by them, and are to be exercised directly on them and for their benefit.

While the powers not delegated to the United States nor prohibited to the States are reserved to the States or to the people, there is nothing in the Constitution which requires that everything granted shall be expressly and minutely described.

A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves.

Provision is made, in a constitution intended to endure for ages to come, and, consequently, to be adopted to the various crises of human affairs. To have prescribed the means by which government should, in all future time, execute its powers would have been to change entirely the character of the instrument and give to it the properties of a legal code. It would have been an unwise attempt to provide by immutable rules for exigencies which, if foreseen at all, must have been seen dimly and which can be best provided for as they occur.

What a grand and glorious judicial character was John Marshall, "the oracle of American law," not of Virginia alone, but the universal favorite and favored son of this splendid Republic of free, separate, independent, and sovereign States. With a mental vision as clear and strong as the eagle's brilliant eye while gazing upon the fierce splendors of the noonday sun, he foresaw and has outlined for all time to come, as no other man before or since his day has ever essayed to do, the dual yet distinct capabilities and potentialities of both State and Federal governments, acting together, jointly and severally, beautifully and harmoniously, without jar or friction, each seeking the greatest good to the greatest number, and neither abating one jot or tittle of the lawful authority belonging to the other or resulting legitimately from the combined action of both.

The extracts which I have just read, in the McCullough case, from the pen of that eminent jurist, demonstrate that it was an impossibility for the framers of the Constitution to have incorporated in its provisions all of the incidental powers of government,

and hence that Congress in the exercise of its implied powers can rightfully enact almost any law which it judges to be useful or necessary for the common defense or general welfare of the people in the broadest and most comprehensive sense or meaning that may be applied to that term.

We are therefore "sticking in the bark" and giving to the Constitution a construction so narrow and technical as to render its provisions nugatory whenever we seek to deny to Congress the power to enact beneficent laws which will give to the people better public roads, particularly those over which the mails of the United States will be transported.

Both of these measures, the Brownlow and Latimer bills, above referred to, are intended to provide for a plan of cooperation between the Federal Government and the various States and Territories of the United States for the construction and improvement of the public roads. Each bill provides for a bureau of highways to be composed of three commissioners, one to be appointed from the political party in power, one from the largest minority political party, and the third to be an army officer from the Engineer Corps, with rank not below that of captain. In providing for a commission the purpose is to free the management and prosecution of the work from political influences as far as possible, and also on account of the vast amount of labor which will be necessary to put the scheme in operation. All the details of perfecting the plan of cooperation is left to the commission, and provides for an appropriation of $24,000,000, to be available as a fund for road construction and improvement, to be distributed among the States and Territories according to population.

Before the States or Territories can receive the benefits of the act they must themselves provide for one-half of the cost of such construction of improvements that may be undertaken and also secure the necessary rights of way. They must then do the work under the rules and regulations of the Bureau and thereafter maintain the roads in good repair. Nothing in this legislation will prevent the States or Territories from distributing their portion of the cost among their civil subdivisions.

The resolution we are now considering seeks important and valuable information, which can be obtained in no other way except through the Department of Commerce and Labor, in which the taxpayers are vitally interested, to be used in connection with these bills, with the wise and patriotic purpose of perfecting "a uniform system by which better roads will be constructed throughout the country and more efficient mail facilities will thereby be furnished to the people." It occurs to me that the adoption of this resolution is the first step to be taken, the initial movement to be made, in the inauguration of the great work before us.

The people are greatly interested in rural free-delivery service. They know that in order to establish mail routes certain "red-tape" regulations have to be observed and that all the requirements of the law as to distance, population, roads and bridges, etc., must be complied with. They want the mail brought to their doors in the country precincts in all respects precisely as the post comes every morning to the residents in the city wards. Good public roads will solve the problem; and in concluding these remarks I can not better describe the situation, as well as the vast benefits and advantages to be derived from good roads, than to quote from Senator STEWART, of Nevada. On one occasion in the Senate Chamber, while discussing this subject, he said:

> When I was at college they gave me a composition to write on the mail system of Rome. In investigating that system I found that the Roman Empire had constructed paved roads nearly all over the vast country constituting the Empire. The mails were carried over these roads with great rapidity. Between the most important points the letter mails were carried as fast as 15 miles per hour by changing horses every 5 miles. The mail system over these roads was almost as effective as modern systems over railroads. Some of these roads were wide enough for four chariots to travel abreast. They were made in the most substantial manner, the ruins of which in many places still remain. From Constantinople around the Mediterranean to Rome, thence to Paris, and to all the principal points that vast region was accessible by means of the magnificent highways constructed for military and postal service. These roads were the foundation of the strength of the Empire. They enabled Rome to march her armies and dominate nearly all of Europe. Without such roads the Roman Empire would have been confined to the country surrounding Rome, and Roman enterprise, power, and domination could never have reached the proud eminence which history records.

Let the resolution be adopted. Let us have the information it calls for. Let the people have light. Let us avoid conflict and confusion, and let Congress, cooperating with the different States and Territories, devise a harmonious and uniform system by which governmental aid may be extended in the construction and maintenance of superb public roads throughout the country with the least possible cost to the taxpayers. "Now is the accepted time; now is the day of salvation."

Let our patriotism take a wider range. The well-being of communities depends largely upon good public thoroughfares. The investment will yield the Government compound interest, and, in the face of this self-evident proposition, it is neither fair nor just to put upon the shoulders of an already tax-ridden people the burden of building and maintaining these highways. There resides in the Government at Washington the duty and obligation to do this. Will we fail to come up to the full measure of our responsibilities? Will we refuse to heed the voice of our constituents in a matter so far-reaching in its consequences to them? Will we omit to do our duty in this respect? It remains to be seen. I hope not. I believe not. "He that is sent is not greater than they that sent him." [Applause.]

Mr. HEPBURN. Mr. Chairman, I was called out when the paragraph beginning in line 6, page 2, was read, but had I been here I should have liked to call the attention of the chairman of the committee to the language used in the opening of that paragraph:

> For compensation of assistant postmasters at first and second class post-offices——

The CHAIRMAN. The Chair will state to the gentleman from Iowa that there is an amendment pending to the paragraph on page 3.

Mr. HEPBURN. I understand that, but I understood the gentleman who just preceded me [Mr. WILEY of Alabama] to move to strike out the last five words. I suppose I am speaking in opposition to that motion.

Mr. MANN. If it will help the gentleman any, I will tell him that there is an amendment pending that does not contain five words.

Mr. HEPBURN. All right; the Chair entertained the other motion, however.

I wanted to ask the gentleman if there was not a confusion in that language?—

> For compensation of assistant postmasters at first and second class post-offices.

As I am advised, there are no assistant postmasters at second-class offices. I have in my hand a memorandum of the law prepared under the direction of the Postmaster-General that bears upon that section. He says:

> The act of Congress classifying clerks in post-offices was passed March 2, 1889, and provides for assistant postmasters for post-offices of the first class, salary graded in even hundreds of dollars not to exceed 50 per cent of the salary of the postmaster. This law provides for the position of chief clerk at offices of the second class, salary graded in even hundreds of dollars, from seven hundred to fifteen hundred dollars, but does not provide for an assistant postmaster. Prior to July 1, 1900, the appropriation for clerk hire at first and second class post-offices included also the appropriation for assistant postmasters and chief clerks. In the appropriation act for the fiscal year beginning July 1, 1900, a separate appropriation was made for assistant postmasters, including assistant postmasters at second-class offices. The Department had always construed that the position of chief clerk in a second-class office was identical, so far as the duties are concerned, with the position of assistant postmaster.
>
> When a separate appropriation was made for assistant postmasters and providing also for assistant postmasters at second-class offices, a rule was adopted not to allow more than 50 per cent of the salary of the postmaster, graded in even hundreds of dollars, for the assistant postmaster in a second-class office.

The objection that I have to this language as found in this bill is this: That it gives the Postmaster-General another opportunity for another secret rule for determining the compensation of chief clerks at second-class post-offices. I would like to know from the chairman of the committee if it is not possible to so modify that that this construction of theirs can no longer obtain, by inserting after the words "assistant postmaster at first-class post-offices" the words "and chief clerk at second-class offices." It will do away with this ambiguity, and do away with this construction.

Mr. OVERSTREET. I will answer the gentleman, Mr. Chairman, by saying that heretofore, under the authority cited by the gentleman from Iowa, chief clerks at second-class offices could be appointed at salaries not exceeding $1,500, the law relative to the compensation of assistant postmasters fixing such compensation at not exceeding 50 per cent of the salary of the postmaster.

Mr. HEPBURN. In even hundreds.

Mr. OVERSTREET (continuing). In even hundreds of dollars. Inasmuch as the highest salary allowed under the law to a postmaster of the second class is $2,900, then the maximum allowance to the assistant postmaster, based upon the authority of 50 per cent of the postmaster's salary, would make the assistant postmaster's salary not in excess of $1,500. There was power, however, heretofore under the law for the appointment of chief clerks, and to designate chief clerks at a second-class office at a salary greater than 50 per cent of the postmaster's compensation.

I explained, I imagine while the gentleman was off the floor, the effort which is now being made, first, to segregate most carefully the items of appropriation, in order to keep guard over the expenditures, and, second, to designate the officers or employees in the service in harmony with the duties which they perform. Therefore the same application is made to this item to which he addresses my attention. There is no provision carried in this bill appropriating any sum for chief clerks in second-class offices. It therefore reverts under the nomenclature provided for the item that assistant postmasters would be provided and their compensation fixed at not in excess of 50 per cent of the postmaster's

salary, which would result in the maximum allowance being not in excess of $1,500.

Mr. HEPBURN. Will the gentleman permit me to interrupt him?

Mr. OVERSTREET. Certainly.

Mr. HEPBURN. Does not that operate as a change in the existing law without admitting that it changed it? The law provides that in certain instances the pay of the chief clerk at a second-class post-office may be $1,500. Now, under the method that has been established by the committee in these appropriations to assistant postmasters at first and second class offices, there being no such office as to second-class offices, under the construction made by the Post-Office Department, it occurs that $300, $400, or $500 may be taken from the salary of the chief clerk of a second-class office, a salary that is authorized by the law; and therefore I complain that this change of the phraseology seems to change the law and gives the opportunity for the establishment of a rule in opposition to the will expressed by Congress.

Mr. OVERSTREET. In answer to the gentleman's query, I will state that there are to-day in round numbers about 1,300 second-class post-offices. Out of the entire number of second-class post-offices there are assistant postmasters receiving 50 per cent of the salary of the postmasters in those offices with the exception of about fifty.

Mr. HEPBURN. I do not want to interrupt the gentleman, but how do they become assistant postmasters? The law says that there shall be chief clerks, and the law fixes their compensation.

Mr. OVERSTREET. I appreciate that what the gentleman says is accurate; but under the law relative to chief clerks, which was passed some years ago, in the effort to designate them under the regulations of the Department, the duties of the chief clerk have been outgrown, and the officer, the individual who does that particular service, who signs the papers authorized by the postmaster to be signed by him in the absence of the postmaster, who does, in a word, all of the duties of the postmaster in his office, are larger and more important duties than were originally prescribed for chief clerks. Therefore, in keeping with the effort of giving designation to the individuals consistent with their service, we seek now to provide for these same individuals as assistants rather than as chief clerks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. I ask for three minutes more.

The CHAIRMAN. The gentleman asks that his time may be extended for three minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. OVERSTREET. That began in 1901. Now, I notice the gentleman's expression of fear lest it may result in an advantage which the Postmaster-General may assert in reducing an individual's salary who originally was designated as chief clerk to an amount not in excess of 50 per cent of the postmaster's salary, which he would have under an allowance of an assistant postmaster; but that is not the purpose of it, and I think it is a fear most remote from the probability of actuality.

Mr. HEPBURN. If the gentleman will permit me, I know of such a case as that, and that is the reason my attention has been called to it.

Mr. OVERSTREET. Well, does the gentleman believe that there ought to be an officer in a second-class post-office who is paid more than 50 per cent of the postmaster's salary?

Mr. HEPBURN. I do.

Mr. OVERSTREET. Do you believe there are many such offices?

Mr. HEPBURN. Perhaps not, and I do not know all of them; I know one, however.

Mr. GOLDFOGLE. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. OVERSTREET. I do.

Mr. GOLDFOGLE. Mr. Chairman, I desire to ask the chairman of the Post-Office Committee whether, if the amendment prevails, it will cripple the service in New York and other large cities in this country?

Mr. OVERSTREET. I feel satisfied that it will cripple the services of New York and Chicago.

Mr. GOLDFOGLE. To what extent?

Mr. OVERSTREET. By the reduction of one officer of the $2,700 grade of pay who is now performing service equal to that compensation.

Mr. GOLDFOGLE. And does the provision in the pending bill increase the salaries, or leave the salaries as they are now?

Mr. OVERSTREET. No increase of salaries at all on that item, leaving them identically as they are now received by the individuals now performing that service.

The CHAIRMAN. Without objection, the pro forma amendments will be considered withdrawn——

Mr. HEPBURN. Mr. Chairman, just a moment. I want to call the attention of the gentleman from Indiana to the fact that I understood him, when he put his question to me, to refer to the second-class offices, and so answered him. And I think he did intend to; but he did say, in fact, third class.

Mr. OVERSTREET. The gentleman is quite right.

The CHAIRMAN. Without objection, the pro forma amendments will be considered withdrawn, and the question recurs on the amendment pending, offered by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. The question which the gentleman from New York has just propounded is filled full, or the assumption under it is filled full, of the usual fallacy that whenever somebody has got somebody in his district who is getting something from the Government the cutting that off is a detriment to the country. Now, there is nothing in that and there never was anything in it. Men are not sent here for that.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from New York?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. GOLDFOGLE. Does the gentleman from Mississippi understand that New York has not an adequate force as it is now, and that we are crippled there now and need——

Mr. MANN. And that Chicago has not an adequate force and——

Mr. WILLIAMS of Mississippi. I never knew Chicago nor any one of the great cities that ever did confess that they had sufficient of anything.

Mr. GOLDFOGLE. We yield an annual revenue——

Mr. WILLIAMS of Mississippi. Chicago does not confess it is adequate.

Mr. GOLDFOGLE. We yield an annual revenue of over $8,000,000.

The CHAIRMAN. Does the gentleman fro[illegible] the [illegible]ssissippi yield to the gentleman from Illinois?

Mr. WILLIAMS of Mississippi. It is useless now I have answered both the gentleman from Illinois and the gentleman from New York. That is ancient history. Now, will the gentleman from New York go on?

Mr. GOLDFOGLE. I want to say that the annual revenue from New York City post-office is over $8,000,000——

Mr. WILLIAMS of Mississippi. But you——

Mr. GOLDFOGLE. Pardon me. And we have not sufficient force and we have not sufficiently adequate quarters or sufficient help or we would need many more; and to now, upon the statement of the chairman of the Committee on the Post-Office and Post-Roads, adopt the amendment offered by the gentleman from Mississippi would cripple the service in New York City, and crippling the service in New York City means crippling the service throughout the country.

Mr. WILLIAMS of Mississippi. Is the gentleman from New York aware of the fact the point of order has been made here this morning and sustained on such items as this?

Mr. GOLDFOGLE. No.

Mr. WILLIAMS of Mississippi. I thought he was not; the gentleman came in after that took place. Now, what I am offering as an amendment is something in consonance with the point of order and sustaining the point of order. Now, Mr. Chairman, I do not want to cripple the Post-Office Department in anything, and, God knows, if New York and Chicago ever got out of this Government all that they ask there would not be anything left for anybody else. That is the honest truth [applause], and there has never been a time when the great cities of this country were not very much better served as far as postal facilities are concerned than my district, for example.

They get from seven to eight deliveries a day; they get twenty-seven hundred dollar clerks; they get the mail brought to their doors all the time, and they get special pay to the railroads in order that they may get the mails thirty-four minutes quicker than they could get it otherwise. And under the bottom of it you people from New York and Chicago imagine that when so many stamps are bought and used in your cities it is costing you that much, whereas it doesn't cost you anything, because you charge it in your business accounts. It is a part of your business, and it goes against the consumers all over the country who buy your goods. My people are paying their share of it, my people are paying a part of that expense——

Mr. GOLDFOGLE. And we are providing the revenue.

Mr. WILLIAMS of Mississippi. My people are paying not only their portion of the money that is appropriated in the bill, but paying their part of the stamps you use, because when you stamp a letter and write to them you charge it up to them.

Mr. GOLDFOGLE. You wouldn't have anything if it were not for our business interests, and you would not have us pay for the stamps.

Mr. WILLIAMS of Mississippi. You would not have any busi-

ness interests if it were not for us. You could not sell your goods if it were not for us.

Mr. MANN. Why not quit corresponding with us?

Mr. WILLIAMS of Mississippi. It is because we can't get along without you; we are fond of you in a great many ways, and you have a great many things that we are still fonder of, and we have got to have them. [Laughter.] I am not saying that you are not doing a good work; but when people from these cities come here and say that they contribute all the revenue derived from their post-offices, that is a mistake. You do not contribute it any more than Kentucky contributes the whisky tax because she happens to make the whisky. It is the fellow that drinks the whisky that pays the tax after all [laughter], and the man who trades with you who buys the stamps you use.

Mr. DOUGLAS. I would like to ask the gentleman from Mississippi if the people of these rural districts do not fill up nearly the entire force in the New York post-office with their men and leave very little for our own men?

Mr. WILLIAMS of Mississippi. I don't know. God knows I never filled one of them; none of them are from my district. My experience is that you come very much nearer filling up the rural districts with people from the city, as far as that is concerned.

Now, Mr. Chairman, my object in making the point of order is to call the attention of the House and the country to the crude, vague, indefinite condition of this post-office appropriation bill.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. I move, Mr. Chairman, to strike out the last word. I want the attention of the House. In the existing law there are assistant cashiers, for example, who have a maximum pay of $1,400. Now, I find in line 25, page 3, assistant cashiers provided for. It does not say how many, remember that. There is no bridle on the Department, and remember that thiles a Department absolutely rotten from turret to foundation stone. It does not say how many. Assistant cashiers provided for at $2,400. Now, line 10, page 4——

Mr. PAYNE. I would like to ask the gentleman from Mississippi where he gets the evidence that this branch of the service in regard to the Post-Office Department is rotten from one end to the other?

Mr. WILLIAMS of Mississippi. From their own confession——

Mr. PAYNE. Then you don't get it at all.

Mr. WILLIAMS of Mississippi. And from what is contained in the President's message; that is where I get it.

Mr. PAYNE. The gentleman knows——

Mr. WILLIAMS of Mississippi. I don't want to be switched off upon this, but I will say that whereas they have only investigated one division of that Post-Office Department, I believe, and I believe that the gentleman from New York believes, that there are other divisions in it equally corrupt and rotten.

Mr. PAYNE. The gentleman from Mississippi may know what he believes, but he doesn't know what I believe. I do not believe anything of the kind, and I haven't seen a single man or heard from a single man that knew anything about it the statement that he does. Still the gentleman from Mississippi indulges in the extravagant language that the whole Department is rotten.

Mr. WILLIAMS of Mississippi. My language is not extravagant. The Fourth Assistant Postmaster-General was asked a question before the Post-Office Committee by the gentleman from Tennessee [Mr. MOON], whether incidentally, in going through the first division, he had not found evidence that there might be occasion to investigate other divisions of the Post-Office Department, and he replied, "Yes."

Now, I was going on. I do not want to discuss that; that was a mere remark, and I am sorry I made it, because it interferes with the argument.

Mr. PAYNE. I think if the gentleman will read what was said by the Fourth Assistant Postmaster-General before the committee, he will withdraw that remark.

Mr. WILLIAMS of Mississippi. That was a statement made by the gentleman from Tennessee [Mr. MOON] the other day on the floor, and I think it is correct, and I will not withdraw it until I find it incorrect; and I will not find it incorrect upon the bare suggestion of the gentleman from New York, who knows absolutely nothing about it. [Laughter on the Democratic side.]

Mr. PAYNE. That is entirely on a par with the gentleman from Mississippi——

Mr. WILLIAMS of Mississippi. The gentleman from New York does not know; he was not present and does not pretend to know what question was asked by the gentleman from Tennessee, nor what was the answer of the Fourth Assistant Postmaster-General; he just threw that out as a blind suggestion.

Mr. PAYNE. I only know it from a member of the committee who was present and upon whom I rely.

Mr. WILLIAMS of Mississippi. What gentleman of the committee has said that the gentleman from Tennessee [Mr. MOON] did not ask that question substantially, and that substantially that reply was not given?

Mr. PAYNE. The chairman of the committee.

Mr. WILLIAMS of Mississippi. Ah, does the chairman of the committee deny that that question was substantially asked and answered substantially as I have stated?

Mr. OVERSTREET. I will read exactly what it was, which will be a better way.

Mr. WILLIAMS of Mississippi. Was it not substantially as I have stated?

Mr. OVERSTREET. I will read the matter and let the committee determine for itself.

Mr. WILLIAMS of Mississippi. If the gentleman will give it to me, I will read it now.

Mr. OVERSTREET. I will read it in my own time.

Mr. WILLIAMS of Mississippi. I am not trying to give the exact language, because I neither read it nor is my memory sufficiently good to do that; but the gentleman from Tennessee [Mr. MOON] made substantially that assertion on the floor.

Now, Mr. Chairman, to go on with this matter I am talking about, I wish to say that I will cheerfully support a bill to reorganize the Post-Office Department. Under the law the pay of an assistant cashier at this time is $1,400. This bill is brought in and we find in it at the bottom of page 3 a provision for assistant cashiers at $2,400. Beginning at line 10 on page 4, assistant cashiers are provided for at $2,200. Beginning again in line 21 on page 4, they are provided for at $2,100. Again, on page 5, line 6, they are provided for at $2,000. Still again, beginning on line 16, page 5, they are provided for at $1,800.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Again, beginning on line 3, page 6, they are provided for at $1,700. Now, I want the committee to remember that the maximum pay for assistant cashiers is $1,400. Beginning again on line 15, page 6, they are provided for at $1,600. Again, on line 3, page 7, assistant cashiers are provided at $1,500. Then, finally, on line 15, page 7, they are provided for at the rate fixed by the present law.

I want to call the attention of the House and I want to call the attention of the country to the crude condition of the bill, and I want to say that I would like to see the Department reorganized by a special bill so systematized that you could put your finger upon every man who is serving the Government in that Department.

Having accomplished this purpose, Mr. Chairman, I am going to withdraw the various points of order that I have made, and I am going to withdraw them for this reason: The gentleman from Missouri [Mr. COWHERD], in whose knowledge of this subject I have the very highest degree of confidence and in whose honesty and integrity I have unlimited trust, and the gentleman from Indiana [Mr. OVERSTREET], the chairman of the committee, able and fit for the place which he occupies, assure me that the only way of segregating these things is to undertake it now in an indefinite way, and that at the end of the next year they will know just how many "assistant cashiers," "night superintendents," and so on there are, and that they can then designate them numerically, and we can begin to have some way of getting at the Post-Office Department expenditures. As it is, I defy any man living who is or is not a member of that Committee on the Post-Office and Post-Roads to tell me how many assistant cashiers there are, and not a member of the committee can tell me how many stamp clerks, night superintendents, and all of these other men there are provided for.

I asked a moment ago how many cashiers would fall under this clause, beginning at line 9, on page 3, and nobody could tell me whether there were one, two, or six. I see before me the gentleman from Pennsylvania who used to help us fix up the agricultural appropriation bill, and I would ask him what he would have thought of an agricultural appropriation bill that did not tell us how many entomologists there were or how many biologists there were?

Mr. Chairman, I want now to withdraw the various points of order I made, but before doing so I desired to show the committee how many of them could have been made, just along that line. I have three pages of them here, all of them on their face changes in existing law or new legislation. In other words, this is an attempt to reorganize the Post-Office Department on a general appropriation bill.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. MANN. Mr. Chairman, before the gentleman from Indi-

ana proceeds, can we ascertain what the result of withdrawing the points of order is as to the two paragraphs which have been passed?

Mr. WILLIAMS of Mississippi. Of course the amendment goes with the withdrawal of the points of order. They carry with them the withdrawal of the amendment.

Mr. MANN. What I desired to know was whether the gentleman from Mississippi [Mr. WILLIAMS] withdrew his points of order on the two paragraphs which have both been read.

Mr. WILLIAMS of Mississippi. Of course. They are the only points of order that I have made.

The CHAIRMAN. The Chair would state that the clerk had completed the reading of the paragraphs down to and including line 21. The gentleman from Kentucky [Mr. SMITH] made a point of order against the first four words in line 9. The gentleman from Mississippi [Mr. WILLIAMS] made a point of order against the three words following the first words in line 16.

The gentleman from Mississippi also made points of order against all the new officials designated. He withdrew the points of order as to new officials. The point of order as to the first four words in line 9 and the three words following the first word in line 16 was sustained by the Chair. The gentleman from Mississippi then moved an amendment altering the amount of the total in line 16. The Chair now understands the gentleman from Mississippi to ask unanimous consent to withdraw the points of order which were sustained by the Chair and to withdraw the amendment. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, in connection with what I was saying a moment ago, I have just seen the gentleman from Tennessee [Mr. MOON], and it seems I was mistaken as to the exact tenor of the reply of the Fourth Assistant Postmaster-General. Instead of replying "Yes," he replied, "I beg to be excused from answering that question." Now, I say that that answer was substantially "Yes," because if he could have answered "No" he would have done so. But his answer was, "I beg to be excused from answering that question," and the question was as to whether he had not incidentally found out that perhaps other divisions of that Department needed investigation.

Mr. OVERSTREET rose.

The CHAIRMAN. The gentleman from Indiana [Mr. OVERSTREET] asks unanimous consent to proceed for five minutes. Is there objection? The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I share fully the opinion which the gentleman from Mississippi has given in reference to the gentleman from Missouri [Mr. COWHERD] as a member of the committee. I share his approval of that gentleman's ability and his honesty. I am sorry the gentleman from Mississippi could not have extended his confidence to my honesty as well as ability——

Mr. WILLIAMS of Mississippi. Oh, I thought that was understood. I hope the gentleman did not think that I meant to eliminate him from that category.

Mr. OVERSTREET. No, I did not; and I accept the gentleman's explanation.

Now, Mr. Chairman, a brief reply to the criticism of the gentleman from Mississippi as to the bill being crudely drawn. I think the more closely members of this committee may scrutinize this bill and compare it with former bills which were enacted into law the more satisfied they will be of the zeal and industry and honesty with which the members of the present committee labored in their effort to accomplish most prominently the two things which I have repeatedly mentioned this afternoon—to segregate as far as possible by language and arrangement the several appropriations in order that the expenditures of those appropriations may be made in accordance with the purposes of Congress, and to segregate the different classes of employment and name them by proper language in order that the duties discharged may conform more accurately in the future to the designations and that we may know by the titles or nomenclature of those employments the service intended to be discharged.

The gentleman complains that we did not give the exact number of employees in each item. That, for several reasons, is practically impossible. First, we have only begun this line of work. The gentleman must remember that the efforts of this committee, sitting almost daily for sixty days, to reach some proper practical conclusion in the line I have indicated could not, in all reason, go as far as the committee would have been glad to go; nor could we in that time ascertain just how many clerks were needed in specific characters of employment. But we did find that there were employees known by law under certain specific designations drawing certain specific salaries, discharging duties of a different character from the service indicated by the nomenclature of the employment.

We have gone as far as we could with the present information. When we have clearly segregated these several items of appropriation, when we have given the employees their proper designations to conform to their service, the end of the year will bring, through the auditing department, the exact amounts of expenditure to these various individuals in the various services, thus enabling us to ascertain the accuracy, propriety, and wisdom of the segregation we have made.

The bill classifies the employees by salaries. We must adopt some method, some system. We could have segregated them by post-offices, and then, instead of having a limited number of items, we should have had sixteen hundred to eighteen hundred items.

But when we found that under existing law and under the plans which this Congress had approved by its action making it proper and legal to designate an assistant superintendent of mails entitled to a $1,700 salary to an employment as a cashier, and when we found, in the second place, that the service was being rendered and was properly rendered, that the man was doing satisfactory duty as a cashier, we felt it entirely proper and we felt it would meet the approval of the House if, instead of leaving the matter in that confused condition, we simply named those assistant cashiers at the same salary they are now drawing.

I wish to commend the intelligence and the zeal and the industry displayed by members of the committee, belonging to both the great political parties, in the hard task which they have had before them in an honest endeavor to give some clearer and more definite provision by segregating the items, so that at the end of a fiscal year there might be brought to that committee, and through it to the House, a fuller and more accurate and therefore more satisfactory explanation of these expenditures.

Just one word more, relative to the suggestion made by the gentleman from Tennessee [Mr. MOON], as to the point that the Fourth Assistant Postmaster-General either stated in terms or left the impression that the other divisions of the Department, unexamined by him, were equally susceptible to the charge of fraud as those which his investigation had covered. I find on page 249 of the hearings, in the examination of the Fourth Assistant Postmaster-General, the following colloquy between him and the gentleman from Tennessee [Mr. MOON]. I will read only that part which refers to this particular subject-matter.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. OVERSTREET. I ask unanimous consent for time to read this short colloquy.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. OVERSTREET (reading):

Mr. MOON. General, your report, which you furnished to this committee by direction of the House, contains specifically, does it, all of the investigations in the various Departments, the items and so on?

Mr. BRISTOW. The report covers the investigation that I made. Of course the exhibits of the report were not furnished, but the report covers the investigations I made.

Mr. MOON. You do not furnish the exhibits, but you give your conclusions in that report?

Mr. BRISTOW. Yes, sir.

Mr. MOON. And that report covers all of the items in this branch of the service we are now investigating?

Mr. BRISTOW. It covers all the items where fraud was discovered.

Mr. MOON. That is what I mean. That is a correct statement of the fraudulent transactions?

Mr. BRISTOW. Yes, sir; so far as I could do it.

Mr. MOON. So far as you could ascertain them?

Mr. BRISTOW. Yes.

A little further along, when the subject-matter again recurred, the following took place:

Mr. MOON. Before you leave that item—

Which was an entirely different item—

let me ask this, to save us asking questions and your answering all of these various items in the bill: In your investigation where you discovered fraud you desire the committee, do you, to look to your statement for the facts?

Mr. BRISTOW. I have set forth the facts, as correctly as I could learn them, in that report.

Mr. MOON. It is not necessary to make any further inquiry, if you want us to rely on that; at least I would not.

Mr. GROSVENOR rose and was recognized.

Mr. MOON of Tennessee. As the gentleman from Indiana has just referred to a matter——

The CHAIRMAN. Does the gentleman from Ohio suspend to allow the gentleman from Tennessee to make a statement?

Mr. GROSVENOR. For a moment.

Mr. MOON of Tennessee. The statement, as read from the hearing, by the gentleman from Indiana, covering that question, is entirely correct. I think the gentleman may possibly find in the hearings somewhere else, or if he does not find it in the hearings elsewhere it is because the stenographer was told not to put it down—and there were a great many things we told him not to put down—he will find this question which I asked General Bristow: If in his investigation in matters in the office of the First Assistant Postmaster-General he found anything that led him to

believe—that is the substance of it; I am not attempting to give the exact language—that it was proper to investigate matters in the Second Assistant Postmaster-General's Office, or if he found anything that would lead him to believe that an investigation ought to be made in the Office of the Third Assistant Postmaster-General? He said in reply that he begged to be excused from answering it, and the question was not pressed.

Mr. OVERSTREET. I am not saying that that colloquy did not occur, because, if the gentleman from Tennessee says it did, he is a gentleman whose word I believe; but it was not the statement which the gentleman from Mississippi first quoted, and in answer to his question I stated that I would read from the hearing.

Mr. MOON of Tennessee. I was not present when the gentleman made his statement, and so I make this statement now in order to make the record correct, as I understand it.

Mr. GROSVENOR. Mr. Chairman, I want to congratulate the committee on the most happy and yet the most singular condition of affairs. The chairman of the committee [Mr. OVERSTREET] has stated that he has a very high opinion of the aggregate intelligence, wisdom, patriotism, and everything else that goes to make up a statesman and a good citizen of all the members of the Committee on the Post-Office and Post-Roads. The gentleman from Mississippi [Mr. WILLIAMS] has joined in the certificate, and if he would only furnish photographs it would be found, no doubt, that the whole thing might be seized upon and made use of in the newspapers to advertise Peruna or something of that kind. [Laughter.] The gentleman from Mississippi especially certified to the good judgment and sound wisdom of the gentleman from Missouri [Mr. COWHERD], and the chairman of the committee certifies to his cordial approbation of the statement of the gentleman from Mississippi, and yet no two of them agree about anything in this bill. Here we are hacking away at each other about every item of the bill, and constantly asserting that it is the product of the combined wisdom of the greatest committee on earth. [Laughter.] I do not understand it.

But I rose to say that I want to suggest to this committee whether it would not be wise to go just a little bit further and eliminate the other three subdivisions or grand divisions of the Post-Office Department entirely.

I was furnished yesterday with an official statement, that I unfortunately left at my room, that shows that to-day in the subdivision of the appropriation made by this bill ratifying and carrying into effect the orders of the Postmaster-General that 102,000 employees of the Post-Office Department are under the Fourth Assistant Postmaster-General, and all the other three, the first, second, and third divisions of the Post-Office Department, have only about 26,000 or 27,000 employees altogether, including the Railway Mail Service and everything they have jurisdiction over. Now, I submit whether it would not be wise if the Fourth Assistant Postmaster-General could have all of them transferred under him and let him run the whole machine of the Department himself. I can see no possible reason for it, but step by step great bureaus of that Department have been taken from the other Assistant Postmasters-General and piled up under that single one.

Mr. OVERSTREET. Will the gentleman permit me?

Mr. GROSVENOR. Let me finish this statement. I would like to know whether we can not save the salary of these other gentlemen, and let it all be done by a single individual.

Mr. OVERSTREET. I think the gentleman does not pretend to say that he has an official statement showing that this bill carries an appropriation for 102,000 employees under the Fourth Assistant Postmaster-General?

Mr. GROSVENOR. I do.

Mr. OVERSTREET. Well, I do not know who the official is, but he is absolutely wrong. This bill does not carry anything of the kind. There are only 92,000 employees in the postal service provided for by the entire bill.

Mr. GROSVENOR. Let us see how accurate is the gentleman's statement. How many fourth-class postmasters are there?

Mr. OVERSTREET. If the gentleman includes fourth-class postmasters, there are 68,000 of those.

Mr. GROSVENOR. And there are 102,000 altogether, in one great division of the Post-Office Department, and less than 1,200 men in one, all told, everywhere.

Mr. OVERSTREET. If the gentleman will pardon me again, all of these 68,000 fourth-class postmasters, together with all the other postmasters, are provided for by the appropriation for the First Assistant.

Mr. GROSVENOR. I am not talking about the appropriations in the bill. I am talking about the classification that exists to-day in the Post-Office Department. And I am not mistaken. I have the figures, and they have been verified very carefully.

Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a paper touching upon the identical question that has given us so much trouble. It is a fair statement by a fair man, who puts his views upon this question involved in a very proper way.

I add the following:

[From the Philadelphia Press, March 15, 1904.]

A MATTER OF "HOT AIR" AND COLD TRUTH.

During the heated debate in the House of Representatives last Friday on postal matters Mr. CLAYTON, of Alabama, said:

"Then, later on, when these enterprising public servants were not content with the horse laugh of that distinguished individual [Postmaster-General Payne] they again asked him, and pressed it upon him, 'What about the Tulloch charges of great corruption and dishonesty in the Post-Office Department,' this man is reported to have said in reply, 'The Tulloch charges are all hot air.'"

Mr. CLAYTON proceeded to stigmatize and denounce Mr. Payne as "Mr. Hot-Air Man." Criticism from other quarters has been directed to the same point. Mr. CLAYTON is right in indicating that this expression, "hot air," was limited to the Tulloch charges. It was not used in connection with the general postal charges, not in reference to a single one of the charges which General Bristow has investigated, though many of the reckless critics have falsely treated it as applying to all. The time has now come when it will not be inopportune to inquire if Postmaster-General Payne's indignant characterization of the Tulloch charges, whether wise or not, was not true and justified.

The Tulloch charges were first publicly made in a newspaper interview in the spring of 1900. They referred solely to the relations between the Post-Office Department and the Washington City post-office, and did not touch any of the matters which have been the subject of investigation during the past year. In substance, they alleged that the Department had forced the Washington office to do various improper things, chiefly concerning appointments. When the Bristow investigation began last year the Tulloch charges were repeated. The Postmaster-General called on various parties—among others, the Comptroller of the Treasury, Judge Tracewell, who had investigated the Washington post-office for the period covered by the charges—to tell what they knew about them. The examiner used for this investigation by Judge Tracewell was one Gilmer, and it turned out that the Tulloch charges were substantially derived from certain papers which had been purloined by Gilmer. All this is set forth in Comptroller Tracewell's letter, dated May 22, 1903, from which the following extracts are taken:

"Mr. Gilmer had gone over the work of the Washington post-office for one whole quarter, and had spent four months thereon. No fraud was discovered. Some irregularities had been discovered and corrected, some claims had been paid from the wrong appropriation, but they had been paid and audited, and under such circumstances, when the amount is small, I do not ordinarily disallow, as it would necessitate it being covered back into the Treasury and again paid and audited from the correct fund. I do, however, correct the practice. This I did in this instance, and not even Mr. Tulloch claims to the contrary. * * *

"Therefore the letter [a letter cooked up by Gilmer to be signed by Tracewell leaving the offices at New York and Washington out of further examination—Editor] did not arouse my suspicion, nor did I then suppose it was obtained for improper purposes. Mr. Gilmer, however, did not have it copied in my office, and when he left he took it with him, and took with him also the original working draft of the demand upon the postmaster for explanations.

"After Mr. Tulloch published his statement I discovered this abstraction [because it was plain to him that Tulloch's statement was based on the purloined papers—Editor] and asked Mr. Gilmer about them. He brought them to my office, and when asked why he had taken them away and given them to Mr. Tulloch he broke down and in tears told me he blamed me for his removal from my office. His removal was not at my instance."

But this is not all. On "the original working draft (thus purloined) of the demand upon the postmaster for explanations" was based a formal letter calling for such explanations. The answer was signed by Postmaster Willett, but it was actually prepared by Mr. Tulloch, who was then cashier and did not expect to be removed. On this answer and on his own investigation Comptroller Tracewell audited and allowed all of the accounts except $931 in amount. Three days after Tulloch was removed he first made his charges privately. Just about the same time an inspector made a report on the same points, and it is perfectly plain to anyone who examines the papers that Gilmer, Tulloch, and the inspector worked together for their own purposes.

It thus appears, first, that the Tulloch charges were based on papers purloined by Gilmer from the Comptroller of the Treasury; second, that Tulloch, as cashier, prepared a full answer to the charges which Tulloch as a dismissed employee afterwards made; and, third, that with Tulloch's answer to Tulloch's charges, and with his own examination, Comptroller Tracewell effectually disposed of the Tulloch charges as set forth in the above extract.

We are now prepared for the next chapter. After the Tulloch charges had been thus shown to be baseless, except as to some minor irregularities, they were, by some strange mistake, referred to Messrs. Conrad and Bonaparte, "special counsel." Their report severely condemns Comptroller Tracewell and, so far as relates to the Tulloch charges, it rests primarily and fundamentally on a full acceptance and indorsement of Gilmer. It says: "In our opinion this (the treatment of Gilmer) constitutes one of the most serious and significant features of the situation developed by the papers laid before us." And among its conclusions this Conrad-Bonaparte report includes the following:

"Tenth. The detail of Thomas W. Gilmer to different work of a lower grade and at a reduced compensation by F. A. Vanderlip, then Acting Secretary of the Treasury, under all the circumstances attending it, was apparently unjust and oppressive and certainly disastrous to the public interest. * * * It seems to have been preceded by no sufficient inquiry on the part of Acting Secretary Vanderlip, and would render proper an investigation of the latter's conduct were he still in the public service."

This reference to Mr. Vanderlip is not only unwarranted but outrageous, as will appear more clearly further on. We may digress a moment to give one of many illustrations of the grotesque character of this Conrad-Bonaparte report. Ex-Attorney-General Griggs, who had some official dealings with Gilmer, was asked by the Postmaster-General for a statement on the subject, and in his reply, dated May 22, 1903, he said:

"The man I have in mind, if it was Gilmer, had manifested a very unreasonable and disagreeable prejudice against the officers of my accounting division, and made himself busy in raising trivial objections on legal grounds to the accounts of my Department, so that at one time the monthly pay of about one-third of my Washington force was threatened with a hold-up and this upon a point which had practically been disposed of for fifteen or sixteen years. I complained to the Comptroller that it was impossible to get along if the accounts of the Department were to be subjected to malicious objections merely to gratify personal spite of one of his subordinates, and I think it was considered for the good of the service that Mr. Gilmer should be transferred to some other position where he would not make so much unnecessary trouble."

And yet the absurd "special counsel," unconscious of their own buffoonery,

copy this plain but scorching statement of Mr. Griggs, and then comment as follows:

"While Mr. Heath and Mr. Vanderlip found in the rudeness, offensive manner, and discourteous conduct of Mr. Gilmer grounds which induced the one to complain and the other to act upon such complaint by removing Mr. Gilmer from his position, it will be observed that neither Mr. Griggs nor Mr. Castle assigns any such grounds for their complaint!"

Did anyone ever know pretended lawyers to perpetrate more preposterous tomfoolery?

When the Conrad-Bonaparte report was submitted there was nothing for the President to do, if he accepted and trusted it at all, but to remove Comptroller Tracewell as well as some others. The report sided wholly with Gilmer and condemned the Comptroller, and the President had either to reject the report or reject the Comptroller. Before deciding he very wisely referred the subject to the Secretary of the Treasury for further examination, and the following extracts from Secretary Shaw's report to the President, dated October 9, 1903, embody his conclusions:

"As soon as the Tulloch letter was published I personally investigated the connection of Judge Tracewell with the matters involved. I then reached the conclusion that he had passed a few improper payments. I was convinced, however, that it was an error in judgment, and the amounts were very small. I went over the whole matter with Mr. Gilmer, and I became convinced that this gentleman was seeking to embarrass the Department and his former chief. He injected into his examination every possible insinuation, and was wanting in that measure of frankness which is important in all these matters.

"I inclose herewith a somewhat more detailed statement of these witnesses (witnesses as to the methods of Gilmer) as taken down in my office, and also a potition in the Court of Claims, Edward A. Moseley *v.* The United States, prosecuted, if I am rightly advised, by Mr. Holmes Conrad. Mr. Moseley told me, as he was leaving the office, that Mr. Conrad made unfavorable comment to him with reference to the technical absurdity of Mr. Gilmer's position. For instance, he rejected vouchers signed by S. P. Langley, Secretary of the Smithsonian Institution, because there was no proof that S. P. Langley was Secretary of the Institution. There were a large number of other complaints of that character.

"As nearly all the criticisms of Mr. Tracewell relate to differences between him and Mr. Gilmer, and as Mr. Gilmer is manifestly an unsafe custodian of any man's official reputation, I think the Comptroller should be exonerated.

"I think this further statement is due Mr. Tracewell. I have been in this office for twenty months, during which time I have had occasion to study Mr. Tracewell at close range. I have never detected any trace of yellow, nor any indication that he was wanting in sterling integrity. During the last year Mr. Tracewell's office passed upon 160,000 warrants, covering $3,700,000,000. He disposed of 1,300 appeals and rendered 1,300 written opinions. That he may have occasionally erred in judgment he will not seek to deny. That he has erred from the path of strictest integrity no one has yet presumed to charge."

Of course this report of Secretary Shaw settled the matter. It settled Gilmer and it settled the Conrad-Bonaparte report. It vindicated Comptroller Tracewell. How untrustworthy and even ridiculous the report of the "special counsel," who began their work by violating law, appears in the light of Secretary Shaw's calm and cutting statements! It is even shown that in another matter Conrad himself commented on the "technical absurdity of Gilmer's position"—Gilmer, the purloiner of papers, who is the Alpha and Omega of the Conrad-Bonaparte report. The President doubtless realizes that, under advice either foolish or malign and against his own better judgment, he made a mistake in referring the Tulloch charges, after they were a closed incident, to the "special counsel," but he wisely and admirably extricated himself. His action repudiates the Conrad-Bonaparte report, and the only result is to discredit the "special counsel" as investigators and disgrace them as lawyers. Comptroller Tracewell, who in answer to the Tulloch charges said, "No fraud was discovered," is sustained, and with his justification the Tulloch charges, except as to some irregularities, fall to the ground.

It might have proved wiser if Postmaster-General Payne had remained silent; but, indignant at what he knew to be false and knowing the truth as he did, what candid and fair-minded man on reviewing the case will not say that as a matter fact, wise or unwise, he was right and correct in characterizing the Tulloch charges, not the general postal charges, as "hot air?"

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is their objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, auditors, bookkeepers, cashiers, chief stamp clerks, finance clerks, night superintendents, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of inquiry, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, twenty-five, at $2,400 each, $60,000.

Mr. ALEXANDER. Mr. Chairman, I desire to ask the chairman of the committee a question regarding the paragraph just read, at the top of page 4. As I understand it, it gives the officials in the Post-Office Department discretionary authority to indicate the number and salary of appointees in the different post-offices. Is not that true?

Mr. OVERSTREET. Answering the gentleman, this item appropriates for just exactly the number of men now employed in the various offices. I think it is true that the distribution of these men was made upon an order of the Postmaster-General and the postmasters of the respective cities. It would be, Mr. Chairman, as my friend from New York would admit, utterly impracticable for Congress to designate the exact officers and the number of them for a specific post-office in the country. Under the law the postmasters of the first class, who are the administrative officers of their respective offices, take up these matters pertaining to their individual offices with the Postmaster-General, and they two together determine the number of employees that can be had as the necessities demonstrate.

Mr. ALEXANDER. I beg to differ with my friend from Indiana. I understand that heretofore it has been left to the Postmaster-General or to his subordinates to say whether the postmaster shall have one, two, three, or ten high-salaried clerks or appointees, and I am informed that there is an unequal distribution of these higher grades throughout the different post-offices.

Mr. OVERSTREET. If the gentleman will pardon me a minute, he will realize, or will appreciate, rather, that these higher-grade officers are based upon the percentage of the salaries of the postmasters. Therefore, with the percentage applied to the postmaster at Buffalo or New York or Chicago you have the basis, and the postmaster at either one of these three places, taking the subject-matter up with the Postmaster-General, would control that office. I am supported in that statement by the testimony of the First Assistant Postmaster-General, who was before our committee and stated specifically that the postmasters were always consulted and an effort made to make a fair distribution.

Mr. ALEXANDER. Now, on the contrary, I had a case that occurred——

Mr. OVERSTREET. At Buffalo.

Mr. ALEXANDER. At Buffalo.

Mr. OVERSTREET. Exactly.

Mr. ALEXANDER (continuing). We wanted to get a high-class clerk at a salary of $2,400, I believe, and I was told in the Post-Office Department that no vacancy existed; that we must wait until a vacancy occurred, because all of the $2,400 salaries had been taken up in other post-offices. From this I assume that it rests entirely in the discretion of the Postmaster-General.

Mr. OVERSTREET. The gentleman may not have been present when I stated a while ago—and the gentleman from Missouri [Mr. COWHERD] made a similar statement—that it is our effort now in the careful segregation of these items to endeavor by the report through the auditing offices at the close of the fiscal year to ascertain more closely the proper distribution of such appointments. Notwithstanding, the gentleman will also appreciate the futility of the effort for Congress sitting here in a few days to determine the distribution of these various employees at so many hundreds of offices in the country.

Mr. ALEXANDER. Oh, no, not at all; if my friend from Indiana will allow me, not at all.

Mr. OVERSTREET. But the fact is, as testified before the committee by the First Assistant Postmaster-General, that the postmasters at these several places are consulted and an honest effort is made by the administrative offices to make a fair distribution of the employees.

Mr. ALEXANDER. The committee on appropriations indicate the number of $2,000 clerks, of $1,800 clerks, and of $1,600 clerks that a bureau shall have in all the Executive Departments.

Mr. OVERSTREET. Exactly so; and if we could have before us every postmaster and interrogate him as to the number that would be necessary and lay before the committee the conditions of each post-office, that would be permissible; but owing to the large number of offices we are obliged to leave it to the two administrative offices, the postmaster and the Postmaster-General.

The CHAIRMAN. The time of the gentlemen from New York has expired.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York a question in my own time, if I may. I understood the gentleman to say, in his judgment, that there was favoritism or an unfair distribution of the high-salaried officers.

Mr. ALEXANDER. Oh, no, I beg pardon; I did not say there was favoritism. I say simply this: That some offices have a larger number of high-class clerks than other offices of the same grade, and there should be a rearrangement. That is all.

Mr. MANN. As I would understand the gentleman, I suppose he means that the city of Buffalo ought to have a $2,400——

Mr. ALEXANDER. I am not now referring to Buffalo.

Mr. MANN. I supposed the gentleman was referring to Buffalo because he had had more knowledge there, and I have no doubt he would be right if he referred to Buffalo in that respect, and I want to call the attention of that gentleman and the other gentlemen of the House to the fact that the committee in reporting this bill have not reported a single additional officer with any salary of a considerable amount, apparently going upon the theory that the Post-Office Department in the large cities is to remain without progress, is to remain upon the same plane that it now is—that the receipts and expenditures at the Buffalo post-office will not be increased, and although the Post-Office Department itself in making these estimates recommended an increase in the number of employees in the $2,700 class, recommended an increase in the number of employees in various other high classes, the committee has declined to make any increase whatever of the number of officials of these classes in any case.

Mr. OVERSTREET. I wish to call the attention of the gentleman from Illinois to the fact, as I have stated, that there was a supplemental statement made to the committee by the First Assistant Postmaster-General that is in exact harmony with the provisions of this bill.

Mr. MANN. I understand, Mr. Chairman, after the committee

had gotten hold of the First Assistant Postmaster-General, long after they had made their careful, unbiased estimate, under the influence of these gentlemen they obtained a revision of the estimate—scared, like the gentlemen on the committee themselves have been scared, by the post-office investigation, afraid to do justice to the large cities because they have not as many votes as the rural free delivery, they bring in a bill which proposes to increase the salary of every rural free-delivery carrier over that now provided by law, and not giving the places to the large cities which they are now entitled to by law.

And the gentleman from Buffalo, like the gentleman from New York and the other gentleman from Chicago, having only a small number in the employ, are compelled to submit because we have not the votes. A moment ago the gentleman from Mississippi [Mr. WILLIAMS], one of the brightest minds in the House, made an assault on the cities of Chicago and New York. It is true the post-office business of Chicago and New York is not carried on for the benefit of those cities exclusively. It is also true that the post-office in Punkville is not carried on exclusively for Punkville. They correspond with the cities, transact business interests; but when the Committee on the Post-Office and Post-Roads had its investigation and endeavored to cripple the post-office service in New York and Chicago, it crippled the service throughout the country, including Buffalo.

Mr. ALEXANDER. I want to say to the gentleman from Illinois that I rose only to ask that some provision might be made in this bill by which Congress should have the discretion to say where the high-class clerks should go, and not leave it to the Post-Office Department exclusively, and I am pleased to learn from the chairman of the Committee on the Post-Office and Post-Roads that he is attempting to get a system by which this can be properly regulated.

Mr. MANN. Does the gentleman think that Congress will ever appropriate specifically for the number of clerks in each post-office throughout the United States?

Mr. ALEXANDER. Certainly, in post-offices of the first class; and it can be done easily.

Mr. MANN. The gentleman has no conception of the number of post-offices in the United States.

Mr. ALEXANDER. The gentleman does have a conception of the number of first-class offices in the United States.

Mr. MANN. I will be frank with the gentleman. I would be glad to have it done, although thereby we should dispense with the practice in the House of the log-rolling scheme for the purpose of doing justice to Chicago and New York along with Punkville.

Mr. ALEXANDER. It would take a subcommittee of the Post-Office Committee about thirty minutes to bring in a provision by which these clerks could be distributed fairly among the first-class offices.

Mr. PAYNE. Will the gentleman from New York yield to me?

Mr. ALEXANDER. Certainly, but my time has expired.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I want to ask my colleague the question whether he is prepared in the next thirty minutes to give us a report on what Buffalo requires in the post-office? He says a subcommittee could go ahead and in thirty minutes provide for these clerks.

Mr. ALEXANDER. Buffalo is getting along very well. This is in the interest of reform. [Laughter.]

Mr. HILL of Connecticut. Mr. Chairman, I would like to ask the chairman of the committee a question.

Mr. OVERSTREET. Certainly.

Mr. HILL of Connecticut. I would like to ask the chairman of the committee this question: I understand that during the past few months a board of classification has been engaged in the Post-Office Department revising the salaries of cashiers and assistant postmasters, etc., I would like to know if this bill carries an estimate made by that board of revision, and whether, after the bill is passed, we shall find in various cities in the country that the salaries of assistant postmasters have been cut down and some raised?

Mr. OVERSTREET. Oh, no; there is nothing in here which looks to the reduction of salaries of this class or of any other class. There is nothing in the bill that looks to the promotion of any of this class.

Mr. HILL of Connecticut. What was the work of the board of classification?

Mr. OVERSTREET. That board of classification did make a report, and it was after they had made that report to the Postmaster-General that the supplementary estimates were made to the committee by the First Assistant Postmaster-General. We have followed very generally the nomenclature so as to make the designations conform to that. We have followed also the number of employees distributed by salaries which they are now receiving, giving the new designation.

Mr. HILL of Connecticut. But no change of salaries?

Mr. OVERSTREET. No change of salaries. There is a provision for the lower grades of $600 and up to $1,700 for pure promotion purposes.

Mr. HILL of Connecticut. But no change as a general thing?

Mr. OVERSTREET. Not at all.

The Clerk, proceeding with the reading of the bill; read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, chief mailing clerks, chief stamp clerks, night superintendents, superintendents of carriers, superintendents of delivery, superintendents of inquiry, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, sixteen, at $2,100 each, $33,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In the estimate made by the Post-Office Department some time ago, they estimated for twenty-five of these positions. Last year the appropriation bill carried sixteen, and the committee now appropriates for sixteen. I would like to ask the gentleman whether any inquiry was made on what the post-office estimate was made for the number twenty-five?

Mr. OVERSTREET. Promotion purposes entirely. Supplementary estimates based on the service without regard to promotion was made at sixteen.

Mr. MANN. Does the gentleman think that there ought to be no possibility that the Post-Office Department for superintendents and postal stations should have a promotion over $2,000?

Mr. OVERSTREET. I do not attempt to foreclose against that. I do say that the past several years have shown a larger amount for promotion purposes alone in offices of this grade than this present bill provides.

The committee went on the theory that inasmuch as there have been provisions for promotions of the higher grade of clerks in first and second class post-offices in the last few years, we this year would address our attention more particularly to the lower grade clerks for promotion, and we made larger provision for that grade than for the higher grades. It was in the interest of economy and because of the belief that there had been a very fair provision made in the past few years for the higher grades.

Mr. MANN. Yes, I have no doubt the gentleman had that belief. How he acquired it I can not tell. The truth is that the promotions were not made in the higher grades in the last several appropriation bills. The increase in number was for actual service, and there has been substantially no increase in promotion. Every man, I suppose, speaks from his own experience and observation, and I will say that in the city of Chicago there are several postal stations requiring much higher ability than the ordinary second-class post-office.

There is a much greater responsibility attached to them. They handle a much greater quantity of mail. And yet if a man gets in a second-class office because he sells $10,000 worth of stamps, his salary goes up over $2,000. I have in my district men in charge of several stations, at $300 a year, who sell more stamps, issue more money orders, and register more letters than two-thirds of the second-class offices in the United States, and yet you do not propose to give any increase there at all. It is a constant worry to the post-office officials in Chicago to keep many of them in employment there.

Mr. OVERSTREET. If the gentleman will permit me, I will be glad to read to him from the last report of the First Assistant Postmaster-General on that subject. He says:

In the grades above $1,400 there were sufficient vacancies to permit of promotions of superintendents and others where increases were warranted by the importance of the positions and the capabilities of the employees.

Mr. MANN. That is just what I was saying. It was not carried in the appropriation bill. There was no provision in the appropriation bill.

Mr. OVERSTREET. There were vacancies.

Mr. MANN. That is his opinion—a few vacancies.

Mr. OVERSTREET. He states it as a fact, not as an opinion.

Mr. MANN. The gentleman knows as well as I do that not many vacancies occur in these places, either through death or resignation, and there were no appropriations made in the appropriation bill. I have no doubt that the gentleman believes that the appropriation bills had made sufficient provision, but he is undoubtedly mistaken in that.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Yes.

Mr. STAFFORD. I wish to call attention to the fact that in the post-office bill for the fiscal year 1904 provision was made for sixty in the $1,800 grade, and yet only fifty-three are now employed at that salary. This allows the First Assistant a margin of seven positions to promote men from grades below $1,800, if he found there was need for it. He evidently did not find any necessity for this. We can not compel him to promote. All we can do is

to give him a leeway in case the service demands it. If he has not availed himself of that power there must be some reason for his not making such promotions.

Mr. MANN. The gentleman takes a special or particular time when there is a vacancy. There is no department of the Government, not a single one, not even Congress, that at some specific time has not a vacancy, and, on the gentleman's theory, when some Member of the House passes away, he would say: "Oh, do not elect any man in his place; we do not need so many men here."

The CHAIRMAN. The time of the gentleman from Illinois has expired. The Clerk will read.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, sixty, at $1,800 each, $108,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to make practically the same inquiry of the gentleman in charge of the bill, as to whether it is his intention here not to give any promotions or whether the purpose of the committee is to save all the money it can in this class of work and give it to the rural free-delivery carriers. I want to find out what the real purpose is.

Mr. OVERSTREET. Mr. Chairman, the present law, the one that passed last Congress, authorized sixty appointees in this particular service. Fifty-three are now in use. The supplemental estimates submitted to the committee for this particular item are just what we here provide. We did not think it prudent this year to make provision for promotions of employees in the postal service receiving as high a salary as $1,800. The very fact that there was a greater demand to-day for larger compensation in the lower grades than has existed heretofore, supplemented by the fact that the lower grades have not received the same consideration by way of promotions in the past commensurate with the service which they have rendered, prompted the committee to adopt that policy. There is no provision made directly for promotions above the $1,700 grades.

Mr. MANN. May I ask upon what the Post-Office Department based its recommendation that there be an increase of twenty in this class—an increase from sixty to eighty? I should like to find out whether the opinion of the Department is worth anything at all.

Mr. OVERSTREET. Oh, yes; I think it is.

Mr. MANN. Well, here they sent in their estimates, and you have not followed those estimates in a single case.

Mr. OVERSTREET. Let me answer the gentleman's question. Their first estimate contemplated a larger number of promotion cases than we felt we ought to authorize. Their first estimate provided promotions up to the highest grade of clerks. We felt that was going too far this year, and we did not approve it. We therefore said to the gentleman representing the First Assistant's office, "We do not want to promote above the $1,700 grades. We do not want to recommend to the House promotions—pure promotions—above that grade. We will grant appropriations solely for promotion purposes—three in the $1,700 grade, and running down to the lowest grade in the service, a very large proportion being in the grades below $800.

Mr. MANN. Can the gentleman inform us how much more this bill carries than the existing current law?

Mr. OVERSTREET. About $16,000,000, in spite of our efforts at economy.

Mr. MANN. Yet the gentleman says that all these increases would be for promotion purposes. The assumption of the gentleman who proposes an increased expenditure of $16,000,000 is that it requires no brains to manage the postal system. He provides for no increase in any of the grades receiving a salary of over $1,700. That is nonsense on the face of it. The only reason in the world why these increases have not been made, after having been recommended by the Post-Office Department, is that the gentleman wants to take the money to pay rural free-delivery carriers. But I warn him that that will not be done on this bill.

A MEMBER. We shall see about it.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, physicians, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 119, at $1,700 each, $202,300.

Mr. STAFFORD. I wish to raise a point of order upon the designation "physicians," in line 8, on page 6, as new legislation.

Mr. OVERSTREET. I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 122, at $1,500 each, $183,000.

Mr. MANN. Mr. Chairman, I move pro forma to strike out the last word. I notice that the Post-Office Department recommended 160 of these $1,500 positions, while the Post-Office Committee recommends 122. Now, I have no doubt that the gentleman from Indiana will say that the Post-Office Department revised its figures. Mr. Chairman, if that Department, when it submits its estimates to Congress in December, is not able to tell us intelligently whether it needs 160 employees at $1,500 or 120 such employees, and must afterwards revise its estimates, it seems to me that it is time to have an investigation of the Post-Office Department—not for corruption, but for imbecility. [Laughter.]

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 369, at $1,400 each, $516,600.

Mr. OVERSTREET. I move to amend the paragraph just read by inserting, after the words "chief stamp clerks," in line 19, the word "clerk." This was inadvertently omitted in the preparation of the bill.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 445, at $1,300 each, $578,500.

Mr. MANN. I move, Mr. Chairman, to strike out the last word. I should like to ask the gentleman in charge of this bill (because I notice that the Post-Office Department recommended 800 clerks, while the committee recommends 445) what the explanation of this is. These are not high-priced clerks; they are clerks appointed upon a salary of $1,300. Was this a reduction because the gentleman was frightened at the number "13?" [Laughter.]

Mr. OVERSTREET. I think the gentleman from Illinois, if he were ever fair, would certainly exonerate me from having shown any evidence of "fear" in recent days.

Answering the gentleman's question, Mr. Chairman, I will say we find there are employed of this grade of clerks 418. We make provision for fifty promotions of that grade.

Mr. MANN. Oh, no.

Mr. OVERSTREET. Twenty-seven promotions of that grade, I believe it is.

Mr. MANN. That is without any regard to the enlargement of the service.

Mr. OVERSTREET. The gentleman will bear with me a moment. If we provide for 418 clerks of this grade, the promotions would come from the next lower grade, and the difference between the two grades would make the improvement in the service.

Mr. MANN. And in the next lower grade there are now 1,400 clerks. Out of that 1,400 you propose a possible advancement of 27?

Mr. OVERSTREET. No, sir; 50 is the number I have here. This is the class in which we began to make the larger number of promotions. We increase as we go down. The gentleman overlooks the fact that the improved service incident to the increased volume of business does not necessitate as many clerks of the higher grade as of the lower.

Mr. MANN. Oh, the "gentleman from Illinois" is perfectly familiar with the postal service in the large cities; and it does require there, more than in ordinary cases, a greater increase in the higher grades than in the lower. The gentleman, in my opinion, is entirely mistaken on that subject.

Here is a case where the Post-Office Department recommended an increase to 800 clerks. The committee cut that recommendation down to 445. I do not know why this comes about. I have no doubt that it is the same hysteria which permeated the House all last week, which filled the Post-Office Committee, and which has made it impossible to obtain proper business transactions in the Post-Office Department.

Why, Mr. Chairman, the Post-Office Department recently sent

a commission to Chicago to examine into the question whether the Post-Office Department ought to make use of the tunnels under the streets in Chicago, and the proposition which had been suggested by citizens and not by the company owning the tunnel was that the tunnel be employed, as it would carry the mail twice as quickly. This commission, which went to Chicago for the purpose of that investigation, have recommended that if the tunnel people will carry the mail twice as quickly that they be permitted to do it without additional expense. It did not require a commission of gentlemen in the Post-Office Department, or of schoolboys, to go from Washington to Chicago to make such a recommendation, or even to cross the street. Everybody knows that if they could get the same service done twice as well for the same money that it would be profitable to the Government. And yet that was the sole result of the labors of these distinguished gentlemen who went out there and came back at the expense of the Government, and I do not blame them for going. I urged that they be sent.

Mr. OVERSTREET. Does not the gentleman know that the Second Assistant Postmaster-General made a different recommendation?

Mr. MANN. Well, I don't know. Perhaps he did not go out there.

Mr. OVERSTREET. I just call the gentleman's attention to that.

Mr. MANN. I have not been informed.

Mr. OVERSTREET. It is in the Second Assistant Postmaster-General's department, and he makes a different recommendation.

Mr. MANN. I do not know about that. Perhaps he knows more about it than the gentlemen who went out there, and I do not doubt it. If their recommendation of 800 additional clerks was of no use to this committee, then their recommendation of other things ought to be of no use. Here is the Department, after years of service, recommending that it would be to the advantage of the service to increase the number of clerks in the $1,300 class 800, and the committee say, "Oh, no; you do not know anything about it. Go back and revise your figures." And because Congress is in fear of the Post-Office Department, and the Post-Office Department has a shake every morning for fear of Congress, they went back, revised their figures, and brought them in as you wanted them

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Assistant cashiers, bookkeepers, carpenters, clerks, clerks in charge of stations, finance clerks, pressmen, printers, and private secretaries, 2,700, at $900 each, $2,430,000.

Mr. MANN. Mr. Chairman, in the $900 class the Post-Office Department recommended 3,200 employees and the committee bring in a report recommending 2,700. That is what we call rapid promotion in the $900 class.

I do not expect, although I very much regret to state it, to obtain amendments to the bill to make it what I believe it ought to be, but I say to the gentleman in all candor that the committee have not fairly treated the clerks in the post-offices in the large cities; and if that be the policy of the committee, and is to remain the policy of the committee, it is just as certain as that to-morrow will come that there will be presented to one of the committees of this House which has jurisdiction of the subject a bill putting clerks in the post-offices on an eight-hour basis.

I called the attention of the distinguished gentleman, Mr. Loud, who preceded the gentleman from Indiana [Mr. OVERSTREET] as chairman of the Committee on the Post-Office and Post-Roads, to a bill which I had introduced amending the eight-hour law, and to the fact also that the bill was not referred to the Committee on the Post-Office and Post-Roads, and hence could not be held up; and after a talk with him it was suggested to me that it was not desirable for the postal facilities of the country to put the clerks upon an eight-hour basis by law, but that it would be done by appropriation bills.

When I first came into this House the clerks in the Chicago post-office were working for $400 a year, fourteen hours a day; and so far as the length of hours is concerned, that is the condition they will be put back to under the policy of the gentleman from Indiana. You make no reasonable provision for the increase of the service. Nearly all of the increases which are made are in the $600 class, and there is not a sufficient increase there. Ever since I have been in the House the appropriation bill for these purposes has been larger than the estimates of the Post-Office Department. That is because the postal service is increasing so rapidly that between the time of the estimates and the passage of the bill it becomes necessary to enlarge the appropriation.

Mr. OVERSTREET. Will the gentleman inform the committee about what is the per cent of increase in the postal business annually?

Mr. MANN. Well, the per cent of increase in a city like Chicago, I will say to the gentleman, is extremely large. I can not give him the exact figures, but since I have been in this House the receipts have increased from about $5,000,000 to $10,000,000 a year, and there has been no proportionate increase in the expenditures of the office.

Mr. OVERSTREET. If the gentleman will allow me, I simply want to say that the increase in business is about 10 per cent annually. The increase carried by this bill for clerks in first and second class post-offices is 10.3 per cent. I doubt very much if the increase in expenses ought to equal the increase in business, but we give about the same increase, and I think that is justification for the provision.

Mr. MANN. The gentleman talks about the country at large.

Mr. OVERSTREET. Certainly.

Mr. MANN. The gentleman knows, as any other gentleman knows, from personal experience, since the report has recently been submitted to the House, that if a man thinks an office in his district of the second class needs clerk hire he has no trouble in getting the clerk hire for it. There is no difficulty in obtaining from the Post-Office one, two, or three clerks where there is any occasion for them. They give these clerks out on the influence of Members; all Members, I think, understand that. But when it comes to giving the necessary clerks to Chicago or New York, it never yet has been done, and probably will not be done so long as those cities grow so rapidly; but it is crippling the service of the Post-Office Department. I have called your attention repeatedly to the number of clerks recommended by the Post-Office Department and the number recommended by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CROMER. I would like to have the gentleman's time extended so as to ask him a question.

Mr. MANN. In your own time I will answer you.

Mr. CROMER. I move to strike out the last word. The gentleman from Illinois has some reference to a place named "Chicago." I would like to know exactly the location of that place and how large it is?

Mr. MANN. Mr. Chairman, I may say for the benefit of the House, and in particular for the benefit of the gentleman who has asked me, that undoubtedly before he would know that much he would have to get that information. [Laughter.] His district lies alongside of Chicago.

The Clerk read as follows:

Clerks, clerks in charge of stations, and laborers, 400, at $300 each, $120,000.

Mr. MANN. Mr. Chairman, may I make an inquiry of the gentleman in charge of the bill? In a letter which was received by the Post-Office Department last summer, under the new régime——

Mr. WILLIAMS of Mississippi. I want to make a point of order, and I do not want to be cut off by the debate.

Mr. MANN. That is all right.

The CHAIRMAN. The gentleman from Mississippi is recognized to make a point of order, and he will state his point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I understand this is an increase.

Mr. OVERSTREET. Which paragraph?

Mr. WILLIAMS of Mississippi. Lines 9, 10, 11, 12, 13, and 14, on page 10.

Mr. OVERSTREET. That has been passed some time ago.

Mr. WILLIAMS of Mississippi. I was trying to follow it as well as I could. It was the last thing I heard read.

Mr. MANN. They passed something without reading; that is a fact.

Mr. OVERSTREET. They passed these items.

Mr. MANN. They passed two or three items without reading.

Mr. OVERSTREET (to Mr. WILLIAMS of Mississippi). What is your point?

Mr. WILLIAMS of Mississippi. The point of order is that this is an increase—"clerks, clerks in charge of stations, janitors, laborers, messengers, porters, and watchmen, 800 at $500 each." I ask the gentleman if this is not an increase, in lines 9, 10, and 11, on page 10?

The CHAIRMAN. The Chair is informed by the Clerk that all those paragraphs have been read.

Mr. MANN. I think not. The Clerk thinks so; but as a matter of fact the last two were not read.

Mr. OVERSTREET. Mr. Chairman, this is not an increase of salary over authority of the present law. But we do make provision for promotion from the next lower grade to that grade of 120—that is to say, we increase the number in that grade, which will make enough vacancies into which 120 of the next grade can be promoted.

Mr. WILLIAMS of Mississippi. That would, I think, be a change of existing law.

Mr. OVERSTREET. Not at all, because the existing law authorizes clerks of that grade without fixing the number.

Mr. WILLIAMS of Mississippi. At how many?

Mr. OVERSTREET. Why, we have to increase the number from year to year as the service increases. Under that particular item there are 198 now in use, and we provide for 500, for the reason that we want to give these clerks of that service more money; but in the lower grade we take into account the number which we provide in promotion into the higher grade in fixing the number.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, the point is this: That the number and the salary of the grade is described. That the number of the higher grade is increased, and as a consequence of that there is an increase of appropriation and an increase of the amount appropriated to salaries, and therefore it is a change of existing law. The total number of employees, as I understand, is left undisturbed. You take a certain number of a lower grade and put them into a higher.

Mr. OVERSTREET. If the gentleman will allow me, I think the gentleman will admit that as the service grows more clerks are needed.

Mr. WILLIAMS of Mississippi. Yes.

Mr. OVERSTREET. Therefore we can not say that we are limited each year to the exact number which the preceding year's law had permitted.

Mr WILLIAMS of Mississippi. No; the gentleman from Mississippi does not say that; but he says that in that higher grade they are limited in the salary there. Now, Mr. Chairman——

Mr. OVERSTREET. No; we simply do this, if the gentleman will allow me: We simply fix the total number of clerks who are entitled to $500 a year.

Mr. WILLIAMS of Mississippi. Yes.

Mr. OVERSTREET. The last law authorized 200.

Mr. WILLIAMS of Mississippi. Yes.

Mr. OVERSTREET. And the next law will authorize more.

Mr. WILLIAMS of Mississippi. Yes; and this law authorizes 800.

Mr. OVERSTREET. Well, I was looking at the wrong item. The present law authorizes 800. There are in use 824 of that grade, so that we provide—I was looking at a different section from what the gentleman had addressed me upon—in that section the same number the present law authorized.

Mr. WILLIAMS of Mississippi. But at an increased salary, is it not?

Mr. OVERSTREET. Well, no.

Mr. WILLIAMS of Mississippi. Then turn to lines 12, 13, and 14. What have you done there?

Mr. OVERSTREET. The present law authorizes 800 clerks at $500. This law provides the same. I will not be accurate on that.

Mr. WILLIAMS of Mississippi. In the next clause there are 500 clerks at $400 each.

Mr. OVERSTREET. The present law authorizes 200 and we provide for 500. That is the one I was addressing myself to.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not think the point of order lies, and I will not insist upon it.

The CHAIRMAN. The gentleman from Mississippi withdraws the point of order. The gentleman from Illinois [Mr. MANN] moves to strike out the last word, and is recognized.

Mr. MANN. Mr. Chairman, I would like to ask the chairman in charge of the bill whether the clerks at $500 a year are paid out of this appropriation or some other appropriation?

Mr. OVERSTREET. Oh, out of this appropriation.

Mr. MANN. Well, the gentleman says that with so much assurance that I have no doubt he may be correct, but still we made an appropriation last year for 800 clerks at $500 a year, and in the face of that the Post-Office Department sent out this kind of a letter:

In the case of stations receiving $500 or more it has been decided to pay the expenses out of the appropriation for clerk hire—

A wonderful statement—

instead of from the rent, fuel, and light appropriation.

I commend to the gentleman an investigation upon that subject, and what I want to know is whether this appropriation of 800 $500 clerks is to be paid out of clerk hire directly or out of the appropriation for rent, light, and fuel.

Mr. OVERSTREET. I can answer the gentleman. Mr. Chairman, the committee found that under an old ruling some years ago relative to the compensation of clerks at stations—meaning clerks at drug stores which are called stations of the post-office—they had allowed compensation from the item of appropriation for rent, on the theory that it went to the rent of the room and the payment——

Mr. MANN. No matter what the theory was, I understand the gentleman's theory. I want to get at whether there are enough or not——

Mr. OVERSTREET. Let me answer the gentleman. Upon getting that information we made the specific request of the Department to take from all of the positions that were then being paid for out of that item the clerks called for and put them in the estimate for clerks at stations to be paid for out of clerk-hire allowance, and deduct from the appropriation for rent an equal sum of money.

Mr. MANN. Oh, yes; and the gentleman makes no increase of the number at $500 a year. What became of the money that was appropriated to $500 a year clerks? If they were paid out of the appropriation for rent, light, and fuel, where did the money go that we appropriated?

Mr. OVERSTREET. The gentleman from Wisconsin [Mr. STAFFORD] has the data before him, and he will answer the gentleman.

Mr. STAFFORD. Mr. Chairman, I would like to say to the gentleman from Illinois, in reply to his question, that we provide 640 additional places of the $600 grade. That will necessitate vacancies in the $500 grade, but that will allow promotions of some 400 more places in the $500 grade.

Mr. MANN. Now, a very large proportion of these places are known as substations in the city. For instance, I will give the gentleman a case which ought to appeal to his judgment. Here is the case of a man who has a substation in a drug store, employing a clerk at an expense probably of $1,000 a year to attend to the postal business. He gave me a written affidavit last year to submit to the Post-Office Department, showing that the call for stamps alone in his store amounted to more than 100 a day throughout the year, and he sold last year stamps to the amount of $11,839. He issued 2,870 money orders, amounting to $22,293, and he registered 687 letters.

Mr. OVERSTREET. How many drugs did he sell?

Mr. MANN. He didn't sell a single drug because the post-office was located in his store, because he is in a settlement by itself in the city of Chicago, and nobody comes to his store because he sells stamps. His location is at the corner of Seventy-first street and Cottage Grove avenue, a location by itself just as much as though it were off in the country, and yet when the postmaster at Chicago, under the rules of the Post-Office Department, recommended that he be granted an increase from $400 to $500, under all the rules that have been observed by the Department before, they informed him that that could not be done, because, I suppose, the appropriation for rent, fuel, and lights was running short.

Mr. STAFFORD. It is true that under a prior practice the Department did pay for this——

Mr. MANN. Oh, the gentleman misunderstands me. I am not criticising the Department; I am criticising the committee.

Mr. STAFFORD. But we made provisions for these very clerks, the $500 class, the $400 class, the $300 class, the $200 class, the $100 class for promotion to meet the very cases which the gentleman is speaking of.

Mr. MANN. But it makes no provision for these clerks in the bill at all.

Mr. WILLIAMS of Mississippi. Mr. Chairman, as I understand this, although the gentleman from Illinois said that he makes no criticism of the Department, it seems that the Department has been using a fund that was appropriated for rent, fuel, and light for the purpose of paying salaries to clerks. Is that true?

Mr. OVERSTREET. I explained that that was on a ruling by an officer that it was in the nature of rent of the room and for fuel and light; in other words, if they establish a post-office station in a drug store, that one hundred or two hundred dollars—these are small items—would go for compensation for the occupancy of the room. The committee took the position that it ought to go to the clerks, and therefore we took out of the rent, fuel, and light item an equal amount to that paid to the clerks and distributed in this way.

Mr. WILLIAMS of Mississippi. I understand, however, that hitherto, before the committee corrected this abuse they were diverting an appropriation for rent, fuel, and light to the payment of clerk hire.

Mr. OVERSTREET. I think it is not quite correct to say "diverted," because there was a belief that a lawful construction of it would permit that kind of a thing. They regarded it as rent.

Mr. WILLIAMS of Mississippi. There could not have been an honest belief to the effect that an appropriation by Congress for rent, fuel, and light was usable for the payment of clerk hire.

Mr. OVERSTREET. If the gentleman will pardon me——

Mr. WILLIAMS of Mississippi. Somebody in the Post-Office Department must have put an executive piece of legislation on the country when he used an appropriation for rent for the purpose of hiring clerks.

Mr. OVERSTREET. The gentleman will recollect that some years ago the practice prevailed in a contract between the owner of a building in which a station was located and the Government of holding that the contract was for the use of the room.

Mr. WILLIAMS of Mississippi. But that was not prevailing at the time of this abuse.

Mr. OVERSTREET. Oh, no.

Mr. WILLIAMS of Mississippi. What I want to ask the chairman of the committee is this: Have you found out who it is in the Post-Office Department that has been using this appropriation for rent to pay clerks?

Mr. OVERSTREET. It has been running on for a number of years.

Mr. WILLIAMS of Mississippi. So there were a number of them?

Mr. OVERSTREET. I don't know how many.

Mr. WILLIAMS of Mississippi. It does not make any difference whether it is one or a number, but somebody has rendered himself liable for impeachment; somebody has been executively legislating; somebody has been depriving the legislative branch of this Government of its constitutional power and right to say where the public money shall go.

Mr. MANN. It commenced under Cleveland's Administration.

Mr. WILLIAMS of Mississippi. I don't care if it commenced under Abraham Lincoln or George Washington's Administration, and I expect if they commenced it under either one the class of people guilty of it would be barred by statute of limitation, that has permitted so many to escape. But somebody has been doing it recently who is not barred by the statute of limitation. I think the country would like to know, and the House would like to know, whether the Post-Office Committee is prepared to give the names of the executive officer or officers who have been indulging themselves in this abuse, and indulging their people in these salaries, and changing the law that the legislative branch of this Government has enacted by statute at their own sweet will and under the guise that their discretion thus exercised was for the good of the service.

Now, I would like to ask the gentleman if he knows the name of any officer in the Post-Office Department who is responsible for this abuse, so that Congress may know it and the country may know it.

Mr. OVERSTREET. Mr. Chairman, I will answer the gentleman, giving him as much information as the committee has. When the committee inquired into this class of service from the representatives from the First Assistant Postmaster-General, it made inquiry as to the methods which were in vogue respecting the distribution of these various substation clerks or station clerks, how many of them were used, what the number was, etc. It was stated to us—I do not recall by whom—that there had been for a number of years, not a few, but for many, a practice of making a payment out of the appropriation for light, fuel, and rent for some of these clerks at stations. We had before us the First Assistant, Mr. Wynne; the chief of the salary and allowance division, Mr. Waters, and, I believe, one of his assistants. The explanation was made by those gentlemen, or at least one of them, that it was under a construction of the law given by a superior officer—I do not know by whom nor under what Administration.

Mr. WILLIAMS of Mississippi. A law officer of the Department?

Mr. OVERSTREET. I do not know. I do not know that he stated; but it was some years ago, and I understand the construction was that on account of its being the use of a room that officer construed that they could apply the appropriation for rent, light, and fuel to the employment of those station clerks. The committee then said whatever that might have been at the time it was authorized that we did not consider it good business practice.

Mr. WILLIAMS of Mississippi. Surely the committee did not consider it common honesty, did they?

Mr. OVERSTREET. The light, rent, and fuel appropriation is given for that purpose, and we asked them in their supplemental estimates or recommendations to account for those clerks at the salaries they were receiving from that fund, incorporating them in the various items they fixed and then to reduce the item for rent, fuel, and light by an equal amount. That came in from the same Department.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, this brings up one of the most important questions now facing the American people. It used to be the part of a judge, when he struck a statute in the exercise of his judicial functions, to read the statute and say to the world, "Ita lex scripta est." It has become now the habit of the courts to change written letters, phrases, and words to suit their idea of "changing conditions," but I little imagined that we had gone just a little bit beyond that. I little imagined when I first came to Washington that the judiciary was not the only part of this Government "making laws by construction." Now we are brought face to face in this particular item with an abuse with which we are all acquainted, namely, the abuse of the executive department of the Government "making laws by construction." Further, when we want to know who has made the law by construction we can not find out. Some little underling of a clerk, perhaps, receiving somewhere between $1,200 and $2,700 a year, construes a law of Congress "to pay rent" so many dollars a year to be a law of Congress "to hire clerks" at so many dollars a year; and all that a great committee of the House of Representatives can do when it is faced with that fact is to say, "How many clerks have you been hiring under that appropriation; how far has your abuse and misuse gone? Let us cover it with our confirmation and approval by putting the clerks now illegally employed upon the legal list." Not one word of impeachment do we hear of the fellow who has abused the law, and who must consciously and knowingly have abused it, because there never was a man born so great a fool as to imagine that an appropriation for "rent, light, and fuel" was an appropriation for "clerk hire."

[Here the hammer fell.]

Mr. OVERSTREET. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last two words.

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman from Indiana will indulge me a moment——

Mr. OVERSTREET. Oh, I will yield to the gentleman.

Mr. WILLIAMS of Mississippi. The hammer fell down, and I am so accustomed to obedience in the House that I really thought I had to stop for a moment. [Laughter.] But I really would like a little more time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I do not think I shall need all of that time. Here is a great committee of the House, and all it has to say to the House and to the country about this "newly discovered evidence" of ancient rottenness is that the people in favor of whom the misconstruction had been going on had better be legalized and put upon the list of the properly employed men in the Department of the Post-Office.

Mr. WATSON. Mr. Chairman, does not the gentleman from Mississippi know that every one of those accounts was audited by the Treasury Department and found correct?

Mr. WILLIAMS of Mississippi. I suppose they must have been or they could not have been paid, and, if that is true, then we better go a little bit further in our investigation of the executive part of this Government and investigate the Treasury Department and see who it was that dared to allow a statute of Congress to "pay rent" to be changed into a statute to pay clerks. [Applause and laughter on the Democratic side.]

Mr. MANN. Will the gentleman permit an interruption?

Mr. WILLIAMS of Mississippi. Yes.

Mr. MANN. I think possibly the gentleman from Mississippi is a little bit mistaken. This matter might almost as easily be chargeable to rent as to clerk hire.

In most cases a substation is located in a drug store. The man in charge of that station gets, we will say, $ 00 a year. The Post-Office Department used sometimes to charge this to rent; sometimes to clerk hire. This money is paid as much for the use of the building as for the services of the person in charge; and it does not, as I understand, relate to any cases where people employed have been really in the service of the Government.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have taken my facts from the chairman of the Committee on the Post-Office and Post-Roads; and I do not believe that he is mistaken about the facts. The facts as I have stated them were just what he stated in the hearing of the House. If the gentleman from Illinois is right, then there is a double wrong, because the appropriation ought to have been for "compensation."

Now, Mr. Chairman, I think it is about time that the House of Representatives, elected directly by the people, to pass laws for the people and to see to it that those laws are carried out in spirit and in letter, should investigate this miserable bureaucracy which has raised itself into a position not only of independence of the legislative branch of this Government, but of absolute contempt for it. The persons constituting this bureaucracy do not hesitate a minute to violate any law you may pass at any time they please, and then to tell you with suavity that it was because of a "construction" put upon the law by somebody—God only knows who—they do not tell, and our committees do not find out.

I think the most discouraging thing in American citizenship, as represented upon this floor, is for an honest man to come to Congress and try to find out how to make things in the Departments economical and honest and find himself hedged all around with a perfect wilderness of misinformation, overinformation, or underinformation, whichever happens to suit the fellows who write their decrees and send them to us to be registered in an appropriation bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6787. An act to confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River;

H. R. 4074. An act constituting Utica, N. Y., a port of delivery, and for other purposes; and

H. R. 3565. An act directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas.

The message also announced that the Senate had passed resolutions and bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 61. Joint resolution requesting the President of the United States to negotiate and, if possible, conclude negotiations with the Government of Great Britain for a review and revision of the rules and regulations which now govern the taking of fur seals in the open waters of the North Pacific Ocean and Bering Sea, and so forth;

S. 4250. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact; and

S. 575. An act to establish a fish-culture station on Blacks Fork of Green River, in the State of Wyoming.

Senate concurrent resolution No. 56.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 500 copies of the index to the documents now compiled in the War Department relating to affairs in Cuba, Porto Rico, the Philippines, and other insular possessions of the United States, for the use of the War Department.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I move to amend by striking out the last two words. The facts, Mr. Chairman, in this case are just these: Formerly—I do not want to say originally, because I am not sure that the matter began in that way, but certainly a number of years ago—there was a practice in the Post-Office Department of contracting for the occupancy of rooms in stores, with the privilege of the use of a part of the room as a post-office station. Under that practice the payment was made out of the item of appropriation for rent, light, and fuel, because of the construction that even though the office did not occupy the entire room, nevertheless the payment was for the use of the room; and the payments were made in accordance with that construction of the law.

The expenditure for clerks at stations who were paid out of the appropriation for rent, light, and fuel was exclusively for the clerks in stations of that character. It was exclusively for clerks at substations, which stations were very largely in drug stores and other stores of similar character.

The Department, operating under the advice of its legal officer, adopted that construction, and I think the construction was proper under the conditions which then prevailed. The natural tendency was to maintain that practice. The accounts were audited in the same manner as other accounts; they passed through the hands of the accounting officers; vouchers were filed, and the accounts were paid.

There was not a penny of the money of the Government lost, nor was a single substation clerk paid in excess of what the appropriation for that class of clerks had authorized.

The committee, however, believed, and the Postmaster-General shared in that belief, and when the attention of the First Assistant Postmaster-General was invited to it he readily acquiesced in the suggestion, that this was an opportune time to properly place these station clerks in that provision of the bill calling for appropriations for station clerks; and accordingly, acquiescing in our suggestion, the Postmaster-General revised the estimates which had first been made and accounted for all the clerks, whatever their number, in the clerk item, and subtracted a corresponding aggregate sum from the estimates for rent, light, and fuel.

Mr. Chairman, there is no occasion for the excitement of my friend from Mississippi. There is no mare's nest discovered in this matter. There is the growth of a practice based upon the proper construction of the law, under the circumstances which prevailed at the time of the construction. It was proper at that time. There has been no impropriety in connection with this matter since, because the law is susceptible of that construction. The money has been accounted for to the last penny, and arrangements have been made upon this bill for the future distribution of that fund to the items under which these respective accounts properly go.

Mr. MANN. Mr. Chairman, I move to strike out the last two words; and I might as well say here what I have to say upon this point.

The item is in reference to substations in cities. In my own judgment the Post-Office Department makes a very great mistake in reference to substations, and I believe that would be the opinion of the Post-Office Committee if they should give consideration to the point that I have reference to, and even the Post-Office Department itself. I represent in the city of Chicago a suburban district which was annexed to the city a few years ago. At the time of annexation there were thirty or forty small post-offices in the district. Gentlemen all understand perfectly well that where little settlements are located miles away from the center of the city it is necessary to have some kind of postal facilities.

At one time I went to the Post-Office Department here and called their attention to the fact that in one locality in my district, with a population of more than 5,000 people, it was impossible to buy a postage stamp; that there was no provision for substations. They could not get anybody to operate a substation at the salary they were willing to give. The work was too much. A man who would take a substation there one day would resign within a week.

Gentlemen of the House have heard a good deal lately in reference to a regulation of the Department regarding allowances for separation. All regulations of the Department do not relate to separation. Regulations of the Department are like the wind. One day they blow this way and the next day they blow that way. The Department had a regulation in regard to the pay of substations, and I have the schedule here, which was not made public. It was a secret regulation. I obtained what the regulation was upon which the salaries of persons in charge of these substations were fixed.

Last July, in accordance with the regulation, the postmaster at Chicago recommended an increase in the salaries of various persons in charge of substations, increases which in every case ought to have been made according to the regulation. The new régime, the holy people who obtained possession of the post-office down here, changed that regulation because some increases were called for from New York and Chicago on account of a large amount of business. It made no difference that it was a secret regulation; it made no difference that the persons in charge of substations did not know what it was. As soon as they reached the point where, under the existing regulation, they were entitled to a benefit, the regulation was changed.

Now, what I want to suggest to the gentleman is that they abolished in most places the sale of money orders in substations in the cities. There is not a place in one of the large cities where one can not obtain express orders or drafts or something of that sort with convenience and at low cost. Most of the trouble with the substations is that every day the clerk in charge has to spend from one to two hours in filling out blanks to be reported to the postmaster in reference to money orders. Permit, as they did five years ago, a substation where stamps shall be sold. I have no objection to the money orders being sold, if you wish to; but you can establish a substation where stamps will be sold, and pay only $50 a year, where now you are paying two hundred, three hundred, or four hundred dollars a year and obtaining for the Government nothing more than the sale of the stamps.

The Government makes no profit on the money orders. It is no advantage to the people. They do not want it. The sale of money orders at the substations was forced by the Post-Office Department. I might say by some crank of some sort in the Post-Office Department. I hope the committee will consent to a proper amendment under the item for $100 clerks, authorizing the employment of clerks for that amount of money, at a compensation not to exceed $100 each, so that the Post-Office Department may establish two substations that sell stamps for the convenience of my constituents, instead of one substation which sells stamps and money orders, where they do not care anything about the money-order business.

Mr. COWHERD. Mr. Chairman, I move to strike out the last word.

If I rightly understood the gentleman from Illinois, his complaint against the committee was that we were not providing sufficient clerks in these items. Now, I call his attention to the fact that whereas under the existing law, beginning with that item of $800 clerks and running down through the list to the $100 grade, there are carried in the present law 2,600 clerks. Yet in the bill now before the House we provide for 3,900 clerks, and we provide for 1,300 of them in the $100 class, the class which he is loudly asking for.

Mr. MANN. Those are not clerks at all. Those are substations. They have no relationship to the conduct of the post-office itself.

Mr. COWHERD. Of course they are not clerks. I understand that; but that money is paid for clerk hire.

Mr. MANN. It is paid for the substation.

Mr. COWHERD. No; it is not paid for the substation. It is

paid to the party who does the business of the Government in the substation. That is what it goes for.

Of course we do not hire clerks for $100. But here is a little drug store, and we give them a right to do postal business for the people in that neighborhood, and we pay them $100. We may or may not take all the time of a clerk. We take a part of his time, perhaps a third, a fourth, or a fifth. So we pay salaries running all the way from $500 to $100; and we increase the number of them in this bill 1,300, and it seems to me that it is a pretty fair provision.

Now, Mr. Chairman, I hope the gentleman from Ohio [Mr. GROSVENOR], who took occasion to rake the committee over the coals a while ago, sees how easy it is for the committee to please this entire House. The gentleman from Illinois [Mr. MANN] has assailed the committee most vigorously because they are not sufficiently providing for the great cities of the country.

The distinguished gentleman from Mississippi [Mr. WILLIAMS] has assailed the committee most vigorously because they are overproviding for the great cities of the country. The distinguished gentleman from Illinois says we are robbing the great cities and seeking to give it to the rural free delivery; and my friend from Indiana [Mr. CROMER] gets up and says, "You are squandering the money of the country on the cities in order to keep from giving the rural free-delivery carrier the amount of salary that he ought to have." So I say that the gentleman sees that there is no trouble in the post-office appropriation bill to please everyone, wherever he may come from and whatever may be his views in regard to the service. [Laughter and applause.]

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. MANN. Would there be any objection, in the opinion of the gentleman, to permitting a substation to be established at less than $100 a year where stamps shall be sold, as was done a few years ago?

Mr. COWHERD. Well, I can not answer that. I do not know. If the committee changed it, I take it it was changed at the suggestion of the Post-Office Department.

Mr. MANN. On the suggestion of the money-order division of the Post-Office Department.

Mr. COWHERD. Well, it was put there through the Postmaster-General. It all comes up at last through the Postmaster-General, and comes from him to the committee as the result of the experience of the management of that business.

Mr. MANN. Would it not be wise to leave the bill so that the Postmaster-General would have authority to do it if he should choose to do so?

Mr. COWHERD. I am not prepared to answer that question. I take it that it was done on the suggestion of the Department, and it seems that if they thought it ought to be done they should know better about such a detail of the business than the committee or the House.

Mr. SOUTHWICK. I move to strike out the last three words.

Mr. Chairman, yesterday the leader of the Democratic minority on the floor of this House, the gentleman from Mississippi [Mr. WILLIAMS], submitted to the House and had incorporated in the RECORD an article from the New York Times, relative to the policy of the Republican national Administration toward trusts, in connection with the recent decision of the highest judicial tribunal of the land in the merger case. I desire to submit to the House, for the purpose of incorporating in the RECORD in answer thereto, an editorial of the New York World of yesterday, and I think it will be generally conceded that the New York World is quite as representative of Democratic editorial opinion and Democratic party sentiment as is the Times. I ask that the Clerk read this editorial.

The CHAIRMAN. The Clerk will read the article in the time of the gentleman from New York.

The Clerk read as follows:

[From the New York World.]

FACTS.

1. The antitrust law was framed by a Republican, was passed by a Republican House and a Republican Senate, was signed by a Republican President.

2. The law remained a dead letter on the statute books during the entire second term of Grover Cleveland, a Democratic President.

[Applause on the Republican side.]

Through those four years of Democratic Administration all appeals and all efforts of the World to have the law enforced were met with sneers, jeers, and open contempt from a Democratic Attorney-General, Richard Olney——

[Renewed applause on the Republican side]—

who pretended that the law was unconstitutional and who would do nothing toward prosecuting violators of it.

3. The first effort to enforce the law was made by Theodore Roosevelt, a Republican President.

[Loud applause on the Republican side.]

The first Attorney-General to vigorously prosecute offenders and to test the law was a Republican Attorney-General, Philander C. Knox.

[Applause on the Republican side.]

4. The decision of the Supreme Court of the United States, given as a finality from which there is no appeal, upholding the law as perfectly constitutional and absolutely impregnable in every respect, as the World for twelve years constantly insisted, was due to five judges, every one of whom is a Republican.

[Applause on the Republican side.]

5. The dissenting minority of the court included every Democratic judge of that tribunal, to wit, Chief Justice Fuller, of Illinois; Mr. Justice White, of Louisiana, and Mr. Justice Peckham, of New York.

[Laughter and applause on the Republican side.]

All these distinguished Democrats not only voted against the constitutionality of the law, but denounced it as a danger to the Republic.

6. Under these circumstances it does not seem probable that the Democrats can make great capital in seeking to monopolize the antitrust issue and charging the Republican party with the crime of being owned body and soul by the trusts.

It is just as well to record some plain truths, however unpleasant or surprising.

[Loud applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. OVERSTREET. If the gentleman will permit me, I will say that there are just three short items that will conclude this paragraph, and if he will permit these to be read, I will not proceed any further.

Mr. WILLIAMS of Mississippi. I do not want the floor for more than a few minutes.

Mr. OVERSTREET. I will say that after five minutes I will ask to proceed with these three items, and then I will not proceed further with the bill to-night.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman——

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. WILLIAMS of Mississippi. I agree with the article in the editorial to the effect that it is always well, no matter whom it helps or whom it hurts, to have the truth. It is always well for the party in whose favor it is told. It is always well in the long run for the party against whom it has temporarily operated. Provided the article—the things stated in the article—are true, it is well it was written. If it is not true, the article is wrong. Now, gentleman, "I am delighted" [laughter], to use a phrase with which some of you are acquainted, "I am delighted" to see the Republican majority upon this floor apparently trying to "hound and hunt" down combines and trusts in this country. [Laughter and applause on the Democratic side.] I would be more delighted if I did not know that you are very much like the month of March—that you come in like lions and you go out like lambs. [Laughter on the Democratic side.]

You always have acted like the month of March in connection with this question. I was glad to hear the applause; it touched my good old Democratic heart down to its very bottom. Every Democrat believes in the idea of equal opportunities and equal burdens, and no Democrat believes in a trust or combine that stifles competition, extorts from the consumer, and hurts the general public. Now, then, I want just to call the attention of the country to this day, this hour, and this applause. I bid all men mark it in their memories. I want the country to watch and see how far the applause is going to end in fruition. [Applause on the Democratic side.] Already your Attorney-General has been careful to be interviewed and to permit the country to know that you are "not running amuck" against trusts. He says that the Northern Securities case just simply settles the Northern Securities case, and he does not mean anything particular anyhow, and he seems to be awfully cautious that the country should understand that he does not mean anything particular anyhow.

I do not know whether the country will ever find it out or not, but I have already found out you here on this floor do not mean anything particular anyhow. [Applause on the Democratic side.] I heard one statement of alleged fact in that article that is not a fact, and you all know it is not a fact, and that is that this Administration was the author of this prosecution. It happened to be one Governor Van Zant out West who commenced it, and for very shame after he had gotten the case upon the docket the Administration prior to an election had to continue what he began. Why, it is the only thing you did not "stand pat" on until after an election——

Mr. SOUTHWICK. Mr. Chairman, will the gentleman allow me?

Mr. WILLIAMS of Mississippi (continuing). And you would have stood pat on that, but Governor Van Zant was a blanket-Indian Republican and did not consult headquarters, but precipitated the litigation, and after it was precipitated your Administration had in very shame to take care of itself by letting the Supreme Court pronounce on it.

Mr. SOUTHWICK. Will the gentleman from Mississippi yield?

Mr. WILLIAMS of Mississippi. Yes; I will yield now.

Mr. SOUTHWICK. Are you acquainted with the politics of the governor of Minnesota?

Mr. WILLIAMS of Mississippi. I am, and I just a moment ago said I was. I said he was a blanket-Indian Republican [applause on the Democratic side] momentarily off the reservation. He is a Republican who actually meant what you fellows were pretending to mean when you were applauding a moment ago. [Applause on the Democratic side.] Why, I have seen blanket-Indian Republicans before. I have seen them from Minnesota before to-day. [Applause on the Democratic side.] I have also seen them quelled when the time came for them to be quelled. [Laughter.] And if you dare attack the men who are in the habit of furnishing your campaign funds, and carry your attack far enough to persuade them that you are in earnest, you will be quelled too [applause on the Democratic side]; quelled by them.

Mr. SOUTHWICK. Mr. Chairman, if the gentleman will permit me——

Mr. WILLIAMS of Mississippi. And if you do not you will be quelled by the people——

Mr. SOUTHWICK. Will the gentleman allow me one more question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. SOUTHWICK. Having disputed one of six statements, will you now or in the future kindly address yourself to the other five?

Mr. WILLIAMS of Mississippi. I may or I may not; that depends upon my own sweet will. [Applause on the Democratic side.] I do not believe in absolutism of government except when it comes to my own self-government. Nor, Mr. Chairman, do I believe in the colonial government of myself by the gentleman who interrupted me. [Applause on the Democratic side.] If that article be true, then "hew to the line, let the chips fly as they may." If the hewing hurts you, let it hurt. If it hurts us, let it hurt. But for God's sake let us all hew so that it will help the country. If you can do more than we can do or want to do and will try to do and will do if we get in power to put an end to combinations which restrain trade and stifle competition, then you will deserve the plaudits of your countrymen everywhere; you ought to have them and will have them. I do not care about ancient history, whether it cuts us or cuts the other side. I have always faced the present situation, and that is all I care about. Now, you have applauded, you have inadvertently or accidentally or incidentally or in some other way expressed through your applause your idea of going forward in executing the Sherman law. Follow it up, but take note. Your Attorney-General says he is "not running amuck." Now, for God's sake, take this injunction to your souls—run amuck, you, and run the biggest amuck you know how against all unlawful combinations and trusts, and don't any of you be interviewed in order to assure unlawful combinations and trusts from imagining you are going to run amuck. [Laughter on the Democratic side.]

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. TAWNEY. In order to complete the history of this whole transaction, will the gentleman state to the House how the Democrats in the Fifty-first Congress voted when the Sherman antitrust law was brought up for consideration by Mr. McKinley?

Mr. WILLIAMS of Mississippi. I will let the gentleman make the statement.

Mr. TAWNEY. They every one voted against it. [Applause on the Republican side.]

Mr. GAINES of Tennessee. Let me answer the gentleman. That is not the truth. That same old question rises up that has been knocked down so many times. When that bill passed the House——

The CHAIRMAN. The gentleman from Tennessee is not in order.

Mr. WILLIAMS of Mississippi. I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. When that bill passed the House and the Senate, there was not a single solitary vote against it.

Mr. WILLIAMS of Mississippi. What does the gentleman say?

Mr. GAINES of Tennessee. I say that when the Sherman Act passed the House and Senate finally not a single solitary one voted against the bill.

Mr. WILLIAMS of Mississippi. Ancient history again. Gentlemen of the other side, face the situation. [Laughter.]

Mr. TAWNEY. Mr. Chairman, I want to correct the gentleman from Tennessee.

Mr. WILLIAMS of Mississippi. The gentleman from Minnesota is wrong in his history.

Mr. TAWNEY. No; I am not.

Mr. GAINES of Tennessee. My friend from Mississippi yielded to me, and I want to tell the gentlemen on the other side something.

Mr. TAWNEY. Mr. Chairman——

Mr. GAINES of Tennessee. The other side wants information, and I am going to give it to them. [Laughter.] One bill was introduced by Senator TELLER, another by Senator Reagan, of Texas, then a Democrat and now a Democrat and, thank God, still a Democrat. On the same day Mr. Sherman introduced one. The Reagan bill is numbered ahead of the Sherman Act. Sherman had his bill, with two little unconstitutional sections in it, sent to his committee, and there he undertook to doctor it up and put a little constitutional power into it, and after a while he brought it in and then took it back and introduced another one. He reported that and they put sixteen amendments onto it. Senator Wolcott asked that it be sent to the Judiciary Committee.

Mr. TAWNEY. Just one moment. I want to correct that statement right there.

Mr. WILLIAMS of Mississippi. Mr. Chairman, is this all coming out of my time?

Mr. TAWNEY. I make the statement that when President McKinley presented the rule for the consideration of the Sherman antitrust law every Democrat voted against it, and the RECORD shows it.

Mr. GAINES of Tennessee. Now, there is another thing——

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. GAINES of Tennessee. Mr. Chairman, I haven't got this thing out of the Judiciary Committee yet. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee will suspend. The gentleman from Mississippi has the floor, and he yielded to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Then I have the floor. [Laughter.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, it seems somehow or other that I can not help being thrust back into ancient history whether I will or whether I will not. But the gentleman from Minnesota——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. Well, Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Mississippi asks that his time may be extended three minutes. Is there objection? The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSVENOR. I want to know what has become of the post-office appropriation bill. [Laughter.]

Mr. WILLIAMS of Mississippi. That point is a little too late. It is a familiar adage of parliamentary law that should extend to debate that an amendment subject to a point of order is in order if the thing to which it is an amendment was subject to a point of order but not objected to. Now, I want——

The CHAIRMAN. The gentleman from Mississippi asked and obtained the floor and proceeded for five minutes, and when his time expired he asked for three minutes, which was granted: there are two minutes remaining to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Now, I was about to say that often when I do not want to be I am thrown back into ancient history. The gentleman from Minnesota [Mr. TAWNEY] has started with an immense mountain of assertion and he has come out with a very small mouse of confirmation of his own assertion.

The gentleman has finally come out at this little bit of a place. He tells us that when "the rule" was presented to the House—a rule, mark you, probably cutting off debate—the Democrats voted against "the rule." It was simply a rule and nothing else. Your rules are generally objectionable.

Mr. TAWNEY. It was for the consideration of a bill.

Mr. WILLIAMS of Mississippi. But a rule for consideration. It is not true that Democrats have ever opposed any legislation which in their opinion was intended or calculated to cut down trusts or combinations, and the gentleman knows it. Now, then, since I must go back to ancient history, I want to say this: That it is entirely useless here and now to discuss this particular point of ancient history, because that distinguished Senator from Missouri, than whom no man brighter, wittier, or more genial ever lived, Senator Vest, settled this thing long ago, and I merely wish to refer to the record. Read what he said.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET rose.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last paragraph.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. GAINES of Tennessee. Oh, I thought he wanted to talk about the trust question. [Laughter.]

The CHAIRMAN. The gentleman from Tennessee is out of order. The gentleman from Indiana has the floor.

Mr. OVERSTREET. Mr. Chairman, I have been reasonably fair in permitting liberality of debate heretofore, but I think it has been demonstrated that there are elements which disturb the minds of Members outside of post-office affairs, and in view of the turn which the debate has taken and which has demonstrated that the difficulties of the Post-Office Committee to progress with proper legislation are not wholly confined to the Post-Office Committee rooms, but obtain by divergence of opinion on this floor respecting other matters, I move that the committee do now rise. [Applause and laughter.]

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill and had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (S. 3725) to establish a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington, was changed from the Committee on Merchant Marine and Fisheries to the Committee on Interstate and Foreign Commerce.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The SPEAKER laid before the House the bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak., with a Senate amendment.

The Senate amendment was read.

Mr. SPALDING. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 575. An act to establish a fish-culture station on Black Fork of Green River, in the State of Wyoming—to the Committee on the Merchant Marine and Fisheries.

S. 4250. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact—to the Committee on the Library.

S. R. 61. Joint resolution requesting the President of the United States to negotiate and, if possible, conclude negotiations with the Government of Great Britain for a review and revision of the rules and regulations which now govern the taking of fur seals in the open waters of the North Pacific Ocean and Bering Sea, and so forth—to the Committee on Foreign Affairs.

Senate concurrent resolution No. 56:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 500 copies of the index to the documents now compiled in the War Department relating to affairs in Cuba, Porto Rico, the Philippines, and other insular possessions of the United States, for the use of the War Department—

to the Committee on Printing.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1956. An act to authorize an exchange of sites for the public buildings of Garland County, Ark.; and

H. R. 2193. An act for the relief of David Tweed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TAYLOR, indefinitely, on account of important business.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 19 minutes p. m.), the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of Benjamin Carter, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Ann*, Robert Lord, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Federal George*, Benjamin Tilton, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Spartan*, Thomas C. Howe, master—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for establishing a national sanitarium for disabled volunteer soldiers at Hot Springs, S. Dak.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12231) for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment, reported the same with amendment, accompanied by a report (No. 1678); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2513) to further amend an act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and amendment thereto, approved March 3, 1899, and for other purposes, reported the same without amendment, accompanied by a report (No. 1679); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1343) to amend an act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,' approved July 8, 1898," and so forth, and for other purposes, reported the same with amendment, accompanied by a report (No. 1680); which said bill and report were referred to the House Calendar.

Mr. PRINCE, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 6278) to amend section 5136 of the Revised Statutes of the United States, permitting national banking associations to make loans on real estate as security, and limiting the amount of such loans, reported the same with amendment, accompanied by a report (No. 1728); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 4926), for the relief of L. L. Arrington and L. S. Arrington, reported the same without amendment, accompanied by a report (No. 1676); which said bill and report were referred to the Private Calendar.

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 11373) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, reported the same with amendment, accompanied by a report (No. 1677); which said bill and report were referred to the Private Calendar.

Mr. THOMAS of Iowa, from the Committee on Claims, to which was referred the bill of the House (H. R. 2965) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, reported the same without amendment, accompanied by a report (No. 1681); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 13366) for the relief of Pay

Inspector E. B. Rogers, United States Navy, reported the same without amendment, accompanied by a report (No. 1682); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 3825) granting an increase of pension to Anna H. Lyman, reported the same without amendment, accompanied by a report (No. 1683); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3810) granting an increase of pension to Virginia B. Mullan, reported the same without amendment, accompanied by a report (No. 1684); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2364) granting a pension to Mary E. Haren, reported the same without amendment, accompanied by a report (No. 1685); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 133) granting an increase of pension to Elizabeth B. Sarson, reported the same with amendment, accompanied by a report (No. 1686); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13746) granting a pension to Thomas B. Forgan, reported the same with amendment, accompanied by a report (No. 1687); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9428) granting an increase of pension to Adeline Ballard, reported the same with amendment, accompanied by a report (No. 1688); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4604) granting a pension to Christian Kloeppel, reported the same with amendment, accompanied by a report (No. 1689); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13299) granting a pension to Edah A. Kittridge, reported the same with amendment, accompanied by a report (No. 1690); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13494) granting a pension to Cader B. Brent, reported the same with amendment, accompanied by a report (No. 1691); which said bill and report were referred to the Private Calendar.

Mr. WILEY of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1910) granting a pension to Cephas Kendal Knox, reported the same with amendment, accompanied by a report (No. 1692); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 626) for the relief of Mrs. M. A. Cook, reported the same with amendment, accompanied by a report (No. 1693); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12783) granting a pension to Harlon Scarlett, reported the same with amendment, accompanied by a report (No. 1694); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5406) granting a pension to Rachel Tyson, reported the same with amendment, accompanied by a report (No. 1695); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10973) granting a pension to Harry F. Thompson, reported the same with amendment, accompanied by a report (No. 1696); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3166) granting an increase of pension to James M. Howe, reported the same with amendment, accompanied by a report (No. 1697); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12652) granting an increase of pension to Mary L. Johnson, reported the same with amendment, accompanied by a report (No. 1698); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10182) granting an increase of pension to Isaac Innis, reported the same without amendment, accompanied by a report (No. 1699); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13448) granting an increase of pension to Susan D. Lovell, reported the same with amendment, accompanied by a report (No. 1700); which said bill and report were referred to the Private Calendar.

Mr. JOHNSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 10345, reported in lieu thereof a resolution (H. Res. 250) referring to the Court of Claims the papers in the case of the trustees of the Methodist Episcopal Church South, of Tribune, Williamson County, Tenn., accompanied by a report (No. 1701); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 12718, reported in lieu thereof a resolution (H. Res. 251) referring to the Court of Claims the papers in the case of Belle M. Robards, of Boyle County, Ky., accompanied by a report (No. 1702); which said resolution and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House H. R. 3051, reported in lieu thereof a resolution (H. Res. 252) referring to the Court of Claims the papers in the case of Sarah McClay, administratrix of Robert McClay, deceased, accompanied by a report (No. 1703); which said resolution and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House H. R. 12717, reported in lieu thereof a resolution (H. Res. 253) referring to the Court of Claims the papers in the case of Dr. William O. Robards, of Boyle County, Ky., accompanied by a report (No. 1704); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1433) for the relief of Rev. George W. C. Smith, reported the same without amendment, accompanied by a report (No. 1705); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11180) for the relief of George S. Ayre, reported the same with amendment, accompanied by a report (No. 1706); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7612) for the relief of the estate of Brig. Gen. Wager Swayne, in charge of the Bureau of Refugees, Freedmen, and Abandoned Lands, reported the same without amendment, accompanied by a report (No. 1707); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10907) for the relief of John Lewis Young, reported the same with amendment, accompanied by a report (No. 1708); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5680) for the relief of Jacob Lyon, reported the same without amendment, accompanied by a report (No. 1709); which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5630) for the relief of Benjamin F. Hasson, reported the same without amendment, accompanied by a report (No. 1710); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11263) for the relief of the heirs of John Smith, deceased, reported the same with amendment, accompanied by a report (No. 1711); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1040) for the relief of the widow of the late Capt. Daniel C. Trewhitt, reported the same without amendment, accompanied by a report (No. 1712); which said bill and report were referred to the Private Calendar.

Mr. FRENCH, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8035) for the relief of M. A. McCafferty, of O'Neill, Nebr., reported the same without amendment, accompanied by a report (No. 1713); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 12581) for the relief of the Pullman Company, reported the same without amendment, accompanied by a report (No. 1714); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8994) for the relief of Michael Kries, reported the same without amendment, accompanied by a report

(No. 1715); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10051) for the relief of John W. Williams, reported the same with amendment, accompanied by a report (No. 1716); which said bill and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 11185) for the relief of Daniel J. Ockerson, reported the same with amendment, accompanied by a report (No. 1717); which said bill and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5034) for the relief of Samuel B. Bootes, reported the same without amendment, accompanied by a report (No. 1718); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8347) for the relief of the legal representatives of Sarah J. Montgomery, deceased, reported the same without amendment, accompanied by a report (No. 1719); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13322) for the relief of Benjamin F. King, reported the same without amendment, accompanied by a report (No. 1720); which said bill and report were referred to the Private Calendar.

Mr. JOHNSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1911) authorizing the payment of the claim of M. A. Gantt & Son for board and lodging to volunteers during the Spanish-American war, reported the same without amendment, accompanied by a report (No. 1721); which said bill and report were referred to the Private Calendar.

Mr. HASKINS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 596) for the relief of Myron Powers, reported the same without amendment, accompanied by a report (No. 1722); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10916) for the relief of Morris F. Cawley, reported the same with amendment, accompanied by a report (No. 1723); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 3684) for the relief of Edwin F. Mathews, reported the same without amendment, accompanied by a report (No. 1724); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 123) for the relief of N. N. Lowry, reported the same without amendment, accompanied by a report (No. 1725); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13725) for the relief of James N. Robinson and Sallie B. McComb, reported the same with amendment, accompanied by a report (No. 1726); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6710) for the relief of the heirs of Margaret Kennedy, reported the same adversely, accompanied by a report (No. 1727); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 2366) granting a pension to Walter S. Buchanan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11529) for the relief of the legal representatives of Henry W. Freedley—Committee on Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOON of Pennsylvania: A bill (H. R. 14092) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs, or been totally disabled in them, in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 14093) to incorporate the Carnegie Institution of Washington—to the Committee on the District of Columbia.

By Mr. McGUIRE: A bill (H. R. 14094) for the equal division of the tribal lands of the Osage Indians among themselves—to the Committee on Indian Affairs.

By Mr. SNOOK: A bill (H. R. 14095) to place wood pulp and printing paper on the free list—to the Committee on Ways and Means.

By Mr. EMERICH: A bill (H. R. 14096) to regulate the salaries of postal employees—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: A bill (H. R. 14097) to incorporate the District Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ADAMS of Wisconsin: A bill (H. R. 14098) to provide for an increased annual appropriatton for agricultural experiment stations, and regulating the expenditure thereof—to the Committee on Agriculture.

By Mr. McCALL: A joint resolution (H. J. Res. 132) providing for the printing of the pleadings, decisions, and dissenting opinions in the Northern Securities Company case—to the Committee on Printing.

By Mr. JOHNSON, from the Committee on War Claims: A resolution (H. Res. 250) referring to the Court of Claims the bill H. R. 10345—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 251) referring to the Court of Claims the bill H. R. 12718—to the Private Calendar.

By Mr. HASKINS, from the Committee on War Claims: A resolution (H. Res. 252) referring to the Court of Claims the bill H. R. 3051—to the Private Calendar.

By Mr. CALDWELL, from the Committee on War Claims: A resolution (H. Res. 253) referring to the Court of Claims the bill H. R. 12717—to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 14099) for the relief of James C. Duncan—to the Committee on Claims.

By Mr. BURLEIGH (by request): A bill (H. R. 14100) for the relief of Robert G. Rutherford, jr.—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 14101) granting an increase of pension to Noah R. Yeargin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14102) granting an increase of pension to Robert W. Foster—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 14103) granting an increase of pension to Simeon Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14104) granting an increase of pension to Jordan J. Denny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14105) granting an increase of pension to Nathaniel E. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14106) granting an increase of pension to Henry C. Edminston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14107) granting an increase of pension to William Miser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14108) granting an increase of pension to Timothy L. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14109) granting a pension to Mary F. Smith—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 14110) to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Georgia, to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio—to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 14111) for the relief of N. G. Phillips—to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 14112) granting a pension to William England—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 14113) granting a pension to Ida R. Borrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14114) granting a pension to George W. Reese—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14115) granting an

increase of pension to Edward Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14116) for the relief of Sarah E. Callahan, of Jackson County, Fla.—to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 14117) granting an increase of pension to James G. Higgins—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 14118) for the relief of the heirs of Mrs. Caroline Goodwyne, of Forsyth, Monroe County, Ga., deceased—to the Committee on War Claims.

By Mr. PIERCE: A bill (H. R. 14119) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 14120) granting an increase of pension to Zachary Fletcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14121) granting an increase of pension to Benjamin F. Shirt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14122) granting an increase of pension to Myrtle Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14123) granting an increase of pension to Hollis K. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14124) granting an increase of pension to Joseph F. McKinley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14125) granting an increase of pension to Joel Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14126) granting a pension to Calvin Sturtz—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 14127) for the relief of the estate of Archibald D. Palmer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14128) for the relief of the estate of J. N. Chambes, deceased, late of East Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14129) for the relief of the estate of Mrs. Ann Chambes, deceased, late of East Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14130) for the relief of the estates of R. J. and Mrs. R. V. Packer, deceased, late of East Feliciana Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14131) for the relief of the estate of Louis Baron, deceased, late of East Baton Rouge Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14132) for the relief of the estate of C. E. Booty, deceased, late of Washington Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14133) for the relief of the estate of Lucy J. Boyle, deceased, late of Bayou Sara, West Feliciana Parish, La.—to the Committee on War Claims.

By Mr. SHEPPARD: A bill (H. R. 14134) to reinstate certain West Point cadets—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky: A bill (H. R. 14135) granting a pension to Margaret Douglass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14136) for the relief of the legal representatives of Jacob Kauffman, deceased—to the Committee on War Claims.

By Mr. STANLEY: A bill (H. R. 14137) granting an increase of pension to John W. Balee—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 14138) for the relief of Emanuel Mackley, of Carroll County, Md.—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 14139) to correct the military record of Mark H. Dunnell—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 14140) granting an increase of pension to William Y. Clinton—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14141) granting an increase of pension to King Kerley—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of Lodge No. 22, Brotherhood of Boiler Makers and Iron-ship Builders, of Danville, Ill., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of Bristol Grange, No. 80, Patrons of Husbandry, Morgan County, Ohio, in favor of a good-roads bill—to the Committee on Agriculture.

By Mr. ADAMS of Pennsylvania: Petitions of Charles H. Winter and 100 others, Frank W. Schmitt and 14 others, Henry Keim and 118 others, J. A. Sweeney and 47 others, Charles A. Keim and 31 others, and Charles J. Wodock and 40 others, of Philadelphia, Pa., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of patrons of rural route No. 1, of Clarence Center, N. Y., in favor of increasing the salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of patrons of rural route No. 1, of Derby, N. Y., in favor of an increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Drug Trade Section of the Board of Trade and Transportation of New York, in favor of reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BASSETT: Resolution of the New York Board of Trade and Transportation, against the passage of bill H. R. 11199, known as the "service-pension bill"—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of the Federal Electric Company, of Erie, Pa., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of owners, builders, and users of gasoline, naphtha, and electric launches, against passage of a bill making further requirements of owners of such vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Lodge No. 184, Brotherhood of Boiler Makers and Iron-ship Builders, of Titusville, Pa., and Lodge No. 167, Brotherhood of Boiler Makers and Iron-ship Builders, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTLETT: Petition of the Macon Parlor Furniture Manufacturing Company, of Macon, Ga., favoring bill H. R. 9302, for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, resolutions of the Bar Association and the Chamber of Commerce of Macon, Ga., protesting against the passage of bill to create the southwestern division of the northern judicial circuit of Georgia—to the Committee on the Judiciary.

By Mr. BISHOP: Petition of the Shaw-Walker Company, of Muskegon, Mich., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of A. Poirier and other merchants of Ludington, Mich., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Harlo M. Elliott and 76 others, of Shelby Township; Rev. W. H. Brown and 23 others, of Scottville; Mathew Cochrane and 24 others, of Big Prairie; C. W. Babcock and 13 others, of Cleon and Manila townships; H. H. Harris and 11 others, of Sherman; Edward Mott and 45 others, of Tecumseh; members of churches of Bezonia, and J. L. Roberts and 14 others, of Walkerville, all in Michigan, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of John F. Reynolds Post, No. 52, of Pentwater, Mich.; Shields Post, No. 68, of Shelby, Mich., and Austin Blair Post, No. 128, of Hawkins, Mich., Grand Army of the Republic, and Washington Circle, No. 17, Ladies of the Grand Army of the Republic, of Grand Rapids, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolutions of George H. Thomas Circle, No. 60, Ladies of the Grand Army of the Republic, of Ottawa, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURLEIGH (by request): Paper to accompany bill for the relief of Lieut. R. G. Rutherford—to the Committee on Claims.

By Mr. CASTOR: Petition of the Association of Survivors of the Seventy-second Regiment Pennsylvania Volunteers, of Philadelphia, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: Petition of citizens of St. Joseph, Mo., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DUNWELL: Resolution of the Manufacturers' Association of New York, relative to the removal of wrecked bridges and other débris now obstructing the channel of the Kaw River—to the Committee on Rivers and Harbors.

Also, resolution of the Travelers' Protective Association of America, relative to amending the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the drug trade section of the New York Board of Trade and Transportation, in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. EMERICH: Resolution of the Chicago Live Stock Exchange, favoring removal of wrecked bridges and other débris

now obstructing the channel of the Kaw River—to the Committee on Rivers and Harbors.

Also, memorial of the Chicago Historical Society, in favor of preserving the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. ESCH: Petition of the Vought-Berger Company and others, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Resolution of Pixley Post, No. 102, Grand Army of the Republic, Department of Vermont, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Burlington, Vt., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GOULDEN: Paper to accompany bill for the relief of Charles Uerkvitz—to the Committee on Claims.

By Mr. GRANGER: Petition of Union Grange, No. 13, Patrons of Husbandry, of North Smithfield, R. I., in favor of bill H. R. 8578—to the Committee on Agriculture.

By Mr. GRIFFITH: Resolution of Pomona Grange, No. 22, of Jefferson County, Ind., in favor of a good-roads bill—to the Committee on Agriculture.

By Mr. GUDGER: Paper to accompany bill for the relief of N. G. Phillips—to the Committee on Claims.

Also, petition of the Aurora Trades and Labor Assembly, of Aurora, Ill., in favor of a Bureau of Labor, eight-hour law, etc.—to the Committee on Labor.

By Mr. HAMLIN: Petition of W. D. Hubbard, of Springfield, Mo., in favor of a bill to place certain officers and men of the Seventy-second Regiment of Enrolled Missouri Militia on the pension roll—to the Committee on Invalid Pensions.

Also, petition of Peter Pehl and 9 others, of Sedalia, Mo., against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany House bill to pension William England—to the Committee on Invalid Pensions.

Also, resolution of Lodge No. 113, Brotherhood of Boiler Makers and Iron-ship Builders, of Sedalia, Mo., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAUGEN: Paper to accompany bill H. R. 9669, to prevent the adulteration of blue grass, orchard grass, and clover seed—to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of the Current Events Club, of Bethel, Conn., in favor of bill H. R. 7284—to the Committee on Agriculture.

By Mr. LITTLE: Petition of W. J. Vissay and others, of Tulsa, Ind. T., protesting against certain action of the Secretary of the Interior in relation to the town site of Tulsa, Ind. T.—to the Committee on the Public Lands.

By Mr. LORIMER: Petitions of the Chicago Distilling Company and others; Albert Debicke and G. F. Bureler, of Chicago; A. C. [illegible]ague, of La Salle, Ill., and Ph. Blum & Co., of Chicago, Ill., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of the civil-war veterans of Stafford, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Bad Water Lodge, No. 403, Brotherhood of Boiler Makers and Iron-ship Builders, of Hoisington, Kans., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. NEVIN: Petitions of the Dayton Electric Manufacturing Company and the Dayton Manufacturing Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of citizens of Hamilton, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of E. Parmmer and 29 other citizens of Milwaukee, Ill., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBERTSON of Louisiana: Papers to accompany House bill for the relief of Archibald D. Palmer—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of Eugene Chavey, secretary of Sugar Grove Grange, Columbia City, Ind., in favor of the Currier Grange good-roads bill—to the Committee on Agriculture.

By Mr. RUPPERT: Petition of Julius Paul Smith, of New York City, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Resolution of Oakwood (Ohio) Circle, No. 39, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Paper to accompany claim of Solomon Witherington—to the Committee on War Claims.

SENATE.

FRIDAY, *March 18, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. STEWART, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

FORT HALL INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

In compliance with a resolution of the Senate of the 15th instant (the House of Representatives concurring), I return herewith Senate bill No. 2323, entitled "An act relating to ceded lands on the Fort Hall Indian Reservation."

THEODORE ROOSEVELT.

WHITE HOUSE, *March 17, 1904.*

Mr. DUBOIS. I ask unanimous consent to submit at this time the resolution which I send to the desk, for which I ask present consideration.

The PRESIDENT pro tempore. The Senator from Idaho submits a resolution, which will be read.

Mr. CULLOM. What becomes of the message of the President?

The PRESIDENT pro tempore. The resolution is in relation to the bill referred to in the message.

Mr. CULLOM. Very well.

The Secretary read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation be rescinded, and that in the reenrollment of the bill all after "namely," in line 13 of the enrolled bill, down to and including line 20 of said bill, be stricken out and the following inserted: "Lot 4, section 1, township 7 south, range 34 east, and the southeast quarter of the northeast quarter, section 18, township 7 south, range 35 east, and the east half of the southeast quarter of section 21, township 6 south, range 34 east, and which have heretofore been appraised, shall be paid for at the said appraised value at the time of and by the person making entry of the respective tracts upon which such improvements are situated;" so as to correctly describe the range inaccurately stated in the bill.

The resolution was considered by unanimous consent, and agreed to.

LANDS RELEASED FROM FOREST RESERVATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting the draft of a bill providing for the disposition of lands released from withdrawal for forest-reserve purposes; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Ann*, Robert Lord, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Spartan*, Thomas C. Howe, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel *Federal George*, Benjamin Tilton, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Braddock Street Methodist Episcopal Church South, of Winchester, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Evangelical Lutheran Church of Strasburg, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Angie B. Smith, executrix of Daniel A. Smith, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John H. Rowland *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks-bond election held by the city of Geary, in said Territory.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10670) making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3761) ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street;

A bill (H. R. 12904) providing for holding of courts of the eastern division of the northern Federal judicial district of Georgia at Athens, Ga.; and

A bill (H. R. 13352) transferring the county of Pierce, in the State of Georgia, from the eastern to the southwestern division of the United States district court for the southern district of Georgia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1955) to authorize an exchange of sites for the public buildings of Garland County, Ark.; and

A bill (H. R. 2193) for the relief of David Tweed.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Manufacturers' Association of New York City, praying that an appropriation be made to control the flood waters at the confluence of the Kaw and Missouri rivers; which was referred to the Committtee on Commerce.

He also presented petitions of Helpers' Division No. 5, of Staten Island; of Local Lodge No. 175, of Oswego; of Local Lodge No. 229, of Rochester; of Helpers' Division No. 128, of Buffalo; of Local Lodge No. 352, of Ogdensburg; of District Lodge No. 2, of New York City, all of the Brotherhood of Boiler Makers and Iron-ship Builders, and of the Yacht Masters and Engineers' Association, American Federation of Labor, of Brooklyn, all in the State of New York; of Armstrong Lodge, No. 395, Brotherhood of Boiler Makers and Iron-ship Builders, of Fond du Lac, Wis., and of the Ponce section of the Chamber of Commerce of Porto Rico, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of the Business Men's Association of Auburn, N. Y., praying for the enactment of legislation to prevent unjust discrimination between different sections and localities in tariff rates; which was referred to the Committee on Finance.

He also presented a memorial of the Linnæan Society, of New York City, remonstrating against the repeal of the law for the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Travelers' Protective Association of New York City, praying for the enactment of legislation to amend section 64 of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the purchase of a national forest reserve in the White Mountains; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Lima, Rochester, Canaan, Four Corners, Elmira, and Auburn, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Patchogue; of the congregation of the Reformed Presbyterian Church of West Hebron; of the Woman's Christian Temperance Union of Corinth, and of A. R. Schnirel, of Geneva, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the petitions of James P. Haney, Henri Fonchaux, Frank N. Lumby, Montgomery Schuyler, Theo. E. Hancock, George Provot, W. B. Ellis, August P. Waidolph, Joseph R. Dwight, Walter E. Paifett, George Hannah, and Henry M. Congdon, all of New York City, N. Y., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of Hayward Porter Circle, No. 12; of John Brown Circle; of A. H. De Graff Circle; of Logan Circle, No. 29; of Julia Dent Grant Circle; of Phil Sheridan Circle, No. 13, all of the Department of New York, Ladies of the Grand Army of the Republic, and of McKeel Post, No. 120, Department of New York, Grand Army of the Republic, of Goldens Bridge, all in the State of New York, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of the so-called "good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the seventh councilor district of the Illinois Medical Association, of Illinois, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of Robert H. Milroy Circle, No. 3, Department of Indiana, Ladies of the Grand Army of the Republic, of Indiana, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

He also presented petitions of the congregation of the First Methodist Protestant Church of Elkhart, of J. A. Breeden and sundry other citizens of Marengo, and of the congregation of the South Street Baptist Church, of Indianapolis, all in the State of Indiana, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Ministerial Association of Lawrenceburg, Ind., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the St. Joseph County Drug Association, of South Bend, Ind., remonstrating against the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of Evansville Typographical Union, No. 35, of Evansville; of the Central Labor Union of Lafayette; of Elwood Typographical Union, No. 331, of Elwood, and of Local Union No. 25, Upholsterers' International Union, of Indianapolis, all in the State of Indiana praying for the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented petitions of Evansville Typographical Union, No. 35, of Evansville; of the Central Labor Union of Lafayette; of Elwood Typographical Union, No. 331, of Elwood, and of Local Union No. 25, Upholsterers' International Union, of Indianapolis, all in the State of Indiana, praying for the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

Mr. MCCUMBER presented a petition of Typographical Union No. 311, of Grand Forks, N. Dak., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented the petition of Dr. G. A. Perkins, of Dickinson, N. Dak., praying for the enactment of legislation to increase the efficiency of the medical department of the Army, and also that an appropriation of $100,000 be made for a general hospital for the Army in the District of Columbia; which was referred to the Committee on Military Affairs.

Mr. HANSBROUGH presented a petition of Typographical Union No. 311, American Federation of Labor, of Grand Forks, S. Dak., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. STEWART presented a petition of Local Lodge No. 339, Brotherhood of Boiler Makers and Iron-ship Builders of Wadsworth, Nev., praying for the enactment of legislation to develop

the American merchant marine; which was referred to the Committee on Commerce.

Mr. STONE presented a petition of Samuel McClure Post, Department of Missouri, Grand Army of the Republic, of Eldon, Mo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Retail Druggists' Association, of Lafayette County, Mo., praying for the enactment of legislation to reduce the duty on grain alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Young People's Society of Christian Endeavor of the Christian Church of Columbia, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 113, Brotherhood of Boiler Makers and Iron-ship Builders, of Sedalia, Mo., and a petition of Local Lodge No. 154, Brotherhood of Boiler Makers and Iron-Ship Builders, of Brookfield, Mo., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

Mr. DUBOIS presented a petition of Gate City Lodge, Helpers' Division, Brotherhood of Boiler Makers and Iron-ship Builders, of Pocatello, Idaho, praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. CLAPP presented a petition of sundry citizens of Minnesota, veterans of the late war, and a petition of Atlanta Circle, No. 14, Department of Minnesota, Ladies of the Grand Army of the Republic, of Verndale, Minn., praying for the enactment of the service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Minnesota Municipal and Commercial League, praying that authority be given the Interstate Commerce Commission to establish rates for shipments; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the repeal of the desert-land law and the commutation clause of the homestead law and the timber and stone act; which was referred to the Committee on Public Lands.

He also presented a petition of the Young Woman's Christian Temperance Union of Kimball, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Minnesota Chapter of the American Institute of Architects, praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. OVERMAN presented a petition of sundry citizens of Highpoint, N. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HOAR. Mr. President, I ask leave to present a petition, and I wish to make a statement about it. It is a petition of 209 Macedonians, resident in this country, praying for an expression of sympathy by Congress in the cause of the Macedonian people. The petition sets forth with great clearness and eloquence the wrongs which those people have suffered. The names of the petitioners seem to be foreign names, and I wrote to the gentleman who sent me the petition, calling his attention to the rule of the Senate which permitted the right of petition to the Senate to American citizens, and requiring that petitions of others should be sent through the State Department or the President. This gentleman replied that nearly all, or a large part, of the petitioners are American citizens. I therefore ask unanimous consent that the petition may be received, although it has added to it the names of a few persons who are residents here, but are not naturalized citizens, and therefore is technically in violation of our rules.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the petition presented by him containing the names of some foreign subjects may be received. Is there objection? The Chair hears none. To what committee does the Senator desire the petition referred?

Mr. HOAR. I ask that it may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. That reference will be made, in the absence of objection.

REPORTS OF COMMITTEES.

Mr. GORMAN, from the Committee on Finance, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 7718) for the relief of the estate of Artemus E. Gibson;

A bill (H. R. 10511) for the relief of the estate of Mary Keating; and

A bill (H. R. 6921) for the relief of the estate of Mary P. Gilmore.

Mr. GORMAN, from the Committee on Finance, to whom was referred the bill (H. R. 10925) directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa., reported it with amendments.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 5047) granting certain lands to the Diocese of Duluth for mission purposes, reported it with an amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10516) for the relief of Edward J. Farrell, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5052) to provide for the construction of an elevator in the United States public building at Richmond, Ky., reported it without amendment.

Mr. BEVERIDGE, from the Committee on Territories, to whom the subject was referred, submitted a report, accompanied by a bill (S. 5122) for the relief of the Western Alaska Construction Company's railroad; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 4549) to authorize the appointment of road overseers and to create road districts in the district of Alaska, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bill and joint resolution, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 3706) in aid of the construction of the Valdez, Copper River and Tanana Railroad, in Alaska; and

A joint resolution (S. R. 51) to extend the time for construction of the Akron, Sterling and Northern Railroad, in Alaska.

PUBLICATIONS OF MARINE-HOSPITAL SERVICE.

Mr. PLATT of New York. I am instructed by the Committee on Printing, to whom was referred the joint resolution (S. R. 59) providing for the publication of the annual reports, Public Health Reports, bulletins, and other special publications of the Public Health and Marine-Hospital Service of the United States, to report it favorably without amendment. I ask unanimous consent for its present consideration.

The joint resolution was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there be printed each year the Public Health Reports, bulletins, and other special publications of the Public Health and Marine-Hospital Service of the United States, to be distributed by the Surgeon-General, in such editions as the interests of the Government and the public may require; and that there be printed each year 12,000 copies of the Annual Report of the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, 5,000 copies for the use of the House, 2,000 copies for the use of the Senate, and 5,000 copies, bound in cloth, to be distributed by the Surgeon-General.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KIRBY THOMAS.

Mr. PROCTOR. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 10058) for the relief of Kirby Thomas, to report it favorably without amendment. I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Postmaster-General to allow on the accounts of Kirby Thomas, postmaster at Superior, Wis., a credit of $13,897.36, for postal funds derived from box rents and postage stamps, or their equivalent in money, stolen from the post-office by burglars on the night of October 20, 1903.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 5107) granting an increase of pension to Nathaniel Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 5108) to amend an act for the prevention of smoke in the District of Columbia, and for other purposes, approved February 2, 1899; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 5109) granting an increase of pension to Martin Russell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5110) granting a pension to Cornelia K. Smith:

A bill (S. 5111 granting an increase of pension to Charles W. Barrett (with an accompanying paper); and

A bill (S. 5112) granting an increase of pension to Kettil Torgeson (with accompanying papers).

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5113) granting a pension to John Burke;

A bill (S. 5114) granting an increase of pension to James W. Poor; and

A bill (S. 5115) granting a pension to John Hedrick.

Mr. GORMAN introduced a bill (S. 5116) granting an increase of pension to J. McKendree Kemp; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 5117) to authorize the appointment of Alexander D. B. Smead as a captain of cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a b ll (S. 5118) granting an increase of pension to Andrew R. Mark; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 5119) for the relief of the widow and heirs at law of Charles Wilkes, deceased, late a rear-admiral in the United States Navy; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut (for Mr. HAWLEY) introduced a bill (S. 5120) granting an increase of pension to William H. Chamberlain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5121) granting an increase of pension to James Fly; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. HOAR submitted an amendment proposing to appropriate $5,000 for the erection of a monument at the grave of Maj. Pierre Charles L'Enfant, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment proposing to appropriate $130,629.67 for the reimbursement of the directors of Providence Hospital, Washington, D. C., for expenses incurred in the reconstruction of the hospital building, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. FOSTER of Louisiana submitted an amendment proposing to appropriate $50,000 for building an annex to the United States court-house and post-office at Shreveport, La., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLARK of Montana submitted amendments intended to be proposed by him to the bill (H. R. 11676) to ratify and amend an agreement with the Indians of the Crow Reservation, in Montana; which were referred to the Committee on Indian Affairs, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. OVERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

1. Whether an order has recently been issued enlarging the pension act of June 27, 1890, and amendments, as to disabilities of applicants for pensions, and if so, to send to the Senate a copy of said order.

2. By what amount, if any, will said order probably increase pensions annually, particularly when the same shall become fully operative.

ARIZONA TERRITORIAL INSANE ASYLUM.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 6494) to approve and ratify act numbered 7 of the legislative assem ly of the Territory of Arizona.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the bill named by him, which will be read to the Senate for its information, subject to objection.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CULBERSON. Mr. President, my experience has not been favorable to the validation of bonds, and I should like to ask if there is a report of the committee accompanying the bill?

Mr. BEVERIDGE. There is a report accompanying the bill. The Senator can either have the report read or I will give a verbal explanation, as he may prefer.

Mr. CULBERSON. I will hear the Senator.

Mr. BEVERIDGE. Mr. President, this is a bill which passed the House of Representatives, came to the Senate, was referred to our Committee on Territories, and by them favorably reported. As I understand the facts to be, it is a bill of uncommon merit and of pressing necessity.

The facts are these: The Territory of Arizona now has in its insane asylum something over 300 inmates. The accommodations of that asylum are entirely inadequate for that number. They are not adequate for more than 150, whereas there are 300 patients there. Therefore proper hygienic attention and even proper medical attention can not be given to the inmates. The condition is pressing and immediate.

Before the enactment of this law by the Territorial legislative assembly of Arizona an investigation was made. The act needs the ratification of the Congress of the United States more as a practical matter than perhaps as a legal matter. I do not understand that the $100,000 loan hereby authorized exceeds the 40 per cent limitation, but the state of the market is such, with reference to these bonds, that they can be sold at a higher price and more readily diposed of when they have the stamp of approval of the Congress of the United States.

In this particular case, as I say, the matter, as appears from the facts I have given to the Senate, is of pressing and immediate moment; it is a question of common humanity. The inmates in the asylum are to-day at this hour suffering for additional accommodations, and the insane are perhaps twice in number what the accommodations at present are sufficient to provide for. There is suffering and distress and inadequacy of attention, not on account of the executive officers, but merely on account of the fact that they have not sufficient room and equipments.

That, I believe, presents all the facts contained in the report.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULBERSON. Mr. President, it was impossible to hear distinctly the bill as it was read, and I should therefore like to ask the Senator from Indiana if there is contained in it a proposition to validate bonds already issued, or is it to authorize the issuance of bonds in the first instance?

Mr. BEVERIDGE. The proposition in the bill is, in one word, to validate the action of the legislature of Arizona, which has authorized the issuance of the bonds.

Mr. CULBERSON. Have the bonds already been issued?

Mr. BEVERIDGE. On the point of the issuance of the bonds I am not informed, but the Delegate from Arizona, who now sits at the side of the Senator, can probably inform him.

As to the merits of this bill, it did not occur to the committee or to any member of it as of importance whether the bonds had been issued or not. The facts which underlie this bill have their root in common humanity and immediate necessity, but whether the bonds have been actually issued I do not know.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

AMERICAN ACADEMY IN ROME.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 3244) to incorporate the American Academy in Rome, which has been reported favorably from the Committee on the Library with amendments.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library with amendments, in section 1, page 2, line 3, after the name "William H. Herriman," to strike out the name "Abram S. Hewitt;" and in line 11, after the name "Frederick Law Olmsted," to strike out "junior."

The amendments were agreed to.

Mr. HANSBROUGH. In section 2, page 3, line 11, after the word "estate," I move to insert "and personal property;" so as to make the section read:

SEC. 2. That said corporation may adopt a constitution and make all by-laws, rules, and regulation not inconsistent with law that may be necessary or expedient in order to accomplish the purposes of its creation; and it may hold real estate and personal property in the United States and in the Kingdom of Italy for the necessary use and purposes of said organization to an amount not to exceed $500,000; and it may adopt a seal. Said corporation shall have its principal office in Washington, in the District of Columbia, and shall hold its annual meetings in such places as the said incorporators shall determine.

The amendment was agreed to.

Mr. BERRY. Mr. President, is that the same bill which was called up the other day by the Senator from New Jersey [Mr. KEAN], to which an amendment was offered?

Mr. HANSBROUGH. It is not the same bill.

Mr. BERRY. Well, is it the same character of bill?

Mr. HANSBROUGH. Not at all.

Mr. BERRY. An amendment was put on that bill here, as I remember, that in no case should the United States be liable for any acts done or obligations incurred by that company.

Mr. HANSBROUGH. There is no liability whatever under this bill.

Mr. BERRY. Well, it makes this academy a corporation of the United States. It may be misleading in that respect, and some persons may infer that the United States would be in some way liable. If I remember, a similar bill was before the Senate a few days ago in charge of the Senator from New Jersey, and such an amendment as I have indicated was put upon it.

Mr. HANSBROUGH. I hope the Senator will consider the fact that these gentlemen are merely seeking the privilege of being incorporated in the District of Columbia.

Mr. BERRY. Yes.

Mr. HANSBROUGH. That is all there is to it, and there is no obligation whatever imposed upon the Government.

Mr. BERRY. I want to put a provision in this bill similar to that to which I have referred, and so I move to add to the bill:

Provided, That under no circumstances shall the United States be liable for any obligation incurred by this corporation.

Mr. HANSBROUGH. I have no objection to having that amendment adopted, if the Senator from Arkansas so desires, as a similar amendment was put in the bill to which he has referred.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Arkansas [Mr. BERRY].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED I. JUDY.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3776) granting an increase of pension to Alfred I. Judy, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

GEORGE W. TRAVIS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6022) granting an increase of pension to George W. Travis, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

ALONZO DUTCH.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5176) granting an increase of pension to Alonzo Dutch, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

ABRAM H. HUNT.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 892) granting an increase of pension to Abram H. Hunt, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment, and agree to an amendment inserting in lieu thereof the word "thirty-six;" and that the House agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

ALFRED H. ROGERS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 958) granting an increase of pension to Alfred H. Rogers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

GEORGE C. SHERMAN.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3903) granting an increase of pension to George C. Sherman, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment and agree to an amendment inserting in lieu thereof the word "twenty;" and the House agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

HENRY CHRISTY.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 468) granting an increase of pension to Henry Christy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede.

P. J. McCUMBER,
N. B. SCOTT,
T. M. PATTERSON,
Managers on the part of the Senate.
HENRY R. GIBSON,
ROBERT W. MIERS,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 12904) providing for holding of courts of the eastern division of the northern Federal judicial district of Georgia at Athens, Ga.; and

A bill (H. R. 13352) transferring the county of Pierce, in the State of Georgia, from the eastern to the southwestern division of the United States district court for the southern district of Georgia.

The bill (H. R. 3761) ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street was read

twice by its title, and referred to the Committee on Public Buildings and Grounds.

FOG SIGNAL AT QUARRY POINT, ANGEL ISLAND, CALIFORNIA.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 4603) to establish a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to add to the bill the following:

And the Light-House Board is hereby authorized to expend so much of this amount as may be needed from the $63,000 appropriated for the construction of a light and fog-signal station at Point Dume, California, by the act of March 3, 1901, for the establishment of said signal and quarters.

So as to make the bill read:

Be it enacted, etc., That there be established a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California, with quarters for keepers, at a cost not to exceed $12,000, and the Light-House Board is hereby authorized to expend so much of this amount as may be needed from the $63,000 appropriated for the construction of a light and fog-signal station at Point Dume, California, by the act of March 3, 1901, for the establishment of said signal and quarters.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WALLER.

Mr. PLATT of New York. I ask unanimous consent for the present consideration of the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, after the words "sum of," to strike out "eight hundred" and insert "two hundred and fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Waller, late postmaster at Monticello, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $215, to reimburse him for money expended in carrying the United States mails and from damages consequent therefrom.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS.

Mr. McCUMBER. I ask unanimous consent that on Monday next, after the close of the routine morning business, the Senate may proceed to the consideration of Calendar No. 464, being the bill (S. 196) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that immediately after the close of the routine morning business on Monday next the Senate will proceed to the consideration of the bill named by him. The bill has been once before the Senate and has been read, as the Chair understands.

Mr. McCUMBER. I do not understand that there will be any objection to the bill or any argument about it at that time.

Mr. PLATT of Connecticut. Mr. President, I favor that bill; but, as I said the other day in the Senate, I do not think that we ought to parcel out the time of the Senate by unanimous-consent agreements for the consideration of particular bills. I will help the Senator from North Dakota all I can on next Monday morning to get consideration for the bill named by him. He can move to proceed to its consideration then, and I will do all I can to help him get it; but I do not think we ought——

Mr. STEWART. I suggest to the Senator from North Dakota that he had better give notice.

Mr. PLATT of Connecticut. But I do not think we ought to parcel out the time of the Senate by unanimous-consent agreements when it may be more important to consider other measures at that time.

The PRESIDENT pro tempore. Objection is made.

JOHN H. M'LAUGHLIN.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (H. R. 199) for the relief of John H. McLaughlin.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to John H. McLaughlin, of Fort Randall, S. Dak., for services as custodian of the abandoned Fort Randall Military Reservation, in South Dakota, $500, for forty-four and two-thirds months, beginning October 28, 1893, and ending July 19, 1897.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE MURTAGH.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 1779) for the relief of Caroline Murtagh, widow of the late William J. Murtagh, formerly proprietor of the National Republican, of Washington, D. C.

The Secretary read the bill.

Mr. PLATT of Connecticut. I should like to have the report read.

Mr. STEWART. I can state exactly what it is.

Mr. PETTUS. I ask for the reading of the report.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. STEWART January 27, 1904:

The Committee on Claims, to whom was referred the bill (S. 1779) for the relief of Caroline Murtagh, widow of the late William J. Murtagh, late proprietor of the National Republican, of Washington, D. C., have considered the same and submit the following report:

This committee has previously favorably reported a similar bill—during the first session of the Fifty-sixth Congress.

As the committee's former report well states the facts in this case, the committee adopts the same as its report on the bill now under consideration, and reports back S. 1779 with the following amendment:

In line 9, after the word "cents," insert the following: "which sum is hereby appropriated, being."

With this amendment your committee recommend the passage of the bill.

[Senate Report No. 1141, Fifty-sixth Congress, first session.]

The Committee on Claims, to whom was referred a bill for the relief of William J. Murtagh (S. 187), late proprietor of the National Republican, of Washington, D. C., have considered the same and submit the following report:

During the year 1872, and for some years before, William J. Murtagh was the owner of the National Republican, a newspaper published in the District of Columbia, and for a considerable period of time during Mr. Murtagh's ownership of the paper in question all United States Government advertisements were published therein, the paper being designated to publish such advertisements by the Clerk of the House of Representatives, whose authority for such action was founded upon the provisions of section 2 of the act of Congress approved July 20, 1868. These advertisements were published as stated, and paid for by the United States Government.

By an act of Congress approved July 15, 1870 (16 Stat. L., 308), it was enacted that no advertisement, notice, or proposal for any Executive Department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department, and further enacting that no bill for any such advertising or publication should be paid unless there were presented with such bills a copy of the written authority required.

After the passage of this law Mr. Murtagh continued publication of the United States Government advertisements in the National Republican, receiving from the heads of the various Executive Departments, except the Treasury Department, the written authority required by the last-mentioned act. Because of some personal feeling which existed between the then Secretary of the Treasury and Mr. Murtagh, the latter was unable to obtain from the former the written authority required, but Mr. Murtagh claims to have received from General Grant, who was President of the United States during the period in which these advertisements were published, directions to continue their publication in his newspaper and his assurances that the bills therefor would be paid. This direction and these assurances by the President seem to have been verbal only, for Mr. Murtagh is unable to produce any written authority from General Grant, but it appears that Mr. Murtagh was then on close personal and intimate terms with the President, who seems to have entertained for him a high regard. (See the affidavit of Lieutenant-Colonel Sniffin, accompanying this report, who was Executive clerk stationed at the White House during General Grant's first term as President and his secretary during his second term.)

Having received General Grant's advice and assurances, as claimed, Mr. Murtagh continued to publish the advertisements of the Treasury Department, as well as those of the other Departments, and all of his bills for such advertising, except in the case of the Treasury Department, were duly paid. Mr. Murtagh presented his vouchers for the Treasury Department advertisements to that Department, but payment was refused upon the ground that he was unable to produce the written authority called for by the act of July 15, 1870. There is no doubt that the advertisements in question were published in the National Republican by Mr. Murtagh, as claimed. He produced before the committee his vouchers for such advertisements, which were published during the years 1871 and 1872. In addition, there were submitted to the committee, and the same accompany this report, the affidavits of Mr. Joseph B. Fowler and Joseph Y. Potts, both of whom were employed upon the National Republican during the period in which the advertisements were published. Mr. Potts occupied a responsible position upon the paper, and both affiants have personal knowledge of the publication of the advertisements in question.

The affidavit of Mr. Murtagh is also hereto attached.

In 1893 a bill for the relief of Mr. Murtagh, similar to the one now reported upon, was introduced in the House of Representatives and referred to the Committee on Claims, which, on February 15, 1893, favorably reported the measure to the House in a report, a copy of which is hereto annexed and made a part of this report.

The bill has been introduced at each Congress for many years, and the claimant has exercised due diligence in seeking relief.

The committee are of the opinion that Mr. Murtagh's claim is just and meritorious and the amount provided in the bill should be paid, and therefore recommend the passage of the bill.

DISTRICT OF COLUMBIA, *ss:*

C. C. Sniffen, being first duly sworn, on oath says that he was, during the first term of General Grant as President of the United States, Executive clerk, stationed at the White House, and during his second term was his secretary; that he was fully acquainted with the relations existing between the then President and William J. Murtagh, former publisher of the National Republican of this city; that they were intimate friends, and Mr. Murtagh was a daily visitor at the White House, consulting with the President upon matters of personal or political import; that in every way General Grant manifested the utmost friendship for Mr. Murtagh; and this affiant believes that within reason he would have complied with any request likely to have been made by Mr. Murtagh and favored him, as far as might be possible consistent with law, in the granting of contracts for publishing departmental advertising.

C. C. SNIFFEN,
Lieutenant-Colonel, Deputy Paymaster-General, U. S. Army.

Subscribed and sworn to before me this 13th day of January, 1900.
[SEAL.] W. H. WETZEL, *Notary Public.*

DISTRICT OF COLUMBIA, *ss:*

Joseph B. Fowler, being first duly sworn, on oath deposes and says that he is a clerk employed in the office of the Auditor for the Interior Department, Treasury Department, and has been so employed for thirty-two years last passed; that from December, 1851, until March, 1866, he was employed as a clerk in the office of the National Republican, Washington, D. C., by its proprietor, W. J. Murtagh; that during all the time of such employment the National Republican published all Government advertisements for all of the Departments at Washington and was duly paid for the same.

JOSEPH B. FOWLER.

Subscribed and sworn to before me, S. M. Chase, a notary public in and for the District aforesaid, this 1st day of January, A. D. 1900.
[SEAL.] S. M. CHASE, *Notary Public.*

DISTRICT OF COLUMBIA, *ss:*

Joseph Y. Potts, being first duly sworn, on oath deposes and says that he is a citizen of the United States and a resident of the District of Columbia, and has resided in said District since the year 1855, and that he is now and has been for some years past the clerk of the police court of said District; that in the year 1866 this affiant became connected as reporter on special duties with the National Republican, a newspaper published in said District; that in the year 1868 this affiant entered upon permanent and continuous employment on the same paper, then owned by William J. Murtagh, and continued in said employment from that time until the paper ceased publication, about the year 1891, some years after Mr. Murtagh parted with his interest in and ownership of the same; that during his employment this affiant filled various positions on said paper, from that of local reporter to managing editor; that during the Administrations of General Grant said newspaper was selected by the proper authority as the medium for publishing for all the United States Government Departments their advertisements, and that said advertisements were published in said paper; that he received instructions, while news editor, to clip from all exchanges United States Government advertisements appearing therein, which were subsequently republished by said National Republican under its aforesaid selection for that purpose, and for such advertisements the proprietor of the paper, the aforesaid William J. Murtagh, was paid, except for the Treasury Department advertisements; that the publication of said advertisements continued as aforesaid by said paper until General Grant retired from the Presidency; that during the period aforesaid the said newspaper published the advertisements of the Treasury Department, as well as those of the other United States Government Departments, and to the best of this affiant's knowledge, information, and belief the said William J. Murtagh was paid for said advertisements, except those of the Treasury Department.

And further affiant saith not. JOSEPH Y. POTTS.

Subscribed and sworn to before me, Harvey T. Winfield, a notary public in and for the aforesaid District, this 27th day of April, A. D. 1900.
[SEAL.] HARVEY T. WINFIELD, *Notary Public.*

William J. Murtagh, being first duly sworn, on oath deposes and says that he is a citizen of the United States and a resident of the District of Columbia, and has been such resident fifty years; that he was owner of the National Republican, a newspaper published daily in the District of Columbia from 1860 to 1877; that during the Administrations of General Grant as President the said newspaper was designated by the Clerk of the House of Representatives as the paper in which all United States Government advertisements should be published, this designation being made by the Clerk under the provisions of section 2 of the act of Congress of July 20, 1868, and this affiant also had authority from General Grant to publish said advertisements.

Under this designation and authority this affiant published and was paid for so publishing all United States Government advertisements, but in 1870 Congress enacted a law requiring that no advertisement, notice, or proposal for any Executive Department of the Government or for any bureau thereof or for any office therewith connected should be published in any newspaper whatever except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising or publication should be paid unless there was presented with such bills a copy of the written authority required by said law. This affiant obtained the written authority required by the before-mentioned act of Congress from the heads of all the other Departments, but failed to obtain the authority from the Treasury Department for the reason that affiant had opposed some of the policies of the Secretary of the Treasury and incurred his displeasure. Affiant explained the matter to President Grant and inquired of him if it was safe to continue the publication of the advertisements of the Treasury Department.

The President remarked that he had better continue the publication and that he could rely on his good offices in the premises. Acting on the suggestion of President Grant, affiant continued the publication of the Treasury advertisements, as well as the advertisements of all other Departments, and in due course presented the bill to the Treasury Department for payment, but the Secretary failed to pay the same. The bills for such advertising are herewith submitted, and this affiant swears that the prices charged therefor were the proper and reasonable prices prevailing at the time for such advertisements and that the same were duly published in the aforesaid National Republican newspaper by this affiant because of the direction and assurances made to him by the President.

And further affiant saith not.

WM. J. MURTAGH.

Subscribed and sworn to before me, a notary public in and for the District of Columbia, this 2d day of May, A. D. 1900.
[SEAL.] HARVEY T. WINFIELD, *Notary Public.*

[House Report No. 2512, Fifty-second Congress, second session.]

The Committee on Claims, to whom was referred the bill (H. R. 7048) for the relief of William J. Murtagh, late proprietor of the National Republican, of Washington, D. C., have considered the same and respectfully submit the following report:

For some years previous to and during 1872 the claimant, William J. Murtagh, was the proprietor of the National Republican, a newspaper published in Washington, D. C., and had the printing and publishing of certain advertisements for various Departments of the United States in said paper, under the provisions of sections 2 of the act of July 20, 1868, whereby the Clerk of the House of Representatives was authorized to select one newspaper in the city of Washington in which the advertisements for contracts made by the Government should be published.

The Clerk of the House selected the National Republican for this purpose, and that paper continued to publish said advertisements under this authority until July 15, 1870 (16 Stat., 308), when an amendatory act was passed requiring—

"That no advertisement, notice, or proposal for any Executive Department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising or publication shall be paid unless there be presented, with such bills, a copy of the written authority aforesaid."

All the different Departments of the Government published their advertisements in the National Republican during this time, and the necessary "written authority" was obtained from all except the Treasury Department and the work paid for. The Treasury Department refused or omitted to give the written authority required because of some personal feeling which existed between the Secretary of the Treasury and this claimant, as appears from the evidence produced before the committee. It also appears by the proofs in the case that the claimant continued to publish these advertisements for the Treasury Department by direction of the President of the United States, with the understanding by the claimant that the same should be paid for.

The opinion of J. Holt, Judge-Advocate-General of the United States, a copy of which is hereto annexed, will apply in this case.

It seems improbable that the claimant would have continued to do this work, requiring, as it must, a considerable expenditure of money, without some understanding that it would be paid for; and as he has produced separate bills for each item of the work done, with a copy of each advertisement attached to the same, with the evidence that the publications were duly made and the charges for the same correct, the Government having received the full benefit of this work, we are of the opinion that he should be compensated therefor.

The committee therefore recommend the passage of the accompanying bill.

WAR DEPARTMENT,
Bureau of Military Justice, January 7, 1870.

Respectfully returned to the Secretary of War.

In construing the terms of the order of the President that the accounts of the newspapers "now on file be audited and paid," the principal difficulty appears to consist in the proper meaning to be given to the word "audited." If by this it was intended that the accounting official should simply examine the accounts as they stand and state, upon calculation, the correct sum due thereon, then the order would properly be interpreted as authorizing the payment of the full amounts if those amounts are in their figures the correct ones. If the word "audited" be more strictly construed, as meaning that the accounts should be not merely verified, but adjusted in conformity to the general rules adopted in the Department for the settlement of bills of a similar class, the inference would be that they were intended to be paid only in part, viz, as reduced by the rule referred to in the inclosed memorandum. This latter inference is not deemed to be a necessary one, especially as the present accounts are exceptional in their character and have been approved "for special considerations;" but whether this construction or the other shall be given to the word in question can really be fully declared only by the President himself.

That the President has power to disregard the general rule alluded to in settling these accounts I can have no doubt. This rule is not a statutory one, and so imperative in its nature, but one made in his name and by his authority, and he can certainly modify or abrogate it altogether at his pleasure. He can therefore, of course, except any case such as the present from its operation, and thus may, without the violation of any law, order to be allowed the full charges for all the publications made by the newspapers, if, from the proofs, such charges shall be found to be correct, and such publications to have been duly made.

J. HOLT, *Judge-Advocate-General.*

The PRESIDING OFFICER (Mr. PERKINS in the chair). Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDING OFFICER. The bill has been reported from the Committee on Claims with an amendment.

Mr. PLATT of Connecticut. I move to amend the bill, on page 2, line 1, by striking out, before the word "authority," the word "by" and inserting "without;" and in the same line, after the word "law," by striking out "and" and inserting "but;" so as to read: "without authority of law, but in accordance with vouchers filed."

The amendment was agreed to.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The SECRETARY. The committee propose to amend the bill, on page 1, line 9, by inserting, after the words "cents," the words "which sum is hereby appropriated, being."

The amendment was agreed to.

Mr. BEVERIDGE. Mr. President——

Mr. CULBERSON. It is a short bill, and I ask that it be read as amended.

The PRESIDING OFFICER. The Senator from Indiana was recognized.

Mr. BEVERIDGE. I was merely going to ask for a brief ex-

planation of the bill; but I can do that later. The reports were so long and involved and other business intervening I could not well understand the case. I thought perhaps the Senator from Nevada could briefly explain it.

Mr. STEWART. I should like to state the case in a few words.

The PRESIDING OFFICER. The Senator from Texas calls for the reading of the bill.

Mr. CULBERSON. As amended.

The PRESIDING OFFICER. The bill will be read as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Caroline Murtagh, widow of the late William J. Murtagh, formerly proprietor of the National Republican newspaper, published in Washington, D. C., the sum of $17,347.72, which sum is hereby appropriated, being due the said Murtagh for printing in said newspaper, without authority of law, but in accordance with vouchers filed, certain advertisements issued by the Government of the United States.

Mr. BEVERIDGE. If it is not too much trouble to the Senator who called up the bill, I should like to have a few words of explanation made.

Mr. STEWART. I was here at the time, and I know all about it. Mr. Murtagh was the owner and editor of the Republican, the leading Republican newspaper at the capital, which published official advertisements. The Clerk of the House of Representatives for a time gave out the advertisements. Afterwards Congress passed a law that advertisements must be ordered by the heads of Departments. Mr. Murtagh had some difference with the Secretary of the Treasury with regard to an appointment. That is not in the evidence, but I recollect it. The Republican newspapers defending the President said some sharp things of the Secretary. I remember the circumstance, because I had something to do with the then pending legislation in regard to it. Mr. Murtagh had been publishing the advertisements for a long time under the authority of the Clerk of the House, and the report shows, and the evidence is, that he consulted the President as to whether he should go on with their publication. He could not get the order from the Secretary.

Mr. BEVERIDGE. What were the advertisements he was publishing?

Mr. STEWART. Official advertisements of the Treasury Department.

Mr. BEVERIDGE. When was this?

Mr. STEWART. This was during Grant's Administration.

Mr. BEVERIDGE. Thirty years ago.

Mr. STEWART. Thirty-odd years ago.

Mr. BEVERIDGE. Has this bill ever been presented before?

Mr. STEWART. Yes; a good many times.

Mr. PLATT of Connecticut. It has never passed.

Mr. STEWART. It has never been passed, but Mr. Murtagh did the work, and the committee which has examined into the matter thinks he ought to be paid. He is now dead.

Mr. CULLOM. Where does this report come from?

Mr. STEWART. From the Committee on Claims. It reported it last year and again this year.

Mr. CULBERSON. I understand the Senator from Nevada to have accepted an amendment stating that this printing was without authority of law, and yet he asks that the bill be passed?

Mr. ALDRICH. The Senate adopted the amendment. I did not understand the Senator from Nevada to accept it.

Mr. CULBERSON. I understood the Senator from Nevada to accept it.

Mr. STEWART. I did not propose the amendment The advertising was done without authority of law, because the law required that the publisher should get the order from the Secretary, and he did not get that order, and I doubt very much whether the President had the power to authorize him to print it, but he, acting upon what the President did, made the publication.

Mr. BEVERIDGE. If it is a just claim, we ought not to haggle about it. The fact that it is thirty-odd years old——

Mr. STEWART. There is no doubt he performed the service, and he ought to be paid.

Mr. SPOONER. The trouble with this claim seems to be radical. Will the Senator from Nevada yield to me for a moment?

Mr. STEWART. Certainly.

Mr. SPOONER. The amendment which was proposed by the Senator from Connecticut——

Mr. PLATT of Connecticut. And adopted.

Mr. SPOONER. I was going to say that. The amendment which was proposed by the Senator from Connecticut and adopted by the Senate is sustained by the fact.

Mr. PLATT of Connecticut. Of course it is.

Mr. SPOONER. And it ought to have been proposed by the Senator from Connecticut of all other Senators, and it ought to have been adopted by the Senate, because it is perfectly apparent from the report that the publication of these advertisements, for which the charge of $17,500 is made, was absolutely without any authority of law.

Now, this claim rests upon a very narrow basis. It appears that Mr. Murtagh was paid for all the advertisements which were published——

Mr. STEWART. Up to that time.

Mr. SPOONER. Under the law as it stood when his newspaper was designated for that purpose.

Mr. STEWART. By the Clerk of the House.

Mr. SPOONER. By the Clerk of the House. Then by the act approved July 15, 1870, it was provided—

That no advertisement, notice, or proposal for any Executive Department of the Government, or for any bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department.

Now, that did not mean the President.

Mr. STEWART. No.

Mr. SPOONER. The Constitution makes a clear distinction between the President of the United States and the head of a Department. When Congress provides that nothing shall be done without the written authority from the head of a Department, that does not mean, of course, anything except what it says.

Mr. STEWART. It means just what it says.

Mr. SPOONER. It is utterly immaterial why Mr. Murtagh was unable to procure the written authority from the Secretary of the Treasury. The Senator says it was because he was criticising the Secretary of the Treasury and there was bad blood between them. It is sufficient to say that he did not receive the written authority, and therefore he knew and was bound to know and the report shows that he did know that he had no warrant in law for publishing these notices and would not be entitled, if he did publish them, to collect for that service.

He makes it appear in this report that he was a great friend of General Grant, and while he could not get the written authority of the Secretary of the Treasury to bring him within this law and put him in a position where he could render the service, file his accounts with the auditing department with certainty that he was entitled to have them audited and the amount paid, he appealed to General Grant upon the subject, and General Grant told him "to go on and I will use my good offices." In the first place that conversation was with a man who is now dead.

Mr. BEVERIDGE. It was a conversation between two men, both of whom are now dead.

Mr. SPOONER. They are both dead. But if Mr. Murtagh were alive, it is a conversation entirely unsupported except by his affidavit or statement.

Mr. STEWART. Mr. Sniffen, the clerk——

Mr. SPOONER. Mr. Sniffen only testifies to this, that Mr. Murtagh was on friendly relations with President Grant. He has no doubt that President Grant would "have complied with any request likely to have been made by Mr. Murtagh and favored him, as far as might be possible consistent with law." But General Grant could not favor him in this respect in any possible way consistent with law, except by using his good offices with the Secretary of the Treasury to give to Murtagh written authority in order to comply with the law.

Mr. STEWART. Admitting all that.

Mr. SPOONER. Admitting all that, what is left?

Mr. STEWART. What is left?

Mr. SPOONER. Yes.

Mr. STEWART. The fact that he did the work.

Mr. BEVERIDGE. Did he ever get any money for it?

Mr. STEWART. Never.

Mr. BEVERIDGE. He never did?

Mr. STEWART. Never; not for this particular printing.

Mr. BEVERIDGE. Either before the law or after?

Mr. STEWART. No; he did the work. I have no doubt he supposed that General Grant's good offices would be sufficient to secure him payment. He went on and expended his money for a considerable time and published the advertisements, and it stands like a good many other claims. He has no legal claim whatever; that is admitted by the committee. They do not recognize any legal claim; but the committee thought, inasmuch as he did the service and had not been paid, he had an equitable claim, and the United States ought not to take advantage——

Mr. SPOONER. The Senator admits that he rendered the service knowing of the existence of this law.

Mr. STEWART. Almost everybody thinks the President is all-powerful. I think Murtagh had faith that he would get his money.

Mr. BEVERIDGE. It is not a legal, but an equitable claim?

Mr. STEWART. An equitable claim. He has no legal claim, but I am perfectly certain he thought he would be paid or he would not have gone on and spent his money.

Mr. PETTUS. Mr. President, I desire to ask the Senator in charge of this bill a single question. How does it happen that if this money is due it is payable to the widow instead of being payable to the administrator? What is the reason?

Mr. STEWART. She is the heir.

Mr. PETTUS. Why should the money be donated to the widow instead of being paid to the administrator?

Mr. STEWART. I do not know whether there is any administrator. I do not know whether or not one was appointed.

Mr. PETTUS. Then I will ask another question. Did this gentleman leave any estate?

Mr. STEWART. He did not leave much.

Mr. CULBERSON. I notice that in the report it is stated that "he produced before the committee his vouchers for such advertisements, which were published during the years 1871 and 1872." General Grant was President at that time——

Mr. STEWART. Yes.

Mr. CULBERSON. And afterwards, and lived until 1885, I believe. There is nothing in the record to show that during his lifetime General Grant gave any credence to this statement about the work having been done by his authority.

Mr. STEWART. The bills for the printing were exhibited to the committee. I have not them here, but I recollect looking over them. There is no doubt about the printing having been done. That was looked into very carefully. The question is, Will the Government pay what it is not legally bound to pay for services actually rendered and accepted, because the advertisements were not published in any other paper?

Mr. PLATT of Connecticut. Oh, yes.

Mr. STEWART. I want the Senate to understand exactly how it is when they vote on the bill.

Mr. PLATT of Connecticut. These advertisements were in great part advertisements which were clipped from other newspapers throughout the United States and then published in this paper.

Mr. SPOONER. The Senator from Nevada says these advertisements were accepted by the United States. I ask the Senator what he means by that? Nobody could prevent Mr. Murtagh's putting these advertisements in his paper. Does the fact that he published them constitute acceptance by the United States?

Mr. STEWART. Not a legal acceptance.

Mr. SPOONER. What kind of an acceptance?

Mr. STEWART. They had to have the official advertisements published by law. That was required.

Mr. SPOONER. That raises another question which is material. If these were advertisements which were required by law to be published, and they were to be published on the written authority of the Secretary of the Treasury, and he was not willing to have them published by Mr. Murtagh, the presumption is that he did give written authority to have them published by some other newspaper. What does the Senator say about that?

Mr. STEWART. I do not know about that.

Mr. SPOONER. And if they were so published they have been paid for.

Mr. PLATT of Connecticut. May I read one word from an affidavit by Mr. Potts, who says "that he received instructions while news editor to clip from all exchanges United States Government advertisements appearing therein, which were subsequently republished by said National Republican under its aforesaid selection for that purpose." That was before they were required to get the authority of the head of a Department.

But this was a somewhat remarkable matter in its inception. Mr. Murtagh, so the Senator from Nevada says, was publishing a Republican newspaper in Washington. Whether it was Republican or Democratic——

Mr. STEWART. That does not make any difference.

Mr. PLATT of Connecticut. It seems that all the Government advertisements which had been published elsewhere in the country were given to this newspaper, presumably for the purpose of supporting the newspaper. Then a law was passed, whether with the idea that there had been an abuse of the advertising business or otherwise I do not know, that no advertisement should be printed by any newspaper publisher except with the written authority of the head of the Department issuing the advertisement.

Mr. Murtagh got from all the other Departments written authority to continue the publication of these advertisements clipped from other newspapers around the country, but he could not get that authority from the Secretary of the Treasury, and he never did. Therefore he published these advertisements, so far as the Treasury Department advertisements were concerned, absolutely without authority of law and on his own risk, knowing there was a law which prohibited him from obtaining any payment for them.

Now, he said that General Grant told him to go ahead and he would use his good offices to see that the bills were paid. But that does not make the Government liable, either legally or equitably, for this claim.

Very likely this widow is poor, but I think I remember—I have been here a quarter of a century now—that this claim has been before Congress almost from the time when I came into the Senate, and though it has been reported on occasionally, it has never been passed by either House of Congress.

Mr. FAIRBANKS. What is the amount of the claim?

Mr. PLATT of Connecticut. Seventeen thousand three hundred and forty-seven dollars.

Mr. SPOONER. Mr. President, is this bill subject to objection?

The PRESIDING OFFICER. The Chair so understands.

Mr. SPOONER. I desire to object to the bill, at least until it can be ascertained whether these advertisements were not published by authority in some other paper and paid for.

The PRESIDING OFFICER. The Chair will state that the Senate is considering the bill under Rule VIII, and it is subject to objection at any time.

Mr. STEWART. Let it go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

LIGHT-HOUSE DEPOT NEAR MILWAUKEE, WIS.

Mr. FORAKER. Mr. President——

Mr. QUARLES. I wish the Senator from Ohio would yield to me for a moment. I have a local bill which it is very important should be passed.

Mr. FORAKER. I yield to the Senator from Wisconsin.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (S. 2936) for the establishment of a depot for the engineer of the ninth light-house district at or near the city of Milwaukee, Wis.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that there shall be established, at or near the city of Milwaukee, Wis., a depot for the engineer of the ninth light-house district, and appropriates $75,000 for the purchase of a site and the erection of a suitable building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA M. HILL.

Mr. CULLOM. The Senator from Ohio kindly yields to me to call up a bill. It is the bill (H. R. 7239) granting a pension to Lydia M. Hill. I would not ask this but for the fact that the beneficiary of the bill is the widow of a former Member of the House from my State who died poor, and who had been a splendid soldier. I should like to have the bill passed.

Mr. FORAKER. I yield for that purpose.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Lydia M. Hill, widow of Charles A. Hill, late of Company C, First Regiment United States Colored Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. FORAKER. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, March 21, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 18, 1904.

PROMOTION IN THE ARMY.

To be major-general.

Brig. Gen. Leonard Wood, United States Army, August 8, 1903.

REGISTER OF THE LAND OFFICE.

Hal J. Cole, of Spokane, Wash., to be register of the land office at Spokane, Wash.

INDIAN AGENT.

Caleb B. Jackson, of Sisseton, S. Dak., now superintendent of the Indian training school at Sisseton Agency, to be agent for the Indians of the Sisseton Agency in South Dakota.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 18, 1904.*

The House met at 12 o'clock m.
Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of yesterday's proceedings was read and approved.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, the Committee on Military Affairs has instructed me to report back the Senate amendments to the bill H. R. 10670, the army appropriation bill, with the recommendation that the House disagree to the Senate amendments and ask a conference with the Senate.

Mr. WILLIAMS of Mississippi. Will the gentleman from Iowa [Mr. HULL] explain the object of this motion?

Mr. HULL. Mr. Speaker, the Senate amended this bill in a very large number of particulars, placing upon it a great deal of general legislation. The Committee on Military Affairs considered the amendments for two days. A few of them are legitimate, and the committee is in favor of them; but a large number of the amendments we are opposed to entirely as not being proper legislation on this bill. Therefore we have agreed to submit this motion in order that the matter may go to conference.

The SPEAKER. Is there objection to the request of the gentleman from Iowa, the chairman of the Committee on Military Affairs, that the House disagree to the amendments of the Senate to the army appropriation bill and ask a conference with the Senate?

There was no objection.

The SPEAKER announced the appointment of Mr. HULL, Mr. STEVENS of Minnesota, and Mr. HAY as conferees on the part of the House.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. LITTAUER]?

Mr. MUDD. Mr. Spea er, I shall object to that proposition unless the gentleman can assure the House that there will be a disagreement on the amendment providing for purchasing a submarine torpedo boat of a particular kind by the War Department, and that we may have a separate vote on that amendment.

Mr. LITTAUER. Mr. Speaker, I should have no objection whatever to a separate vote on the proposition for a submarine torpedo boat provided that proposition remains as a part of the bill when the conferees make their report. It is new legislation and an entirely new departure.

Mr. MUDD. But I want to be assured that there will not be an agreement on the part of the House conferees to that amendment——

Mr. LITTAUER. I hardly think that the House at this time wants to tie the hands of the conferees before the matter has been brought up before them for discussion on its merits.

Mr. MUDD. Well, I shall insist on the point of order under Rule XX.

The SPEAKER. The point of order will send the bill to the Committee on Appropriations.

Mr. MUDD. I understand that.

Mr. RIXEY. I should like to ask the gentleman from Maryland [Mr. MUDD] a question. I take it that he thinks the question of purchasing submarine torpedo boats ought to be referred to the Naval Committee, as being within their jurisdiction. Now, suppose the conferees on this bill should agree to reject the Senate amendment, would that be agreeable to the gentleman?

Mr. MUDD. That would be perfectly satisfactory, if there could be an understanding that that would be done.

Mr. LITTAUER. The conferees could hardly be expected to be willing to make that agreement before considering the proposition and before listening to the arguments of the Senate. I certainly think such a course would be unusual.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. LITTAUER. Certainly.

Mr. BARTLETT. I wish to suggest to the gentleman from New York that the Senate having put upon this bill a matter which is absolutely foreign to the bill, which has never been considered by the House in connection with the bill, the House, under the rules, would be entitled to consider that proposition in the first instance, as it would have the right on any other appropriation bill.

Mr. LITTAUER. I want to say to the gentleman that we would be willing to make a compromise to this effect—that if the conferees can not secure a withdrawal of that amendment it be brought before the House as a separate item, so that the House would have a chance to vote thereon.

Mr. RIXEY. I think that would be satisfactory.

Mr. BARTLETT. But, Mr. Speaker, we know very well that on the urgent deficiency bill the Senate put an amendment granting to the St. Louis Exposition an appropriation of $4,600,000, and the House insisted that that, being a new matter entirely, should be considered by the House as in Committee of the Whole.

Here is an amendment which is entirely foreign to the fortifications appropriation bill, a proposition which the House has never considered in connection with this bill, but has considered in connection with the naval appropriation bill. It seems to me that the House ought to have the privilege in the first instance of determining whether it will not strike that amendment from the bill.

The SPEAKER. The gentleman from New York has said that if this bill should go to conference the House would have an opportunity to consider and vote upon this specific amendment if the conferees should not succeed in keeping it out in conference; in other words, if the House conferees should not succeed in inducing the Senate to abandon the amendment. But the Chair desires to state that a single objection to the request for unanimous consent will send this bill to the Committee on Appropriations.

Mr. BARTLETT. I do not mean to say that I doubt in the least any statement made by the gentleman from New York or any other of the House conferees, but what I meant to suggest was that the House, without putting upon the conferees the burden suggested, ought in the first place to determine for itself that it does not want this amendment on this appropriation bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I think this matter ought to be considered by a committee of the House. I shall therefore object, in order that it may go to the committee.

The SPEAKER. The gentleman from Mississippi objects, and the report will be referred to the Committee on Appropriations.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and referred to the Committee on Appropriations:

H. R. 12446. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Senate amendments.

WATERWORKS BOND ELECTION, GEARY, OKLA.

Mr. POWERS of Maine. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Maine rise?

Mr. POWERS of Maine. I rise to ask unanimous consent for the present consideration of the bill (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks bond election held by the city of Geary, in said Territory.

The SPEAKER. The gentleman from Maine asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of the legislative assembly of the Territory of Oklahoma, approved March 5, 1903, entitled "An act legalizing the waterworks-bond election held by the city of Geary," be, and the same is hereby, ratified and confirmed; and the bonds to be issued in pursuance of said election are hereby legalized and made valid.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. POWERS of Maine, a motion to reconsider the last vote was laid on the table.

CONTESTED-ELECTION CASE—DANTZLER V. LEVER, SEVENTH CONGRESSIONAL DISTRICT, SOUTH CAROLINA.

Mr. MANN. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. MANN] desires to present a privileged report.

Mr. MANN. Mr. Speaker, I present, from the Committee on Elections No. 1, a report in the contested-election case of Dantzler *v.* Lever, from the Seventh Congressional district of South Carolina, and ask that the report be printed and that the resolution be immediately considered.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Alexander D. Dantzler was not elected a Member of the Fifty-eighth Congress from the Seventh Congressional district of South Carolina, and is not entitled to a seat therein.

Mr. MANN. The report of the committee is unanimous, Mr. Speaker.

The resolution was agreed to.

Mr. WILLIAMS of Mississippi. Will the report in this case go into the RECORD? I do not mean merely the resolution, but the report.

Mr. MANN. I suppose the report ordinarily would not go into the RECORD.

Mr. WILLIAMS of Mississippi. You would have no objection to it, would you?

Mr. MANN. I have no objection to the report being printed in the RECORD.

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, I ask unanimous consent that the report in the case of Dantzler *v.* Lever be printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The report is as follows:

The Committee on Elections No. 1, to whom was referred the contested-election case of Alexander D. Dantzler *v.* Asbury F. Lever, from the Seventh Congressional district of South Carolina, report as follows:

At the Congressional election in the Seventh district of South Carolina on the 4th day of November, 1902, the contestant, Alexander D. Dantzler, received in said district the total number of 167 votes. The contestee, Asbury F. Lever, received 4,220 votes.

There is nothing in the record or in the case to sustain a claim that the contestant, Dantzler, was elected. It is indisputable that if a legal election were held in the district, the contestee, Lever, was fairly elected.

It is urged on behalf of contestant that no legal election was held in South Carolina, and the claim is made that both the election laws and the constitution of South Carolina then and now in operation are illegal, invalid, and unconstitutional, because in direct conflict with the so-called "reconstruction act" of June 25, 1868 (15 Stat. L., 73), readmitting South Carolina and other States to representation in Congress, upon the condition—stated in said act to be a "fundamental" condition—

"That the constitution of neither of said States shall ever be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote in said State who are entitled to vote by the constitution thereof herein recognized, except as a punishment for such crimes as are now felonies at common law whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any altering of said constitution may be made with regard to the time and place of residence of voters."

The constitution of South Carolina referred to in the reconstruction act of June 25, 1868, did not contain any educational or property qualifications of voters. The constitution of South Carolina of 1895 (which was adopted and put into effect by a constitutional convention without a vote of the people adopting it), as well as the election laws adopted or passed in accordance with it, contain educational and property qualifications.

It is claimed that under the South Carolina constitution of 1895 and the election laws in force under it, many citizens are deprived of the right to vote in said State who were and would be entitled to vote by the constitution of 1868, referred to in the reconstruction act of June 25, 1868. The South Carolina constitution of 1895 and the election laws under it are therefore claimed to be in direct conflict with the reconstruction act of June 25, 1868, readmitting South Carolina to representation in Congress upon the conditions therein named as "fundamental conditions."

Contestant claims that if the citizens of the Seventh Congressional district of South Carolina who could have voted under the terms of the constitution of 1868 had been permitted to vote, he would have been elected, and he asserts that many thousands of colored voters in the congressional district entitled to vote under the constitution of 1868 were deprived of the right to vote under the educational and property qualifications of the constitution of 1895.

It is very plain that contestant was not elected, but counsel for contestant insists that if contestant was not elected then no election was held, and that it is the duty of Congress to declare that no valid election was held in South Carolina for Members of the Fifty-eighth Congress, and therefore to unseat the contestee.

It would seem that if no valid election was held in the Seventh Congressional district of South Carolina in November, 1902, and if the House of Representatives, holding this view, should declare the seat from that district vacant, then no election could be held to fill the vacancy until after the South Carolina constitution of 1895 and the election laws under it had been changed. This would necessarily involve an entire lack of representation from the district for a considerable period of time.

If the Seventh district of South Carolina were the only district involved, it might be proper for the Committee on Elections, as well as the House itself, to put on record its opinion in the case and to declare elected or not elected, as that opinion might run, the contestee. But the reconstruction acts were not confined to South Carolina. Practically the same "fundamental conditions" are found in the acts readmitting Virginia, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas to representation in Congress. Most of these States have adopted new constitutions, said to be in conflict with the terms and provisions of the reconstruction acts readmitting them to representation in Congress.

It follows, therefore, quite logically that if the House should unseat the contestee on the ground that no valid election was held, or could be held, in his district under the present constitution and election laws of South Carolina, a similar construction would require the House, in the case of contest, to unseat all of the Members from South Carolina and from most of the other Southern States, and that new elections could not be held to fill the vacancies until the respective constitutions of these States had been changed so as to comply with the reconstruction acts.

The question of the constitutionality and validity of the constitution and election laws of South Carolina, therefore, in its effect upon the membership of this House is one of far-reaching importance. It involves in its outcome the right of a very large number of the Members of the House to their seats; but the decision of this House against the contestee in this case would have no binding force in South Carolina except in this particular case. It probably would not be followed or obeyed by the State of South Carolina except in this particular case.

However desirable it may be for a legislative body to retain control of the decision as to the election and qualification of its members, it is quite certain that a legislative body is not the ideal body to pass judicially upon the constitutionality of the enactments of other bodies. We have in this country a proper forum for the decision of constitutional and other judicial questions. If any citizen of South Carolina who was entitled to vote under the constitution of that State of 1868 is now deprived by the provisions of the present constitution from voting, he has the right to tender himself for registration and for voting, and in case his right is denied, to bring suit in a proper court for the purpose of enforcing his right or recovering damages for its denial.

That suit can be carried by him, if necessary, to the Supreme Court of the United States. If the United States Supreme Court shall declare in such case that the "fundamental conditions" in the reconstruction acts were valid and constitutional and that the State constitutions are in violation of those acts, and hence invalid and unconstitutional, every State will be compelled to immediately bow in submission to the decision. The decision of the Supreme Court would be binding and would be a positive declaration of the law of the land, which could not be denied or challenged.

On the contrary, the decision of the House of Representatives upon this grave judicial question would not be considered as binding or effective in any case except the one acted upon or as a precedent for future action in the House itself.

A majority of the Committee on Elections No. 1 doubt the propriety in any event of denying these Southern States representation in the House of Representatives pending a final settlement of the whole question in proper proceedings by the Supreme Court of the United States. Some of the members of the committee believe the "fundamental conditions" set forth in the reconstruction acts to be valid and the constitutions and election laws of these States to be in conflict with such conditions, and hence to be invalid.

Some of the members of the committee believe the "fundamental conditions" set forth in the reconstruction acts to be invalid, and the constitutions and election laws of the States claimed to be in conflict with such conditions to be valid. Some members of the committee have formed no opinion and express no belief upon the subject.

Your Committee on Elections No. 1 therefore respectfully recommend the adoption of the following resolution:

"*Resolved*, that Alexander D. Dantzler was not elected a member of the Fifty-eighth Congress from the Seventh Congressional district of South Carolina, and is not entitled to a seat therein."

CONTESTED-ELECTION CASE—KAHN V. LIVERNASH, FOURTH DISTRICT OF CALIFORNIA.

Mr. MANN. I desire in behalf of the gentleman from West Virginia [Mr. GAINES], a member of the Committee on Elections No. 1, to present the report of that committee in the case of Kahn *v.* Livernash and ask for immediate consideration of the resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That Julius Kahn was not elected a Member of the Fifty-eighth Congress from the Fourth Congressional district of California, and is not entitled to a seat therein.

Resolved, That Edward J. Livernash was elected a Member of the Fifty-eighth Congress from the Fourth Congressional district of California, and is entitled to retain his seat therein.

The resolutions were agreed to.

CONTESTED-ELECTION CASE—MOODY V. GUDGER, TENTH DISTRICT OF NORTH CAROLINA.

Mr. MANN. Now, Mr. Speaker, I ask that the gentleman from Michigan [Mr. YOUNG], a member of the Committee on Elections No. 1, be recognized to present a report from that committee.

The SPEAKER. The gentleman from Michigan.

Mr. YOUNG. Mr. Speaker, I present a report from the Committee on Elections No. 1 in the contested-election case of James M. Moody *v.* James M. Gudger, jr., from the Tenth district of North Carolina. I ask to have the report printed, and I ask for the immediate consideration of the resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That James M. Moody was not elected a Member of the Fifty-eighth Congress from the Tenth Congressional district of North Carolina.

Resolved, That James M. Gudger, jr., was elected a Member of the Fifty-eighth Congress from the Tenth Congressional district of North Carolina, and is entitled to retain his seat therein.

The resolutions were agreed to.

ORDER OF BUSINESS.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. MAHON. Mr. Speaker, this day, under the rules of the House, belongs to the Committee on War Claims for the consideration of its business, and I would like to ask unanimous consent——

Mr. THOMAS of North Carolina. Mr. Speaker, we can not hear what the gentleman says.

The SPEAKER. The House will be in order.

Mr. MAHON. The Committee on War Claims do not want to interfere with this bill, which is a big appropriation bill, and as chairman of the Committee on War Claims I would ask that the day following the passage of this bill be given to the Committee on War Claims for the consideration of its business, instead of to-day.

Mr. PAYNE. I hope the gentleman will not ask that now, as I shall have to object, until we can see how the business of the House progresses.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to make a short statement.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to make a short statement. Is there objection? [After a pause.] The Chair hears none.

Mr. MAHON. Mr. Speaker, I hope the gentleman from New York will not object. This committee has had but two and a half hours for the consideration of bills reported from it this Congress. I hope he will not press us to fight against appropriation bills; but

under the rules of the House we are entitled to this day. I hope the gentleman will not want to make us fight for our time here. I believe that if we were forced to fight we can knock the Committee on Appropriations out, but we are willing to wait until this bill is out of the road, and I hope the gentleman will not object.

Mr. SULZER. What is the request of the gentleman?

Mr. MAHON. To fix a day when the Committee on War Claims shall have its business considered instead of to-day.

Mr. PAYNE. I will confer with the gentleman later about that. I can not withdraw my objection now. I think probably we will be able to arrange it satisfactorily to the gentleman later.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. The gentleman from Indiana [Mr. OVERSTREET] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13521.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BOUTELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, and the Clerk will read.

The Clerk read as follows:

Clerks in charge of stations, 1,300, at $100 each, $130,000.

Mr. MANN. Mr. Chairman, I move to strike out of lines 20 and 21 the words "one thousand three hundred, at" and insert in lieu thereof the words "at a rate of compensation not to exceed;" so that the item will read: "Clerks in charge of stations, at a rate of compensation not to exceed $100 each."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 10, lines 20 and 21, strike out the words "one thousand three hundred, at" and insert in lieu thereof the words "at a rate of compensation not to exceed."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For temporary clerk hire, $150,000: *Provided*, That the Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first-class offices to employ temporary clerks at the rate of 25 cents an hour during the rush or busy hours of the day.

Mr. OVERSTREET. I offer the following amendment.

The Clerk read as follows:

Page 11, line 3, after the word "hire," insert the words "at first and second class post-offices."

Mr. STAFFORD. I reserve the point of order to the amendment just offered.

Mr. WILLIAMS of Mississippi. Let us have some explanation of the purpose of the amendment.

Mr. OVERSTREET. Mr. Chairman, the proposed amendment is to add, after the word "hire," in line 3, page 11, the words "at first and second class post-offices." I will say to the committee that the purpose is to limit directly the expenditure of this temporary clerk hire to employment of temporary clerks at first and second class post-offices. That is evidently the intention of the provision, but I sought to make it more definite.

Mr. MANN. That does not affect separating.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order, having been under a misapprehension as to the purpose of the amendment.

The CHAIRMAN. The point of order is withdrawn, and the question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Insert as a new paragraph after line 7:

"For allowance to third-class post-offices, where the salary of the postmaster exceeds $1,500 per annum, to cover cost of clerical services, $500,000: *Provided*, That no allowance in excess of $400 per annum shall be made to any one office."

Mr. STAFFORD. I reserve the point of order.

Mr. OVERSTREET. Mr. Chairman, the amendment comes in as a new paragraph, following line 7 on page 11, immediately after the provision for clerk hire and immediately preceding the appropriation for separating mail.

Mr. Chairman, I frankly confess the point of order, if it shall be insisted on, will apply, and I wish to state that I am offering this amendment in my individual capacity.

Mr. BARTLETT. Before you proceed to discuss it, may I ask the gentleman a question?

Mr. OVERSTREET. Certainly.

Mr. BARTLETT. I desire to know whether or not the amendment is a committee amendment or an individual amendment?

Mr. OVERSTREET. I have just stated that I offered it in my individual capacity and not as a committee amendment.

Mr. BARTLETT. I did not hear that.

Mr. OVERSTREET. I want to explain it. The point is just this, if Members will give their attention: I seek in this amendment to afford some relief in third-class offices by way of allowance for clerical service where there is at present no provision of law.

There is no law which authorizes the employment of clerks in third-class offices. Until very recently the effort to obtain relief for post-offices of the third class by pay of clerical hire encouraged a draft upon the item for separation of mails, an appropriation which clearly limits that expenditure to the offices where mail is separated for transit to other offices by way of star routes. The great burden which in recent years has been imposed upon offices of the third class has been occasioned in my individual judgment by the——

Mr. FINLEY. Mr. Chairman, I would like to ask my colleague a question.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from South Carolina?

Mr. OVERSTREET. I will.

Mr. FINLEY. The very next item there is separating mails at third and fourth class post-offices. Now, I ask my friend the chairman of the Post-Office Committee if it would not be well to leave that matter until that paragraph is reached, as there are other amendments which cover the proposition to provide clerical help at third-class post-offices, so we can bring the matter squarely up.

Mr. OVERSTREET. Well, the matter can be brought squarely up by offering any other amendment as a substitute for the amendment I have offered.

Mr. FINLEY. I am sure of that, but I wished to wait——

Mr. OVERSTREET. Of course, I am not advised this will interfere in any way, and that matter is for the committee to determine.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. OVERSTREET. I yield for a question.

Mr. SAMUEL W. SMITH. Is there any provision allowing clerk hire to third-class postmasters?

Mr. OVERSTREET. None at all; and if my friend had given attention to what I was saying he would have understood I was seeking by this amendment to afford that very relief.

Mr. PEARRE. May I ask my friend if there is an allowance made under existing law in case a third-class post-office is a distributing office?

Mr. OVERSTREET. A separating office—oh, yes.

Mr. HINSHAW and Mr. CRUMPACKER rose.

Mr. OVERSTREET. I yield to the gentleman from Nebraska.

Mr. HINSHAW. Why would it not be a better proposition to grade the allowances for clerk hire, commencing at a salary of $1,000 or $1,100, say, giving a postmaster receiving a salary of $1,100, $100 clerk hire; one receiving $1,200 or $1,300, $200 clerk hire; one receiving $1,400, $300 clerk hire; one receiving $1,500, $400 clerk hire, and so on up in that way, or by a lesser amount, as suggested, instead of the amendment you proposed?

Mr. OVERSTREET. Well, I think if the gentleman will hear my explanation he would understand at least my version of that proposition. That is one way, and I will say in answering him that that provision takes too much money. Second, it makes an arbitrary distribution without any information as to the necessities at those various points. Now, I yield to my colleague from Indiana.

Mr. CRUMPACKER. I am in sympathy with the proposition to provide clerk hire for third-class postmasters if it can be arranged on an equitable basis, but I hope the gentleman will explain——

Mr. OVERSTREET. I will be very glad to explain if the committee will permit me.

Mr. CRUMPACKER (continuing). This thought, whether this aspect of the question, whether this proposition, vests the whole proposition in the Post-Office Department or whether it contemplates any fixed system by which these amounts shall be made.

Mr. OVERSTREET. It does not contemplate any fixed system, for the obvious reason that we have not the information which ought to be had in order to make a regular distribution of the fixed allowances. Now, Mr. Chairman, if I may be permitted to proceed for a brief period, I will endeavor to explain my theory of it. I was upon the point of saying that the heavy burden which, in my judgment, has fallen upon the third-class post-offices, which prompts the desire for allowance for clerical services, grows almost entirely from the extension of the rural free delivery.

The rural free-delivery extension has not brought by way of in-

creased business to the offices from which the routes emanate a compensation equal, in my judgment, to the increased burdens which fall upon those several offices. It is, however, reasonably accurate to say that in a large number of instances where this burden does fall there are a number of routes emanating from one office (and when I say a number, I mean in excess of half a dozen routes) where there is not much increased burden necessitating an allowance for clerical hire, in my judgment, at such offices; but for a very few number of routes emanating from them (and by a few I mean under half a dozen), where the number reaches eight, ten, or twelve, in some instances more, there is an increased burden incident to the extension of the rural free-delivery service that is not equalized by the increased compensation which follows from the enlargement of the revenue territory of the particular office.

It is apparent, therefore, that the larger number of rural routes emanating from third-class offices are almost exclusively from the offices where the compensation to the postmaster is in excess of $1,500. There are in round numbers 1,250 offices of the third class above the $1,500 grade. This $500,000 allowance for clerk hire to these offices would afford an average of $400 to the office, providing the labor incident to the extension of the service justified that much of an allowance.

At this point let me call the attention of my colleague [Mr. CRUMPACKER] to his inquiry relative to the fixed compensation to offices, and at the same time answer the inquiry of the gentleman from Nebraska [Mr. HINSHAW] upon the same point, that it is quite apparent that it is not without reason to expect many offices of the $1,600 grade may have a larger number of rural routes emanating from them than offices of the $1,900 grade; and this may be different in other localities. Their proximity to a rural community for the use of the service may have a good deal to do with it.

Therefore the $1,600 office might have a stronger claim for clerical allowance on account of the extension of rural service than the $1,900 office would have.

It is true, Mr. Chairman, that there may be instances below the $1,600 grade where they might have a just claim. But we can not do all of this at once. The rural service is only in its second year of permanency. There is no stronger illustration of growth in any service in the history of the Government than the rural service. It is so rapid we can scarcely tell how soon it will double in extent and in expenditure; but meeting this situation at the very threshold of this growth, we feel warranted, at least I do, in making some reasonable provision and meeting the situation which many Members appreciate exists in many different parts of the country.

Mr. CHARLES B. LANDIS. Will the gentleman yield?

Mr. OVERSTREET. Certainly.

Mr. CHARLES B. LANDIS. The gentleman does not want to be understoood, if his amendment is adopted, that in construing the law for the distribution of this money it shall be based on the rural free-delivery service, because there are many other questions entering into it.

Mr. OVERSTREET. Not at all. I was giving that as the strongest reason for it.

Mr. CHARLES B. LANDIS. The gentleman's reason is very good, but I do not agree with him that it is the strongest reason.

Mr. OVERSTREET. Yes; there are other reasons.

Mr. COOPER of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. OVERSTREET. Certainly.

Mr. COOPER of Pennsylvania. Has the chairman of the committee discovered any figures or given any consideration to the question as to the average cost of clerk hire in all the post-offices in the country above the $1,500 grade?

Mr. OVERSTREET. Based on separating service?

Mr. COOPER of Pennsylvania. What is the average clerk hire in the offices abeve that grade?

Mr. OVERSTREET. There is no clerk hire except that based on separating service, and that is about $300; but, understand me, if any one of the post-offices above the $1,500 grade would be entitled to an allowance for clerk hire based on separating service it would be entitled to it notwithstanding this amendment, and this amendment would be additional to that.

Mr. COOPER of Pennsylvania. It limits it to $400?

Mr. OVERSTREET. No; it limits it to other than separating service or unusual business. I will say to the committee that it is my purpose to offer an amendment at the proper time carrying a limited appropriation for "unusual business." Members will appreciate that it is quite probable that an office of this class may have an unusual condition, like the frequent delivery of mail by reason of many trains passing the town where the office is located or by reason of unseemly and unsatisfactory hours of the arrival of these mails. That I regard as unusual business.

Mr. HINSHAW. Will the gentleman yield to me?

Mr. OVERSTREET. I will.

Mr. HINSHAW. I think the gentleman stated that there were 1,250 offices above the $1,500 grade in the third-class offices. How many are below, down to $1,000?

Mr. OVERSTREET. About 2,300.

Mr. BURLESON. I would like to ask the gentleman a question.

Mr. OVERSTREET. Very well.

Mr. BURLESON. I did not hear distinctly the reading of the amendment offered by the gentleman from Indiana, but, as I understand it, it provides for clerk hire in the third-class offices.

Mr. OVERSTREET. Above the $1,500 grade.

Mr. BURLESON. Does the gentleman attempt to fix any rule or standard by which this appropriation is to be disbursed?

Mr. OVERSTREET. Only an upset sum, that they can not allow in any case above $400. If we had the information whereby we could fix a schedule it would be better, but we have not that information. If the gentleman will pardon me, I think he will get a fuller answer to the question if he will permit me to proceed upon what I was calling the attention of the committee to, and that is this: There may occur at one office three different conditions which might permit of an allowance for each of the separate conditions. One is the separating of mail or the distributing of mail in transit to star-route service. Another is unusual business conditions. Under the law of to-day unusual business may be the basis for an allowance. In the third place, there may be instances of unusual separating, the distributing of mail—one of the unusual conditions as the Department construes "unusual" business to mean.

Therefore, if an office should have the separating of mail for star service which would entitle it to, say, $200 under a regulation of the Department, even if that should be maintained as it is now, then, if there were frequent arrivals and departures of mail trains, or at hours which were unsatisfactory to ordinary business practice, that would be regarded as an "unusual" condition because it does not obtain generally. Then, by reason of other burdens, like the rural-delivery service, where a large number of routes emanate from the same office, it would be met by this proposed amendment. It might, therefore, be possible for the office to receive, say, $200 based upon the separating of mail, $50 or $100 based upon the "unusual" conditions, and such an allowance out of the appropriation provided for in this amendment, not exceeding $400, for any or all other conditions which might be found to exist at that office.

Mr. CHARLES B. LANDIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Indiana?

Mr. OVERSTREET. Yes.

Mr. CHARLES B. LANDIS. The Department, as I understand, does not agree with the chairman of the committee in the definition of "unusual business."

Mr. OVERSTREET. I am not saying that.

Mr. CHARLES B. LANDIS. There is a situation, for instance, in my district such as the gentleman describes, where there are frequent arrivals and departures of trains. The postmaster asks for an allowance for clerk hire on the basis of unusual business, but the law officer of the Post-Office Department decided that that situation did not come under the interpretation of "unusual business," and therefore reduced the allowance which had been previously made.

Mr. OVERSTREET. It is to meet just that kind of a situation that I offer this amendment, because if the situation at that office to which my colleague calls our attention is one which does not come within the construction of the Department as to "unusual" business—is one which does not meet the requirement of law for separating purposes—it would come within this provision and relief would be afforded.

Mr. PEARRE and Mr. MANN rose.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. OVERSTREET. I will yield first to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Chairman, then, if I understand the gentleman from Indiana correctly, this amendment of his does not interfere with allowances for clerk hire at distributing offices?

Mr. OVERSTREET. Not at all.

Mr. PEARRE. Nor in offices where unusual business is done?

Mr. OVERSTREET. No.

Mr. PEARRE. But that this supplements those two cases and allows in case of third-class post-offices an additional allowance, if the conditions be met, of $400.

Mr. OVERSTREET. Not to exceed that.

Mr. PEARRE. I will ask the gentleman whether in considering this amendment he has also considered the recommendation made by the First Assistant Postmaster-General in his report in regard to allowance for clerk hire at first-class post-offices?

Mr. OVERSTREET. I have; but my criticism of that is, first, that you can not well distribute clerks to every office without having fuller information than we now have. My second criticism is that a $100 clerk can not be secured when he is expected to work a year, and therefore the allowance of $100 for a clerk who must sign a voucher under oath, if required, testifying that he has served a year to entitle him to that $100 is inadequate and would not be a situation which would be practical. My third criticism is that there are a large number of people who contend that a clerk designated as such should be given a higher allowance than, say, one, two, three, or even four hundred dollars. The proposition the gentleman now suggests would come in conflict with the views of those people.

Mr. PEARRE. I think, in view of the explanation of the operation of this amendment, as made by the gentleman from Indiana [Mr. OVERSTREET], the plan that he suggests in the amendment, supplemented by the allowance of clerk hire in distributing offices and also those offices where unusual business is done, is preferable to the plan suggested by the First Assistant Postmaster-General.

I would also say in this connection, if the gentleman will permit me—somewhat for the information of the other gentleman from Indiana—that I had a case of the same character as that to which the gentleman refers, where the decision of the Department has been entirely different. I refer to the case at Rockville, about 14 miles from Washington, where numerous trains and numerous star routes coming into the town create unusual conditions and unusual business. In that case the First Assistant Postmaster-General had determined since the 1st of January that the allowance, which would appear to be made under the secret regulation of which we have heard so much, being only $360, was not sufficient, and that an additional allowance could be made under that section of the statute which makes allowance for unusual business; and under that provision, although the regulation would only permit him to allow $360, yet, taking advantage of that regulation and that act, he has increased the allowance since January 1 to $600.

Mr. CHARLES B. LANDIS. In violation of the regulation?

Mr. PEARRE. No; not in violation of the regulation, but in compliance with the statute which allows increased clerk hire where there are unusual business and unusual conditions.

Mr. CHARLES B. LANDIS. That is what he ruled me out on.

Mr. PEARRE. He ruled me in on that. [Laughter.]

Mr. MANN. I wish to ask the gentleman from Indiana [Mr. OVERSTREET] whether the effect of this amendment is not practically to increase the salary of various third-class postmasters?

Mr. OVERSTREET. No; it is not. There might be a construction which would have that effect, because it might relieve the postmaster from some expense which he now pays.

Mr. MANN. That is what I mean.

Mr. OVERSTREET. But the purport of it is that it leaves the clerk hire at these offices where it is under existing law and regulations.

Mr. MANN. Would not the practical effect be to increase salaries?

Mr. OVERSTREET. With this distinction, which the gentleman will appreciate, that where there is the limitation not in excess of $400 for distribution an examination into the requirements of the office would first be made to determine whether the compensation would be $400 or how much less. If we knew the exact condition in each of 1,250 offices, then it would be entirely proper and more practicable to fix definitely the amount for each office.

Mr. MANN. Take the case of a third-class postmaster now receiving $1,500 a year. He is required under the law to attend to the duties of his office or hire somebody to do so. As I understand the gentleman, this would authorize him to be paid $2,000 a year.

Mr. OVERSTREET. Provided the conditions justified it.

Mr. MANN. Well, that is a matter of opinion. So that the gentleman, while willing to increase the salaries of third-class postmasters who receive $1,500, did not take the same view yesterday in regard to clerks receiving the same salary.

Mr. OVERSTREET. I have nothing to retract from my statement of yesterday.

Mr. MANN. And I have nothing to retract from the position I then took.

Mr. OVERSTREET. I yield to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. I am in accord with the views expressed by the gentleman from Indiana, the chairman of the Post-Office Committee, and shall support his amendment, but I desire an expression from him as to an amendment which I propose to offer as a proviso to the next item of the pending bill, a proviso which I think ought also to be added to the amendment offered by the gentleman from Indiana at this time. The proposed amendment reads as follows:

Provided, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish the rules or regulations governing the Department in the allotment of the same.

In the event this amendment is adopted every third-class postmaster will then receive notice of the rules—regulations controlling the disbursement of the appropriation—will be furnished with information which will enable him to determine exactly what he is entitled to receive from this appropriation.

Mr. OVERSTREET. Without expressing an opinion of approval of the proposed amendment, permit me to say that conditions will vary at different offices. There may be at one office conditions upon which to base the allowance, while the same conditions may not exist at another office. I think the gentleman from Texas would find it very difficult—I am sure I should—to fix a definite rule which would enable anyone to say in advance what proportion of the allowance would go to a certain office under certain conditions.

Mr. SIBLEY. Then you are leaving this matter entirely to the discretion of the Department; and, therefore, if we believed as representatives of our constituencies that some postmaster in our Congressional district was not receiving the compensation to which he was entitled, we should be guilty of an infraction of the law or should become the subjects of condemnation and reproach if we should suggest that injustice was being done at that point. I prefer that the gentleman from Indiana should modify his amendment in accordance with that of the gentleman from Texas [Mr. BURLESON]. I believe there ought to be some definite basis, so that we may know where our rights begin and where they stop; and that basis should be fixed by the law of Congress, rather than by the law of a bureau.

Mr. PAYNE. Will the gentleman allow me to make a suggestion?

Mr. SIBLEY. I will.

Mr. PAYNE. Does not the gentleman think we should be neglecting our duty if we did not go and present to the Department the claims of the postmasters in our districts?

Mr. SIBLEY. I should. I do not know how it is in the State of New York.

Mr. PAYNE. Do you not think so?

Mr. SIBLEY. I conceive it as much my duty to represent my constituency before the Executive Departments of this Government as it is to stand in my place and record my opinion or my vote on pending measures before this body.

Mr. PAYNE. I think the gentleman entirely right. Now, if the gentleman will allow me to say one word more——

Mr. SIBLEY. Certainly.

Mr. PAYNE. I see this practical difficulty in the experience which I have had in trying to adjust the clerk hire of these postmasters in my district with the Department; I have always found that the postmaster paid out of his own pocket largely in excess of any allowance that was ever made by the Department. Some of them pay more and some less, but all pay in excess of the departmental allowance. It seems to me that it will be impossible for this committee or for the House to grade the proper amount that should be paid to each postmaster for clerk hire by a hard-and-fast rule, according to salary or by any other rule, unless they can find out just what these postmasters are now paying out and what they have to pay out of their own pockets for clerk hire.

Mr. SIBLEY. We do that with first-class offices and second-class offices. Why can we not do it just as fairly with third-class offices?

Mr. OVERSTREET. We could if we had the same degree of information.

Mr. SIBLEY. We will find out, will we not, if we have this rule?

Mr. OVERSTREET. I was going to say I am not antagonizing the amendment of the gentleman from Texas. I simply stated that I did not want at that juncture to express my approval or disapproval of it. I see some justice in it, but we are confronted now with the situation that we do not have that information, and it is possible——

Mr. SIBLEY. Where can we get it otherwise?

Mr. MANN. If the gentleman will yield for a second, I would like to inquire what information the gentleman from Pennsylvania [Mr. SIBLEY] has that there is a rule or regulation about allowances in first and second class offices? That is a new proposition to me, and I have been looking up this subject for a good many years.

Mr. SIBLEY. Perhaps I was in error, and I am always willing to be corrected by my friend from Illinois; but I think that the compensation of the postmaster in my city is fixed according to the amount of business transacted in that office, and I think the compensation of fourth-class postmasters is fixed in the same way.

Mr. MANN. Well, that is not the case in any first-class office, of course.

Mr. SIBLEY. Perhaps I should have said second class.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I understand there is a point of order pending against this amendment.

The CHAIRMAN. The Chair will state that there is a point of order reserved by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. BUTLER of Pennsylvania. May I ask the gentleman from Wisconsin whether he intends to press his point of order?

Mr. STAFFORD. If the gentleman from Indiana will permit, I believe I shall be obliged to press the point of order.

Mr. BUTLER of Pennsylvania. Then where does the postmaster get anything out of this? If the point of order is to be pressed, the postmaster will be left in the same position in which he was heretofore, and will have to pay the clerk hire out of his own pocket.

Mr. OVERSTREET. I was greatly in hopes, Mr. Chairman, that the gentleman would not press the point of order. I believe this is a meritorious situation, and that the amendment is an endeavor in a proper way to reach the relief that is needed.

Mr. BUTLER of Pennsylvania. And we all feel the same way.

Mr. OVERSTREET. If the point is going to be pressed, I think it unfair to take the time of the committee further.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. STAFFORD. If the Chair wishes me to, I will.

The CHAIRMAN. The Chair is ready to rule.

Mr. STAFFORD. I insist on the point of order.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Page 11, insert after line 7:

"For allowance to third-class post-offices where the salary of the postmaster exceeds $1,500 per annum, to cover cost of clerical services, $500,000, *Provided*, That no allowance in excess of $400 per annum shall be made to any one office."

The CHAIRMAN. Against this amendment the gentleman from Wisconsin [Mr. STAFFORD] raises the point of order. The amendment is clearly new legislation, and the Chair sustains the point of order.

Mr. McCLEARY of Minnesota. I offer the following amendment.

Mr. GROSVENOR. I desire to offer an amendment, if the point of order is to be insisted upon, to strike it all out. If we can not get any concession, we may as well strike it all out.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Minnesota.

The Clerk read as follows:

Page 11, after line 7, insert:

"For clerk hire in third-class post-offices, at the following rates: Where the annual salary of the postmaster is $1,000 or $1, 00, $100 for clerk hire; where the salary is $1,200 or $1,300, $200 for clerk hire; where the salary is $1,400 or $1,500, $300 for clerk hire; where the salary is $1,600 or $1,700, $400 for clerk hire; and where the salary is $1,800 or $1,900, $500 for clerk hire."

Mr. STAFFORD. I reserve the point of order against that amendment.

Mr. MANN. Mr. Chairman, I make the point of order, unless there is some special reason for it.

Mr. McCLEARY of Minnesota. I trust the gentleman will reserve the point of order.

Mr. MANN. I will not make the point of order. The gentleman from Wisconsin has reserved it. I do not care to hear an hour's discussion.

Mr. McCLEARY of Minnesota. Just a brief word of explanation. The entire criticism which has been made of Members in reference to clerk hire is due to the fact that the Department has had discretion in the disposal of a certain amount of money for this purpose. This paragraph, offered as an amendment, is for the purpose of making definite provision by law for a reasonable amount for clerk hire. The total cost of this provision, according to the report of the First Assistant Postmaster-General, will be $1,129,825. It seems to me to be in the interest of fair play and of good service. It seems to me a wise and proper expenditure of public money, and in that spirit I offer the amendment.

Mr. CHARLES B. LANDIS. The gentleman says, "reasonable amount for clerk hire." Where the salary is $1,000, and $100 is allowed for clerk hire, does the gentleman think that is a "reasonable amount" for a year for clerk hire?

Mr. McCLEARY of Minnesota. It is better than none. The point of this is that the clerk hire is graded in accordance with the salary of the postmaster, which, all things considered, seems to be the best test of the business done at the office and its requirements for clerical assistance.

Mr. CHARLES B. LANDIS. But as a matter of fact that legislation contemplates that the postmaster must pay clerk hire out of his salary.

Mr. McCLEARY of Minnesota. That is the case now. In my own district the third-class postmasters now pay more than $9,000 for clerk hire, $8,000 in excess of the amount they receive, a sum equal to 27 per cent of the total salaries of the offices. This would give them nearly $6,000 for clerk hire, about two-thirds of the amount they actually pay, so that they would not be quite so bad off as they are now.

Mr. BUTLER of Pennsylvania. They will get the commendation of the Post-Office Department for that.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Wisconsin, on the ground that the amendment contains new legislation, and it is not in order upon a general appropriation bill. The gentleman from Ohio moves to strike out the paragraph.

Mr. GROSVENOR. I said I would move it, but if the gentlemen pretend to override the judgment of the committee upon every one of these things, which involves the real trouble that we are all under in regard to this Bristow report—if they want to rush headlong to defeat the bill itself—I shall take no other step until voting time comes.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to explain the position that I have taken in making the point of order against the last two amendments.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he proceed to explain his position on insisting on the point of order.

Mr. FOSTER of Vermont and Mr. MILLER. I object.

Mr. MANN. I desire to raise the point of order on this whole proceeding. The paragraph was passed not subject to amendment; a new paragraph was proposed to be inserted by amendment, and the paragraph now moved to be stricken out is passed upon.

Mr. OVERSTREET. I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. OVERSTREET. As a new paragraph, following line 7.

The Clerk read as follows:

Insert as a new paragraph, following line 7, page 11:

"For unusual business accruing at third and fourth class post-offices, $500,000."

Mr. MANN. I reserve the point of order.

Mr. OVERSTREET. I am quite prepared to discuss the point of order, and I think we may just as well determine it now. If it is subject to the point of order, I do not wish to encroach upon the time of the House. I think if I may be permitted to make a statement it will be seen that the point of order will not properly lie.

Mr. MANN. Very likely; you may be right.

Mr. OVERSTREET. To save time, let me call the gentleman's attention——

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order, Mr. Chairman, if that is the purpose and desire of the gentleman. I do not pretend to say that I know whether it is covered by existing law or not. There are plenty of provisions in the postal laws that I never heard of and many, I think, that the Post-Office Department never heard of, but there is no provision in any appropriation bill that we have covering this item, and under an ordinary appropriation bill it would be subject to the point of order. I do not know whether it is or not; but if it is subject to the point of order, I desire to reserve the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Indiana.

Mr. OVERSTREET. Mr. Chairman, I call the attention of the Chair to section 309 of the postal laws and regulations, which is section 3863 of the Revised Statutes of the United States, and this section reads as follows:

Whenever unusual business accrues at any post-office the Postmaster-General shall make a special order allowing reasonable compensation for clerical service.

That has been the law for a number of years, notwithstanding in recent years there has been no appropriation.

Mr. MANN. Mr. Chairman, if the gentleman will yield, I will state that I am satisfied upon the gentleman's statement that the point of order will not lie, and I do not insist upon it.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. BURLESON. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish to renew the point of order which has been withdrawn.

Mr. OVERSTREET. I am ready for the Chair to rule.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the

gentleman from Indiana. Does the gentleman from Indiana wish to discuss the amendment?

Mr. OVERSTREET. Briefly, Mr. Chairman, and I will ask not to be interrupted because I do not wish to take up so much time. While this law has been on the statute books for some years, there has not been from year to year in the past several years—I do not recollect how many—a specific appropriation under that law. I think that a considerable portion of the difficulties in reaching situations for clerical service at third-class offices which obtained in the Post-Office Department in recent years has been due to a lack of appropriations which would meet these conditions. In the absence of appropriations for "unusual business" the Post-Office Department was confronted with the situation that it had authority of law abundant, but had not the money appropriated to meet the conditions.

The necessities of various situations necessarily and properly considered by the Department perhaps ripened into a construction of appropriations which resulted in drafts upon other appropriations to meet honest and proper conditions which would not have been made had appropriations under unusual business or for specific clerk-hire allowance under those third-class offices been direct by law. I still believe that my former amendment was the better amendment. I believe that it would be better to make a direct appropriation for clerk-hire allowance under conditions which might be ascertained by investigation rather than to appropriate for "unusual business," and my reason is that it is difficult to determine what "unusual business" may be. I think the construction of that expression is susceptible of greater elasticity than the construction of an appropriation to meet conditions for clerical service.

Mr. GRIGGS and Mr. HINSHAW rose.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. GRIGGS. I noticed that the gentleman had concluded, and I rose to take the floor.

Mr. OVERSTREET. Then I yield to the gentleman from Nebraska.

Mr. HINSHAW. Will the gentleman explain how this appropriation benefits the third-class postmasters under the construction of unusual business put upon it by the Post-Office Department?

Mr. OVERSTREET. Well, I suggested before the gentleman made the inquiry that I thought the former amendment would be far better——

Mr. HINSHAW. So do I.

Mr. OVERSTREET (continuing). But, it having been stricken out on the point of order, I now do what I believe to be the next best thing. Now, I hope that before the legislation is concluded some satisfactory and reasonable arrangement may properly be made.

I will now yield to the gentleman from Georgia.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. Has the Chair ruled upon the point of order?

The CHAIRMAN. The Chair has overruled the point of order.

Mr. HEPBURN. Then I desire to offer an amendment to the amendment.

Mr. OVERSTREET. Will the gentleman from Iowa withhold just a moment, because I have yielded to the gentleman from Georgia?

Mr. GRIGGS. I heard the statement made here yesterday that one of the Attorneys-General of the Post-Office Department had made a ruling as to what unusual business was. Can the gentleman from Indiana give me that ruling?

Mr. OVERSTREET. I have that ruling before me, and will read it if the gentleman wishes.

Mr. GRIGGS. Does it cover clerk hire and allowance in third-class post-offices?

Mr. OVERSTREET. No; it has only reference to the statute that I have just read authorizing the payment for unusual business. It does not deal with the question of clerk hire, except it says at the end of the decision that the item for temporary clerk hire can be drawn upon to meet an unusual situation. Does the gentleman care for anything further?

Mr. GRIGGS. No.

Mr. WILLIAMS of Mississippi. It says that the item for separating can not be drawn upon.

Mr. OVERSTREET. It says that the item for separating can not be drawn upon, which emphasizes, in my judgment, the fact that some equitable arrangement must be had to meet the situation.

Mr. BURLESON. Now, will not the gentleman accept this amendment to his amendment?

Provided, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish the rules or regulations governing the Department in the allotment of the same.

The Department can then form any number of rules to meet the various cases.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HEPBURN. Now, if the gentleman from Texas will withhold and let me offer my amendment——

Mr. BURLESON. But I prepared my amendment and offered it some time ago.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will read.

The Clerk read as follows:

Add the following:

"*Provided*, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish rules or regulations governing the Department in the allotment of the same."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to the amendment.

Mr. ALEXANDER. Mr. Chairman, before we are asked to vote on that resolution, may we not hear the amendment to be offered by the gentleman from Iowa?

The CHAIRMAN. The Chair will state the parliamentary situation. An amendment was offered by the gentleman from Indiana, and to that an amendment was offered by the gentleman from Texas.

Mr. ALEXANDER. I ask unanimous consent that we hear the amendment to be offered by the gentleman from Iowa [Mr. HEPBURN].

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment of the gentleman from Iowa may be read for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Provided, That whenever the business of a post-office can not be performed by one person, the business shall be deemed to be unusual business within the meaning of this act.

Mr. MANN. I may state, Mr. Chairman, that whenever that comes before the House I shall make the point of order on it.

Mr. HEPBURN. The gentleman can make the point of order now if he has any.

Mr. MANN. It is not now before the House.

Mr. BURLESON. I ask, Mr. Chairman, that my amendment may be reported again.

The CHAIRMAN. Without objection, the amendment to the amendment offered by the gentleman from Texas will be reported again.

The Clerk again read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas to the amendment.

The question was taken; and the amendment to the amendment was agreed to.

The CHAIRMAN. The gentleman from Iowa offers the following amendment.

The Clerk read as follows:

Provided, That whenever the business of a post-office can not be performed by one person the business of said office shall be deemed to be unusual business under the provisions of this act.

Mr. MANN. To that, Mr. Chairman, I make the point of order,

Mr. HEPBURN. What is the point of order?

Mr. MANN. It is clearly subject to a point of order in that it is legislation and not a limitation upon the appropriation, but direct legislation.

Mr. HEPBURN. Mr. Chairman, it seems to me very clearly that it is a limitation.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Iowa on that question.

Mr. HEPBURN. Mr. Chairman, we have already authorized payment of sums for clerk hire for unusual business. Now, this simply determines what unusual business shall be. The Chair has held that an amendment providing for these payments for this unusual business is not subject to a point of order. This is simply explanatory; it is simply a limitation to aid in determining what is unusual business.

Mr. TAWNEY. It is a legislative interpretation of the act itself.

Mr. MANN. Mr. Chairman, it isn't necessary for me to explain to the gentleman from Iowa that his amendment is subject to a point of order, because the gentleman knows it better than I do.

Mr. HEPBURN. We will see whether the Chair knows it or not. [Laughter.]

The CHAIRMAN. If this amendment is in order, it is in order under section 3863 of the Revised Statutes, which the Chair will read:

SEC. 3863. Whenever unusual business accrues at any post-office, the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

The paragraph very clearly vests in the Postmaster-General a complete and absolute discretion to determine when the business is "unusual," when the unusual character begins, and when it terminates. The amendment offered by the gentleman from Iowa [Mr. HEPBURN] in the opinion of the Chair determines by law what that unusual business is, and therefore it takes away from the Postmaster-General a discretion vested in him by this statute. The Chair, therefore, is constrained to sustain the point of order on the ground that it changes existing law which gives the Postmaster-General absolute discretion. The question now recurs on the amendment offered by the gentleman from Indiana.

Mr. COWHERD. Mr. Chairman, I would like to be heard on that amendment. It seems to me that we have heard pretty extensively from the third-class postmaster who has to pay a portion of his salary out to clerks We ought to consider the question, at least in some respects, from the standpoint of the Government, which pays the salary. Now, I desire to call to the attention of the gentlemen of this House—although I recognize that the sentiment of the majority on both sides of the Chamber is heartily in favor of any amendment that will provide for those salaries—to the fact that when we fixed the provision under which the allowance is made to third-class postmasters it was done with the intention that they should pay a portion of that allowance out for clerk hire, and it was put high enough, as the Congress at that time thought, and as I believe is still true in the vast majority of cases, to permit him to take from his salary sufficient to provide the clerk hire that was necessary and still leave him the best-paid salaried man in the community where the office was located.

Mr. CHARLES B. LANDIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. COWHERD. Yes.

Mr. CHARLES B. LANDIS. Mr. Chairman, I would ask the gentleman from Missouri if that same thing was done when the salary was fixed for the first and second class postmasters?

Mr. COWHERD. The first and second class postmasters are paid a fixed salary. The third-class postmaster is not paid a fixed salary. His salary is proportioned to the business done in the office, and as the town grows and the business increases, the salary increases. When the town gets to a place where it needs more men in the office than the amount allowed will provide for in the ordinary course of business, it develops into a second-class office and clerks are allowed. Now, mind you, I do not say that there are not third-class offices which might prove exceptions to the general rule.

In nearly every third-class office, after it begins to pay as high as $1,400 or $1,500, a portion of the salary goes to pay clerk hire, but in many cases the following are the facts: The postmaster can attend to the business almost entirely himself. Perhaps he will hire a boy to assist him, or some man will have some other business connected with the building in which the office is located—say a news stand in front of the building—and he will devote a part of his time to attending to the mail. The fact of the business is, gentlemen, that when you find a man whose salary is about sixteen or seventeen hundred dollars as postmaster in a town of from 1,500 to 2,000 people, I assert he can still pay from $400 to $500 of that salary out for assistance to do his business and remain practically the best salaried man in that community—I mean a man who has nothing invested in the business, who is drawing a salary for his work. I have a third-class office in my district. I know what the salary of the postmaster is. I know just exactly what he pays out for clerk hire. I know what the salaries of the cashiers of the banks are.

I know what the salary is, for instance, of the man who has charge of all the railroad business there, and it is a very important shipping point. And I know that that postmaster gets a better salary than any of these other men. I venture to say that he gets a better salary than any salaried man in that community. There may be some individual cases of hardship. It is quite possible there are, but I think it is time some one said something for the benefit of the revenues and for the benefit of the Government, and that all this talk about the hardship imposed upon the poor postmaster is not all of it true; in some instances it may be true, but in the vast majority of cases the allowance made under the law for that third-class postmaster was made under the intention and is sufficient for him to provide clerk hire for the office.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Michigan?

Mr. COWHERD. Yes.

Mr. SAMUEL W. SMITH. I want to ask the gentleman from Missouri if this condition can not be corrected? I have in my district a post-office where the postmaster has been getting $1,800 a year, a third-class post-office, and no clerk hire. Just a short time ago this became a second-class post-office, where the postmaster gets $2,000 a year and $2,100 clerk hire.

Mr. COWHERD. That is a distinct evil——

Mr. SAMUEL W. SMITH. I have several offices of this kind in my district.

Mr. COWHERD. I will say to the gentleman, in my opinion, and that evil consists in this: There is too great a step from the third-class office, with a salary of $1,900 and no allowance for clerk hire, to the second-class office, where an assistant postmaster is allowed and heretofore has been allowed at $1,000 a year, and the Department usually allows the clerk hire for those offices besides. We attempted, some of us, particularly the gentleman from Georgia [Mr. GRIGGS], in the committee to cut off the allowance for clerk hire in those offices until the office reached the free-delivery stage, and the committee has reported in this bill a provision, as I remember it, that cuts down the pay of the assistant postmaster. It is possible that there ought to be an allowance to third-class offices after they reach the stage of about $1,800, because there the work begins to be very much heavier. I believe there is too large an allowance paid to the office which has just been created into a second-class office.

But I submit, gentlemen—and this was all I took the floor to say—that you ought to remember in connection with this item about third-class postmasters that when the salary of these officers was fixed at this sum it was thought to be sufficient to enable men to pay out a portion of it for clerk hire.

Mr. McCLEARY of Minnesota. Before the gentleman from Missouri [Mr. COWHERD] takes his seat, will he allow me one question?

Mr. COWHERD. Certainly.

Mr. McCLEARY of Minnesota. Assuming now, without argument, that the statements of the gentleman from Missouri are true, would it not be better public policy in our appropriations to fix definitely the salary of a clerk, to the end that the Government may then adjust the salary of the postmaster, giving his salary as one item and that of the clerk as another? Would not that be a better arrangement of the matter than under the present conditions?

Mr. COWHERD. I think the gentleman on reflection would not want third-class postmasters put on a definite salary. I think he will agree that the present provision allowing them commissions on sales of stamps, etc., is a better method of compensation. It regulates the salary in accordance with the work of the office, increasing or diminishing as the work increases or diminishes.

Mr. HEPBURN. Mr. Chairman, I want to dispute one of the statements made by the gentleman from Missouri [Mr. COWHERD] that third-class postmasters are the best-salaried men in their localities. I do not believe that the gentleman has been accurately informed on this subject. On the contrary, I believe it to be true that the great majority of the third-class postmasters in the United States receive less compensation than do the letter carriers in the cities. [Applause.] No one man, in my judgment, can perform or can nearly perform the duties of a third-class postmaster when the business approximates the amount that will soon make it a second-class post-office.

Mr. Chairman, second-class post-offices are in many instances allowed $2,000 or more for clerk hire when the salary is but $2,000. Yet in a third-class office when the salary of the postmaster is $1,900, with almost the same amount of labor, only $240, or $300 at most, may be allowed him under the regulations.

I submit the report of the Postmaster-General shows that the gentleman from Missouri can scarcely be correct.

I have before me a tabulated statement of the gross receipts and expenses, net revenue, etc., of the Post-Office Department. I find that at one office where the salary is $2,400 there is an allowance of $4,863 for clerk hire—twice the amount of the salary of the postmaster; and the salary is only $500 more and the labor, I undertake to say, proportionately more than they might be in a third-class office, where $240 would be allowed. I have a number of similar instances here. In another second-class office, where the salary is $2,500, $3,595 is allowed for clerk hire. In another office, where the salary is $2,300, $2,500 is allowed for clerk hire. At another office, where the salary is $2,400, $2,900 is allowed for clerk hire.

The Post-Office Department recognizes the fact, I undertake to say, in those allowances that in the case of the $1,900 office the salary must be largely absorbed by the payment of clerk hire.

I notice that the opposition in this case comes from gentlemen from large cities, where they have but little of this service. The amiable gentleman from Chicago wants economy. Ah, but he wants economy at somebody else's expense, not at the expense of his own office.

Mr. MANN. He wants justice, which he can not get at the Department.

Mr. HEPBURN. Has there been a word said by any one of these economical gentlemen in favor of cutting down the enormous

allowances for first and second class offices? Here is an aggregate of $20,000,000 for clerk hire in first and second class offices.

Five hundred thousand dollars proposed for clerk hire in third and fourth class offices where 52 per cent of the United States have their postal accommodations, while $20,000,000 is allowed to the offices where 48 per cent of the people have their accommodations, and not a word of criticism, not a word about economy, by any one of these economical gentlemen from the large cities. [Applause.] You have got it all to yourselves; you are content, at least for the present. You have got the high-priced offices. These clerks that are to have $2,400, these high-priced clerks, inspectors, stampers, and all of that class, the bill grades them from the highest sum down to the low ones. You manage to have all of the high-priced men in your localities, and yet you prate about economy. You are disinterested American citizens just now, when you are trying to make the other fellow economize. [Applause.]

Mr. Chairman, I move to strike out the words "five hundred thousand" and to insert "one million five hundred thousand."

Mr. COWHERD. Mr. Chairman, before the gentleman takes his seat, will he yield for a question?

Mr. HEPBURN. Yes.

Mr. COWHERD. You began your remarks by saying that I was mistaken——

Mr. HEPBURN. I know you are, with regard to the third-class offices in my district.

Mr. COWHERD. When I said the salary of the postmaster is equal to or better than that of any other salaried man in the community where he lives. I want to ask the gentleman if it is not a fact that salaried men in cities and towns of under 2,000 people rarely receive more than $75 or $100 a month?

Mr. HEPBURN. There is not a county officer in my district who does not get at least fifteen hundred dollars salary.

Mr. COWHERD. And he has to go out and make his campaign. Do you intend to make the postmaster make your campaign?

Mr. HEPBURN. Oh, no.

Mr. COWHERD. In the salary paid to every county officer there is an allowance for campaign expenses, and the gentleman knows it.

Mr. HEPBURN. Oh, I do not think that is true. I do not live in Missouri. We do not have to make that class of campaigns there. We do not have to spend half the salary in watching the polls. [Laughter.]

Mr. COWHERD. But the gentleman knows that in Missouri we limit the campaign expenses, and you do not, I understand, in Iowa.

Mr. HEPBURN. Oh, Mr. Chairman, I do not think the gentleman intends that as an argument at all; but in good faith I make this motion, and I hope the committee will vote it in. It ought to be there. It is just that it should be there, that there should be some approximation to equality in these expenditures.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Without objection, the Clerk will again report the pending amendment of the gentleman from Indiana.

The Clerk read as follows:

As a new paragraph, following line 7, page 11, insert:
"For unusual business accruing at third and fourth class post-offices, $500,000."

The CHAIRMAN. The Clerk will now report the amendment to the amendment offered by the gentleman from Iowa [Mr. HEPBURN].

The Clerk read as follows:

Insert the words "one million;" so that it will read:
"For unusual business accruing at third and fourth class post-offices, $1,500,000."

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized in opposition to the amendment.

Mr. MANN. Mr. Chairman, when one of the distinguished Members of the House representing a rural district is hard up for any sort of comments to make on the post-office appropriation bill, I have always known that he addressed himself to abuse of the large cities. The distinguished gentleman who has just taken his seat [Mr. HEPBURN] adds zest to that, because at least once a year, ever since I have been here, he delivers a vigorous lecture to me on the floor. My respect and love for the gentleman from Iowa prevent me ever responding in the tone which he assumes, and he knows why.

The cities may need defense upon the floor of this House. Unfortunately, the membership of the House is so constituted that defense of the cities does but very little good. Congress never appropriates for postal facilities in the large cities any money which it can possibly help itself from appropriating, and if it were not that the post-offices in the cities are carried on partly for the benefit of the people who live in the country, because correspondence necessarily takes place between the city and the country, the House and Congress, constituted as it is, would probably take away half the money which is now appropriated for the cities.

To say that no clerk hire is given to the country is a peculiar statement. There is carried in this bill an item of $23,250,000 for compensation to postmasters, most of which goes to postmasters of the third and fourth class offices—clerk hire just as much as if it was specifically designated as clerk hire.

There is carried in this bill $20,000,000 for delivery in the country; but it is popular, and it will continue to be popular. I did not make the point on this item for economy or that there was extravagance. If I had my way, I would give to third-class postmasters of the country additional compensation in the way of clerk hire. I recognize the incongruity of the present law. It forbids, practically, clerk hire if the postmaster receives less than $2,000 salary, and the moment he passes the limit permits him to receive from $2,000 to $4,000 for clerk hire. I have known, or suspected, cases where the postmaster sold stamps amounting to $900, that he managed to sell or give away $1,000, so that he might get a $2,000 office, and make for himself probably an additional $1,000 in salary and have clerks to the amount of $1,000 or $2,000 more. If we want to have a reorganization of the service and deal fairly with all parties, very well. I do not oppose this item. I do not care how much we appropriate for this service; but I demand, so far as I can in this House, that the service in the cities shall not be crippled, and the purpose of the House and of the gentleman from Iowa is to cripple the service of the cities just as long as that can be done, until we can have no business transacted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CHARLES B. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to reports of committees of conference on the amendments of the Senate to bills of the following titles:

H. R. 5176. An act granting an increase of pension to Alonzo Dutcher;

H. R. 3903. An act granting an increase of pension to George C. Sherman;

H. R. 3776. An act granting an increase of pension to Alfred I. Judy;

H. R. 958. An act granting an increase of pension to Alfred H. Rogers;

H. R. 892. An act granting an increase of pension to Abram H. Hunt;

H. R. 468. An act granting an increase of pension to Henry Christy; and

H. R. 6022. An act granting an increase of pension to George W. Travis.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10670) making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7239. An act granting a pension to Lydia M. Hill;

H. R. 6494. An act to approve and ratify act No. 73 of the legislative assembly of the Territory of Arizona;

H. R. 10058. An act for the relief of Kirby Thomas; and

H. R. 199. An act for the relief of John H. McLaughlin.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 58.

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation be rescinded, and that in the reenrollment of the bill all after "namely," in line 13 of the enrolled bill, down to and including line 20 of said bill, be stricken out and the following inserted: "Lot 4, section 1, township 7 south, range 34 east, and the southeast quarter of the northeast quarter, section 18, township 7 south, range 35 east, and the east half of the southeast quarter of section 21, township 6 south, range 34 east, and which have heretofore been appraised, shall be paid for at the said appraised value, at the time of and by the person making entry of the respective tracts upon which such improvements are situated;" so as to correctly describe the range, inaccurately stated in the bill.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5054. An act to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes;

S. 3905. An act to establish aids to navigation in Delaware Bay and River;

S. 3165. An act providing for second and additional homestead entries, and for other purposes;

S. 2540. An act authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy;

S. 2284. An act for the relief of John T. Wertz and Walter H. Shupe;

S. 2164. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; and

S. 1362. An act for the relief of the Postal Telegraph Cable Company.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. I move to strike out the last word.

Mr. Chairman, it is a very delicate and embarrassing situation to be assailed upon my left for two days for unfairness in appropriations for the city service and now upon my right for unfairness in the appropriations for the country districts. Nevertheless, Mr. Chairman, I stand between these two gentlemen, both of whom I feel are somewhat in error, although I confess some merit in the claims of each. Yet the House will appreciate the situation which confronts us. There is but one law upon the statute books which gives us an anchorage for an amendment upon this bill which will, in a measure, relieve the districts now covered by the third-class post-offices. I appeal to the gentleman from Iowa [Mr. HEPBURN], whose sense of fairness has been the guiding star for me in many, many debates, that he argues in favor of an appropriation which must necessarily lead to extravagance, if not to unfortunate waste.

We seek here to reach a remedy in a small degree without full information as to the facts upon which we should base an appropriation. The amendment offered by my friend from Iowa would give more than $500 clerk allowance to every third-class office in the United States, and it could be spent regardless of the merits of the case or the conditions which prevail. I think he himself will admit that that is going too far. I have said on more than twenty-five occasions in the last two days that we seek in this bill to segregate the appropriations carefully and critically, so that we may insist on and be able to show at the end of the fiscal year whether or not it is a proper and accurate expenditure. Unfortunately we have not full information at hand upon which we can base an appropriation to meet the situation of the third-class offices.

How can you, therefore, segregate for this item? Will my friend give approval now, by his amendment, to a wasteful, if not extravagant, administration of that appropriation, which he and I know operated as a strong factor in the recent unfortunate misappropriation and maladministration in the postal service? How can we consistently justify our position with the country and before our constituents when we make a lump-sum appropriation of $1,500,000 for the use of clerks at third-class offices, when we know full well that, beginning at the lowest, with $1,000 salary for the postmaster, no man, until the gentleman from Iowa offered his amendment, has suggested a higher allowance than $100? I believe the gentleman will realize the embarrassment under which we suffer.

I know that we are all agreed that a careful analysis of the appropriation bill must be made, and the most careful restriction thrown about the item, that there can be afforded some means of providing, if possible, against extravagance and waste. That has been a troublesome problem in the postal service for at least ten years. I can remember more than six years ago the appeal of the gentleman from Iowa upon this floor for the relief of this class of officers. I believed then, as I believe now, that this is a situation for which some relief should be extended. I offered at last, in my individual capacity, not as a committee amendment, a clause to appropriate half a million dollars for that purpose. There is no other way in which it can be done upon this bill, except as relates to the statute for "unusual business." Let us try that. Let us experiment with that.

Let us see at the end of the fiscal year how that has been used. Then, if possible, by close scrutiny of the expenditures, by fuller information upon the subject, provision may then be made for segregation or possibly for fixing allowances, and if it takes or requires more money, then I have confidence in the patriotism of this body that it will recommend it; but as the time is not yet at hand let us not go beyond a reasonably fair appropriation under all the circumstances.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LITTLEFIELD. Mr. Chairman, I ask that the gentleman's time be extended while I ask him a question.

The CHAIRMAN. Without objection, the time of the gentleman from Indiana will be extended to allow the gentleman from Maine to ask him a question.

Mr. LITTLEFIELD. Has there been any appropriation made heretofore for this purpose?

Mr. OVERSTREET. There has never been, in my judgment, since 1889, any appropriation for unusual business. There has been the usual appropriation for separating service, which has grown from about half a million dollars four or five years ago to $1,300,000 in the present law. That fund has been drawn upon in allowances for clerical service at third-class offices where separating service did not justify an allowance, and under a construction of the law that it would properly meet the drafts for unusual business.

Mr. LITTLEFIELD. Still, that is recognized as legally distinct from unusual service?

Mr. OVERSTREET. Yes; exactly so.

Mr. LITTLEFIELD. Now, is the gentleman in possession of any information from the Department in regard to how much probably would be needed for unusual business, or could be legitimately expended for that purpose under the law as it stands?

Mr. OVERSTREET. We asked, upon the hearing, the First Assistant Postmaster-General and the gentleman whom he had with him, under whom this appropriation would be disbursed, if they could separate, how much would be for purely separating service and how much for purely unusual business, based upon the assumption of $1,300,000 that the present law carries. They were loath to give a definite answer. They said, however, that if limited exclusively to separating service they would think that $1,300,000 for the fiscal year 1905 would be a proper estimate, based upon their belief that there were a number of offices in the country not now receiving allowances for separating service which are entitled to it.

Mr. LITTLEFIELD. And did they give any estimate of what would reasonably be required for unusual business?

Mr. OVERSTREET. Not for unusual business, for the reason that it is an elastic term and information has not been gathered. Let me say to my friend that it was also stated upon the hearing that the rule, or law rather, of restriction of allowances strictly to the separating service has not been rigidly enforced, except since the 1st of last July, under the law of to-day.

Mr. HEPBURN. Mr. Chairman, if there was anything in language or gesture on my part that was offensive to the gentleman from Chicago, I was entirely unconscious of it, and I desire to make that proper apology that under such circumstances should be made.

Mr. MANN. Mr. Chairman, if the gentleman will permit, I know that the gentleman never has desired, in any way whatever, to say or act in any way offensive to myself. The gentleman's relations to myself are of too cordial a nature to permit anything that might be said upon the floor of this House to affect the affection which I have had for the gentleman and, I think, the respect which the gentleman has for myself.

Mr. HEPBURN. Mr. Chairman, if I attempted to read a lecture to the gentleman and have been persistent in that habit for the last twenty years, the House at least will suggest that I have been ineffectual in my attempt. [Laughter.] He is in error, too, in the supposition that I have made at any time an assault upon the cities.

I recognize the fact that they have to exist and that I have some relations to them and that my people have, and sometimes we are a little better for their existence, although often we suffer. I have made no assault upon any appropriation that has been made for postal facilities in the cities, and yet I confess that millions of dollars every year are recklessly squandered in the attempt to give them expedition in the delivery of their mails. I do not recognize the wisdom or justice of the United States Government making eleven, in some instances I am told, deliveries over the same territory in a city a day. I do not believe in the millions that we expend in expediting the passage of a letter or letters. There is not one in a hundred, one in a thousand, that needs this extraordinary expedition. The 999 others do not. I have made no complaint in the way of trying to reduce any of your facilities.

I am willing that you should have them, but that which seems to be astonishing is, while you must recognize the fact that all the Members from the rural districts aided in getting facilities for the cities, that you should stand day after day, year after year, trying to cut down these necessary and proper expenditures that do not give to the rest of the country its share. I have no assault to make upon the cities. I sometimes do feel a little irritation at the insolence that sometimes is manifested, not upon this floor, but elsewhere, where people of the cities regard themselves as the "whole thing" in the "shooting match" and talk about the "business men" of this country being in the cities. Why, bless your soul, Mr. Chairman, if I may be indulged in that familiarity, there are no business men in the real sense of the creation of wealth, or but a few of them, in the cities. These so-called "business men" are, in many instances, the financial operators who stand at the end of the route and tap and take away a large percentage of that which the other people of the country create and produce.

What wealth is produced in the cities compared with the other regions of the country? The business men of the city are those who levy tribute upon that which others produce. I am only permitted by my own sense of propriety to make this suggestion by these constant statements that are made here by gentlemen who come from dense populations about the superiority of the cities in the great contribution and the great aggregate of the wealth of the United States.

Mr. BENNY. Mr. Chairman, it seems to me the contention on the floor of the House between the gentleman from a country district [Mr. HEPBURN] and the gentleman from a large city district [Mr. MANN] borders upon the ridiculous. I think they are both wrong. I come from a small city, and perhaps I may be classed as an outsider, and therefore may view that contention from an unbiased standpoint. I do not like to see a Member of this House from the country throw things at the large cities, nor do I care to see my friend from a city district sitting on my right throw aspersions upon the smaller places—the country districts.

To my mind the city is just as necessary to the country and the country is just as necessary to the city as the engine room of this House is to this Chamber and as this Chamber is to the engine room in order to make a complete and comfortable meeting place. It is wrong to suppose that the country district can get along without the city post-office being in a first-class condition all the time. What in the world would the country districts do with its mail if it were not for the fact that the great cities of New York and Chicago have postal facilities for handling the mail?

Mr. GOLDFOGLE. Will the gentleman allow me an interruption?

Mr. BENNY. Yes.

Mr. GOLDFOGLE. When the gentleman says we have facilities for handling the mail at New York, I want respectfully to call his attention to the fact that he is somewhat in error, because while we have been clamoring year after year on the floor of this House, while the business men and men from the rural districts have been talking about the want of postal facilities in New York, because of the feeling which has been manifested by the gentleman from Iowa we have been unable to secure the facilities which we in New York and the whole country are entitled to.

Mr. CHARLES B. LANDIS rose.

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Indiana?

Mr. BENNY. After I get through with the gentleman from New York. One at a time. Then I will yield to the gentleman from Indiana if I have time. I want to suggest to the gentleman from New York that he may get up and ask unanimous consent that I be permitted to continue my remarks beyond the five-minute limit, because I think most of my time is consumed by his query. I do not mean to say that New York has the facilities that it ought to have. I say that it has not. But one thing New York has that perhaps no other post-office in the world is equipped with, a force of official cats to keep the mice and rats out of the post-office. [Laughter.] And this is necessary because of the condition into which the New York post-office building has fallen on account of the overcrowding of that structure, which has been growing worse and worse from year to year. There is an appropriation in this bill, as I understand, for that purpose, and I ask the chairman of the committee if that is not so. [Laughter.]

Mr. OVERSTREET. We do not carry cats in our bill. [Laughter.]

Mr. BENNY. Well, perhaps they are provided for under some other head, just as the drivers and coachmen of many officials' carriages in the city of Washington, when it was thought wise to hide the fact of their employment, were engaged as "laborers." New York has not proper facilities, nor has Chicago, and I doubt if any city has all the facilities it ought to have.

I want to give you my experience in mailing a letter to my own home from the city of Washington. I mailed it myself at noon on Friday and followed the letter in person some thirty-six hours later. I overtook the postman delivering the letter at my house. The house I live in is only seven hours from the Pennsylvania Railroad station in Washington. We do not have the facilities that we ought to have in the city of Bayonne. I asked that that situation be remedied, and the Postmaster-General took up the matter and did remedy it as far as he was able to.

Now, I am going to vote for the amendment offered by the gentleman from Iowa. I want the city and the country districts to get the postal facilities they ought to have.

I am going to insist, Mr. Chairman, on more money being appropriated for the great cities, so that they may have the postal facilities they need. The people of our country are great enough and rich enough to insist that the postal facilities of the United States of America shall be properly increased. It is time we had better facilities all over the land, and we are going to get them, and if the gentlemen from the city and the country districts will stop quarreling and fighting—on the one side for the city districts as against the country districts and on the other side for the country districts as against the city districts—if they will all get together and work together they will obtain the money necessary to remedy this trouble in the country districts, as well as in the city districts.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on this item and amendments thereto be closed.

Mr. PAYNE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYNE. Is not debate already closed on this paragraph and amendments? I think there is an amendment to an amendment.

The CHAIRMAN. There is an amendment to an amendment, and then the gentleman from Indiana moves to strike out the last word of his amendment.

Mr. PAYNE. That is an amendment in the third degree.

Mr. OVERSTREET. I will modify my motion, Mr. Chairman, that debate on this item and the amendments thereto close in six minutes.

The motion was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think that both the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. MANN] are right and I think that both are wrong. Each is right when he is trying to keep the other from increasing our already extravagant appropriations, and each is wrong when he is trying to increase them for either the country or the city. I am very glad indeed that the combination which the gentleman from New Jersey [Mr. BENNY] speaks of or hopes for can not be made. I hope that circumstances will continue to be satisfactory with the gentleman from Iowa [Mr. HEPBURN] and that he will prevent the gentleman from Illinois [Mr. MANN] from being extravagant, and that the gentleman from Illinois [Mr. MANN] will prevent him from being extravagant. Heaven knows that if the country and the cities get together and organize a raid upon the Treasury of the United States it will be rather bad for the poor fellows at home who pay the taxes and do not draw the salaries—the merchants, and the mechanics, and the merchants' clerks, and the farm hands in the fields.

Now, as to our postal facilities, we are getting magnificent postal facilities compared with what we have gotton in the past, and the Post-Office Department is growing healthfully and conservatively, and it ought not to grow too rapidly. No one of these things ought to take place with too great a stride. We go from the past into the future by gradual steps, and I hope that the amendment offered by the gentleman from Iowa [Mr. HEPBURN] will not prevail. I think that we already have the most extravagant Government upon the face of this globe, and as far as I have been able to find out about the expenditures of any other country I think that is true. I do not like the idea that a Congressman's duty is to get a salary raised, a salary which is being drawn in his district—that is, that it is his chief duty. It is the smallest of his duties. His chief duty is to remember the people who pay the taxes. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I sincerely hope the amendment offered by the gentleman from Iowa [Mr. HEPBURN] will not prevail. We are seeking in a fair and reasonable way to meet an embarrassing situation.

Mr. LITTLEFIELD. Will the gentleman state why he fixes the amount at $500,000?

Mr. OVERSTREET. I fix it as an arbitrary sum, and will state that when the First Assistant Postmaster-General and other officials were before the committee they asked for only $400,000 for all of the third-class offices, grading the clerks from $100 up. I propose, if this amendment is voted down, to first offer, before my amendment for $500,000 is voted upon, a proviso that the Postmaster-General shall report to Congress prior to February 1, 1905, the method of the application of this sum and all circumstances under which the appropriation has been disbursed; and I hope that when we have experimented with this amount to meet a delicate and embarrassing situation that we may be in a better position at the end of the next fiscal year to legislate more definitely than we are doing now.

Mr. LITTLEFIELD. And on the basis of actual results.

Mr. OVERSTREET. Yes; on the basis of actual results. Mr. Chairman, I ask for a vote upon the amendment.

Mr. MADDOX. Mr. Chairman, I ask unanimous consent that the amendment be read again.

The CHAIRMAN. Without objection, this will be done.

There was no objection.

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Indiana.

The Clerk again reported the amendment offered by the gentleman from Indiana.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Iowa.

The Clerk again reported the amendment offered by the gentleman from Iowa.

The CHAIRMAN. Without objection, the pending pro forma amendment is withdrawn. The question now is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was rejected.

Mr. HILL of Connecticut. Mr. Chairman, I now offer another amendment to the pending amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment to the pending amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended except in accordance with regulations published by the Postmaster-General at the beginning of the fiscal year.

Mr. HILL of Connecticut. Mr. Chairman, I offer this amendment——

Mr. OVERSTREET. Mr. Chairman——

Mr. HILL of Connecticut. One moment. I will withdraw the amendment after asking a question or two of the chairman of the committee.

Mr. MANN. Mr. Chairman, I reserve the point of order on that amendment.

Mr. HILL of Connecticut. My purpose in offering the amendment, Mr. Chairman, was simply to ask a question or two of the chairman of the committee. Are there any regulations now under which this allowance will be expended, or is the expenditure purely at the discretion of the Postmaster-General?

Mr. OVERSTREET. There is no appropriation for clerical service accruing at third and fourth class post-offices on account of unusual business.

Mr. HILL of Connecticut. Then, under the amendment just offered, will not the situation next February be precisely what the situation is now, so that it will become necessary under that provision to submit to Congress all the correspondence and the communications which Members of Congress may receive from their constituents in regard to the expenditure of this appropriation?

Mr. PAYNE. I rise to a point of order. That debate has been closed.

Mr. HILL of Connecticut. This is a new amendment.

Mr. OVERSTREET. I rise to a parliamentary inquiry. I should like to know whether the amendment of the gentleman from Texas did not prevail, and whether it ought not to have been read by the Clerk, with the amendment which I originally offered?

The CHAIRMAN. The amendment offered by the gentleman from Texas has been agreed to.

Mr. OVERSTREET. Then, let my amendment as amended be read.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

For unusual business accruing at third and fourth class post-offices, $500,000: *Provided*, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish the rules or regulations governing the Department in the allotment of the same.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

Mr. OVERSTREET. I have not yet offered my amendment. Does the gentleman from Connecticut [Mr. HILL] insist on his amendment?

Mr. HILL of Connecticut. No; I do not insist on that particular amendment, but I insist that Congress should not again be placed in the position in which it has been placed heretofore, of knowing absolutely nothing about the manner of this expenditure.

Mr. PAYNE. I call for the regular order.

Mr. OVERSTREET. I think the gentleman from Connecticut [Mr. HILL] will appreciate that the amendment already agreed to is substantially the one first offered.

Mr. HILL of Connecticut. I accept the gentleman's statement and will withdraw my amendment.

Mr. OVERSTREET. I offer as an amendment to the pending amendment the provision which I send to the desk.

The Clerk read as follows:

And provided further, That the Postmaster-General shall report to Congress, prior to February 1, 1905, the method of application of this sum and all circumstances under which the appropriation has been disbursed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Indiana [Mr. OVERSTREET] as amended by the gentleman from Texas [Mr. BURLESON].

The amendment as amended was agreed to.

The Clerk read as follows:

For separating mails at third and fourth class post-offices, $1,000,000.

Mr. HINSHAW. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 9, page 11, insert:
"*Provided*, That this item shall be construed to include separating mails from and to rural mail routes."

Mr. OVERSTREET. I make a point of order on that amendment.

The CHAIRMAN. Does the gentleman from Nebraska [Mr. HINSHAW] wish to be heard on the point of order?

Mr. HINSHAW. Mr. Chairman, it seems to me that this amendment is simply a limitation upon the expenditure of this money. The language, "separating mails," as I understand, has been construed by the Department to include only such mails as are transferred from one railroad to another or from a star route to a railroad. I think that is the construction adopted by the Post-Office Department. That is simply a piece of executive legislation, as the gentleman from Mississippi characterized it. This amendment simply directs the attention of the Department to the fact that the rural mail service may be equally a part of the separating service; and the amendment is not, in my estimation, new legislation.

Mr. OVERSTREET. Mr. Chairman, the law under which an appropriation is now made and disbursed for separating mails is found in section 3859 of the Revised Statutes—section 308 of the Postal Laws and Regulations, page 138. That section is as follows:

SEC. 3859. The Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices; and where any such office is of the third, fourth, or fifth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

At the time of the enactment of that law there was no such service in existence in this country as rural free-delivery service. There was, however, in existence free-delivery service of mails in certain cities. It never has been contended that the separating service applied to the free-delivery service in cities, nor by anyone that that character of service is "mail-route" service in the definition of that term. "Mail route" under that section alludes to the star service entirely, and the construction of this section by the Department limiting it to star-route service is, in my judgment, the only construction under all the circumstances which can be given to the section.

Mr. HINSHAW. Why should there be a construction put upon that language that would exclude the rural mail route any more than the star route?

Mr. OVERSTREET. We have just taken care of that condition by the section we have put in the bill.

Mr. HINSHAW. That is not the question.

Mr. OVERSTREET. I know; but you ought not to seek to accomplish one thing by evading the law, when you have just voted an appropriation to cover that situation.

Mr. HINSHAW. But the statute——

Mr. OVERSTREET. The star service may be said to be supplemental to the steam railway mail service. It comes in the category of transportation, not in the definition of delivery. Delivery is the rural service; the star-route service is part of the transportation service. Therefore this is new legislation, and, I think, clearly subject to the point of order.

Mr. HINSHAW. Mr. Chairman, the language of the statute is that the Postmaster-General may designate offices at the intersection of mail routes as distributing or separating offices.

Now, I do not understand how any possible construction could be put upon that to the prejudice of the rural mail route. It is certainly as much of a mail route as is a star route, and it is the intersection of mail routes where a rural route comes in connection with a railroad or a star route.

Mr. OVERSTREET. Mr. Chairman, just a word. The amendment is clearly an enlargement of the statute, and not a limitation.

Mr. HINSHAW. No.

The CHAIRMAN. The Chair is ready to rule. It is quite clear to the Chair that this amendment places a construction upon the existing law, and takes from the Postmaster-General the general discretion which he now has under existing law, and therefore is new legislation, and the Chair sustains the point of order.

Mr. BURLESON. Mr. Chairman, I offer an amendment after the word "dollars," in line 9, the same as was adopted a moment ago. It is before the Clerk now.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish the rules or regulations governing the Department in the allotment of same.

Mr. OVERSTREET. I wish to ask my friend if that is the same language as his former amendment?

Mr. BURLESON. Identically.

Mr. OVERSTREET. I have no objection to the amendment.

The CHAIRMAN. The Chair will ask whether the amendment offered by the gentleman from Texas is intended by him to include at this point the language in the amendment offered by the chairman of the committee before?

Mr. BURLESON. Just as the Clerk read it just a moment ago.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BURLESON].

The amendment was agreed to.

The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post-offices, $2,550,000: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $400, nor more than $80 for fuel and light in any one year: *And provided further*, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly, for a term not exceeding ten years; and the Postmaster-General is hereby authorized to lease for post-office purposes for a period not exceeding fifty years a building to be erected over the tracks of the New York Central Railroad in the city of New York, State of New York, within the space bounded by Lexington avenue, Madison avenue, Forty-second street, and Forty-sixth street, at an annual rental not exceeding $90,000.

Mr. DOUGLAS. Mr. Chairman——

The CHAIRMAN. The gentleman from New York.

Mr. WILLIAMS of Mississippi. I wish to make a point of order.

The CHAIRMAN. The gentleman from Mississippi will state his point of order.

Mr. WILLIAMS of Mississippi. My point of order is that the language beginning, in line 20, with the word "and," on page 11, and ending with the word "dollars," line 3, page 12, is new legislation.

I make this point of order for this purpose: I want to ask some questions and to get some explanation, especially of this part of it. The language is this:

And the Postmaster-General is hereby authorized to lease for post-office purposes for a period not exceeding fifty years a building to be erected over the tracks of the New York Central Railroad in the city of New York, State of New York, within the space bounded by Lexington avenue, Madison avenue, Forty-second street, and Forty-sixth street, at an annual rental not exceeding $90,000.

Mr. SULZER. Mr. Chairman——

Mr. WILLIAMS of Mississippi. The question I want to ask is this——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from New York?

Mr. WILLIAMS of Mississippi. Not in the middle of a sentence; I will in a moment.

Mr. SULZER. I trust the point of order will be reserved.

Mr. WILLIAMS of Mississippi. I said I will not yield.

Mr. SULZER. I ask the gentleman to reserve the point of order.

Mr. WILLIAMS of Mississippi. Now, then, it seems to me it is a very large rental, $90,000; and it seems to me that it is a very long period for the Government to tie its hands, in entering into a contract for fifty years. Now I will yield to the gentleman from New York.

Mr. SULZER. I trust the gentleman will reserve the point of order, so that this can be discussed.

Mr. WILLIAMS of Mississippi. I made the point of order. That was the first thing I said when I asked the gentleman from Indiana, the chairman of the committee, to explain the matter.

Mr. OVERSTREET. Mr. Chairman, I confess the point of order if it shall be insisted upon.

Mr. WILLIAMS of Mississippi. I understand that.

Mr. OVERSTREET. I wish to have read at the Clerk's desk a letter from the Postmaster-General and a duplicate of a letter of the president of the New York Central Railroad touching upon this proposed legislation.

Mr. STEPHENS of Texas. I would like to ask the gentleman a question.

Mr. OVERSTREET. Just let this be read.

The CHAIRMAN. The gentleman from Indiana asks to have certain letters read. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 11, 1904.

Hon. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

SIR: Referring to page 12 of my annual report, I desire to call your attention to the absolute necessity for some action to relieve the congested condition of the postal facilities in the city of New York, as at present the building is entirely inadequate to the business which must be performed in it.

After a very careful consideration of the subject, the Department has concluded that the best and most feasible way to give relief to the postal business in that city is through the securing of additional accommodations in connection with the proposed terminal facilities of the great railroad corporations which are about to enter that city, namely, the New York Central and the Pennsylvania system. With the Pennsylvania system it would be necessary to purchase the property, but in the case of the New York Central system we have received what I esteem to be a very liberal proposition for the rental of a building to be erected over the terminal tracks of that company. The proposition is that the railroad company will erect a suitable building for the purposes of the Department, and rent it to the Government on a basis of 2½ per cent of the cost of the building and the value of the land upon which the building is to be erected, provided, however, that the rental shall not exceed $90,000 per annum. The expenses of the Forty-second street station and the cartage of the mails to the railway station of the New York Central Company at present costs the Department in the neighborhood of $70,000 per annum, and the facilities are very inadequate and cumbersome.

With the new building proposed we would be able to do away entirely with the cartage of the mails, as they would be elevated to the building and lowered from the same alongside the postal cars by elevators. This would insure a saving, on an average, of at least thirty minutes in the dispatch of the mails, which, as you know, would mean very much to the business interests of New York and the country.

There is the greatest necessity for immediate action, as at best it will be from three to four years before the new terminal facilities of the company are ready and this building available for the purposes indicated, and in the meantime the congestion of the postal business will continue to increase.

I believe it to be greatly to the interest of the Government to secure such a lease which will result, almost in the nature of things, in a permanent occupancy of these quarters. We all know that, as the years go by, the value of property adjacent to a great railroad station like the one here proposed will increase, and I have no doubt that a lease made now will double in value in twenty-five years. Therefore I esteem it to be greatly to the advantage of the Government to secure as long a lease as possible.

Respectfully, yours,

H. C. PAYNE, *Postmaster-General.*

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD CO.,
GRAND CENTRAL STATION,
New York, February 9, 1904.

Hon. HENRY C. PAYNE,
Postmaster-General, Washington, D. C.

DEAR SIR: Understanding that you prefer to have a proposition for a post-office at the Grand Central Station, within the space bounded by Lexington avenue, Madison avenue, Forty-fifth street, and Forty-sixth street, which is not based on a fixed rental, as proposed in my letter to you of February 4, I submit the following:

This company will furnish the ground, construct the building, and rent it to the Government for a long period—say fifty years—at a rate per annum based upon 2½ per cent on the value of the ground and 2½ per cent on the value of the building. The aggregate amount to be paid by the Government on this basis is not to exceed $90,000 per annum and the space to be furnished is to be approximately 100,000 square feet.

In this connection I would again call your attention to the fact that the Government is now paying for Station H, adjoining our terminals, $25,000 per year (approximately $1 per square foot), and in addition thereto about $5,000 per year for transferring the mails between the post-office and our depot.

The proposed new post-office over our tracks will afford space nearly three times as great as at Station H and in a modern building, constructed with especial reference to the requirements of the mail service, at a maximum increase in cost of less than 30 per cent above the amount now paid.

Very respectfully, yours,

W. H. NEWMAN, *President.*

The CHAIRMAN. The gentleman from Mississippi made a point of order as to this paragraph.

Mr. WILLIAMS of Mississippi. I made the point of order for the purpose of getting an explanation and making some remarks about it.

The CHAIRMAN. The gentleman from Mississippi is recognized by the Chair upon the point of order.

Mr. WILLIAMS of Mississippi. I will reserve it for a moment.

Mr. OVERSTREET. The gentleman made a certain inquiry and I had this correspondence read, bearing directly on the inquiry. At the present time, Mr. Chairman, the station near the New York Central Railroad which the post-office occupies has about 35,000 square feet, for which the Government pays an annual rental of $35,000. The station is so located that the necessary cartage and transferring the mail from the New York Central postal cars to and from the post-office station require an annual expenditure of an additional $35,000; so that under present conditions there is an expense of $70,000 in connection with the station of the New York post-office situated near the New York Central station.

Mr. WILLIAMS of Mississippi. Let me ask the gentleman this: Are these other two rentals to be done away with?

Mr. OVERSTREET. These other two rentals are entirely done away with.

Mr. WILLIAMS of Mississippi. Then it is only $20,000 above what we are now paying?

Mr. OVERSTREET. It is only $20,000 above what we are now paying, and for a greatly increased facility, about 100,000 square feet, and the arrangement, as detailed by the officials, would admit of the elevation of the mails from the tracks to the post-office room and their descent therefrom to the cars at the expense of the company, $90,000, or not to exceed $90,000, covering all of this expenditure.

Now, Mr. Chairman, 90 per cent of all the mail that goes in and out of the great city of New York is carried by the two railroad companies, the New York Central and the Pennsylvania. Of that 90 per cent, 60 per cent is taken care of by the New York Central and 40 per cent by the Pennsylvania Railroad Company. The New York Central Railroad Company is now progressing in the construction of a building for its station requiring a very

heavy expenditure. They make the offer, as reported from the Clerk's desk, by the president of the road, that in the process of that construction they will properly equip an office containing at least 100,000 square feet, equipping it for post-office purposes, to take care of the mails that their road carries into and out of New York, for a sum not in excess of $90,000 a year.

Mr. BAKER. Will the gentleman permit me to ask him a question?

Mr. OVERSTREET. In a moment. This proviso does not appropriate $90,000, nor does it provide that shall be the figure. It merely limits it to that, and if they are paid——

Mr. WILLIAMS of Mississippi. Practically it will be that.

Mr. OVERSTREET. I merely call attention to that.

Mr. WILLIAMS of Mississippi. Whenever you say in one of these bills not to exceed a certain amount it means that that amount will be given.

Mr. OVERSTREET. I appreciate that. Now, for the reason of the very heavy expenditure and the large amount of money required in the construction of that great railroad station, the New York Central Railroad declines—and I think the gentleman will appreciate for good business reasons—to enter into a lease with the Government for a limited period of time.

I believe, and I think business men generally will approve of the belief, that in a city of the character of New York leased buildings of that character and equipment would grow in value rather than decline in value, and the Government, in the judgment of the committee and the Department, is in no danger of suffering any loss by reason of a long lease, for in the event we should seek to make a change, which we can not foresee, we could dispose of the lease at a profit.

Mr. WILLIAMS of Mississippi. The gentleman of course is aware of the fact that $90,000 a year is 2 per cent interest upon four and a half million dollars.

Mr. BURLESON. And in fifty years the Government will pay out four and a half million dollars.

Mr. WILLIAMS of Mississippi. If the Government could buy it for four and a half million dollars it would be cheaper. I have heard the explanation and, as far as I am concerned, I do not desire to insist upon the point of order.

The CHAIRMAN. The gentleman from Mississippi withdraws the point of order.

Mr. STEPHENS of Texas. Mr. Chairman, I renew the point of order.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph be closed in twenty minutes. I withdraw my request for unanimous consent; I wish to speak on this subject.

Mr. DOUGLAS. Mr. Chairman, I thought I had the floor.

The CHAIRMAN. The gentleman from Texas renews the point of order, and it is still pending against this paragraph.

Mr. BAKER. Mr. Chairman, I desire to ask if the chairman of the Committee on Post-Offices will yield to me for a question?

Mr. OVERSTREET. I have not the floor.

The CHAIRMAN. The gentleman from New York [Mr. HARRISON] is recognized.

Mr. HARRISON. Mr. Chairman, the gentleman from Mississippi raises the point of order against this paragraph for the purpose of having it explained. It seems to me the explanation has been given most adequately by the chairman of the committee. It is, however, necessary to state, in reply to the query of the gentleman from Mississippi, that he can hardly expect the railway company of which mention is made in this paragraph to put up a handsome, substantial, and adequate building for a less term of years than a lease of fifty years.

Mr. BAKER. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. HARRISON. Certainly.

Mr. BAKER. Do I understand the gentleman from New York to say that this building is a separate and distinct building from the depot they propose to erect, or is it part of that depot?

Mr. HARRISON. I understand it is to be part of the depot buildings of which the railway is to occupy the ground floor, but all the upper parts of the building are to be occupied by the post-office, and the railway company proposes to lift the mails from the cars up to the receiving and distributing rooms, and it seems to me those are facilities that the people of New York desire. This proposition is really a corollary to the proposition to establish postal facilities at the termini of both the great railway systems. The chairman of the committee has explained that 90 per cent of the mail of New York is carried by two railway systems at present. Now, we can not afford to take the position that we are opposed to this contract or this lease simply because a railway corporation is at the other end of it. It is a fact that the railway corporations do carry the mails of the United States, and, accepting that as a fact, it is entirely unreasonable to attack a contract because a corporation is a party to it. It has nothing whatever to do with politics, it seems to me, upon that account.

As appears from the statement before the committee and from the statement of the Postmaster-General in the letter which the Clerk has just read, this is an entirely reasonable sum for the New York Central Railway to demand for these postal facilities. It is less in proportion than the sum that we are now paying per square foot for our facilities at present near the Grand Central station. It is not only that, but it is much less per square foot when we consider the fact, as stated in the letter we have just heard read, that an almost equal sum to the amount of rent paid is at present paid for transporting mails to and from the railway station to the substation post-office. In point of view of these facts it is not necessary, it seems to me, to debate——

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Texas?

Mr. HARRISON. Yes.

Mr. STEPHENS of Texas. I will ask if the gentleman does not think it would be much better to accept the proposition made by the Pennsylvania Railroad Company to buy the property outright and let the Government own its own building and everything? And is he aware of the further fact that this fifty years which the lease is to run will cost the Government $90,000 a year, or four and a half million dollars, and will it not be better in every respect for the Government to own its own building?

Mr. HARRISON. That question does not affect the subject under consideration. It is an entirely separate and distinct question, and when the time for debating that question comes I will be very glad to join in debate with the gentleman upon that subject.

Now, Mr. Chairman, a great many of my colleagues desire to be heard upon this question. I yield such time as he may need to my colleague [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. The Chair will state that the gentleman from Texas [Mr. STEPHENS] has made a point of order against the paragraph.

Mr. STEPHENS of Texas. I will reserve the point of order.

Mr. GOLDFOGLE. I understand, then, the point of order is withdrawn.

Mr. STEPHENS of Texas. Oh, no; it is reserved, if the gentleman wishes to speak to it.

Mr. OVERSTREET. Mr. Chairman, I wish to ask the parliamentary status. Is the point of order withdrawn?

The CHAIRMAN. The point of order made by the gentleman from Mississippi [Mr. WILLIAMS] was withdrawn, and the gentleman from Texas [Mr. STEPHENS] renewed the point of order.

Mr. OVERSTREET. Now, Mr. Chairman, in the interest of progress upon the bill, I wish to submit that it is not quite fair to the House to take up a whole lot of time in discussing the merits of a measure if the point of order is going so be insisted upon. I should hope that it would not be insisted upon, but I do not like to stand in the position of knowing in advance that the time will be absolutely wasted if the point of order is certain to be made.

Mr. GOLDFOGLE. I understand the point of order was reserved, Mr. Chairman, and I rise to discuss the matter, and presume I am in order.

The CHAIRMAN. The Chair will state that if the point of order is reserved it can only be by unanimous consent, and if any gentleman of the committee calls for a ruling upon the point of order it is the duty of the Chair to rule. The Chair would state, however, that before ruling on this point of order he would be glad to hear the gentleman insisting upon the point of order, first, in reference to the present law governing leases of premises for post-office purposes, and, secondly, in regard to the time for which such leases under the law can be made.

Mr. STEPHENS of Texas. It changes existing law.

Mr. GOLDFOGLE. I desire to ask the gentleman from Texas a question.

Mr. STEPHENS of Texas. I wish, Mr. Chairman, to explain the position I take on the point of order. It is new legislation. It points out a particular place in the city of New York where a post-office shall be available and where a post-office shall be built, and there is nothing in the existing law that refers to that. It provides for a fifty-year lease at $90,000 a year rental, and there is certainly nothing of the kind in the present law. On both points it is new legislation and is not germane to any part of the bill. Under the present law only leases of ten years can be made. This provides for a lease of fifty years at a stated rental of $90 000, amounting to four million and a half dollars. I think that it would be cheaper and better for the Government to own the building. At the end of the fifty years the Government would have nothing, and it would still have to build a building.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Several Members rose.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SULZER].

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a ruling.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. The Chair understands the gentleman from Texas to insist upon an immediate ruling upon the point of order?

Mr. SULZER. Mr. Chairman, I hope the gentleman from Texas will reserve his point of order for a few minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a ruling.

Mr. OVERSTREET. Mr. Chairman, I desire to be heard on this point of order.

Mr. SULZER. Mr. Chairman, I understand that I have the floor.

The CHAIRMAN. Does the gentleman from Texas reserve his point of order?

Mr. STEPHENS of Texas. Yes; I will for the present, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] is recognized for five minutes.

Mr. SULZER. Mr. Chatrman, the city of New York, which I have the honor to represent in part on the floor of this House, is the richest city in the world, the most populous city on this continent, and the metropolis of our country. Every citizen in all our land has every reason to feel a just pride in the commercial greatness of the Empire City, and it seems to be a remarkable fact and a most humiliating condition of affairs here that, no matter what the great city of New York wants or how badly something there is needed, it can have no relief, it can get no aid from the Congress of the United States. The greatest city in our country is and always has been studiously ignored by the National Legislature. The way we are treated here is an outrage, and I say it has got to stop.

For years, Mr. Chairman, the people of New York City have been making a determined but a fruitless effort to get a new post-office, and the Representatives of that city in this House, in season and out of season, month in and month out, have done everything in their power to secure the necessary legislation; but all in vain. We have pleaded and begged and appealed, but without avail. Congress seems to be deaf to the supplications of the first city in the land. The humblest hamlet in any State can get a Federal building or a magnificent post-office for the mere asking, but New York City can not have simple justice in a matter of the greatest urgency and necessity and that affects more or less every other part of our entire country and all the people. It is strange, but then there is a reason for it.

The present post-office building in the city of New York is a disgrace to the Federal Government. It is old, damp, worn-out, overcrowded, and dilapidated. It is totally unfit to properly transact its immense postal business. It was built many years ago, and its usefulness is now practically a thing of the past. New York City to-day is more in need of better post-office facilities than any other city in the United States. This old post-office building away down town is wholly inadequate, and has been so for years, to properly handle and distribute the vast amount of mail that comes in and goes out of the great metropolis. It is damp and dirty and dingy. It is cramped and clammy and unhealthy. The Government employees there, compelled to work underground, are daily endangering their health and risking their lives, and are so crowded for lack of space and necessary room that it is impossible to expedite the distribution of important mail matter. And this deplorable situation affects, I say, not only the people in the city of New York, but the people all over the country, because it is well known that New York City is our greatest postal distributer.

Mr. Chairman, the post-office of New York City pays the Government an immense revenue profit every year; more, I believe, than any other three cities in the land and more than many States of the Union. The net annual revenue from the New York City post-office is about $8,000,000, and increasing more and more every year. With these apparent facts staring us in the face, it is a shame, in my judgment, that for this reason or that excuse it has been absolutely impossible for the people of New York City, or their representatives in Congress, to get Congress to remedy the postal evils in New York City and give the people there a post-office that will reflect credit on the Federal Government and facilitate the distribution of the mails.

It is well known, Mr. Chairman, to those Members familiar with this question that after several years of weary effort and arduous struggle we finally succeeded in getting the Committee on Public Buildings and Grounds of this House to pass a law merely appointing a commission composed of the Postmaster-General, the Secretary of the Treasury, and the Attorney-General to go to New York City and select a suitable site for the new post-office building. No appropriation to pay for the site was made in this law, because we were told such a proposition was unheard of and contrary to precedent, and that no appropriation was ever made by Congress until the site was selected, and that just so soon as the site was selected Congress would forthwith appropriate all necessary money to pay for the same and to begin the construction of the building.

The commission recommended purchasing a site for a large substation at the terminus of the Pennsylvania Railroad in New York City at an expense of $2,000,000, and this matter is now before the Appropriations Committee. We hope to get this provision in the sundry civil bill. The New York Central Railroad is willing to build and lease another large substation to the Government at its terminus in the city of New York on fair and reasonable terms, and this matter is now before the House. I am in favor of both these propositions, because it is the best we can get, in my judgment, at the present time, and the deplorable postal situation in our city admits of no further delay. We must have immediate relief, and we must act at once.

Now, Mr. Chairman, I concur substantially in all that has been said by the gentleman from Indiana [Mr. OVERSTREET], and I appeal to the Members of this House for fair play, and in the name of justice I beg you to listen to our appeals, to hear our side of this question, and to give New York City the postal legislation that is so earnestly prayed for—so urgently demanded by the necessities of the situation—and that will to some extent relieve our present congested postal conditions.

There has never been a time, in my opinion, when legislation along these lines was so absolutely required as at the present moment. If we do not get this relief now, we will get none this session, and the post-office service in New York City will be crippled worse than it is now, and conditions there will become more deplorable than ever. It is a shame the way you play fast and loose with this important matter.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. SULZER. In a moment. Not just now. There should be no further delay; and I repeat that if this provision is stricken out of this bill, it will be a great injustice to the country, because it is well known that the city of New York is the great distributing postal center of the United States, and better facilities there for the speedy handling and immediate distribution of the mail will help every person in the land and benefit every business concern in the country.

Every man, every woman, and every commercial enterprise all over this land is anxious to send and have delivered as quickly as possible the mail that must go through and be distributed by the post-office in the city of New York. The constituents of every man in this House are deeply concerned about this matter and, to a greater or lesser degree, interested in the passage of this provision for postal relief for New York City. There should be no objection to it from anyone. It is honest and fair and just. It is not local; it is general, and for the benefit of all our people.

This postal-relief matter has been thrashed out for years over and over again before two committees of this House. It is no new proposition. We all understand it. The New York Members in this House to-day are united for this legislation. I regret exceedingly that the objection to it at the last moment comes from this side of the House, and I regret yet more that it comes from my friend from Texas [Mr. STEPHENS]. I hope he will not insist upon the point of order. I appeal to him now, and I hope he will be as good a friend of New York as New York has been of Texas and, in the interest of justice and in the name of common sense, help us to get what we need—what we ought to have. I appeal to him, and I hope he will withdraw the point of order.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. SULZER. I will if the gentleman will make it short. I have only a little time.

Mr. STEPHENS of Texas. I will ask the gentleman why he prefers a fifty-year lease to absolute ownership and control by the United States Government?

Mr. SULZER. I will answer that question. The fight for increased postal facilities for New York has been going on in Congress for the last ten years, but with no success. Officials of the Post-Office Department declare that there is no need for a new post-office; that what the city needs are branch offices capable of handling enormous quantities of mail at the terminal stations of the important railroads—the New York Central and the Pennsylvania.

For ten years, I say, the New York delegation has been fighting in Congress day in and day out, month in and month out, year in and year out, to get a bill for a new post-office building in New York City, but we never have been able to accomplish it. The nearest we came to it was to get a commission appointed,

consisting of the Secretary of the Treasury, the Postmaster-General, and the Attorney-General. The commission visited New York City, made an examination, and reported to Congress. It was adverse to a public building and in favor of this plan. The bill apparently can not be passed. Congress treats New York City unjustly, outrageously, and with an unfair discrimination that we resent and will continue to resent and protest against. The commission reported against a public building and in favor of this plan. This is all we can get. It is this or nothing. That is all there is about it.

Mr. BAKER. Will the gentleman yield for a question? What has been the obstacle?

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman——

Mr. SULZER. One at a time, now, please. I will answer all questions. Let me say that you all know, or ought to know, that at the present time it is an absolute impossibility to pass a law for a new post-office building in the city of New York. The report of the commission sent to the last Congress settled that, I am sorry to say, and the only relief we can now get, the only remedy presented for the congested postal conditions there is this lease from the New York Central Railroad and the purchase of the site from the Pennsylvania Railroad.

The people of New York City are in favor of these propositions; the newspapers are in favor of this mode of relief; the great commercial bodies, the trade organizations, the business people of New York City are in favor of this method for speedy postal relief; and as it is the best we can get for years to come, I favor it, I advocate it, I hope it will pass, and I beseech my friend from Texas to withdraw the point of order.

Mr. STEPHENS of Texas. I will say to the gentleman that we have room enough in Texas for the whole city of New York and its population.

Mr. SULZER. Yes, Texas is a great State, and she has no greater friend on the floor of this House than myself. I want the gentleman to understand that. I have always been a consistent friend of the Lone Star State.

Now, I will tell you why we are in favor of this New York Central lease. It is because the New York Central Railroad will not consent to sell its property to the Government, nor will it go to the trouble to spend its money to put up this magnificent substation postal building at its terminus except on a long-term lease. If the lease can be made for fifty years, I believe it will be to the advantage of the Government. Rents are very high in this section of the city. Property there is increasing in value more and more every year. And I say to you that if we do not accept this, the Government in the future will have to rent other property and will have to pay twice as much for it. This lease at the price stated is cheap indeed, and entirely to the advantage of the Government.

The Post-Office Department is paying to-day for a little substation—Substation H, I think it is—at the New York Central terminus, in New York City, $35,000 a year rental for a space containing about 30,000 square feet; and it pays a contractor $35,000 a year more for cartage, making a total of $70,000 a year. By the terms of this lease we get a space of over 100,000 square feet for a sum less than $90,000 a year on a long-term lease, and that will save the Government money in the end and do away with the cost of cartage and save time in hauling the mails. The Government to-day, I repeat, pays a contractor in New York City for carting the mail from the depot around to this substation $35,000 a year. That makes $70,000 a year that the Government is now paying, and the mail is delayed, and the entire method is conducted under the most disadvantageous circumstances. This lease on the terms stated is dirt cheap in the opinion of every man familiar with the situation.

Mr. STEPHENS of Texas. Would not the Government save $20,000 a year by continuing the present method?

Mr. SULZER. No, I think not; because the Government must have more space, and it can not rent the space required in that neighborhood—say a hundred thousand square feet—for less than $150,000 a year, to say nothing about the additional cost of cartage, which will be in a few years $50,000 a year more. In my opinion the proposition of the New York Central will conserve the best interests of the Government, the Post-Office Department, and the people, and from a financial standpoint will be a great bargain for the Government, to say nothing about the quick dispatch and the saving of time in the speedy delivery of the mails. The New York Central Railroad now carries, and will for years to come continue to carry, at least 50 per cent of all the mail going to and from New York City.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. SULZER. Yes.

Mr. SHERLEY. I want to know whether there is any provision for a renewal of this lease at the option of the Government? And does not the gentleman consider that if we are to have a fifty-year lease entered into now there ought to be the right of renewal at the option of the Government at the expiration of the fifty years?

Mr. SULZER. No; but I see no objection to that. No doubt it could be arranged by the Postmaster-General. Fifty years, however, is a long time, and in the light of the past who can assume to predict what New York City will be and what the governmental postal policy will be fifty years hence? But, all things carefully considered, I believe this provision in this bill for this lease is a fair, just, safe, wise, and conservative proposition, and Congress should authorize the Postmaster-General to make it on the best terms possible. I have heard no objection to it from anyone in New York City, and I sincerely hope there will be no objection to it here.

It is a New York City matter, and every one of the Members here from that city is in favor of it without reservation. It will go a long way to solve the trouble, remedy our postal difficulties, expedite the carrying and the delivery of the mails, and in the end I firmly believe it will prove to be wise, economical, beneficial, and advantageous. I trust the point of order will be withdrawn and the provision agreed to and passed.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of putting an inquiry to the gentleman from Texas, who raised this point of order.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from New York for an inquiry?

Mr. STEPHENS of Texas. Certainly.

Mr. GOLDFOGLE. Does the gentleman from Texas believe that the New York Central Railroad or any owner of real estate in the vicinity of the station of the New York Central Railroad would thoroughly equip and furnish for postal requirements a building of the size and kind suggested in the offer unless they were assured by the lease that the post-office would remain there for a long time? And does not the gentleman from Texas realize the fact that expensive furniture and expensive equipment would not be put into the building at the cost of the owner only to be carted away as old junk if the term were a short one and the Government saw fit to abandon the building?

Mr. STEPHENS of Texas. I do not think the United States Government should put itself in the power of a railroad company for fifty years, to be "held up" on a rental of $90,000 a year for a building costing four millions and a half, when it can itself erect a suitable building that will afford proper mail facilities for the city.

Mr. GOLDFOGLE. Does the gentleman believe it is possible at this session, any more than it was possible at the last session, to get through here a bill for the acquisition of a site and the erection of a post-office building in the city of New York?

Mr. STEPHENS of Texas. I will answer that by asking this question: Has the New York delegation attempted to get through a bill of that kind?

Mr. SULZER. Yes; for ten years.

Mr. GOLDFOGLE. The gentleman from Texas propounded a question to me; I want to answer it.

Mr. STEPHENS of Texas. I ask for a ruling now on the point of order.

The CHAIRMAN. And the Chair is ready to rule.

Mr. GOLDFOGLE. I should like to answer the question of the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas has asked a ruling upon the point of order, and the Chair is ready to rule.

Mr. GOLDFOGLE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. The gentleman from Texas put a question to the Member now occupying the floor, and the Member was about to answer that question. The inquiry put by the gentleman from Texas was pending. Now, I desire to know whether I am not in order to answer the pending inquiry.

The CHAIRMAN. The Chair will state, in answer to the parliamentary inquiry, that all proceedings in the Committee of the Whole are now going on really by unanimous consent, unless directed distinctly to the question of order.

Mr. GOLDFOGLE. I ask unanimous consent of the Committee that I may be permitted to answer the inquiry of the gentleman from Texas.

The CHAIRMAN. The gentleman from New York asks unanimous consent to be permitted to answer the interrogatory of the gentleman from Texas. Is there objection?

Mr. ROBINSON of Indiana. I desire that there be some limitation as to the time.

Mr. GOLDFOGLE. Certainly.

Mr. ROBINSON of Indiana. Let the gentleman be limited to five minutes.

The CHAIRMAN. The gentleman from New York asks to

occupy not exceeding five minutes in answering the question of the gentleman from Texas. Is there objection? The Chair hears none. The gentleman from New York will proceed.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

The CHAIRMAN. The Chair is ready to rule on the point of order made by the gentleman from Texas.

Mr. SULZER. Just a word in answer to the gentleman from Tennessee. If the gentleman from Texas will withdraw his point of order, I believe that the New York delegation on the floor of this House will accept the amendment of the gentleman from Tennessee.

Mr. OVERSTREET. Mr. Chairman, I have a little voice in this matter.

The CHAIRMAN. The Chair is ready to rule on the point of order. The gentleman from Indiana.

Mr. OVERSTREET. I simply want the regular order, so that the ruling may be made.

The CHAIRMAN. The regular order is ruling on the point of order made by the gentleman from Texas.

Mr. DOUGLAS. Mr. Chairman, I desire to ask unanimous consent that I may have three minutes on this proposition.

The CHAIRMAN. The gentleman from New York asks unanimous consent to be recognized for three minutes. Is there objection?

Mr. STEPHENS of Texas. I object.

Mr. DOUGLAS. Mr. Chairman, I hope that we will be able to discuss this subject——

The CHAIRMAN. Objection is made by the gentleman from Texas.

Mr. DOUGLAS. I hope the gentleman will kindly withdraw his objection.

Mr. SULZER. In the interest of fair play, I hope the gentleman from New York will have a hearing.

Mr. PAYNE. A parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. PAYNE. Is it not within the province of the Chair to continue this debate in the discretion of the Chair?

The CHAIRMAN. The Chair has stated that all proceedings except decision on the point of order was proceeding by unanimous consent. The Chair is ready to rule on the point of order.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. DOUGLAS] be heard for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from New York [Mr. DOUGLAS] may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGLAS. Mr. Chairman, I hope that we will be able to discuss this question in a dignified and proper manner. I do not wish to say one word or make a single claim that is not fair and honest for the city of New York, but our necessities are urgent and should have attention. It is true for years, ever since I have been in this House, and for many years previous, Members from New York have been endeavoring to obtain some consideration for bills to give that relief which it is frankly admitted upon all sides is due us. This is the first proposition that we have been able to place before the House, owing to reasons that were not our fault as a delegation. On this question the entire New York delegation are a unit, and we shall stand for it. The proposition has been carefully investigated by Postmaster-General Payne, it has been thoroughly looked into by the post-office departments in Washington and New York City, and it commends itself, after a careful examination, to the Committee on Post-Office and Post-Roads. Surely, with this abundant evidence before us, no one in the House will object, and thus put us back after all these years of effort and oblige us to start all over again.

As to the lease itself, the Postmaster-General tells me that he will make the best bargain he can with the New York Central Railroad. He states that he will exact favorable terms in making this lease. In all probability instead of $90,000 he may be able to secure the necessary space, perhaps, for $70,000, and that is the only reason why I would object perhaps to the suggestion of the gentleman who spoke a few minutes ago and asked for a $75,000 lease and ten-year rental. We may do better. As to the rental period, I do not think that the New York delegation care anything about that point. We would be just as willing to have that lease for ten years as for fifty years. It is immaterial, but it is a well-known fact that real-estate values in New York do not stand still, that they advance yearly, and in all probability by making a long lease now we will do better than by taking the property on shorter time, and then having to enter into further negotiations later on with the New York Central Railroad. There is no doubt whatever that opposition has arisen in the House by reason of the proposed change in the law in relation to the term of lease.

Now, as regards the amount to be paid, $70,000 or $90,000 yearly, you must remember that New York is increasing rapidly in population and the country in proportion, and there is an immense mail coming daily into our city. These railroads are establishing great stations—the New York Central at Forty-second street and the Pennsylvania between Seventh and Ninth avenues and Thirty-first and Thirty-third streets—and they are each spending some fifteen or twenty million dollars for terminal facilities. It is absolutely essential that New York City should have a substation at both places. If we do not get them now, owing to the justice of our position and by courtesy and kindly consideration of this House, there is no question whatever but that a yearly appropriation under the general law will be necessary, and we will ultimately pay more.

It is an actual fact, as has been stated by my colleagues on the other side of the House, that we are paying to-day about $70,000 a year for post-office facilities at a point close to the Forty-second street station, including cost of cartage. I sincerely hope the gentleman from Texas will kindly withdraw the point of order, and he will be doing no injustice to himself, this House, or the Government by his action.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOUGLAS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Mr. Chairman, I now ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule upon the point of order.

Mr. BAKER rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BAKER. I rise to say that as one of the New York Members I ask unanimous consent that I be given one minute to explain my position on this matter.

Mr. OVERSTREET. I object, Mr. Chairman.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas [Mr. STEPHENS] has raised the point of order against the paragraph in the bill which the Clerk will read, beginning in line 20 on page 11:

The Clerk read as follows:

And the Postmaster-General is hereby authorized to lease for post-office purposes for a period not exceeding fifty years a building to be erected over the tracks of the New York Central Railroad, in the city of New York, State of New York, within the space bounded by Lexington avenue, Madison avenue, Forty-second street, and Forty-sixth street, at an annual rental not exceeding $90,000.

The CHAIRMAN. The attention of the Chair has not been directed by any members of the committee favoring this item to any provision in the statutes which confers upon Congress the right to select sites for post-offices, and the Chair has been unable to find any such provision in the statutes. If this item can be sustained at all it must be under the provision of section 3829 of the Revised Statutes, a part of which relating to this subject the Chair will read:

The Postmaster-General shall establish post-offices at all such places on post-roads established by law as he may deem expedient, and he shall promptly certify such establishment to the Sixth Auditor.

It is very clear from a mere cursory reading of this paragraph that entire and complete discretion has been lodged by Congress in the Postmaster-General to establish post-offices within his discretion. Without considering the other features of this item, it will be sufficient for the purposes of this ruling to call the attention of the House to the fact that this item specifies the exact site which the Postmaster-General is directed to lease. This direction to the Postmaster-General is of course an amendment or a change in the law which says he shall select the post-offices at such places as he shall deem expedient. It is very clear, therefore, that this one provision in this item makes the paragraph new legislation, or a change in existing law, and the Chair feels impelled to sustain the point of order.

Mr. OVERSTREET. Mr. Chairman, I offer in lieu of the words stricken out under the point of order the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add in lieu of that stricken out the following:

"For lease of post-office at New York City, $90,000: *Provided*, That no part of this appropriation shall be used for said purpose unless the Postmaster-General shall lease for post-office purposes for a period not exceeding fifty years a building to be erected over the tracks of the New York Central Railroad, in the city of New York, State of New York, within the space bounded by Lexington avenue, Madison avenue, Forty-second street, and Forty-sixth street, at an annual rental not exceeding $90,000."

Mr. STEPHENS of Texas. I raise the same point of order to that, Mr. Chairman. It points out the time, place, and manner.

Mr. OVERSTREET. I am ready for a ruling, Mr. Chairman, and as soon as the ruling is made I shall move that the committee rise.

The CHAIRMAN. The amendment offered by the gentleman from Indiana appropriates $90,000, with the proviso that no part of this sum shall be available except upon certain conditions. This is one of those limitations with which members of the committee are all familiar. It does not take away from the Postmaster-General the discretion vested in him, for the reason that it does not direct him to use any of the money appropriated. This doctrine of limitation, as sustained in parliamentary rules, proceeds upon this theory, as the Chair understands it: That Congress may use arbitrary power in appropriating money, or in not appropriating money, for purposes specified by law. Congress may refuse to appropriate money for any purpose for which the law provides, either a salary or a definite annual payment. If Congress can refuse to appropriate money for any purpose, it is quite clear that Congress may appropriate money for a specific purpose, to be expended only upon certain conditions. In this case the amendment leaves it to the Postmaster-General to decline to use the money on the ground that the amendment makes the appropriation authorized by law with a limitation as to the mode of its expenditure. The Chair therefore overrules the point of order.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the post-office appropriation bill and had directed him to report that it had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 2920. An act granting an increase of pension to Daniel W. Huffman;

H. R. 9853. An act granting an increase of pension to James H. Hargis;

H. R. 8058. An act granting an increase of pension to William M. Underhill;

H. R. 3565. An act directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas;

H. R. 4074. An act constituting Utica, N. Y., a port of delivery, and for other purposes;

H. R. 6787. An act to confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River;

H. R. 4526. An act granting an increase of pension to William J. Shepard;

H. R. 4251. An act granting an increase of pension to Joseph Hinkle;

H. R. 2477. An act granting an increase of pension to Frank J. McLaughlin;

H. R. 5865. An act granting an increase of pension to Joshua Harlan;

H. R. 5555. An act granting an increase of pension to James R. Hauptly;

H. R. 6025. An act granting an increase of pension to John Herzog;

H. H. 3032. An act granting an increase of pension to William Pittenger;

H. R. 5367. An act granting an increase of pension to Franklin Moore;

H. R. 8376. An act granting an increase of pension to Jonathan J. Smith;

H. R. 2923. An act granting an increase of pension to John G. Fairchild;

H. R. 2809. An act granting an increase of pension to John Watt;

H. R. 6426. An act granting an increase of pension to David Z. Beidler;

H. R. 6705. An act granting an increase of pension to Edwin A. Forman;

H. R. 6582. An act granting an increase of pension to Harry Haller; and

H. R. 4136. An act granting an increase of pension to Caleb Arnett.

BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9480. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes; and

H. R. 891. An act granting certain lots in Gnadenhutten, Ohio, to Gnadenhutten special school district.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. POWERS of Maine was given leave to withdraw from the files of the House without leaving copies the papers in the case of Henry G. McDougall, Fifty-seventh Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 17 minutes p. m.) the House, under its previous order, adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of John Haynes, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of Edward Moore, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Amelia Simpson, administratrix of estate of Randolph Simpson, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DICK, from the Committee on Military Affairs, to which was referred the House resolution (H. Res. 135) that the Secretary of War of the United States is requested to report to this House how many Mauser rifles were captured by the United States in Cuba during the late Spanish-American war, etc., reported the same without amendment, accompanied by a report (No. 1737); which said resolution and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13924) to provide a seal for United States commissioners, reported the same with amendment, accompanied by a report (No. 1741); which said bill and report were referred to the House Calendar.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13992) permitting the Missouri, Kansas and Oklahoma Railroad Company to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company, reported the same without amendment, accompanied by a report (No. 1742); which said bill and report were referred to the House Calendar.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12685) for the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington, reported the same with amendment, accompanied by a report (No. 1743); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CLAUDE KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 12022) for the relief of Hannah B. Sabiston, reported the same with amendment, accompanied by a report (No. 1729); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was re-

ferred the bill of the Senate (S. 398) for the relief of James A. Carroll, reported the same without amendment, accompanied by a report (No. 1730); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the House (H. R. 814) for the relief of W. S. Carpenter, reported the same with amendment, accompanied by a report (No. 1731); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 669) for the relief of the Good Shepherd Industrial School, reported the same without amendment, accompanied by a report (No. 1732); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3613) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails, reported the same without amendment, accompanied by a report (No. 1733); which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 867) to pay claimants for damages to private property by reason of mortar practice at Fort Preble, Me., during the fall of 1901, as reported by a board of army officers constituted to ascertain the same, reported the same with amendment, accompanied by a report (No. 1734); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 6072) authorizing the Secretary of War to adjust the claim of the Merritt & Chapman Derrick and Wrecking Company, and making an appropriation of $1,800, or so much thereof as may be necessary, to satisfy such claim, reported the same without amendment, accompanied by a report (No. 1735); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 2820) for the relief of Hamilton D. South, reported the same without amendment, accompanied by a report (No. 1736); which said bill and report were referred to the Private Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10208) for the relief of Allegheny College at Meadville, Pa., reported the same without amendment, accompanied by a report (No. 1744); which said bill and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 2114) to fix the rank of certain officers in the Army, reported the same without amendment, accompanied by a report (No. 1745); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2964) for the relief of Thomas C. Sweeney, reported the same without amendment, accompanied by a report (No. 1746); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12297) granting a pension to James P. Hurst—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13901) granting a pension to William W. Adams—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOGG: A bill (H. 14143) to divide the Indian Territory into counties, establish probate courts therein, and for other purposes—to the Committee on Indian Affairs.

By Mr. KINKAID: A bill (H. R. 14144) to adopt Fort Niobrara Military Reservation, in Nebraska, as a permanent camp ground for the instruction and maneuvering of troops of the Regular Army and National Guard—to the Committee on Military Affairs.

By Mr. SULLOWAY: A resolution (H. Res. 257) to pay Herman Gauss $750 for extra and expert service to the Committee on Invalid Pensions—to the Committee on Accounts.

By Mr. BROWNLOW: A resolution (H. Res. 258) appropriating $3,000 for the purpose of folding speeches and pamphlets—to the Committee on Accounts.

By Mr. HEARST: A resolution (H. Res. 259) to appoint a committee to fully inform itself and this House and the country on the trust situation—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. WANGER: A bill (H. R. 14142) for the relief of A. Louisa Corson—to the Committee on War Claims.

By Mr. ALEXANDER: A bill (H. R. 14145) granting an increase of pension to Abel S. Brooks—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 14146) for the relief of William Fletcher—to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 14147) granting an increase of pension to George E. Brickett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14148) granting an increase of pension to Frederick Gannett—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: A bill (H. R. 14149) granting an increase of pension to David Wills—to the Committee on Pensions.

By Mr. CASTOR: A bill (H. R. 14150) granting an increase of pension to John J. Carberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14151) granting a pension to Moses P. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14152) granting an increase of pension to John Middleton—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 14153) granting an increase of pension to P. C. Wood—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 14154) granting an increase of pension to Adams H. Eastman—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 14155) granting an increase of pension to George W. Kinsey—to the Committee on Invalid Pensions.

By Mr. DICKERMAN: A bill (H. R. 14156) granting a pension to Virginia Brewster—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 14157) for the relief of the estate of William Crosby, deceased—to the Committee on War Claims.

By Mr. GUDGER: A bill (H. R. 14158) granting an increase of pension to Samuel M. Tow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14159) granting a pension to James B. Hensly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14160) for the relief of Capt. Robert C. Lovingood's company, United States Volunteers—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 14161) granting an increase of pension to George Haner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14162) granting a pension to Polly Ann Anderson—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 14163) for the relief of C. L. Huey—to the Committee on War Claims.

By Mr. KNAPP: A bill (H. R. 14164) granting an increase of pension to Ellen E. Lee—to the Committee on Invalid Pensions.

By Mr. LANNING: A bill (H. R. 14165) granting an increase of pension to Cornelius S. Abrahams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14166) granting an increase of pension to George W. Ellicott—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 14167) granting an increase of pension to Dwight Mallison—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 14168) for the relief of Emily E. Bishop, of Pike County, Miss.—to the Committee on War Claims.

By Mr. McNARY: A bill (H. R. 14169) to remove the charge of desertion from the naval record of Thomas A. Slater—to the Committee on Naval Affairs.

By Mr. METCALF: A bill (H. R. 14170) granting a pension to George B. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14171) referring to the Court of Claims the claims of the ship keepers at the Mare Island Navy-Yard, Cal.—to the Committee on Claims.

By Mr. PATTERSON of North Carolina: A bill (H. R. 14172) to compensate the Presbyterian Church at Lumber Bridge, N. C., for the church edifice destroyed by the Army in 1865—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 14173) for

the relief of Mrs. Octavia R. Polk, of Hardeman County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 14174) for the relief of Henrietta Y. Turner, of Shelby County, formerly of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 14175) for the relief of the estate of W. H. Neal, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. POWERS of Maine: A bill (H. R. 14176) granting an increase of pension to John Q. A. Foss—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14177) for the relief of the legal representatives of Malinda Swink, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14178) for the relief of the estate of R. H. Crider—to the Committee on War Claims.

By Mr. THOMAS of North Carolina: A bill (H. R. 14179) granting an increase of pension to Jesse Stinnett—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 14180) granting a pension to William James Simpson—to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 14181) granting an increase of pension to Sarah F. Burnet—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 14182) granting a pension to Susan C. Schucking—to the Committee on Pensions.

By Mr. WARNOCK: A bill (H. R. 14183) for the relief of the Champion Iron Company, of Kenton, Ohio—to the Committee on Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 14184) granting an increase of pension to James Ginnane—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Wisconsin: Petition of the Wisconsin Federation of Church and Christian Workers, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Rev. E. G. Updike and 809 members of the Congregational Church of Madison, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of patrons of rural route No. 1, of Gardenville, N. Y., in favor of increase of salaries for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lodge No. 681, Brotherhood of Railroad Trainmen, of Rochester, N. Y., in favor of bills H. R. 89 and 7041—to the Committee on the Judiciary.

Also, petition of Religious Society of Friends of Granville, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Petition of merchants of Garnett, Kans., against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New York Board of Trade and Transportation, protesting against a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Paper to accompany bill for the relief of Jason E. Littlefield—to the Committee on War Claims.

By Mr. BURTON: Resolution of the Youngstown (Ohio) Builders' Exchange, in favor of the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Lodge No. 20, Brotherhood of Boiler Makers and Iron-ship Builders, of Cleveland, Ohio, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Stephen Buhrer and others, and F. Orlikowski & Co. and others, of Cleveland, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CASSINGHAM: Papers to accompany bill granting an increase of pension to David Wills—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of the New York Board of Trade and Transportation, against the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Duquesne Post, No. 259, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: Petition of Roewekamp Bros. and others, of Oshkosh, Wis., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal and Presbyterian churches of Manitowoc, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Papers to accompany bill granting an increase of pension to George W. Kinsey—to the Committee on Invalid Pensions.

By Mr. DENNY: Petition of citizens of Baltimore, Md., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOVENER: Papers to accompany bill H. R. 9729, granting an increase of pension to Frank W. Fretwell—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 5980, granting a pension to Jacob Piles—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 2954, granting a pension to John Hay—to the Committee on Pensions.

By Mr. ESCH: Resolution of the Chamber of Commerce of Milwaukee, Wis., relative to fixing a uniform standard of classification and grading of wheat, flax, etc.—to the Committee on Agriculture.

By Mr. GUDGER: Papers to accompany bill granting an increase of pension to Jason Hogshed—to the Committee on Invalid Pensions.

Also, petition of John E. Graves and others, asking that their names be placed on the pension roll by act of Congress—to the Committee on Invalid Pensions.

Also, paper to accompany bill granting a pension to Marville Riddle—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Jane L. Fagg—to the Committee on Pensions.

Also, papers to accompany bill granting a pension to James B. Hensly—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to William M. Gentry—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Samuel M. Tow—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of patrons of rural routes Nos. 1 and 3, of Decorah, Iowa, in favor of an increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Papers to accompany House bill granting a pension to George Haner—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Polly Ann Anderson—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of citizens of Prophetstown, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KELIHER (by request): Resolution of the New England Iron League against the passage of an eight-hour law—to the Committee on Labor.

Also, resolution of the Massachusetts legislature, in favor of legislation to protect food fish from sharks and dogfish—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Massachusetts State Board of Trade, in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Massachusetts State Board of Trade, relative to the completion of a breakwater at Point Judith harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. LAFEAN: Letter of the Merchants' Association of York, Pa., for development of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Philadelphia Association of Retail Druggists, favoring reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Walter E. Parfitt, of Brooklyn, N. Y., against the passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. LIVERNASH: Petition of the Jesse Moore Hunt Company, of San Francisco, Cal., against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Mary Simpson Sperry and 16 others, in favor of legislation for the relief of the landless Indians in California—to the Committee on Indian Affairs.

Also, resolutions of the Pacific Coast Jobbers and Manufacturers' Association, against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of McKinley Circle, No. 31, and George H. Thomas Circle, No. 32, Ladies of the Grand Army of the Republic, Department of California, of San Francisco, for a service-pension bill, and Cornman Post, No. 57, Grand Army of the Republic, Department of California, of San Bernardino, Cal., against bill H. R. 5756—to the Committee on Invalid Pensions.

By Mr. McNARY: Petitions of Division No. 2, Ancient Order of Hibernians, of Essex County, Mass., and Patrick W. Driscoll, of Quincy, Mass., in favor of bill H. R. 62, providing for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. NEEDHAM: Resolution of the Chamber of Commerce of San Francisco, in favor of an additional fog signal on Angel Island—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of San Francisco, in favor of H. J. Res. 108, 109, and 112 and S. R. 49—to the Committee on Rivers and Harbors.

By Mr. OTJEN: Resolution of the Chamber of Commerce of Milwaukee, Wis., against the passage of bill S. 199—to the Committee on Agriculture.

By Mr. PAYNE: Resolution of the Session of the Central Presbyterian Church, of Auburn, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of the Auburn Business Men's Association, in favor of legislation to prevent unjust discrimination in tariff rates—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS of Maine: Papers to accompany House bill granting an increase of pension to John A. A. Foss—to the Committee on Invalid Pensions.

By Mr. SCOTT: Petition of Society of Friends of Kansas, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Tahlequah, Ind. T., against union of Indian Territory and Oklahoma into one State—to the Committee on the Territories.

By Mr. SULLIVAN of Massachusetts: Petition of the Indian Industries League, praying relief for the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. WILLIAMS of Illinois: Affidavit to accompany claim of John Ripperdam, of New Omaha, Ill., for increase of pension—to the Committee on Invalid Pensions.

Also, letter from I. A. Foster, M. D., of New Haven, Ill., to increase the efficiency of Medical Department, United States Army—to the Committee on Military Affairs.

By Mr. WILLIAMS of Mississippi: Petition of citizens of Vicksburg, Miss., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

MONDAY, *March 21, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on the request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Statira*, John Seaward, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of the court filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel snow *Thetis*, Samuel Cameron, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JAMES B. EADS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 16th instant, a report of the Auditor for the War Department showing the balance of interest not included in the judgment of the Court of Claims in the case of the executors of the estate of James B. Eads, deceased, *v.* The United States, $19,657.44; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

POTOMAC RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Lieut. Col. A. M. Miller, Corps of Engineers, United States Army, renewing a previous recommendation of the Engineer Department that the time for completing a highway bridge across the Potomac River, Washington, D. C., be extended from February 12, 1905, to February 12, 1906; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

VISIT OF PORTO RICAN TEACHERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, transmitting a concurrent resolution adopted by the legislative assembly of Porto Rico extending the thanks of that body to Congress for the privileges extended by it to the public school teachers of that island. The communication and accompanying resolution will be printed in the RECORD.

The communication and accompanying resolution were ordered to lie on the table, and to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, March 18, 1904.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

SIR: I have the honor to inclose herewith a certified copy of a concurrent resolution adopted by the legislative assembly of Porto Rico extending the thanks of that body to Congress for the privileges extended by it to the public school teachers of Porto Rico under the joint resolution of February 12, 1904, "for the transportation of Porto Rican teachers to the United States and return."

I have the honor to be, sir, your obedient servant,

JOHN HAY.

CONCURRENT RESOLUTION.

Resolved by the executive council (the house of delegates concurring), That the thanks of the legislative assembly of Porto Rico be transmitted through the governor of Porto Rico to the Congress of the United States for the benefits and privileges extended by Congress to the public school teachers of Porto Rico by virtue of its joint resolutions, approved February 12, 1904, entitled "Joint resolution for the transportation of Porto Rican teachers to the United States and return."

CHAS. HARTZELL,
President Executive Council.
MANUEL F. ROSSY,
Speaker House of Delegates.

OFFICE OF SECRETARY OF PORTO RICO.

I, Charles Hartzell, secretary of Porto Rico, do hereby certify that the foregoing is a true and correct copy of the concurrent resolution of the legislative assembly of Porto Rico adopted March 8, 1904, and which is now on file in my office.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of Porto Rico, at the city of San Juan, this 9th day of March, in the year of our Lord 1904.

[SEAL.]

CHAS. HARTZELL,
Secretary of Porto Rico.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks-bond election held by the city of Geary, in said Territory;

A bill (H. R. 2477) granting an increase of pension to Frank J. McLaughlin;

A bill (H. R. 2809) granting an increase of pension to John Watt;

A bill (H. R. 2920) granting an increase of pension to Daniel W. Huffman;

A bill (H. R. 2923) granting an increase of pension to John G. Fairchild;

A bill (H. R. 3032) granting an increase of pension to William Pittenger;

A bill (H. R. 3565) directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas;

A bill (H. R. 4074) constituting Utica, N. Y., a port of delivery, and for other purposes;

A bill (H. R. 4136) granting an increase of pension to Caleb Arnett;

A bill (H. R. 4251) granting an increase of pension to Joseph Hinkle;

A bill (H. R. 4526) granting an increase of pension to William J. Shepard;

A bill (H. R. 5367) granting an increase of pension to Franklin Moore;

A bill (H. R. 5555) granting an increase of pension to James R. Hauptly;

A bill (H. R. 5865) granting an increase of pension to Joshua Harlan;

A bill (H. R. 6025) granting an increase of pension to John Herzog;

A bill (H. R. 6426) granting an increase of pension to David Z. Beidler;

A bill (H. R. 6582) granting an increase of pension to Harry Haller;

A bill (H. R. 6705) granting an increase of pension to Edwin A. Forman;

A bill (H. R. 6787) to confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River;

A bill (H. R. 8058) granting an increase of pension to William M. Underhill;

A bill (H. R. 8376) granting an increase of pension to Jonathan J. Smith; and

A bill (H. R. 9853) granting an increase of pension to James H. Hargis.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Ill., praying for the enactment of legislation regulating the erec-

tion of buildings on the Mall in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Illinois Manufacturers' Association, praying for the enactment of legislation providing for the removal of the tunnels under the Chicago River; which was referred to the Committee on Commerce.

Mr. DOLLIVER presented a petition of sundry citizens of Manning, Iowa, praying that an appropriation be made to increase the salaries of rural free-delivery letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Baldwin Lodge, No. 45, of Missouri Valley, and a petition of Local Lodge No. 149, of Marshalltown, of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of Iowa, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of the board of directors of the Illinois Manufacturers' Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the general assembly of the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FAIRBANKS presented a petition of E. C. Atkins & Co., of Indianapolis, Ind., praying that an appropriation be made to prevent a repetition of damages by flood in the Kaw Valley in the States of Kansas and Missouri; which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of Wheatland Avenue Methodist Episcopal Church, of Logansport, Ind., and a petition of the congregation of the Market Street Methodist Episcopal Church, of Logansport, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 78, Federation of Labor, of Fort Wayne, Ind., praying for the passage of the so-called "anti-injunction bill" and also the eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Boston and Worcester, in the State of Massachusetts; of Bay City and Detroit, in the State of Michigan; of St. Louis and Kansas City, in the State of Missouri; of New York City; Chicago, Ill.; Buffalo, N. Y.; Toledo and Cincinnati, in the State of Ohio; of Atlanta, Ga., and of Philadelphia, Pa., and of sundry architects of the United States, praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. SCOTT presented a petition of sundry citizens of West Liberty, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of the congregation of the Presbyterian Church of South Lyon, Mich., and a petition of sundry citizens of Sturgis, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of Detroit Circle, No. 1, Department of Michigan, Ladies of the Grand Army of the Republic, of Detroit, Mich., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Elk Lake Grange, No. 469, Patrons of Husbandry, of Angell, Mich., and a petition of Wales Grange, Patrons of Husbandry, of St. Clair County, Mich., praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Medical Society of Wayne County, Mich., praying for the enactment of legislation to increase the efficiency of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Lodge No. 291, Brotherhood of Boiler Makers and Iron-ship Builders, of Kalamazoo, Mich., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. LONG presented a petition of Richview Grange, Patrons of Husbandry, of Osage County, Kans., praying for the passage the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club, of Howard, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Business Men's Association of Ottawa, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Kansas, praying that an appropriation be made to increase the salaries of rural free-delivery letter carriers; which was refered to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Society of Friends of Haviland, Kans., and a petition of the congregation of the First Methodist Church of Independence, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Antietam Post, No. 60, Grand Army of the Republic, of Parsons; of Frances E. Willard Circle, No. 87, Department of Kansas, Ladies of the Grand Army of the Republic, of Fort Dodge, and of Knowlton Post, No. 108, Department of Kansas, Grand Army of the Republic, of Halls Summit, all in the State of Kansas, praying for the enactment of the service-pension law; which were referred to the Committtee on Pensions.

He also presented petitions of sundry citizens of Haviland, Kans., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also (for Mr. BURTON) presented a petition of Sumner Post, No. 10, Grand Army of the Republic, of Kansas City, Kans., and a petition of Allison Circle, Department of Kansas, Ladies of the Grand Army of the Republic, of Vermilion, Kans., praying for the enactment of the service-pension law; which were referred to the Committee on Pensions.

He also (for Mr. BURTON) presented petitions of sundry citizens of Wilson, Scranton, Ottawa, Athol, and Mitchell, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MALLORY presented a petition of the congregation of the Union Congregational Church of Westpalm Beach, Fla., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. STONE presented a petition of James A. Garfield Circle, No. 14, Department of Missouri, Grand Army of the Republic, of St. Joseph, Mo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Taney County, Mo., and a petition of sundry citizens of Howard County, Mo., praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

Mr. MILLARD presented a petition of 97 citizens of Garrison, Nebr., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Circle No. 11, Department of Nebraska, Ladies of the Grand Army of the Republic, of Garfield, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Omaha, Nebr., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Swedish Baptist Church of Omaha, Nebr., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce and Mines of Republic, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Tacoma, Wash., and a petition of the congregation of the Epworth Methodist Episcopal Church, of Tacoma, Wash., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Morton Post, No. 10, Department of Washington and Alaska, Grand Army of the Republic; of Garfield Post, No. 13, Grand Army of the Republic, of Montesano, and of J. Reynolds Post, No. 71, Grand Army of the Republic, of

Buckley, all in the State of Washington, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. HOAR presented a petition of sundry citizens of Westboro, Mass., praying that land be granted in severalty to the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the New England Conference of the Evangelical Association, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the New England Iron and Hardware Association, remonstrating against the enactment of legislation relative to the shipping of explosives; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of New Vienna, Ohio; Colfax, Wis., and Independence, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the Boston Society of Architects; of J. R. Coolidge, Henry C. Holt, Robert Atherton, Robert Coit, A. S. Jenney, Charles E. Patch, Guy Kirkham, E. Joseph Untersee, W. G. Preston, Arthur Little, Herbert G. Ripley, Henry H. Kendall, James F. Rhoades, and John A. Fox, all of Boston, in the State of Massachusetts, praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of Local Lodge No. 46, Brotherhood of Boilermakers and Iron-ship Builders, of Cheyenne, Wyo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented sundry papers to accompany the bill (S. 4616) for the relief of William S. Livingston; which were referred to the Committee on Claims.

Mr. QUAY presented a petition of the Luzerne County Medical Society, of Pennsylvania, praying for the enactment of legislation to increase the efficiency of the Medical Department of the Army, and also that an appropriation of $400,000 be made for a general hospital for the Army in the District of Columbia; which was referred to the Committee on Military Affairs.

He also presented a petition of the Salvation Army Corps of Pittsburg, Pa., praying for the enactment of legislation to create the colonization bureau and to provide for advances to actual settlers on the public domain; which was referred to the Committee on Public Lands.

Mr. GALLINGER presented a petition of Local Lodge No. 245, Brotherhood of Boiler Makers and Iron-ship Builders, of Concord, N. H., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented the petition of F. Melber, of Pittsburg, Pa., praying for the passage of the so-called "Brownlow good-roads bills;" which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Dr. John W. Parsons, of Portsmouth, N. H., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a memorial of the New England Jewelers and Silversmiths' Association, of Providence, R. I., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Portsmouth, N. H., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Henry W. Lear, of Bradford, N. H., praying for the enactment of legislation providing for the protection of the wild animals and birds in the Wichita Forest Reserve; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Merry Meeting Grange, of Alton; of the Groveton Grange, of Northumberland; of Antashquiet Grange, of Hinsdale, and of Granite Lake Grange, of Nelson, all of Patrons of Husbandry, in the State of New Hampshire, praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of A. Lisner, of Washington, D. C., and the petition of Lansburgh & Bro., of Washington, D. C., praying for the enactment of legislation relative to increase in insurance rates in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Washington City Pharmaceutical Association, praying for the enactment of legislation to reorganize and increase the efficiency of the Hospital Corps of the Navy of the United States and to define its duties and to regulate its pay; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the board of trustees of All Souls' Church, of Washington, D. C., remonstrating against the enactment of legislation granting permission to the Great Falls and Old Dominion Railway Company to construct and maintain an electric street railway along L street in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the board of education of the District of Columbia, praying for the enactment of legislation to increase the salaries of the supervising principals of public schools in the District; which was referred to the Committee on the District of Columbia.

He also presented petitions of Henry S. Selden, E. B. Williston, George D. Little, John J. Hemphill, and B. H. Warner & Co., all of Washington, D. C., praying for the enactment of legislation providing for the extension of the car line on Eleventh street; which were referred to the Committee on the District of Columbia.

He also presented the petition of Smoot, Coffer & McCalley, of Washington, D. C., praying for the enactment of legislation installing in the commercial center of the city a high-water pressure; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Boston, Mass., New York City, Cumberland, Md., Chicago, Ill., Richmond, Ind., Washington, D. C., St. Louis, Mo., Bay City, Mich., Atlanta, Ga., Detroit, Mich., Cincinnati, Ohio, York, Pa., Skaneateles, N. Y., and Minneapolis, Minn., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. HOPKINS presented petitions of sundry citizens of Polo, Odell, Springfield, Auburn, Payson, Colfax, Quincy, Swannick, Dakota, Coulterville, and Morgan Park; of the Young People's Alliance of Chicago; of the congregation of the Christian Church of Deland; of the Garfield Park Protective Association, of Chicago; of the Evanston Prohibition Alliance, of Evanston; of the congregation of the Free Methodist Church of Harvey; of the Quarterly Conference of the Methodist Episcopal Church of Newton; of the congregation of the Methodist Episcopal Church of Illiopolis; of the congregation of the Baptist Church of Macedonia; of the Young People's Society of Christian Endeavor of Milmine; of the congregation of the United Evangelical Church of Chicago; of the congregation of the Methodist Episcopal Church of Morrison, and of the congregation of the Second Presbyterian Church of Bloomington, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Mount Carmel, Friendsville, Allendale, St. Francisville, Neoga, and Chicago, all in the State of Illinois, praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Chicago, Ill., and a memorial of sundry citizens of Moline, Ill., remonstrating against the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

He also presented a petition of the seventh councilor district of the Illinois Medical Association, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of Helpers' Division No. 116, of Moline; of Local Lodge No. 22, of Danville; of Local Lodge No. 39, of Chicago; of College City Lodge, No. 87, of Galesburg; of Local Lodge No. 69, of Freeport; of Local Lodge No. 25, of Chicago Heights; of Local Lodge No. 54, of Danville, and of Local Lodge No. 399, of Clinton, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of Illinois, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented petitions of General James A. Garfield Circle, No. 6, of Chicago; of Hiram McClintock Circle, No. 3, of Chicago; of Henry H. Saint Circle, No. 21, of Monticello, and of Albert D. Shaw Circle, No. 20, of Chicago, all Ladies of the Grand Army of the Republic, and of the Union Veterans' Union, Department of Illinois, Grand Army of the Republic, of Quincy, all in the State of Illinois, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. PENROSE presented a petition of the Trades League of

Philadelphia, Pa., praying for the passage of the so-called "post-check bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of H. J. Brown Post, No. 171, Grand Army of the Republic, of Blossburg, Pa., and a petition of M. G. Isett Post, No. 635, Grand Army of the Republic, of James Creek, Pa., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Philadelphia, McKeesport, West Alexander, and Ford City, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No 17, of Chester; of Local Lodge No. 164, of Bradford; of Local Lodge No. 184, of Titusville; of Local Lodge No. 142, of Jersey Shore; of Local Lodge No. 167, of Meadville, and of Local Lodge No. 171, of Scranton, all of the Brotherhood of Boiler Makers and Iron-ship Builders, in the State of Pennsylvania, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

Mr. McCOMAS presented petitions of the congregations of the Union Square Methodist Episcopal Church, of Baltimore; of the Methodist Episcopal Church of Govanstown, and of sundry citizens of the Fifth Congressional district, all in the State of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PATTERSON presented a petition of the Woman's Christian Temperance Union of Denver, Colo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Linnæan Society, of New York, remonstrating against the repeal of the law relative to the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SPOONER presented a petition of McKinley Circle, No. 17, Department of Wisconsin, Grand Army of the Republic, of Lancaster, Wis., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Scandinavian Baptist Church of Racine, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of St. Paul, Minn., praying for the enactment of legislation to repeal the commutation clause in the desert-land act; which was referred to the Committee on Public Lands.

He also presented a petition of the Minnesota Municipal Commercial League, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the State Pharmaceutical Association of Minnesota, praying for the enactment of legislation to define the word "drug" as proposed in the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. CLAPP presented petitions of Gate City Lodge, No. 201, Brotherhood of Boiler Makers and Iron-ship Builders, of Winona, Minn., and a petition of Subordinate Lodge No. 89, Brotherhood of Boiler Makers and Iron-ship Builders, of Brainerd, Minn., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of Chattanooga Circle, No. 43, Department of Minnesota, Ladies of the Grand Army of the Republic, of Mankato, Minn., praying for the enactment of the service-pension law; which was referred to the Committee on Pensions.

He also presented the petition of Harry W. Jones, of Minneapolis, Minn., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL presented petitions of James A. Garfield Circle, No. 4, Department of Missouri, Ladies of the Grand Army of the Republic, of St. Joseph, Mo., and a petition of Lizbeth Noble Circle, No. 4, Department of Missouri, Ladies of the Grand Army of the Republic, of St. Louis, Mo., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of the Kansas City Live Stock Exchange, of Kansas City, Mo., praying that an appropriation be made to prevent the overflow of flood waters in the Kaw Valley of Kansas and Missouri; which was referred to the Committee on Commerce.

He also presented a memorial of the Manufacturers' Association of St. Louis, Mo., remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Austin, Mo., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Lodge No. 354, Brotherhood of Boiler Makers and Iron-ship Builders, of Brookfield, Mo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. BACON presented sundry papers to accompany the bill (S. 2788) to execute the findings of the Court of Claims in the case of Clementine Vaughan, administratrix of William M. Vaughan, deceased; which were referred to the Committee on Claims.

Mr. FRYE presented a petition of the board of directors of the Maritime Association of the Port of New York, praying for the enactment of legislation to construct a channel between Kill van Kull, New Jersey and New York; which was referred to the Committee on Commerce.

He also presented a petition of the Society of Art of Portland, Me., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of T. Melber, of Pittsburg, Pa., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the New England Jewelers and Silversmiths' Association, remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a memorial of the St. Bernard's Roman Catholic Beneficial Society, of South Bethlehem, Pa., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Friend, Nebr.; of the congregation of the St. Paul's English Lutheran Church, of Cincinnati; of the Christian Endeavor Society of the Lawrence Street Church, of Cincinnati, and of the Christian Endeavor Society of the Presbyterian Church of Montgomery, in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

PROVIDENCE HOSPITAL BUILDING.

Mr. STEWART. I present a memorial of the board of visitors and the medical staff of Providence Hospital, to accompany an amendment submitted by me on the 18th instant proposing to appropriate $130,629.67 for the final payment for the reconstruction and rebuilding of Providence Hospital in the city of Washington, intended to be proposed to the sundry civil appropriation bill. I move that the papers be printed as a document and referred to the Committee on Appropriations to accompany the amendment.

The motion was agreed to.

EXPENDITURES OF THE DISTRICT OF COLUMBIA.

Mr. NEWLANDS. I present certain financial statements relating to the expenditures of the District of Columbia for the past ten years. I move that the statements be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 620) granting an increase of pension to George D. Boyd;

A bill (H. R. 2914) granting an increase of pension to Charity M. Farmer;

A bill (H. R. 3266) granting a pension to James M. Simms;

A bill (H. R. 4230) granting an increase of pension to Jasper M. Griggs;

A bill (H. R. 11629) granting an increase of pension to Nannie J. McDowell; and

A bill (H. R. 11563) granting a pension to Julia A. Allison.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5077) granting an increase of pension to Agnes Harmon;

A bill (S. 3777) granting a pension to Sarah S. Smith;

A bill (S. 4364) granting an increase of pension to Joshua McCormick;
A bill (S. 25) granting an increase of pension to Amanda J. Frybarger;
A bill (S. 2727) granting an increase of pension to Alice M. Stafford; and
A bill (S. 4670) granting an increase of pension to Thomas H. Devine.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (S. 5110) granting a pension to Cornelia K. Smith;
A bill (S. 3305) granting an increase of pension to James K. Deyo;
A bill (S. 3778) granting an increase of pension to Joseph L. Cotey; and
A bill (S. 725) granting a pension to Amanda L. Mardin.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (S. 5032) granting an increase of pension to Charles H. Edick;
A bill (S. 4935) granting a pension to John Waarsteson;
A bill (H. R. 12805) granting a pension to Margaret J. Snook;
A bill (H. R. 4353) granting an increase of pension to George Brown;
A bill (H. R. 1905) granting an increase of pension to Elias Holliday;
A bill (H. R. 1877) granting an increase of pension to George H. Suits;
A bill (H. R. 1861) granting an increase of pension to James Wilkinson;
A bill (H. R. 4990) granting a pension to George R. Demarest;
A bill (H. R. 11610) granting an increase of pension to Alexander S. Hill;
A bill (H. R. 4877) granting an increase of pension to Mathias C. Mills;
A bill (H. R. 4928) granting an increase of pension to Jason H. Masterson;
A bill (H. R. 2041) granting an increase of pension to James W. Adams; and
A bill (S. 4915) granting an increase of pension to Daniel Taylor.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4314) to pay Joseph Hunter certain arrearages of pension, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also (for Mr. BURTON), from the Committee on Pensions, to whom was referred the bill (S. 4842) granting an increase of pension to Siloam Williams, reported it with an amendment, and submitted a report thereon.

He also (for Mr. BURTON), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 6706) granting an increase of pension to James Bliss;
A bill (H. R. 7487) granting an increase of pension to Francis Knapp;
A bill (H. R. 11692) granting an increase of pension to Mary J. Neeley;
A bill (H. R. 4599) granting a pension to Ella F. Whitehead; and
A bill (H. R. 11498) granting an increase of pension to William A. Porter.

Mr. McCUMBER (for Mr. TALIAFERRO), from the Committee on Pensions, to whom was referred the bill (S. 4618) granting an increase of pension to William Varnes, reported it with an amendment, and submitted a report thereon.

He also (for Mr. TALIAFERRO), from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 4539) granting a pension to Jane E. Tatum;
A bill (H. R. 4141) granting a pension to Mary Shiver;
A bill (H. R. 3642) granting an increase of pension to James H. Martin;
A bill (H. R. 11838) granting an increase of pension to William H. Mann;
A bill (H. R. 11597) granting an increase of pension to Amanthus P. Joyner; and
A bill (H. R. 11612) granting an increase of pension to George H. Abney.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
A bill (S. 4742) granting an increase of pension to Earl B. French;
A bill (S. 1310) granting a pension to Ella C. Tupper; and
A bill (S. 94) granting a pension to Alvin Rine.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (S. 1618) granting an increase of pension to Thomas Herran; and
A bill (S. 1572) granting an increase of pension to Isaac N. Hughey.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (S. 1989) granting an increase of pension to John McCabe;
A bill (H. R. 11906) granting a pension to Margaret Jones;
A bill (H. R. 9562) granting an increase of pension to Warren R. Herrell;
A bill (H. R. 3434) granting an increase of pension to Samuel Parmley;
A bill (H. R. 5330) granting an increase of pension to Robert D. Gardner;
A bill (H. R. 8713) granting an increase of pension to Elam Allen;
A bill (H. R. 7482) granting an increase of pension to Jennie Pettit Morrison;
A bill (H. R. 8462) granting an increase of pension to James Walts;
A bill (H. R. 11846) granting an increase of pension to David Kinsey;
A bill (H. R. 4718) granting an increase of pension to Thomas Ballard;
A bill (H. R. 11616) granting a pension to August Bockerman; and
A bill (H. R. 11615) granting an increase of pension to Socrates Moore.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (S. 4899) granting an increase of pension to Laura M. Gillmore; and
A bill (S. 5028) granting an increase of pension to C. W. Chargo.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 12436) granting a pension to Ida E. Nerber;
A bill (H. R. 9834) granting an increase of pension to Elizabeth McL. Haughey;
A bill (H. R. 12434) granting an increase of pension to Rebecca McKinney; and
A bill (H. R. 10845) granting an increase of pension to John C. Webb.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:
A bill (S. 2711) granting an increase of pension to Fannie S. Moore; and
A bill (S. 4765) granting an increase of pension to Adrian Terry.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:
A bill (S. 3030) granting a pension to Charles O. Fargo; and
A bill (S. 4056) granting an increase of pension to George G. Wright.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 725) granting an increase of pension to Alexander M. Ballou;
A bill (H. R. 728) granting an increase of pension to Benjamin F. Evans;
A bill (H. R. 1568) granting an increase of pension to James V. Tabor;
A bill (H. R. 2029) granting an increase of pension to Benjamin F. Gates;
A bill (H. R. 12326) granting an increase of pension to Matthew Curran;
A bill (H. R. 732) granting an increase of pension to John L. B. Thompson;
A bill (H. R. 744) granting an increase of pension to George W. Carr; and
A bill (H. R. 11562) granting a pension to Lucretia Davis, formerly Hamilton.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 11711) granting an increase of pension to Jerome J. Hinds, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the

following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4892) granting an increase of pension to Elias Veatch;

A bill (H. R. 4330) granting a pension to Catherine Tully;

A bill (H. R. 4120) granting an increase of pension to Henry R. Guss;

A bill (H. R. 1267) granting an increase of pension to D. Miller Gordon;

A bill (H. R. 6365) granting an increase of pension to John W. Hay;

A bill (H. R. 4565) granting an increaae of pension to Carrie Keefer;

A bill (H. R. 12439) granting a pension to Lydia Gavett;

A bill (H. R. 11177) granting an increase of pension to George Manypenny;

A bill (H. R. 12134) granting an increase of pension to Albert Haldeman;

A bill (H. R. 9862) granting a pension to Mary Yaw;

A bill (H. R. 12965) granting an increase of pension to William H. Dailey; and

A bill (H. R. 11313) granting a pension to Anna C. Ray.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4891) granting an increase of pension to Elizabeth G. Illsley;

A bill (S. 4817) granting a pension to Cornelia A. Thompson;

A bill (S. 320) granting an increase of pension to Hiram W. White; and

A bill (S. 329) granting an increase of pension to Bushnell B. Loomis.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 2423) granting an increase of pension to Benson C. Bellamy, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3533) granting an increase of pension to Robert H. McIlroy;

A bill (H. R. 3033) granting a pension to James M. Hurley; and

A bill (H. R. 10478) granting an increase of pension to William T. Hayter.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S.4405) granting an increase of pension to Emma Thurston; and

A bill (S. 4846) granting an increase of pension to John Taylor.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 208) granting a pension to Alfred Kent, reported it with amendments, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3867) granting an increase of pension to Osmer S. Deming; and

A bill (S. 1478) granting an increase of pension to Leroy R. Hawthorn.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 544) granting an increase of pension to Luther St. John;

A bill (H. R. 3171) granting an increase of pension to George N. Crawford;

A bill (H. R. 2144) granting an increase of pension to Minerva A. Pool;

A bill (H. R. 3832) granting an increase of pension to Eli T. Hoyt;

A bill (H. R. 4980) granting an increase of pension to Thomas E. Connor, alias Darius B. Smith;

A bill (H. R. 9504) granting an increase of pension to Augustus Johns;

A bill (H. R. 3149) granting an increase of pension to John S. Mavity;

A bill (H. R. 4949) granting an increase of pension to George L. Bixler;

A bill (H. R. 4623) granting a pension to Electa L. Willard; and

A bill (H. R. 2922) granting an increase of pension to George W. Ford.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 4837) to amend an act entitled "An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891," and acts amendatory thereof, so as to extend the time for completion of said bridge until January 1, 1905, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4919) granting an increase of pension to W. C. Griffin; and

A bill (S. 4648) granting an increase of pension to John T. Rader.

Mr. CARMACK, from the Committee on Pensions, to whom was referred the bill (H. R. 11939) granting an increase of pension to Charles C. Fisher, alias John C. Pickerell, reported it without amendment, and submitted a report thereon.

Mr. STEWART. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes, to report it with amendments, and to submit a report thereon. I give notice that to-morrow morning, immediately after the conclusion of the routine morning business, I shall call up the bill for consideration.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

COURTS IN WISCONSIN.

Mr. HOAR. I report back favorably without amendment, from the Committee on the Judiciary, the bill (H. R. 8335) to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28. I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HOAR. It is not necessary to send the bill back to the House by striking out the last section. The committee understands perfectly well that there is no importance attached to that section.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND AT ST. JOSEPH, MO., FOR STREET PURPOSES.

Mr. STONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 3761) ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street, to report it favorably without amendment. It is a House bill authorizing the Government to cede or grant to the city of St. Joseph, for street purposes, 10 feet of ground belonging to the United States in connection with the building for the post-office and other Government offices. I ask for its present consideration.

Mr. CULLOM. Let it be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5123) for the widening of the Bladensburg road, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5124) granting an increase of pension to Charles H. Avery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5125) granting an increase of pension to William O. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR. I introduce, by request, a bill to create a colonization bureau and to provide for advances to actual settlers on the public domain.

I desire to state that this bill is introduced at the request of the head of the Salvation Army, an organization which has done very great service in relieving the condition of the poor and criminal classes in our cities. It was prepared under the advice and with the full approval of the late Senator Hanna, who expected to introduce it, and he would have done so but for his lamented death.

There may be some amendments of the detail in the matter of working out this very interesting and important plan. I do not

desire to be committed to all the detail of the bill. That will be considered by the committee. I ask that it be referred to the Committee on Education and Labor.

The bill (S. 5126) to create the colonization bureau, and to provide for advances to actual settlers on the public domain, was read twice by its title.

The PRESIDENT pro tempore. The bill, with the accompanying paper, will be referred to the Committee on Education and Labor.

Mr. HANSBROUGH. I desire to call the attention of the Senator from Massachusetts to the fact that the bill contemplates an appropriation of public lands, and therefore I think it should be referred to the Committee on Public Lands.

Mr. HOAR. I have no very great choice about the matter of reference. The bill comprehends not only providing for settlements on the public land of the poor of our cities, but it also provides a pretty large scheme of benevolence by national aid, and that is out of the Treasury. The latter would bring it within the domain of the Committee on Education and Labor, but if the chairman of the Committee on Public Lands will take interest in the measure, and I am sure he will, I will consent to change the reference and let it go to his committee.

Mr. HANSBROUGH. I think the first step is an appropriation of public lands, and therefore the bill ought to go to the Committee on Public Lands in the first instance. I will give it every attention, I assure the Senator, that the subject warrants.

The PRESIDENT pro tempore. Does the Senator from Massachusetts make any objection?

Mr. HOAR. I have no objection.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Public Lands.

Mr. HOAR. I had originally proposed to send it to the Committee on Public Lands, but it has been the custom of the Senate to send to the Committee on Education and Labor all bills for humane and benevolent objects having in view mainly a regulation of the property of the United States, as of the public lands, but having also in view the elevation of the people by some national instrumentality. It has been the custom of the Senate always to send such bills to the Committee on Education and Labor in the first instance, and for that reason I changed my original intention. But as the Senator from North Dakota prefers to have the bill go to the Committee on Public Lands, he can send it to the Committee on Education and Labor afterwards, as he will see fit and as may be proper.

Mr. HANSBROUGH. Very well.

Mr. HOAR introduced a bill (S. 5127) granting an increase of pension to Charles W. Ricker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5128) to facilitate the taking of testimony to be used before either House of Congress or the committees thereof; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. HOPKINS introduced a bill (S. 5129) granting an increase of pension to Thompson Martin; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 5130) for the relief of First Lieut. Robert G. Rutherford, jr.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5131) granting an increase of pension to D. Rodney Browne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 5132) to amend the penal code and the code of civil procedure of the district of Alaska; which was read twice by its title, and referred to the Committee on Territories.

Mr. McENERY (for Mr. FOSTER of Louisiana) introduced a bill (S. 5133) for the relief of the estates of Francis A. Gonzales and Antonio Gonzales; which was read twice by its title, and referred to the Committee on Claims.

Mr. MALLORY introduced a bill (S. 5134) to relinquish and quitclaim to T. E. Welles, his heirs and assigns, forever, all the right, title, interest, and claim of the United States in, to, and on certain property in the city of Pensacola, Escambia County, Fla.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCREARY introduced a bill (S. 5135) granting a pension to Mary E. Bronaugh; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 5136) granting an increase of pension to Joseph Moore; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 5137) granting an increase of pension to William J. King; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5138) granting a pension to Philander C. Burch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5139) to remove the charge of desertion against Samuel D. Chase; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 5140) granting an increase of pension to John N. Bovee (with accompanying papers);

A bill (S. 5141) granting a pension to Jacob Witmer;

A bill (S. 5142) granting a pension to Annie L. Tredick; and

A bill (S. 5143) granting an increase of pension to Richard P. Nishuals.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5144) for the relief of the heirs of Caroline Goodwyne; and

A bill (S. 5145) for the relief of A. Louisa Corson.

Mr. PENROSE also introduced a bill (S. 5146) to provide for the construction of a light-house tender for use in the fourth light-house district; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5147) for repayment of duty on anthracite coal, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 5148) to correct the military record of Samuel Snyder; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 5149) granting an increase of pension to Charles A. McKean; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 5150) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, colonel in the United States Army, and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5151) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5152) granting an increase of pension to Henry H. Roush; and

A bill (S. 5153) granting an increase of pension to Edwin W. Bunce.

Mr. McCOMAS introduced a bill (S. 5154) granting a pension to Louisa Lindenstruth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced a bill (S. 5155) for the relief of the estate of John W. Atkisson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 5156) for the relief of Hiram W. Allen; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5157) granting an increase of pension to Cellina H. Stephens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5158) granting an increase of pension to Matthew T. Ulen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5159) granting an increase of pension to Molden Bledsoe (with an accompanying paper);

A bill (S. 5160) granting an increase of pension to Harriett P. Gray; and

A bill (S. 5161) granting an increase of pension to William H. Seip.

Mr. NELSON introduced a bill (S. 5162) for the relief of the next of kin of Christian Reimers; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 5163) for the relief of the estate of Cyrus D. Hottenstein, deceased; which was read twice by its title, and referred to the Committee on Finance.

Mr. CLAPP introduced a bill (S. 5164) to repeal so much of an act approved March 3, 1903, as designated the grounds now occupied by the United States Naval Museum of Hygiene as the site

for the United States Naval Hospital provided for in said act; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BACON introduced a bill (S. 5165) for the relief of heirs of William D. Bard, deceased, Robert Batey, and heirs of John Hill, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 5166) to increase the efficiency of the Ordnance Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5167) to incorporate the Carnegie Institution of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KEARNS introduced a joint resolution (S. R. 62) to restore the status of the veterans of the Walker Indian war; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to increase the appropriation for one chaplain at the Military Academy from $2,000 to $3,000, intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BURROWS submitted an amendment providing that all monthly fraternal publications entered to the second class of mail matter when deposited for local delivery by carriers shall be subject only to the pound rate of postage, intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $25,000 for the extension and completion of the sea wall and the construction of any other necessary works for protecting Jamestown Island, Virginia, from the encroachments of James River, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,500 for completing the public building at Alexandria, Va., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUARLES submitted an amendment providing for the collection of statistics of the births and deaths in registration areas for the year 1902 and anually thereafter, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LABOR TROUBLES IN COLORADO.

Mr. COCKRELL. I ask for an order to print 3,000 copies of Senate Document 86, "A review of the labor troubles in the metalliferous mines of the Rocky Mountain region," and Senate Document 163, "Statement of the Western Federation of Miners in the State of Colorado." I ask that the two documents be printed as one, and that the 3,000 copies be placed in the Senate document room. It will cost less than $100.

There being no objection, the order was reduced to writing, and agreed to, as follows:

Ordered, That 3,000 additional copies of Senate Document No. 86, "A review of the labor troubles in the metalliferous mines of the Rocky Mountain region" and of Senate Document No. 163, "Statement of the Western Federation of Miners in the State of Colorado," Fifty-eighth Congress, second session, be printed in one document and placed in the Senate document room.

COLON FIRE CLAIMS.

Mr. HOAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

Whereas it appears from Document No. 264, Senate, Fifty-seventh Congress, first session, parts 1 and 2, and also from Document No. 199, Senate, Fifty-eighth Congress, second session, containing messages from the President of the United States to the Senate in regard to the claims against the Republic of Colombia, known as the "Colon fire claims," that the said claims arose out of a riot or insurrection at Colon, headed by one Pedro Prestan, in March, 1885, against the authority of the Colombian Government, during which disturbances of the peace the transit across the Isthmus of Panama was obstructed and the said city of Colon was set on fire by the said Prestan and his followers, to the great loss and damage of various citizens of the United States who were residing and engaged in business in the said city on faith of the treaty of December 12, 1846, as interpreted by the claims convention of September 10, 1857, between the United States and New Granada (Colombia), and whose dwelling houses, warehouses, stores, and merchandise were destroyed in the said conflagration; and

Whereas it appears from the aforesaid documents that the Government of the United States in its correspondence with the Colombian Government, and in a report from the Secretary of State to the President, has maintained that the Republic of Colombia was responsible in damages for the injuries and losses suffered as aforesaid by citizens of the United States on account of the failure of the Colombian Government to preserve peace and good order along the transit route as agreed in the aforesaid treaty of 1846, and expressly acknowledged by the said Government, under similar circumstances, in the aforesaid claims convention of 1857; and

Whereas the United States has endeavored to induce the Colombian Government to join in the establishment of a mixed commission to the end that the said claims might be examined and satisfied, but the Colombian Government has refused so to do, and the United States has refrained from enforcing the obligation of Colombia in the premises on account of her poverty and the successive revolutions from which she has suffered; and

Whereas the city of Colon, where the aforesaid injuries and losses were inflicted on citizens of the United States, in violation of the said treaty, and the Isthmus of Panama, with the interoceanic transit, have passed into the possession and sovereign control of the Republic of Panama, by whose inhabitants and within whose territory the aforesaid breaches of the peace and violations of the treaty were committed when the Department of Panama was one of the constituent States of the United States of Colombia; and

Whereas it is a recognized principle of the law of nations that, on the division of a state into two or more separate and independent nationalities or sovereignties, either the seceding or the parent state may be held liable in solido for international liabilities subsisting prior to the separation, irrespective of any arrangements which they make between themselves for an apportionment of the same; and

Whereas the United States, by treaty, has guaranteed the independence of the said Republic of Panama, and has acquired certain rights of property and administration in respect of the said interoceanic transit in the territory of the said Republic, for which certain payments are to be made to the said Republic by the Government of the United States: Be it

Resolved, That it is the sense of the Senate that it is desirable and proper that the President should negotiate with the said Republic of Panama, and he is hereby requested to open negotiations with the said Republic, for the purpose of adjusting and settling the amount or extent of Panama's liability for the aforesaid losses and injuries, and arranging for the adjudication and payment of the same, with a corresponding release of Colombia, in whole or part, as may be agreed upon by the sovereign parties concerned.

CHOCTAWHATCHEE BAY (FLORIDA) IMPROVEMENT.

Mr. MALLORY submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the bar at the entrance of Alaqua Bayou, on Choctawhatchee Bay, in the State of Florida, with a view to securing a depth of 6 feet of water across said bar.

PENSION ORDER OF INTERIOR DEPARTMENT.

Mr. CARMACK. I submit a resolution, and ask that it be read.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to the Senate whether, in the opinion of said committee, there is any authority of law for a recent order of the Secretary of the Interior to the effect that all persons who served in the Army or Navy of the United States during the war of the rebellion, and who have reached the age of 62 years, shall be presumed to have incurred such disabilities as to entitle them to receive pensions under the act of Congress, June 27, 1890.

Mr. HOAR. I hope the resolution will propose to direct the Committee on Pensions to make the inquiry. That committee has general jurisdiction of the subject. They are familiar with the pension laws.

I will say to the Senator that in my judgment the Committee on the Judiciary could not, in justice to other business with which their docket is somewhat cumbered, get at that inquiry at the present session of Congress. I suppose the Committee on Pensions, which will have occasion to consider this question and all about it, can report within a week. I hope the Senator will send it to the other committee.

Mr. CARMACK. Mr. President——

The PRESIDENT pro tempore. The resolution has gone over under the rule.

Mr. CARMACK. I ask that it be printed and go over subject to call.

The PRESIDENT pro tempore. It has gone over under the rule.

Mr. CARMACK. I will confer with the Senator from Massachusetts about it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 16th instant approved and signed the act (S. 1487) creating an additional land office in the State of North Dakota.

The message also announced that the President of the United States had on the 17th instant approved and signed the act (S. 4387) to authorize the Chicago, St. Louis and New Orleans Railroad Company to construct a bridge across the Tennessee River near Gilbertsville, Ky.

The message further announced that the President of the United States had on the 18th instant approved and signed the act (S. 201) to establish a port of delivery at Salt Lake City, Utah.

The message also announced that the President of the United States had on the 19th instant approved and signed the act (S. 64) to correct the military record of William B. Thompson.

MISSOURI RIVER BRIDGE.

Mr. COCKRELL. I am compelled to be out of the Senate Chamber very often, and I ask unanimous consent that the bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903, be put on its passage. It is a bill consisting of only ten lines.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL LAND DISTRICT IN ALASKA.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of the bill (S. 3678) to provide for the creation of an additional land district in the district of Alaska.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, in section 2, page 2, line 3, after the word "Alaska," to strike out the following proviso:

Provided, That the President may, in his discretion, designate the United States marshal for the second judicial division of the district of Alaska to act as ex officio register, and the clerk of the United States district court for the district of Alaska, second division, to act as ex officio receiver of said land office, and in case said officers are so designated they shall each receive, in addition to the salaries now provided by law for them, the sum of $500 per annum, but all fees received by them as ex officio register and receiver shall be turned into the Treasury of the United States.

So as to make the section read:

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the next session after such appointment, a register and receiver for said district; and they shall be subject to the same laws, and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in the said district of Alaska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVENPORT WATER POWER COMPANY.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (S. 4142) granting to the Davenport Water Power Company rights to construct and maintain wing dam, canal, and power station in the Mississippi River, in Scott County, Iowa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That the assent of Congress is hereby given to the Davenport Water Power Company, a corporation created and organized under the laws of the State of Iowa, its successors and assigns, to erect, construct, operate, and maintain a canal along the north bank of the Mississippi River between Leclaire and Davenport, in Scott County, in the State of Iowa, to erect, construct, operate, and maintain a power station thereon, and to project, erect, construct, operate, and maintain such dams and other works as may be necessary within said limits for the development of water power and the generation, use, and transmission therefrom of electric energy and power at, in, and upon the Rock Island Rapids of the Mississippi River: *Provided*, That the said canal and appurtenant works shall be so designed, constructed, and operated as not to interfere in any way with the safe and convenient navigation of steamboats and other vessels or of rafts and barges over the Rock Island Rapids at any stage of water; and the expense of any reconstruction or extension of or addition to existing works for the improvement of navigation on the said Rock Island Rapids which may be found necessary, in the opinion of the Secretary of War, on account of the construction, maintenance, or operation of the said canal and appurtenant works, shall be borne by the said company, its successors, or assigns, under conditions to be prescribed by the Secretary of War: *And provided further*, That detailed plans for the construction and operation of the said canal and appurtenant works shall be submitted to and approved by the Secretary of War before the commencement of the construction of any portion of the said works; and that after the approval of the said plans no deviation therefrom shall be made without the prior approval by the Secretary of War of the said deviation: *And provided further*, That the said works and appurtenances shall be so designed, constructed, and operated as not to overflow or otherwise damage the lands and other property of the United States at Rock Island Arsenal, or injure or diminish the water power of the United States at the said arsenal, or the water power of any person, firm, or corporation having hydraulic works already constructed: *And provided further*, That before entering upon the construction of the said works, compensation shall be made to any person, firm, or corporation whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said works, in accordance with the laws of the State where such lands or other property may be situate.

SEC. 2. That the withdrawal of water from the Mississippi River and the discharge of water into the said river, for the purpose of operating the said canal and appurtenant works, shall be under the direction and control of the Secretary of War, and shall at no time be such as to impede or interfere with the safe and convenient navigation of the said river by means of steamboats or other vessels, or by rafts and barges, or to injure or diminish the water power of the United States at Rock Island Arsenal, or the water power of any person, firm, or corporation having hydraulic works already constructed: *Provided*, That if any litigation arises from the construction, operation, or maintenance of the said works, or from the obstruction of any part of the Mississippi River by the said works or any portion thereof, cases may be tried in the proper courts as now provided for that purpose in the States of Illinois and Iowa, and the courts of the United States: *And provided further*, That suitable fishways shall be constructed and maintained by the said company, its successors and assigns, at such of the dams and in such manner as may be required from time to time by the United States Fish Commission.

SEC. 3. That this act shall be null and void if actual construction of the works herein authorized be not commenced within three years and completed within six years from the date hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa."

PUBLIC BUILDING ELEVATOR, RICHMOND, KY.

Mr. McCREARY. I ask unanimous consent for the present consideration of the bill (S. 5052) to provide for the construction of an elevator in the United States public building at Richmond, Ky.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to cause to be constructed in the United States public building at Richmond, Ky., which is three stories high, and contains the United States court rooms, clerk's office, post-office, rooms for use of internal-revenue officers, and offices for board of pension examiners, an elevator connected with each of the three stories of the building and appropriates $10,000 therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 196) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to make appropriations for carrying the same into effect. The bill has heretofore been read in full.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALDRICH. Mr. President, I was not in the Chamber when the bill was heretofore read, and I should be very glad to hear it read. I ask that it may be read for information, subject to objection.

The PRESIDENT pro tempore. The bill will be read.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, page 7, line 4, after the words "as to," to strike out:

Article 5 thereof, which is modified and changed so as to read as follows:

"ARTICLE V.

"The schools now located upon the above-named reserve are to be maintained in efficiency, as at present, not exceeding twenty years, and increased as necessity may require during said period."

And as to article 8, which is hereby rejected.

And to insert:

Articles 4 and 5 thereof, which are modified and changed so as to read as follows:

"ARTICLE IV.

"In consideration of the premises and the foregoing cession the United States agrees to pay to the said Turtle Mountain band of Chippewa Indians the sum of $1,000,000, such amount to be paid either in cash or yearly installments, in such sums as the Secretary of the Interior may consider for the best interests of said tribe of Indians: *Provided*, That in case the Secretary of the Interior does not see fit to pay the sum hereinbefore mentioned in cash, but considers it for the best interests of the Indians of said tribe to pay the same in yearly installments, he is hereby authorized and directed to expend such portion of the pro rata share of each Indian on the reserve, as his needs may require, in building, improving, and repairing the houses of such Indians, except as hereinafter agreed.

"ARTICLE V.

"The schools now located upon the above-named reserve are to be maintained in efficiency, as at present, so long as in the opinion of the Secretary of the Interior conditions demand the maintenance of such schools, not to exceed, however, the term of twenty years."

As to article 8, which is hereby rejected.

As to article 11, which is hereby rejected.

So as to make the section read:

That said agreement be, and the same hereby is, accepted, ratified, and confirmed, except as to articles 4 and 5 thereof, which are modified and changed so as to read as follows:

"ARTICLE IV.

"In consideration of the premises and the foregoing cession the United States agrees to pay to the said Turtle Mountain band of Chippewa Indians the sum of $1,000,000, such amount to be paid either in cash or yearly installments, in such sums as the Secretary of the Interior may consider for the best interests of said tribe of Indians: *Provided*, That in case the Secretary of the Interior does not see fit to pay the sum hereinbefore mentioned in cash, but considers it for the best interests of the Indians of said tribe to pay the same in yearly installments, he is hereby authorized and directed to expend such portion of the pro rata share of each Indian on the reserve, as his needs may require, in building, improving, and repairing the houses of such Indians, except as hereinafter agreed.

"ARTICLE V.

"The schools now located upon the above-named reserve are to be maintained in efficiency, as at present, so long as in the opinion of the Secretary of the Interior conditions demand the maintenance of such schools, not to exceed, however, the term of twenty years."

As to article 8, which is hereby rejected.

As to article 11, which is hereby rejected.

The amendment was agreed to.

Mr. SPOONER. Mr. President, this is an important bill, and I should like the Senator from North Dakota to make some explanation of it. I suppose he can make a brief one.

Mr. McCUMBER. I will make a brief explanation.

Mr. SPOONER. I should like to ask the Senator has this bill been referred to the Department of the Interior?

Mr. McCUMBER. It has been so referred again and again.

Mr. SPOONER. And been recommended by the Department?

Mr. McCUMBER. It has been.

Mr. SPOONER. I understand the Senator can, without trouble, make an explanation of the bill.

Mr. McCUMBER. I can make a brief statement.

Mr. TELLER. Will the Senator from North Dakota allow me to make a short statement before he proceeds?

Mr. McCUMBER. Certainly; with pleasure.

Mr. TELLER. Mr. President, in 1881, I think it was, Secretary Schurz withdrew from the settlement laws a very large tract of territory in that section of the country, including the lands proposed to be ceded. The land had been so withdrawn, I think, a year or a year and a half when I became Secretary of the Interior. I secured a vacation of that order and opened the land to settlement. At that time there was pending in the Senate a bill to pay those Indians $4,000,000 for this same property. My recollection is that that bill had passed the House of Representatives; at all events, it had passed the committee and had the approval of the Interior Department. I thought the title of the Indians was somewhat uncertain because of the difficulty in determining where the lines of the several tribes came, and I asked the Senate to withhold action upon that bill, which the Senate did.

Now, I understand this is to close up the matter. There are some persons here who are opposing this bill and claiming that, instead of a million dollars, we ought to pay eight or ten million dollars for the land. It seems to me the best thing to do is to get rid of the controversy by the passage of this bill.

The Committee on Indian Affairs have considered the bill and put it as an item on the Indian appropriation bill; but in order to strengthen it, it was thought best to pass this bill.

The Senator from North Dakota may now make his explanation. He knows more about the matter than I do.

Mr. McCUMBER. Mr. President, I can only add to what the Senator from Colorado [Mr. TELLER] has just said, that this covers a vast tract of land in some of the very best portions of the State of North Dakota. This land will average in value from fifteen to twenty-five dollars per acre, some of the land being worth less than $10 an acre, and some of it worth $30 an acre. There were about 10,000,000 acres that were claimed by the Turtle Mountain band of Chippewa Indians, and a question arose as to their title. The then Secretary of the Interior, the present Senator from Colorado [Mr. TELLER], held that whatever might be the result of an investigation as to their title, there was no necessity of holding this vast tract of land from settlement. So an executive order was made, setting aside two townships for a temporary reserve for the Turtle Mountain band of Chippewas, the report of the Secretary recommending that the question of title be taken up at some other period.

Some two or three different commissions were appointed for the purpose of settling not only the question of title, but also the number of the Turtle Mountain Indians belonging to the American side. The first commission that was appointed succeeded in determining to their own satisfaction the number of Turtle Mountain Indians who were American Indians, and not Canadian Indians. They ascertained, I believe, that there were some 2,300 or 2,400 of them, whom they put on the rolls.

The commission of which I was a member was appointed by President Harrison in 1892. We were required to determine two things: First, the title of the Chippewa Indians to this entire tract of land or the extent of their title thereto, and also to make a roll of the American Chippewas and to eliminate from any previous roll such of the Canadian Turtle Mountain band of Chippewa Indians as might be on it. We proceeded to do that, passing upon both the question of title and the question of who were Chippewa Indians of American extraction or birth.

We were rather strict in our holdings in reference to who were American Turtle Mountain Indians, and we excluded from the list any Indian who had lived for any portion of his life or had taken up his residence practically in Canada. We excluded those who had taken government lands under the Canadian laws in Canada, and we reduced the number to seventeen hundred and something—not quite 1,800—for the entire band. That constitutes the present roll.

It was then stated to us that there were a great many who were outside of North Dakota at that time who belonged, by reason of their relation to those who were American Indians, to that particular band, and though we did not claim that we had made up the entire list correctly we, I think, enumerated some seventeen hundred and sixty-odd Indians. Since that time there have been placed on that roll by those in charge of the reservation a number which would equal about 2,300 or 2,400 in the aggregate.

Now, I wish to call attention to some of these reservations, and especially to the cessions of lands which have been made between the Chippewas and the Sioux. The Senator from Wisconsin [Mr. SPOONER] understands that the great Chippewa Nation occupied the entire northern part of the Central States of the United States—in fact, all the way from the Delaware clear to the Missouri River—and the Sioux in Minnesota, western Wisconsin, southern Minnesota, and in North and South Dakota occupied a position directly south of the Chippewa Nation.

Now, when we commenced to secure cessions of lands from the Indians we, of course, took those cessions in slices from the east, going westward each time, all the way from 1782 up until 1863, which I think was the last cession of land by the Chippewas. There arose a question as between the Chippewas and the Sioux as to their own border line. They themselves settled that by an agreement between themselves. Commencing in the eastern part of Minnesota they followed a line by metes and bounds all the way through the State of Minnesota and clear on to the Missouri River, and declared that it should be the boundary line between the Chippewas and the Sioux.

Prior to that time the Chippewas had claimed south of this line in some places, and the Sioux had claimed a tract of territory north of it. I have prepared a little map here showing the several cessions of lands by the Chippewas and the Sioux, covering the western portion of Minnesota, the northern portion of South Dakota, and all of North Dakota.

We have here, in October, 1851, a cession by the Sioux whereby they granted this tract of territory [indicating] which I have marked here in black. They granted up to a certain river which they had agreed upon as being the boundary in Minnesota, which was the Buffalo River, that emptied into the Red River of the North, which is the boundary line between the Chippewas and the Sioux.

Then in 1867 the Sioux made another grant of their territory, following the same line exactly which had been agreed upon between the Chippewas and the Sioux, and they granted on February 19, 1867, by treaty, this tract of territory in both North and South Dakota, indicated on the map by the light-green or yellow-green color.

In 1863, almost at the same time, a grant was made by the Chippewas of a tract of land lying in Minnesota east of the Red River, and also in North Dakota west of the Red River, and they granted as far south as this line of demarcation [indicating]. At the same time that they granted this, in 1862, they reserved what they called their "pasture lands" west of this tract [indicating], which ran up clear to the Missouri River.

In 1868 the Sioux granted another tract to the Government of the United States, which is indicated by the dark blue on the map, and in that grant they followed this line of demarcation, of which I have already spoken, as the line between the Chippewas and the Sioux. Then again in 1868 the Sioux granted another tract of land, marked upon the map in pink.

Now, the line north of that and up to the Missouri River was a line that was agreed to in 1851 between the Mandans, the Arickarees, and the Grosventres on the Missouri River and the Sioux to the south, and the Sioux granted up to the territory claimed by the Mandans and the Arickarees, which dividing line had been agreed upon between those two nations.

When the agreement was made in 1868 again by the Mandans and the Arickarees, they granted up as far north as the line occupied by the Chippewas. Now, that left all of this tract [indicating] which is marked here in red as unceded land, and all of it was claimed by the Chippewas. There were some 10,000,000 acres of land. We investigated the title very thoroughly, coming to Washington and spending considerable time. We found that the Chippewas had always laid claim to this land [indicating] lying north of there [indicating] and north of that line [indicating] and that there was no dispute between them and the Sioux as to any tract north of the line which I have indicated here.

The number of Chippewas in that tract of land has been variously estimated. In 1851, when the treaty was made granting the land—the north portion of the Red River Valley, in the States of Minnesota and North Dakota—by Governor Ramsey, he estimated that there were only about 300 of the full-blood Chippewas west of there; but as a matter of fact there were a great many more half bloods or mixed bloods than there were full bloods west of that line. So I think it is safe to say there are at least twenty-five hundred Chippewas.

Now, their headquarters was at Turtle Mountain, a strip of mountain land on the border between North Dakota and Canada, about 75 miles in length and about 35 miles in width. That land consisted simply of timber land, of lakes and hills, with no tillable land whatever in that particular section of country, and none

of it that could be used for agricultural purposes. That was the headquarters of Little Shell, the chief of the band of Turtle Mountain Chippewas, and his father and grandfather, and as far as we can go back, from time immemorial. There can be no question about the title, so far as these Chippewas are concerned. There is considerable question as to their number and the extent of their roaming over the other sections of this unceded land.

The fact still remains that this portion of the Chippewa's claim has never been ceded to the United States. It amounts to about 10,000,000 acres. It required a desperate effort to get them to make any kind of a treaty whatever with us. They had their attorneys there who claimed that they had title to 10,000,000 acres, and it certainly ought to be worth a dollar and a quarter an acre, or $15,000,000, and one of the attorneys has been down here for a great many years opposing this measure upon the ground that it is not proposed to pay enough. But the Committee on Indian Affairs, considering the number of Indians there, thought it was equitable and fair, and so this agreement has been confirmed by the action of the Committee on Indian Affairs several times.

I simply want to say in addition that these Indians knew that there was a claim that they did not own the land. So they have acted upon the theory that if they took any Government land in that section it would be equivalent to yielding their claim, and so all the full bloods have gone out of this reservation of two townships; and, by the way, there are only about twelve or thirteen thousand acres of land in those two townships that can be said to be agricultural land. They took up lands on the border. They did not file on them. They refused to file on them, claiming that they were their own; and they opened them up and settled on them. They commenced to raise crops. Ten years ago, when the treaty was made, we could have had all that land. At the present time every quarter section is taken right up to this reservation. Now settlers have gone on there, and you will find the claim shanty on the same quarter section that you find the Indian shanty.

I will give you a little instance to show you how necessary it is that we settle this thing at once. There was an Indian full blood who had cleared up 40 acres, moved the stone from it, broke it, and had cropped it. A settler came in last year, filed a homestead on it, and put in his crop last spring. He raised a crop this last fall, and harvested it, cut and shocked it. Every full-blooded Indian in that section of the country came over one Sunday with their teams and wagons and hauled away every shock on that place, as they did on several others. They were arrested and brought before a magistrate there.

Now, those Indians made this claim. They said: "Here, we have been docile. We have never been at war with the United States. We have been their scouts when they had wars with the Sioux. We have always been friendly to them. We have never received anything at their hands. On the other hand, the moment the Sioux raised in arms against the whites the Government went down in its pockets and paid them $2.50 to $3 per acre for their land." When they had the trouble over in Minnesota a few years ago at Leech Lake, the Indians saw they could not get any settlement until there had been bloodshed, and they reasoned, and reasoned properly, that the only way to get the Congress of the United States to look at their claims and go into the matter and to deal with them was to get into a war with them and then take their chances. So the Chippewas feel that perhaps this is their only hope.

When this man was arrested they all came armed to the courthouse, and the conditions were such that bloodshed would have followed had they attempted to punish this Indian. They are in a deplorable condition. The churches around there have been trying to support them. The white settlers have their land, and they are upon the same tract of territory. I think we can get this measure through at the present session of Congress, and if we get it through we will avert a great deal of trouble and have the matter fully disposed of before next spring, when the seeding commences. If the situation remains unchanged until that time, there is absolutely bound to be trouble there with those Chippewa Indians.

I can explain anything else about the matter that any Senator may desire.

Mr. SPOONER. Mr. President, it is only fair to say that I think the Senator from North Dakota has abundantly vindicated the bill. I am glad to have his statement go into the RECORD.

Mr. McCUMBER. Thank you.

Mr. HEYBURN. I should like to inquire of the Senator having charge of the bill whether or not, in his judgment, article 6 will result in the issuance of scrip or exchange rights on the part of the Indians.

Mr. McCUMBER. I certainly do not think so. I do not think there is anything in the bill that will authorize the issue of any scrip.

Mr. HEYBURN. The section reads:

> All members of the Turtle Mountain band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge.

It is without limitation.

Mr. McCUMBER. "Without charge."

Mr. HEYBURN. And "without charge." Under provisions of law nearly similar to these there has grown up a right to exchange the right to select lands; that is, to sell the right to select land, which is equivalent to a scrip right. This is rather a dangerous and unprotected clause:

> May take homesteads upon any vacant land belonging to the United States.

I do not know to what extent that might go. Suppose there were a large number of Indians who, for some reason, and no cause is specified in the bill, should conclude that they were unable to select homesteads within this tract, and preserved to themselves the right to make selections of homesteads anywhere on the public lands of the United States. Might they not sell that right unless there was some restriction in the act? May they not go into some other section of the country and select lands? If so, it is another roving commission to select land anywhere in the United States.

Mr. McCUMBER. In answer to the inquiry of the Senator from Idaho, I will state that this is the present law, and this article is copied practically from the law as it now exists. Wherever allotments are granted Indians, no charge is made for them, and it is simply intended by this section that the Indians who can not obtain their allotments within those two townships may take homesteads upon Government land any place where they can find it. The only limit here intended is that they shall not be compelled to pay the $14 entry fee or any other fee. There can be no exchange of scrip.

I can say, also, in answer to the inquiry of the Senator, that perhaps 90 per cent of these Indians will have to go elsewhere to secure homes. At the time this treaty was entered into there was plenty of vacant land there to supply them all, but now, there being only about twelve or thirteen thousand acres of tillable land in the two townships, and all having been taken up outside of those two townships, they will have to go somewhere else. But I trust the Indian Bureau will find some place where they can locate and get Government claims. The result will be to destroy the tribal relations of the Turtle Mountain tribe, because the Indians will have to be scattered. The land is not there for them.

Mr. HEYBURN. I think there should be an amendment to the effect that this right existing in the Indian shall not be transferable.

Mr. McCUMBER. It is not transferable by law anyway any more than any homestead right is transferable. A man can go upon the public domain and have a homestead, but he can not transfer that right under the law as it now exists, and I think the proposed amendment is wholly unnecessary, if the Senator will allow me to differ with him upon the necessity of the amendment.

Mr. HEYBURN. Except that the Indian might be induced to commence to exercise a homestead right and commute, and this bill, as I understand from the statement of the Senator, affects a very large amount of land. The Indians might be used as instruments for commuting under the present system of law.

Mr. McCUMBER. These Indians have not yet been made citizens; they are wards of the Government at the present time, and therefore they could not make an assignment of their homestead entry or release without the consent of the Indian Department. So I think it is safeguarded. However, if the Senator can suggest an amendment which he thinks will make it better, I have no objection to it.

Mr. HEYBURN. I am not seeking to raise any captious objections to the bill.

Mr. McCUMBER. I certainly understand that.

Mr. HEYBURN. But having recently had our attention called to an existing evil, under which lands in one State may be exchanged for lands in another by an assignee of a grantee of the Government, which has resulted in flooding certain sections with what is called "scrip," although it is not represented by scrip, but is merely a right of exchange, I think it well at this time to be very careful when you turn loose upon the market public lands amounting to some millions of acres.

Now, while it is true that the Indian is a ward, yet he is given by the terms of article 6 of the proposed act the rights of a homesteader, and it does not make any difference how much of a ward of the Government he is, his rights are coextensive with those of any other homesteader, and he should not be allowed to alienate those rights, because, if I am not mistaken, this affects some eight or nine million acres of land, and the next thing we know some assignee will be turning up at the land offices in our timber States seeking to use the rights of those Indians.

I have in mind a case in point where the name of a Sioux Indian (it was found afterwards that no such person existed) or his power of attorney was used in an attempt to take land which is now in the city of Wallace, in our State, and I can readily see that there is possibility of danger unless we limit the right to the Indian himself, taking away the right to alienate or to be represented by an attorney in fact in the exercise of the right, as was the case with the Sioux scrip. If the Senator will accept it, I will move an amendment to insert at the end of the article.

Provided, That the rights given to the Indians under the provisions of this section shall not be subject to alienation or representation by power of attorney.

I believe that will remove the possible difficulty.

Mr. MCCUMBER. I have no objection at all to the amendment, because, as I have stated, I do not think he would have the power anyway, and I certainly do not object to its being made absolutely clear in the bill.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Will the Senator from Idaho please send to the desk his proposed amendment, that it may be read for the information of the Senate? Pending that, if there is no objection, the next amendment of the committee will be stated.

The next amendment of the Committee on Indian Affairs was, in section 3, page 9, line 3, after the words "sum of," to strike out:

Two hundred and fifty thousand dollars, covering the five first annual installments, which sum shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

And insert:

One million three thousand dollars, to be expended as provided by Article IV of the treaty and section 2 of this bill.

So as to make the section read:

SEC. 3. That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,003,000, to be expended as provided by Article IV of the treaty and section 2 of this bill.

The PRESIDING OFFICER. It is suggested to the Senator from North Dakota that the word "bill" should read "act."

Mr. PLATT of Connecticut. That is right.

Mr. MCCUMBER. Yes.

The PRESIDING OFFICER. It will be so corrected, if there be no objection.

The amendment as modified was agreed to.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The first amendment of the Committee on Indian Affairs to the preamble was, on page 3, to strike out Article IV, as follows:

In consideration of the premises and the foregoing cession the United States agrees to pay to the said Turtle Mountain band of Chippewa Indians the sum of $1,000,000, of which sum there shall be paid annually the sum of $50,000 for the period of twenty years, which sums shall be invested annually in food, clothing, bedclothing, houses, cattle, harness, all kinds of agricultural implements and farm machinery, and products for seed for husbandry, and such things as may be approved by the Secretary of the Interior, who shall have authority to direct such expenditures and at such times in the building, improving, and repairing of houses as the needs of the Indians on the above reserve may require, except as hereinafter agreed.

And to insert as new Article IV the following:

In consideration of the premises and the foregoing cession the United States agrees to pay to the said Turtle Mountain band of Chippewa Indians the sum of $1,000,000, such amount to be paid either in cash or yearly installments, in such sums as the Secretary of the Interior may consider for the best interests of said tribe of Indians: *Provided*, That in case the Secretary of the Interior does not see fit to pay the sum hereinbefore mentioned in cash, but considers it for the best interests of the Indians of said tribe to pay the same in yearly installments, he is hereby authorized and directed to expend such portion of the pro rata share of each Indian on the reserve, as his needs may require, in building, improving, and repairing the houses of such Indians, except as hereinafter agreed.

The amendment was agreed to.

The next amendment was, to strike out Article V, as follows:

The schools now located upon the above-named reserve are to be maintained in efficiency as at present and increased as necessity may require.

And in lieu thereof to insert:

The schools now located upon the above-named reserve are to be maintained in efficiency, as at present, so long as in the opinion of the Secretary of the Interior conditions demand the maintenance of such schools, not to exceed, however, the term of twenty years.

The amendment was agreed to.

The next amendment was to strike out Article VIII, as follows:

ARTICLE VIII.

And in further consideration of the foregoing cession and stipulations, it is further stipulated that the 640 acres of land heretofore reserved to Red Bear, a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians, concluded in Minnesota October 2, 1863, amended March 1, 1864, proclaimed May 5, 1864, be patented to Red Bear, a member of the Turtle Mountain band of Chippewas, who is the only son and heir of the Red Bear named in the eighth article of the treaty above referred to and mentioned.

The amendment was agreed to.

The next amendment was to strike out Article IX, as follows:

It is mutually agreed that the sum of $5,000 of the $50,000 above stipulated be annually paid to the Turtle Mountain band of Indians in cash, and that said sum be distributed per capita.

The amendment was agreed to.

Mr. MCCUMBER. While the Senator from Idaho is preparing his amendment, I should like to move an amendment. In Article II, after the word "conveyance," line 9, I move to insert:

For the purposes mentioned in article 3 hereof.

The amendment was agreed to.

Mr. MCCUMBER. I have one more amendment. After the word "survey," on page 3, at the end of line 18, of Article III, I move to insert "and lands in said reservation which shall not be taken by said Indians within such time as may be fixed by the Secretary of the Interior after the ratification of this agreement may be opened for settlement as other public lands."

The amendment was agreed to.

Mr. HEYBURN. I submit an amendment to come in at the end of Article VI, on page 5.

The PRESIDING OFFICER. The amendment as proposed by the Senator from Idaho will be stated.

The SECRETARY. At the end of Article VI, page 5, it is proposed to insert:

Provided, That such right of alternate selection of homesteads shall not be alienated or represented by power of attorney.

The amendment was agreed to.

The preamble as amended was agreed to.

REVENUE-CUTTER SERVICE.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4937) to promote the efficiency of the Revenue-Cutter Service.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, on page 4, line 12, in section 4, after the word "confinement," to strike out the words "and in irons, double or single, if, in his judgment, necessary;" so as to make the section read:

SEC. 4. That if any of the offenses herein described shall be committed on board a vessel of the Revenue-Cutter Service while she is upon the high seas, the commanding officer of such vessel shall have power to apprehend the offender and place him in confinement until such vessel arrives at some port of the United States within the jurisdiction of a court having cognizance of such offense.

The amendment was agreed to.

Mr. CLAY. This bill comes from the Committee on Commerce?

The PRESIDENT pro tempore. It does.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISBRANDED SALMON FISH.

Mr. FULTON. I ask unanimous consent to call up the bill (S. 220) prohibiting the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, any misbranded salmon fish prepared or intended for use as an article of food.

The PRESIDENT pro tempore. The bill has once been in Committee of the Whole before, and was read in full. Is there objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported from the Committee on Fisheries with amendments, in section 1, on page 1, line 4, after the words "District of Columbia," to insert "or Alaska;" in line 5, after the words "District of Columbia," to insert "or Alaska;" on page 2, line 1, after the words "District of Columbia," to insert "or Alaska;" in line 2, after the words "District of Columbia," to insert "or Alaska;" in line 4, after the words "District of Columbia," to insert "or Alaska; and, in line 8, after the words "District of Columbia," to insert "or Alaska."

The amendments were agreed to.

The next amendment was, in section 2, page 2, line 23, after the word "Territory," to insert "or District."

The amendment was agreed to.

Mr. FULTON. I offer the amendments which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. On page 1, line 9, immediately following the word "shall," insert the word "knowingly."

Mr. TELLER. Is the bill up?

The PRESIDENT pro tempore. It is up. It is, however, open to objection at any time.

Mr. TELLER. I have no objection to the Senator amending his bill as he wants it, and then I should like to look at it. The bill as reported to the Senate ought never to pass. It needs more amendment, I am afraid, than the Senator will give it, but I will refrain from objecting until the bill has been amended. Then I shall ask to have it printed so that we may see how it stands.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Oregon.

The amendment was agreed to.

The PRESIDENT pro tempore. The other amendments submitted by the Senator from Oregon will be stated.

The SECRETARY. In line 3, page 2, following the word "shall," insert the word "knowingly"

The amendment was agreed to.

The SECRETARY. In line 4, page 2, after the word "having," insert the word "knowingly."

The amendment was agreed to.

The SECRETARY. In line 7, page 2, after the word "shall," insert the word "knowingly."

The amendment was agreed to.

The SECRETARY. In line 10, page 2, after the "shall," insert the word "knowingly."

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Colorado objects to the further consideration of the bill.

Mr. SPOONER. I ask that the bill be printed as amended.

The PRESIDENT pro tempore. If there are no further amendments, as in Committee of the Whole, the bill will be reported to the Senate.

Mr. TELLER. I thought I had objected.

The PRESIDENT pro tempore. The request of the Senator from Wisconsin is that the amendments may be concurred in in the Senate.

Mr. SPOONER. Oh, no, Mr. President; I asked that the bill be reprinted as amended.

The PRESIDENT pro tempore. The Chair did not understand the Senator. Objection being made, the bill goes over. The bill as amended will be printed.

HEWLETTE A. HALL.

Mr. BACON. I ask for the immediate consideration of the bill (S. 463) to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition. It is a bill reported from the Committee on Claims.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Hewlette A. Hall $1,583.35, being balance due of $2,000 promised him for services in connection with the Paris Exposition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. JENKINS.

Mr. WARREN. I ask leave to call up the bill (S. 2876) for the relief of Sarah E. Jenkins.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with amendments, in line 7, after the word "Navy," to strike out "an amount equal to" and insert "$4,896, being;" and in line 10, to strike out "that of," the first two words in the line; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Sarah E. Jenkins, of Maryland, daughter of the late Rear-Admiral Thornton A. Jenkins, United States Navy, $4,896, being the difference between the retired pay of a rear-admiral and the highest pay of that grade, from March 25, 1874, to June 30, 1877, in full compensation for the services of the late Rear-Admiral Thornton A. Jenkins, United States Navy, as commissioner and representative of the Navy Department at the Centennial Exhibition in Philadelphia, 1876.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT VESSELS FOR THE PACIFIC COAST.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 4563) for the delivery on the Pacific coast of two light-vessels now being built in New York and New Jersey.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the light vessels now being built in New York and New Jersey shall be delivered to the inspector of the twelfth light-house district at San Francisco, and that the cost therefor shall be paid from the unexpended balances for building the relief light vessel for the twelfth and thirteenth light-house districts, the relief light vessel for the third light-house district, Five Fathom Bank light vessel, New Jersey; Cape Lookout Shoal light vessel, North Carolina; Heald Bank light vessel, off Cape Mendocino, California, Pacific Ocean; each of which appropriations was made in the sundry civil appropriation act approved on March 3, 1903.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONNECTICUT RIVER BRIDGE.

Mr. PLATT of Connecticut. I have got to leave the Senate. I ask unanimous consent therefore at this time that the bill (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River may be considered.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its considereration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, page 3, line 4, after the word "shall," to strike out "alter" and insert "order."

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert the following as a new section:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use, or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

The amendment was agreed to.

The next amendment was, in section [4] 5, on page 3, line 23, after the word "right," to strike out "to construct a" and insert "of way across said bridge for;" and in line 24, after the word "postal-telegraph," to strke out "over said bridge without charge therefor" and insert "and telephone purposes; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies;" so as to make the section read:

SEC. 5. That the bridge constructed, maintained, and operated under this act shall be known as a post-road, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over railroads or public highways leading to said bridge; and said bridge shall enjoy the rights and privileges of other post-roads in the United States, and the United States shall have the right of way across said bridge for postal-telegraph and telephone purposes; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURE-FOOD BILL.

Mr. HEYBURN. Mr. President, I desire at this time to give notice that on next Monday, the 28th of March, I shall ask the Senate to take up House bill 6295, known as the "pure-food bill." The notice that I formerly gave having expired, I renew it.

BUILDING FOR DEPARTMENT OF STATE, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

The PRESIDENT pro tempore. The bill has been read. The pending question is on the amendment submitted by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee.

Mr. TELLER. Certain Senators who are not in the Chamber expect to propose some amendments to the bill.

The PRESIDENT pro tempore. There are several amendments to be acted on.

Mr. TELLER. I suggest that the bill is too important for so thin a Senate as I see now. I know certain Senators desire to be here when the bill is considered, and I suggest a call of the Senate.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Cullom,	Hopkins,	Newlands,
Allee,	Dillingham,	Kearns,	Overman,
Berry,	Dolliver,	Kittredge,	Penrose,
Beveridge,	Dubois,	Long,	Perkins,
Blackburn,	Fairbanks,	McComas,	Platt, Conn.
Burnham,	Foraker,	McCreary,	Quay,
Burrows,	Foster, Wash.	McCumber,	Scott,
Carmack,	Frye,	McEnery,	Simmons,
Clapp,	Gallinger,	Mallory,	Stewart,
Clark, Wyo.	Gorman,	Martin,	Teller,
Clarke, Ark.	Hale,	Morgan,	Warren,
Cockrell,	Hansbrough,	Nelson,	Wetmore.

The PRESIDENT pro tempore. Forty-eight Senators have responded to their names. There is a quorum present. There is pending, as in Committee of the Whole, to the amendment of the committee an amendment offered by the Senator from New Hampshire [Mr. GALLINGER]. It will be read.

The SECRETARY. On page 6, line 8, after the word "architects," strike out "to" and insert:

The successful architect shall receive compensation in full for plans, specifications, and detail drawings not to exceed 2½ per cent of the total cost of said building, and shall also.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire to the amendment of the committee.

Mr. NEWLANDS. Mr. President, I wish to say a few words regarding the amendment to the amendment. I have sought information as to the cost of the plans and supervision of public buildings when undertaken by the Supervising Architect's Office as compared with the cost when under the supervision of a private architect. I made inquiry of the Supervising Architect of the Treasury. I ask leave to put his communication upon this subject in the RECORD:

TREASURY DEPARTMENT,
Washington, March 11, 1904.

Hon. FRANCIS G. NEWLANDS,
United States Senate.

SIR: Referring to office letter of the 10th instant, in reply to yours of the same date, I have the honor to state that in the endeavor to make a prompt reply a table made in 1902 was used without noticing that it was not an exact answer to your question (item No. 3), although it is correct taken in connection with the text of the letter of which it forms a part, copy of which was inclosed to you in office letter of March 10.

I now submit as a proper reply to item No. 3 the following table, with request that it be considered a substitute for that inserted on the first page of my letter above referred to:

Year.	Expended on construction.	Expended, Supervising Architect's Office.	Per cent.
1899	$2,520,367	$120,974	0.048
1900	3,214,545	136,045	.042
1901	5,444,408	152,363	.032
1902	3,924,618	161,369	.042
1903	4,765,763	184,306	.039

Under the heading "Expended on construction" is included the cost of construction of buildings exclusive of sites.

Under the heading "Supervising Architect's Office" is included the compensation of persons employed in making drawings, specifications, etc., being 70 per cent of the total pay roll, and includes cost of all such work as would be done by a private architect.

Respectfully, J. K. TAYLOR, *Supervising Architect.*

The Supervising Architect of the Treasury tells me that the cost of making drawings, specifications, etc., in his office has ranged during the past five years from about three and a half to over four and a half per cent of the total cost of construction. That has been the case during the past five years, and this cost covers what would otherwise be included in and covered by the fee of 5 per cent allowed to private architects. I do not understand what the Senator from Maine [Mr. HALE] remarked the other day, that the payment to a private architect of 5 per cent on Government work is in addition to the expenditures incurred in the Supervising Architect's Office. On the contrary, the 5 per cent paid to a private architect includes and covers the expenses that would otherwise be incurred by the Supervising Architect, with the exception simply of the supervision on the Government's behalf by the Supervising Architect or some subordinate employed by him.

I am told also that with reference to the Government Printing Office the expenditures there on account of plans, draftsmen, supervision, etc., amount to over 5 per cent. I shall ask to insert in the RECORD a letter from——

Mr. TELLER. Let it be read.

Mr. NEWLANDS. The Senator from Colorado asks to have the letter read, and I will send it to the desk.

Mr. HALE. I wish the Senator would state whom the letter is from.

Mr. NEWLANDS. It is from the president and secretary of the American Institute of Architects.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

THE AMERICAN INSTITUTE OF ARCHITECTS,
OFFICE OF THE SECRETARY, THE OCTAGON,
Washington, D. C., March 10, 1904.

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.

SIR: Complying with your request, I beg to advise you that we have information from various architectural societies of the world on file at the Octagon, the offices of the American Institute of Architects. We have special information on government structures, and this data shows the following fees are charged by architects: England, 5 per cent on the cost; France, 5 per cent on the cost; Germany, 5 to 10 per cent on the cost; Italy, 8 per cent on the cost; Russia, 3 per cent on the cost; Switzerland, 5 to 8 per cent on the cost.

The architect invariably superintends these structures, and the government, in addition to the percentage, pays for a superintendent and an inspector, who shall remain constantly on the work. Draftsmen's service in Europe cost about one-third less than similar service in this country.

Communications have also been received from all architects in the United States who have constructed buildings which approximate Government buildings in size and character, and they all charge 5 per cent on the cost. They all testify that the cost of producing drawings, exclusive of superintendence and personal service, is never less than one-half of the fee received for their professional services, and frequently more than one-half.

We also have information from the office of the Supervising Architect, excluding the cost of sites, superintendence, and buildings erected under the Tarsney Act, and find that the cost of producing drawings in that office amounted to about 5 per cent on the total amount expended during the past three years. In this computation 30 per cent of the office expenses have been deducted to pay for purely departmental routine work.

The reports of the amounts expended on the Government Printing Office would indicate that drawings and superintendence cost 7½ per cent on the amount expended in the building.

We also have data from a large number of railway engineers and municipal engineers and find that the preparation of drawings and superintendence cost from 5 to 10 per cent of the cost of the work.

The fees enumerated cover the employment of an architect from the beginning to the completion of the enterprise, and it has been abundantly proved that only by the continuous supervision of the architect can satisfactory results be attained.

In considering this question it is to be remembered that the stroke of the pen of an inexperienced or incompetent man may increase the cost of a building unnecessarily by an amount beside which the architect's fee will dwindle into insignificance.

Yours, very truly, W. S. EAMES, *President,*
GLENN BROWN, *Secretary,*
American Institute of Architects.

Mr. NEWLANDS. I will state, further, that it is the custom in the Supervising Architect's office whenever an appropriation is made for a public building, whether the construction of that public building is intrusted to a private architect or not, to set aside in the account of the cost 5 per cent for the purpose of covering plans, specifications, drawings, and supervision. So the custom of the Supervising Architect corresponds with the practice and the charge of the private architects of the country.

Mr. TELLER. The Senator means when the Supervising Architect takes charge of a building?

Mr. NEWLANDS. The Senator from Colorado inquires whether I mean that the statement covers the case where the Supervising Architect takes charge of a building, and my answer is, "Yes."

I telephoned to Mr. Bernard R. Green this morning regarding the average cost of plans, drawings, supervision, etc., of the Congressional Library building, and his answer was that the cost approximated 4 per cent. So here we have a difference of only 1 per cent between the charge imposed by architects of distinction on the outside and the actual cost where the plans and specifications and supervision are all under the direction of an employee of the Government.

It is also the statement of the Supervising Architect and of Mr. Bernard R. Green that the constant supervision of an architect is required in great works of the character now under contemplation—monumental works; that the plans themselves are really almost the least part of the work; that the work really commences after the plans are made; that constant supervision is required in the construction of the buildings in order to carry out the designs of the architect, and that the cost of this constant supervision is trifling as compared with the extra cost which may ensue from a lack of this supervision.

I will state that this whole matter can be carefully gone into, it seems to me, by the Committee on Public Buildings and Grounds. They can take the testimony of the leading architects of the country; they can take the testimony of Mr. Bernard R. Green, of the Supervising Architect, and of Captain Sewell, who has charge of the Government Printing Office building, and in that way we can get down to a statement of what is a fair and reasonable charge for this service.

It seems to me it would be very unwise in this bill to so limit the compensation as to prevent the commission for which this bill provides, from securing the services of an architect of the highest standing. It should be remembered that the architect has to make a large outlay—from one-half to three-fifths of his total compensation—in paying draftsmen, designers, artists, and experts. His own profit is the smaller part of the percentage hereceives.

Mr. President, there was another matter that came up in the discussion the other day to which I wish to refer. I shall not refer to it at great length, for I know the chairman of the Committee on Public Buildings and Grounds [Mr. FAIRBANKS] is anxious to proceed with and to finish the consideration of this bill to-day, but there appear in the RECORD of the last debate certain statements regarding the services of the firm of McKim, Mead & White which do them great injustice.

In the course of that debate I insisted upon it that we owed a debt of gratitude to those architects for maintaining the individualized appearance of the White House; that the temptation presented to a great architect would be to create something himself, instead of to restore, according to the original designs, something that had been already created.

We were told by the Senator from Iowa [Mr. ALLISON] and by the Senator from Maine [Mr. HALE] that the law itself compelled the restoration of the White House according to the original plan, and that the credit was due to the law and not to the architects. I have to say, with reference to that, that the law is contained in an appropriation bill. I have looked over that bill, and I find no directions whatever as to the methods to be pursued regarding the plan. There is an appropriation of a considerable sum, to be expended under the direction of the President.

Mr. TELLER rose.

Mr. NEWLANDS. Does the Senator from Colorado wish to interrupt me?

Mr. TELLER. I should like to have the Senator tell us, before he gets through, what particular part, save the exterior of the White House, those architects have preserved? They have added to it what I think is a monstrosity; they have destroyed the original building, and inside they have entirely changed it, so far as I have been able to observe.

Mr. NEWLANDS. I will state, in the first place——

Mr. TELLER. They have possibly left one room, what we call the East Room; but they have overhauled that to such an extent that I think it has destroyed its beauty, at least.

Mr. NEWLANDS. I think that others will differ from the Senator from Colorado in that view. I assume that it was conceded in the last debate that, so far as the White House is concerned, everything was most creditable and that the only criticism was directed toward the Executive office.

Mr. TELLER. I am not willing to concede that myself. I think it is most absurd. I may not be so good a judge as is the gentleman to whom the Senator refers; but I have yet to find anybody who has been inside of the White House with whom I have discussed the question, unless it may be the Senator from Nevada [Mr. NEWLANDS], who has not entertained the same opinion that I have.

Mr. NEWLANDS. That has not been my experience.

Mr. TELLER. I should like to take that question up at some time.

Mr. NEWLANDS. This question of taste or of judgment is one that can hardly be settled upon the floor of the Senate. I imagine the best way would be to obtain the opinion of competent experts on that subject if there is any doubt in the mind of the Senate.

Mr HALE. The easiest way, undoubtedly, would be to leave it all to the architects.

Mr. NEWLANDS. That is the easiest way.

Mr. HALE Undoubtedly.

Mr. NEWLANDS. And the best way.

Mr. HALE. No doubt the Senator believes that the easiest and best way would be to leave it all to the architects.

Mr. NEWLANDS. The best way would be to leave it to the architects and artists of the country, and I have no doubt we should then have a very much better judgment than can be exercised by the men of this body, untrained as we are in this great art.

Mr. TELLER. If I may be allowed to enter into the Senator's speech, I should like to say that if that work represents the judgment of the architects, and what the Senator calls "the best taste of the country," I am greatly mistaken.

Mr. NEWLANDS. As I said before, that is something which we can not settle by debate upon this floor.

I merely wish to call attention to certain inaccuracies of statement in the last debate. It was insisted upon that the law itself compelled the restoration of the White House according to the original plan. I have examined that law, and there is nothing to that effect. So the Senator from Iowa was mistaken when he insisted on that.

The Senator from Maine also insisted upon it that if it had not been for the action of the committee of conference the White House would have been practically despoiled. Let me quote his words upon this subject. He says:

> The subcommittee waited upon the President. * * * I may say an adjuration was imposed upon the President that this man McKim should not be allowed in any way to interfere with the architectural beauty of the White House, and the only man from whom any danger was contemplated as likely to arise was this same architect.

Then he goes on to say that had not the committee jealously guarded the building—

> it would have been stripped, dismantled, ransacked, changed and perverted, and practically destroyed if we had let it go into the hands of the architect.

So I assume from this that the Senator from Maine, at all events, did not think that as a matter of fact the White House had been stripped, dismantled, ransacked, changed, and perverted, but that all this had been averted by the action of the committee of conference; that the work on the White House was good work and was the result of the action of the committee of conference, and not of the action of this architect. Regarding that, I have to say that the RECORD shows that from the start the idea, and the only idea, of Mr. McKim was to restore the White House according to the designs and the general plans of the original architect, and to expurgate all the heresies in architecture that meanwhile had been produced there.

We find in the report of the architects regarding the White House that they first quote the act authorizing them to go on with the restoration, and then they state their purpose, which was:

> First. To make the White House structurally sound.
>
> Second. To relieve the White House of the executive offices, which had so encroached upon the space as to diminish the residence portions of the house to an unreasonable and abnormal extent.
>
> Third. To make a rearrangement of the White House space so as to permit the comfortable and dignified entertainment of such number of guests as a house of that size might reasonably be called upon to accommodate.
>
> * * * * * * * *
>
> The first aim, therefore, was to discover the design and intention of the original builders, and to adhere strictly thereto, in so far as the public or state portions of the house were concerned; and then to make the apartments reserved for private or family uses comfortable, according to modern requirements and standards.

I am told that most diligent search was made for the original plans and drawings regarding this building, and those original plans and drawings developed the fact that upon each side of the White House was the arcade which has now been restored, and part of the remnants or ruins of the east arcade were found in the glass convervatory, which was destroyed under their direction.

Now, with reference to the offices they say in their report:

> To construct within those grounds a building sufficiently large and imposing to stand as permanent offices would be to detract from the White House itself so seriously as to be absolutely out of the question. The one possible solution, therefore, was to occupy the only available space with a temporary building which should be comfortable within and inconspicuous in appearance, leaving Congress at its leisure to take up seriously the question of a permanent, adequate, and thoroughly dignified office for the Chief Executive.

They then quote their original estimate made to Congress, the very estimate upon which the Appropriations Committee acted in the law which has been referred to by the Senator from Maine and the Senator from Iowa; and that estimate clearly calls for—I will quote it:

> Provision for temporary quarters for the executive offices is comparatively a simple matter. A building of brick, one story high, and containing from 50 to 75 per cent more room than the offices now occupy, can be constructed in the grounds of the White House opposite the entrance to the Navy Department. The building would take the place now occupied by a brick wall which screens a number of hothouses and forcing beds for plants, functions which may well be provided for elsewhere, in connection with the propagating gardens.

It then goes on to state what the temporary building would include, and makes an estimate for the cost of this temporary building, exclusive of furniture, of $33,000.

I have had this building cubed, and I find that it is a little over 100 feet long, 50 feet wide, and over 30 feet high, and that it contains between 180,000 and 200,000 cubic feet. There is not a man who is familiar with building who does not know that ordinary suburban building of frame costs from 22 cents to 25 cents a cubic foot. This building cost not to exceed 25 cents a cubic foot. It was intended to be a temporary building, and was and is a temporary building.

It is true that the Committee on Appropriations, when it came to consider this measure, added $10,000 to the estimate, but it is simply, as stated in the law, for the purpose of making the walls more durable. I quote from the appropriation act:

> And said building shall be constructed with sufficient foundation and walls suitable for a durable, permanent building, and of sufficient strength for an additional story when needed.

If the Committee on Appropriations desired a permanent building to be constructed there, it was incumbent upon them to make a sufficient appropriation, and the appropriation should have been at least 75 cents or a dollar a cubic foot for such work as goes into these great ornamental, monumental buildings. As it was, they added only $10,000, and they simply stipulated that the walls should be sufficient for a permanent, durable building. They did not say that the building itself should be permanent; on the contrary, they contemplated changes in the form of the construction itself when they suggested that an additional story should be added.

The work of these architects came within the appropriation. The cost of this building was about $45,000, an average of about 25 cents per cubic foot, about the cheapest kind of construction that is known. It was impossible for them, within the limits of the appropriation, to make any better showing than has been made and at the same time to give the space that is absolutely essential for the executive offices.

Right there in that suggestion of the law comes the difference between the legislative mind and the artistic mind as to what the character of the building adjoining the White House should be. These architects in their report refer to this stipulation in the appropriation bill that the walls should be of such weight and permanence as to support an additional story, and say that they

hope that an additional story will never be put upon this building, for that, of course, would be to subordinate, to that extent, the White House, and the controlling principle of its construction was to make it as inconspicuous as possible.

If the Congress does wish Executive offices of sufficient durability and dignity to be constructed, it is easy enough to do it by appropriating sufficient money. If Congress concludes that the present location is the best for those offices, it will be easy enough to construct to the south of this building an additional building of marble or white stone, a permanent building, put the President's offices there, and then tear down the existing building, or keep the latter for the clerical force, facing it with marble or white stone, using the same material as in the new building, and connecting it with the new building by a passageway such as connects the Senate wing with the main or central building of the Capitol. This would be much better, according to the view of architects, than to put a second story on the existing building. But such a work would probably cost $150,000 or $200,000 if you wish to make it compare in material durability and decoration with the monumental work of public buildings in this city.

So it seems that it was clearly contemplated at the very start by these architects that they should pursue the original plans; that they should carry them out; that they should simply take away what is false in art that had been introduced during the intermediate time by supervising architects and builders and contractors, for all of them had a shy at this.

Since the classic simplicity of our early public architecture, the architecture of Washington's and Jefferson's time, we have had the Pullman-car era in architecture, we have had the steamboat era in architecture, and we have had the Hoffman House era in architecture—these very brilliant displays of glass and light and everything of that kind. But I am glad to say there has has been a renaissance in art since that intermediate time; and this building, I firmly believe, has been built according to the best rules of this reformed art, which has simply meant the return to the simplicity and dignity of earlier days. At all events, it was clearly contemplated that the architects should stand by the original plans as to the White House itself, and that these Executive offices should be quickly and inexpensively constructed to meet the pressing requirements of the President.

The President was eager to get into these offices, so that the public business could be transacted without inconvenience; he wanted to have a home, and the whole country wanted him to have a home, not to be invaded for purposes of business. So it was necessary to construct them in the short space of four and a half months; to have taken longer would have been to the injury of the public business. I insist upon it that these architects did the very best thing that could be done under the circumstances.

It is easy enough for Congress, if it wants a permanent and durable and monumental building there, to construct it. I trust, however, that Congress will carry out the views of these architects and make this building as inconspicuous and as unobtrusive as possible.

I have no doubt that it would gratify some to see a Chinese pagoda there, to see a big dome, to see minarets and towers, to see the roof colored sky blue and the cornice red—anything that is brilliant and conspicuous—but I submit that people of good taste will be better satisfied if this building is so inconspicuous and so unobtrusive that its existence will hardly be observed; and that will be the highest triumph of art.

I will read a little further from the report of the architects on this matter:

> The preliminary survey contemplated merely putting the house in order and making it safe. There was no consideration given at that time to more ample provision for large dinners and for accommodations for the large public receptions. A study of the historic White House, however, and the discovery in the Library of Congress of old prints and plans of the house show that by a return to the original design the White House can be put into such a condition that it will serve every use intended for many years to come, and that the increased demands for room in the house can be met in a dignified and satisfactory manner at a cost which is small when compared with the cost either of a new residence or of additions to the present building, both of which projects are objectionable from many points of view.

They go on to say:

> The principles on which the restoration would be done are these:
> To put the house in the condition originally planned, but never fully carried out.
> To make the changes in such manner that the house will never again have to be altered—that is to say, the work should represent the period to which the house belongs architecturally, and therefore be independent of changing fashion.

It is very natural for the Senator from Maine and the Senator from Iowa to fall into error regarding this plan and to charge Mr. McKim with responsibility for plans that had been made prior to his employment, but I think the confusion in their minds arises from this: It is true that during Mr. Harrison's Administration Mrs. Harrison had a plan for the enlargement of the White House—a very handsome plan and a very ambitious plan—which involved the addition of wings fully as large, I believe, as the White House itself.

Mr. TELLER. I think the Senator is mistaken.

Mr. NEWLANDS. Well, nearly as large. That is my recollection, for I saw the design.

The design was a good one, but it was not the old White House; it was a new creation. The old White House was almost lost in the new structure. That plan was under consideration for some time.

Then, later on, Colonel Bingham took up the work when he became superintendent of public buildings and grounds, and, with the aid of a draftsman and designer in his office, he presented a plan even more ambitious, with wings adjoining and magnificent domes upon each side. In those plans the White House was subordinated to the new structure. They were presented to the consideration of the American Institute of Architects, which happened to be in session at Washington, at the White House upon the invitation of President McKinley. The plans met the disapproval of the American Institute of Architects, who passed resolutions in which they expressed their wish that the old simplicity and dignity of the White House should be maintained and that no structure should be put there which would subordinate it, which would make it the inferior structure. They declared against all these plans.

So it seems that prior to the propaganda of which the Senator from Maine speaks—the propaganda conducted by the conference committee, I believe, of the Committee on Appropriations—and before they had adjured the President not to permit any deviation from the original plans, this movement was at work, and it was a movement that was inaugurated by the American Institute of Architects, which has been under such criticism here. Later on the President called into consultation Mr. McKim, and Mr. McKim presented the plans which have been carried out.

Mr. McKim never contemplated the erection of a structure there that would destroy the old White House or subordinate it. He never for a moment contemplated anything but the restoration of the old dignity and simplicity of the White House. He never contemplated putting up any structure there which would be a monument to his genius or talent, but simply in the short space of four months and a half such an additional structure as was absolutely necessary to meet the wants of the President and which would be as unobtrusive and inconspicuous as possible.

So I claim that my remark in the preceding debate, to the effect that we owe these architects a debt of gratitude for the practical restoration of the old White House and the carrying out of the original plans and designs, is borne out by the record in this case, and that the structure as it exists to-day was not either compelled by the law or controlled by the committee of conference. Their remarks to the President were simply confirmatory of the plans he had had in his own mind as the result of his conference with Mr. McKim and Mr. McKim's advice.

Mr. President, I have taken up quite a long time with the consideration of this matter, which is really extraneous to the pending bill, and I beg pardon of the Senator from Indiana for detaining the Senate so long. But it does seem to me that when great artists do a great work for the public in an unaffected and self-effacing way, their action should not be the subject of mistaken representation here and that they should receive here the vindication they deserve.

I ask leave to insert as an appendix to my remarks an extract from the report of the architects concerning the work of repairing and refurnishing the White House and the erection of the Executive Office building.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be so ordered.

The matter referred to is as follows:

> [Extract from architects' report in Senate Document No. 197, Fifty seventh Congress, second session, entitled "Restoration of the White House." Message of the President transmitting the report of the architects, McKim, Mead & White.]
>
> These problems may be stated briefly as follows:
>
> First. To make the White House structurally sound.
>
> Second. To relieve the White House of the Executive offices, which had so encroached upon the space as to diminish the residence portions of the house to an unreasonable and abnormal extent.
>
> Third. To make a rearrangement of the White House space so as to permit the comfortable and dignified entertainment of such number of guests as a house of that size might reasonably be called upon to accommodate. This was perhaps the most imperative as well as the most perplexing problem. The perils to health, and even to life itself, of the exposure of large numbers of people on the unsheltered north portico during occasions of public receptions, the use of a window exit, the enforced giving up of a considerable portion of the main floor to dressing rooms—all these things had combined to bring about a strong demand for some change for the better.
>
> Fourth. To provide the White House with a state dining room of dimensions sufficient to enable the President to entertain at table on occasion about 100 guests.
>
> Fifth. To remove such excrescences as had been allowed to accumulate about the White House to the detriment of its fine architectural features and its dignity as the home of the President of the United States.
>
> Recognizing the feeling prevalent among the people, you stipulated that none of the essential features of the White House should be sacrificed in the

restoration; that the nation's historic house should be left intact, and that even the state rooms should continue to be known by the names made familiar by long usage. These limitations—if limitations they can be called—were welcomed, because among no class of the people was the feeling for the historic White House stronger than among the members of the profession of architecture. The first aim, therefore, was to discover the design and intention of the original builders, and to adhere strictly thereto in so far as the public or state portions of the house were concerned; and then to make the apartments reserved for private or family uses comfortable, according to modern requirements and standards.

TEMPORARY EXECUTIVE OFFICES.

Obviously the first step was to find some place other than the White House for the Executive offices. Every suggestion for the location of a permanent office building was open to some objection that seemed insuperable. No location outside the White House grounds could be decided upon and secured in the short time available. To construct within those grounds a building sufficiently large and imposing to stand as permanent offices would be to detract from the White House itself so seriously as to be absolutely out of the question. The one possible solution, therefore, was to occupy the only available space with a temporary building, which should be comfortable within and inconspicuous in appearance, leaving Congress at its leisure to take up seriously the question of a permanent, adequate, and thoroughly dignified office for the Chief Executive.

The statement made to Congress when the appropriation came before the Senate was as follows:

"The problem of the location of a permanent building for the offices of the President involves many considerations as to the amount of accommodation needed and the scope and variety of the functions to be carried on in such a building. Provision for temporary quarters for the Executive offices is comparatively a simple matter. A building of brick, one story high, and containing from 50 to 75 per cent more room than the offices now occupy, can be constructed in the grounds of the White House opposite the entrance to the Navy Department. The building would take the place now occupied by a brick wall which screens a number of hothouses and forcing beds for plants, functions which may well be provided for elsewhere, in connection with the propagating gardens.

"The temporary building would include:

"1. A Cabinet room.
"2. President's office and retiring room.
"3. Offices for two secretaries.
"4. A telegraph and telephone room.
"5. A large room for the stenographers.
"6. A room for the press.
"7. A main hall to be fitted as a reception room.
"8. File rooms and closets in the basement."

Congress stipulated that the walls should be sufficient to carry a second story, and increased the appropriation by $10,000 for this purpose. Accordingly the walls were strengthened to meet this requirement. It is to be hoped, however, that no increase in height will be permitted, because of the injury that would result to the White House.

Of the total amount available, $6,000 was assigned to the superintendent of public buildings and grounds for inspection and for the removal of the greenhouses. The cost of the building alone was $45,126.75, and $14,054.77 was expended on furniture, carpets, rugs, electric lighting, and other fixtures. The work began on the approval of the sundry civil act, June 20, 1902, and the building was completed on the 29th day of the following September, although it was not occupied until about the middle of October, the postponement being made for the purpose of securing perfect drying.

The PRESIDENT pro tempore. Is the Senate ready for the question on agreeing to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee?

Mr. HALE. Mr. President, the amendment of the Senator from New Hampshire is in the right direction, but it does not cover all that should be covered before this subject passes from the attention of the Senate. From the observation of Senators in the past and the debate here it is disclosed that Congress is now confronted not simply with the question of the erection of a single building in one place, but of some marked and defined and large plan under which costly buildings for the use of the Government will hereafter be erected in Washington. For one I do not and shall not consent that anything be done until the whole subject is investigated, until it is seen at what reasonable expense desirable property to a large extent can be purchased, and I shall insist that nothing further be done until an examination is made and a report is submitted to Congress upon some large plan which will involve the erection upon Government property of the numerous public buildings which will be required in the course of the next twenty years.

And in considering that question the subject of the intrusion of the architect should also be considered, and no step should be taken and no contract should be made with any architect until reports are made to Congress at the next session of Congress covering that as well as the question of the location of public buildings. So I repeat the amendment of the Senator from New Hampshire is in the right direction, but does not sufficiently provide for and guard the future.

Now, as to the points which the Senator from Nevada [Mr. NEWLANDS] has raised here with reference to the connection of the architect with the White House establishment and the office near by, nothing that I said the other day or that the Senator from Iowa said the other day—and I know I speak for him as well as for myself—will be withdrawn. The committee had to stand jealously over every step that was taken with reference to the work on the White House to see that the architect did not practically destroy the whole effect, the fine effect, the beautiful effect of that building. The architect was opposed to the erection of any building for an office for the President, for the reason that at that time the scheme which the Senator from Indiana now fathers, and which provides for a public building on the farther side of the square—I say provides for its building there because everybody understands it will go there if this bill passes——

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Indiana?

Mr. HALE. Certainly.

Mr. FAIRBANKS. I do not know the basis of the Senator's belief that it will go there if this bill passes. The Senator understands very well that the Commission is given authority by the bill to consider a number of sites, this being one of the number. I certainly would strongly favor its going there.

Mr. HALE. Undoubtedly.

Mr. FAIRBANKS. But whether the Commission would favor its location there, I do not know.

Mr. HALE. The Senator is very frank about it, and that tells the whole story. But the original scheme was that this immense building—the largest in range upon the ground of any in Washington and the most expensive, not containing the most room and the most facilities for public business, but the largest in range spread upon the ground—should contain not only the two Departments provided for there, but the Presidential offices. The scheme was grand. It was to give an entire floor of this immense building to the President's offices and to put him into a building where two other Departments of the Government were engaged in doing their work, so that he would be at all times open to the visit of everybody who went to the building in connection with other Departments. That was the scheme of the architect, and the architect stood resolutely against everything which interfered with it.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nevada?

Mr. HALE. Certainly.

Mr. NEWLANDS. May I ask the Senator from Maine whether he intends to say it is a scheme of Mr. McKim to put the President's offices over in that building?

Mr. HALE. Undoubtedly.

Mr. NEWLANDS. Is not the Senator from Maine aware that the architect of that building is a Mr. Post, of New York, and not Mr. McKim?

Mr. HALE. It is a question of one architect or another, and all the architects who go to make up the general association of architects—I do not know what it is called—work together. But that was the scheme.

Mr. NEWLANDS. If the Senator will permit another interruption, let me say that in conversation with Mr. McKim upon this subject he said that it was the idea of the President in the first instance to have the Executive offices away from the old White House.

Mr. HALE. It was.

Mr. NEWLANDS. But that subsequently he changed his mind.

Mr. HALE. The President abandoned it——

Mr. NEWLANDS. Absolutely abandoned it.

Mr. HALE. Not at the incitation of Mr. McKim. Of course I do not know who spoke to the President. I know what did occur.

Mr. NEWLANDS. May I ask the Senator from Maine whether he thinks Mr. McKim was engaged in an effort to persuade the President to move the Executive offices over to that corner and to locate them in the building which was designed by Mr. Post? Does not the Senator think it much more reasonable that Mr. McKim was simply pursuing the directions the President had in his own mind regarding the location of the Executive offices?

Mr. HALE. I do not know upon that point and I do not care. I am going to recite what the committee had to do in order to protect the situation.

The joint committee of the two Houses, acting together, visited the White House and went over the ground, and protested to the President that the architect should not be allowed in any way to interfere with the simplicity and the grandeur of the White House; not a great, immense, massive structure, but simple and grand in its smaller details.

Mr. BACON. Will the Senator from Maine permit me to ask him a question in this connection?

Mr. HALE. Yes.

Mr. BACON. I desire to ask the Senator whether or not, prior to the time when the committee made that visit, there had been any action on the part of Congress authorizing the reconstruction of the White House?

Mr. HALE. It was all comprehended in the provision which I propose to read from the appropriation act. The joint committee upon it was the committee that visited the President. It was all done on the appropriation bill.

Mr. BACON. I understand that, but I want to know whether that provision in the appropriation bill was subsequent to the visit that the Senator speaks of?

Mr. HALE. My impression is that the final phrasing of the provision and putting it into form by the committee may have been subsequent to the visit, or there may have been more than one visit. But it was the result of what the committee considered the danger we were under that there would be bold and unwise innovations in that building.

Mr. BACON. The particular inquiry that I desire to address to the Senator is whether it is not true that this work was undertaken and designed prior to any action by Congress authorizing the reconstruction of the building?

Mr. HALE. I do not know——

Mr. BACON. Is it not true that the visit was due to the fact that information came to members of the committee that this work was about to be undertaken?

Mr. HALE. Oh!

Mr. BACON. And that subsequent to that time provision was made in the appropriation bill for carrying it out?

Mr. HALE. If the Senator means that the scheme for entirely going over the White House and making changes there was in the minds of other persons before it came to the Committee on Appropriations, that is true, undoubtedly.

Mr. BACON. Is it not true that the architect was engaged and on his work before there was any authorization by Congress?

Mr. HALE. I have no doubt whatever of that.

Mr. NEWLANDS. If the Senator will permit an interruption, I will state that the entire design by this architect was before the Appropriations Committee when this appropriation was made. I have in my hand the original design of this office, which is marked "Temporary Executive Offices," and the estimates upon which your committee acted show that they simply contemplated a restoration of the White House, and not a new and original structure.

Mr. HALE. I want to comment, by and by, upon the impudence of the architect who, in the face of the act of Congress, persisted in declaring that this office should be only a temporary office. Congress did not provide that and did not intend that. It did not intend that great space should be given in another building far away, but that suitable and commodious quarters for a permanent establishment of the Executive offices should be made; and to prove that, this is the language which, after these conferences with the President, the committee finally put into the bill:

For a building to accommodate the offices of the President, to be located in the grounds of the Executive Mansion, and for each and every purpose connected therewith, including heating apparatus and light fixtures, furniture, and removal of greenhouses, all to be done according to plans the details of which shall be approved by the President—

That was put in because the committee had adjured the President, and he had declared to us in terms and in his characteristic manner that if he had to sit up nights he would see to it that the rude hand of no architect was laid upon that building. So we put in the provision:

the details of which shall be approved by the President and completed in every respect within the sum hereby appropriated, $65,196—

Now, why so large? Because the design of the committee—the design adopted by Congress—was not what the architect impudently thrusts upon us as a transient, temporary building, but a permanent building, one story of which was to be built at the time and the other afterwards. Now, let me go on—

to be expended by contract or otherwise, in the discretion of and under the direction of the President—

Again we were very careful to limit that—

and to be immediately available, and said building—

That is, the office—

shall be constructed with sufficient foundation and walls suitable for a durable, permanent building, and of sufficient strength for an additional story when needed.

I know something about this, because I had something to do with drawing that provision, and I knew if we did not do that and did not put it in the act the architect, who was determined that there should be no permanent office there, would put up such a building that he could declare thereafter that it could not be increased and that another story could not be added to it. That is why we followed this thing up and were compelled to follow it up; and to-day there are thrust before us a programme and sketches and drawings for a temporary office. I do not like to see Congress dealt with in that way.

Whether it be an architect, or a contractor, or whoever it may be, it is the business of anybody executing the law of Congress to conform to it and carry it out, and not to continue to harbor and lurk privily with his own designs in order to ineffectuate everything that Congress does.

Mr. NEWLANDS. I assume the Senator will admit that if the Committee on Appropriations contemplated a durable and permanent building of a monumental character, it was necessary for them to make a sufficient appropriation for that purpose.

Mr. HALE. Who has said anything about a building of a monumental character?

Mr. NEWLANDS. Very well.

Mr. HALE. The Senator is talking the jargon of the architect. I have not said anything about a building of a monumental character. It needs to be a plain, distinct, modest building of two stories, which will not in any way interfere with the President, with none of the roseate colors that the Senator has pictured, and without minarets and domes and all that. That the committee had nothing whatever to do with. It ought to be a a plain, modest structure; and instead of its being confined and the President being put down on the ground, right on the floor, he should be put up on the upper floor, and the lower floor should be used for clerks and offices. It should be a place where, when we visit the President, we will not have to be put in holes and corners, as all of us are. But the architect does not want that. He never did want that.

Mr. NEWLANDS. Will the Senator permit another interruption?

Mr. HALE. Yes.

Mr. NEWLANDS. Let me call the attention of the Senator to the fact that while the committee provided that the building should be a structure "with sufficient foundation and walls suitable for a durable, permanent building, and of sufficient strength for an additional story when needed," they certainly did not at that time contemplate a completed building.

Let me add that the architect has provided durable walls; that they are permanent, and that they are of sufficient strength for an additional story when needed. All that the architect says is that it will be an architectural defect if the additional story is added.

As to my remark regarding the monumental character of the building, that was provoked by the general criticism of the design, the assumption that the offices were inferior in appearance, not partaking of the general character of the public buildings of this city, and my answer to that is that it could have been secured if the committee of which the Senator is a member had provided a sufficient appropriation. The appropriation asked for was only $33,000 for a temporary building, and the Appropriations Committee added $10,000 to that, and it was simply contemplated to make a strong foundation and durable and strong walls, all of which was done by Mr. McKim. So there is no criticism to be indulged in against the architect for his alleged failure to comply with the directions of the committee or of the law. They have been complied with to the letter. The point is that the architects designed simply temporary offices and asked an appropriation of $33,000. The committee added $10,000 for the purpose or making strong foundations and walls. This has been done. The building is durable enough; but owing to the small appropriation is not of the same standard in material and decoration as other public buildings, and hence it must be regarded as a temporary device to meet an emergency.

Mr. HALE. Only as I have said; it was intended to be a permanent structure. We thought we would put on one story and see how it would work. Everybody has seen that it does not work. There is not room enough there. But a moderate story, plain, can be superimposed upon the present building, with no decorations, no spires, no false coloring, which will give ample accommodations for the President and all his offices for forty years to come. That was the design of the committee—to try one story. If we had not put on the provision I have read, the architect would have built a building on which he would have told us it was impossible to superimpose another story.

I wish to say a few words on the general claim that the Senator makes and the architects' association makes for large fees for all public buildings. I make no war upon architects. Where we maintain a very large Supervising Architect's force, whose only purpose and whose only work is to make plans and prepare for public buildings by sketches and plans, and to control it and manage it and see that it is done according to the law, I do not think an architect should come in and charge what he charges a private individual or a railroad company or an association or an insurance company that builds a building and has no such force as we have.

By the way, I had an experience illustrating this. The Supervising Architect's Office is under the control of a very competent gentleman. Of course he is an architect, and when the architects lay down to him fees he will not report against his fellow associates. But he has a very large office, and this year he wanted more, and at his request, in company with the Assistant Secretary, when I had charge of the urgent deficiency appropriation bill, I visited the Treasury Department to see what was needed. We gave him additional room and additional force to do this very work of preparing plans and supervising the construction of Government buildings.

I find here, on page 17 of the legislative act just passed, a provision for the Supervising Architect, with his assistants, messengers, etc., and it provides for a general force, including draftsmen, engineers, computers, accountants, copyists, and all that.

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1905, shall not exceed $350,000.

We are keeping up, and have kept up, and will keep up, a force in the Supervising Architect's Office to do all this work, which force until a few years ago, until the Tarsney Act—and nobody knew how far it would go, nobody knew when it was passed what would be claimed for the act—did all this and did it well. There was no objection found with the erection of buildings throughout the United States under the Supervising Architect, but at that time, without much heat, without scrutiny enough, Congress passed the so-called "Tarsney Act," which was never intended to substitute and to make additional to all this force an outside architect for every public building. It was only supposed that it would apply in a minor degree in certain cases. Now, no building anywhere can be erected by the Government, paid for by the Government, plans made by the Government—if this great force is doing anything in the Supervising Architect's Office—unless there is some professional architect who gets his big fees.

I quoted the other day from the report of the House committee——

Mr. NEWLANDS. Mr. President——

Mr. HALE. The Senator from Nevada will excuse me. I quoted the other day from the report of the House committee on the urgent deficiency bill, showing where $500,000, or about that, was given by Congress for an extension to the insane asylum across the river. It was not difficult work. The Supervising Architect's Office could have done the whole of it easily. But a firm of architects was employed. They charged $9,000 for the plans. Then they charged their percentage on the whole contract, and then a percentage on every payment on the contract, and they drew out of the Treasury $47,000 as their fee. Now, you can not make me believe, and the Senator who is enamored of architects and sees nobody else, who is enamored of all the schemes and plans of the architects, can not make me believe that that was necessary.

Before this bill passes from the supervision of the Senate there will be amendments offered which will restrict and constrain not only the architects, but everybody else. We ought not now, meeting, as we do, the opportunity for acquiring at a reasonable expense a great tract of land on the south side of the avenue and changing it from a rookery of old buildings to the site of magnificent public buildings, to let it pass unavailed of. We ought not to provide for dumping down a public building anywhere else until we get a report from some suitable commission telling us what that triangle will cost; and then, when that is done, at the next session of Congress—I hope I have not gone into this thing superficially—what the Senate ought to do is to provide a special committee to take this matter in charge.

These things do not come especially under any one committee. The Committee on Public Buildings and Grounds deals with the general question of public buildings and grounds throughout the country. Not a single building that I know of has been built in Washington in the last ten years under the control of that committee. Neither does the District Committee seek to do that.

There ought to be a committee made up of such Senators as the Senator from New Hampshire [Mr. GALLINGER], the chairman of the Committee on the District of Columbia, for the District is interested in this matter; the Senator from Indiana [Mr. FAIRBANKS], who is chairman of the Committee on Public Buildings and Grounds, and who is a conservative, careful man; the Senator from Iowa [Mr. ALLISON]; the Senator from Maryland [Mr. GORMAN], who has had long service here, and other Senators. They ought to take this whole matter in charge and report to Congress a plan upon which we can begin to construct buildings on the lower side of the Avenue; and then the question of the architects' fees will come up also. But we ought not to be hurried along and driven to pass a bill of this kind, putting up an immense structure on the western side of that park, when we ought to put everything that is built hereafter for the next thirty years on the land below the Avenue.

Mr. STEWART obtained the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. CHARLES WINSTON THOMPSON, late a Representative from the State of Alabama, and transmitted the resolutions of the House thereon.

The message also announced that the Speaker had appointed Mr. WILEY of Alabama, Mr. CLAYTON, Mr. BOWIE, Mr. PADGETT, Mr. GAINES of Tennessee, Mr. LITTLEFIELD, Mr. BROWN of Wisconsin, Mr. DARRAGH, Mr. WILLIAMS of Illinois, Mr. HILL of Connecticut, Mr. SCARBOROUGH, Mr. SOUTHARD, Mr. PATTERSON of North Carolina, Mr. HOUSTON, and Mr. AIKEN members of the committee on the part of the House.

BUILDING FOR DEPARTMENT OF STATE, ETC.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. STEWART. Mr. President, I did not rise to make a speech, but I rose to call the attention of the chairman of the Committee on Public Buildings and Grounds to several sample buildings here which were constructed before the war. Why is it that the general style of our buildings has so much fallen off from the ancient model? I refer to the Treasury Department building, the Patent Office building, and the old Post-Office building opposite the Patent Office.

Mr. HALE. And the Smithsonian.

Mr. STEWART. And the Smithsonian. Those are buildings which are creditable. The plans were adopted and the buildings constructed with great care. There are only two buildipgs which have been put up since the war that are not subject to severe criticism. Those are the Library building and the new Printing Office.

The Printing Office does very well and has a fine appearance, though I have not been in it to examine it. But look at the other buildings. Everyone is sorry when he looks at them. There has been too much of the architects' originality here. The State, War, and Navy Department building cost enough. It could have been made a dignified building on such a plan as the Patent Office building or on that of one of the other old buildings, and it would have been agreeable to look upon.

I hope that we will not give too much latitude to the genius of originality on the part of the architects. Originality is not always the best thing. There are some things which are old that are still good. I think the architecture of the ancients in many respects surpasses the moderns. Travelers and students of architecture visiting the ruins of Greece and Rome, and particularly of Greece, still admire the ancient architecture, and yet they are unable to pattern after it to the fullest extent. I think they might study the architecture of the ancients and have here something dignified and agreeable, something that is stately and in keeping with a great government. I think that before we give a large percentage to architects, to let them boss us, we should have some idea whether they are going to exhibit a wild originality that everybody will be sorry for. I am disgusted with the wild originality of architects in this capital for the last thirty years.

Mr. MORGAN. Mr. President, it seems unlikely that this bill can be finished this evening, and I ask the Chair to lay before the Senate the resolutions which have come from the other House in respect to the death of Hon. Mr. THOMPSON.

Mr. FAIRBANKS. I was in hopes, Mr. President, that we might have concluded the consideration of the bill this afternoon.

Mr. GORMAN. That is impossible.

Mr. FAIRBANKS. But of course I would not venture to delay the Senate in the consideration of the resolutions. That matter takes precedence of all other business.

DEATH OF REPRESENTATIVE THOMPSON, OF ALABAMA.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House of Representatives, as follows:

IN THE HOUSE OF REPRESENTATIVES,
March 21, 1904.

Resolved, That the House has heard with profound regret of the untimely death of Hon. CHARLES WINSTON THOMPSON, late a Representative from the State of Alabama.

Resolved, That a committee of fifteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. MORGAN. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. CHARLES WINSTON THOMPSON, late a Representative of the Fifth district of the State of Alabama.

Resolved, That a committee of eight Senators be appointed by the President pro tempore to join a committee on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives

The PRESIDENT pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to; and the President pro tempore appointed as the committee on the part of the Senate under the second resolution Mr. MORGAN, Mr. PETTUS, Mr. CULBERSON, Mr. MCLAURIN, Mr. OVERMAN, Mr. SPOONER, Mr. NELSON, and Mr. DOLLIVER.

Mr. PETTUS. Mr. President, I move that the Senate, as a further mark of respect, do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 22, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 21, 1904.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, offered the following prayer:

Our Father who art in Heaven, profoundly impressed with the uncertainty of our earthly existence by the removal of another of our Congressional family, cut off in the midst of a useful and successful career, we most fervently pray that we may so order our lives that when the summons comes we shall be ready with faith and confidence to move forward, realizing that death is not an extinction of being, but an epoch, an event in the grand eternal march of existence.

Be graciously near to those whose hearts have been touched, wounded by this death. Comfort them by the blessed thought that though he may not come to them, they shall surely go to him and dwell with him in the realms of eternal peace. Hear us in the name of Him who taught us the resurrection and the life, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of Friday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 36. An act to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail;

S. 2936. An act for the establishment of a depot for the engineer of the ninth light-house district at or near the city of Milwaukee, Wis.;

S. 3244. An act to incorprate the American Academy in Rome;

S. 4003. An act to establish a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California; and

S. R. 59. Joint resolution providing for the publication of the annual reports, public-health reports, bulletins, and other special publications of the Public Health and Marine-Hospital Service of the United States.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On March 16, 1904:

H. R. 877. An act granting a pension to Ann M. Driggars;

H. R. 1314. An act granting a pension to Denison L. Brown;

H. R. 2995. An act granting a pension to Mary Korth;

H. R. 4589. An act granting a pension to Henry H. Barrett;

H. R. 5006. An act granting a pension to Sarah Ulshafer;

H. R. 6817. An act granting a pension to Rosa Glass;

H. R. 6879. An act granting a pension to Reuben A. Finnell;

H. R. 8849. An act granting a pension to James S. Landerdale;

H. R. 9037. An act granting a pension to Alice W. Clarke;

H. R. 10192. An act granting a pension to Martha Mullins;

H. R. 10700. An act granting a pension to Ella D. Madden;

H. R. 719. An act granting an increase of pension to John H. Willey;

H. R. 720. An act granting an increase of pension to Frank L. Gray;

H. R. 783. An act granting an increase of pension to Nicholas Reinhart;

H. R. 789. An act granting an increase of pension to Eli Lachman;

H. R. 807. An act granting an increase of pension to William F. Benefiel;

H. R. 859. An act granting an increase of pension to Andrew Barr;

H. R. 910. An act granting an increase of pension to Freeman York;

H. R. 941. An act granting an increase of pension to William D. Taylor;

H. R. 1005. An act granting an increase of pension to Marab E. Powell;

H R. 1287. An act granting an increase of pension to Cyrus B. Dopp;

H. R. 1316. An act granting an increase of pension to George W. Day;

H. R. 1317. An act granting an increase of pension to Thomas E. McIntire;

H. R. 1485. An act granting an increase of pension to Franklin Ferguson;

H. R. 1563. An act granting an increase of pension to Ory Warriner;

H. R. 1566. An act granting an increase of pension to Ellis T. Peirce;

H. R. 1623. An act granting an increase of pension to John H. Reed;

H. R. 2001. An act granting an increase of pension to Nora J. Glahn;

H. R. 2116. An act granting an increase of pension to Richard C. Ivory;

H. R. 2192. An act granting an increase of pension to William O. Smith;

H. R. 2204. An act granting an increase of pension to Addison B. Stone;

H. R. 2470. An act granting an increase of pension to Harriet S. Packard;

H. R. 2573. An act granting an increase of pension to William G. Cronkite;

H. R. 2692. An act granting an increase of pension to Elwood Finley;

H. R. 2769. An act granting an increase of pension to William E. Armstrong;

H. R. 2930. An act granting an increase of pension to Lafayette M. Greene;

H. R. 3370. An act granting an increase of pension to Joseph Adams;

H. R. 3402. An act granting an increase of pension to Daniel Nagle, jr.;

H. R. 3769. An act granting an increase of pension to Clinton M. Casey;

H. R. 3909. An act granting an increase of pension to George Hayden;

H. R. 3910. An act granting an increase of pension to Charles W. Hoffman;

H. R. 3936. An act granting an increase of pension to Isaac Frazier;

H. R. 4119. An act granting an increase of pension to William Mercer;

H. R. 4151. An act granting an increase of pension to John W. Foland;

H. R. 4179. An act granting an increase of pension to Martha C. Kuhn;

H. R. 4180. An act granting an increase of pension to Joseph G. Thomas;

H. R. 4192. An act granting an increase of pension to Frederick A. Slocum;

H. R. 4198. An act granting an increase of pension to Edwin Lake;

H. R. 4314. An act granting an increase of pension to John F. Slade;

H. R. 4326. An act granting an increase of pension to Wilfred C. McCardell;

H. R. 4391. An act granting an increase of pension to Nicholas Schwemler;

H. R. 4449. An act granting an increase of pension to William Brown;

H. R. 4466. An act granting an increase of pension to William R. Burton;

H. R. 4605. An act granting an increase of pension to William Herlinger;

H. R. 4630. An act granting an increase of pension to Thaddeus S. Collins;

H. R. 4642. An act granting an increase of pension to William L. Wheeler;

H. R. 4674. An act granting an increase of pension to John Thompson;

H. R. 4679. An act granting an increase of pension to Martha M. Pierce;

H. R. 4702. An act granting an increase of pension to John T. Collins;

H. R. 4719. An act granting an increase of pension to Joseph F. Carter;

H. R. 4872. An act granting an increase of pension to Albert W. Bradbury;
H. R. 4910. An act granting an increase of pension to Prudentia L. D. Nugent;
H. R. 4964. An act granting an increase of pension to Charles E. Mink;
H. R. 5045. An act granting an increase of pension to Albert S. Elmore;
H. R. 5149. An act granting an increase of pension to John W. Erwin;
H. R. 5155. An act granting an increase of pension to John J. Tompkins;
H. R. 5479. An act granting an increase of pension to William H. Anderson;
H. R. 5532. An act granting an increase of pension to Levi Vassar;
H. R. 5538. An act granting an increase of pension to Emily Chapman;
H. R. 5603. An act granting an increase of pension to William C. McCormick;
H. R. 5750. An act granting an increase of pension to William Cassidy;
H. R. 5849. An act granting an increase of pension to Catharine R. Brown;
H. R. 5868. An act granting an increase of pension to William Simmons;
H. R. 5879. An act granting an increase of pension to Bennett Putnam;
H. R. 5999. An act granting an increase of pension to Ann Jennett Whitney;
H. R. 6038. An act granting an increase of pension to Benjamin George;
H. R. 6335. An act granting an increase of pension to James A. Barnes;
H. R. 6455. An act granting an increase of pension to Abraham W. Cochran;
H. R. 6602. An act granting an increase of pension to Benjamin F. Hackett;
H. R. 6618. An act granting an increase of pension to Henry C. Coffin;
H. R. 6703. An act granting an increase of pension to Levi Remick;
H. R. 6814. An act granting an increase of pension to Edward W. Miller;
H. R. 6816. An act granting an increase of pension to Frederick Ratzel;
H. R. 6869. An act granting an increase of pension to Lorenzo D. Elmer;
H. R. 6951. An act granting an increase of pension to Charles G. Corr;
H. R. 6977. An act granting an increase of pension to Mary A. Graves;
H. R. 6999. An act granting an increase of pension to Albert W. Jones;
H. R. 7083. An act granting an increase of pension to Albert P. Jackson;
H. R. 7096. An act granting an increase of pension to Eva A. Burgess;
H. R. 7236. An act granting an increase of pension to William R. McCullough;
H. R. 7311. An act granting an increase of pension to Rachel Large;
H. R. 7410. An act granting an increase of pension to Enos D. Hoge;
H. R. 7418. An act granting an increase of pension to Peter Minkler;
H. R. 7436. An act granting an increase of pension to James Smith;
H. R. 7444. An act granting an increase of pension to Washington J. Dutcher;
H. R. 7659. An act granting an increase of pension to Emma M. Elliott;
H. R. 7680. An act granting an increase of pension to De Witt C. Folsom;
H. R. 7719. An act granting an increase of pension to Hiram B. Cozine;
H. R. 7737. An act granting an increase of pension to Howard McGuire;
H. R. 7805. An act granting an increase of pension to William N. Hall;
H. R. 7814. An act granting an increase of pension to James G. Andrews;
H. R. 7992. An act granting an increase of pension to Isidore F. Chamberlain;
H. R. 7999. An act granting an increase of pension to David W. Williamson;
H. R. 8079. An act granting an increase of pension to Charles La Forest;
H. R. 8124. An act granting an increase of pension to Elizabeth Hatfield;
H. R. 8173. An act granting an increase of pension to Anna Waters;
H. R. 8203. An act granting an increase of pension to James M. Hemphill;
H. R. 8231. An act granting an increase of pension to John Gangwisch;
H. R. 8284. An act granting an increase of pension to Samuel G. Woods;
H. R. 8379. An act granting an increase of pension to Ira B. Wambaugh;
H. R. 8718. An act granting an increase of pension to Caswell P. Ford;
H. R. 8733. An act granting an increase of pension to Benjamin F. McGraw;
H. R. 8811. An act granting an increase of pension to James Dougherty;
H. R. 8835. An act granting an increase of pension to Charles H. Jackson;
H. R. 8863. An act granting an increase of pension to Edward O'Malley;
H. R. 8966. An act granting an increase of pension to James M. Fink;
H. R. 8970. An act granting an increase of pension to Charles B. Hart;
H. R. 8984. An act granting an increase of pension to John I. Rundberg;
H. R. 8991. An act granting an increase of pension to William E. Mattison;
H. R. 8992. An act granting an increase of pension to William C. Davis;
H. R. 8998. An act granting an increase of pension to Henry L. Beach;
H. R. 9024. An act granting an increase of pension to Jacob Laird;
H. R. 9035. An act granting an increase of pension to Joseph Branen;
H. R. 9060. An act granting an increase of pension to John Connors;
H. R. 9064. An act granting an increase of pension to Edwin Tidd;
H. R. 9125. An act granting an increase of pension to William S. King;
H. R. 9273. An act granting an increase of pension to James H. Sackett;
H. R. 9376. An act granting an increase of pension to Martin Renthler;
H. R. 9421. An act granting an increase of pension to Thomas P. Marshall;
H. R. 9426. An act granting an increase of pension to William S. Campbell;
H. R. 9587. An act granting an increase of pension to Bartlett S. Haggard;
H. R. 9610. An act granting an increase of pension to Frederick Halling;
H. R. 9695. An act granting an increase of pension to Frank M. Spears;
H. R. 9710. An act granting an increase of pension to Henry Frazier;
H. R. 9753. An act granting an increase of pension to Sarah J. Loomis;
H. R. 9778. An act granting an increase of pension to Loriston W. Adkins;
H. R. 9903. An act granting an increase of pension to George W. Harlan;
H. R. 9988. An act granting an increase of pension to William Ellis;
H. R. 9999. An act granting an increase of pension to William Edgar;
H. R. 10068. An act granting an increase of pension to James G. Saims;
H. R. 10180. An act granting an increase of pension to William E. McDowell;
H. R. 10194. An act granting an increase of pension to Marion Long;
H. R. 10268. An act granting an increase of pension to Margaret E. Keller;
H. R. 10378. An act granting an increase of pension to Sarah J. Shell;
H. R. 10640. An act granting an increase of pension to Horace E. Wood;
H. R. 10648. An act granting an increase of pension to Agnes Shearer;

H. R. 10682. An act granting an increase of pension to Marion Arnold;
H. R. 10694. An act granting an increase of pension to Alderson T. Keen;
H. R. 10706. An act granting an increase of pension to Alfred J. West;
H. R. 10748. An act granting an increase of pension to Kate Ridgway;
H. R. 10794. An act granting an increase of pension to Moses Hurlbut;
H. R. 10850. An act granting an increase of pension to Adaline L. Power;
H. R. 10904. An act granting an increase of pension to Edson H. Crawford;
H. R. 10991. An act granting an increase of pension to Francis C. McFarland;
H. R. 11052. An act granting an increase of pension to Mary Eaton Livingston;
H. R. 11076. An act granting an increase of pension to Elvira Miller;
H. R. 11113. An act granting an increase of pension to Silas Soules;
H. R. 11194. An act granting an increase of pension to Frank S. Nickerson;
H. R. 11310. An act granting an increase of pension to John W. Swisher;
H. R. 11319. An act granting an increase of pension to Mary C. Arnold;
H. R. 11343. An act granting an increase of pension to Matthew S. Priest;
H. R. 11413. An act granting an increase of pension to Jasper F. Morton; and
H. R. 11556. An act granting an increase of pension to Edward M. Tappen.

On March 15, 1904:
H. R. 1909. An act to authorize the conveyance to the town of Winthrop, Mass., for perpetual use as a public road, of a certain tract of land; and
H. R. 8160. An act to authorize the construction of bridges across a portion of the Minnesota River in the State of Minnesota.

On March 17, 1904:
H. J. Res. 118. Joint resolution authorizing the Secretary of the Interior to use $5,000 of the amount appropriated by the act approved February 18, 1904 (Public, No. 22), for clerical work and labor connected with the sale and leasing of Creek lands and the leasing of Cherokee lands in Indian Territory.

On March 18, 1904:
H. R. 9480. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

On March 19, 1904:
H. R. 819. An act to quitclaim all interest of the United States of America in and to all of square 1131, in the city of Washington, D. C., to Sidney Bieber;
H. R. 9053. An act to amend an act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County; and
H. R. 10761. An act to authorize the Secretary of War to accept from the citizens of Missoula, Mont., deeds donating to the United States certain lands for the enlargement of the military reservation of Fort Missoula, Mont.

On March 21, 1904:
H. R. 11928. An act for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4003. An act to establish a fog signal at Quarry Point, Angel Island, Bay of San Francisco, California—to the Committee on Interstate and Foreign Commerce.
S. 3244. An act to incorporate the American Academy in Rome—to the Committee on the Library.
S. 36. An act to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail—to the Committee on Claims.
S. 2936. An act for the establishment of a depot for the engineer of the ninth light-house district at or near the city of Milwaukee, Wis.—to the Committee on Interstate and Foreign Commerce.
S. R. 59. Joint resolution providing for the publication of the annual reports, public health reports, bulletins, and other special publications of the Public Health and Marine-Hospital Service of the United States—to the Committee on Printing.
S. 5054. An act to provide for the disposal of timber on public lands chiefly valuable for timber, and for other purposes—to the Committee on the Public Lands.
S. 1362. An act for the relief of the Postal Telegraph-Cable Company—to the Committee on Claims.
S. 2164. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired—to the Committee on Naval Affairs.
S. 2284. An act for the relief of John T. Wertz and Walter H. Shupe—to the Committee on Private Land Claims.
S. 2540. An act authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy—to the Committee on Naval Affairs.
S. 3165. An act providing for second and additional homestead entries, and for other purposes—to the Committee on the Public Lands.
S. 3905. An act to establish aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3658. An act ratifying an act of the legislative assembly of the Territory of Oklahoma, legalizing the waterworks bond election held by the city of Geary, in said Territory.

QUESTION OF PRIVILEGE.

Mr. HEPBURN. Mr. Speaker, I rise to a question of the highest privilege.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I ask the Clerk to read the resolution which I send to the desk.

The Clerk read as follows:

Whereas Hon. ROBERT BAKER, of New York, on March 18, 1904, obtained leave in the Committee of the Whole House on the state of the Union to insert remarks in the RECORD; and
Whereas under the leave so given he has printed as his remarks charges against a Member of this House in his representative capacity; and
Whereas the said charges against the character of a Member were not in order and were an abuse of the privilege of the House: Therefore
Resolved, That the said remarks, extending on pages 3603, 3604, and 3605 of the RECORD of the date of March 18, 1904, be, and are hereby, expunged from the RECORD, and are declared not to be a legitimate part of the official debates of the House.

Mr. HEPBURN. Mr. Speaker, the matter referred to is to be found on page 3603 and the following pages of the CONGRESSIONAL RECORD. Instead of the matter that is put in the RECORD, I send to the Clerk's desk the actual record that was made at that time, and desire that it may be read.

The Clerk read as follows:

Mr. BAKER. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking unanimous consent to insert some remarks in the RECORD on this bill.
The CHAIRMAN. The gentleman from New York asks unanimous consent to insert some remarks in the RECORD on this bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HEPBURN. Mr. Chairman, at the time the gentleman from New York arose in his place the Committee of the Whole House on the state of the Union was considering the post-office appropriation bill, and this clause was under consideration:

For unusual business accruing at third and fourth class post-offices, $500,000: *Provided*, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish the rules or regulations governing the Department in the allotment of the same.

To which Mr. OVERSTREET offered an amendment:

And provided further, That the Postmaster-General shall report to Congress, prior to February 1, 1905, the method of application of this sum and all circumstances under which the appropriation has been disbursed.

The gentleman from Texas [Mr. BURLESON] offered an amendment, as follows:

Provided, That no part of this appropriation shall be disbursed until the Postmaster-General shall publish the rules or regulations governing the Department in the allotment of same.

That was the matter, Mr. Speaker, to which debate legitimately should have been addressed.

I do not care to enter into any discussion of this subject. It will be apparent to every Member of this House who has read the portion of the RECORD that is referred to that a flagrant violation of the rules of this House was committed; that under the permission to print that that was legitimate, that that was authorized by the rules of the House, a gentleman has indulged in certain remarks and has attempted to reenforce them by extracts from newspapers and extracts derived from other sources that contain grievous charges against the honor and integrity of a Member of this House. No man would have been permitted to use the language in debate that is found in these extracts. He would have been promptly called to order. He would have been compelled to take his seat. But in this irregular manner this offense has been committed, and therefore it seems entirely proper that the House

should show its unwillingness that such procedure should occur by, in this mild way of rebuke, expunging the offensive matter from the RECORD.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS of Mississippi and Mr. BAKER rose.

The SPEAKER. Does the gentleman yield?

Mr. HEPBURN. I will yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Speaker, what part of the remarks of the gentleman from New York [Mr. BAKER] does the gentleman from Iowa [Mr. HEPBURN] propose to expunge?

Mr. HEPBURN. All of it; the entire speech and exhibits.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I do not think that the part of the gentleman's remarks beginning with the words "Mr. Chairman" and ending with the words "Post-Office Department," at the end of the heavily printed type, should be expunged. I have not had time to read all of it and I will ask the gentleman from Iowa what part he thinks is expungeable.

Mr. HEPBURN. It is all expungeable for this reason, that it was not debate upon a pending question, and that is sufficient. It is offensive and so declared by our rules that require the five-minute debate to be responsive to the subject then pending.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, it is undoubtedly true that a Member of Congress under the leave to print has no right to make a personal attack or an attack upon the integrity or honor of another Member of Congress. That is perfectly true. A motion based upon that idea could not be resisted. But the gentleman from Iowa bases his motion upon nongermaneness to the amendment and paragraph under consideration under the five-minute rule, when the gentleman from New York arose, and the other day Members were rising in their places and were getting one minute, two minutes, and four minutes for the purpose of extending in the RECORD. Extension in the RECORD was being given, and in nearly every instance the Members did not confine themselves to the amendment under consideration or to the paragraph, but in many instances were making explanations of their connection with the Bristow report and very many other things in connection with the post-office bill generally. Now, I think the gentleman from Iowa ought to modify his resolution so as to include only that part of the remarks of the gentleman from New York [Mr. BAKER] which constitute a charge against a Member of Congress and also this part, if the gentleman from Iowa [Mr. HEPBURN] will pardon me, on page 3603, in the first column, where the large print is to be found—the part beginning "As tending to show how closely the relationship which is said to exist" and ending with the words "Milwaukee, Wis.," at the end of that paragraph. That is the only part of the large print that I see which touches upon the question of taking advantage of leave to print to make a personal attack.

Mr. Speaker, furthermore, in this connection, the other day the gentleman from New York [Mr. SOUTHWICK] had read, subject to this same objection, if we had been carrying out the rules strictly, an article from the New York World. None of us objected. I did not want to object. Later the gentleman from Ohio [Mr. GROSVENOR] had inserted in the RECORD, under leave to extend, an article from the newspaper of ex-Postmaster-General Smith—the Philadelphia Press. Of course if we are going into this strictly on the rules, as applicable to the pending paragraph, none of them are applicable; but we were all agreeing that all this should go on in order that Members might have an opportunity to explain their connection with this Bristow report. I do not think the gentleman from Iowa [Mr. HEPBURN] ought to invoke the rule too strictly or too technically. I suppose the gentleman from New York [Mr. BAKER] will himself recognize that under the right to extend he made a mistake in bringing in the name of any Member and that that part of his recorded remarks ought to go out.

Mr. OVERSTREET. Permit me to call the attention of the gentleman from Iowa [Mr. HEPBURN] to the fact that at the very beginning of the remarks just referred to by the gentleman from Mississippi [Mr. WILLIAMS] the gentleman from New York [Mr. BAKER] made reference to certain individuals (without naming them) and their peculiar friendship, and the latter part of the remarks seems to indicate that by these introductory remarks the gentleman from New York [Mr. BAKER] meant to refer to the person named in the item which he puts into the RECORD. In the former part of his remarks he says:

> The railroads have always had their friends; and it is therefore not surprising that they should recognize their friends.

We have there, in the very beginning——

Mr. WILLIAMS of Mississippi. That is no personal attack upon an individual.

Mr. OVERSTREET. But the gentleman follows it with extracts which clearly show the reference intended.

Mr. WILLIAMS of Mississippi. I understand; but that first portion of the remarks to which the gentleman from Indiana refers can not become obnoxious by reason of the matter which follows when the matter which follows shall be, as it ought to be, stricken out.

Mr. OVERSTREET. The things are so interwoven——

Mr. WILLIAMS of Mississippi. The gentleman from Indiana and I have frequently made remarks of that character. I think everybody will admit that "the railroads have their friends, and that they recognize their friends." Remarks of that sort are made upon this floor very often.

Mr. OVERSTREET. But not connected with such statements as are made in these extracts from certain papers.

Mr. WILLIAMS of Mississippi. That part making direct reference to an individual ought to be stricken from the RECORD; to that I agree. It is indefensible as a precedent.

Mr. HEPBURN. Mr. Speaker, I think it is scarcely accurate on the part of the gentleman from Mississippi to say that he and the gentleman from Indiana every day, or frequently, indulge in discussion of that kind. I am sure that neither one of those gentlemen has ever indulged in discussion of this kind.

Mr. WILLIAMS of Mississippi. The gentleman misunderstood me. I said that we frequently indulge in remarks like that in regard to the "railroads having their friends and the railroads recognizing their friends."

Mr. HEPBURN. There is a purpose throughout the whole of these remarks as printed by the gentleman from New York to bring reflection and to cast dishonor upon a Member of this House.

Mr. WILLIAMS of Mississippi. That part ought to be stricken out.

Mr. HEPBURN. The other remarks are merely introductory and are for the purpose of emphasizing and giving currency to the statements that are later to be found in the publication, and which are, I may say, mere additions to the previous remarks.

I am not able to distinguish between different parts of that which the gentleman is reputed to have uttered. The fact is, there was no utterance by the gentleman on this subject. The fact is, that this publication is not an extension of remarks upon this bill. The truth is, that not one word of all this was uttered by him; and the greater part of it could not have been uttered by any gentleman in the presence of this House without his being called to order.

I am not disposed to make nice and refined distinctions in this matter. The whole of it is objectionable, clearly objectionable, under a rule of the House, and therefore, while all of it may not perhaps be so objectionable under the rule which requires decorum and decency in debate, it offends under the other rule which requires that discussion should be germane to the subject-matter. I therefore think the gentleman from Mississippi ought not to be strenuous in asking that we should attempt to dissect this matter and select particular sentences that may not be so offensive as other sentences.

Mr. WILLIAMS of Mississippi. Will the gentleman from Iowa yield to me?

Mr. HEPBURN. How much time?

Mr. WILLIAMS of Mississippi. Five or ten minutes; I do not think I shall need so much time.

Mr. HEPBURN. I yield to the gentleman ten minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I am going to move to amend the resolution by moving——

Mr. HEPBURN. I do not yield for an amendment.

Mr. WILLIAMS of Mississippi. Mr. Speaker, has the previous question been called?

Mr. HEPBURN. No; but I have the floor.

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, have I not the right in my own time——

The SPEAKER. The gentleman from Mississippi is speaking in the time of the gentleman from Iowa [Mr. HEPBURN].

Mr. WILLIAMS of Mississippi. Then, Mr. Speaker, in that time I wish to say that I do want to offer, if the opportunity be given to me, an amendment. I propose to move to strike out all that part of these remarks except what I shall now read. I ask the attention of the House on both sides to what I shall read, to see if under the operation of the rule as enforced the other day, and in view of the manner in which the House was conducting itself, there is anything to be expunged other than what I omit to read.

Now, then, Mr. Speaker, if these remarks shall be expunged—that is, the part I am going to read now—I shall follow it by a motion to expunge from the RECORD the editorial put there the other day by the gentleman from Ohio on leave to extend.

Mr. GROSVENOR. Mr. Speaker, will the gentleman allow me a word? I asked a special privilege to publish the particular thing which I did publish, and it did not assail any Member of Congress or the good faith of anybody else.

Mr. WILLIAMS of Mississippi. I know that, and for that reason——

Mr. GROSVENOR. And it bore upon the special question under consideration.

Mr. WILLIAMS of Mississippi. Now, Mr. Speaker, it did not bear upon the special question under consideration. I have not

yielded to the gentleman, because I have only a minute of time. Since he has interrupted me, however, I want to acquit him of any sort of wrongdoing in putting the article in the RECORD. There was none. He asked permission to extend his remarks, and in extending them under that permission he put in the RECORD this article from the Philadelphia paper, which did not——

Mr. GROSVENOR. I beg the gentleman——

Mr. WILLIAMS of Mississippi. Will the gentleman allow me—which did not reflect upon any Member of this House. There was absolutely nothing wrong in putting it in the RECORD, and the only objection that could be made to it would be the technical objection that the article did not refer to the paragraph under consideration or to the amendment immediately preceding it—precisely the point raised by the gentleman from Iowa. The only ground that can be made for striking out of the RECORD the remarks which I am now going to read is that technical ground; and if the gentleman from Iowa [Mr. HEPBURN] will give me the opportunity to amend his resolution, I will move, or I will accept from him, an amendment to expunge from the RECORD all except the following; and I ask the gentleman's attention, to see if there is a word in this that ought to be expunged under the operation of the House the other day.

[Mr. WILLIAMS of Mississippi then read the first two paragraphs of Mr. BAKER'S remarks, which he omits herefrom in consequence of his agreement and the subsequent action of the House.]

Mr. WILLIAMS of Mississippi. Now, skip to where I am going to read now:

It would seem to me, Mr. Chairman—

Is the gentleman from Iowa following me?

Mr. PAYNE. I make the point of order against the gentleman reading that. I do not propose by this method to allow him to get into the RECORD what the House is now considering the propriety of striking out.

Mr. WILLIAMS of Mississippi. I move to strike out——

Mr. PAYNE. I make the point of order.

Mr. WILLIAMS of Mississippi. There is no point of order.

Mr. PAYNE. Well, I make one, if there is not any.

Mr. WILLIAMS of Mississippi. Now, I want to skip the next paragraph.

The SPEAKER. One word. The gentleman will suspend for a moment. The gentleman from Mississippi [Mr. WILLIAMS] has read the two first paragraphs on page 3603, and he gives notice that he is proceeding to read the third paragraph——

Mr. WILLIAMS of Mississippi. No; I do not want to read the third paragraph. I want to read the fourth. I want to skip the third because I think the third ought to be expunged. The third contains the name of the gentleman from Wisconsin.

Mr. PAYNE. I object to the gentleman stating that while the point of order is pending.

The SPEAKER. The gentleman makes the point of order, as the Chair understands, that the reading of the fourth—and does he intend to read the fifth?

Mr. WILLIAMS of Mississippi. Yes; the fourth and the fifth.

The SPEAKER. The third, fourth and fifth——

Mr. WILLIAMS of Mississippi. Not the third.

The SPEAKER. The fourth and fifth.

Mr. WILLIAMS of Mississippi. Now, there is not one word in either the fourth or fifth that mentions any Member or hints at any Member.

Mr. PAYNE. It refers to a Member. It has no point whatever unless it does refer to one.

Mr. WILLIAMS of Mississippi. Oh, well, I think it has. The House can judge of that if the gentleman will let the House hear it.

Mr. HEPBURN. I will suggest to the gentleman that every Member has this before him.

Mr. WILLIAMS of Mississippi. Well, I know; but every Member has not read it.

Mr. HEPBURN. It is on his desk, and the gentleman ought not to try to violate the rule by getting matter into his speech which has been inserted in violation of the rule by the gentleman from New York [Mr. BAKER].

Mr. WILLIAMS of Mississippi. I am not trying to violate the rule. I will go further and will say to the gentleman from Iowa that if the House adopts the resolution to expunge all of this speech of the gentleman from New York I will expunge from my remarks the reading of this part of it.

Mr. PAYNE. I do not see how it can be expunged after it has been read, without another motion.

Mr. WILLIAMS of Mississippi. Not at all. I will take it out under the power of revision, or I will ask unanimous consent that it go out.

The SPEAKER. The gentleman from New York makes the point of order that it is not in order to read the fourth and fifth paragraphs, which the gentleman is proceeding to read. Now, it seems to the Chair that, as to those paragraphs, the gentleman's point of order is well taken. But the gentleman from Mississippi now says that he desires to read those paragraphs with the understanding that, if the sense of the House is that they should be stricken out, all that he states will be stricken out, and ask unanimous consent therefor. Is there objection?

Mr. WILLIAMS of Mississippi. I state that if the judgment of the House shall be to strike out the entire speech that part of it which I read shall also be stricken out. I ask unanimous consent.

The SPEAKER. Let the Chair understand the gentleman. The gentleman says if it is the sense of the House to strike out all——

Mr. WILLIAMS of Mississippi. Of Mr. BAKER'S speech.

The SPEAKER. All that is printed—that then the gentleman will strike out what he reads.

Mr. WILLIAMS of Mississippi. Yes; being a part of it, and within the spirit of the House rules.

The SPEAKER. And the gentleman from New York made the point of order against the reading of those paragraphs.

Mr. WILLIAMS of Mississippi. I am not going to read anything but what I have said—the fourth and fifth paragraphs.

The SPEAKER. The fourth and fifth paragraphs. Is there objection?

Mr. PAYNE. Mr. Speaker, I do not think it worth while to try to edit this speech and try to make a speech of it on the floor of the House.

Mr. WILLIAMS of Mississippi. I want to argue the point of order. I do not think the point of order will lie.

The SPEAKER. The Chair will hear the gentleman.

Mr. WILLIAMS of Mississippi. I do not think the point of order will lie. Does the gentleman from New York object?

Mr. PAYNE. I certainly do. I do not think it worth while to try to edit this speech and make a speech of it on the floor of this House.

Mr. WILLIAMS of Mississippi. I do not think the point of order is good. It is the ordinary usage of this House that when any part of a speech made by any gentleman on the floor or under a leave to extend his remarks in the RECORD is objected to on the ground that it is of a personal character or involves an attack upon the integrity of any Member of this House, to move to strike out that part of the speech. It does not go to all the speech. There are precedents after precedents where that has been done. Now, if the gentleman is not going to give an opportunity to amend, I at least ought to be given an opportunity to suggest wherein I want to amend. I want to be perfectly fair.

I do not want to resist so much of the gentleman's motion as is right; I do not think that it is a part of my duty to resist that much of it. But I do think it is a part of my duty to resist so much of the motion as it seems to me is ill taken. Now, I have read a part of the remarks; the balance every Member of the House can read. In paragraphs 4 and 5 there is not one word that refers to a single Member of the House in any sense, and therefore, in my opinion, there is no part of it that can be affected by the gentleman's motion. If there is, we can take almost any speech out of the RECORD inserted under the leave to print in the debate under the five-minute rule on that day and the day previous. Gentlemen asked recognition and were recognized for two or three minutes, and then asked leave to print; and they printed in the RECORD their explanations of their connection with the Bristow report.

Those remarks made by gentlemen inserted in the RECORD in that way were not applicable to the paragraph which immediately preceded the remarks nor any pending amendment. Not a bit of it. What is the distinction between that and this? The only distinction is that in this case a Member of the House is named and a charge made involving the integrity of that Member. All those remarks constituting the exception I admit ought to be expunged from the RECORD. No defense can be made of that portion, and it is a violation of the rule that controls and ought in propriety to control all leaves to extend in the RECORD.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. TAWNEY. How do you draw a distinction between a paper which is presented at the Clerk's desk and read to the House, where every Member of the House can make a point of order against it, and a paper that is published under a leave to extend remarks?

Mr. WILLIAMS of Mississippi. It was not presented at the desk.

Mr. TAWNEY. What is the distinction the gentleman draws between the two?

Mr. WILLIAMS of Mississippi. I will call the attention of the gentleman to what occurred. Time and time again here Members have been recognized; they simply used the privilege to ex-

plain their connection with the Bristow report. There would be a certain part that would be written as original and documents would be inserted accompanying their remarks.

Now, I thought to be perfectly fair about this, Mr. Speaker. I believe in a very liberal use of the power of revision and the power under it to extend, but I think we all recognize, I think the gentleman from New York himself must recognize—he is a new Member and inexperienced and did not know, perhaps—but he will now recognize that under the leave to extend remarks in the RECORD one has no right to impeach the integrity, the honor, the truthfulness, the character, or the political standing of a fellow-Member of the House. Now, Mr. Speaker, I hope the gentleman from New York will withdraw his objection just to the reading of these two paragraphs. Mr. Speaker, I submit this request for unanimous consent.

The SPEAKER. Just what does the gentleman desire?

Mr. WILLIAMS of Mississippi. I ask unanimous consent that, having read paragraphs 1 and 2, I be permitted to read paragraphs 4 and 5, and I couple that request with this request, that if the House by its action shall expunge the remarks of the gentleman from New York that paragraphs 1 and 2 and 4 and 5, read by me as part of my remarks, shall also be expunged from the RECORD, or rather that I be not granted leave to insert them.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York demands the regular order.

Mr. WILLIAMS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. I would like to know how long the gentleman from Iowa is recognized?

The SPEAKER. The gentleman has an hour.

Mr. WILLIAMS of Mississippi. Now, I would like to ask the gentleman from Iowa, do you propose to call the previous question without giving opportunity to amend?

Mr. HEPBURN. I propose to call the previous question; yes, sir. Mr. Speaker, now as to the point of order——

The SPEAKER. The point of order has been disposed of.

Mr. HEPBURN. Then, Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Iowa demands the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS of Mississippi. Division, Mr. Speaker.

The House divided; and there were—ayes 135, noes 100.

Mr. WILLIAMS of Mississippi. Let us have tellers, Mr. Speaker.

Mr. HEPBURN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 98, answered "present" 14, not voting 140, as follows:

YEAS—130.

Adams, Pa.	Draper,	Kinkaid,	Powers, Mass.
Adams, Wis.	Dresser,	Knapp,	Prince,
Allen,	Esch,	Knopf,	Reeder,
Ames,	Fordney,	Kyle,	Roberts,
Bates,	Foss,	Lacey,	Rodenberg,
Bede,	Foster, Vt.	Lanning,	Scott,
Birdsall,	French,	Lawrence,	Sherman,
Bishop,	Fuller,	Littauer,	Shiras,
Bonynge,	Gibson,	Littlefield,	Sibley,
Boutell,	Gillet, N. Y.	Loud,	Smith, Ill.
Bowersock,	Gillett, Cal.	Lovering,	Smith, Wm. Alden
Bradley,	Gillett, Mass.	McCarthy,	Smith, Pa.
Brandegee,	Graff,	McCreary, Pa.	Snapp,
Brown, Wis.	Greene,	McLachlan,	Southard,
Buckman,	Grosvenor,	Mahon,	Southwick,
Burkett,	Hamilton,	Mann,	Spalding,
Butler, Pa.	Haskins,	Marsh,	Sperry,
Calderhead,	Haugen,	Marshall,	Stafford,
Campbell,	Hedge,	Miller,	Sterling,
Cassel,	Hemenway,	Minor,	Sulloway,
Castor,	Henry, Conn.	Mondell,	Tawney,
Conner,	Hepburn,	Moon, Pa.	Tirrell,
Cousins,	Hermann,	Morgan,	Townsend,
Cromer,	Hill, Conn.	Mudd,	Van Voorhis,
Crumpacker,	Hinshaw,	Needham,	Volstead,
Currier,	Hogg,	Norris,	Vreeland,
Curtis,	Holliday,	Otjen,	Warnock,
Cushman,	Howell, N. J.	Overstreet,	Watson,
Daniels,	Hughes, W. Va.	Palmer,	Wiley, N. J.
Darragh,	Hull,	Parker,	Williamson,
Davis, Minn.	Humphrey, Wash.	Payne,	Young.
Dixon,	Jones, Wash.	Perkins,	
Douglas,	Ketcham,	Porter,	

NAYS—98.

Aiken,	Brantley,	Candler,	Denny,
Badger,	Breazeale,	Cassingham,	Field,
Beall, Tex.	Brundidge,	Clark,	Finley,
Benny,	Burgess,	Clayton,	Fitzgerald,
Benton,	Burleson,	Cowherd,	Gaines, Tenn.
Bowers,	Caldwell,	De Armond,	Garber,
Garner,	Humphreys, Miss.	Moon, Tenn.	Smith, Tex.
Gilbert,	Hunt,	Padgett,	Snook,
Gillespie,	Kehoe,	Page,	Spight,
Goldfogle,	Kelliher,	Patterson, N. C.	Stanley,
Gooch,	Kitchin, Claude	Patterson, Tenn.	Stephens, Tex.
Gregg,	Kitchin, Wm. W.	Pierce,	Sullivan, Mass.
Griffith,	Kluttz,	Pou,	Swanson,
Griggs,	Lamar, Mo.	Rixey,	Talbott,
Gudger,	Lamb,	Robinson, Ind.	Thayer,
Hamlin,	Lester,	Rucker,	Thomas, N. C.
Harrison,	Lever,	Ruppert,	Underwood,
Hay,	Lind,	Russell,	Webb,
Hearst,	Lindsay,	Scarborough,	Weisse,
Henry, Tex.	Little,	Shackleford,	Wiley, Ala.
Hill, Miss.	Lloyd,	Sheppard,	Williams, Ill.
Hitchcock,	Lucking,	Shober,	Williams, Miss.
Houston,	McLain,	Sims,	Zenor.
Howard,	McNary,	Slayden,	
Hughes, N. J.	Maddox,	Small,	

ANSWERED "PRESENT"—14.

Adamson,	Hardwick,	Miers, Ind.	Stevens, Minn.
Davidson,	Hunter,	Sherley,	Wachter.
Dayton,	Landis, Chas. B.	Shull,	
Gardner, Mich.	Lilley,	Smith, Samuel W.	

NOT VOTING—140.

Acheson,	Dick,	Lafean,	Rhea,
Alexander,	Dickerman,	Lamar, Fla.	Richardson, Ala.
Babcock,	Dinsmore,	Landis, Frederick	Richardson, Tenn.
Baker,	Dougherty,	Legare,	Rider,
Bankhead,	Dovener,	Lewis,	Robb,
Bartholdt,	Driscoll,	Livernash,	Robertson, La.
Bartlett,	Dunwell,	Livingston,	Robinson, Ark.
Bassett,	Dwight,	Longworth,	Ryan,
Beidler,	Emerich,	Lorimer,	Scudder,
Bell, Cal.	Evans,	Loudenslager,	Slemp,
Bingham,	Fitzpatrick,	McAndrews,	Smith, Iowa
Bowie,	Flack,	McCall,	Smith, Ky.
Brick,	Flood,	McCleary, Minn.	Smith, N. Y.
Brooks,	Foster, Ill.	McDermott,	Southall,
Broussard,	Fowler,	McMorran,	Sparkman,
Brown, Pa.	Gaines, W. Va.	Macon,	Steenerson,
Brownlow,	Gardner, Mass.	Mahoney,	Sullivan, N. Y.
Burke,	Gardner, N. J.	Martin,	Sulzer,
Burleigh,	Glass,	Maynard,	Tate,
Burnett,	Goebel,	Metcalf,	Taylor,
Burton,	Goulden,	Meyer, La.	Thomas, Iowa
Butler, Mo.	Granger,	Morrell,	Trimble,
Byrd,	Hildebrant,	Murdock,	Vandiver,
Capron,	Hitt,	Nevin,	Van Duzer,
Cochran, Mo.	Hopkins,	Olmsted,	Wade,
Cockran, N. Y.	Howell, Utah	Otis,	Wadsworth,
Connell,	Huff,	Patterson, Pa.	Wallace,
Cooper, Pa.	Jackson, Md.	Pearre,	Wanger,
Cooper, Tex.	Jackson, Ohio	Pinckney,	Warner,
Cooper, Wis.	James,	Powers, Me.	Weems,
Crowley,	Jenkins,	Pujo,	Wilson, Ill.
Dalzell,	Johnson,	Rainey,	Wilson, N. Y.
Davey, La.	Jones, Va.	Randell, Tex.	Woodyard,
Davis, Fla.	Kennedy,	Ransdell, La.	Wright,
Deemer,	Kline,	Reid,	Wynn.

So the previous question was ordered.

The following pairs were announced:

For the session:

Mr. PATTERSON of Pennsylvania with Mr. DICKERMAN.

Mr. HUNTER with Mr. RHEA.

Mr. DEEMER with Mr. SHULL.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. WANGER with Mr. ADAMSON.

For two weeks:

Mr. SAMUEL W. SMITH with Mr. BOWIE.

Mr. GAINES of West Virginia with Mr. JAMES.

For one week:

Mr. SMITH of Iowa with Mr. HARDWICK.

Until Thursday:

Mr. WRIGHT with Mr. KLINE.

Until further notice:

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. DRISCOLL with Mr. LAMB.

Mr. WACHTER with Mr. LEGARE.

Mr. MCMORRAN with Mr. PUJO.

Mr. POWERS of Maine with Mr. SHERLEY.

Mr. DWIGHT with Mr. COCKRAN of New York.

Mr. LORIMER with Mr. MAHONEY.

Mr. HITT with Mr. DINSMORE.

Mr. WARNER with Mr. DAVIS of Florida.

Mr. MARTIN with Mr. BUTLER of Missouri.

Mr. BEIDLER with Mr. FOSTER of Illinois.

Mr. STEVENS of Minnesota with Mr. VANDIVER.

Mr. BRICK with Mr. MIERS of Indiana.

Mr. HUFF with Mr. REID.

Mr. GARDNER of Michigan with Mr. TAYLOR.

Mr. HILDEBRANT with Mr. HOPKINS.

Mr. LILLEY with Mr. ROBINSON of Arkansas.

Mr. CHARLES B. LANDIS with Mr. TATE.

Mr. FREDERICK LANDIS with Mr. MACON.

Mr. ALEXANDER with Mr. BANKHEAD.

For this day:
Mr. STEENERSON with Mr. VAN DUZER.
Mr. OTIS with Mr. SCUDDER.
Mr. BROWN of Pennsylvania with Mr. SULLIVAN of New York.
Mr. COOPER of Pennsylvania with Mr. SULZER.
Mr. SMITH of New York with Mr. WILSON of New York.
Mr. WADSWORTH with Mr. MCANDREWS.
Mr. GARDNER of Massachusetts with Mr. GRANGER.
Mr. CAPRON with Mr. BURNETT.
Mr. KINKAID with Mr. GLASS.
Mr. DUNWELL with Mr. RIDER.
Mr. MORRELL with Mr. GOULDEN.
Mr. PEARRE with Mr. CROWLEY.
Mr. WEEMS with Mr. SMITH of Kentucky.
Mr. WOODYARD with Mr. SOUTHALL.
Mr. WILSON of Illinois with Mr. TRIMBLE.
Mr. THOMAS of Iowa with Mr. RAINEY.
Mr. OLMSTED with Mr. RYAN.
Mr. NEVIN with Mr. ROBB.
Mr. MURDOCK with Mr. PINCKNEY.
Mr. MCCLEARY of Minnesota with Mr. RANDELL of Texas.
Mr. METCALF with Mr. WADE.
Mr. MCCALL with Mr. RANSDELL of Louisiana.
Mr. LONGWORTH with Mr. WALLACE.
Mr. LAFEAN with Mr. MAYNARD.
Mr. KENNEDY with Mr. LAMAR of Florida.
Mr. JENKINS with Mr. JONES of Virginia.
Mr. HOWELL of Utah with Mr. LEWIS.
Mr. GARDNER of New Jersey with Mr. JOHNSON.
Mr. FOWLER with Mr. FLOOD.
Mr. FLACK with Mr. FITZPATRICK.
Mr. EVANS with Mr. EMERICH.
Mr. DICK with Mr. MCDERMOTT.
Mr. DALZELL with Mr. RICHARDSON of Tennessee.
Mr. COOPER of Wisconsin with Mr. DOUGHERTY.
Mr. CONNELL with Mr. DAVEY of Louisiana.
Mr. BURTON with Mr. COOPER of Texas.
Mr. BURLEIGH with Mr. COCHRAN of Missouri.
Mr. BURKE with Mr. BYRD.
Mr. BROWNLOW with Mr. ROBERTSON of Louisiana.
Mr. BROOKS with Mr. BELL of California.
Mr. DOVENER with Mr. BROUSSARD.
Mr. BINGHAM with Mr. LIVINGSTON.
Mr. BARTHOLDT with Mr. BASSETT.
Mr. ACHESON with Mr. BARTLETT.

Mr. ADAMSON. Mr. Speaker, I desire to withdraw my vote and answer "present." I voted "no," but I find I am paired.

Mr. WILEY of Alabama. Mr. Speaker, I was present and did not hear my name called. I desire to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. WILEY of Alabama. I was doing my best.

The SPEAKER. If the gentleman was paying attention and did not hear his name called, he is within the rule.

Mr. WILEY of Alabama. I was paying attention and did not hear my name called.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WILEY of Alabama, and he voted "no," as above recorded.

Mr. CHARLES B. LANDIS. Mr. Speaker, I have a general pair with Judge TATE of Georgia. I understand he did not vote. I voted "aye" and I desire to be recorded as "present."

The name of Mr. CHARLES B. LANDIS was called, and he answered "present," as above recorded.

The result of the vote was then announced, as above recorded.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. Without objection, the preamble will be agreed to.

There was no objection.

Mr. HEPBURN. Mr. Speaker, I move to reconsider the last vote and lay that motion on the table.

Mr. BAKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BAKER. Do I understand that if this resolution is adopted that the Member (myself) who is affected by the resolution, will have no opportunity to state his side of the case?

The SPEAKER. The Chair will meet that question when it arises. Without objection, the motion of the gentleman from Iowa to reconsider and lay that motion on the table will be agreed to.

There was no objection.

CHANGE OF REFERENCE.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to correct the reference of a House bill which I send to the desk.

The SPEAKER. The gentleman from Iowa asks unanimous consent to correct the reference of a House bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13867) to amend the act providing for national irrigation, approved June 17, 1902, and for other purposes.

Mr. ROBINSON of Indiana. What committee is it desired to change this reference to?

Mr. LACEY. It is a bill to practically change the land laws of the United States. It was referred to the Committee on Irrigation, and it should go to the Committee on Public Lands.

Mr. ROBINSON of Indiana. Is it conceded that it should go to the Committee on the Public Lands?

Mr. LACEY. I concede it, and I think it should go nowhere else. It is a proposition to change the land laws of the United States.

The SPEAKER. Without objection, the reference will be changed from the Committee on Irrigation to the Committee on the Public Lands.

There was no objection.

REPORT OF ISTHMIAN CANAL COMMISSION.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 40.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of the report and appendixes of the Isthmian Canal Commission, with illustrations, of which 1,000 shall be for the use of the Senate, 2,000 for the House of Representatives, and 500 for the Isthmian Canal Commission.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

UNITED STATES STATUTES FOR LIBRARY OF THE HOUSE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution:

The Clerk read as follows:

Resolution No. 261.

Resolved, That the superintendent of documents be, and he is hereby, authorized and directed to issue to the library of the House of Representatives, for use in said library, twenty-five copies of volume No. 30 of the United States Statutes at Large.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered, and agreed to.

SPECIAL REPORTS ON DISEASES OF THE HORSE AND OF CATTLE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 53.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there shall be printed 3,000 copies of the Special Report on Diseases of the Horse and 1,500 copies of the Special Report on the Diseases of Cattle, for sale by the superintendent of documents under the provisions of section 61 of an act providing for the public printing, binding, and the distribution of documents, approved January 12, 1895; and the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale: *Provided*, That the appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WILLIAMS of Mississippi. Under the circumstances this morning, Mr. Speaker, I think that resolution can just as well go over.

The SPEAKER. The gentleman from Mississippi objects.

CEDED LANDS ON FORT HALL RESERVATION.

The SPEAKER. The Chair lays before the House the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation be rescinded, and that in the reenrollment of the bill all after "namely," in line 13 of the enrolled bill, down to and including line 20 of said bill, be stricken out and the following inserted: "Lot 4, section 1, township 7 south, range 34 east, and the southeast quarter of the northeast quarter, section 18, township 7 south, range 35 east, and the east half of the southeast quarter of section 21, township 6 south, range 34 east, and which have heretofore been appraised, shall be paid for at the said appraised value at the time of and by the person making entry of the respective tracts upon which such improvements are situated," so as to correctly describe the range, inaccurately stated in the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, do I understand that that is a request for unanimous consent?

The SPEAKER. As the Chair understands it, the purpose of it is to correct an enrolled bill by a concurrent resolution.

Mr. WILLIAMS of Mississippi. Mr. Speaker, under the circumstances does that require unanimous consent?

The SPEAKER. The Chair is not clear upon that point.

Mr. WILLIAMS of Mississippi. If it does require unanimous consent, Mr. Speaker, under the circumstances this morning, I will ask that it go over.

The SPEAKER. It will go over. It is on the table, and the Chair is not clear whether it does or not.

LAWS RELATING TO CORPORATIONS IN DISTRICT OF COLUMBIA.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to present the following privileged report, which I will send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Printing, having had under consideration the resolution (H. R. 216) providing for the printing of 2,000 copies of the laws relating to corporations in the District of Columbia, for use of the House document room, recommend that the same do pass.

The Public Printer estimates the cost of this publication at $95.

The resolution is as follows:

Resolved, That there be printed 2,000 copies, for use of House document room, of "Laws relating to corporations in the District of Columbia," extracts from the Code of Law, and other laws for the District of Columbia, with an index of same.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

SENECA NATION OF NEW YORK INDIANS.

Mr. DRESSER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11205) to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter, which I will send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill to ratify and confirm a lease made by the Seneca Nation of New York Indians to John Quilter.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. Mr. Speaker, under the circumstances I think that had better go over.

The SPEAKER. Objection is made by the gentleman from Mississippi.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RANDELL of Texas, for two weeks, on account of imperative business.

DEATH OF REPRESENTATIVE CHARLES W. THOMPSON.

Mr. WILEY of Alabama. Mr. Speaker, it becomes my painful duty to announce to the House the untimely death of my late distinguished colleague, Hon. CHARLES WINSTON THOMPSON, who was the Representative from the Fifth Congressional district of Alabama in the Fifty-seventh and Fifty-eighth Congresses. Later on in the session I shall ask this House to take appropriate action in regard to the death of my deceased friend and colleague.

I now send to the Clerk's desk and ask the reading and immediate adoption of the following resolutions.

The Clerk read as follows:

Resolved, That the House has heard with profound regret of the untimely death of Hon. CHARLES WINSTON THOMPSON, late a Representative from the State of Alabama.

Resolved, That a committee of fifteen Members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House of Representatives be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to; and the Speaker announced the following committee:

Mr. WILEY of Alabama, Mr. CLAYTON of Alabama, Mr. BOWIE of Alabama, Mr. PADGETT of Tennessee, Mr. GAINES of Tennessee, Mr. LITTLEFIELD of Maine, Mr. BROWN of Wisconsin, Mr. DARRAGH of Michigan, Mr. WILLIAMS of Illinois, Mr. HILL of Connecticut, Mr. SCARBOROUGH of South Carolina, Mr. SOUTHARD of Ohio, Mr. PATTERSON of North Carolina, Mr. HOUSTON of Delaware, Mr. AIKEN of South Carolina.

The Clerk then reported the following resolution:

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was unanimously agreed to; and accordingly (at 1 o'clock and 21 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, the draft of a bill relating to the settlement of certain lands released from withdrawal for forest reserves—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of State, transmitting a copy of a concurrent resolution of the legislative assembly of Porto Rico extending the thanks of that body to Congress for privileges extended to the public school teachers of Porto Rico—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting, with copies of certain communications, a recommendation that the time for the construction of the highway bridge across the Potomac at Washington, D. C., be extended—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Statira*, John Seaward, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the snow *Thetis*, Samuel Cameron, master—to the Committee on Claims, and ordered printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 7262) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 1743); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9799) to remove charge of desertion from military record of John Dorsey, reported the same with amendment, accompanied by a report (No. 1747); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8496) granting an increase of pension to Joseph Howard, reported the same with amendment, accompanied by a report (No. 1748); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8480) granting an increase of pension to Elijah Rearick, reported the same with amendment, accompanied by a report (No. 1749); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8386) granting an increase of pension to Andrew Esdell, reported the same without amendment, accompanied by a report (No. 1750); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8316) granting an increase of pension to James W. Swords, reported the same without amendment, accompanied by a report (No. 1751); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8285) granting an increase of pension to W. S. Peck, reported the same with amendment, accompanied by a report (No. 1752); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8239) granting a pension to Sarah E. Holbrook, reported the same with amendment, accompanied by a report (No. 1753); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7595) granting a pension to Ella Hatfield, reported the same with amendment, accompanied by a report (No. 1754); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6503) granting a pension to Amanda M. Morse, reported the same with amendment, accompanied by a report (No. 1755); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6327) granting an increase of pension to Delos Van Deusen, reported the same with amendment, accompanied by a report (No. 1756); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5431) granting a pension to Susan Laugherty, reported the same with amendment, accompanied by a report (No. 1757); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5279) granting an increase of pension to Granville H. Bishop, reported the same with amendment, accompanied by a report (No. 1758); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5685) granting a pension to Alonzo Sabin, reported the same with amendment, accompanied by a report (No. 1759); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4756) granting an increase of pension to Lewis R. Gates, reported the same without amendment, accompanied by a report (No. 1760); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4897) granting an increase of pension to William Johnson, reported the same with amendment, accompanied by a report (No. 1761); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3819) granting an increase of pension to Ira Stout, reported the same with amendment, accompanied by a report (No. 1762); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13937) granting an increase of pension to George W. Litherland, reported the same with amendment, accompanied by a report (No. 1763); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13507) granting an increase of pension to John M. Sullivan, reported the same with amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13869) granting a pension to Sarah M. Greer, reported the same with amendment, accompanied by a report (No. 1765); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13438) granting an increase of pension to John W. Comer, reported the same with amendment, accompanied by a report (No. 1766); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4908) granting a pension to John A. McConnell, reported the same with amendment, accompanied by a report (No. 1767); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14005) granting an increase of pension to George W. Jacques, reported the same with amendment, accompanied by a report (No. 1768); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6564) granting an increase of pension to James H. Townsend, reported the same without amendment, accompanied by a report (No. 1769); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13907) granting an increase of pension to John W. Hilton, reported the same with amendment, accompanied by a report (No. 1770); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11468) granting an increase of pension to Edson G. Holcomb, reported the same with amendment, accompanied by a report (No. 1771); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12323) granting an increase of pension to Josiah Wood, reported the same with amendment, accompanied by a report (No. 1772); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13110) granting an increase of pension to George C. Birch, reported the same with amendment, accompanied by a report (No. 1773); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7219) granting an increase of pension to George W. Marsh, reported the same with amendment, accompanied by a report (No. 1774); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8498) granting an increase of pension to Jonathan Klingenfus, reported the same with amendment, accompanied by a report (No. 1775); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11796) granting a pension to Catharine Darr, reported the same with amendment, accompanied by a report (No. 1776); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10642) granting an increase of pension to Garrett Stanley, reported the same with amendment, accompanied by a report (No. 1777); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11828) granting a pension to Mary E. Whitten, reported the same with amendment, accompanied by a report (No. 1778); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11340) granting a pension to Eliza Clune, reported the same with amendment, accompanied by a report (No. 1779); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12199) granting an increase of pension to James Bramble, reported the same with amendment, accompanied by a report (No. 1780); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2933) granting a pension to Mary A. Morey, reported the same with amendment, accompanied by a report (No. 1781); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2150) granting an increase of pension to Robert Whitman, reported the same without amendment, accompanied by a report (No. 1782); which said bill and report were referred to the Private Calender.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2107) granting an increase of pension to James W. Whitney, reported the same with amendment, accompanied by a report (No. 1783); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13650) granting an increase of pension to William J. Caldwell, reported the same with amendment, accompanied by a report (No. 1784); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1565) granting an increase of pension to Josephine F. Anderson, reported the same with amendment, accompanied by a report (No. 1785); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2148) granting an increase of pension to Lawrence Cook, reported the same with amendment, accompanied by a report (No. 1786); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3460) granting an increase of pension to Louis P. Anschutz, reported the same with amendment, accompanied by a report (No. 1787); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12845) granting

an increase of pension to Charles Bowen, reported to same without amendment, accompanied by a report (No. 1788); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14017) granting an increase of pension to Louis Voll, reported the same with amendment, accompanied by a report (No. 1789); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12992) granting an increase of pension to Henry Heide, reported the same with amendment, accompanied by a report (No. 1790); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 763) granting a pension to Sarah McClelland, reported the same with amendment, accompanied by a report (No. 1791); which said bill and report were referred to the Private Calendar.

Mr. TRIMBLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 8118) to carry out the findings of the Court of Claims in the case of James H. Dennis, reported the same with amendment, accompanied by a report (No. 1792); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11989) granting a pension to Emma C. Dougal—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11058) granting a pension to Mary Apple—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11262) granting a pension to John Hegarty—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13958) granting an increase of pension to Eliza A. Moss—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McGUIRE: A bill (H. R. 14185) relating to the establishment and maintenance of quarantine regulations for the purpose of preventing the introduction and dissemination of injurious insect pests and contagious plant diseases in the organized Territories of the United States and Indian Territory—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14186) authorizing the Asher Bridge Company to build, maintain, and operate a wagon bridge across the South Canadian River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14187) authorizing the Secretary of the Treasury to procure additional grounds for a site for a public building at Guthrie, Okla., and making an appropriation therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14188) to ratify an act of the legislature of the Territory of Oklahoma legalizing the issue of waterworks bonds by the town of Bridgeport, Oklahoma Territory—to the Committee on the Territories.

By Mr. CONNELL: A bill (H. R. 14189) to increase the limit of cost of site for public building at Carbondale, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. RODEY: A bill (H. R. 14190) to enable the board of education of Santa Fe, N. Mex., to sell portions of the Fort Marcy Reservation, in that city—to the Committee on the Territories.

By Mr. BENTON: A bill (H. R. 14191) authorizing the Secretary of the Treasury to acquire a site for and cause to be erected a Federal building at Muscogee, Ind. T.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas (by request): A bill (H. R. 14192) to provide for attorney's liens in the Indian Territory in certain cases—to the Committee on Indian Affairs.

Also, a bill (H. R. 14193) to provide for an appeal of one case from the Choctaw and Chickasaw citizenship court to the Supreme Court of the United States—to the Committee on Indian Affairs.

By Mr. SHEPPARD: A bill (H. R. 14194) for the continued improvement of Red River above Fulton, Ark.—to the Committee on Rivers and Harbors.

By Mr. DALZELL: A bill (H. R. 14195) repealing a provision of section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase efficiency of the personnel of the Navy and Marine Corps of the United States"—to the Committee on Naval Affairs.

By Mr. DAYTON: A bill (H. R. 14196) allowing two months' extra pay to enlisted men of the United States Navy during the war with Spain who served outside the United States and one month's extra pay to such as served within the United States—to the Committee on War Claims.

By Mr. GIBSON: A resolution (H. Res. 263) referring certain claims to the Court of Claims for a finding of facts under the terms of the so-called Tucker Act—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 14197) granting an increase of pension to Joseph Umsted—to the Committee on Invalid Pensions.

By Mr. BENTON: A bill (H. R. 14198) granting an increase of pension to John H. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14199) granting an increase of pension to John C. Barkley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting a pension to Cora E. Ruttinger—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 14201) granting an increase of pension to James H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting a pension to Anderson J. Smith—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 14203) granting an increase of pension to Edward J. Jagger—to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 14204) granting a pension to John B. Hobday—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 14205) granting an increase of pension to Mary A. Biggs—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 14206) granting an increase of pension to Robert Leonard—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 14207) granting an increase of pension to Henry Witte—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 14208) granting an increase of pension to Hensdill S. Hart—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 14209) granting an increase of pension to Andrew Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14210) granting a pension to John Brisban—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 14211) for the relief of Horace T. Lovin—to the Committee on Claims.

By Mr. GROSVENOR: A bill (H. R. 14212) granting a pension to James Ridly Stobart—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 14213) granting an increase of pension to Calvin H. Parmer—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 14214) granting an increase of pension to Andrew J. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14215) for the relief of John M. King—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 14216) for the relief of A. J. Shane, of Frederick County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14217) for the relief of William J. Utz, of Rappahannock County, Va.—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 14218) granting an increase of pension to Mabrey B. Snyder—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 14219) granting an increase of pension to Earl J. Lamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14220) granting an increase of pension to Amasa Hathaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14221) granting an increase of pension to Martin L. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14222) granting an increase of pension to Helen M. Silsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14223) to pension Ezilda A. Magors—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14224) granting a pension to John B. Hise—to the Committee on Pensions.

Also, a bill (H. R. 14225) granting a pension to Robert A. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14226) for the relief of Cora Hellenbrand—to the Committee on Claims.

Also, a bill (H. R. 14227) for the relief of D. Jasper Slover—to the Committee on War Claims.

Also, a bill (H. R. 14228) for payment of bounty to Melvin Culp for services rendered in the civil war—to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 14229) granting an increase of pension to William J. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14230) granting an increase of pension to Dempsey Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14231) granting an increase of pension to Jasper L. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14232) granting a pension to Pauline W. Stuckey—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 14233) granting an increase of pension to Henry Jacques—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 14234) granting a pension to Minnie Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14235) granting an increase of pension to Charles H. De Groat—to the Committee on Invalid Pensions.

By Mr. LIVERNASH: A bill (H. R. 14236) granting an increase of pension to Caroline L. Guild—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14237) to remove the charge of desertion against Lewis William Mayer—to the Committee on Military Affairs.

By Mr. MAHON: A bill (H. R. 14238) for the relief of William C. Corbett—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 14239) granting an increase of pension to Edward Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14240) granting an increase of pension to Benjamin F. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14241) granting an increase of pension to Austin Swan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14242) granting a pension to William McClain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14243) for the relief of William H. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 14244) for the relief of Alex C. Trotler—to the Committee on Claims.

Also, a bill (H. R. 14245) transferring lands in the Indian Territory—to the Committee on the Public Lands.

By Mr. McLAIN: A bill (H. R. 14246) for the relief of the heirs of Samuel G. Miller, deceased, and the estate of Mrs. E. C. Miller, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 14247) for the relief of the Maury County Fair Association—to the Committee on Claims.

By Mr. RIXEY: A bill (H. R. 14248) granting an increase of pension to Alice De K. Shattuck—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 14249) granting an increase of pension to Mary Mershon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14250) for the relief of Stanley E. Brown—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 14251) granting an increase of pension to Walton Buck—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 14252) granting a pension to Morgan Gulick—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 14253) for the relief of Thomas Crowley—to the Committee on Claims.

Also, a bill (H. R. 14254) for the relief of Thomas Crowley—to the Committee on Claims.

By Mr. WILEY of Alabama: A bill (H. R. 14255) granting an increase of pension to Margaret H. Bates—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the Civic Club of Philadelphia, Pa., in favor of the creation of a national forestry reservation in the White Mountain region of New Hampshire—to the Committee on Agriculture.

Also, petition of Washington County Anti-Saloon League, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of Adin Benedict Lacey and other architects of Philadelphia, relative to the construction of buildings in the city of Washington, D. C., and in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of the Trades League of Philadelphia, in favor of bill H. R. bill 1976, known as the "post-check bill"—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Pittsburg Newspaper Publishers' Association, in favor of allowing rural carriers the rights they now have in the distribution of newspapers and other periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Petition of Hope Methodist Episcopal Church, of Dallas, Tex., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petitions of C. C. Rankin and 98 other voters, M. C. Kersh and 56 other voters, Rev. J. A. Stevens and church membership, and Rev. H. D. Knickerbocker and 10 other voters, in favor of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BENTON: Papers to accompany bill granting an increase of pension to John C. Barkley—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John H. Lawrence—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Cora E. Ruttinger—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petitions of J. B. O'Neil and 57 others, of Wellsville, Kans.; Mrs. Lucy Poore and 12 others, of Paola, Kans.; Rev. E. S. MacCartney and 18 others, of Kinsley, Kans., and J. R. Killough and others, of Ottawa, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Sumner Post, No. 10, Grand Army of the Republic, of Kansas City, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Antietam Post, No. 64, Grand Army of the Republic, of Parsons, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petitions of H. W. M. Koon and 31 others, of Long Eddy, N. Y.; Methodist Episcopal churches of Fremont, Long Eddy, and other villages in New York; S. P. Hammond and 79 others, of Haverstraw, N. Y., and A. G. Teller and 51 others, of Liberty, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BREAZEALE: Petition of New Orleans Typographical Union, No. 17, in favor of the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of New Orleans Typographical Union, No. 17, in favor of an eight-hour law—to the Committee on Labor.

By Mr. BRUNDIDGE: Petitions of G. B. Green and 5 others; Mrs. E. S. Pettey, of the Home Mission Society, and B. H. Biles and 28 others, of Searcy, Ark., for the Hepburn bill—to the Committee on the Judiciary.

By Mr. BURKE: Petitions of D. J. Perrin and 21 others, of Springfield; J. C. Kidd and 34 others, of Big Stone City; John Roth and 10 others, of Alban; Rev. F. D. Haner and 30 others, of White; Rev. T. Sanderson and 25 others, of White; W. O. Redfield and 21 others, of Hartford, and S. G. Mald and 22 others, of Mount Vernon, all in South Dakota, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CALDERHEAD: Petitions of E. E. Urner and 42 others, of Riley, Kans.; the Independent Order of Good Templars, of Ottawa County, Kans.; H. L. Every and 33 others, of Dickinson County, Kans.; Rev. James Kerr and 30 others, of Ada, Kans.; the Woman's Christian Temperance Union of Junction City, Kans.; H. L. Wolf, W. H. Donaldson, and 143 others, of Riley, Kans.; L. E. Bennett and 93 others, of Delphos, Kans., and the pastors, mayor, and others, of Washington, Kans., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of Antietam Post, Grand Army of the Republic, Department of Kansas; Antietam Circle, Ladies of the Grand Army of the Republic, of Kansas, and Ladies of the Grand Army of the Republic of San Francisco, Cal., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CANDLER: Petition of Newman Coyce and 106 others, of Columbus, Miss., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CASSINGHAM: Petition of D. Minnicks and 14 others, in favor of a reduction of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, papers to accompany bill H. R. 13531, granting an increase of pension to Lyman S. Jones; petition of Welch Post, No. 422, Grand Army of the Republic, Department of Ohio, in favor of bill H. R. 5760, granting pensions to soldiers and sailors confined in so-called "Confederate prisons"—to the Committee on Invalid Pensions.

By Mr. CONNELL: Papers to accompany bill providing for the purchase of a site for a Federal building at Carbondale, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Wisconsin: Memorial of Ponce branch of Chamber of Commerce of Porto Rico, to protect further the sugar, coffee, rice, and other interests of Porto Rico—to the Committee on Ways and Means.

Also, petition of Evansville (Wis.) Woman's Christian Temperance Union, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the National League of Commission Merchants, in favor of legislation defining the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petitions of Robert M. Moles and 17 others, of Central City, Iowa; Charles Wassmer and 29 others, of Marshalltown, Iowa, and Rev. Marion R. Drury and members of the United Brethren Church of Toledo, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAYTON: Petition of the heirs of William Hurst, deceased, praying reference of claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Sanford Welton and 25 others, of Piedmont, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DENNY: Memorial of J. W. Kirk and 450 members of Alnutt Memorial Methodist Episcopal Church, of Baltimore, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOVENER: Affidavit to accompany bill H. R. 13582, for relief of Levi Burdine—to the Committee on Military Affairs.

Also, petition of J. N. Wilkinson and 41 others, in support of bill H. R. 13158, to increase pension of Beckwith A. McNemar; affidavit to accompany bill granting an increase of pension to Mary A. Briggs—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the National League of Commission Merchants, in favor of legislation defining the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Illinois Manufacturers' Association, in favor of the Cooper-Quarles bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., in favor of reform of the consular service—to the Committee on Foreign Affairs.

Also, petition of J. G. Ingram and 24 others, of Eau Claire, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FLACK: Petition of Alfred C. Morse and 26 other voters of Burke, N. Y., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of Iron-ship Builders and Boiler Makers' Association of Ogdensburg, N. Y., favoring the enactment of bills H. R. 7056, and S. 2259 and 2263—to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: Petition of Gale City Lodge, No. 16, Brotherhood of Boiler Makers and Iron-ship Builders of America, of Pocatello, Idaho, in favor of bills H. R. 7056, and S. 2259 and 2263—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of J. B. Ash and members of the First Congregational Church of Rockford, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Illinois Manufacturers' Association, in favor of the Cooper bill, H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT: Petitions of W. O. Edwards and 103 others, of Perryville, Ky.; D. R. Terhune and 13 others, of Harrodsburg, Ky.; George Cogar and 40 others, of Danville, Ky., and Rev. T. B. Stratton and 27 others, of Nicholasville, Ky., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GILLETT of Massachusetts: Petition of D. B. Prentiss and 27 others, and C. D. Eaton and 23 others, of South Hadley, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GRIFFITH: Paper to accompany bill granting a pension to John Brisban—to the Committee on Invalid Pensions.

Also, petition of William R. Craig and 33 others, of Ripley County, Ind., and William H. Smith and 37 others, of Jefferson County, Ind., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of F. S. Stevens and 22 others, of Moores Hill, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GUDGER: Petition to accompany claim of Horace F. Lavin—to the Committee on Claims.

By Mr. HAMILTON: Petition of Farmers' Grange of Bangor, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany bill granting an increase of pension to Andrew J. Young—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to James D. Smith—to the Committee on Invalid Pensions.

By Mr. HARRISON: Petition of Frederick Glassup and other citizens of New York City, against passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HASKINS: Petitions of Azro G. Stockwell and 50 others, of Rochester, Vt., and A. H. Gibson and 22 others, of South Rygate, Vt., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of H. L. Emerson and 29 others, of Brattleboro, Vt., in favor of a good-roads bill—to the Committee on Agriculture.

Also, petitions of S. A. Smith Company, of Brattleboro, Vt., and Percival Furniture Company, of Barton, Vt., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. HAUGEN: Resolutions of assembly of Iowa and G. A. Smith and 22 other voters of Volga, Iowa, for passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. HAY: Papers to accompany bill for the relief of William J. Utz—to the Committee on War Claims.

Also, papers to accompany bill for the relief of A. J. Shawe—to the Committee on War Claims.

By Mr. HEMENWAY: Petition of J. H. Funkhouse and 29 others, of Vanderburg County, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HEPBURN: Resolution of the Iowa general assembly, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Lucius Hitchcock and 27 others, of Cromwell, Iowa, and F. A. Hinman and 17 others, of Highland, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HILL of Mississippi: Petition of L. B. Gray and 13 others, of West Point, Miss., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Petitions of A. W. Perry and 50 others, of Ashland, Nebr.; J. C. Coleman and 80 others, of Surprise, Nebr.; Rev. Frank Hills and 148 others, of Dilles and vicinity, Nebr.; P. A. Sharpe and others, of Friend, Nebr., and Woman's Christian Temperance Union of Blue Springs, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOUSTON: Petitions of James M. Wise and 8 others, of Newcastle, Del.; Irvin Green and 35 others, of Georgetown, Del., and Rev. L. P. Cochran and 41 others, of Milton, Del., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of Robert H. Smith and 5 others, of Atlantic Highlands, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KEHOE: Petition of R. O. Fisher and 27 other voters, of Ashland, Ky., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. KNAPP: Petition of the Pomona Grange, of New York, for the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. LESTER: Petitions of the Presbyterian Church of Savannah, Ga. (200 members); Rev. W. A. Nisbet and others, of Savannah, and A. R. Miller, pastor of the First Church of Christ, of Savannah (225 members), in favor of the Hepburn-Dolliver bill; protest of Big Spring Distilling Company, S. Guckenheimer's Son, and Ferst's Sons & Co., all of Savannah, Ga., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LILLEY: Petitions of John A. Conant and 34 others, and the First Methodist Episcopal Church and 3 other churches, of Windham, Conn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of W. C. Todd, of Georgetown, Me., in favor of the bill providing for bounty on dogfish—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Woman's Christian Temperance Union and 9 others, of Mechanic Falls, Me.; Rev. W. H. Whittier and members of the First Baptist Church of Mechanic Falls, Me., and Rev. C. T. Butterfield and 35 others, of Friendship, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LITTAUER: Petition of residents of Charlton, N. Y., favoring the enactment of bills S. 1326 and H. R. 4072—to the Committee on the Judiciary.

Also, petition of George H. Beckwick and 12 other voters of Saratoga Springs, N. Y., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. LIVERNASH: Petitions of D. G. Dexter and 20 others, R. McCoy and 22 others, and the Tenth Avenue Christian Sunday

School, 22 names, of San Francisco, in favor of the Hepburn-Dolliver bill; protest of Tillman & Bendel, of San Francisco, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Mrs. J. Zerman and 21 others, the Association of Collegiate Alumni, California Branch, and the Monday Club, in favor of relief for the landless Indians of California—to the Committee on Indian Affairs.

Also, resolutions of the Shipowners' Association of the Pacific Coast, favoring the Gardner merchant-marine commission bill, with amendments—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the San Francisco Section of the Navy League of the United States, in favor of Naval Reserve legislation—to the Committee on Naval Affairs.

Also, resolutions of the board of supervisors of Contra Costa, Cal., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolution of Chamber of Commerce of San Francisco, Cal., in favor of H. J. Res. 118, 109, 112, and S. R. 49; resolutions of same body, in favor of an additional fog signal at Quarry Point, Angel Island—to the Committee on Rivers and Harbors.

Also, resolution of the Contra Costa Labor Council, of Point Richmond, Cal., in favor of the Gardner merchant marine commission bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the A. Mull Company, in favor of bill H. R. 9302, for reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of Rev. Edgar H. Libby and members of the North Congregational Church, of Chicago, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McGUIRE: Memorial of the board of trustees of Bridgeport, Okla., requesting legislation legalizing the issuance of bonds by the municipal authorities—to the Committee on the Territories.

Also, petition of Alexander C. Trotter, of Washitaw, Okla., for extra pay as a private in Company K, First Mississippi Regiment, war with Spain—to the Committee on Claims.

By Mr. McNARY: Petition of Division No. 8, Ancient Order of Hibernians, of Franklin, Mass., in favor of House bill providing for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

Also, petition of the Boston Society of Architects and others, relative to the construction of new buildings in the city of Washington and in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: Paper to accompany bill granting increase of pension to Marian A. Carlisle—to the Committee on Invalid Pensions.

Also, petition of citizens of Chattanooga, Tenn., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MURDOCK: Petition of the Society of Friends of Haviland, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Antietam Post, No. 64, Grand Army of the Republic, of Parsons, Kans., and Allison Circle, Ladies of the Grand Army of the Republic, Department of Kansas, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of patrons of rural routes Nos. 1, 2, 3, and 4, of Argonia, Kans.; No. 1, of Clearwater, Kans.; No. 2, of Sedgwick, Kans., and No. 3, of Clearwater, Kans., in favor of increase of salary for rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. PADGETT: Paper to accompany House bill for the relief of the Maury County Fair Association—to the Committee on Claims.

By Mr. PORTER: Petition of the Builders' Exchange League of Pittsburg, Pa., for the passage of a bill for the development of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Board of Trade of Pittsburg, Pa., for the passage of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of the Civic Club of Philadelphia, for the passage of the Gallinger bill for a national park—to the Committee on Agriculture.

Also, petition of architects of Philadelphia, Pa.; B. F. Willis and others, of York, Pa., and H. D. Gilchrist, for the passage of the Newlands bill, regulating the erection of buildings on the Mall, Washington, D. C.—to the Committee on Public Buildings and Grounds.

Also, petition of E. H. Anderson and F. E. Alden, of Pittsburg, Pa., for the passage of the Newlands bill, regulating the erection of buildings on the Mall, Washington, D. C.—to the Committee on Public Buildings and Grounds.

Also, resolutions of the New York Board of Trade and Transportation, protesting against the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of J. E. Macdowell and 13 other voters of Avalon, Pa., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of Pittsburg Newspaper Publishers' Association and the Philadelphia Newspaper Publishers' Association, to allow rural free-delivery carriers to distribute newspapers and other periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rev. S. H. Cravens, of Pittsburg, Pa., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of the Trades League of Philadelphia, for the passage of the post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of Colonel O. H. Rippey Circle, No. 21, Ladies of the Grand Army of the Republic, of Pittsburg, Pa., asking for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. REEDER: Resolutions of Antietam Post, No. 64, Department of Kansas, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of W. T. Williams and 20 others, of Culpeper, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of Collins & Son, of Fremont, Ind., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RODEY: Resolution of Las Vegas (N. Mex.) Lodge, No. 372, Brotherhood of Boiler Makers and Iron-ship Builders of America, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHERMAN: Petition of John P. Sheehan, of Utica, N. Y., against the Hepburn bill—to the Committee on the Judiciary.

Also, petition of F. S. Gouge, of Utica, N. Y., favoring bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. SAMUEL W. SMITH: Petition of 46 patrons of rural free-delivery route No. 1, of Pontiac, Mich., asking that Carrier Charles E. Little be allowed to take subscriptions for papers on his route—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. A. Hall and others, against the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ladies of the Grand Army of the Republic, Circle No. 23, of Saugatuck, Department of Michigan, in favor of a service-pension law—to the Committee on Invalid Pensions.

Also, petition of the women's clubs of Lansing, Mich., representing 400 club women, in favor of a national forest reserve in the White Mountains of New Hampshire—to the Committee on Agriculture.

By Mr. SMITH of Texas: Petition of the Woman's Christian Temperance Union and 81 voters of Hackell, Tex., and S. L. Thomason and others, of Odessa, Tex., for the Hepburn bill—to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of D. R. Fly, of the American Medical Association, in favor of bill H. R. 6295, known as the "pure food and drug bill"—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill H. R. 13294, for the appointment of a United States examiner at Coalgate, Ind. T.—to the Committee on the Judiciary.

Also, petition of Rev. A. E. Baten and 50 others, of Amarillo, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of the Clinton Avenue Methodist Episcopal Church, of St. Paul, and the Minnesota Anti-Saloon League, in favor of the Hepburn-Dolliver bill; protest of Fred. R. Salisbury, for the Minneapolis furniture manufacturers, against the eight-hour bill—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of St. Paul, Minn., in favor of the repeal of certain land laws; petition of the immigration committee of the St. Paul Commercial Club, for appropriating the proceeds from the sale of public lands in Minnesota to the State drainage fund—to the Committee on the Public Lands.

Also, resolutions of voters of Cottage Grove, Minn., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, resolutions of the Minnesota Municipal and Commercial League, for extension of the power of Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chatanooga Circle, No. 43, Ladies of the Grand Army of the Republic, of Mankato, Minn., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: Petition of Thomas Crow-

ley, of New York City, for extra pay under the act of March 3, 1899—to the Committee on Claims.

Also, petition of W. J. Burlee and 30 others, of Staten Island, New York, protesting against licensing small pleasure crafts—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the S. Langdorf Company, of New York, for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, resolution of J. C. Iler, P. C. Rossi, and others, of New York, protesting against the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, resolutions of the Yacht Masters and Engineers' Association, of Brooklyn, N. Y., for the passage of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the Trades and Labor Assembly and Builders' Trade Council, of Aurora, Ill., for a separate and nonpartisan Department of Labor—to the Committee on Labor.

Also, resolution of the Travelers' Protection Association, to amend the bankruptcy act—to the Committee on the Judiciary.

Also, resolutions of the Chicago Real Estate Board, for lowering the tunnels in Chicago River—to the Committee on Rivers and Harbors.

Also, resolutions of the New York Board of Trade and Transportation, of the city of New York, protesting against the service-pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Port Richmond Lodge, of Staten Island, New York, Helpers' Division No. 5, Brotherhood of Boiler Makers and Iron-ship Builders of America, for development of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Petition of Harry E. Hurhsley and 120 members of Glendale Baptist Church, Everett, Mass., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of Edward L. Reed and 16 other voters of Gardner, Mass., and Rev. Arthur L. Snell and 46 other voters of Fitchburg, Mass., for passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. WRIGHT: Resolution of the board of directors of the Trades League of Philadelphia, in favor of bill H. R. 1976, and known as the "post-check bill"—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Philadelphia Newspaper Publishers' Association, in favor of allowing rural carriers the rights they now have in the matter of the distribution of newspapers and other periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. WYNN: Petition of Jesse M. Levy & Co. and 7 others, of San Francisco, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 22, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing an amendment in the reenrollment of the bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 3,500 copies of the report of the Isthmian Canal Commission.

The message further announced that the House had passed a concurrent resolution authorizing the Committees on Enrolled Bills of the two Houses to correct the enrolled bill (H. R. 9791) granting an increase of pension to Abram Claypool by striking out the word "Illinois," in line 5, and inserting in lieu thereof the word "Indiana;" in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented memorials of the St. Peter's Society, of Wilkesbarre, Pa.; of the German-American Democratic Club, of Indianapolis, Ind.; of the Arion Singing Society, of Syracuse, N. Y., and of Concordia Council, No. 708, of Chicago, Ill., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Seabrook, N. H., and a petition of the congregation of the First English Lutheran Church of Cincinnati, Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry architects of Boston and Springfield, in the State of Massachusetts; of the Baltimore Water Color Club, of Baltimore, and of the Municipal Art Society, of Baltimore, in the State of Maryland; of sundry architects of Colorado Springs, Colo., of Philadelphia, Pa., of Jackson, Miss., and of the Architectural Club of Cleveland, Ohio; of R. W. Shoppell, publisher of the National Tribune, of Washington, D. C., and of sundry architects of the United States, praying for the enactment of legislation to regulate the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. CULLOM presented petitions of sundry citizens of Decatur, Long Creek, Mount Zion, and Elwin, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of Charles R. Bright Post, No. 360, Department of Pennsylvania, Grand Army of the Republic, of Verona, Pa., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the passage of the so-called "post-check bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented a petition of Crawford County Grange, No. 934, Patrons of Husbandry, of Grayling, Mich., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented a petition of the Woman's Club of Deadwood, S. Dak., and a petition of the Woman's Club of Lead, S. Dak., praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. ANKENY presented a petition of Ellsworth Post, No. 2, Department of Washington, Grand Army of the Republic, of Vancouver, Wash., and a petition of Silas Casey Post, Department of Washington, Grand Army of the Republic, of Washington, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. CLARK of Wyoming presented a petition of Helpers' Division No. 21, Brotherhood of Boiler Makers and Iron-ship Builders, of Cheyenne, Wyo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. FOSTER of Washington presented a petition of Pacific Post, No. 48, Department of Washington, Grand Army of the Republic, of Port Angeles, Wash., and a petition of Ellsworth Post, No. 2, Department of Washington, Grand Army of the Republic, of Vancouver, Wash., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of Local Lodge No. 247, Brotherhood of Boiler Makers and Iron-ship Builders, of Tacoma, Wash., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Yakima Commercial Club, of North Yakima, Wash., praying for the enactment of legislation providing for the opening of the Yakima Indian Reservation; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Dayton Commercial Association, of Dayton, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. LONG presented a petition of the Lee-Warren Milling Company, of Salina, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Haviland and Clearwater, in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of Antietam Circle, No. 2, Department of Kansas, Ladies of the Grand Army of the Republic, of Parsons, Kans., and a petition of sundry veterans of the civil war of Elsmore, Kans., praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also (for Mr. BURTON) presented a petition of Antietam Post, No. 64, Department of Kansas, Grand Army of the Republic, of Parsons, Kans., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also (for Mr. BURTON) presented a petition of Local Lodge No. 292, Brotherhood of Boiler Makers and Iron-ship Builders, of

Parsons, Kans., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also (for Mr. BURTON) presented a petition of the congregation of the First Methodist Episcopal Church of Independence, Kans., and a petition of the Society of Friends of Haviland, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also (for Mr. BURTON) presented a memorial of the Business Men's Association of Ottawa, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. BURTON) presented a petition of the Trades League of Philadelphia, Pa., praying for the passage of the so-called "post-check bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR presented a petition of Federal Labor Union, No. 9657, American Federation of Labor, of Middlebury, Vt., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Club of Rutland, Vt., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PENROSE presented a memorial of the Newspaper Publishers' Association of Philadelphia and Pittsburg, in the State of Pennsylvania, remonstrating against the enactment of legislation prohibiting carriers of the free rural-delivery service from exercising the right which they now have in the matter of distributing newspapers and periodicals; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented petitions of sundry members of the Rhode Island Chapter, American Institute of Architects, and of the Rhode Island School of Design, praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented a memorial of the Advisory Council of the New England Manufacturing Jewelers and Silversmiths' Association, remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

Mr. CARMACK presented sundry papers to accompany the bill (S. 2552) for the relief of Amos Woodruff; which were referred to the Committee on Claims.

Mr. FAIRBANKS presented a memorial of the Nordyke & Marmon Company, of Indianapolis, Ind., remonstrating against the enactment of legislation with reference to making a sliding scale of prices for printed copies of patents; which was referred to the Committee on Patents.

He also presented a petition of the Fort Wayne Medical Society, of Allen County, Ind., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a memorial of the F. and N. Lawn Mower Company, of Richmond, Ind., remonstrating against the adoption of the proposed metric system; which was referred to the Select Committee on Standards, Weights, and Measures.

He also presented a petition of the Wayne Paper Mills, of Hartford City, Ind., praying that an appropriation be made to prevent a repetition of damages by flood in the Kaw Valley in the States of Kansas and Missouri; which was referred to the Committee on Commerce.

He also presented the petition of William H. Smith and sundry other citizens of Jefferson County, Ind., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

METHODIST EPISCOPAL CHURCH OF SPRINGFIELD, MO.

Mr. COCKRELL. I present a letter from C. F. Humphrey, Quartermaster-General, United States Army, relative to the claims on file in the Quartermaster-General's office in favor of the Methodist Episcopal Church of Springfield, Mo. I move that the letter be referred to the Committee on Claims to accompany the bill (S. 4994) for the relief of the trustees of the Methodist Episcopal Church South, of Springfield, Mo.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 13480) to authorize the Southern Indiana Railway Company to construct a railroad bridge across the Wabash River in Vigo County, Ind., reported it with amendments.

The PRESIDENT pro tempore. This bill is reported to take the place of the bill (S. 4585) to authorize the Southern Indiana Railway Company to construct a railroad bridge across the Wabash River in Vigo County, Ind., which is order of business 1157 on the Calendar. The Senate bill will be indefinitely postponed and the House bill will take its place on the Calendar.

Mr. FOSTER of Washington, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 7274) to amend section 76 of an act entitled "An act to provide a government for the Territory of Hawaii," reported it without amendment.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 4845) regulating the erection of buildings on the Mall, in the District of Columbia, reported it with an amendment.

Mr. FORAKER, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 3361) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the maintenance and supply of fuel and illuminating gas and its by-products in Honolulu, reported it with amendments, and submitted a report thereon.

MISSOURI RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 4837) to amend an act entitled "An act to amend an act authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891," and acts amendatory thereof, so as to extend the time for completion of said bridge until January 1, 1905, to report it favorably without amendment.

Mr. MILLARD. Mr. President, I desire the immediate consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT TYLER, TEX.

Mr. CULBERSON. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2148) to provide for the enlargement and improvement of the public building at Tyler, Tex., to report it favorably with an amendment. It being quite a short bill, I ask that it be considered at this time.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the committee was, on page 2, line 1, before the word "thousand," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for, secure, and cause to be erected and constructed upon the site now owned by the United States in the city of Tyler, in the State of Texas, and upon which is situated the public building of the United States, suitable improvements, enlargements, and additions to said public building or upon said public building site, together with such fireproof vaults, heating and ventilating apparatus, and all other necessary equipments and appointments for the use and accommodation of the United States courts and the United States post-office in the said city of Tyler, in the State of Texas, the cost of which said improvements, enlargements, and additions shall not exceed the sum of $40,000, which sum is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF TERRITORIAL GOVERNORS.

Mr. PLATT of New York, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 2,000 copies each of the reports of the governors of Alaska, Arizona, New Mexico, and Oklahoma for 1893, 500 copies for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 500 copies for the use of the Department of the Interior.

REPEAL OF DESERT-LAND ACT.

Mr. GIBSON introduced a bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act; which was read the first time by its title.

Mr. GIBSON. I ask that the second reading of the bill be temporarily deferred. I shall desire to express my views on the subject to-morrow after the conclusion of the morning business.

The PRESIDENT pro tempore. The bill has been read once. The Senator from Montana asks that the second reading may be deferred, and he gives notice that he will address the Senate in relation to the bill immediately after the routine morning business to-morrow.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. BALL introduced a bill (S. 5169) making Lewes, Del., a subport of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LONG introduced a bill (S. 5170) granting a pension to Kate M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5171) to authorize the improvement of Kansas River and to make appropriation therefor; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FOSTER of Louisiana introduced a bill (S. 5172) for the relief of the heirs of D. C. McCan and Edward Conery, sr.; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 5173) for the relief of William G. Labadie, a member and allottee of the Peoria and other tribes of Indians, Quapaw Agency Reservation, Ind. T.; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of William G. Labadie, together with the affidavit of Dr. G. E. Smythe and letters from United States Judge J. A. Gill, United States Commissioner F. D. Adams, W. A. Jones, Commissioner of Indian Affairs, and a petition of Harned & Wade and others. I move that the bill and accompanying papers be referred to the Committee on Indian Affairs. I desire the attention of the committee to this particular bill.

The motion was agreed to.

Mr. MALLORY introduced a bill (S. 5174) to provide for the erection of a beacon light near Fair Point, in Pensacola Bay, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. OVERMAN introduced a bill (S. 5175) for the relief of the estate of John Simpkins, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5176) to create a recording district in the Indian Territory and to establish a United States district court at Okemah, Ind. T.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a bill (S. 5177) to establish four permanent military camp grounds, in the States of Texas, Wisconsin, Pennsylvania, and California, and for the enlargement of the Chattanooga and Chickamauga National Park; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GAMBLE introduced a bill (S. 5178) for the relief of the Sisseton and Wahpeton bands of Sioux Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ANKENY introduced a bill (S. 5179) granting an increase of pension to Alonzo Gardner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5180) granting a pension to Thomas Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 5181) granting an increase of pension to John W. Pearson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5182) granting an increase of pension to Charles B. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5183) to modify the law pertaining to the acquisition and holding of lode claims in the district of Alaska; which was read twice by its title.

Mr. NELSON. I ask that the bill be referred to the Committee on Territories.

Mr. TELLER. I think the bill should go to the Committee on Mines and Mining as the appropriate committee.

Mr. NELSON. I have no objection to that reference, but most bills pertaining to Alaska have gone to the Committee on Territories.

Mr. TELLER. This bill, as I understand it, and I heard a gentleman from Alaska talk about it, refers entirely to mining.

Mr. NELSON. That is correct—lode or quartz mining.

Mr. TELLER. That is a matter which I think the Committee on Mines and Mining can handle better than the Committee on Territories.

Mr. NELSON. I have no objection to that reference.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Mines and Mining.

Mr. PENROSE introduced a bill (S. 5184) granting a pension to Ethel Talley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 5185) granting a pension to John W. Thomas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5186) granting a pension to Ellwood Craig; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FOSTER of Washington introduced a bill (S. 5187) to provide for the opening of the remaining portion of the Colville Reservation, in the State of Washington, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. HOAR introduced a bill (S. 5188) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.; which was read twice by its title, and referred to the Committee on Finance.

Mr. CLAY introduced a bill (S. 5189) for the relief of the firm of McNaught, Ormond & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 5190) granting an increase of pension to William Berry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5191) granting an increase of pension to Elizabeth C. Way; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5192) granting an increase of pension to F. Heinemann; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5193) granting a pension to Edward D. Lockwood; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of Edward D. Lockwood for pension, together with brief and argument, and also the affidavits of Dr. J. F. Lane, Ferdinand Ebert, Samuel Miller, Hermann Gove, and Henry F. Reinkemeyer. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McCREARY introduced a bill (S. 5194) granting an increase of pension to Charles L. Overley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD introduced a joint resolution (S. R. 63) to extend the time for construction of the Akron, Sterling and Northern Railroad, in Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment proposing to appropriate $1,500,000 for the improvement of the harbor of Kansas City, Mo., and Kansas City, Kans., and for the permanent improvement of the Kansas River at and near its mouth, and for the removal of obstructions therein, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WARREN submitted papers to accompany the amendment submitted by Mr. GORMAN on the 8th instant, providing for the payment to Andrew Gleason and Patrick Maloney of the sum of $4,772.89, being the interest due upon a judgment rendered by the Court of Claims in cause No. 16310 between the time when the transcript of judgment was presented to the Secretary of the Treasury for payment and the time said judgment was paid, intended to be proposed to the general deficiency appropriation bill; which were referred to the Committee on Claims, and ordered to be printed.

Mr. MALLORY submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate $3,000 for survey from White Point to Hunts Bar, inclusive, on Blackwater Bay and River, Florida;

An amendment proposing to appropriate $2,500 for survey of inner harbor of Fernandina, Fla.;

An amendment proposing to appropriate $3,000 for survey of Caloosahatchee River from Punta Rassa to Fort Myers, Fla.; and

An amendment proposing to appropriate $5,000 for continuing improvement at the Cypress Top mouth of the Choctawhatchee River, Florida.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate $9,000 for rent, furniture, stationery, and printing for the offices of United States shipping commissioners, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $183,000 for the construction of wagon roads and bridges in the Mount Rainier National Park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

Mr. HALE submitted an amendment proposing to appropriate $2,000 for grading and opening Eighth street NE., so as to make a passable roadway from Bunker Hill road through the grounds of the Catholic University north to the Bates road, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN WALLER.

Mr. PLATT of New York submitted the following resolution; which was considered by unanimous consent, and agree to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

PAYMENTS TO DELAWARE INDIANS.

Mr. QUAY. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish forthwith to the Senate a statement showing the difference in value between coin and currency on payments made by the United States to the Delaware Indians, from and including the year 1862 to and including the year 1878; said payments being set forth in the report of the subcommittee of the Senate on Indian Affairs, dated March 29, 1902.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HALE. Mr. President, that is a very important resolution. If any action is taken upon it, it not only opens this case, but opens all cases where payments have been made by the Government in currency instead of gold. The obligation which would be assumed by the Government if it makes good all its payments when gold was at a premium and pays the difference between a depreciated currency and gold will amount to hundreds of millions of dollars. I do not know in the present day, when everything in the nature of swelling Government expenditures is popular and passes without question, whether any protest of mine will avail in this case. I doubt whether it will. But I do not wish that the resolution should pass without every possible obstruction being placed in its way that can be placed there. Therefore I object to the resolution.

The PRESIDENT pro tempore. Objection is made, and the resolution goes over.

Mr. QUAY. The Senator understands, I suppose, that the resolution calls for information?

Mr. HALE. All such matters, Mr. President, begin in this way. Information is called for, and a Secretary is directed to report what is the difference, in the case of a payment years ago in a depreciated currency, between that payment and a payment in gold. It all means and leads to a claim that the Government shall make these things good.

Mr. QUAY. In this case——

Mr. HALE. It is absolutely appalling, when one considers the immense amount of money that is involved by a proposition of this kind, and therefore I object.

The PRESIDENT pro tempore. The resolution goes over under the rule.

PROPOSED HAWAIIAN LEGISLATION.

Mr. FORAKER. I am instructed by the Committee on Pacific Islands and Porto Rico to ask unanimous consent that after the conclusion of the routine business to-morrow morning the Senate will consider some Hawaiian legislation. There are three acts which I want to have the Senate pass upon. It will not take longer than an hour, I think, to dispose of them.

Mr. PLATT of Connecticut. I gave notice the other day that I should feel obliged to object to requests for unanimous consent to take up special bills in the future. If the bills are what the Senator represents, there will be no difficulty in his moving to-morrow morning to take them up. I am sure every Senator will help to get them up; but when unanimous consent is given in this way we very often find when the time comes that we want to do something else than that which has been agreed upon. I must object.

The PRESIDENT pro tempore. The Senator from Montana [Mr. GIBSON] gave notice that immediately after the completion of the routine business to-morrow morning he would desire to address the Senate on a pending bill.

Mr. FORAKER. I was not aware that such notice had been given. Of course, as the Senator from Connecticut objects, and I could not obtain the agreement——

Mr. STEWART. I am anxious that the Indian appropriation bill shall have the right of way until we get through with it.

Mr. FORAKER. I give notice, then, that at the earliest opportunity I shall move to take up these Hawaiian bills.

PENSION ORDER OF INTERIOR DEPARTMENT.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CARMACK, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to the Senate whether, in the opinion of said committee, there is any authority of law for a recent order of the Secretary of the Interior to the effect that all persons who served in the Army or Navy of the United States during the war of the rebellion, and who have reached the age of 62 years, shall be presumed to have incurred such disabilities as to entitle them to receive pensions under the act of Congress, June 27, 1890.

Mr. CARMACK. I shall ask that the resolution lie on the table for the present, subject to call. In the meanwhile, however, I wish to say that in asking the reference of the resolution to the Committee on the Judiciary I intend no reflection whatever upon the Committee on Pensions.

Mr. SPOONER. Or anybody else.

Mr. CARMACK. Or anybody else. It is an inquiry. I asked that it be referred to the Committee on the Judiciary because it seemed to me that it presented a purely legal question. The fact that it refers to pensions does not constitute an element at all in the importance of the resolution. It suggests that the action of the Secretary of the Interior referred to in the resolution was a transgression upon the rights of Congress and in violation of law. That is purely a legal question, and one which I think ought to be considered by the Judiciary Committee. At present, however, I shall ask that the resolution shall lie on the table subject to call.

The PRESIDENT pro tempore. The Senator from Tennessee asks that the resolution may lie on the table subject to his call. Is there objection?

Mr. MCCUMBER. Mr. President, I do not wish to make any objection, but I wish to announce at this time that I consider this a resolution pertaining purely to pension matters, and, therefore, though it may be a legal question, it is a question that should go to the Committee on Pensions. When the resolution comes up, I shall ask that it be amended so that it shall go to what I consider to be the appropriate committee, the Committee on Pensions.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Tennessee? The Chair hears none.

Mr. HOAR. I rose before the Chair put the last question.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. HOAR. I should like very much to enter a caveat now. I do not wish, of course, to diminish the authority or the dignity of the committee of which I am the chairman, but I do not agree to the doctrine that whenever a matter before the Senate presents a question of constitutional law, purely or chiefly, or indeed of any other law, that necessarily should take it from the jurisdiction of the committee dealing with that subject and send it to the Committee on the Judiciary. The entire Senate is made up of men who are supposed to understand the Constitution which they are sworn to support, and they are all persons who are charged with the function of lawmaking and understanding laws.

Now, when a question comes before the Senate as to the power of a Department officer to make certain orders with the authority of law relating to pensions, or the power of the Secretary of the Treasury to do something in regard to the finances of the country, or of a Department officer to do something in regard to the Indians, it does not seem to me that if it is a law question it must be taken from the proper committee and sent to the Judiciary Committee. That implies what I do not claim for my committee and least of all for myself, a superiority over our associates in the capacity to judge of such questions. No such superiority in fact exists, and no such superiority ought to be recognized in the customs of the Senate.

The function of the Judiciary Committee, as I understand it, is to deal with questions pertaining to the jurisdiction and practice of the courts, and with questions in regard to the general laws of the country, such as are to be enforced and administered in the courts, and not to deal with every question of a pension law or a post-office law or a law affecting the Indian Service.

I quite agree with my honorable friend the Senator from North Dakota [Mr. MCCUMBER], who claims this jurisdiction for his committee. I think it belongs there.

ABRAM CLAYPOOL.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 9791), "An act granting an increase of pension to Abram Claypool," by striking out the word "Illinois," in line 5 of said enrolled bill, and inserting in lieu thereof the word "Indiana."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 21st instant approved and signed the following acts:

An act (S. 885) granting an increase of pension to Sarah A. Gillham;

An act (S. 1543) granting an increase of pension to William W. Jackson;
An act (S. 3274) granting an increase of pension to Jane I. Long;
An act (S. 3878) granting an increase of pension to George Coffee;
An act (S. 3879) granting an increase of pension to Cyrus Q. Lemmond;
An act (S. 3896) granting an increase of pension to Richard F. Nugent;
An act (S. 3936) granting an increase of pension to Sylvania S. Cheney;
An act (S. 3946) granting an increase of pension to Jesse Bright;
An act (S. 3977) granting an increase of pension to Luther S. Baker;
An act (S. 3978) granting an increase of pension to George W. Howard;
An act (S. 3979) granting an increase of pension to Sterling L. Parker;
An act (S. 4078) granting an increase of pension to Thomas B. Steele;
An act (S. 4246) granting an increase of pension to Louis Groverman;
An act (S. 4254) granting an increase of pension to William H. Collingwood;
An act (S. 4284) granting an increase of pension to Rebecca Hankins;
An act (S. 4285) granting an increase of pension to John H. Shands;
An act (S. 4317) granting an increase of pension to Sarah L. Augur;
An act (S. 4329) granting an increase of pension to Mary E. Nesmith;
An act (S. 4349) granting an increase of pension to Laura Ann Seaton;
An act (S. 4454) granting an increase of pension to John Seiler;
An act (S. 3919) granting a pension to Florence E. Foster;
An act (S. 4237) granting a pension to Hannah Small Wiggin; and
An act (S. 4371) granting a pension to Alison Clifton.

COLON FIRE CLAIMS.

Mr. HOAR. Mr. President, I introduced yesterday a resolution relating to what are known as the "Colon fire claims" against Colombia. It was sent to the Committee on Foreign Relations. The resolution has a long preamble setting forth the facts as the petitioners understand them. It will be convenient to the committee and the Senate and counsel to have it printed in document form, not merely in resolution form. I move that it be printed as a document.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 14256) making an appropriation for fuel for the south wing of the Capitol building; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print 10,000 copies of the report of the Commission on International Exchange and the appendixes thereto, being House Document No. 144, Fifty-eighth Congress, second session, etc.

The message further announced that the House had passed a concurrent resolution to print 10,000 copies of the coinage laws of the United States, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

A bill (H. R. 199) for the relief of John H. McLaughlin;
A bill (H. R. 468) granting an increase of pension to Henry Christy;
A bill (H. R. 892) granting an increase of pension to Abram H. Hunt;
A bill (H. R. 958) granting an increase of pension to Alfred H. Rogers;
A bill (H. R. 3776) granting an increase of pension to Alfred I. Judy;
A bill (H. R. 3903) granting an increase of pension to George C. Sherman;
A bill (H. R. 5176) granting an increase of pension to Alonzo Dutch;
A bill (H. R. 6022) granting an increase of pension to George W. Travis;
A bill (H. R. 6494) to approve and ratify act No. 73 of the legislative assembly of the Territory of Arizona;
A bill (H. R. 7239) granting a pension to Lydia M. Hill;
A bill (H. R. 9319) providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.; and
A bill (H. R. 10058) for the relief of Kirby Thomas.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes; which had been reported from the Committee on Indian Affairs with amendments.

Mr. STEWART. I ask that the amendments of the Committee on Indian Affairs may be considered as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall receive first consideration. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill, and read to line 24 on page 2.

Mr. NELSON. I wish to inquire of the chairman of the Committee on Indian Affairs as to the pay of the agent at Leech Lake, Minn. That agent is an army officer, attached to the Regular Army, and he draws his salary as such. I do not see why there should be an appropriation of eighteen hundred dollars to pay him. We have another agent at White Earth, Minn., who gets the same salary, but he is a civilian and does not draw another salary. Leech Lake is under the control of Captain Mercer, of the Regular Army, and he draws a captain's pay. I do not think this amount ought to be appropriated in addition, and I move to strike out lines 23 and 24, in the following words:

At the Leech Lake Agency, Minn., $1,800.

Mr. STEWART. I hope the Senator from Minnesota will not make that motion. The army officer does not get an increase of pay. If he is a retired army officer, he does not get the double pay. The statute provides for that.

Mr. NELSON. He is not a retired officer. He is on the active list.

Mr. STEWART. If he is an army officer, no matter whether on the retired or the active list, the Government does not give him double pay. The statute provides for such cases. If the clause is stricken out and he should die, then there would be no provision for paying his successor.

Mr. NELSON. He does not get a captain's pay, then, in addition to this salary?

Mr. STEWART. No; he does not.

Mr. NELSON. With that understanding I withdraw the motion to amend.

The reading of the bill was continued. The first amendment of the Committee on Indian Affairs was, under the head of "Current and contingent expenses," on page 3, line 14, to increase the appropriation for the salary of the agent at the Shoshone Agency, Wyo., from $1,500 to $1,800.

The amendment was agreed to.

The next amendment was, on page 3, line 22, to increase the appropriation for the salary of the agent at the Union Agency, Ind. T., from $2,500 to $3,000.

The amendment was agreed to.

The next amendment was, on page 4, line 3, to increase the total appropriation for pay of twenty-three agents of Indian affairs, from $39,300 to $40,100.

Mr. ALLISON. I have not had time to examine this bill, but I notice that the number of Indian agents is reduced to twenty-three. I notice also that some agents provided for are not estimated for, and other agents who are estimated for are not included in the bill.

I wish the Senator from Nevada, in charge of the bill, would explain the situation as respects these agencies. I notice one agent, I will say, in my own State, at the Sac and Fox Agency, is not provided for in this bill, nor is the place estimated for.

Mr. STEWART. That is true.

Mr. ALLISON. I merely wanted to understand the rule whereby agencies which are not estimated for are included in the bill. If so, I shall be prepared at some suitable time to offer an amendment providing for the Sac and Fox Agency, in Iowa.

Mr. STEWART. The explanation is this: The Department holds that they can have the service better performed by having the superintendent of schools to act as agent. They say there is no necessity for two officers, and that they can get along much better with one. They have not estimated for them, and they have asked that they be left out. This is done on the recom-

mendation of the Department. The superintendents of schools act as agents.

Mr. ALLISON. Very well. Then, I should be glad if the Senator will explain why it is that the Yankton Agency, which is not estimated for, is included by the committee?

Mr. PLATT of Connecticut. The House put it in.

Mr. ALLISON. But the committee did not strike it out. If there is to be a rule respecting this matter, that rule should be observed, it seems to me, by the committee having charge of the bill.

Mr. STEWART. I think if the Senator was on the committee he would find great difficulty in enforcing that rule.

Mr. ALLISON. I have no doubt I would. I am only trying to ascertain the general plan.

Mr. STEWART. We are endeavoring to conform to the plan of the Department. They recommend it, but they are not always able to follow it, as the Senator is not, under certain circumstances.

Mr. ALLISON. I understand that very well.

Mr. STEWART. That is the difficulty.

Mr. ALLISON. But I would be glad to have some one explain why the Yankton Agency, which is not estimated for, is included in the bill.

Mr. CULLOM. Where is it provided for?

Mr. ALLISON. At the top of page 4.

Mr. STEWART. The Department simply did not estimate for it, because they think it can be done better by the superintendent of the schools, and the House followed their recommendation. We have not changed it. If the Senator knows a good reason and will offer an amendment it will not be violently opposed.

Mr. ALLISON. The Senator from Nevada states that the House and the committee have followed the recommendation of the Department?

Mr. STEWART. Yes.

Mr. ALLISON. Now, the recommendation of the Department is that there shall be no Indian agency at the Yankton Agency. They have not estimated for it, in other words. But it is still in the bill, notwithstanding; so that is a departure from the general policy. I did not know but that there was some good reason for it.

Mr. STEWART. We yielded to superior force; that is all.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "That," to insert "hereafter;" so as to make the proviso read:

Provided further, That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or any part thereof upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

Mr. KITTREDGE. Mr. President——

Mr. STEWART. That amendment may be disagreed to.

The amendment was rejected.

Mr. SPOONER. What does the Senator mean by that amendment?

Mr. STEWART. The word "hereafter" was put in to make it a permanent law, so that it would not have to be reenacted every year. Some Senators have objected to it. I have no objection to leaving out that word, so that the same law will have to be enacted year after year. If the word "hereafter" were put in, it would remain on the statute as a general law. It has been suggested that that would perpetuate the power of the Department to dispense with agencies.

The PRESIDENT pro tempore. The amendment has been rejected.

Mr. SPOONER. Does the Senator insist upon retaining in the bill the second proviso, from line 8 to line 16?

Mr. STEWART. Oh, yes; we must retain that proviso. The word "hereafter" is all that goes out.

Mr. SPOONER. I have very grave doubts of the wisdom of so completely transferring the power which is involved in this language to the Secretary of the Interior, however great and good an administrative officer he may be. It gives him absolute power to do away with every Indian agency if he chooses.

Mr. STEWART. For one year. We put in the word "hereafter" to make it permanent, but that has been stricken out.

Mr. SPOONER. If they ought not to be done away with permanently, they ought not to be done away with for one year.

Mr. DUBOIS. The Senator from Wisconsin is starting from wrong premises.

Mr. SPOONER. That may be. I am willing to start right if the Senator will be kind enough to do that.

Mr. DUBOIS. I can explain it better by an illustration. At the Fort Hall Agency, in Idaho, the agent will have charge entirely hereafter, doing away with executive control by the superintendent. It is not necessary that the superintendent shall take the place of the agent, but the agent oftentimes takes the place of the superintendent.

Mr. STEWART. Usually.

Mr. DUBOIS. He usually does.

Mr. ALLISON. Now, may I ask a question? There is no appropriation in this bill for the agent at the Fort Hall Agency?

Mr. STEWART. No.

Mr. ALLISON. Therefore when this bill becomes a law there will be no Indian agent at Fort Hall.

Mr. STEWART. There will be no agent, but the general appropriation will cover it. The general appropriation covers the superintendents.

Mr. ALLISON. Is there a general appropriation in this bill covering the agent at the Fort Hall Agency?

Mr. STEWART. There is an appropriation covering the superintendent of schools as acting agent.

Mr. DUBOIS. I will explain.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the several Senators who have been occupying the floor?

Mr. SPOONER. I am waiting for the Senator from Idaho to give me the correct starting point.

Mr. DUBOIS. Mr. President, there is a superintendent at Fort Hall, and an agent also. I happen to be one of the Senators who think that there ought not to be two officials at an agency with full powers, you may say, so that there is a dual responsibility. The agent at Fall Hall will be dropped, but the present agent will be made superintendent, and will perform the duties devolved upon him just the same. His status will not be changed in the slightest degree, except that he will then be named the superintendent. It does away with two officers, neither of whom has full power at an agency. It does not necessarily mean that either the superintendent or the agent shall be appointed to have power over the agency both as regards the school and the agency.

Mr. SPOONER. Mr. President, I am not able to discover from the statement of my friend from Idaho [Mr. DUBOIS] that it is necessary for me to go back and start again in order to be right.

Mr. DUBOIS. I beg pardon. I thought the Senator from Wisconsin assumed that a superintendent would always be put in charge.

Mr. SPOONER. No; I assume this—I do not assume it, but I know it—that under this language the Secretary of the Interior has the power to do away with every Indian agent in the United States and to devolve his functions upon the school superintendent.

Mr. DUBOIS. Only where these agencies are so large that they have a superintendent and an agent.

Mr. SPOONER. This does not introduce that qualification. That is in the Senator's mind, and might influence the exercise of this power by the Secretary of the Interior; but it is not in the law. So far as the law is concerned, if this is to be made the permanent statutory provision—and if it ought to be enacted for a year, it ought to be made permanent——

Mr. STEWART. It operates for several years.

Mr. SPOONER. A man who has established his fitness before the Civil Service Commission to superintend Indian schools may be far, far away from being fit to perform the general administrative duties of an Indian agent at a large agency.

I have not been inclined to think that this large power ought to be given to the Secretary of the Interior. I think it is a large subject. The nominations of these Indian agents are now sent to the Senate, and they are either confirmed or rejected by the Senate. We have exercised a great deal of care heretofore as the confirming body in examining them. The Senator from Colorado [Mr. TELLER] shakes his head to indicate, I suppose, that we have not; and I call attention to that in order to make what I say intelligible—we have not, perhaps, in some instances.

If this becomes a law all these agents—that is the growing policy evidently of the Department—will be appointed without any intervention of the Senate and without any examination as to the fitness of the official, except the civil-service examination. Primarily adapted though that may be for the ascertainment of the fitness of a man to superintend Indian schools, I do not myself like, as at present advised, that provision. I simply rose to ask the Senator from Nevada if he is so firmly convinced of the wisdom of the provision as to be unwilling to eliminate it. Next year we could give it a more complete examination, when it might be more fully reported upon by the Department.

Mr. STEWART. This is a matter in regard to which I have had a good deal of intercourse with the Department. The usual practice of the Department is that they take a good agent and put him in office without any previous arrangement and without any civil-service examination. The objection was raised—I raised such an objection—how are you going to get rid of an undesirable agent? They said they could get rid of him if he was a bad agent much more readily sometimes if appointed in this way than if appointed by political influence.

Mr. SPOONER. I should like to ask why it is difficult to get rid of an agent?

Mr. STEWART. Because many of them have a good deal of backing, and it may be hard to stem the tide of influence in their favor.

Mr. SPOONER. Would it not be possible, notwithstanding that, to remove them?

Mr. STEWART. Yes; but it is very difficult to do so. The Department say that the adoption of this policy will enable them to promote a man who is familiar with the subject. I suggested to them, "If you get rid of an agent, how are you going to get a new one?" They said there would not be many new ones put in, but only one occasionally. They appoint a man from the civil service, in the first place, to only a subordinate position, and such men are subsequently made agents. They have often made agents of persons who at first had no experience. The present law is much more convenient. By keeping these officials in, there is no political struggle over each agent. I think it is a case where the whole thing is one of administration by paternal government, so far as the Indians are concerned, and I think that the Department can be trusted with the matter.

Mr. SPOONER. We are getting to be a paternal government, so far as too many offices are concerned; but I am not at all satisfied with the Senator's argument or explanation.

Mr. STEWART. It was not an argument; it was merely an explanation of facts.

Mr. SPOONER. However that may be, of course the trend of it is to enable the Civil Service Commission to practically confirm or permit the appointment of Indian agents. On small reservations, where there are very few Indians, where a superintendent of schools might possibly be better able to take care of matters pertaining to the agency and to also superintend the schools, there might be no particular objection to it; but as to the considerable agencies, the Senator knows very well that it requires unusual skill to do that.

The PRESIDENT pro tempore. It is difficult for the reporters to hear the Senator from Wisconsin.

Mr. SPOONER. I was trying to present the case to the Senator from Nevada, Mr. President.

The PRESIDENT pro tempore. The Chair noticed that.

Mr. SPOONER. I meant no disrespect to the Chair.

Mr. STEWART. I will state just what I do know. So far as I have been able to examine the cases, where they have converted an agent into a superintendent and where the superintendent has acted he has managed the affairs of the agency quite efficiently, and I think the service has been rather improved by that means. I think in most cases the superintendents will be able to discharge the duties heretofore discharged by the agents, and I think the service will thereby be improved.

Mr. SPOONER. Mr. President, I care as little about patronage as any one in the Senate——

Mr. STEWART. I know that.

Mr. SPOONER. But if the Senate desires to change and to reorganize this system entirely, to hereafter have no voice in the selection of Indian agents, and to turn it over to the Civil-Service Commission, that is for the Senate to say. In order to test that question, I move to strike out the proviso.

Mr. DUBOIS. Mr. President, I call the attention of the Senator from Wisconsin to the fact that the Senate for a great many years has been trying to do something of the kind. I presume that, broadly stated, the design is to remove the Indian agents as far as possible from political influence. When I was formerly in the Senate and sat on the other side of the Chamber, the Senate decided—and it became a law—that army officers should be appointed Indian agents. There was considerable opposition to that among the western Senators; but, notwithstanding that opposition, it became the law and army officers were appointed Indian agents.

We have been trying for many years to settle upon some plan which would be more satisfactory than the plan of appointing men from civil life, who do not know anything about the conditions in the western country, to take charge of Indian affairs. It is a question which is pretty close to us who live out in that section of the country; but, as I have said, this plan has been in vogue for several years.

Mr. SPOONER. In a small way.

Mr. DUBOIS. In a small way; and I will say to the Senator from Wisconsin that wherever it has come under my personal observation, as it has in the agency in my State, of course—the Nez Percé—there they dropped the agency and put in a superintendent. That was done because one of the Senators from Idaho happened to be a member of the Committee on Indian Affairs and acquiesced in the arrangement. When it has been tried in other States, where the Senators were very much opposed to it, as the Senator from Wisconsin can readily understand, we yielded to the wishes of the Senators from those States; but where it has been tried—and it has been tried in almost all cases unless the Senators from the State opposed it—it has been found satisfactory.

There was one case in my State where the superintendent was not satisfactory to the people or to the Indians. It was not very difficult to remove him. It is much easier to remove an officer who is appointed in this way, and who is unsatisfactory, than it is to remove one who holds his position through political influence. It is much more easy when we get a civil-service superintendent to remove him than it is where we get a political appointee as an agent out there. I think every Senator will readily understand how that could be.

The proposition which appeals most favorably to me is to do away with this dual responsibility at the agency. There is more or less conflict where there is a superintendent of schools who has full charge of everything appertaining to the schools.

The agent is called upon to put the children into school; he must scour the reservation and insist that the parents shall put the children into school; he must make arrangements with the parents, must coax and plead and argue with them; but the moment the children get into school, he has nothing more to do with them; he can not rectify any complaint, even where the Indians may come to him and complain of the misconduct of the superintendent of the school. Their jurisdictions are entirely separate and distinct.

I believe that the Departments are trying to select, where they have a superintendent and an agent on a reservation, the most competent one of the two, whether he be a superintendent or an agent, and put him in full charge. The schools are not disturbed at all or the appropriations for the school, but one man has full charge of the agency.

The Indian Committee has discussed this matter pretty thoroughly, and I think I am safe in saying that the committee are unanimously in favor of this policy, which is strongly recommended by the Department. It is going on gradually and slowly, and I trust the Senate will not stop its progress, which I believe is for the benefit of the Indians and the agents.

Mr. STEWART. Mr. President, so far as the agencies in my State are concerned, I thoroughly approve of the superintendent system. We have heretofore had a good deal of trouble with them. The Department sent strangers there in every new Administration; sometimes a new one was sent every year. I did what I could to prevent it, and did from time to time get some of them rejected by the Senate. I got them rejected sometimes because they were nonresidents and unsatisfactory, and sometimes because there was a general fight and the agency was badly managed. Finally a man was appointed from New York some years ago, a Mr. Sprague. I was very much opposed to that, but he turned out to be a pretty fair man when he got well acquainted with affairs there so that he could properly discharge the duties. He was converted into a superintendent. Western Senators have had a great deal of trouble on account of the selections of agents being made from the East.

Mr. SPOONER. If they are selected through the Civil Service Commission, may they not be taken from any part of the United States?

Mr. STEWART. Yes; but if they get a man in under that system he stays long enough to get acquainted with local conditions.

Mr. SPOONER. Still, when they first go there they do not understand local conditions.

Mr. STEWART. That is true; but they become familiar with the conditions after a while.

Mr. SPOONER. But that would apply to a superintendent as well as to an agent.

Mr. STEWART. But, in the first instance, appointees through the Civil Service Commission are not made agents. As they become fit, they are gradually promoted to that position. Somebody from the East may be appointed. The trouble we had was in getting a bad man out; but finally we would get him out and a good man might be appointed. He would eventually be converted into a superintendent, and then we would not have any more trouble. I think the western Senators have had a good deal of trouble owing to the appointment of men unacquainted with the conditions who were sent from the East, the South, and elsewhere. Under this system pretty good men will be selected, and after they have been tried and have demonstrated that they can discharge their duties satisfactorily, there is no further trouble. I believe it is a good plan.

Mr. SPOONER. I withdraw my motion for the time being. I may renew it later.

Mr. PLATT of Connecticut. Mr. President, I should like to make a single observation on this subject.

When I first came into the Senate we were appropriating yearly for about seventy Indian agents. They have been gradually reduced year by year, with the approval of the Senate, and, I think,

with the approval of the whole country—at least of so much of the country as understands the Indian situation—until in this bill, as I understand, we only appropriate for twenty-three.

I think there has been more complaint with regard to the Indian Service, growing out of the way the Indian agents have administered their agencies than from any other one cause. It has been very great; I think it has sometimes been unnecessary; but those who have studied the Indian question have, I believe, come to the conclusion that as to most of the agencies the affairs can be better administered by a superintendent than by an Indian agent.

I hope there will be no change in the policy which has prevailed for the last twenty years—to reduce the number of agencies and the number of Indian agents.

Mr. GORMAN. I should like to ask the Senator from Nevada in charge of this bill in regard to the proviso we have been considering. Is that the same proviso which has been in the Indian appropriation acts in time past?

Mr. STEWART. Yes; for about four or five different sessions. I do not exactly remember how long.

Mr. GORMAN. I should like to ask the Senator, who has probably examined into the matter, how many agencies have heretofore been transferred to superintendents of schools? What has been the practice of the Department under that provision as it has existed?

Mr. STEWART. They have reduced the number. I have not got in mind the exact number, but they have reduced it about two-thirds. There is only about one-third left.

Mr. SPOONER. A good many of these reductions have been in cases where Indians have received allotments of land.

Mr. STEWART. Not many. There are only one or two cases where they have gone out by reason of such allotments.

Mr. SPOONER. But the Senator does not attribute this reduction of Indian agents from seventy-odd to twenty-three to such allotments?

Mr. STEWART. Some of them. The reduction has been made because they have consolidated the office of superintendent, and he has performed the functions of the agent. That has been more economical; it certainly works with less friction, and we are not bothered with persons who are sent there from States far away. The trouble with the Senators from the West has been that they have been very much annoyed by the Administration sending strangers out there. That has been a very great trouble to us.

Mr. GORMAN. I do not understand how it is possible to get rid of strangers who have been appointed under the Civil Service Commission, because under that system the door is open to persons from every portion of the United States. Appointments may be made in that way from any section of the country.

Mr. STEWART. But they do not make any appointments there except by promotion. They are all pretty much made in that way. We are not bothered by that at all. Generally when an agent has been in the service for some years he has been made a superintendent. If he dies they fill the vacancy by sending a man from another agency. They promote a man from some other agency who is capable. Sometimes the Civil Service Commission will be called upon, but I do not believe they have been called upon many times by the Indian Department. The Indian Service has a full corps of officers, who are promoted for merit, and the Civil Service Commission will only be called upon for persons to occupy subordinate positions. A man must be an agent long enough to become familiar with this situation, of course, to be promoted to a full superintendent.

Mr. McCUMBER. Mr. President, I should like to ask the Senator a question. Is it not true that all the changes that have been made have been made by making the agent the superintendent of schools and making the present principal the principal teacher? Four of those have been made in the last year, and that has been the method adopted. I do not know of any case where they have called upon the Civil Service Commission for names for these positions. Of course, after they are once placed, they are promoted under the civil service, as I understand.

Mr. STEWART. That is true.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 7, line 3, after the words "enable the," to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "stockmen," to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe;" so as to read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, etc.

Mr. LODGE. I desire to ask the Senator in charge of this bill if the amendment in lines 5 and 6, inserting the words "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe," is recommended by the Secretary of the Interior?

Mr. STEWART. The Commissioner of Indian Affairs recommended that amendment. He was before the committee and gave reasons for it, which the committee thought were satisfactory.

There is a good deal of difficulty through the Civil Service Commission in selecting a farmer for irrigating purposes. They may put all the questions to him they please, but no matter how learned he may be—he may come from Harvard College, in Boston, and stand at the head of his class, and go out there to farm by irrigation—unless he has had experience, he will be just as much at a loss as one of the Indians would be if he was sent from the West to teach Hebrew in that college.

I have seen agents and farmers sent out there whom the Indians would laugh at. Men do not know how to farm irrigated land without experience. A man has got to be out there a year or two before he is a practical farmer, and a college education does not necessarily make a man a practical farmer in irrigation. I once went with a committee to examine this question of irrigation. We went to Montana and found the people there starving to death and they had to have assistance. They were people from the East. They did not know how to irrigate land, but when they had experience they made those valleys of Montana perfect gardens. If you are going to have a practical farmer to show the Indians how to farm, he must have the proper qualifications, particularly in regard to irrigation. I think that the examination of the Indian Department in that respect is a great deal better than a civil-service examination.

Mr. LODGE. Is that the reason the committee inserted the same amendment about "matrons?"

Mr. STEWART. Yes; practically the reason.

Mr. LODGE. Mr. President, the provision seems to be changing existing law, and I make the point of order that it is general legislation.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Senator from Massachusetts makes the point of order that it is general legislation.

Mr. McCUMBER. I wish the Senator from Massachusetts would withhold the point of order for a brief statement which I wish to make.

Not only can we not bring a practical farmer from one section of the United States to another, but we can not even bring him from one portion of a State to another. The method of farming in California differs entirely from the method in Wisconsin or Michigan or southern Minnesota. The method of farming in southern Minnesota differs from the method in the Red River Valley of the North. The method of farming in the Red River Valley differs entirely from methods adopted in the western part of my own State. It seems to me that this is most essential. No one can get a practical education in farming unless he has had experience in the climate in which the products are to be produced, and ordinarily it takes fifteen or twenty years before the settlers in any particular section of a new country will understand how to farm that country. It comes from experience, and therefore the men who are to teach the Indians should be drawn from that section of the country where, having lived in it, they are qualified to teach the farming as it should be taught in the particular section in which the Indians are situated.

It seems to me this is most essential. No character of education, as has been suggested by the Senator from Nevada, can supply that knowledge which comes from practical experience in the particular locality where the farming is to be conducted.

I sincerely hope the Senator from Massachusetts will look at it in that light, as I believe the provision is for the interest of the Indians themselves and for the improvement of the service, and that nothing will be obtained simply by striking out this whole matter on the ground that it is new legislation.

Mr. LODGE. I ask that the amendment may be passed over for the present.

The PRESIDING OFFICER. It will be passed over temporarily.

Mr. PLATT of Connecticut. I should like to say a word on the amendment.

Mr. STEWART. I should like to remark that it is not general legislation. It is simply——

The PRESIDING OFFICER. The Senator from Connecticut has been recognized.

Mr. STEWART. It is simply to carry into effect the text of the bill. It is not general legislation to recite the qualifications of the officers who are to carry the law into effect.

Mr. PLATT of Connecticut. Mr. President, I believe I am a pretty good friend of the civil-service law, but I have never believed that you were sure of getting a good farmer by competitive

examination. I think any Senator will see that in that matter, especially on the western agencies, the Commissioner ought to be authorized to select his farmers without reference to competitive examination. Competitive examination will not test the comparative fitness of men who are to be put on the farms to teach the Indians.

In regard to the matrons I do not want to say anything, but I think so far as the farmers are concerned there is great reason for saying that their selection should be left to the Commissioner of Indian Affairs and the Secretary of the Interior.

The PRESIDING OFFICER. The amendment will be temporarily passed over.

Mr. LODGE. I should like to ask that the amendment with respect to matrons, a similar one, may be passed over. Let them both be passed over.

Mr. FORAKER. Where is the amendment about matrons?

The PRESIDING OFFICER. On what page and line is the second amendment?

Mr. LODGE. On the next page; at the bottom of page 8.

Mr. FORAKER. I should like to ask the Senator from Massachusetts whether or not he is familiar with the character of examination to which applicants for the classified service in the capacity of farmers are subjected?

Mr. LODGE. I have not examined it particularly.

The PRESIDING OFFICER. The amendment having been passed over, the Secretary will resume the reading of the bill.

Mr. FORAKER. Where is the provision about the matrons?

Mr. LODGE. At the bottom of the next page.

Mr. FORAKER. What are they employed for?

Mr. LODGE. To teach the Indian girls housekeeping.

Mr. McCUMBER. I wish to say one word about the matrons, to explain why the provision is in the bill and in this form.

Most of the Indian girls on the reservations, or a great proportion of them, have been educated at industrial schools. They have learned housekeeping pretty well, and they themselves are qualified to teach the Indian girls. I doubt, however, if one out of twenty, well qualified in all the industries which are taught in those schools, could pass a civil-service examination. It is the desire of the Department to employ those Indian girls right from the reservation, without going elsewhere for such employees, most of whom, of course, are not full bloods, who have taken this course in the industries which are taught to the girls, such as sewing, housekeeping, cooking, etc. Therefore it was thought best to take them out of the civil-service rules.

Mr. FORAKER. I want to say that I asked for information, in perfect good faith, because I was impressed by what the Senator from North Dakota had said in regard to the varying requirements for farmers throughout the western country, one kind of farming being necessary in one locality, and quite a different knowledge being necessary for successful farming in another, due, of course, to soil and climatic conditions, and all that kind of thing.

I am surprised to learn that the selection of farmers and stockmen has been made subject to the rules and regulations of the classified service. I ought to have known it, no doubt, but I did not. It seems to me it would give us an interesting bit of information, to say the least, if we could be advised as to the character of the examination to which they are subjected.

Mr. STEWART. The Department contends that they should not come under the civil service.

Mr. FORAKER. I quite agree with the Department.

Mr. STEWART. You want to make it clear and settle the controversy?

Mr. FORAKER. I want to know, as a matter of information, to what kind of examination the men who are to be employed as farmers and stockmen under the provisions of the law as it now stands are subjected.

Mr. LODGE. If the Senator will allow these two amendments to go over, I will get that information.

Mr. FORAKER. I will be obliged to the Senator from Massachusetts.

Mr. SPOONER. I suppose they are examined on constitutional and international law.

Mr. FORAKER. I should like to know what their other qualifications must be.

Mr. HOPKINS. I suppose the stockman will be compelled to ride a burro as an experiment.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. TELLER. We on this side of the Chamber are entitled to hear something of what is going on, and it is utterly impossible to do it. If the reporter can hear, we can not, on account of the noise and confusion in the Chamber.

Mr. GORMAN. I should like to inquire of the Senator in charge of this bill what necessity there is for either of these provisions? As I understand the law governing the civil service, the President, with the Commission, has the right to make any modification he sees proper in this matter. The examination of a farmer or a housekeeper for the Indians, as a matter of course, is ridiculous, but it is a rule which has been given the force of law, made practically and principally by the President of the United States, as I understand, when he was Civil Service Commissioner. Now, he has the unquestioned right and power, and I myself should regard it as a duty, to make the change, not only in the matter of the Indians, but in other cases. It does seem to me, as the discretion has been placed in the hands of the Executive for many years, and it has seemingly been so well administered and to the satisfaction of the country, the responsibility ought to be allowed to continue to rest with him.

We have an Administration that is especially devoted to the civil service and which has the confidence—the President at all events has—of all the civil-service reformers of the country, and properly so, for I think he is very sincere about it and is very anxious to have it enforced in all these cases; but just at this time, in this year, at just this particular juncture, we find everywhere, in all the legislation that comes along, some provision, or the omission of some provision in new cases, so as to relieve the employees from civil-service examination, to open the door for appointments without reference to anything, I take it, except possibly the fitness of the applicant and that sort of influence which is desirable at certain stages in our history.

I noticed one thing the other day. The distinguished gentleman whom the President has selected as chairman of the Isthmian Commission—and wisely selected, for I think Admiral Walker is one of the ablest men in the country—was discussing another case as to employees, and there will be thousands and thousands of them on the new canal. He was asked the question whether the civil service ought to apply to all of that immense patronage, and he remarked properly that he was in favor of and most anxious to have that law in force except in cases of appointments under his Commission. So we go.

I am content to leave the responsibility with the Executive under the present law, so long as it is on the statute books. I suggest that instead of this piecemeal legislation in the Indian bill and on the bill for the employment of people on the isthmian canal we had better permit the law to remain as it is and not attempt by law to exclude certain people from the civil service.

I have never been very much of a civil-service reformer in the sense in which that term is applied. I myself think it is ridiculous to examine a blacksmith or one of these farmers or a housekeeper, but the system has been applied, and applied every day, until now it is utterly impossible in this city, for instance, to get employment in the most subordinate places in the Government, as a mere laborer or folder, for some poor person who is out of work, with nothing to do, with no employment here in a commercial way. If the rule is to be observed, let it be universal. Let it apply to all these cases until the President himself and his Commission shall ascertain by the enforcement of it that it is impracticable, and then he can relieve it, and he can do it in five minutes without this legislation. I therefore trust that we will not attempt in this bill to change the law.

Mr. LODGE. Mr. President, what the Senator from Maryland [Mr. GORMAN] has said is quite true. It is entirely in the power of the Executive to exempt farmers and stockmen from the classified service and from examination, and although it seems to me on the face of it as if those appointments had better not be in the classified service, I do think that before we legislate on it we ought to at least know what are the views of the Executive and the Secretary of the Interior. While I am not disposed to criticise, on the abstract merits, the question as to stockmen and farmers, I do think it would be a mistake to take out of the classified service the women who fill the position of matrons.

The main thing is that it is wholly in the control of the Executive. It is wholly in the control of the Secretary of the Interior, really. If he desires to have these classes exempted, they can be exempted by an Executive order, and it seems to me to legislate upon it at this time is unnecessary.

But I ask that the amendments may both be passed over, as I should like to inquire into the state of the case before we act.

Mr. TELLER. Mr. President, before the amendments are passed over, I should like to say a word or two.

It does not seem to me that there ought to be any objection to this provision. It is true the President of the United States may modify the rules, but he has not done so, and for the last six or eight years they certainly have been in force with reference to this class of employees of the Government. It is perfectly absurd to give a civil-service examination in the ordinary method to a man who is going to work on a farm in the arid region. I have known something of the operations of the present law and of the way in which it has been administered.

Not long ago there was a man sent out to one of the arid region agencies with a certificate that he had passed the Civil Service Commission examination. I suppose he had passed an examination in mathematics, history probably, grammar, etc., but he knew absolutely nothing about farming. He knew nothing about irrigation. I presume he knew that water would run down hill if it had an opportunity. Beyond that I think his ideas as to water were exceedingly limited.

Mr. President, that man was not worth one cent to the Government. He was a positive injury to the tribe where he was sent; and instead of teaching the Indians there were plenty of Indians on the reservation who could teach him, and what is true of the farmer is true of the women who are sent out to teach the Indians.

Senators say the President may do it. I know he will not do it. Whenever any attempt is made to correct what I believe are the absurd features of the civil-service regulations, the whole body of the people who think that the millennium will come by the enforcement of civil-service rules are up in arms. They are a good deal worse than what we call in politics, with reference to the tariff, the "stand-patters." They stand pat that nothing must be done with this regulation or the other regulation touching the employment of people, either as clerks or anything else under the Government.

Strike out this provision, and somebody will go to the Commissioner and will want Mr. Jones appointed a farmer. Mr. Jones will have a certificate that he has passed the civil-service examination, that he is way up in algebra and mathematics of all kinds, and that he is a scientific gentleman, perhaps a graduate of some college, but utterly unfit for the duties for which he is appointed. He gets a salary of $75 a month, which is quite an inducement, and you need a salary of that kind to get a good man who understands that class of farming in the western country.

Mr. President, the people who profess to be the friends of the Indians should not sacrifice the Indians to a theory, to a mere suggestion that there is something so sacred about the civil-service rules that they can not be modified by legislation. It is proposed to surrender the whole thing to the President of the United States, who, as we know, is a devotee of that idea. There is something more wanted in every branch of the Government than mere education. There are adaptability, fitness, and, among other things, there is the question of integrity. All of those things go to make up good employees, and nobody ought to be better qualified to determine properly who is the man he wants for a special service of this kind than the Commissioner of Indian Affairs.

It is said it is not known that the Secretary of the Interior wants this, and I do not know as to that, but I do know that it has the approval of the Commissioner of Indian Affairs. I know it has the approval of every man of common sense acquainted with the conditions intended to be met by the appointment of these farmers.

Mr. SPOONER. Mr. President, just a word. I do not agree with the principle announced by the Senator from Maryland [Mr. GORMAN] and the Senator from Massachusetts [Mr. LODGE], that because the President has the power to eliminate from the classified service employees of the Government like the Indian farmers and stockmen and declines to do it, and the Senate thinks it ought to be done in the public interest, we, in enacting upon these bills, should not do it. We made the law under which the civil-service system has grown to such tremendous proportions, and it occurs to me that a very manifest duty rests upon the Congress to exercise its power as to the manner in which the public moneys shall be expended so far as it relates to the purposes and so far as it relates to the instrumentalities.

I am in favor of the classified service within reasonable limits. I think it has been a great public good, so far as it relates to clerical positions in Washington, and generally in respect of different classes of officials. I believe if to-day it were to be destroyed or abrogated Representatives and Senators would find no time for the study and investigation and thought which are requisite to the intelligent discharge of public duties, and I am not at all in favor of abrogating it or modifying it so far as it seems to be a proper system. But the Civil Service Commission, like every other commission that I have ever known anything about, is reaching out continually for a wider field for its effort, and there is no department of this Government to-day, so far as I know, except, perhaps, the Executive, if the executive power were exerted to its utmost, which covers so wide a domain, and absolutely covers it, as the Civil Service Commission.

And to have them under the civil service, some positions, including, I think, these positions of Indian farmers and stockmen, taking that characterization in its popular sense, is utterly ridiculous. You might as well subject a detective to a civil-service examination. It is nonsense. Some of the best detectives that I have known were men who could not pass a civil-service examination. It would be almost impossible to frame a question a correct answer to which would afford any information whatever to the Civil Service Commission as to whether the man was or was not a fit man.

I know a stockman, one of the very best I think there is in the country, who can not spell and who can hardly write so that you can read it, but he is a splendid judge of stock of all sorts. This man has made himself a man of wealth, but that a man of his capacity and judgment and knowledge of stock, which can be acquired only in one way, should be excluded from the Government service because, forsooth, he has not been examined in geography, and reading, and writing, and spelling, even the rudimentary——

Mr. MCCUMBER. Composition.

Mr. SPOONER. Composition, even the rudimentary branches, is a detriment to the public service; it is against the public service, and it is way beyond what was ever intended by the old-time devotees of civil-service reform; and it has been and is a great reform.

What I rose to say was in reply to an observation made by the Senator from Maryland, which is not characteristic of him, that although we think that in the public interest the law ought to be changed in this respect, in making this appropriation we ought not to change it, because the President could change it if he would, but that it has not been called to his attention, or he has taken a different view of the subject. I do not think Congress ought to abdicate its legislative function in any particular.

It never occurred to me that these amendments would be imputed to any ulterior political purpose. I never saw that. It is so small that I think it could hardly properly be imputed to the committee or to the Indian Commissioner. I know it could not be so imputed.

Mr. LODGE. Mr. President, the Senator from Wisconsin misunderstood me if he supposes I intended to say that it was not wholly within our power and jurisdiction. It is very proper for us to consider all these things and to deal with them.

Mr. SPOONER. Mr. President——

Mr. LODGE. One moment. But I do think, when we have put certain powers in the hands of the executive department, it is at least reasonable to know what is their view of a law like this, which involves a purely executive matter. What I am trying to find out is what is the view of the Interior Department in regard to it. Why have they never made the change? They may have some reason. I do not know. My own impression is, like the Senator's, that stockmen and farmers had better not be put under a system of examination. That is my own impression, but I should like to hear what the Department which is charged with the work has to say before we pass upon it. That is all I care about.

Mr. SPOONER. I understood the Senator to say, and the RECORD will either confirm him or me, that the power is in the President to change it——

Mr. LODGE. I did say that.

Mr. SPOONER. And he thought we had better not touch it.

Mr. LODGE. No; I do not think I went so far as that. I did say the power is in the President to change it, and I thought if the Executive thought it desirable to change it he would have changed it. Therefore, I think it would be well to have their view before we change it. We may overrule them and think their views are bad.

Mr. SPOONER. I understood it to be stated here that the Indian Commissioner has recommended this.

Mr. STEWART. He did, and he explained the reason why—the difficulty of getting anybody to do the service.

Mr. LODGE. I should like to have the amendments go over. I want to look into them.

Mr. STEWART. In the case of the matrons——

Mr. LODGE. In the case of the matrons I think it is a mistake.

The PRESIDING OFFICER. It having been agreed that the amendments shall be temporarily passed over, the Secretary will resume the reading of the bill.

Mr. GORMAN. Mr. President, the Senator from Wisconsin [Mr. SPOONER] I think rather misunderstood me. I meant to say that I am not in sympathy at all with the rule which places all employees of this class under the civil service. But the rule is universal. It applies to all Departments of the Government. It applies to the most subordinate positions in this city and elsewhere. It has been enforced by the President, or by the Commission with the approval of the President, under the act. I think it ought to be changed, but I believe we ought not to deal with that question piecemeal, as is proposed in these various cases.

I did remark that it is a little peculiar, no matter what the intention of the Commissioner of Indian Affairs or others may be, to observe the activity just at this time to be relieved from the enforcement of civil-service rules, when all these subordinate appointments are to be made. It struck me as a little peculiar. I did not think it would have any very great political influence

either one way or the other, but I remarked it only incidentally. It so happened that I was one of the Senators who voted for the civil-service law when it was originally enacted—the measure known as the "Pendleton bill." But it was not within the mind of anybody at that time that it would be carried to the extent it has been done in applying it to all these subordinates and minor places.

I am rather inclined to agree, and I do agree, with the Senator from Wisconsin that it has been demoralizing rather than otherwise in the class of places where mechanics are employed and all that. I should like to see relief come, and I should like to see it general, not only in the Indian Service, but in all other branches of the service.

As I mentioned a moment ago, Admiral Walker objects to its application to the construction of the canal on the Isthmus. I agree with Admiral Walker. I think he is quite right. I have no idea that the Civil Service Commission by the recommendation of the President would ever enforce it there. It would be destructive to the end sought to be gained. It would prevent him from employing the men he would want, for the character of engineers he will require would not appear before the Civil Service Commission and ask for appointment. So it is in the case of other employees.

I am very glad to see that there is a disposition all around—and I trust it will reach the Executive—to modify the orders which have created so much hardship and, I think, so much embarrassment in the administration of the Government.

I agree with the Senator from Wisconsin that in the case of clerkships and permanent places here it has been beneficial. However, I am not inclined to believe that they have had very much more efficiency in the service than existed before; but it has been a great relief from the pressure that has been brought for appointments.

There are men in the Government service—indeed, I am told about one-half of them in the employment of the Departments in this city—who have never passed the civil-service examinations. I have in mind a few officers with the services of whom no party at any time would ever think of dispensing, because of their efficiency. I have in mind one man who keeps the accounts at the Treasury Department, Mr. MacLennan. He has been there from a date prior to 1860. No party would think of disturbing him or his corps of assistants. They are as permanent as though they were under the civil-service law. But in the ordinary run of cases, with the changes that occurred, it was embarrassing to men in public life, and so in that respect great good has come from it.

But it does seem to me that unless Congress intends by an act to restrict the power of this board and prevent them from dealing with subordinate cases such as we now have under consideration, we ought not to attempt to do it by piecemeal. It ought to be general. The enforcement of such a rule as has been made has brought us to a frame of mind we are now in in the discussion of the question. I think the rigid enforcement of it will compel a change in the rule by the President. I think he had views in regard to this matter which he honestly entertained before he had any practical experience in the administration of the Government. There is evidence all around us in various acts of that distinguished gentleman that he has modified his views in regard to many of these questions, the practical side of which he has been compelled to meet. He can do it, and do it readily. I hope to see him change the rule, not only for the Indian Service, but for all other Departments of the Government.

The PRESIDENT pro tempore. The reading of the bill will proceed.

The next amendment of the Committee on Indian Affairs was, on page 7, line 8, after the word "month," to insert "and for furnishing necessary equipments and rental of quarters."

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

To pay such contingent expenses of the Choctaw and Chickasaw citizenship court and such of its officers as the Secretary of the Interior may deem proper, and for rental of quarters, $5,000, to be immediately available. And the unexpended balance of the appropriation for contingent expenses, as provided in the act of July 1, 1902, of $5,000 remaining on the books of the Interior Department December 31, 1903, amounting to $1,136.25, to the credit of the Choctaw and Chickasaw citizenship court, is hereby reappropriated for the necessary expenses of the said court until December 31, 1904.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to insert:

For one stenographer to each of the three judges of the Choctaw and Chickasaw citizenship court, to be appointed by them, respectively, at $100 per month each, from March 3 to June 30, 1903, $1,180.65; for traveling expenses and subsistence of said stenographers, the reporter, and the bailiff of said court, not to exceed $3 per day each, $1,500; in all, $2,680.65, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 8, line 25, after the word "matrons," to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe;" so as to make the clause read:

To enable the Commissioner of Indian Affairs to employ suitable persons as matrons, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, to teach Indian girls in housekeeping and other household duties, at a rate not to exceed $70 per month, and for furnishing necessary equipments, $25,000.

The PRESIDING OFFICER. The amendment will be temporarily passed over.

The next amendment was, on page 9, line 4, after the word "equipments," to insert "and rental of quarters."

The amendment was agreed to.

The reading was continued to line 18 on page 11, the end of the items under the heading "Choctaws."

Mr. McLAURIN. I do not know whether it is in order now to offer an amendment.

The PRESIDENT pro tempore. It is not in order at this time. Under the unanimous-consent agreement the amendments of the committee will first receive consideration.

Mr. McLAURIN. I wish to state that I have an amendment which I desire to offer at the proper time.

The PRESIDENT pro tempore. After the amendments of the committee are disposed of the bill will then be open to amendment still further.

The reading was continued. The next amendment was, under the head of "Fulfilling treaty stipulations with and support of Indian tribes," on page 12, after line 17, to insert:

CHIPPEWAS OF NORTH DAKOTA.

To carry into effect the provisions of an agreement concluded between duly appointed commissioners on the part of the United States and the Turtle Mountain band of Chippewa Indians in the State of North Dakota on the 22d day of October, 1892, which said agreement shall be amended to read as follows:

"ARTICLE I. The friendly relations heretofore existing between the Turtle Mountain band of Chippewa Indians and the United States shall be forever maintained.

"ART. II. The Turtle Mountain band of Chippewa Indians, in consideration of the covenants and stipulations hereinafter contained, do hereby cede, alienate, and convey to the United States all the claims, estate, right, title, and interest of the Turtle Mountain band of Chippewa Indians, or any of them, as members of said band of Indians, in and to all lands, tenements, and hereditaments situate, lying, and being in the State of North Dakota, excepting and reserving from this conveyance, for the purposes mentioned in Article III hereof, that tract of land particularly mentioned and set apart by an Executive order of the President of the United States bearing date the 3d day of June, A. D. 1884, to which reference is hereby had for more particular description, the said reserve being 12 miles in length and 6 miles in breadth and now occupied as a reservation by the Turtle Mountain band of Chippewa Indians.

"It being expressly stipulated that the land now occupied and used for school, church, and Government purposes shall be so held at the pleasure of the United States and may, with the approval of the Secretary of the Interior of the United States, be patented, when the interest of the United States, the Indians thereon, or the efficient school conduct requires. The Secretary of the Interior may, as occasion requires, set apart other land in said reserve for school and other public uses.

"ART. III. The land, woods, and waters above reserved for the Turtle Mountain band of Chippewa Indians, subject to the stipulations contained in Article II of this treaty and agreement, shall be held as the common property of the Turtle Mountain band of Chippewa Indians, and it is agreed that the United States shall, as soon as it can conveniently be done, cause the land hereby reserved and held for the use of the Turtle Mountain band of Chippewa Indians to be surveyed, as public lands are surveyed, for the purpose of enabling such Indians as desire to take homesteads, and the selections shall be so made as to include in each case, as far as possible, the residence and improvements of the Indians making selection, giving to each an equitable proportion of natural advantages, and when it is not practicable to so apportion the entire homestead of land in one body it may be set apart in separate tracts, not less than 40 acres in any one tract unless the same shall abut upon a lake; but all assignments of land in severalty shall conform to the Government survey. And lands in said reservation which shall not be taken by said Indians within such time as may be fixed by the Secretary of the Interior after the ratification of this agreement may be opened for settlement as other public lands. The survey of this land shall be made as Government surveys and at no expense to the Indians.

"ART. IV. In consideration of the premises and the foregoing cession the United States agrees to pay to the said Turtle Mountain band of Chippewa Indians the sum of $1,000,000, such amount to be paid either in cash or yearly installments, in such sums as the Secretary of the Interior may consider for the best interest of said tribe of Indians: *Provided*, That in case the Secretary of the Interior does not see fit to pay the sum hereinbefore mentioned in cash, but considers it for the best interests of the Indians of said tribe to pay the same in yearly installments, he is hereby authorized and directed to expend such portion of the pro rata share of each Indian on the reserve, as his needs may require, in building, improving, and repairing the houses of such Indians, except as hereinafter agreed.

"ART. V. The schools now located upon the above-named reserve are to be maintained in efficiency, as at present, so long as, in the opinion of the Secretary of the Interior, conditions demand the maintenance of such schools, not to exceed, however, the term of twenty years.

"ART. VI. All members of the Turtle Mountain band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to such share in all tribal funds, annuities, or other property, the same as if located on the reservation.

"ART. VII. So long as the United States retains and holds the title to any land in the use or occupation of any member of the Turtle Mountain band of Chippewa Indians or the title to other property in the possession of any Indian of said band, which it may do for twenty years, there shall be no tax or other duty levied or assessed upon the property, the title to which is held or retained by the United States.

"ART. VIII. It is further covenanted and agreed that under no circumstances the Turtle Mountain band of Chippewa Indians, nor any members of said band of Indians, shall take up arms against or resist the established authorities of the United States. Every person so violating this stipulation shall, in the discretion of the United States, be forever barred from the benefits of this agreement, and all rights of such person or persons hereunder shall be forfeited to the United States.

"ART. IX. This agreement to be of no binding force or effect until ratified by the Congress of the United States." And which said agreement, amended as above, is hereby accepted, ratified, and confirmed, $1,000,000.

That for the purpose of making the surveys and allotments contemplated in said agreement, $3,000.

Mr. McCUMBER. With the consent of the committee, I will offer an amendment to the amendment.

Mr. STEWART. There was some little amendment made to the bill passed by the Senate yesterday, and I should like to have the Senator from North Dakota put in his amendment here.

Mr. McCUMBER. With that understanding, I will move, after the word "reservation," on line 3, page 16, to insert the following proviso:

Provided, That such right of alternate selection of homesteads shall not be alienated or represented by power of attorney.

It is the same as the amendment which was adopted yesterday when the bill passed the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Kickapoos in Kansas," on page 18, line 18, after the word "and," to strike out "fifty-five" and insert "fifty-four;" so as to read:

Interest on $65,540.94, at 5 per cent per annum, for educational and other beneficial purposes, per treaty of May 18, 1854, $3,277.04.

The amendment was agreed to.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. FAIRBANKS. I ask that that bill be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may proceed with the consideration of the Indian appropriation bill. The Chair hears no objection.

The reading of the bill was continued. The next amendment of the Committee on Indian Affairs was, under the subhead "Winnebagoes," on page 29, after line 6, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay per capita to the following Indians, under such regulations as he may prescribe, the money now to their credit in the Treasury of the United States, namely: L'Anse and Vieux de Sert Chippewas, Michigan; Omahas, Nebraska; Otoe and Missouria, Oklahoma; Stockbridge and Munsee, Wisconsin; Tonkawas, Oklahoma; Umatillas, Oregon.

The amendment was agreed to.

The next amendment was, on page 29, after line 14, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay the Sioux Indians residing at Flandreau, in the State of South Dakota, the share of said Indians in the principal permanent fund appropriated and placed in the Treasury of the United States to the credit of the Sioux Nation of Indians by the seventeenth section of the act of Congress approved March 2, 1889 (Stat. L., vol. 25, p. 895).

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to insert:

That the Secretary of the Interior is hereby authorized and directed to cause to be paid to the persons hereinafter named, formerly members of the Wichita and affiliated bands of Indians, now citizens of the United States, that is to say, to William M. Hazlett, Nora G. Hazlett, Joe Weller, Charles S. Williams, Fred Exendine, Earl Purdy, Grimes Atkin, Clay J. Bronson, Bella K. Bronson, Francis E. Cross, James Deer, Jennie Deer, John D. Browning, Margaret L. Browning, Bela Ellis, Mary Perdier Gray, Charles Inkanish, James Inkanish, Henry Inkanish, Ellen E. King, Louisa P. Medrano, John Osborne, Alice Osborne, E. B. Parrish, Nancy Parrish, Mary N. Purdy, Vernon Purdy, H. P. Pruner, Lucy J. Pruner, Charles B. Pruner, Frank Purdy, Bill Perdier, Sallie Perdier, Jessee Strum, Mattie Strum, Oscar Tobanaka, Homer J. Seger, Katie Strum Thomas, Jessee Williams, Willie Weller, Cora C. West, Benjamin Montello, Alice Inkanish Cussen, their per capita share of the funds derived from the sale or disposition of lands made in pursuance of the decree of the Court of Claims in the case of The Choctaw Nation and The Chickasaw Nation *v.* The United States and The Wichita and Affiliated Bands of Indians, being No. 18932, which has accrued up to and including December 31, 1903, except the fund which has accrued from the disposition of land reserved for the use of schools, colleges, and public buildings, said payments to be made to the said persons through those authorized to aid in collecting the same upon the execution of proper receipts.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

For the purpose of carrying into effect the agreement entered into on the 17th day of June, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and the Yahooskin band of Snake Indians, belonging to the Klamath Agency in the State of Oregon, set forth in the report of the Secretary of the Interior reporting the same to Congress and printed in House of Representatives Document No. 79, Fifty-seventh Congress, first session, the sum of $537,007.20 is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said agreement is hereby ratified and confirmed. Of the said sum so appropriated, $250,000 shall be deposited in the Treasury of the United States to the credit of said Indians and the remainder shall be expended as provided in the third article of said agreement.

Mr. STEWART. The Senator from Oregon [Mr. MITCHELL] has an amendment that was agreed to by the committee to the bill which he would like to have put on here.

Mr. MITCHELL. After line 20, on page 31, I move an amendment.

The PRESIDENT pro tempore. It is offered, the Chair understands, with the consent of the committee.

Mr. STEWART. Yes; it is authorized by the committee.

The SECRETARY. Add, after the word "agreement," in line 20, page 31, the following proviso:

Provided, That all indemnity school-land selections made by the State of Oregon in lieu of sections 16 and 36, in place between the boundary of the Klamath Indian Reservation, as erroneously fixed in 1888, and the boundary agreed upon in the treaty with the Indians in 1864, as confirmed by the Klamath Boundary Commission under act of June 10, 1896, in their report to the Secretary of the Interior dated December 18, 1896, and by the survey made pursuant thereto and accepted by the General Land Office May 7, 1900, which are otherwise regular and free from any prior lawful claim, are hereby confirmed to the State of Oregon as school lands: *Provided*, That the State furnish evidence satisfactory to the Secretary of the Interior that at the date of filing such list of selections it had not disposed of or encumbered its title to said base lands.

Mr. PLATT of Connecticut. I should like to inquire what is the effect of the amendment proposed by the Senator from Oregon?

Mr. MITCHELL. The effect is simply this. As the Senator is aware, the State surrendered as a base sections 36 and 16 in this disputed district, and took in lieu thereof certain other sections. Now, the treaty confirms these selections, but the Department does not permit the matter to go to a finality until Congress has acted upon the treaty. The effect is simply to give to the State of Oregon as school lands lieu lands that they have selected in place of sections 16 and 36 of this disputed territory.

Mr. PLATT of Connecticut. What becomes, then, of sections 16 and 36?

Mr. MITCHELL. They go to the United States, for which we are now paying these Indians nearly $600,000.

Mr. PLATT of Connecticut. Not for them alone, but for all the lands.

Mr. MITCHELL. Yes; for all the lands, and part of the lands for which, under the treaty, this bill pays the Indians some $600,000.

Mr. PLATT of Connecticut. The lands are settled upon, I suppose?

Mr. MITCHELL. I do not know about that. I presume some of them are. The whole district has been in dispute so long that I suppose there are very few settlers on those lands. The provision is guarded in every respect.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Miscellaneous supports and gratuities," on page 31, line 22, after the word "For," to strike out "subsistence" and insert "support;" so as to make the clause read:

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, $25,000.

The amendment was agreed to.

The next amendment was, on page 33, line 5, after the word "five," to insert the following proviso:

Provided further, That the proviso in the appropriation of $225,000 for the support and civilization of Indians in Arizona and New Mexico in the Indian appropriation bill for the fiscal year 1904 is hereby corrected to read as follows: "*Provided*, That the unexpended balance for the fiscal year 1903 is hereby appropriated and made available for 1904," and made applicable accordingly.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 38, line 12, before the word "consisting," to strike out "now unsettled;" and in line 14, after the word "tribe," to strike out:

And all the restrictions upon the sale or lease of lands of all allottees of either of the Five Civilized Tribes of Indians, who are not of the Indian blood, are hereby removed, except the restrictions upon the homestead which shall not be affected hereby.

And insert:

And provided further, That the Secretary of the Interior may, in his discretion, and when he shall become satisfied beyond question that the same is for the best interest of the allottee and upon full investigation of each individual case, remove the restriction upon the sale, or lease of allotted lands of either of the Five Civilized Tribes of Indians, except restrictions upon the homestead, which shall not be affected hereby.

So as to make the clause read:

For salaries of four Commissioners appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, $20,000, and said Commission shall conclude its work and terminate on or before the 1st day of July, 1905, and said Commission shall cease to exist on July 1, 1905: *Provided*, That said Commission shall exercise all the powers heretofore conferred upon it by Congress: *And provided further*, That the Secretary of the Interior is hereby granted authority to sell at public sale in tracts not exceeding 160 acres to any one purchaser, under rules and regulations to be made by the Secretary of the Interior, the residue of land in the Creek Nation belonging to the Creek tribe of Indians, consisting of about 500,000 acres, and being the residue of lands left over after allotments of 160 acres to each of said tribe: *And provided further*, That the Secretary of the Interior may, in his discretion, and when he shall become satisfied beyond question that the same is for the best interest of the allottee and upon full investigation of each individual case, remove the restriction upon the sale or lease of allotted lands of either of the Five Civilized

Tribes of Indians, except restrictions upon the homestead which shall not be affected hereby.

The amendment was agreed to.

The next amendment was, on page 39, line 4, to increase the appropriation for expenses of Commissioners and necessary expenses of employees; for clerical help, including secretary of the Commission and interpreters to the Five Civilized Tribes in the Indian Territory, from $242,294 to $242,295.

The amendment was agreed to.

The next amendment was, on page 39, after line 9, to insert:

That no proceedings heretofore had with respect to allotments in the Cherokee Nation shall be held invalid on the ground that they were had before there was authority to begin the work of allotment in said nation: *Provided*, That nothing herein shall be construed as validating any filings heretofore made on lands segregated for the Delaware Indians.

The amendment was agreed to.

The next amendment was, on page 39, after line 16, to insert:

That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is hereby authorized and directed to make rules and regulations governing the renting of the homesteads and surplus lands allotted to full-blood Indians belonging to the Creek, Cherokee, Choctaw, and Chickasaw Indians in the Indian Territory, and to the minor children of such Indians, and no rental contract of the lands allotted to such Indians or to their minor children shall be valid or binding until approved by him: *Provided*, That if any full-blood adult member of either of the said tribes believes himself or herself competent to make leases and transact his or her affairs such member may file a request with the Commissioner of Indian Affairs for a permit to lease the lands which have been allotted to him or her and the minor children of such member, and if upon consideration and examination of the request the said Commissioner shall find said member to be fully competent and capable of managing and caring for his or her own individual affairs he may issue a certificate to such member authorizing him or her to make rental contracts for the lands allotted to such member and his or her minor children.

Mr. MONEY. I raise the point of order on that amendment of the committee. The point is that it is new and general legislation upon an appropriation bill. I will not want to argue it at all.

Mr. PLATT of Connecticut. What is the point of order?

Mr. MONEY. The point of order is that the amendment is new and general legislation on an appropriation bill.

Mr. QUAY. To what amendment does the point of order relate?

Mr. MONEY. To the amendment beginning at line 17, on page 39, which has just been stated.

Mr. PLATT of Connecticut. Mr. President, I do not know whether or not this is new legislation.

Mr. MONEY. It certainly is.

The PRESIDENT pro tempore. The question is, whether it is general legislation. Our rules do not provide against new legislation.

Mr. MONEY. Mr. President, my point was that the amendment was new and general legislation on an appropriation bill.

Mr. PLATT of Connecticut. Mr. President, the legislation for the Indian Territory has heretofore been principally enacted on Indian appropriation bills. I do not claim that it has been strictly within the rule; but it has seemed impossible to legislate for the settling up of the affairs of the Indian Territory except upon appropriation bills.

The matter was commenced years ago, when we appointed the Dawes Commission and gave them authority to enter into such agreements with the Indians as it was supposed would eventually result in the segregating of the lands of the Indians and their becoming citizens. It has been a great work; it has applied to a territory as large as the State of Indiana. To take those lands from out of their condition as tribal and communal lands, and to see that they were allotted to individual Indians, and the terms upon which such Indians should hold their allotments, has been a very much greater and more important work than I suppose is realized by members of the Senate or Members of the other House.

This legislation is simply to change in some respects laws heretofore enacted on appropriation bills with reference to the leasing or renting, or, possibly, the sale, though I think it refers simply to the renting of lands.

Mr. MONEY. To the renting.

Mr. PLATT of Connecticut. Of course, if the point of order prevails against the amendment the work will thereby be delayed and hindered, and an immense tract of territory, as I say, as large as the State of Indiana, will be tied up—not only the homesteads, but the surplus lands of the Indians in the hands of Indians, inalienable for twenty years, so that there can be no taxation for the support of any government which may be established there.

This is a very important matter, Mr. President; and if this provision is general legislation and objected to on that ground, there may be infinite damage done in that Territory. If the provision is going out of this bill, I do not suppose we shall ever have an opportunity to pass it in any other way.

Mr. MONEY. Mr. President, I do not suppose it is necessary to argue the amendment of the committee upon its merits, simply upon the suggestion I have made that it is out of order; but I will say, if it is necessary to go into the merits, that the treaty with the several tribes arranges this matter satisfactorily. As to the rentals and the rights of minor children of the Indians and others, they can go to the courts to be satisfied, and if there is any lack of protection to such minors or to anybody else they can go to the courts. Everything, so far as I understand, has been arranged by treaties of different dates—1898, 1900, and 1902.

Of course I do not want to make any argument upon the merits, but simply as to whether the question of the point of order is good or not. It is either good or not good. It is so obvious to my mind that it is good that I do not think the President of the Senate needs to have anything said about it, and so I submit the question.

The PRESIDENT pro tempore. The Chair is ready to decide. In the opinion of the Chair the amendment proposes general legislation; and the Chair sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 40, after line 12, to insert:

No application for enrollment as a citizen or freedman, except as hereinafter provided, of either the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in Indian Territory shall be received by the Commission to the Five Civilized Tribes after the passage of this act: *Provided*, That the said Commission is hereby authorized for sixty days after the date of the approval of this act to receive and consider applications for the enrollment of children born since January 1, 1896, and prior to September 28, 1902, to recognized and enrolled citizens of the Choctaw and Chickasaw tribes of Indians, or born since January 1, 1896, and prior to September 1, 1902, to recognized and enrolled citizens of the Cherokee Nation.

The amendment was agreed to.

The next amendment was, on page 41, line 10, after the word "and" where it occurs the first time, to strike out "three" and insert "two;" so as to make the clause read:

To carry out the provisions of section 10 of the supplemental agreements with the Creek Nation, as ratified by the act of June 30, 1902, and section 37 of the Cherokee agreement, as ratified by the act of July 1, 1902, $10,000.

The amendment was agreed to.

The next amendment was, on page 41, line 15, before the word "possession," to strike out "unrestricted" and insert "exclusive," and in line 21, after the words "Indian Territory," to insert:

And it shall be unlawful for any person who is now, or may have been, in the employ of the United States, directly or indirectly to purchase, lease, or have any interest in any Indian lands the distribution of which was in any manner whatsoever pending in or before the branch of the Government service in which such person was employed, until after the expiration of two years from the termination of such employment.

So as to make the clause read:

For the purpose of placing allottees in exclusive possession of their allotments, to be expended under the direction of the Secretary of the Interior, $30,000: *Provided*, That no portion of the money herein appropriated for the Indian Territory shall be paid to any person in the service of the United States until such person shall make oath that he has no financial interest with any person or corporation dealing in Indian lands in the Indian Territory. And it shall be unlawful for any person who is now or may have been in the employ of the United States directly or indirectly to purchase, lease, or have any interest in any Indian lands the distribution of which was in any manner whatsoever pending in or before the branch of the Government service in which such person was employed until after the expiration of two years from the termination of such employment.

The amendment was agreed to.

The next amendment was, on page 42, after line 5, to insert:

That the Delaware-Cherokee citizens who have made improvements, or are in rightful possession of such improvements, in the Cherokee Nation at the time of the passage of this act shall have the right to first select from said improved lands their allotments, and thereafter, for a period of six months, shall have the right to sell the improvements upon their surplus holdings of lands to other citizens of the Cherokee Nation entitled to select allotments at a valuation to be approved by an official to be designated by the President for that purpose; and the vendor shall have a lien upon the rents and profits of the land on which the improvements are located for the purchase money remaining unpaid; and the vendor shall have the right to enforce such lien in any court of competent jurisdiction. The vendor may, however, elect to take and retain the possession of the land at a fair cash rental, to be approved by the official so as aforesaid designated, until such rental shall be sufficient to satisfy the unpaid purchase price, and when the purchase price is fully paid he shall forthwith deliver possession of the land to the purchaser: *Provided, however*, That any crops then growing on the land shall be and remain the property of the vendor, and he may have access to the land so long as may be necessary to cultivate and gather such growing crops. Any such purchaser shall, without unreasonable delay, apply to select as an allotment the land upon which the improvements purchased by him are located, and shall submit with his application satisfactory proof that he has in good faith purchased such improvements.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to insert:

That the Secretary of the Interior is authorized to use $5,000 of the $12,000 appropriated by the act of May 27, 1902, to enable him to remove certain Indians, known as Wenatchi, to the Colville Indian Reservation, in the State of Washington, and to properly establish and temporarily maintain them, for the benefit of said Indians in their present homes, in the purchase of agricultural implements, wagons, teams, and in the erection of houses, as in his discretion he may deem proper.

The amendment was agreed to.

The next amendment was, on page 44, after line 5, to insert:

The Secretary of the Interior is hereby authorized and directed to investigate the conditions of the landless nonreservation Indians of northern California and to report to Congress at the next session what assistance, if any, should be given by the Government for improving their condition.

The amendment was agreed to.

The next amendment was, on page 44, line 12, after the word "directed," to strike out "with the consent of the nation, secured in the usual manner;" so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the intruders in the Cherokee Nation, Indian Territory, who have not heretofore for any reason been paid the amounts due them by appraisement heretofore made for improvements, such payment to be made out of funds now at the disposal of the Secretary of the Interior for such purpose.

The amendment was agreed to.

The reading of the bill was continued to the close of the following paragraphs on page 46, from line 4 to line 11:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, $10,000.

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian service, $10,000.

Mr. HOPKINS. Mr. President, I desire to move to amend the bill by striking out the paragraph relating to the location of a warehouse at Omaha and the paragraph relating to a warehouse at St. Louis, Mo.

Mr. PLATT of Connecticut. Will not the Senator withhold his amendment until the committee amendments are disposed of?

The PRESIDENT pro tempore. Under the unanimous-consent agreement the amendment would not now be in order. It will be in order after the committee amendments have been disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 46, line 15, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

To maintain at the city of San Francisco, Cal., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 46, after line 15, to insert:

The Secretary of the Interior is authorized to cause to be assembled, at the city of St. Louis, in the State of Missouri, at such time and for such period as he may designate, and as a part of the Louisiana Purchase Exposition, to be held at the city of St. Louis, in the State of Missouri, pursuant to an act of Congress entitled "An act to provide for celebrating the one hundredth anniversary of the purchase of the Louisiana territory by the United States by holding an international exhibition of arts, manufactures, and the products of the soil, mine, forest, and sea in the city of St. Louis, in the State of Missouri," approved March 3, 1901, such representatives of the different Indian tribes and such exhibits from Indian agencies, schools, and archives as he may deem advisable or necessary to illustrate the past and present conditions of the Indians and the Indian tribes of the United States, and progress made by such in education, art, and industry, and the methods of education and government, and such other matters and things as will fully illustrate Indian advancement in civilization, the details of which shall be in the discretion of the Secretary of the Interior. And for the purpose of carrying into effect this provision the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated; but the Secretary of the Interior is prohibited from making, or causing to be made, any expenditure or creating any liability on behalf of the United States in excess of the sum hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 47, after line 17, to insert:

To enable the Commissioner of Indian Affairs to aid in the enforcement of the act of Congress approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," $10,000, to be immediately available, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, in securing evidence against persons suspected of having violated said act.

The amendment was agreed to.

The next amendment was, on page 48, line 20, after the word "dollars," to insert "in all, $2,000;" so as to make the clause read:

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500, and for necessary traveling and incidental expenses of said attorney for the Pueblo Indians of New Mexico, $500; in all, $2,000.

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "dollars," to strike out:

That the time for opening the unallotted lands to public entry on the Uintah Reservation, in Utah, as provided by the acts of May 27, 1902, and March 3, 1903, be, and the same is hereby, extended to October 1, 1905. That the.

The amendment was agreed to.

The next amendment was, on page 49, line 3, before the word "Secretary," to insert "The;" and in line 9, after the word "judgment," to strike out "in all, $2,000;" so as to make the clause read:

The Secretary of the Interior is authorized and directed to withhold from the amount appropriated by act of February 9, 1900, to pay the judgment of the Court of Claims in favor of the New York Indians, an additional sum not exceeding $5,000, to be immediately available, and to apply it in the payment of expenses necessary in ascertaining the beneficiaries of said judgment.

The amendment was agreed to.

The next amendment was, on page 49, after line 10, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed, upon the sale of lands in Indian Territory covered by coal and asphalt leases, to sell such lands subject to the right of the lessee to use so much of the surface as may be needed for coke ovens, miners' houses, store and supply buildings, and such other structures as are generally used in the production and shipment of coal and coke. Lessees may use the tipples and underground workings located on any lease in the production of coal and coke from adjoining leases, and are hereby authorized to surrender leased premises to the owner thereof on giving sixty days' notice in writing to such owner and paying all charges and royalties due to the date of surrender: *Provided, however*, That nothing herein contained shall release the lessee from the payment of the stipulated royalty so long as such lessee remains in possession of any of the surface of the lands included in his lease for any purpose whatever.

The amendment was agreed to.

The next amendment was, on page 50, after line 3, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed (the Osage Indians consenting thereto) to apply the funds derived from grazing now standing to the credit of the said Indians in the Treasury, together with such portion of the funds hereafter derived from such source as may be necessary, as a tribal or community fund, in the payment of the balance now remaining due on the claims of certain licensed Indian traders against individual members of the tribe.

The amendment was agreed to.

The next amendment was, on page 50, after line 12, to insert:

That from and after the approval of this act exclusive jurisdiction is conferred upon the United States courts in the Indian Territory in the matter of appointing guardians and administrators, and chapters 1 and 73 of Mansfield's Digest of the Statutes of Arkansas of 1884, heretofore extended and put in force in the Indian Territory, are hereby made applicable to all estates, whether Indian, freedman, or otherwise, both as to appointment of administrators and guardians.

The amendment was agreed to.

The next amendment was, on page 50, after line 21, to insert:

That the act entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes," approved October 1, 1890, be, and the same is hereby, amended so as to confer upon the Court of Claims the same jurisdiction to determine the claims and rights of those alleged citizens of the Cherokee Nation known as intermarried whites as is therein conferred upon said court relative to the rights and claims of the Shawnee and Delaware Indians and the freedmen of said Cherokee Nation, and said case shall be advanced on the calendar of said Court of Claims and the calendar of the Supreme Court, if the same is appealed. Said court in said judgment shall fix the amount due the attorney or attorneys of record for their legal services, not exceeding the amount stipulated by the contracts between said claimants and said attorneys, and shall in said judgment direct that the accounting officers of the United States shall deduct from the amount due each claimant the attorney fee allowed in said judgment and pay the same directly to said attorneys and shall pay the balance to the claimants.

The amendment was agreed to.

The next amendment was, on page 51, after line 17, to insert:

Jurisdiction is hereby conferred upon the Court of Claims to enter final judgment in the case referred to it by letter of the Secretary of the Interior dated February 24, 1903, and designated on the calendar of said court as "Departmental—No. 76," and either party may appeal to the Supreme Court of the United States from said judgment, and jurisdiction is hereby conferred on said court to hear and determine said appeal. This case shall be advanced on the calendars of said courts.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $700,000, or so much thereof as may be needed for the purpose of satisfying the final decree of the Court of Claims in the certain suit in interpleader, wherein the United States was complainant and the Choctaw Nation, the Chickasaw Nation, and the Chickasaw Freedmen were defendants and respondents, No. 23115 upon the docket of said court, said decree having been affirmed, on appeal, by the Supreme Court of the United States, the same having been rendered against the United States and in favor of the Choctaw and Chickasaw nations for the value of the lands of said nations allotted by the United States to the Chickasaw Freedmen, as ascertained by the appraisal thereof made by the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 649), said payment to be in full satisfaction of all claims by the Choctaw and Chickasaw nations against the United States or the said Freedmen on account of the taking of said lands for allotment to said Freedmen, as in said act provided. That out of the amount herein appropriated the Secretary of the Treasury is hereby authorized and directed to pay to counsel for said Choctaw and Chickasaw nations, employed under the provisions of said act of Congress, such sum for professional services as has been approved by the Secretary of the Interior under contract of employment entered into in accordance with law; that the balance of the amount herein appropriated shall be placed upon the books of the Treasury to the credit of the said Choctaw and Chickasaw nations.

The amendment was agreed to.

The next amendment was, on page 53, after line 9, to insert:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $50,000, which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as the attorney of said nation under contract entered into on the 7th day of November, A. D. 1891, between said J. Hale Sypher and the said Choctaw Nation.

Mr. STEWART. I ask that the amendment may be passed over for the present.

Mr. KEAN. I wish to make a point of order against the amendment.

Mr. STEWART. Let it be passed over.

Mr. FORAKER. What page is it on?

Mr. STEWART. Page 53.

Mr. KEAN. I think I may as well submit the point of order and let it go out now.

Mr. SPOONER. Against which amendment?

The PRESIDENT pro tempore. The amendment beginning in line 10. Will the Senator from New Jersey state his point of order?

Mr. KEAN. That it is a claim.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The next amendment of the Committee on Indians Affairs was, on page 53, after line 19, to insert:

All leases made by any allottee of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole nations shall be absolutely null and void unless recorded in the manner provided for recording deeds and other conveyances and instruments of writing in Indian Territory, within thirty days after the execution thereof, and the Secretary of the Interior is authorized to cause any person holding or claiming possession of land under such void lease to be summarily removed from such land. The Secretary of the Interior is also authorized and directed, upon complaint of any allottee that he is wrongfully deprived of possession of his allotted land, to cause an investigation to be made of such complaint by some officer of his Department, and if it be found that possession of land of such allottee is being withheld from him by one claiming under a lease executed in violation of law, or obtained through fraud or deception, or upon terms grossly inadequate, or under which the terms thereof are not being complied with, such lease may thereupon be by such officer declared terminated if the facts, in his opinion, justify such action, and any person holding under such lease may be summarily removed from the land by the United States Indian agent.

Mr. STEWART. On page 53, line 20, before the word "leases," I move to insert the word "hereafter."

The amendment to the amendment was agreed to.

Mr. MONEY. I make the point of order on the provision beginning in line 20, page 53, and including the entire clause, that it is new and general legislation on an appropriation bill. So far as the merits of the proposition are concerned, they are not to be debated on a point of order. I think it is meritorious, but I make the point of order on the whole section. I leave it to the Chair.

Mr. STEWART. This was put in on the recommendation of the Department as necessary in order that there may be a record in regard to leases. There has been some confusion and some very outrageous things have been done.

Mr. SPOONER. Nothing so outrageous as this provision which the committee has brought in here.

Mr. STEWART. How worse?

Mr. SPOONER. It is worse in this respect, that it declares void leases which were not recorded within thirty days of their execution, even though there was no law requiring it. You give a man no opportunity at all. I will take the ruling of the Chair on the point of order.

The PRESIDENT pro tempore. It strikes the Chair that with the amendment just inserted the provision is clearly general legislation.

Mr. PLATT of Connecticut. Which amendment?

The PRESIDENT pro tempore. Inserting in line 20, page 53, the word "hereafter;" so as to read "all leases hereafter made."

Mr. PLATT of Connecticut. That was an amendment to the amendment to which the Senator from Mississippi raises the point of order.

The PRESIDENT pro tempore. Yes.

The Chair does not feel so certain about the ruling on the item beginning in line 10, and will ask that it may be withheld for the present, that he may consider it a little further.

Mr. CULLOM. On page 53?

The PRESIDENT pro tempore. The point which occurs to the Chair on that item is that it is not a claim against the Government of the United States, but is a claim resulting from an agreement with the Indians, and is against the Indians, and is only paid by the United States.

Mr. PLATT of Connecticut. Out of Indian funds.

The PRESIDENT pro tempore. Out of Indian funds.

Mr. STEWART. Let it be passed over, then.

The PRESIDENT pro tempore. The Chair would prefer that it might be passed over for the present.

Mr. KEAN. Is this the Sypher case?

The PRESIDENT pro tempore. Yes; the Sypher case.

Mr. KEAN. All right.

The PRESIDENT pro tempore. In ruling on it promptly, the Chair did not notice that it was under an agreement with the Indians, and a claim against the Indians and not against the Government of the United States.

Mr. KEAN. I think the balance of the rule will cover it.

The PRESIDENT pro tempore. The Chair is not prepared to say at this moment whether or not he will sustain the point of order.

Mr. KEAN. I noticed before I made the point that the money is to be paid out of Indian funds.

Mr. SPOONER. I hope the Chair will reserve his decision, because there is another item later on in the bill upon which the same point of order will be raised.

Mr. LODGE. There is no doubt about the other one.

The PRESIDENT pro tempore. If the Senate will allow the Chair to reserve his ruling for the present, he will do so.

Mr. MONEY. For information, I should like to inquire whether the request of the Chair to withhold his ruling applies to the whole section?

The PRESIDENT pro tempore. No, it does not; but only to a private claim.

Mr. MONEY. Only to what?

The PRESIDENT pro tempore. To the private claim of J. Hale Sypher. On the point raised by the Senator from Mississippi on the next item, the Chair sustained the point of order, that it is general legislation.

Mr. SPOONER. May I inquire what is precisely covered by the ruling of the Chair? It relates to the amendment beginning in what line?

The PRESIDENT pro tempore. Beginning in line 20.

Mr. SPOONER. And ending where?

The PRESIDENT pro tempore. Line 16 on the next page.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 54, after line 16, to insert:

All lands which are by section 59 of an act entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, directed to "be sold at public auction for cash," and all other lands and deposits of like character in said nations segregated under any act of Congress, shall, instead, be sold under direction of the Secretary of the Interior, after due advertisement, upon sealed proposals, under regulations to be prescribed by the Secretary of the Interior and approved by the President, with authority to reject any or all proposals.

The amendment was agreed to.

The next amendment was, on page 55, after line 2, to insert:

So much of said section as makes provision for the appointment and duties of "a commission composed of three persons" be, and the same is hereby, repealed.

Mr. QUAY. With respect to the pending amendment, I wish to inquire of the chairman of the committee exactly what are its purport and intention? The Chickasaw and Choctaw Indians, as I understand, were induced to agree to the sale of their lands by the promise that each tribe should have a commissioner appointed to take part in the sale, and that they should have full voice in it, so that the commission would be composed of three persons—one appointed by the Secretary of the Interior, one by the chief of the Chickasaw Nation, and one by the Choctaws—and the rights of the Indians would be fully protected.

These are not blanket Indians. They are highly educated people. The leading men among them are generally college graduates and professional men. I should like to know what reason there can be for depriving these Indians now of that representation.

Mr. STEWART. It is intended to protect the Indians from misrepresentation. There is a letter from the Department——

Mr. QUAY. I do not understand it.

Mr. PLATT of Connecticut. I think I can explain it.

Mr. STEWART. The land is to be sold on sealed bids instead of at auction. At auction the experience of the Government is that there is usually a combination. I do not think it ever occurred otherwise. The purchasers organize and the Indians get very little.

Mr. QUAY. I understand——

Mr. STEWART. Let me finish now. But under sealed bids the proposed purchasers all put in their bids, and the Department can reject them all until they get decent bids. It is to protect the Indians. They will certainly get twice as much and perhaps three times as much as under the former system. The Secretary has refrained from going ahead because he knew what would be the inevitable result and what has always been the result in all cases at auction.

Mr. QUAY. I do not object to the change in system. I think that is an improvement; but there must be some authority somewhere to decide as to the fairness of the price.

Mr. STEWART. There is no objection to the Indians being represented there when the bids are opened.

Mr. QUAY. But they should have commissioners.

Mr. PLATT of Connecticut. Will the Senator allow me to interrupt him?

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. Under the old provision where lands were to be sold at auction it was very important that there should be commissioners appointed, one of whom should be an Indian, a member of the tribe, but when that system is changed so that the lands are to be sold by sealed bids the reason for the appointment of the commissioner would seem to be gone.

Mr. QUAY. I think not, Mr. President. There should be some one at the Interior Department, if the present method is adopted, to decide on the value of the lands and whether the sealed bids are sufficient to warrant them in selling. I think the Indians ought to have a voice in that.

Mr. PLATT of Connecticut. I have no objection to that clause going out.

Mr. QUAY. Amended in that form, I have no objection to the provision.

Mr. STEWART. Let those lines go out. I have no objection to their going out.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, after line 5 on page 55, to insert:

All expenses, inclusive of necessary clerical help in the Department of the Interior, connected with and incident to such sale shall be paid from the funds of the Choctaw and Chickasaw tribes on deposit in the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 55, after line 10, to insert:

To pay the heirs of Darius B. Randall, deceased, for certain improvement situated on the Nez Percé Indian Reservation relinquished by the said deceased to the United States for the use of the Nez Percé tribe of Indians, $2,400.

Mr. SPOONER. I should like a word of explanation of this item.

Mr. DUBOIS. This amendment was introduced by the Senator from Washington, but I am quite familiar with the facts. There were improvements on property in this reservation belonging to Mr. Randall, who has long since died, and whose folks are now living in the State of Washington. The Department has repeatedly stated to the Indian Committee that the Government owed this money. We have had it here time and time again. There is no question at all about the justice of this proposition.

The amendment was agreed to.

The next amendment was, on page 55, after line 15, to insert:

For the construction and installation of a telephone system from Devils Lake, N. Dak., to the Devils Lake Indian Agency, and to pay for the maintenance of the same for one year from the time of completion, $1,200, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 55, after line 20, to insert:

For payment of the balance due various merchants of Cloquet and Fond du Lac, Minn., from certain Fond du Lac Indians for supplies furnished said Indians at the request of the Indian farmer, as ascertained by the Secretary of the Interior, under the provisions of the Indian appropriation act approved June 10, 1896, as follows: H. B. Allen, $24.14; Charles Gasper, $1,049.46; J. A. Rene, $44.91; James A. Wallace, $252.68; Kelly & Moses, $40.49; Mrs. James Peacha, $116.95; James Peacha, $186.12; Frank P. Thompson, $964.51; A. H. Simmons, $176.85; in all, $2,856.11.

The amendment was agreed to.

The next amendment was, on page 56, after line 13, to insert:

That the accounting officers of the Treasury be, and they are hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the executor or administrator of the estate of Eli Ayres, late of Kaufman County, Tex., deceased, the sum of $58,158.46, the same to be in full for all claim or demand made by the said Eli Ayres in his lifetime by reason of the failure of the President of the United States to approve deeds of land purchased by said Ayres from certain Chickasaw Indians in the State of Mississippi, which purchases were made in conformity with the terms of a treaty between the United States and the Chickasaw Nation of Indians on May 24, 1834, and which said land so purchased was subsequently sold and otherwise disposed of by the United States: *Provided*, That such payment shall further operate to forever quiet the title to all such lands in said State of Mississippi.

Mr. LODGE. I make the point of order on the amendment that it is a private claim.

The PRESIDENT pro tempore. The Chair is obliged to sustain the point of order.

Mr. TELLER. Mr. President, it seems to me that if Senators are to insist that because an item embraces a private claim it must go out, they ought to make the point of order against all such amendments. Several private claims have gone through with the approval of the Senate, evidently. If we are not to put on any private claim, that is one thing. If we are to put on a few and strike out those as to which some Senator may take a notion that he does not want them passed, I think we ought to know it. If that is to be the rule, I think hereafter we will apply the rule to all claims.

We have passed half a dozen claims on this bill. Nobody saw fit then to object. Here is a case where the Government has had this money since 1834. This claim has passed the Senate at least twice, and has been reported from the Committee on Claims half a dozen times, and for much more money than this item carries.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 57, after line 6, to insert:

The Chippewa Indians of the State of Minnesota to whom allotments have been or shall hereafter be made, and trust or other patents, containing restrictions upon alienation issued or which shall hereafter be issued therefor, are, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, hereby authorized to dispose of the timber on their respective allotments. Timber on the allotments of minors may likewise be so sold by the father, mother, or Indian agent or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to insert:

To pay to the county of White Pine, State of Nevada, the sum of $769.67, to reimburse said county for money expended in caring for certain Indians who contracted smallpox during the smallpox epidemic from February 26 to July 1, 1901.

The amendment was agreed to.

The next amendment was, at the top of page 58, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay, out of any money in the Treasury belonging to the Creek Nation, to Ruter W. Springer, executor of the estate of William M. Springer, deceased, the sum of $3,687.48, in full for professional services to said nation, under an act of the national council of said nation approved May 25, 1901. The Secretary of the Interior is also authorized and directed to pay to said executor, out of any money in the Treasury of the United States belonging to the Cherokee Nation, two Cherokee warrants issued to William M. Springer for $1,500 each, dated, respectively, July 2, 1900, and January 28, 1901, and payable to him, or on his order, for professional services to said nation, under an act of the national council of said nation passed December 9, 1899, together with interest on said warrants to the time of payment according to the tenor and effect of said warrants.

The amendment was agreed to.

The next amendment was, on page 58, after line 20, to insert:

That the Secretary of the Interior is further authorized and directed to pay to said executor, out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache tribes of Indians, in Oklahoma, the sum of $5,000, in full for professional services rendered by the said William M. Springer to said Indians in the supreme court of the District of Columbia, in the case of Lone Wolf and others against the Secretary and others, and $2,000 for professional services in said case on appeal in the Supreme Court of the United States, and $484.10 for expenses incurred on behalf of said Indians in the prosecution of said suit; in all, $7,484.10, under a contract with said Indians executed on the 22d day of June, A. D. 1901.

The amendment was agreed to.

The next amendment was, on page 59, after line 11, to insert:

To pay to the Pottawatomie Indians of Michigan whose names are set forth in Schedule A, annexed to claimants' requests for findings of fact, as stated and found by the Court of Claims in finding 4, in the case of Phineas Pamtopee and others against the United States, reported in the thirty-sixth Court of Claims Reports, at page 430, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $78,329.25, the Secretary of the Interior to distribute and pay the same to the Indians, respectively, mentioned in said Schedule A, and if any of them have died, then the sum or share that would have been paid to such Indian or Indians, respectively, if living, the Secretary shall pay to the heirs or legal representatives of each of those dead; such payments, when made, to be in full for any and all claims which said Indians may have under or by virtue of the treaty and articles supplementary thereto, made with the Pottawatomie Indians September 26 and 27, 1833, and duly proclaimed February 21, 1835.

The amendment was agreed to.

The next amendment was, on page 60, after line 7, to insert:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, for the survey and subdivision of a portion of the Coeur d'Alene Indian Reservation, in the State of Idaho, and of lands to be allotted to the Indians thereon.

The amendment was agreed to.

The next amendment was, on page 60, after line 13, to insert:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, for the survey and subdivision of a portion of the Blackfeet Reservation, in Montana, including examination in the field and office work.

The amendment was agreed to.

The next amendment was, on page 60, after line 19, to insert:

To reimburse Charles M. Buchanan, superintendent of the Tulalip Indian school, Washington, for losses sustained by him in the fire at the Tulalip Indian school on January 21, 1902, $3,147.50.

Mr. ALLISON. I will ask the Senator from Nevada to explain this item. It looks very much like a claim.

Mr. STEWART. I call on the Senator from Connecticut. He is more familiar with the Buchanan case than I am.

Mr. ALLISON. It may not be a claim.

Mr. PLATT of Connecticut. Doctor Buchanan was a physician here in Washington, and a very good physician. He became rather an enthusiast in Indian matters and was appointed in charge of the Tulalip Agency, in Washington. While there and occupying an agency building he tried to get his furniture and other things connected with the building insured, but the insurance companies would not insure them. Subsequently the building was destroyed, and all that he had in it was destroyed. A list has been furnished which, I think, is fair.

The only question which arises about it is whether you can differentiate this case from the case of any employee or officer of the Government who loses his property by fire, and I suppose about the only way it can be differentiated is from the fact that the insurance companies refused to insure his property on an agency. Therefore he could not get insurance, although he tried to do so, and that is in proof here. I do not know that there is anything more that I can say about it.

Mr. SPOONER. As I remember it, in the cases of relief of officers whose property has been destroyed by fire which have come before the Senate latterly there has been this distinction, that the officers devoted themselves to the saving of the property of the Government and neglected thereby all attempts to save their own property. And it has been only upon that principle of self-sacrifice to the Government interest that the Senate, as I understand, have passed those bills.

There is nothing of that kind in this case. In other words, the bald, naked case is this——

Mr. PLATT of Connecticut. The only difference I know of in this case is that, being on an Indian agency, he could not get his property insured. Now, whether that differentiates the case so as to make the Government liable for it I can not say. I thought

it might. At any rate, I know he is a very valuable, conscientious, and good man, and it was very hard on him to lose this property.

Mr. STEWART. I will say to the Senator from Wisconsin that I consented to the amendment because I did not think it would lead to a precedent, inasmuch as very few men would apply for insurance on their personal effects upon a reservation. Doctor Buchanan made the application, and that is an element, and being a good man, as represented by the Senator from Connecticut, I consented.

Mr. SPOONER. Of course I recognize the fact that Doctor Buchanan is a good man, a kind-hearted man, a skillful man in his profession, and all that.

Mr. CULLOM. And an enthusiastic man with the Indians, too.

Mr. SPOONER. But that is hardly a basis on which to make an appropriation. It intensifies one's sympathy for him, but it certainly can go no further. Of course the real truth is that Doctor Buchanan took his chances. If he found he could not insure his property on an Indian reservation he could have left the reservation, taking his property with him. He chose to remain and take his chances.

The Senator from Nevada says it will not constitute a precedent. The Senator has been here a great many years, and he is a man of large experience and great ability. Did he ever know Congress to do anything in the way of paying a private claim which did not constitute a precedent? Why would not this be a precedent? Will there not be fires in the future?

Mr. STEWART. Will the man have made application to have his private property insured?

Mr. SPOONER. Yes; from this time on, from the moment we pass the bill with this item in it, every man on an Indian reservation in the United States will make application to have his property insured in order to bring himself within the rule laid down by the Senator from Nevada; to make the Government, as the Senator from Colorado wisely says, his insurer, without paying any premium, and so on. There is absolutely nothing except the tender heart of my friend the Senator from Connecticut, it seems to me, to warrant the payment of this claim. I am sorry it is so, too.

Mr. PLATT of Connecticut. If the Government refuses to insure its buildings (I do not care whether they are on an agency or anywhere else) and compels officials to go into them, and an official can not get any insurance on his property, I think there is some reason why the Government should become an insurer.

Mr. SPOONER. The Government can not compel its officials to go into the building. It can not compel a man to be one of its officials.

Mr. PLATT of Connecticut. That is probably so; but it wants officials.

Mr. SPOONER. Oh, yes.

Mr. PLATT of Connecticut. And it wants good ones.

Mr. SPOONER. I expect the Government can get an abundance of officials. I have never seen any dearth of people in this country to take these positions, and I am hardly ready to believe that the refusal to pass this claim will make any diminution in the supply of men ready to take employment from the Government in such places. This gentleman is a very estimable man; but it is this very matter of precedents which ought to preclude the Senate, if nothing else, from passing it.

The PRESIDENT pro tempore. The Chair understands the Senator to raise the point of order.

Mr. SPOONER. I do.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The next amendment was, on page 60, after line 24, to insert:

To enable the Secretary of the Interior to purchase, in his discretion, at such price as he may deem reasonable and just, for the use and occupancy of the Indians of Verde River Valley and Camp McDowell, Ariz., and such other Indians as he may see fit to locate thereon, the claims of whatsoever nature to lands and permanent improvements placed upon said lands prior to November 9, 1903, within the former Camp McDowell abandoned military reservation, Arizona, now the Camp McDowell Indian Reservation, of such of the settlers thereon as may, upon proper investigation, be found to have valid rights thereto under any laws of the United States; and also in his discretion to purchase the improvements located on said reservation of any or all of such settlers as may be found by such investigation not to have valid rights attaching to the lands, the sum of not to exceed $50,000, or so much thereof as may be necessary, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to insert:

That any private land over which an Indian reservation has been or may be extended by Executive order may be exchanged, at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of like area and value and situated in the same State or Territory.

Mr. NELSON. Mr. President, I make a point of order against the amendment that it is general legislation. It authorizes the Secretary of the Interior to extend Indian reservations over private lands, and then it authorizes the parties who own the private lands in such extended reservation to exchange them for other lands. That is precisely the difficulty under which we are now suffering under the so-called "forest reserve scrip." A lot of forest reserves have been established over worthless lands of no practical value, especially lands within railroad grants, and the parties have been allowed to relinquish them to the United States and select good timber land in place of it. This is applying the same principle to the matter of Indian reservations.

Mr. McCUMBER. Will the Senator allow me just one word?

Mr. NELSON. Certainly.

Mr. McCUMBER. If the Senator will read the entire paragraph, he will notice that the exchange must be made for like lands, in the same State or Territory, and of the same value. So they could not go outside of the State, they could not go outside of land of the same general character, nor could they obtain land of any other value.

This was inserted, as I understand it, for the reason that in many instances we have created reservations and they have covered tracts of land owned by private individuals, to no great extent, but only a few tracts of land. We have had the same character of legislation in our prior bills. It seems to me that the provision is well protected. I wish the Senator from Kansas [Mr. LONG], who had it in charge, would explain it, because I believe he would make such a showing that the Senator would not insist upon his point of order.

Mr. NELSON. The paragraph relates not only to reservations that have been made heretofore by Executive order, but to any reservation that is hereafter made by Executive order. The executive department can by a mere order make what we call an "Executive Indian reservation" on vacant public land and set it aside. The object of this amendment is, when such a reservation is established, to allow land inside such reservation to be exchanged for other public lands.

Mr. TELLER. Will the Senator allow me to make a suggestion to him?

Mr. NELSON. Certainly.

Mr. TELLER. I think, perhaps, in line 18 the words "or may be extended" are somewhat objectionable. Suppose we strike out that clause. If the Senator will move to strike out those words it will then apply only to reservations heretofore made. In some cases there are certain hardships which the settler suffered by the act of the Government for which he is not responsible.

Mr. NELSON. While the amendment is subject to the point of order, I shall not make the point of order if those words are stricken out.

Mr. TELLER. I move, then, in line 18, to strike out the words "or may be" before "extended."

Mr. NELSON. The words "or may be" should be stricken out.

Mr. LODGE. That is right.

The PRESIDENT pro tempore. The amendment to the amendment will be stated,

The SECRETARY. On page 61, line 18, strike out the words "or may be."

Mr. SPOONER. I have some doubt whether that amendment ought to be adopted.

Mr. TELLER. I will just say that I suggested it because I was afraid the paragraph would go out, and I know there are some cases which ought to be relieved.

Mr. SPOONER. Well, all cases ought to be relieved. If the Government extends, as it may, an Indian reservation to take in a large amount of Government land and also takes in the land of an individual owner, especially one who occupies it, or even if he does not occupy it, it is a practical taking of the land of a private owner.

Mr. TELLER. It is.

Mr. SPOONER. He can not sell it to anyone else, for who wants to take his family on an Indian reservation? It changes his entire status in relation to it. It is taking it without compensation, and it is not a fair thing for the Government of the United States, it seems to me, to do. If that is true as to cases of the kind which have occurred by extending Indian reservations in the past, it will be no less true of necessity to similar cases which may occur in the future. I think the amendment ought not to be adopted. If there is any danger of fraud being perpetrated, that might probably be covered.

Mr. NELSON. Of course, whatever the Secretary of the Interior recommends to the President will be done, and it means a general license to the Secretary of the Interior to extend Indian reservations, by Executive order, over lands that are oftentimes largely covered by private entry. If you leave this in the bill, it leaves that license open for the future.

Mr. SPOONER. That is another thing. Whether the power should be lodged with the Secretary of the Interior to extend

these reservations is another thing. The power exists, as I understand it, to-day, and it has been repeatedly exercised.

Mr. NELSON. The power exists to extend a reservation over public lands, but the Secretary can never take lands that have been entered or purchased or acquired under any of the land laws of the United States and make them a part of an Indian reservation.

Mr. SPOONER. In a sense no, and in a sense yes. I know that one extension of a reservation which was made embraced a great deal of Government land, but a few tracts of land that had been acquired theretofore by private owners. I never had supposed the mere fact that there was some private ownership in a great mass of public land would operate to prevent the President from extending a reservation.

But the Senator may be right; the authority perhaps ought not to be given. However, if the authority is given, I think the owner of the property ought to be permitted to go out of the reservation and exchange his land for land elsewhere, if he desires it.

Mr. PLATT of Connecticut. There are two reasons for it. The private owner ought to be permitted to avail himself of his property, and, on the other hand, the Government ought to have it for the reservation. It is for the mutual interest of the Government and the person around whose land the reservation has been extended.

Mr. SPOONER. If scrip is not issued.

Mr. NELSON. I want to say that there is no scrip issued. We call it "scrip," but in connection with the forest reserves they do not issue scrip. The man who has a tract on one of the forest reserves relinquishes a given tract to the Government, and then he gets the right to select another tract. He oftentimes assigns that right by a power of attorney, but there is no real scrip. It is called "scrip," but in the true sense it is not scrip on forest reserves. This is upon exactly the same footing, however, as what we commonly understand by forest-reserve scrip.

While the whole provision is general legislation and foreign to the bill, if it is restricted to the past orders, I shall not make the point of order.

Mr. LONG. Mr. President, I will say to the Senator from Minnesota that the present Indian appropriation act now in force contains a provision similar to that to which the Senator makes the objection; that is, it does not limit it to reservation orders that have already been made.

Mr. SPOONER. Would it not cover the Senator's objection to limit the amendment to lands that have been occupied?

Mr. NELSON. I will say to the Senator from Wisconsin that I want it limited to reservations which are now established. Otherwise it will be construed into a general license.

Mr. PLATT of Connecticut. That is all right.

Mr. STEWART. Let that be done.

Mr. NELSON. The amendment moved by the Senator from Colorado I agree to, if there is no objection to it. I withdraw my point of order if that is agreed to.

Mr. TELLER. I understand the Senator from Minnesota withdraws his point of order.

Mr. NELSON. If the amendment of the Senator from Colorado is adopted, I will withdraw my point of order.

Mr. DUBOIS. I think we all know that there have been no Indian reservations established for a good many years. The whole tendency is to reduce Indian reservations and not to extend or enlarge them. It is a fair presumption that there is no danger of any Indian reservations being established in the future. I think it is all right to have the words "or may be" stricken out.

The PRESIDENT pro tempore. Does the Senator from Minnesota temporarily withdraw his point of order?

Mr. NELSON. I temporarily withdraw the point of order for the purpose of having the amendment acted upon.

The PRESIDENT pro tempore. The pending question is that offered by the Senator from Colorado to the amendment of the committee, which will be read.

The SECRETARY. On page 61, line 18, before the word "extended," strike out the words "or may be."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. NELSON. I now withdraw my point of order.

The PRESIDENT pro tempore. The question is on the amendment as amended.

Mr. HANSBROUGH. I think the wording of this amendment and the effect of it can be improved to some extent by striking out the word "like," in line 23, and inserting the word "equal;" and inserting after the word "and," in the same line, the words "of like character and."

Mr. STEWART. There is no objection to that.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment.

The SECRETARY. On line 23, before the word "area," strike out the word "like" and insert "equal;" and after the word "and," in the same line where it first occurs, insert the words "of like character and;" so as to read:

Surveyed public lands of equal area and of like character and value and situated in the same State or Territory.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "Support of schools," on page 62, line 11, before the word "may," to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to read:

Provided, however, That the Secretary of the Interior may, when in his judgment the good of the service will be promoted thereby, suspend or discontinue any reservation Indian school, etc.

The amendment was agreed to.

The next amendment was, on page 63, line 6, after the word "the," where it occurs the third time, to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to make the clause read:

For support and education of 300 Indian pupils at Albuquerque, N. Mex., $50,100; for pay of superintendent of said school, $1,800; for water system, $500; general repairs and improvements, $5,000; for the purchase of additional land for agricultural and other purposes adjoining or adjacent to said school, not to exceed 200 acres, and for the construction of new buildings and the furnishing and equipping thereof, and for the repair and equipment of the present buildings and plant, and the improvement of the grounds of said school, to be expended subject to the discretion and under the direction of the Secretary of the Interior, $50,000; in all, $107,400.

The amendment was agreed to.

The next amendment was, on page 64, line 1, after the word "improvements," to insert:

And for the educating of not exceeding 100 of the native youth of Alaska at this school when in excess of the Indian youth appropriated for on a basis of $167 per capita, and any expenses therefor, including transportation and including such expenses for the current fiscal year, are hereby approved;

So as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, and for general repairs and improvements, and for the educating of not exceeding 100 of the native youth of Alaska at this school when in excess of the Indian youth appropriated for on a basis of $167 per capita, and any expenses therefor, including transportation and including such expenses for the current fiscal year, are hereby approved, $157,000; for additional salary for superintendent in charge, $1,000; in all, $158,000.

The amendment was agreed to.

The next amendment was, on page 64, line 25, to increase the appropriation for domestic building and dairy barn for the Indian pupils at the Indian school at Chilocco, Okla., from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was, on page 65, line 9, after the word "dollars," to insert "to be immediately available; to construct employees' quarters, $2,000;" and in line 11, before the word "thousand," to strike out "sixty-nine" and insert "seventy-one;" so as to make the clause read:

For support and education of 375 Indian pupils at the Riggs Institute, Flandreau, S. Dak., $62,625; for general repairs and improvements, $3,500; for pay of superintendent of said school, $1,800; addition to shop building, $1,900, to be immediately available; to construct employees' quarters, $2,000; in all, $71,525.

The amendment was agreed to.

The next amendment was, on page 66, line 11, after the word "dollars," to insert:

For increasing the amount of $10,000 appropriated in the Indian appropriation act for the fiscal year 1903, approved May 27, 1902, for boiler house and boilers, etc., $8,000, to be immediately available.

And in line 16, before the word "thousand," to strike out "sixty" and insert "sixty-eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., $50,100; for general repairs and improvements, including fire escapes, $5,500; for pay of superintendent of said school, $1,700; for superintendent's residence, $3,000; for increasing the amount of $10,000 appropriated in the Indian appropriation act for the fiscal year 1903, approved May 27, 1902, for boiler house and boilers, etc., $8,000, to be immediately available; in all, $68,300.

The amendment was agreed to.

The next amendment was, on page 66, line 24, after the word "dollars," to insert:

For the construction of a mess hall, kitchen, and quarters for employees, $25,000, to be immediately available: *Provided*, That the Commissioner of Indian Affairs may, in his judgment, if deemed necessary, have the same constructed, using pupil labor as far as possible.

And on page 67, line 4, before the word "thousand," to strike out "forty-four" and insert "sixty-nine;" so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., $33,400; pay of superintendent at said school, $1,600; general repairs and improvements, including fire escapes and fire protection, $5,500; laundry, $3,500; for the construction of a mess hall, kitchen, and quarters for employees, $25,000, to be immediately available: *Provided*, That the Commissioner of Indian Affairs may, in his judgment, if deemed necessary, have the same constructed, using pupil labor as far as possible; in all, $69,000.

The amendment was agreed to.

The next amendment was, on page 68, line 19, after the word "dollars," to insert "for the construction and equipment of a

laundry, $5,000, to be immediately available;" and in line 23, before the word "thousand," to strike out "sixty-one" and insert "sixty-six;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., $50,100; for pay of superintendent of said school, $1,700; for the construction and equipment of a laundry, $5,000, to be immediately available; for general repairs and improvements, including industrial buildings, $10,000; in all, $66,800.

The amendment was agreed to.

The next amendment was, on page 70, line 7, after the word "the," where it occurs the second time, to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to make the clause read:

For support and education of 250 Indian pupils, Rapid City, S. Dak., $41,750; for pay of superintendent, $1,600; for general repairs and improvements, $2,500; for hospital and industrial buildings, $14,000; for the purchase of additional land not exceeding 50 acres, in the discretion of the Secretary of the Interior, $3,000; in all $62,850.

The amendment was agreed to.

The next amendment was, on page 70, line 19, after the word "the," to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" so as to make the clause read:

For support and education of 450 pupils at the Indian school, Riverside, Cal., $75,150; for pay of superintendent, $2,000; for additional water irrigation and sewer systems, $6,000; for dairy sheds and other improvements on farm, $5,000; for general repairs and improvements, $10,000; in all, $98,150: *Provided*, That so much of said amounts as may be necessary in the judgment of the Secretary of the Interior may be used for the education and support of pupils and repairs to the plant at the Indian school, Perris, Cal.

The amendment was agreed to.

The next amendment was, on page 70, line 23, before the word "pupils," to strike out "600" and insert "550;" so as to read:

For support and education of 550 pupils at the Indian school, Salem, Oreg.

Mr. MITCHELL. Mr. President, I hope this committee amendment will not be agreed to. I will state the reason why it should not be adopted. The House provision provides for 600 pupils. The amendment proposes to reduce the number to 550. There were enrolled at the school last year 748 pupils. The average attendance of the school last year was 595 pupils. For that reason it seems to me the amendment should not be agreed to. I hope the amendment will be rejected.

Mr. STEWART. I do not think the committee insists very strongly on that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MITCHELL. Now I have an amendment which I wish to offer to that clause. I move to insert after the word "pupils," in line 23, page 70——

Mr. STEWART. I suggest to the Senator to wait until we get through with the committee amendments.

Mr. MITCHELL. I shall then ask the privilege of coming back to this clause, after the committee amendments have been acted on.

The next amendment was, on page 70, line 25, after the word "Oregon," to strike out "one hundred thousand two hundred" and insert "ninety-one thousand eight hundred and fifty;" and on page 71, line 10, before the word "dollars," to strike out "one hundred and thirty-three thousand two hundred" and insert "one hundred and twenty-four thousand eight hundred and fifty."

Mr. LODGE. The first amendment having been rejected, this amendment changing the totals ought to be withdrawn.

Mr. STEWART. I will withdraw the amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment will be disagreed to.

The next amendment was, on page 71, line 25, before the word "employees'," to strike out "four" and insert "for;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., $50,100; for pay of superintendent at said school, $1,800; for water supply, $1,500; for general repairs and improvements, $5,000; for the erection and equipment of a building for the accommodation of 150 girls, $25,000; sewer system, $500; for employees' cottages, $300; boys' bath house, $3,000; in all, $89,900.

The amendment was agreed to.

The next amendment was, on page 73, after line 19, to insert:

That for the purpose of establishing an Indian agricultural school at or near the city of Wahpeton, in the State of North Dakota, for the purchase of a suitable site and necessary farming land, to be selected by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, for the erection of buildings and other improvements to adapt said school to the purpose of an Indian agricultural farm and stock-raising school, the sum of $100,000 be, and the same is hereby, appropriated: *Provided*, That the course of instruction shall include principally practical instruction in farming, stock raising, and kindred pursuits.

The amendment was agreed to.

The next amendment was, on page 74, after line 6, to insert:

For an additional amount to establish an Indian school in the county of Elko, State of Nevada, and to provide a suitable site therefor, for the purchase of land, erection of buildings, and for other purposes, in addition to the $40,000 appropriated in the Indian appropriation act for the fiscal year 1903, approved May 27, 1902, $35,000.

The amendment was agreed to.

The next amendment was, on page 75, line 1, before the word "of," to strike out "and direction;" in the same line, after the word "the," to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" and in line 5, after the word "him," to strike out "subject to the approval of the Secretary of the Interior;" so as to read:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision of the Secretary of the Interior and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him.

The amendment was agreed to.

The next amendment was, on page 75, line 22, after the word "thereof," to insert the following proviso:

Provided also, That in preparing implements and room for laundry work in all Indian schools arrangements shall be made for doing by hand such an amount of said work as may be sufficient to teach the female pupils the art of hand laundry work.

The amendment was agreed to.

The next amendment was, in section 3, on page 76, line 21, after the word "Interior," to strike out "under the direction of the President;" and on page 77, line 5, after the word "the," to strike out "Commissioner of Indian Affairs, subject to the approval of the;" so as to make the section read:

SEC. 3. That the Secretary of the Interior may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

The amendment was agreed to.

Mr. GORMAN. Mr. President, I should like to have the Senator in charge of the bill make some explanation of the provision found on page 76, section 3, where the Secretary of the Interior is authorized to expend $25,000. As the bill comes to us from the other House, he was required to do so "under the direction of the President." The Senate has agreed to an amendment striking those words out. I ask, where we are giving such authority to the Secretary of the Interior, if it should not be exercised under the direction of the President?

Mr. STEWART. All this is done under the direction of the President anyway, but I will not insist on the amendment.

Mr. GORMAN. I know, but——

Mr. STEWART. It is under the direction of the President that the Secretary of the Interior does all this.

Mr. TELLER. I should like to say, Mr. President, that if the Secretary of the Interior can not be intrusted to do that kind of work without going to the President he ought to be dismissed and a new man appointed. That is my judgment about it. The Secretary of the Interior is supposed to act under the direction of the President; but the President is not supposed to go into such details as these and to give the Secretary directions. I should not think any self-respecting Secretary of the Interior would retain the position a great while if the President should do so. I do not think we ought to require the President to do it.

Mr. GORMAN. But I should like to ask the Senator from Colorado whether it has not been customary—whether it has not been the rule—where a large amount of money is to be expended in the discretion of a Department, to direct that it shall be done under the direction of the President?

Mr. TELLER. There have been, perhaps, some cases of this kind. There is not a large amount involved here. This is an aggregate amount. The Secretary of the Interior expends a little on one tribe and a little on another; and the provision is that the expenditure shall not in the aggregate exceed $25,000. It does not say $25,000 for one tribe. The Senator from Maryland will see that the provision relates to several Indian tribes, and that the aggregate amount shall not exceed $25,000. The Secretary of the Interior may expend $100 or $500, and so on, for one tribe. It would be very unpleasant for the Secretary to have to go and ask the President if he should use $500 for one tribe, or $1,000 for another, or $1,500 for another.

Mr. GORMAN. I made the inquiry simply because the bill that comes to us from the other branch of the Government has that provision in it; and I was under the impression that that was the usual provision of law where these expenditures were authorized without advertising.

Mr. TELLER. This bill came to us with a two years' provision. On page 77, line 5, the Senator will see that the committee proposed an amendment striking out the words "Commissioner of Indian Affairs, subject to the approval of the;" making the proviso read:

Provided further, That the Secretary of the Interior may use any sums appropriated in this act for subsistence, etc.

The Commissioner of Indian Affairs is supposed to act subject to the approval of the Secretary of the Interior, but we did not think that was the proper way to make the appropriation. This matter is by law practically under the direction of the Secretary of the Interior. The mode proposed in the bill as it came from the other House is not the usual way in which these appropriations are made.

Mr. GORMAN. It is not?

Mr. TELLER. No. There are some other places in the bill where it will be noticed that we have stricken out the provision that the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior, may do certain things. The action of the committee is in accordance with the old custom and is the usual provision of law.

Mr. GORMAN. After that explanation I shall not object.

The reading of the bill was resumed and continued to the end of section 4, from line 14 on page 77 to line 5 on page 78.

Mr. ALLISON. In section 4, on line 22, page 77, after the word "herein." I move to strike out "or heretofore."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 4, on page 77, line 22, after the word "herein," it is proposed to strike out "or heretofore;" so as to read:

That the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 5, on page 78.

Mr. BACON. Mr. President, the general scheme of the Government, of course, is to purchase goods after advertisement. I presume there is some reason for the qualification here which permits the purchase of goods, under certain circumstances, in the open market. I should like to know what was in the contemplation of the committee in the use of the words in line 8 of section 5:

That whenever, after advertising for bids for supplies in accordance with sections 3 and 4 of this act, those received for any article contain conditions detrimental to the interests of the Government, etc.

For information, I should like to know what conditions were contemplated by those words?

Mr. STEWART. That provision was in the law of last year, and it comes to us this year in the bill from the other House. The Senate committee have not especially considered it, but from my recollection of the former discussion of the subject it was inserted because there might be goods that were not in proper condition, or they might be offered under circumstances which were not advantageous; and so it was thought proper to give some discretion to the Department. I do not know all the reasons which were originally given for the passage of the law, which has been in existence for some time.

Mr. BACON. Mr. President, no doubt that is a correct statement of fact, but still it does not explain the reason for the appearance of those words in the section.

It is perfectly apparent that the effect of that language is to utterly destroy the practice, so far as these particular expenditures are concerned, of requiring them to be made under competition by public advertisement and the reception of bids. The language used is of such a broad character that it would certainly be within the competency of the officer, at his will, to purchase such goods from anybody he might see proper to select, the only restriction upon him being that the lowest bid fixes the price; but the language employed enables the officer to reject the bid, because there is no such specification as would restrict him in any way as concerning the character of the conditions which would make the bid unacceptable.

Mr. QUARLES. I should like to ask the Senator from Nevada, the chairman of the committee, with the permission of my friend from Georgia——

Mr. BACON. Certainly.

Mr. QUARLES. I ask whether the Commissioner of Indian Affairs has not now under the law, and whether he does not avail himself of that right, the privilege of rejecting any or all bids?

Mr. STEWART. He has that privilege.

Mr. QUARLES. Then why is this provision necessary?

Mr. BACON. Under the general law, I will say in connection with what the Senator from Wisconsin [Mr. QUARLES] has said, as I understand it, in all the Departments where, for any reason, a bid is rejected, there is a new advertisement.

Mr. STEWART. The necessity for it is that after the rejection of an unreasonable bid the Commissioner of Indian Affairs might need the goods at once, and so he is authorized to buy for the time being until he can advertise. That is all this provision authorizes.

Mr. BACON. But that is not what it says at all. I insist—I say "I insist," but I will say I submit——

Mr. STEWART. Let me see what it does say:

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections 3 and 4 of this act, those received for any article contain conditions detrimental to the interests of the Government, etc.—

If the bids are too high or anything of that kind, they are rejected—

they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made.

Mr. BACON. I do not profess, of course, to be as familiar with these general matters of expenditure as Senators who are upon appropriation committees, but, if my understanding is correct, the general rule which controls the various Departments in the purchase of goods is not such as is provided here. If I am correct in my understanding, the general rule is that goods shall be purchased after advertisement and by bids submitted; and if for any reason the bids submitted are not satisfactory, the rule is that there shall be a readvertisement. I may be in error in that; but I am simply stating that that is my general understanding of the matter.

Mr. STEWART. But if some goods are necessary for immediate use, this provision enables them to be purchased in the meantime until there can be readvertisement, and it requires a readvertisement.

Mr. LODGE rose.

Mr. BACON. If the Senator from Massachusetts will pardon me for just a moment, I will then yield to him with pleasure.

There might be, of course, circumstances under which there should be vested in the Commissioner some discretion; but I submit that if the conditions are so indefinitely specified as to put no restraint whatever upon the Commissioner it is practically useless to have anything like advertisement.

Now, just analyze this language for a moment. The Senator from Nevada says that the prices might be too high. That certainly is not in the contemplation of this language, because if the prices are too high that could be remedied by readvertisement; but this refers to the condition not of the article, but the conditions of the bid. What is meant by saying that the conditions of the bid are detrimental to the public interests or the interests of the Government?

Mr. PLATT of Connecticut. Conditions for delivery, as to the amount of goods to be taken at a certain price, or any such conditions.

Mr. LODGE. Will the Senator allow me a moment?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Certainly.

Mr. LODGE. I think this is the universal practice in all the Departments. They must have the authority. For instance, take the Navy Department. They have to advertise. They have the right to reject any and all bids.

Mr. BACON. Yes.

Mr. LODGE. If the bids are not satisfactory for any reason and they are all rejected, an officer on a ship, for instance, on a foreign station has the right to buy in the open market until he can get satisfactory bids; otherwise he might find his ship without coal or without provisions. He must have the authority to buy in the open market until he can get satisfactory bids.

Mr. BACON. I think the statement of the Senator is eminently correct, but the criticism which I make is that there is not sufficiently definite language used here to hold the Commissioner within limitations where there may be necessity for such action.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. With pleasure.

Mr. CLAPP. I would suggest to insert, after the word "same," in line 12, the words "and not to exceed in quantity what may be immediately required." That would provide the necessary limitation on the authority of the Commissioner of Indian Affairs.

Mr. BACON. I think with that limitation there will be no trouble.

Mr. CLAPP. I offer that as an amendment.

Mr. TELLER. If Senators will turn back to section 2, on page 76, they will find what has been the statute for many years. This is rather an extension of that. The Senator from Connecticut [Mr. PLATT] gave some idea of what the conditions detrimental to the interests of the Government might be. The price might be too high; the time of delivery might not be acceptable; the quantity of goods that are to be taken might not be satisfactory.

In all these cases the bid may be rejected. Then there may be a necessity for buying goods at once. This provision simply says:

And the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same.

Then it provides:

Until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made.

If the advertisement is made immediately, then there will be three weeks in which the work will be done in this way. There is very little opportunity for any misconduct by anybody because the amount of goods to be bought will only have to be sufficient for three weeks in a year. This provision, I think, has been in appropriation bills before.

Mr. PLATT of Connecticut. It has been for at least ten years in every Indian appropriation bill.

Mr. TELLER. It is not a new provision. I have never heard any complaint of it, and I know that sometimes it is very necessary. If there is a combination of bidders—which is not infrequent in the application for supplies in the West between the agencies—then the Department must have the right to reject the bids; but if they did not have some authority to buy in the open market, in the meantime the Department might be compelled to accept them. I do not believet there is any danger in the provision as it stands.

Mr. BACON. Of course, I defer to the judgment of Senators of larger experience in that matter than myself; but I will simply call the attention of the Senate to the difference between the language in section 2 and that in section 5, each of which sections contemplates exactly the same condition of affairs. I think section 2 is right in its provisions, and meets all the objections which are in my mind; and I do not know why it is that there should be the difference made in the two sections. I will read section 2——

Mr. TELLER. I want to say that I think section 2 limits the amount to $3,000, and the other section undoubtedly would allow them to go beyond that amount. I think that is practically all the difference.

Mr. BACON. Section 2 limits them to $500. Section 2 is in these words:

That no purchase of supplies for which——

Mr. TELLER. If the Senator reads it, he will know what it means.

Mr. BACON. Yes. In open market purchases may be made not exceeding $3,000.

Mr. TELLER. Not exceeding $3,000 at one purchase.

Mr. BACON. I was not having special reference to the amount. I will read the section.

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase.

It seems to me that that contemplates exactly the same exigency or emergency as that contemplated in section 5, and at the same time it is very much more specific in its provisions.

Mr. TELLER. Under section 5 the purchases would not be limited to $3,000.

Mr. BACON. They could go beyond that.

Mr. TELLER. They could go beyond that amount. I want to say a word about the right to purchase in open market. Some years ago I got an appropriation for a chapel at an Indian school in Colorado, with the understanding with the authorities, as I supposed, that the work should be done by the Indian boys in the school. When they got ready to commence the work and got estimates, it was said by the Department here that it could not be done, in the first place, for the amount appropriated, and then there was a refusal to allow the Indian boys to do the work. After a good deal of telegraphing and trouble, I finally secured authority for the superintendent to buy the material in the open market. He bought the material in the open market, and built one of the nicest little chapels that I have ever seen on an Indian reservation, and built it considerably within the appropriation. Afterwards an inspector declared that twice the money could not have built it under the contract system.

There is in this bill, Mr. President, a provision for a kitchen, mess hall, and employees' quarters at the same school, and there is a provision that the work may be done by the pupils. It will be done better by the Indian boys than it would be done by the contract system, and it will be done for at least 30 or 40 per cent less than it could be constructed for under the contract system. So these provisions, if they are honestly carried out, are very beneficial and almost necessary for the proper transaction of this business.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 80, line 12, after the word "reservations," to insert the following proviso:

Provided further, That the reservation lines of the said Ponca and Otoe and Missouria Indian reservations be, and the same are hereby, abolished; and the territory comprising said reservations shall be attached to and become part of the counties of Kay, Pawnee, and Noble, in Oklahoma Territory, as follows:

Township 25 north, of range 1 east of the Indian meridian, and fractional township 25 north, of range 2 east of the Indian meridian, now in the Ponca Indian Reservation, shall be attached to and become a part of Kay County.

Township 24 north, of range 1 east of the Indian meridian.

Fractional township 24 north, of range 2 east of the Indian meridian.

Fractional township 24 north, of range 3 east of the Indian meridian.

Fractional township 24 north, of range 4 east of the Indian meridian.

And that part of fractional township 25 north, of ranges 3 and 4 east, of the Indian meridian, lying south of the Arkansas River, all in the Ponca Indian Reservation.

Township 23 north, of ranges 1 and 2.

And township 22 north, of ranges 1 and 2 east of the Indian meridian, all in the Otoe and Missouria Indian Reservation, shall be attached to and become a part of Noble County.

Fractional township 23 north, of range 3 east of the Indian meridian.

And township 22 north, of range 3 of the Indian meridian, all in the Otoe and Missouria Reservation, shall be attached to and become a part of Pawnee County.

The amendment was agreed to.

The next amendment was, on page 81, line 22, after the word "ninety-five," to insert:

Entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes," be, and the same is hereby, repealed.

And on page 82, line 3, after the word "repealed," to strike out:

Be, and it is hereby, amended to read as follows: "That in all payments or disbursements of money to Indians, individually, the Secretary of the Interior is hereby authorized, in his discretion, to detail an officer from his Department or appoint a special agent to make or to superintend and inspect such payment; and when made by special agent the Secretary shall fix a reasonable compensation for the services of such special agent and pay it out of the money to be disbursed. In all cases the agent making such payment shall give bond to the United States in the full amount to be disbursed, with good and sufficient security, to be approved by the Secretary, conditioned for the faithful performance of his duties; all such payments to be made under such rules and regulations as the Secretary may prescribe."

So as to make the section read:

SEC. 9. That section 11 of the act approved March 2, 1895, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes," be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 82, after line 17, to strike out sections 10, 11, 12, 13, 14, 15, and 16, as follows:

SEC. 10. That Joseph M. Campbell, a Santee Indian, may purchase, upon such terms and conditions as the Secretary of the Interior may prescribe, a tract of not exceeding 5 acres from the lands reserved for the Santee Agency, Nebr., including the land upon which the improvements of said Campbell are located, and the Secretary of the Interior is authorized to convey said tract to the said Campbell by patent in fee. And Stephen Blacksmith, a Santee Indian, may, in the discretion of the Secretary of the Interior, purchase, upon such terms and conditions as the Secretary of the Interior may prescribe, a tract of not exceeding 5 acres from the lands reserved for the Santee Agency, Nebr., including the land upon which the improvements of said Stephen Blacksmith are located, and the Secretary of the Interior is authorized in his discretion to convey said tract to said Blacksmith by patent in fee. That all restrictions upon the sale of land of the persons herein named, who are adult citizens of the Creek Nation, Ind. T., as now existing, are hereby removed in each of the following cases, and they shall have power and authority hereafter to sell the surplus land hereinafter described without restrictions: Tulsa Hargo, the south half of the southeast quarter of section 33, township 9, range 13 east, and the southwest quarter of the southwest quarter, section 32, township 9, range 13 east; Saline Emarthla, the northwest quarter of section 29, range 13 east, and the east half of the southeast quarter of the southwest quarter of section 32, township 9, range 13 east; Susie Buckner, the northwest quarter of the southwest quarter of section 32, township 9, range 13 east, and the northeast quarter of the southeast quarter of section 33, township 9, range 13 east; Okchum Emarthla, the east half of the southeast quarter of the southwest quarter of section 32, township 9, range 13 east, and from and after the passage of this act said lands shall be subject to taxation. Nothing herein shall authorize either of said parties to sell any part of their homesteads.

SEC. 11. That Edgar Hendrix, Wichita allottee No. 349, to whom trust patent has been issued containing restrictions upon alienation, may sell and convey not exceeding one-half of his allotment, but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions had been issued to the allottee.

SEC. 12. That the Indians living along and near the Colville River in Stevens County, State of Washington, to whom trust patents have been issued containing restrictions upon alienation, may sell and convey, for drainage purposes, so much of such allotments as may be necessary for right of way for drainage canals, but such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey, for said purposes, a full title to the purchasers the same as if final patent without restrictions had been issued to the allottees.

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Zonee Adams, a member of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to her in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

SEC. 13. That James N. Jones, Kiowa allottee No. 23, to whom a trust patent has been issued containing restriction upon alienation, may sell and convey not exceeding one-half of his allotment, but that such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

SEC. 14. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee, severally, to Pasapa or Amanda C. Hines, John W. Hines, jr., Lydia A. Marshall, Ephraim D. Prescott, and Ida C. Peck, members of the Sisseton and Wahpeton tribe of Indians, for the lands heretofore allotted to them in Roberts County, in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

SEC. 15. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to William A. Trousdale, a citizen Pottawatomie allottee, for the land heretofore allotted to him in Oklahoma, to wit: The northwest quarter of the northeast quarter of section 36, township 7 north, range 2 east of the Indian meridian, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.

SEC. 16. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a fee simple patent to George J. Lemmon, a member of the Winnebago tribe of Indians, for the lands heretofore allotted to him in Nebraska, to wit: The northwest quarter of the southeast quarter of section 35, township 26 north, of range 6 east of the sixth principal meridian, in Thurston County, and all restrictions as to the sale, incumbrance, or taxation of the same are hereby removed.

SEC. 17. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Nellie H. Davis, a Cheyenne and Arapahoe Indian, for the lands heretofore allotted to her in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed, said lands being described as follows, to wit: The northeast quarter of section 29, township 14 north, of range 15 west of Indian meridian, in Oklahoma Territory.

Mr. STEWART. It is proposed to strike out the names. The House authorized the sale of patented lands in cases where it had been allotted and examined by the Secretary. There was quite a large number recommended by the Department also, which Senators have asked to have inserted. But it was thought possible that a general provision could be made covering them all. So we propose to strike out all that the House put in and to put in ours, so that the conference committee will have jurisdiction of the whole matter. I am inclined to think we will restore the House provision and put in ours without getting a general law, whereby some tribunal may say, when an Indian is sufficiently intelligent to control his own affairs, that he may have his land. If we could get some tribunal to make that investigation it would all be very well. I do not know that we shall succeed; but if the amendment is adopted we will be in a position where we can consult over it when we get together and also consult with the Interior Department. I do not think we shall succeed, but we will try. But it leaves it in that situation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported from the Committee on Indian Affairs.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 86, after line 21, to insert as a new section the following:

SEC. 10. That the Secretary of the Interior is hereby authorized and directed to withhold from sale or other disposition the irregular tract of land containing 78 $\frac{4}{100}$ acres, more or less, lying in the northwest quarter of section 2 and the northeast quarter of section 3, township 1 south, range 3 east, and being within the exterior boundaries of the proposed town site of Sulphur, in the Chickasaw Nation, Ind. T., and excluded from said town site by order of the Secretary of the Interior of October 20, 1903, and also to withdraw and withhold from disposition the tract of land within the exterior boundaries of said proposed town site, lying south of and adjacent to the tract above mentioned, containing in the aggregate 138 acres, more or less, and mentioned in the report of Gerard H. Matthes, of December 27, 1903, to F. H. Newell, Chief Engineer United States Geological Survey, and shown upon the map accompanying said report by a yellow line.

The land hereby reserved shall be paid for by the United States at the same rate and in the same manner as the land acquired in accordance with paragraph 64 of the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," and such money as may be necessary to carry out this provision is hereby appropriated, from any money in the United States Treasury not otherwise appropriated, and made immediately available.

All improvements, except temporary buildings and fences, upon said land, legally placed there, shall be appraised and paid for as provided in said paragraph 64 of the act of July 1, 1902.

The land hereby reserved shall, immediately upon payment therefor by the United States, be and become a part of the reservation heretofore established at the said village of Sulphur, and shall be subject to all the provisions of said section 64 of the act of July 1, 1902, respecting the care, control, direction, use, and occupancy thereof, as if they had been included in the original segregation: *Provided*, That the Secretary of the Interior is hereby authorized, in the absence of other provisions for the care and management thereof, to designate an officer or employee of his Department to take charge of the land, whether acquired under said section 64 of the act of July 1, 1902, or under this act, and to enforce rules and regulations for the control and use thereof, and of the waters of the springs and creeks within the reservation: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to sell or dispose of any buildings upon the land hereby reserved and upon the land originally reserved, and all money received from such sales, as well as all money heretofore received or that may hereafter be realized for the use of said waters or for the use and occupancy of the land or the buildings thereon, through leases, permits, or otherwise, may be expended under the direction of the Secretary of the Interior for the care and management of said lands and the preservation of the improvements thereon: *And provided further*, That if any person, firm, or corporation shall willfully violate any of the rules and regulations prescribed by the Secretary of the Interior relative to the use of the waters of said springs and creeks and the use and occupation of the lands in said reservation, such person, firm, corporation, or members or agents thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $5 and not more than $100, and may be imprisoned for a term of not more than six months for each offense.

The Secretary of the Interior is hereby directed to appraise, at their actual value at the time of such appraisement, all town lots held by citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw nations, at or near Sulphur Springs, in the Chickasaw Nation, Ind. T., and pay for the same to such lot holders severally, or to their legal representatives, the appraised value of such lots by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States; and the amount necessary to pay the same is hereby appropriated from any money in the Treasury not otherwise appropriated. The foregoing appraisal of lots shall be completed within three months from the passage of this act.

Mr. ALLISON. I shall be glad to have the chairman of the committee tell us about how much money will be required to execute these provisions. It is proposed to be appropriated for without any statement of a definite amount.

Mr. STEWART. It will cost about $200,000, as has been estimated by the Secretary. It is quite important that it should pass to protect those springs.

The amendment was agreed to.

The next amendment was, on page 90, line 5, to change the number of the section from 18 to 11.

The amendment was agreed to.

The next amendment was, on page 90, line 13, to change the number of the section from 19 to 12.

The amendment was agreed to.

The next amendment was, on page 90, line 21, to change the number of the section from 20 to 13.

The amendment was agreed to.

The next amendment was, on page 91, after line 7, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to set aside in the Treasury of the United States, to the credit of the Chippewa Indians of Lake Superior and the Mississippi, the sum of $100,373, the sum being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years 1843 and 1878, inclusive, and the aggregate difference between the coin value of payments made in currency during the years 1863 and 1864, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations.

That the said amount of $100,373 shall be by the Secretary of the Interior paid to the Chippewa Indians of Lake Superior and of the Mississippi in the proportion, if any, due to each (in case it shall be found that a division of such fund is equitable), or invested or applied for their benefit by the said Secretary as may be deemed most advantageous for the interests of the said Indians: *Provided*, That of this sum $2,000 shall be reserved and paid to the attorneys in the case having contract with said Indians upon their filing with the Secretary of the Interior their written acceptance of said sum in full of all demands under and by virtue of said contracts.

That the sum of $100,373 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Mr. ALLISON. I make the point of order on the first paragraph of the amendment, that it is general legislation.

Mr. PLATT of Connecticut. On what page?

Mr. KEAN. Page 91.

Mr. CLAPP. I did not hear the statement of the point of order.

Mr. LODGE. It is that it is general legislation.

Mr. CLAPP. I understand it is to carry out treaty stipulations, and that being the case it is proper that it should go on the appropriation bill.

Mr. LODGE. It is general legislation. I do not know about the treaty stipulations, though I do not think that voids the point.

Mr. PLATT of Connecticut. Yes, it does.

Mr. LODGE. At all events, the provision for ascertaining the difference between gold coin and paper is general legislation.

The PRESIDENT pro tempore. That is not the paragraph to which the point of order was directed.

Mr. LODGE. I understood it was the item on page 91.

The PRESIDENT pro tempore. It is.

Mr. ALLISON. Lines 9 to 20.

Mr. KEAN. Lines 9 to 20.

Mr. LODGE. That is general legislation, and general legislation of the kind we have never had.

Mr. CLAPP. I want to suggest that this amendment does not provide for ascertaining the difference. It refers to a difference which has already been ascertained. It simply makes an appropriation to carry out a treaty stipulation, if the language of the amendment is truthful.

Mr. LODGE. I do not know that the treaty stipulated that the difference between coin and paper in those years should be paid.

Mr. CLAPP. That is just what the treaty does stipulate.

Mr. LODGE. That is what I want to get at.

The PRESIDENT pro tempore. Can the treaty be produced?

Mr. CLAPP. The recital by the Department of the Interior as to the treaty can be produced.

Mr. ALLISON. Allow me a moment.

Mr. FORAKER. Is this the specific amount agreed upon in the treaty?

Mr. CLAPP. This report shows that it has been ascertained by the Department, and there is a report by the Department as to the specific amount of the difference, and the treaty provided that this should be paid in coin.

Mr. FORAKER. And the ascertainment by the Department is in accordance with the treaty?

Mr. CLAPP. It is in accordance with the treaty.

Mr. ALLISON. I ask now for information. As I understand this amendment it relates to certain funds or sums of money which were appropriated for this Indian tribe and not expended,

but covered back into the Treasury and not used. Now, we are asked to reappropriate that money at this time, and we are also asked to have it appropriated upon the present value of the money appropriated at the time when the appropriation was made. I submit that if we allow that principle to prevail we will have a great many appropriations here——

Mr. CLAPP. That is not an exact statement of the case. There are two items. One is an item of $81,000. When Mr. Sherman was Secretary of the Treasury he had that charged off. It was then standing to the credit of these Indians. There is nothing to be ascertained about that. It has been reported by the Department time and time again, and I may in passing remark that a bill for this very purpose has passed the Senate, I think twice heretofore, during the brief time I have been here.

The other item is the difference between coin and currency under treaties which provided that the the annuities should be paid in coin. The report here shows that they were paid in currency. The Department has ascertained the difference and has reported that difference, and this is simply to make that appropriation.

Now, the provisions are to carry out treaty stipulations. It seems to me they are clearly within the rule as to what is germane on an Indian appropriation bill. This is the first time it has been objected to. It has been reported time and time again by the Department, and both of them are just debts. There is no reason on earth why the money that was arbitrarily charged off should be kept in the Treasury when it belongs to these Indians. Nor is there any reason why the Government should not stand by its contract to pay those Indians coin, as specified in the treaty.

Mr. ALLISON. My point of order applies only to a particular phase of the account. If we owe these Indians any money on account of appropriations covered into the Treasury and not hitherto paid to them, that amount should be placed to their credit as provided for in this amendment. But I understand the amendment to provide in addition that we shall also ascertain the differences between the coin value of the payments made in currency during those years and the coin. That is the particular part of the amendment against which I have interposed the point of order.

Mr. CLAPP. No; the Senator is partly correct and partly mistaken. As to his first proposition, he is correct. This money stood to the credit of the Indians, but was charged off. Now, as to the difference between coin and currency, we are not asking to have it referred for the purpose of having the difference ascertained. It has been ascertained. It has been fixed by the Department.

Mr. LODGE. But the bill says:

The Secretary of the Treasury is hereby directed to forthwith ascertain the difference.

Mr. CLAPP. That is simply surplusage. The absolute amount is named here. You can strike out, if you want to, the language as to ascertaining the difference. It is mere surplusage. The amount is stated in both of these items.

Mr. LODGE. The bill goes on to say:

And, if found impracticable to ascertain the gold value of each payment, he shall ascertain the average yearly difference between gold coin and the currency paid to said Indians during the period, etc.

Mr. CLAPP. There is no objection to that being stricken out, for the Department has already furnished us with a report as to that difference. The object of this is the appropriation.

Mr. ALLISON. I think the Senator from Massachusetts has read from another paragraph.

Mr. LODGE. Yes; but it is a similar appropriation.

Mr. ALLISON. It is a similar appropriation, but there is no provision here——

Mr. CLAPP. From what page did the Senator read?

Mr. LODGE. I was reading from the following paragraph about the Delawares.

Mr. CLAPP. Oh, well; I do not care to amend the Delaware paragraph. I have no authority to do that. But you will see that in the paragraph relating to the Chippewas the amount is specifically named—the difference between the coin and currency, and also the amount charged off. It is $81,000 in one case and $13,000, I think, in the other.

Mr. KEAN. Eighty-one thousand dollars and $18,000.

Mr. CLAPP. Yes.

The PRESIDENT pro tempore. Does the Senator from Minnesota assert that the treaty itself provided for that?

Mr. CLAPP. I do, sir; and I have here the statement of the Department.

Mr. LODGE. I do not understand that the treaty provided that we should pay them the difference between coin and paper.

Mr. SPOONER. If the Senator will permit me, if we agreed to pay them in coin——

Mr. TELLER. That was agreed to.

Mr. SPOONER. And we paid them in paper, we did not perform our obligation under the treaty.

Mr. LODGE. We did not perform our obligation. That is another proposition.

Mr. SPOONER. Therefore this would simply be carrying into effect, in an honest way, the treaty.

Mr. LODGE. That is right.

Mr. CULLOM. The amendment says:

That the said amount of $100,3.3—

Is that the amount due to the Chippewas, giving them the benefit of coin value? Is that right?

Mr. CLAPP. That includes the difference between coin and currency and also the $81,000 which Mr. Sherman, without authority, charged off. On page 27 of the report you will see, in the letter of the Commissioner, this statement:

This amount is justly and equitably due to the Chippewas, as their several treaties provided that treaty annuities should be paid in coin.

Mr. CULLOM. From what does the Senator read?

Mr. CLAPP. From the report of the committee. There is not any question about that. We have gone over it time and again, and the Senate has twice passed on the matter of these two items.

Mr. FORAKER. Can the Senator tell us the variance as to facts between the Chippewas and the Delawares? Has the difference never been ascertained with the Delawares as it was in the case of the Chippewas?

Mr. CLAPP. The Chippewas are in the State I am from, and I naturally have that matter in hand and am familiar with it, and I am not familiar with the Delaware matter.

Mr. QUAY. The amount due the Delawares has been practically ascertained to be $128,527, but for fear of some error in computation the Committee on Indian Affairs have inserted the round sum of $130,000. I have no objection to striking out all about computation. It has been ascertained.

Mr. FORAKER. I was asking merely for information.

Mr. QUAY. I tried this morning to get a statement of the amount from the Interior Department, but the Senator from Maine objected to the resolution.

Mr. FORAKER. If the obligation arises in the same way, there is no reason why the one should not be paid if the other is to be paid. I was merely making an inquiry for information.

Mr. STEWART. The obligation in both cases arises out of a treaty.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 92, after line 13, to insert:

The Secretary of the Treasury is hereby directed to forthwith ascertain the difference between the currency value of each payment made to the Delaware Indians residing in the Cherokee Nation under the treaty of August 22, 1860, and the supplemental treaty of July 2, 1861, from 1862 to 1878, both inclusive, and the value of a like amount of coin with which the United States was chargeable under said treaty for said Delaware Indians; and, if found impracticable to ascertain the gold value of each payment, he shall ascertain the average yearly difference between gold coin and the currency paid to said Indians during the period in which payments were made to them from the said fund, and calculate the amount of money necessary to make such payment for each year equal to payments in gold coin; and he shall pay to said Delaware tribe of Indians residing in the said Cherokee Nation, in the Indian Territory, as said tribe in council shall direct, the amount so ascertained and found to be due, and the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

Mr. ALLISON. I make the point of order upon this amendment that it is general legislation; also that it is a claim not audited and adjusted, and also that there is no estimate for its payment, and therefore it has no place on this bill.

The PRESIDENT pro tempore. The Chair recognizes a very decided difference between the two items, and will sustain the point of order against this item.

Mr. QUAY. The Delaware contention here is that it is not a claim, but in fulfillment of a treaty obligation, just as in the case of the Chippewas.

The PRESIDENT pro tempore. In the other case the amount had been ascertained and fixed.

Mr. QUAY. This has been ascertained, too.

Mr. STEWART. I do not see much difference in principle. If it is a treaty obligation, and the amount can be stated by the Department, I do not see that the obligation to pay it is any less than it would be if it had been already stated. How are you ever going to carry out these treaty stipulations? The agreement was that amounts should be paid in gold. It has not been done.

Mr. QUAY. The Government took the gold and sold it for currency.

Mr. STEWART. Yes.

Mr. ALLISON. In looking at this paragraph I see that a rule is laid down for the ascertainment of the difference between currency and gold, which, I think, will not be a just one to the Government.

Mr. QUAY. I have no objection to amending the paragraph in any way the Senator wants, in order that it may be just to the Government.

Mr. STEWART. Leave out the rule. Let him ascertain it in any way he pleases.

Mr. ALLISON. It is a claim.

Mr. STEWART. The treaty of 1860 is very plain. It says that the amount shall be paid in gold. The Government sold the gold, and it seems to me the difference ought to be paid.

Mr. QUAY. A bill for this purpose and in this form passed the Senate at the last session of Congress, I think unanimously, with very few words between the Senator from Iowa and myself concerning it. The Indians have not been contending at the present Congress for it. It then fell in committee of conference.

Mr. STEWART. The same provision; that is true.

Mr. QUAY. The same provision exactly.

Mr. STEWART. It was objected to and passed upon.

Mr. QUAY. A few weeks ago the Delawares, under a decision of the Supreme Court, based upon the fact that in their treaty with the Cherokees made forty years ago the words "for their occupancy" had been inserted instead of those that carried a title in fee, so far as they could convey it, lost 157,600 acres of land for which they had paid a dollar an acre forty years ago, and they would lose the improvements on a large portion of the land but for the legislation favorably acted upon here to-day.

I thought probably Congress would be in better temper and that I would ask them to insert it and pass it at this session of Congress. It is not at all one of the ordinary claims that come here. It came here originally on my own motion. I will amend it in any way to satisfy the Senator from Iowa.

Mr. TELLER. I am not certain that I know what is meant by the rule about carrying out a treaty, but it seems to me, if you look at it from an equitable standpoint, that this certainly is carrying out the provisions of a treaty. The Indians were entitled at that time to recover against the Government, if they had brought suit, a judgment payable in coin.

The amendment certainly is not general legislation if the term "general" is to be applied in the ordinary use of it among American people. It is possible that it is amenable to the second suggestion, that it is a claim; but any attempt, then, to carry out a treaty on an appropriation bill would be a claim, no matter what it is, if it is a feature of the treaty the failure of which to carry out could be compensated for by a payment of money.

So I do not myself believe that it falls within either rule, that it is either general legislation or a claim. It seems to me that it is a very small thing for the Government of the United States to say now that they will not carry out the provisions of the treaty after forty years' waiting.

The PRESIDENT pro tempore. A claim would not be barred if it resulted from a treaty stipulation.

Mr. CULBERSON. I understand the Chair to draw a distinction between the item for the Chippewas and the Delawares on the ground that in the case of the Chippewas there is an estimate. If the Chair will turn to page 27 of the report on the Chippewas, so far as it appears there. there has been no estimate from any Department of the Government, but it is said:

> Under a resolution of the House of Representatives by a subcommittee (a full report of which is to be found in the CONGRESSIONAL RECORD, vol. 8, pt. 3, and appendix, 45th Cong., 3d sess., p. 134), which subcommittee found, upon data obtained from the records of the Treasury Department and the Office of Indian Affairs, that the amount of treaty funds covered back into the Treasury is $81,702.61, and that the difference in value of the annuities paid in currency instead of coin, as prescribed in the treaties, is $18,670.39, a total principal of $100,373.

That is simply a finding of a subcommittee of the House of Representatives under a resolution, and, as I understand it, though I make no contention, it is not a claim within the meaning of the rule.

I call the attention while I have the floor to what may not amount to anything, but there is a difference in the language at least. On page 91 of the bill, "That the Secretary of the Treasury," etc., "to the credit of the Chippewa Indians of Lake Superior and the Mississippi," whereas in the report, on page 27, it refers to the Chippewa Indians of Lake Superior and Minnesota. I do not know whether there is any difference or not, but there is a difference in language at least.

Mr. CLAPP. Pardon me, where does the Senator find the word "Minnesota?"

Mr. CULBERSON. It is in the report, on page 27.

Mr. CLAPP. Oh, in the report. That does not make any difference. The bill is all right.

Mr. CULBERSON. I do not know which is correct, if there is any difference between them.

Mr. CLAPP. They are usually designated as the Chippewa Indians of Lake Superior and the Mississippi. The word "Mississipp" is the correct word to use, and that appears in the bill.

Mr. FORAKER. I know nothing about this matter except what has been disclosed by the report and what has been said here during the last few minutes; but by looking at the report of the committee on page 25 I find there the history of this obligation, and it seems to have arisen precisely as the obligation arose that is provided for by the amendment which has already been passed. I find also at the conclusion of that history the following statement:

> When this subject was under consideration by the Fifty-seventh Congress, second session, at which time this item, in the same amount, passed the Senate, the difference in value between gold and paper currency at the various times and for the amounts above set out was found to be $128,860.65, and the full committee recommended that, "in order to avoid any error in the computation," the sum of $130,000 should be appropriated.

If the obligation then arose in the same way, namely, by treaty, and therefore an absolute obligation, and if it has been at a previous Congress, as the report shows, considered by the committee and reported on favorably by the committee and then passed by the Senate, making precisely the same appropriation that is here provided for, it would seem that we ought not now to pass the one and not pass the other.

The PRESIDENT pro tempore. The Chair finds that in the first amendment, where he overruled the point of order, the Treasury Department had already ascertained and reported the amount due to the Indians under the treaty stipulations. That made it practically a claim, and a claim which was not barred by reason of the fact that it was under treaty stipulation. But in the second one the provision is for a future ascertainment. If the ascertainment had been made as in the former case, the Chair would have had no question about overruling the point of order.

Mr. FORAKER. I understand that, and I quite agree with the Chair.

Mr. QUAY. Does the Chair consider the question of previous computation as vital? If so, and the amendment goes over until to-morrow, I can correct that contention.

Mr. STEWART. Let the Chair withdraw his ruling and let us pass over the amendment for the time being.

The PRESIDENT pro tempore. If the amendment is agreed to when the bill is reported to the Senate the point of order can again be raised in the Senate.

Mr. QUAY. I fail to catch what was said by the President.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Pennsylvania.

Mr. QUAY. I was just saying that I did not understand the President, and I ask him what he said. My attention was diverted at the moment.

The PRESIDENT pro tempore. The Senator from Nevada wanted time to present some evidence, and the Chair said the amendment might be agreed to now, and then the point of order could be raised in the Senate precisely as it can be raised in the Committee of the Whole, if the Senator from Iowa desired to do it.

Mr. QUAY. That will be satisfactory, Mr. President.

Mr. ALLISON. I desire to offer an amendment or two which I think will improve the situation, if the Senator from Pennsylvania will allow me.

Mr. QUAY. Certainly.

The PRESIDENT pro tempore. An amendment to the amendment?

Mr. ALLISON. It is an amendment to the amendment.

In line 15, on page 92, after the word "ascertain," I move to insert "as nearly as practicable;" and then strike out after the word "Indians," in line 23, all the words down to and including "gold coin," in line 4, on page 93.

I move this amendment because if this provision should finally pass I do not wish that any rule should be established by legislation for the ascertainment of the difference between currency and coin. I do not know, of course, the details of these payments, but as they have been made under treaty stipulations they must have been made at some particular time, and the dates can be easily ascertained. So it will be easy to ascertain the value of gold coin at the date of these payments.

Mr. STEWART. We accept the amendment to the amendment.

Mr. ALLISON. Very well; but I want to explain why I offer it.

Mr. QUAY. I wish to hear those amendments again. What is the first one?

Mr. ALLISON. After the words "the Secretary of the Treasury is hereby directed forthwith to ascertain," I move to insert the words "as nearly as practicable."

The PRESIDENT pro tempore. And what further?

Mr. ALLISON. Then I propose to strike out from the word "Indians," in line 23, down to and including "gold coin," in line 4 on the next page.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 92, line 15, after the word "ascertain," insert "as nearly as practicable;" and beginning in line

23, after the word "Indians," strike out all down to and including the words "gold coin," in line 4 on page 93.

The PRESIDENT pro tempore. The amendment to the amendment is agreed to.

Mr. ALLISON. I do this because I think it can be ascertained very nearly what was the difference in value between currency and coin at the time of these payments, as they must have been made at stated periods.

Mr. TELLER. There will be no trouble at all.

Mr. ALLISON. So I understand.

Mr. TELLER. I should like to say to the Senator that I do not believe there is the slightest difficulty in determining the value of gold on the day the payments were made. The Treasury Department has the figures on that subject.

Mr. ALLISON. That is what I have stated, and the Department must know the dates. The real trouble is that at certain periods in the year 1864 the fluctuations in gold were very great, and to take an average of a year as the method of ascertaining the real value of gold would be unjust certainly to the Government, and it might be unjust to the Indians. The gold premium was at times as high as 260 or 270; but that existed for only a very few days, and therefore a yearly average is not a just one.

The PRESIDENT pro tempore. Does the Senator from Iowa withdraw his point of order against the amendment as amended?

Mr. ALLISON. I will reserve it for the Senate.

The PRESIDENT pro tempore. The amendment as amended will be agreed to.

Mr. PLATT of Connecticut. With regard to this amendment, there is a pretty serious question as to the obligation of the Government to pay the Indians in gold or silver coin. I do not know whether there was any difference between them at that time.

Mr. TELLER. Silver was rather the best.

Mr. PLATT of Connecticut. It may have been; I do not know. But it is a question whether the Indians did not subsequently relinquish their claim upon the Government for the payment of any of this sum by accepting the bonds of a railroad company which had purchased the lands and was to pay the money into the Treasury, but was unable to do so. A serious question arises under the treaty of 1861 whether the Indians did not relinquish their right to the payment of this money in gold and silver coin.

Mr. STEWART. It was suggested——

Mr. PLATT of Connecticut. Last year, if the Senator will permit me, when this amendment was put upon the bill, in conference the conferees claimed that the Indians had relinquished, by a subsequent treaty in 1861, any right to have the money paid to them in coin.

Mr. STEWART. I am aware that that suggestion was made——

Mr. PLATT of Connecticut. I do not base my judgment——

Mr. STEWART. But it was a mistake; I think the suggestion was not well founded. However, by to-morrow the Senator can look at it and see if there is anything of that kind.

Mr. TELLER. I should like to call the attention of the Senate to the fact that on November 29, 1864, these Indians were insisting that their treaties called for gold and silver, that they should be paid in coin, and complained of the payment in currency.

Mr. PLATT of Connecticut. They had taken the bonds then.

Mr. STEWART. Yes.

Mr. TELLER. They say nothing about the bonds. This is what they say:

> You will not think us wrong when we expect all the money actually due us at this time from all sources of income to our nation. We feel that this has not been done, though we need it more than ever before, and did in time ask you to send it forward.
>
> It will also occur to you that we are losers by receiving paper money, which is greatly depreciated. Our treaties call expressly for "gold and silver."

They are not calling for anything on the bonds, but on their treaty.

> With this depreciated money, and little of it, we get very little help. Please look over our account and see if it is not possible to aid us yet more.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment of the Committee on Indian Affairs was, on page 93, after line 11, to strike out section 21, in the following words:

> SEC. 21. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Boone Chandler, Estella Chandler, and Joseph Chandler, members of the Kiowa, Comanche, and Apache tribes of Indians, whose allotments are numbered respectively 207, 208, and 2461, for the lands heretofore allotted to them in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

The amendment was agreed to.

The next amendment was, on page 93, after line 21, to insert the following:

> SEC. 14. That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Nora G. Hazlett, a Caddo Indian, for not to exceed 40 acres of the remaining 80 acres of the 160 acres of land heretofore allotted to her in the Territory of Oklahoma, to wit, the northwest quarter of section 11, township 7 north, range 12 west, Indian meridian; and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.
>
> That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Frank A. A. Robertson, Edmond Cheney Robertson, Ella F. Robertson, Samuel J. Brown, Joseph R. Brown, Augusta Brown, Jennie Brown, Susan F. Brown, Thomas A. Robertson, Ida Robertson, Nancy Tawaqin, members of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to them in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

Mr. DUBOIS. I should like to offer a committee amendment, which was approved by the Secretary of the Interior and sent down.

Mr. CULLOM. Let it be printed and go over.

The PRESIDENT pro tempore. Is it an amendment to the committee amendment?

Mr. DUBOIS. It is a committee amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. At the end of line 15 insert:

> That the Secretary of the Interior is authorized and directed to permit an exchange of lands in Oklahoma Territory now included in Kiowa allotment No. 310 for certain other lands in the same Territory now included in Kiowa allotment No. 312, and to issue new allotment patents to the allottees interested carrying the exchanges into effect.

Mr. STEWART. Let it go over, and let us have an executive session.

Mr. ALLISON. I was about to ask the Senator from Nevada to let the amendment lie over and permit the reading of the bill to be completed.

The PRESIDENT pro tempore. The amendment would not properly come in now under the unanimous-consent agreement.

Mr. STEWART. Then let us go into executive session.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. Before that motion is put, will the Senator from Wisconsin yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Wisconsin withdraw the motion?

Mr. SPOONER. I withdraw it for a moment.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I ask unanimous consent that to-morrow at 4 o'clock the Senate will proceed to the consideration of unobjected pension bills on the Calendar.

Mr. STEWART. I can not agree to that.

Mr. McCUMBER. I will yield to the Senator if his bill is up at that time.

Mr. STEWART. All right.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that at 4 o'clock to-morrow the Senate will proceed to the consideration of unobjected pension cases, not, however, to interfere with the appropriation bill.

Mr. PLATT of Connecticut. The Senator can get consideration of his pension bills by moving them at any time when other business of the Senate is not imperative.

Mr. McCUMBER. If the Senator will just yield to me a moment I will state——

Mr. PLATT of Connecticut. I can not give my consent to parceling out the time of the Senate for a particular bill or class of bills.

Mr. McCUMBER. I hope the Senator will yield just a moment to me.

We have allowed the pension bills to run for three weeks. Usually we have taken them up every two weeks. It has been the universal custom in the case of pension bills to fix a time for their consideration in the future. It has not been objected to since I have been in the Senate a single time to take them up some time ahead. The clerks, with the great number of bills before them, wish a little time in order to have the records and the bills here, so that they can be considered.

I want to call attention to another thing. Friday of this week is, I believe, the day to consider pension bills in the House, and I am very desirous of getting our bills through to-morrow, so that they can get to the House and be acted upon there this week without waiting another two weeks. This can not be done unless we get them through the Senate to-morrow.

Mr. PLATT of Connecticut. I have no doubt that the Senator to-morrow will find an opportunity to move to proceed to the consideration of the pension bills, and there will be no objection to them, but I regard it as a matter of principle that we should not parcel out in advance the time of the Senate for the consideration of particular bills or classes of bills. I have a very decided impression on that subject, and I can not waive it.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives,

FUEL FOR SOUTH WING OF CAPITOL BUILDING.

The bill (H. R. 14256) making an appropriation for fuel for the south wing of the Capitol building was read twice by its title.

Mr. ALLISON. That is a bill relating wholly to an important matter of fuel for the House, and I ask that it may now be put upon its passage.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $7,000 for fuel and oil for the heating apparatus in the south wing of the Capitol building, to be disbursed by the Clerk of the House of Representatives, being a deficiency for the fiscal year 1904.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COINAGE LAWS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed in pamphlet form 10,000 copies of the coinage laws of the United States, 5,000 for the use of the Director of the Mint, 3,500 for the House of Representatives, and 1,500 for the Senate.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 23, 1904, at 12 o'clock m.

WITHDRAWAL.

Executive nomination withdrawn Tuesday, March 22, 1904.

John Black to be postmaster at Fairhaven, in the State of Washington.

NOMINATIONS.

Executive nominations received by the Senate March 22, 1904.

SECRETARIES OF LEGATION.

Norman Hutchinson, of California, now secretary of the legation at Santiago, to be secretary of the legation of the United States at Caracas, Venezuela, vice William W. Russell, appointed secretary of the legation at Panama.

Edward Winslow Ames, of Massachusetts, now secretary of the legation at Buenos Ayres, to be secretary of the legation of the United States at Santiago, Chile, vice Norman Hutchinson, nominated to be secretary of the legation at Caracas.

MELTER AND REFINER.

Henry B. Kelsey, of New York, to be melter and refiner of the United States assay office at New York, N. Y., in place of Benjamin T. Martin, deceased.

COLLECTOR OF CUSTOMS.

Edward R. Stackable, of the Territory of Hawaii, to be collector of customs for the district of Hawaii, in the Territory of Hawaii. (Reappointment.)

UNITED STATES ATTORNEY.

Francis H. Parker, of Connecticut, to be United States attorney for the district of Connecticut. A reappointment, his term expiring April 1, 1904.

PROMOTIONS IN THE NAVY.

Lieut. James G. Doyle to be a lieutenant-commander in the Navy from the 23d day of September, 1903, vice Lieut. Commander John R. Edwards, promoted.

Lieut. (Junior Grade) William C. Asserson to be a lieutenant in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Lieut. Roger Welles, jr., to be a lieutenant-commander in the Navy from the 4th day of February, 1904, vice Lieut. Commander Nathaniel R. Usher, promoted.

Lieut. (Junior Grade) Frank L. Pinney to be lieutenant in the Navy from the 4th day of February, 1904, vice Lieut. John D. McDonald, promoted.

POSTMASTERS.

IDAHO.

John M. Butler to be postmaster at Shoshone, in the county of Lincoln and State of Idaho, in place of Dora C. Hill, resigned.

ILLINOIS.

William S. Bothwell to be postmaster at Clay City, in the county of Clay and State of Illinois. Office became Presidential January 1, 1904.

James P. Mathis to be postmaster at Toluca, in the county of Marshall and State of Illinois, in place of James P. Mathis. Incumbent's commission expired December 19, 1903.

INDIANA.

Winfield S. Hunter to be postmaster at Jasper, in the county of Dubois and State of Indiana, in place of Winfield S. Hunter. Incumbent's commission expires April 12, 1904.

MAINE.

Fred H. Atwood to be postmaster at Rumford Falls, in the county of Oxford and State of Maine, in place of Fred H. Atwood. Incumbent's commission expires March 31, 1904.

MICHIGAN.

William N. Lister to be postmaster at Ypsilanti, in the county of Washtenaw and State of Michigan, in place of Harlow D. Wells. Incumbent's commission expired January 17, 1904.

Montague W. Ripley to be postmaster at Montague, in the county of Muskegon and State of Michigan, in place of William E. Osmun, resigned.

MISSISSIPPI.

Coke B. Wier to be postmaster at Quitman, in the county of Clarke and State of Mississippi. Office became Presidential January 1, 1904.

NEW JERSEY.

George B. Jacobus to be postmaster at Caldwell, in the county of Essex and State of New Jersey, in place of George B. Jacobus. Incumbent's commission expired March 6, 1904.

Charles W. Russell to be postmaster at New Brunswick, in the county of Middlesex and State of New Jersey, in place of Charles W. Russell. Incumbent's commission expires March 30, 1904.

NEW YORK.

Charles H. Parker to be postmaster at Macedon, in the county of Wayne and State of New York, in place of Charles H. Parker. Incumbent's commission expires April 12, 1904.

PENNSYLVANIA.

Daniel M. Bennett to be postmaster at Bridgeville, in the county of Allegheny and State of Pennsylvania. Office became Presidential January 1, 1904.

WISCONSIN.

Frederick A. Hollman to be postmaster at Green Bay, in the county of Brown and State of Wisconsin, in place of Frederick A. Hollman. Incumbent's commission expired February 19, 1904.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 22, 1904.

APPOINTMENTS IN THE ARMY.

To be brigadier-generals.

Col. Charles A. Coolidge (since retired from active service), Seventh Infantry, August 8, 1903.

Col. Cyrus S. Roberts (since retired from active service), Second Infantry, August 8, 1903.

Col. J. Milton Thompson (since retired from active service), Twenty-third Infantry, August 9, 1903.

Col. Calvin DeWitt (since retired from active service), assistant surgeon-general, August 9, 1903.

Col. Carle A. Woodruff (since retired from active service), Artillery Corps, August 10, 1903.

Col. David H. Kinzie (since retired from active service), Artillery Corps, August 10, 1903.

Col. John L. Tiernon (since retired from active service), Artillery Corps, August 11, 1903.

Col. James Miller (since retired from active service), Twenty-second Infantry, August 11, 1903.

Col. David J. Craigie (since retired from active service), Seventeenth Infantry, August 12, 1903.

Col. Alpheus H. Bowman (since retired from active service), Twenty-fifth Infantry, August 12, 1903.

Col. Edmund Rice (since retired from active service), Nineteenth Infantry, August 13, 1903.

Col. Charles G. Penney (since retired from active service), Twenty-ninth Infantry, August 13, 1903.

Col. Jesse C. Chance (since retired from active service), Fourth Infantry, August 14, 1903.

Col. Theodore F. Forbes (since retired from active service), Twenty-seventh Infantry, August 14, 1903.

Col. Daniel D. Wheeler (since retired from active service), assistant quartermaster-general, August 15, 1903.

Col. Leon A. Matile (since retired from active service), Twenty-fourth Infantry, August 15, 1903.

Col. Charles L. Cooper (since retired from active service), Fifth Cavalry, August 16, 1903.

Col. John A. Kress (since retired from active service), Ordnance Department, August 16, 1903.

Col. John Simpson (since retired from active service), assistant quartermaster-general, August 17, 1903.

Col. Camillo C. C. Carr, Fourth Cavalry, August 17, 1903.

Col. Thomas H. Barry, assistant adjutant-general, August 18, 1903.

PROMOTIONS IN THE ARMY.

Adjutant-General's Department.

Lieut. Col. William A. Simpson, assistant adjutant-general, to be assistant adjutant-general with the rank of colonel, August 18, 1903.

Quartermaster's Department.

Lieut. Col. John L. Clem, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, August 15, 1903.

Lieut. Col. William S. Patten, deputy quartermaster-general, to be assistant quartermaster-general with the rank of colonel, August 17, 1903.

Maj. William H. Miller, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, August 15, 1903.

Maj. Samuel R. Jones, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, August 17, 1903.

Capt. John Elston Baxter (heretofore borne on the Army Register as "John Baxter, jr."), quartermaster, to be quartermaster with the rank of major, August 15, 1903.

Capt. Moses G. Zalinski, quartermaster, to be quartermaster with the rank of major, August 17, 1903.

Medical Department.

Lieut. Col. Charles B. Byrne, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, August 9, 1903.

Lieut. Col. Timothy E. Wilcox, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, September 22, 1903.

Maj. Louis W. Crampton, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, August 9, 1903.

Maj. Edwin F. Gardner, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, September 22, 1903.

Capt. Henry C. Fisher, assistant surgeon, to be surgeon with the rank of major, August 9, 1903.

Capt. Henry A. Shaw, assistant surgeon, to be surgeon with the rank of major, September 22, 1903.

Ordnance Department.

Lieut. Col. John G. Butler, Ordnance Department, to be colonel, August 16, 1903.

Maj. Frank Heath, Ordnance Department, to be lieutenant-colonel, August 16, 1903.

Capt. Frank E. Hobbs, Ordnance Department, to be major, August 16, 1903.

First Lieut. Thales L. Ames, Ordnance Department, to be captain, August 16, 1903.

Cavalry Arm.

Lieut. Col. Clarence A. Stedman, Fourth Cavalry, to be colonel, August 16, 1903.

Lieut. Col. Edgar Z. Steever, United States Cavalry, assistant adjutant-general, to be colonel, August 17, 1903.

Maj. George H. Paddock, Fifth Cavalry, to be lieutenant-colonel, August 16, 1903.

Maj. Samuel W. Fountain, United States Cavalry, assistant adjutant-general, to be lieutenant-colonel, August 26, 1903.

Capt. Franklin O. Johnson, Third Cavalry, to be major, August 16, 1903.

Capt. Herbert J. Slocum, United States Cavalry, quartermaster, to be major, August 26, 1903.

First Lieut. Frank R. McCoy, Tenth Cavalry, to be captain, August 16, 1903.

First Lieut. Chalmers C. Hall, Fifth Cavalry, to be captain, September 19, 1903.

First Lieut. Clarence R. Day, Fourteenth Cavalry, to be captain, September 28, 1903.

Second Lieut. Granville R. Fortescue, Fourth Cavalry, to be first lieutenant, August 16, 1903.

Second Lieut. John Alden Degen, Fourth Cavalry, to be first lieutenant, September 17, 1903.

Second Lieut. Arthur N. Pickel, Twelfth Cavalry, to be first lieutenant, September 17, 1903.

Second Lieut. Brice P. Disque, Fifth Cavalry, to be first lieutenant, September 17, 1903.

Second Lieut. Alvin S. Perkins, Eleventh Cavalry, to be first lieutenant, September 17, 1903.

Second Lieut. Robert M. Barton, Ninth Cavalry, to be first lieutenant, September 19, 1903.

Second Lieut. Walter J. Scott, Tenth Cavalry, to be first lieutenant, September 28, 1903.

Second Lieut. Richard W. Walker, Eighth Cavalry, to be first lieutenant, October 15, 1903.

Artillery Corps.

Lieut. Col. Asher C. Taylor, Artillery Corps, to be colonel, August 10, 1903.

Lieut. Col. Henry W. Hubbell, Artillery Corps, to be colonel, August 10, 1903.

Lieut. Col. William F. Stewart, Artillery Corps, to be colonel, August 11, 1903.

Lieut. Col. Anthony W. Vogdes, Artillery Corps, to be colonel, November 1, 1903.

Maj. Alexander D. Schenck, Artillery Corps, to be lieutenant-colonel, August 10, 1903.

Maj. Sedgwick Pratt, Artillery Corps, to be lieutenant-colonel, August 10, 1903.

Maj. John McClellan, Artillery Corps, to be lieutenant-colonel, August 11, 1903.

Maj. Harry R. Anderson, Artillery Corps, to be lieutenant-colonel, August 14, 1903.

Maj. Robert H. Patterson, Artillery Corps, to be lieutenant-colonel, November 1, 1903.

Capt. Eli D. Hoyle, Artillery Corps, to be major, August 10, 1903.

Capt. Granger Adams, Artillery Corps, to be major, August 10, 1903.

Capt. Frederick Marsh, Artillery Corps, to be major, August 11, 1903.

Capt. Charles G. Woodward, Artillery Corps, to be major, August 14, 1903.

Capt. Edward E. Gayle, Artillery Corps, to be major, August 14, 1903.

Capt. Hamilton Rowan, Artillery Corps, to be major, November 1, 1903.

First Lieut. John T. Geary, Artillery Corps, to be captain, August 10, 1903.

First Lieut. Guy T. Scott, Artillery Corps, to be captain, August 10, 1903.

First Lieut. Morrell M. Mills, Artillery Corps, to be captain, August 11, 1903.

First Lieut. Charles R. Lloyd, jr., Artillery Corps, to be captain, August 14, 1903.

First Lieut. Edward Carpenter, Artillery Corps, to be captain, August 14, 1903.

First Lieut. Henry M. Merriam, Artillery Corps, to be captain, August 27, 1903.

First Lieut. Oliver L. Spaulding, jr., Artillery Corps, to be captain, August 27, 1903.

First Lieut. Hanson B. Black, Artillery Corps, Ordnance Department, to be captain, August 27, 1903.

First Lieut. Conrad H. Lanza, Artillery Corps, to be captain, November 1, 1903.

Second Lieut. Charles E. N. Howard, Artillery Corps, to be first lieutenant, August 10, 1903.

Second Lieut. Edwin C. Long, Artillery Corps, to be first lieutenant, August 10, 1903.

Second Lieut. Augustus B. Warfield, Artillery Corps, to be first lieutenant, August 11, 1903.

Second Lieut. Howard L. Landers, Artillery Corps, to be first lieutenant, August 14, 1903.

Second Lieut. Claudius M. Seaman, Artillery Corps, to be first lieutenant, August 14, 1903.

Second Lieut. Hugh J. B. McElgin, Artillery Corps, to be first lieutenant, August 27, 1903.

Second Lieut. Arthur L. Fuller, Artillery Corps, to be first lieutenant, August 27, 1903.

Second Lieut. Francis H. Lomax, Artillery Corps, to be first lieutenant, September 20, 1903.

Second Lieut. William H. Burt, Artillery Corps, to be first lieutenant, November 1, 1903.

Infantry Arm.

Lieut. Col. Daniel Cornman, Twenty-fourth Infantry, to be colonel, August 8, 1903.

Lieut. Col. Charles B. Hall, Thirtieth Infantry, to be colonel, August 8, 1903.

Lieut. Col. Joseph W. Duncan, Thirteenth Infantry, to be colonel, August 9, 1903.

Lieut. Col. Henry Wygant, Sixth Infantry, to be colonel, August 11, 1903.
Lieut. Col. Francis W. Mansfield, First Infantry, to be colonel, August 12, 1903.
Lieut. Col. P. Henry Ray, Eighth Infantry, to be colonel, August 12, 1903.
Lieut. Col. Benjamin C. Lockwood, Twenty-ninth Infantry, to be colonel, August 13, 1903.
Lieut. Col. Philip Reade, Twenty-third Infantry, to be colonel, August 13, 1903.
Lieut. Col. John T. Van Orsdale, Seventeenth Infantry, to be colonel, August 14, 1903.
Lieut. Col. James A. Buchanan, Eleventh Infantry, to be colonel, August 14, 1903.
Lieut. Col. Joseph F. Huston, Nineteenth Infantry, to be colonel, August 15, 1903.
Lieut. Col. William H. W. James, Twenty-fifth Infantry (since retired from active service), to be colonel, October 31, 1903.
Maj. Charles A. Booth, Seventeenth Infantry, to be lieutenant-colonel, August 8, 1903.
Maj. Henry A. Greene, United States Infantry, assistant adjutant-general, to be lieutenant-colonel, August 8, 1903.
Maj. Edwin B. Bolton, Twenty-fourth Infantry, to be lieutenant-colonel, August 9, 1903.
Maj. James S. Pettit, United States Infantry, inspector-general, to be lieutenant-colonel, August 11, 1903.
Maj. Charles L. Hodges, Twenty-third Infantry, to be lieutenant-colonel, August 12, 1903.
Maj. Robert H. R. Loughborough, Sixth Infantry, to be lieutenant-colonel, August 12, 1903.
Maj. John G. Ballance, United States Infantry, assistant adjutant-general, to be lieutenant-colonel, August 13, 1903.
Maj. Frank Taylor, Fifteenth Infantry, to be lieutenant-colonel, August 13, 1903.
Maj. Richard T. Yeatman, Twenty-second Infantry, to be lieutenant-colonel, August 14, 1903.
Maj. Thomas F. Davis, Twenty-eighth Infantry, to be lieutenant-colonel, August 14, 1903.
Maj. Daniel H. Brush, Twenty-fifth Infantry, to be lieutenant-colonel, August 15, 1903.
Maj. Charles J. Crane, United States Infantry, assistant adjutant-general, to be lieutenant-colonel, August 21, 1903.
Maj. Hobart K. Bailey, United States Infantry, inspector-general, to be lieutenant-colonel, October 31, 1903.
Capt. Frank B. McCoy, Seventeenth Infantry, to be major, August 8, 1903.
Capt. Elias Chandler, First Infantry, to be major, August 9, 1903.
Capt. Charles R. Noyes, Ninth Infantry, to be major, August 12, 1903.
Capt. Charles W. Abbott, jr., Twelfth Infantry, to be major, August 12, 1903.
Capt. Richard M. Blatchford, Eleventh Infantry, to be major, August 13, 1903.
Capt. John H. Beacom, Sixth Infantry, to be major, August 14, 1903.
Capt. Willis T. May (heretofore borne as "Will T. May"), Fifteenth Infantry, to be major, August 14, 1903.
Capt. Henry W. Hovey, Twenty-fourth Infantry, to be major, August 14, 1903.
Capt. Lawrence J. Hearn, Twenty-first Infantry, to be major, August 15, 1903.
Cagt. Walter K. Wright, Seventh Infantry, to be major, August 26, 1903.
Capt. Charles B. Hardin, Eighteenth Infantry, to be major, August 26, 1903.
Capt. Edwin P. Pendleton, Twenty-third Infantry, to be major, August 26, 1903.
Capt. Harry A. Leonhaeuser, Twenty-fifth Infantry, to be major, September 3, 1903.
First Lieut. George M. Grimes, Twentieth Infantry, to be captain, August 8, 1903.
First Lieut. Thomas R. Harker, Fifteenth Infantry, to be captain, August 9, 1903.
First Lieut. John F. Wilkinson, Sixth Infantry, to be captain, August 12, 1903.
First Lieut. Frank D. Wickham, Twelfth Infantry, to be captain, August 12, 1903.
First Lieut. William B. Folwell, First Infantry, to be captain, August 13, 1903.
First Lieut. Bryan Conrad, Fifteenth Infantry, to be captain, August 14, 1903.
First Lieut. William K. Naylor, Ninth Infantry, to be captain, August 14, 1903.
First Lieut. William H. Oury, Twelfth Infantry, to be captain, August 14, 1903.
First Lieut. Austin F. Prescott, Seventh Infantry, to be captain, August 15, 1903.
First Lieut. Edgar A. Fry, Thirteenth Infantry, to be captain, August 15, 1903.
First Lieut. Harry A. Eaton, Eighth Infantry, to be captain, August 22, 1903.
First Lieut. Campbell King, First Infantry, to be captain, August 26, 1903.
First Lieut. Tenney Ross, Third Infantry, to be captain, August 26, 1903.
First Lieut. George C. Martin, Second Infantry, to be captain, August 26, 1903.
First Lieut. Robert O. Van Horn, Twelfth Infantry, to be captain, August 27, 1903.
First Lieut. Ezekiel J. Williams, Fifth Infantry, to be captain, September 3, 1903.
First Lieut. Moor N. Falls, Twelfth Infantry, to be captain, September 14, 1903.
First Lieut. Joseph W. Glidden, Nineteenth Infantry, to be captain, September 23, 1903.
First Lieut. John R. R. Hannay, Twenty-second Infantry, to be captain, September 28, 1903.
Second Lieut. Julian L. Dodge, Twenty-fifth Infantry, to be first lieutenant, August 8, 1903.
Second Lieut. Herman Glade, Fourth Infantry, to be first lieutenant, August 9, 1903.
Second Lieut. Frank S. Bowen, Sixth Infantry, to be first lieutenant, August 12, 1903.
Second Lieut. Ward Dabney, First Infantry, to be first lieutenant, August 12, 1903.
Second Lieut. Paul M. Goodrich, Ninth Infantry, to be first lieutenant, August 13, 1903.
Second Lieut. Frank H. Kalde, Eighth Infantry, to be first lieutenant, August 14, 1903.
Second Lieut. William W. Taylor, jr., Twenty-second Infantry, to be first lieutenant, August 14, 1903.
Second Lieut. Russell C. Hand, Tenth Infantry, to be first lieutenant, August 14, 1903.
Second Lieut. Henry A. Bell, Twenty-second Infantry, to be first lieutenant, August 15, 1903.
Second Lieut. Bruno T. Scher, Fifth Infantry, to be first lieutenant, August 15, 1903.
Second Lieut. George A. Herbst, Twenty-third Infantry, to be first lieutenant, August 22, 1903.
Second Lieut. Philip J. Lauber, Twenty-fifth Infantry, to be first lieutenant, August 26, 1903.
Second Lieut. Thomas M. Hunter, Tenth Infantry, to be first lieutenant, August 26, 1903.
Second Lieut. Gad Morgan, Fifteenth Infantry, to be first lieutenant, August 26, 1903.
Second Lieut. Elverton E. Fuller, Twelfth Infantry, to be first lieutenant, August 27, 1903.
Second Lieut. William S. Neely, Twenty-second Infantry, to be first lieutenant, September 3, 1903.
Second Lieut. Frank H. Adams, Sixteenth Infantry, to be first lieutenant, September 14, 1903.
Second Lieut. George C. Lewis, Third Infantry, to be first lieutenant, September 17, 1903.
Second Lieut. William H. Patterson, Tenth Infantry, to be first lieutenant, September 17, 1903.
Second Lieut. David A. Lindsay, First Infantry, to be first lieutenant, September 17, 1903.
Second Lieut. Leonard J. Mygatt, Nineteenth Infantry, to be first lieutenant, September 17, 1903.
Second Lieut. Elliott M. Norton, Sixth Infantry, to be first lieutenant, September 17, 1903.
Second Lieut. Roscoe H. Hearn, Sixteenth Infantry, to be first lieutenant, September 17, 1903.
Second Lieut. Nels Anderson, Seventh Infantry, to be first lieutenant, September 23, 1903.
Lieut. Col. Ralph W. Hoyt, United States Infantry, assistant adjutant-general, to be colonel, December 3, 1903.

POSTMASTER.

NEW YORK.

Wesley Mulford to be postmaster at Unadilla, in the county of Otsego and State of New York.

RELATIONS WITH CUBA.

The injunction of secrecy was removed March 22, 1904, from a treaty between the United States and Cuba, signed at Habana May 22, 1903, embodying the provisions defining the future relations of the United States with Cuba contained in the act of Congress approved March 2, 1901, making appropriations for the Army.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 22, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CEDED LANDS ON FORT HALL INDIAN RESERVATION.

The SPEAKER laid before the House the following concurrent resolution of the Senate, which was read:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and of the President pro tempore of the Senate in signing the enrolled bill (S. 2223) relating to ceded lands on the Fort Hall Indian Reservation be rescinded, and that in the reenrollment of the bill all after "namely," in line 13 of the enrolled bill, down to and including line 20 of said bill, be stricken out and the following inserted: "Lot 4, section 1, township 7 south, range 34 east, and the southeast quarter of the northeast quarter, section 18, township 7 south, range 35 east, and the east half of the southeast quarter of section 21, township 6 south, range 34 east, and which have heretofore been appraised, shall be paid for at the said appraised value at the time of and by the person making entry of the respective tracts upon which such improvements are situated," so as to correctly describe the range, inaccurately stated in the bill.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. UNDERWOOD. I should like to hear some explanation why this bill should be amended after it has passed both Houses. For the present, I reserve the right to object.

Mr. FRENCH. Mr. Speaker, I should like to ask the gentleman from Alabama [Mr. UNDERWOOD] how much of this matter he wants to have explained?

Mr. UNDERWOOD. As I understand, this bill has passed both Houses.

Mr. FRENCH. Yes, sir.

Mr. UNDERWOOD. And has not been signed by the President?

Mr. FRENCH. Yes, sir, has not been signed by the President.

Mr. UNDERWOOD. And now it seems it is desired to place an amendment upon the bill. This is an unusual proceeding, and I should like to know the necessity for the amendment.

Mr. FRENCH. The proposed amendment is really a very simple matter; yet it is material to the bill. The bill simply provides for opening up about 60,000 acres of land within a radius of 5 miles around the city of Pocatello, in the Fort Hall Indian Reservation. Under this bill the land will be disposed of in the same way as the rest of the land within the reservation outside of this 5-mile limit. Within this limit there are a few tracts of land owned by certain Indians, and these particular tracts have been described in the bill. By some means the Land Department failed to give the author of the bill in the Senate the description of 120 acres—simply a brief description of that portion of the land—and consequently the description so far as that tract is concerned was omitted from the bill. It has been thought best to have the omitted words inserted in this manner.

The bill has received the unanimous report of the Committees on Public Lands in both Houses. It has passed the Senate twice, and has the unanimous and favorable report of the Committee on the Public Lands in this House. I think there is no objection anywhere to the bill. I believe this statement explains the point raised by the gentleman from Alabama.

Mr. UNDERWOOD. I wish to inquire whether the resolution carrying this amendment has been considered by the minority members of the Public Lands Committee in the House and has met their approval?

Mr. FRENCH. On that particular point I will say that this concurrent resolution, I presume, has not been referred to that committee at all.

Mr. UNDERWOOD. Of course I understand that; but has the gentleman himself called the attention of the minority members of the committee to this change, and has it met their approval?

Mr. FRENCH. I have not called the attention of anybody to this particular clause except the chairman of the committee. The simple fact is this: There are a number of Indians, perhaps a dozen, who have little allotments of land within this reservation. The present proposition is to place 120 acres of land, belonging to certain Indians there, in the same list with other lands described in the bill as already passed. This proposed amendment does not affect the bill in any material way. It touches simply this minor clause, which by some inadvertence was omitted in the Land Office when the description of these certain tracts was given to the Senator who introduced the bill.

Mr. UNDERWOOD. In view of the explanation given by the gentleman from Idaho [Mr. FRENCH], I do not care myself to object; but I think it a bad practice to amend a bill materially in this way without the committee that has had the matter in charge being informed as to what the amendment is. But this matter has been called to the attention of the House; Members here have been informed in regard to it by the explanation of the gentleman from Idaho. So far as I am concerned, I will not object.

There being no objection, the House proceeded to the consideration of the resolution; which was concurred in.

The SPEAKER. Without objection, the Speaker will erase his name on the enrolled bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 8335. An act to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892; and

H. R. 3761. An act ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4640. An act to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903;

S. 3678. An act to provide for the creation of an additional land district in the district of Alaska;

S. 4142. An act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa;

S. 5052. An act to provide for the construction of an elevator in the United States public building at Richmond, Ky.;

S. 4937. An act to promote the efficiency of the Revenue-Cutter Service;

S. 463. An act to pay Hewlette A. Hall balance due for services in connection with the Paris Exposition;

S. 2876. An act for the relief of Sarah E. Jenkins;

S. 4563. An act for the delivery on the Pacific coast of two light vessels now being built in New York and New Jersey; and

S. 4672. An act to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sorrow the announcement of the death of Hon. CHARLES WINSTON THOMPSON, late a Representative of the Fifth district of the State of Alabama.

Resolved, That a committee of eight Senators be appointed by the President pro tempore to join a committee on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Senate communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect the Senate do now adjourn.

And stated that in compliance with the foregoing resolutions the President pro tempore had appointed as the committee on the part of the Senate, under the second resolution, Mr. MORGAN, Mr. PETTUS, Mr. CULBERSON, Mr. MCLAURIN, Mr. OVERMAN, Mr. SPOONER, Mr. NELSON, and Mr. DOLLIVER.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4640. An act to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903—to the Committee on Interstate and Foreign Commerce.

S. 3678. An act to provide for the creation of an additional land district in the district of Alaska—to the Committee on the Public Lands.

S. 4672. An act to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River—to the Committee on Interstate and Foreign Commerce.

S. 4142. An act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa—to the Committee on Interstate and Foreign Commerce.

S. 5052. An act to provide for the construction of an elevator in the United States public building at Richmond, Ky.—to the Committee on Public Buildings and Grounds.

S. 4937. An act to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 463. An act to pay Hewlette A. Hall balance due for services in connection with the Paris exposition—to the Committee on Claims.

S. 2876. An act for the relief of Sarah E. Jenkins—to the Committee on Claims.

S. 4563. An act for the delivery on the Pacific coast of two light vessels now being built in New York and New Jersey—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles: when the Speaker signed the same:

H. R. 6022. An act granting an increase of pension to George W. Travis;

H. R. 10058. An act for the relief of Kirby Thomas;

H. R. 468. An act granting an increase of pension to Henry Christy;

H. R. 958. An act granting an increase of pension to Alfred H. Rogers;

H. R. 3776. An act granting an increase of pension to Alfred I. Judy;

H. R. 5176. An act granting an increase of pension to Alonzo Dutch;

H. R. 892. An act granting an increase of pension to Abram H. Hunt;

H. R. 3903. An act granting an increase of pension to George C. Sherman;

H. R. 7239. An act granting a pension to Lydia M. Hill;

H. R. 6494. An act to approve and ratify act No. 73 of the legislative assembly of the Territory of Arizona;

H. R. 199. An act for the relief of John H. McLaughlin; and

H. R. 9319. An act providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2193. An act for the relief of David Tweed;

H. R. 1956. An act to authorize an exchange of sites for the public buildings of Garland County, Ark.;

H. R. 5511. An act to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals;

H. R. 11928. An act for the relief of James T. Kilbreth, George R. Bidwell, and Nevada N. Stranahan, as collectors of customs for the district and port of New York; and

H. R. 11443. An act to extend the exemption from head tax to citizens of Newfoundland entering the United States.

ABRAM CLAYPOOL.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 9791) entitled "An act granting an increase of pension to Abram Claypool" by striking out the word "Illinois," in line 5 of said enrolled bill, and inserting in lieu thereof the word "Indiana."

There being no objection, the House proceeded to the consideration of the resolution; which was agreed to.

The SPEAKER. Without objection, the enrolled bill will be taken from the table and referred to the Committee on Enrolled Bills.

There was no objection.

FUEL FOR THE CAPITOL.

Mr. HEMENWAY. Mr. Speaker, I send to the Clerk's desk the following bill from the Committee on Appropriations, and ask for its immediate consideration.

The SPEAKER. The gentleman from Indiana reports the following bill from the Committee on Appropriations and asks unanimous consent for its immediate consideration. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14256) making an appropriation for fuel for the south wing of the Capitol building.

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,000 for fuel and oil for the heating apparatus in the south wing of the Capitol building, to be disbursed by the Clerk of the House of Representatives, being a deficiency for the fiscal year 1904.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. HOWELL of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That the Committee on Immigration and Naturalization be authorized to have printed and bound whatever papers and documents in connection with subjects under consideration by the committee may be necessary to the transaction of its business.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BABCOCK. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. BABCOCK. Mr. Speaker, I have in my hand a copy of the New York Press of the date of March 21. On the front page I find the following headlines:

BABCOCK sent ton of mail a day under frank to help campaign—Charge against Wisconsin man—Increased rate to railroads for carrying the mails in his home county from five hundred to one thousand dollars a month—He comes up for reelection to-day.

Now, Mr. Speaker, I want to say that this statement, or practically this statement, is copied from a campaign book that was issued in my district during the late campaign. It was a pamphlet of some forty-seven pages, filled with malicious statements of this character, and with misrepresentations and untruths. The whole matter was thoroughly thrashed out through the press in the State of Wisconsin, and especially in the Third district, which I have the honor to represent; and after a full discussion of these specific, unwarranted, and slanderous charges that were made in this pamphlet, the people of the Third district rose in their might and turned it down almost unanimously at the primaries which were held last month.

I desire to call the attention of the House to some of these specific charges which I believe it is due to my colleagues that they should understand.

In the first place, the statement in the paper I referred to is an absolute falsehood from beginning to end. There is not a word of truth in it. As a Representative of the Third district of Wisconsin, I have, to the best of my ability, supplied my constituents with public documents, with seeds, and with matters that were of interest to all. There was one publication in particular that was sent out last spring, or about a year ago, which I had been able to secure here from an honored member of the Senate, it being the complete reports of the Geological Survey from volume 1 to 19, inclusive, each set containing thirty-eight books. The district that I represent is particularly interested in matters of this kind, as we produce iron, zinc, and lead, and especially have the people been interested in minerals from the fact that during the past two years there have been opened in the district some of the greatest iron mines in the world, and this publication was in great demand. I secured a number of these sets, twenty-six, I think, and they were sent to different libraries in the Third district. Of course they weighed considerable, something like 5,000 pounds, but they were valuable and desirable publications, and I have no apology to make for sending them out through the district for the information and benefit of the people.

I wish to state further, in relation to this charge that Government publications and seeds were sent out at a special time for the benefit of railway interests, that I had no knowledge of the time that mails were being weighed, nor do I believe there are ten Members on the floor of the House who to-day can state the dates upon which the mails were weighed in 1903 or the States in which they were weighed. These documents were sent out in the usual and ordinary way and varied but little in amount and weight and number from those sent to my constituents in previous years. Possibly this one document that I refer to was an excess in weight of what had been sent in previous seasons.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. TAWNEY. Is there any Member of the House who knows when the weighing takes place? Is not that a matter entirely secret with the Department?

Mr. BABCOCK. Well, Mr. Speaker, I can not answer that question, except to say that I knew nothing about it.

Mr. BUTLER of Pennsylvania. Nobody knows.

Mr. HULL. Oh, yes; we are called upon to recommend the weighers.

Mr. OVERSTREET. Mr. Speaker, I can not let that statement go unchallenged. It is no secret. It is public to everybody.

Mr. HULL. Members are called upon to recommend men.

Mr. BUTLER of Pennsylvania. No; they are not.

Mr. HULL. Oh, yes; they are. I have recommended four or five myself.

Mr. BUTLER of Pennsylvania. Then you were specially favored. I have not been asked to recommend one in the last six years.

Mr. PAYNE. Why, Mr. Speaker, some ten or twelve years ago I was asked to recommend some men, but since that I have been informed that they were appointed from the eligible list, and I have never been asked to recommend one since.

Mr. HULL. That is true, where they have enough on the eligible list, but where the eligible list is not sufficient they call upon Members to recommend them.

Mr. BABCOCK. Now, Mr. Speaker, had I known the period in which the mails were being weighed I should not have attempted to suppress the ordinary shipment of documents for the purpose of defrauding the railroads any more than I would have attempted to defraud the United States Government by excessive shipments for the benefit of the roads. That is a queer proposition. A man stands charged with a fraud on the Government for the benefit of whom? For the benefit of certain third parties that do not know anything about the proposition. Mr. Speaker, it is ridiculous on its face.

I read from the New York Press:

The railroad officials, the men who so generously gave to Mr. BABCOCK the privilege of issuing passes over their lines.

Commenting on this statement, I wish to say emphatically, Mr. Speaker, that I never issued a pass in my life over any line of railroad in the United States.

I desire, Mr. Speaker, to draw the attention of the House to two or three statements made in this anonymous pamphlet. It is a pamphlet no one would acknowledge; no one would sign it. Its author to-day is unknown. All that we know is that they were mailed from Madison before the State capitol burned.

One statement in this pamphlet is "that Mr. BABCOCK was responsible for the Union Station swindle;" and says "that he led the fight to give $9,000,000 of money, cash, to the Pennsylvania Railroad to build the Union Station."

Now, Mr. Speaker, it is well known to every man on the floor of this House that there never has been or never was a proposition for either the United States or the District to contribute one dollar toward building the Union Depot. The contribution of $3,000,000 made by the Government and the District was for the elevation of tracks and doing away with grade crossings.

Another proposition contained in this wonderful and anonymous pamphlet was—

That Mr. BABCOCK voted to give away $125,000,000 of the Government's money to the Pacific railroads.

Most of the Members present are familiar with this legislation. I voted for the 3 per cent funding bill, as did every Member and Senator from our State, with possibly one exception. I believe, Mr. Speaker, that I did right when I voted as I did. I voted for the later proposition which resulted in the settlement of the claims of the Government against those various roads; and, as I understand it to-day, the Government has received every dollar, principal and interest, of the indebtedness due from the Pacific railroads.

Further, Mr. Speaker, I do not understand that there has ever been a proposition before Congress looking to the giving away of a dollar, principal or interest, of Government money to these roads.

Mr. Speaker, I do not want to take the time of the House to go further into the details, but I desired to show the character of this pamphlet, and will call your attention to but one other matter.

Occupying several pages of this pamphlet is a long list of bills, referred to as corporation bills, which were reported to the House by the Committee on the District of Columbia, of which I have the honor to be chairman, and that I had from time to time called these bills up on the floor and supported them, the object being to show that I was closely identified with corporations, when the facts are that nine-tenths of these bills were Commissioners' or official bills, which were reported by the District Committee, passed by the House, and signed by the President, and which later met the approval of the press and the people of the District of Columbia generally.

But, as I stated before, Mr. Speaker, I will not take up the time of the House further. I thank you, gentlemen, for your kind attention, and I simply want to repeat, in reference to this statement in the New York Press, that it is an absolute, unqualified falsehood. There is no truth in it. The records of the Post-Office Department will prove this assertion. [Applause on the Republican side.]

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINNESOTA.

Mr. BUCKMAN. Mr. Speaker I ask unanimous consent for the present consideration of the bill (H. R. 11449) to authorize the counties of Sherburne and Wright, in the State of Minnesota, to construct a bridge across the Mississippi River.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11449) to authorize the counties of Sherburne and Wright, of Minnesota, to construct a bridge across the Mississippi River.

The SPEAKER. Is there objection?

Mr. WILLIAMS of Mississippi. I will ask the gentleman if this bill as drawn up has received the approval of the War Department?

Mr. BUCKMAN. Yes, sir.

Mr. WILLIAMS of Mississippi. I have no objection.

The SPEAKER. The Chair hears no objection. The Clerk will report the bill.

The bill was reported at length.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DELEGATE FROM ALASKA.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the motion to go into the Committee of the Whole House on the state of the Union to consider the bill (H. R. 13356) for the election of a Delegate from the Territory of Alaska, etc., shall be in order on the next regular pension day in the House, immediately after the conclusion of the consideration of said pension business; and thereafter, until said bill shall have been disposed of, the motion to go into said Committee of the Whole for its consideration shall be privileged. This order not to interfere with appropriation bills, conference reports, or prior orders of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was agreed to.

SPECIAL REPORTS ON DISEASES OF THE HORSE AND OF CATTLE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following Senate resolution.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the Senate resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there shall be printed 3,000 copies of the Special Report on Diseases of the Horse and 1,500 copies of the Special Report on the Diseases of Cattle, for sale by the superintendent of documents under the provisions of section 61 of an act providing for the public printing, binding, and the distribution of documents, approved January 12, 1895; and the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale: *Provided*, That the appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents.

The amendment recommended by the committee was read, as follows:

In line 12, between the words "sale" and "provided," insert the following: "Such orders for reprinting to be subject to the approval of the Secretary or head of the Department in which such public documents shall have originated."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The Senate resolution was ordered to a third reading, and was read the third time, and passed.

PRINTING BULLETINS BUREAU AMERICAN ETHNOLOGY IN OCTAVO.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That hereafter the bulletins issued by the Bureau of American Ethnology shall be in octavo size instead of royal octavo.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

PRINTING OF ADDITIONAL COPIES OF THE REPORT OF THE GOVERNOR OF NEW MEXICO.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 113.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory.

Resolved, etc., That there be printed 5,000 copies of the report of the governor of the Territory of New Mexico, with accompanying maps and illustrations, to the Secretary of the Interior for the year ending June 30, 1903, 500 thereof for the use of the Delegate in Congress and 4,500 thereof for the use of the said governor, and also that there be printed 1,000 copies of the latest map of the Territory of New Mexico for the use of the Delegate in Congress from said Territory.

The SPEAKER. Is there objection?

Mr. GILLETT of Massachusetts. Mr. Speaker, I would like to ask the gentleman a question. Has the gentleman seen the illustrations, and does he know what they embrace?

Mr. CHARLES B. LANDIS. I will yield to the gentleman from New Mexico [Mr. RODEY].

Mr. RODEY. Mr. Speaker, I will state to the gentleman that the illustrations are the ordinary ones which are published in a governor's report.

Mr. GILLETT of Massachusetts. If they are ordinary ones published in a governor's report, I know of one where they had a basket-ball team of a college printed, and illustrations of that kind.

Mr. RODEY. I will state that the report this time strictly conforms to the rules of the Interior Department.

Mr. GILLETT of Massachusetts. With proper illustrations only?

Mr. RODEY. Only, absolutely.

Mr. GILLETT of Massachusetts. Do you know the cost of it?

Mr. RODEY. I do not know the cost of it, but we want to get this done as quickly as possible, as the governor has absolutely none——

Mr. CHARLES B. LANDIS. I will say to the gentleman, Mr. Speaker, the estimated cost is $2,488.

The SPEAKER. Is there objection?

Mr. FINLEY. Reserving the right to object, Mr. Speaker, I would like to know the necessity for this.

Mr. CHARLES B. LANDIS. I will say there is a great demand in New Mexico for these reports. New Mexico and Arizona recently have attracted a great deal of attention from people anxious to settle in those Territories and others interested in them.

Mr. FINLEY. Then this is in the interest of immigration, I understand?

Mr. CHARLES B. LANDIS. Yes.

Mr. FINLEY. Then I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed.

PRINTING MAPS OF THE UNITED STATES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution No. 55.

The Clerk read as follows:

Joint resolution to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1903, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose.

Resolved, That the unexpended balance of the appropriations made for the United States and other maps in the acts of April 17, 1900, and March 3, 1901, respectively, which were made available for expenditure during the fiscal year 1903, in the deficiency act of July 1, 1902, be, and the same is hereby, made available for expenditure during the fiscal years 1904 and 1905, and the Secretary of the Interior is authorized to use the same in the printing of a further edition of the map of the United States, 1903, for delivery to the Senate and House of Representatives. The appropriation of $4,320 made in the deficiency act approved February 18, 1904, for mounting with rollers the United States maps of the consolidated issue of 1901 and 1902, be, and the same is hereby, made available for the mounting with rollers of the maps of the United States of 1903 hereinbefore authorized.

The following committee amendments were read:

In line 3 of the title strike out the word "three" and insert the word "four."
In line 2, page 2, strike out the word "three" and insert the word "four."
In line 11, page 2, strike out the word "three" and insert the word "four."

Mr. HEMENWAY. Mr. Speaker, reserving the right to object, I would like to have an explanation.

Mr. CHARLES B. LANDIS. I will say that we have not had an edition of the United States Land Office maps since 1900. The regular appropriation of $14,840, made each year, in 1901 was used by the Interior Department in part in the making of new plates. After they had expended about $8,000 there was not enough left to publish any sort of an edition, and that money was not used. Under the appropriation made for 1902 I think there were in the neighborhood of 200 maps delivered, the bill for which amounted to about $90, when the fire at Baltimore destroyed the establishment which was printing these maps.

There is an unexpended balance appropriated for 1901 and an unexpended balance appropriated for 1902 now available. The appropriation for the map of 1903 is not touched by this resolution and that map will be ready for distribution probably by June. The committee has recommended that the amount unexpended for the maps of 1901 and 1902, amounting to about $21,000, be applied on the maps for 1904.

Mr. HEMENWAY. That will give us an additional number of maps?

Mr. CHARLES B. LANDIS. An additional number of maps, and no money will be appropriated in addition to the regular annual appropriation that has been made.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none.

The amendments were agreed to.

The joint resolution was read a third time, and passed.

REPORT OF BOARD OF MANAGEMENT OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 55, providing for the publication of the report of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers.

The Clerk read the resolution, as follows:

Joint resolution providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903.

Resolved, etc., That there shall be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903, in addition to the usual number, for the use of the National Homes for Disabled Volunteer Soldiers, 500 copies of the report proper, bound in cloth; 200 copies of the report of the inspection of the State Homes, bound in paper, and 200 copies of the record of members, bound in cloth; and that hereafter the additional number of copies herein named of future annual reports of the Board of Managers of the National Home for Disabled Volunteer Soldiers, bound in the same manner as above described, shall be printed for the use of the National Homes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

APPORTIONMENT OF DOCUMENTS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10866) to amend section 68 of volume 28 of the United States Statutes at Large.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 68 of volume 28 of the United States Statutes at Large be, and the same is hereby, amended so that it shall read as follows:

"Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate and Clerk, Sergeant-at-Arms, and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDOX. I object.

REPORT OF THE COMMISSION ON INTERNATIONAL EXCHANGE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 33.

The Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 10,000 copies of the Report of the Commission on International Exchange and the appendices thereto, being House Document No. 144, Fifty-eighth Congress, second session, 2,000 of which shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 4,000 for the use of the Commission on International Exchange.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The concurrent resolution was agreed to.

PRINTING UNITED STATES COINAGE LAWS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution No. 31.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, in pamphlet form, 10,000 copies of the coinage laws of the United States, 5,000 for the use of the Director of the Mint, 3,500 for the House of Representatives, and 1,500 for the Senate.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to ask what we want of coinage laws now? I thought that question was settled.

Mr. CHARLES B. LANDIS. I will say to the gentleman that the Treasury Department reports that there has been a great demand for the coinage laws, and a demand that the Treasury Department is unable to supply, and they ask that this edition be printed.

Mr. MADDOX. Can the gentleman inform me where that demand comes from? Are we to print books simply on the demand of everybody who comes along?

Mr. CHARLES B. LANDIS. The demand comes from all parts of the country and has been coming ever since Congress passed the law providing for the organization of national banks with a capital of $25,000. Since the change in the banking laws and the consequent increase in the number of banks the Treasury officials state that there has been an increased demand for the coinage laws. Their edition has been entirely exhausted, and they are unable to supply the demand.

Mr. MADDOX. Does the resolution include the last national-bank laws also?

Mr. CHARLES B. LANDIS. It does not.

Mr. MADDOX. What will it cost?

Mr. CHARLES B. LANDIS. Four hundred and thirty-eight dollars.

Mr. MADDOX. Four hundred and thirty-eight dollars; all right.

The resolution was considered and agreed to.

REFERENCE OF BILL PROVIDING FOR NATIONAL IRRIGATION.

Mr. REEDER. Mr. Speaker, I move to reconsider the vote of yesterday by which the bill (H. R. 13867) to amend the act providing for national irrigation, approved June 17, 1902, and for other purposes, was changed from the Committee on Irrigation to the Committee on Public Lands. I do this for this reason: This is a matter that I have been especially interested in——

The SPEAKER. The Chair will state to the gentleman that a motion to reconsider is not debatable except by unanimous consent.

Mr. REEDER. Then I would ask unanimous consent to be heard on this matter.

The SPEAKER. Is there objection?

Mr. OVERSTREET. Mr. Speaker, I have no objection if the gentleman will limit his remarks to five minutes.

Mr. REEDER. Oh, I would like to have more than five minutes.

Mr. OVERSTREET. Then, ten minutes.

Mr. LACEY. Mr. Speaker, I shall object unless an equal time is given to myself in which to answer the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I would like to say that this bill, by unanimous consent, was referred to the Committee on Irrigation. It is a bill of the——

Mr. PAYNE. Mr. Speaker, why should we have a discussion on this matter?

The SPEAKER. Objection has been made. The motion has been entered, and possibly the matter might come up at some more convenient time. This is merely a suggestion on the part of the Chair.

Mr. PAYNE. Mr. Speaker, I would ask, the motion having been entered, what especial necessity there is to go on with it this morning?

Mr. REEDER. I do not know but we could wait with regard to it.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. REEDER] and the gentleman from Iowa [Mr. LACEY] each have five minutes within which to discuss the matter.

Mr. REEDER. Oh, I would rather put the matter off to some later time. This is too important to discuss in five minutes.

The SPEAKER. The gentleman has made his motion to reconsider. Does he call for a vote now?

Mr. REEDER. No, Mr. Speaker; I shall wait until some later time, when this matter can be discussed at some length.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. BOUTELL in the chair.

The CHAIRMAN. The Chair will state that the question before the committee is on agreeing to the amendment offered by the gentleman from Indiana [Mr. OVERSTREET] in charge of the bill.

Mr. MOON of Tennessee. Mr. Chairman, I will ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment, which will be found printed on page 3445 of the RECORD.

Mr. MOON of Tennessee. Mr. Chairman, the city of New York contributes very largely to the postal revenues of the country, and I am in no way inclined to deny to that city all the privileges which it should have, but in dealing with that question I think it is bad policy for the Government of the United States to enter into a contract for so long a term of years as fifty. The usual term of Government contract is ten years. I appreciate the fact of the increase in value of property in New York City and the possible increasing rental value of property, but we ought not to determine for the people fifty years in advance what ought to be done in that city in reference to the facilities asked for there. It is a bad policy, I think, to adopt a lease for so long a time as fifty years. I therefore move, Mr. Chairman, that the word "fifty" be stricken out and that the amendment be amended by adding in place of the word stricken out the word "twenty-five" and adding after the word "years" the words "with the privilege or option on the part of the Government to re-lease for twenty-five years longer."

Mr. OVERSTREET. Mr. Chairman, I will state to the House that I am willing to accept that amendment.

The CHAIRMAN. If there is no objection, the amendment will be modified as suggested.

There was no objection.

The CHAIRMAN. The question now is on agreeing to the amendment as modified.

The question was taken; and the amendment was agreed to.

Mr. DOUGLAS. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 12, line 3, after the words "not exceeding $90,000," insert:

"And for lease of post-office at New York City, $75,000: *Provided*, That no part of this appropriation shall be used for said purpose unless the Postmaster-General shall lease for post-office purposes, for a period not exceeding twenty-five years, a building to be erected over the tracks of the Pennsylvania Railroad Company in the city of New York, State of New York, within the space bounded by Seventh and Ninth avenues, Thirty-first and Thirty-third streets, at an annual rental not exceeding $75,000."

Mr. DOUGLAS. Mr. Chairman, the object of this amendment is to grant to the Postmaster-General the same authority with regard to the Pennsylvania Railroad Company to lease a substation at their terminal in the city of New York as is granted the original bill covering a site at the New York Central Railroad Company's new station. It is absolutely essential that we should have a substation at the Pennsylvania depot as well as at the New York Central, as 40 per cent of the mails come in over the Pennsylvania road.

I may state that the Postmaster-General is in favor of the proposition of leasing from the Pennsylvania, if it is possible to so arrange. The committee are also in favor of it; and I further believe that the larger number of the New York delegation, if not all of them, are also in favor of renting instead of buying, if such a solution of this question can be reached——

Mr. SULZER. Will the gentleman allow me to ask him a question?

Mr. DOUGLAS. Yes, sir.

Mr. SULZER. I want to inquire whether the gentleman knows, or believes, the Pennsylvania Railroad is willing to lease to the Government this property?

Mr. DOUGLAS. In reply to the gentleman, I will say that I have no positive knowledge that they would do so. I was intending to allude to that point when the gentleman obtained my consent to interrupt me.

Up to the present time the only proposition we have from the Pennsylvania Railroad Company is one of sale. They are desirous of selling a plot of ground to the Government and not leasing a site with building.

The Postmaster-General, however, says that if we will give him the authority to lease, which he will be glad to have, he will use his best endeavors to make proper and fair arrangements with the Pennsylvania Railroad Company.

I will add, in further reply to the gentleman, that no harm can come from such a provision in the bill. If the Postmaster-General should not succeed in securing a lease from the Pennsylvania Railroad Company, it will cost nothing to have made the attempt; and, on the other hand, if he does arrange it, it may be a very easy solution of a most vexatious question. I therefore hope that the gentleman from New York will support this proposition.

Mr. SULZER. One other question, if the gentleman pleases.

Mr. DOUGLAS. Certainly.

Mr. SULZER. Does this amendment provide for a renewal of the lease at the expiration of twenty-five years?

Mr. DOUGLAS. It does not; but I shall be very glad to modify my amendment in that respect, if wished. I simply followed the exact wording of the provision with reference to the New York Central as amended, and I changed the rental period in deference to the suggestion of the gentleman from Tennessee [Mr. MOON], by substituting twenty-five years instead of fifty years.

Mr. GOLDFOGLE. Will the gentleman allow me a question?

Mr. DOUGLAS. Yes, sir.

Mr. GOLDFOGLE. Suppose that the amendment offered by the gentleman from New York [Mr. DOUGLAS] should be adopted and incorporated in the pending bill, and suppose the Pennsylvania Railroad Company should not accede to the terms proposed in that amendment (and, as I understand, the gentleman is not empowered to say that the Pennsylvania Railroad Company will accede to the provision embodied in his amendment), then does not the gentleman believe that the incorporation of his amendment in the bill would go largely toward defeating the proposition now urged to acquire the site of the Pennsylvania Railroad Company, in which case a building or the provision for the occupation of a building for post-office purposes will be again delayed?

Mr. DOUGLAS. In reply, I will say that I talked this matter over personally with the gentleman from New York yesterday, and I thought he was fully in accord with me in reference to this proposition.

Mr. GOLDFOGLE. But I have put the inquiry because I want the opinion of the gentleman.

Mr. DOUGLAS. In connection with that point, I beg to state that if the Postmaster-General should fail under this amendment to make a lease with the Pennsylvania Railroad Company I do not think there will be any delay.

Mr. GOLDFOGLE. One more question, if the gentleman will permit.

Mr. DOUGLAS. Let me answer fully the question already put. The ground on which the substation at the Pennsylvania Railroad site would be built, whether the ground is purchased or building leased, will not be in a shape to put a building on it, either by the Pennsylvania Railroad Company or by the Government, inside of three to four years. Therefore there can be no delay in any case if this amendment is allowed to go into the bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOUGLAS. I ask unanimous consent that I may be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. GOLDFOGLE. One more question, if the gentleman will permit.

Mr. DOUGLAS. With pleasure.

Mr. GOLDFOGLE. What assurance can the gentleman from New York give that the Pennsylvania Railroad will accede to the proposition to lease for twenty-five years, with the privilege of renewal for twenty-five years?

Mr. DOUGLAS. Mr. Chairman, I have already answered that question, and I can give no assurance at all; but I have the assurance of the Postmaster-General that he is more in favor of a lease than a purchase, and he further states that if we give him the authority which he desires he will use his utmost endeavors to arrange a proper solution of the issue with the Pennsylvania Railroad Company. That is sufficient, I think, for the time being, and as he asks for the authority, and as we are all of one mind, if we can accomplish our purpose in this way, and believe that it will be better than the purchase plan, I think we ought to incorporate the amendment in this bill.

I might say in addition that this is a very important point, because, in my judgment, it will probably save the United States Government at least five million to eight million dollars within the next twenty-five years. I know that if we should be forced to buy at the Pennsylvania site and erect a building there the annual expenditure by the Government would be extremely large, whereas if we succeed in renting at $75,000 a year or less we will save probably $200,000 a year, which, with the interest on the investment, will make a large total saving.

Mr. HARRISON. Will the gentleman allow me?

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. DOUGLAS. With pleasure.

Mr. HARRISON. I should like to ask the gentleman how much floor space he thinks the Government could get for $75,000 a year at this location?

Mr. DOUGLAS. I would reply that the New York Central proposed to give us 100,000 square feet for a rental of seventy thousand to ninety thousand dollars as a maximum; therefore, as the ground at the Pennsylvania is less valuable, I think for $75,000 a year rental they could certainly afford to give us 100,000 square feet, the same as the New York Central; and as the Pennsylvania only carries 40 per cent in quantity of mail matter as against 60 per cent by the New York Central we certainly should have all the space we require.

Mr. HARRISON. Has the gentleman any precise figures on that point?

Mr. DOUGLAS. I only have the figures given at the different hearings, which state that the New York Central proposes to lease 100,000 square feet for a maximum rental of $90,000.

Mr. SULZER. Mr. Chairman, I offer the following substitute for the amendment offered by my colleague.

The CHAIRMAN. The gentleman from New York offers the following substitute for the pending amendment, which the Clerk will read.

The Clerk read as follows:

For the acquisition of a site for a post-office building in the city of New York, State of New York, comprising a frontage of 400 feet on the west side of Eighth avenue and a depth of 640 feet on Thirty-first and Thirty-third streets, to a street to be hereafter made, such site to be subject to the right of the Pennsylvania Railroad Company to use for platforms and trackage under a plane 20 feet below the curb line of the adjoining streets: *Provided, however*, That such use does not interfere with the erection of supports necessary in the construction of a suitable post-office building, $2,000,000.

Mr. OVERSTREET. Against that I make the point of order.

The CHAIRMAN. The gentleman from Indiana in charge of the bill makes the point of order.

Mr. SULZER. I trust the gentleman will reserve the point of order for a few minutes.

Mr. OVERSTREET. I will not.

Mr. SULZER. Just a few minutes. I would like to be heard.

Mr. OVERSTREET. No, no.

Mr. SULZER. I just want to be heard a few minutes. I trust the gentleman will withhold the point of order.

Mr. OVERSTREET. I insist on my point.

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULZER. I understand that I was recognized to offer this substitute, and I understand that while I have the floor I can not be taken off my feet by anyone, even to make the point of order.

The CHAIRMAN. Any gentleman may make the point of order, and the point of order was made at the proper time.

Mr. SULZER. Then, Mr. Chairman, in connection with this substitute, I ask unanimous consent for five minutes' time to address the House.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes.

Mr. OVERSTREET. I must object.

The CHAIRMAN. The gentleman from Indiana objects.

Mr. OVERSTREET. I ask the floor in opposition to the amendment.

Mr. SULZER. I have the floor, I think, Mr. Chairman, in opposition to the amendment of the gentleman from New York.

The CHAIRMAN. The question is the ruling of the Chair on the substitute amendment. The Chair sustains the point of order. The question now is on agreeing to the amendment of the gentleman from New York, and the gentleman from Indiana is recognized in opposition to the amendment.

Mr. SULZER. I ask for recognition in opposition to the amendment.

The CHAIRMAN. The gentleman offered a substitute amendment, which was ruled out of order. The Chair recognizes the chairman of the committee in charge of the bill.

Mr. GOLDFOGLE. May I ask the Clerk to again report the amendment as amended, with the consent of the gentleman from New York?

The CHAIRMAN. Without objection, the Clerk will again report the pending amendment.

The amendment was again reported.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. I understood that the gentleman from New York acceded to a proposition to be embodied in his amendment, namely, that there should be the privilege given to the Government of renewing the lease in twenty-five years.

The CHAIRMAN. The Chair does not understand that a modification has been made in the amendment offered by the gentleman.

Mr. GOLDFOGLE. The gentleman from New York stated he would embody such a provision in his amendment.

The CHAIRMAN. The gentleman from Indiana is recognized in opposition to the amendment.

Mr. OVERSTREET. Mr. Chairman, I sincerely hope that the committee will afford proper relief to the situation in New York, in spite of the attitude of some Members in the New York delegation. I believe if gentlemen will give attention to what is really being sought to be done in their behalf, if they will permit me to say it in all kindness and courtesy, that we will make progress for the benefit of New York and avoid contention within the New York delegation.

Now, Mr. Chairman, this is a very simple business proposition. There is a great congestion in the mails of the great city of New York. The New York Central Railroad carries in and out of that great city 60 per cent of the 90 per cent of all the mails taken care of by the two companies. The Pennsylvania Railroad Company and the New York Central take care of 90 per cent of all the mails. The Pennsylvania cares for 40 per cent of the 90 per cent. The amendment which has prevailed here authorizes the lease of property for a period not exceeding twenty-five years from the New York Central, which has the larger amount of mail handled of these two railroads.

The amendment offered by the gentleman from New York [Mr. DOUGLAS] seeks to apply the same condition for remedy with the mail handled by the Pennsylania terminal. I am not questioning the business judgment of the gentleman in making that overture. I am not going to vote against the amendment, but I wish to call the attention of the committee to this fact: The amendment offered by me relative to the New York Central proposition was accompanied by statistics and an offer from the president of that great railroad, which fixed definitely the terms upon which they were willing to enter into negotiations for a period of years.

A proposition from the Pennsylvania Railroad has not come before the committee. It has not been said just how much floor space they were willing to offer in their proposed terminal station, nor at what rate. Neither is it shown definitely just the amount of expense that is now incurred by the Government at the Pennsylvania terminal, while at the New York Central terminal it is clearly defined as an annual expenditure of over $70,000, while the proposition is to incur not in excess of $90,000 per year.

Nevertheless, Mr. Chairman, in my desire to be entirely fair to that great city and its mail facilities I should have no objection to give such authority to the Post-Office Department, through the Postmaster-General, as would enable him to make a fair and businesslike proffer of negotiations with the Pennsylvania Railroad Company.

If these negotiations should not crystallize into a proposition similar to the one which we are offered by the New York Central road, then they would be dropped and no further considered; while, on the other hand, if, under the same authority we have already given by the passage of the former amendment, granting a lease with the New York Central for a number of years, we might accept the same proposal from the Pennsylvania terminal, so that it would be in keeping with affording that relief in these two great terminals which the committee thinks they are entitled to. I simply feel it is my duty to call attention to the lack of information that the committee has concerning the Pennsylvania proposition, and it is due that you should have as full information as the committee has relating to the New York Central proposition.

Nevertheless, I should have no objection to giving the Postmaster-General authority to negotiate, and if the Pennsylvania Railroad Company is unwilling to negotiate that would be an end of the matter; while, on the other hand, should negotiations disclose the fact that we could effect as reasonable an agreement with the Pennsylvania Railroad Company for the use of its terminal as proposed for the use of the terminal of the New York Central, then he would have authority to conclude an agreement.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

Mr. SULZER. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. SULZER. Mr. Chairman, I want to say that the substitute I offered for the amendment of the gentleman from New York [Mr. DOUGLAS] was offered in good faith, and I regret the gentleman from Indiana [Mr. OVERSTREET] raised a point of order against it. That substitute is the only feasible, practicable, and advantageous method to secure adequate postal facilities at the terminus of the Pennsylvania Railroad in the city of New York. The substitute is in the identical language of the recommendation of the commission heretofore appointed to select and locate a site for a new postal building in the city of New York.

It is the same which I offered heretofore to the deficiency bill and has been recommended, as I said, by a commission consisting of the Attorney-General, the Postmaster-General, and the Secretary of the Treasury. That commission went to New York and carefully investigated this matter and recommended unanimously to Congress the purchase of this site at the terminus of the Pennsylvania Railroad Company. If we purchase this site now we buy it at a great bargain. The assessed value of this property to-day by the city of New York is over $3,000,000. It is increasing in value every day, and it will soon be the most valuable property in the world. The Pennsylvania Railroad Company offers it to the Government now at $2,000,000, and real estate men tell me if we purchase it now it is a great bargain. It will pay for itself in twenty years. The Government wants to purchase and asked for the authority from Congress to do so. We should do so. If it were possible to get the Pennsylvania Railroad Company to enter into a long-term lease it might be well to lease, but in order to find out if a lease could be secured, I wrote a letter to the president of the Pennsylvania Railroad Company, a copy of which letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 17, 1904.

Hon. A. J. CASSATT,
President of Pennsylvania Railroad, Philadelphia, Pa.

MY DEAR MR. CASSATT: For several years I have been making a determined effort in Congress to secure better postal facilities for the city of New York. The post-office appropriation bill carries an item authorizing the Postmaster-General to enter into a lease for a substation at the new Grand Central Depot, and I am endeavoring to have an item inserted in the same bill, or the sundry civil bill, making an appropriation of $2,000,000 to purchase the site at the terminus of the Pennsylvania Railroad in New York City. Mr. DOUGLAS and others in Congress object to appropriating this money on the ground that they think it would be more advantageous to the Government to lease a substation from the Pennsylvania Railroad at its depot in New York City, along similar lines to the New York Central proposition.

Will you advise me at your earliest convenience if the Pennsylvania Railroad Company is willing to lease a substation at its terminus in New York City, and will provide for it in its plans for the construction of its depot there? If the Pennsylvania Railroad will not favor a lease to the Government, then will you advise me if the proposition to sell the land, as specified in the report of the commission, for $2,000,000 still holds good, and how long an option you intend to give the Government to carry out this offer?

From the beginning of this Congress to the present time I have consistently been endeavoring to secure legislation appropriating the $2,000,000 necessary to purchase the Pennsylvania Railroad site in accordance with the report made to Congress by the Postmaster-General, the Attorney-General, and the Secretary of the Treasury.

Very respectfully, yours,
WM. SULZER.

In answer to that letter I received the following response from the acting president of the railroad, which I desire to have the Clerk read.

The CHAIRMAN. The Clerk will read the letter in the time of the gentleman from New York.

The Clerk read as follows:

THE PENNSYLVANIA RAILROAD COMPANY,
GENERAL OFFICE, BROAD STREET STATION,
Philadelphia, March 21, 1904.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of the 17th instant has, in the absence of Mr. Cassatt, who is on a vacation trip to the South, been handed to me for reply.

We feel grateful to you for the kind interest which you have taken in connection with the appropriation recommended by the Commission created by Congress for the purchase of the site offered by our company for the post-office building in the city of New York. Knowing the views entertained by Mr. Cassatt on this subject, I feel that I am fully warranted in stating, in reply to your inquiry, that the Pennsylvania Railroad Company would not be willing to lease to the Government the necessary property for the establishment of a subpost-office station at that point, and while no definite time was fixed for the acceptance of our company's offer, you can appreciate that in view of the improvements which we have under contemplation it would be necessary that some definite action be taken at the present session of Congress if the Government is desirous of availing itself of the offer, which we consider a most liberal one, in view of the value of the property in that section of the city.

Yours, very truly,
W. A. PATTON,
Assistant to President.

Mr. SULZER. Mr. Chairman, it must be apparent to everyone here from that letter that the Pennsylvania Railroad Company will not lease its property for a subpost-office station to the Government at its terminus in New York City. It is also apparent, it seems to me, from the terms of that letter that unless the Government speedily accepts the Pennsylvania Railroad's proposition and appropriates this $2,000,000 to purchase this ground which has been recommended and approved by three of the highest officials of this Government the Pennsylvania Railroad will withdraw the offer, and in my opinion it will be impossible for the Government to ever make as good a bargain again, either there or anywhere else in that neighborhood. It will be wisdom, sagacity, and economy for the Government to make this appropriation now and close this advantageous bargain. This matter has been pending here ever since the Commission report came to Congress. We have tried to get this appropriation by a bill through the Committee on Public Buildings and Grounds. The chairman of that committee has notified us that his committee will not report this bill or any other similar bill during this Congress.

We have tried to get this appropriation on the deficiency appropriation bill, and the chairman ruled it out of order. We have urged and pleaded as a body before the Committee on Appropriations and have asked that committee to give us this appropration, but for some reason or other it seems that it is absolutely impossible for the great city of New York, which contributes a net profit from

its post-office of over $8,000,000 every year, to get proper, decent, necessary postal facilities for the proper distribution of the mail. It is a disgrace to the Government. It is a miserable shame. I believe, with the provision making a great substation at the terminus of the New York Central Railroad and another great substation at the terminus of the Pennsylvania Railroad, it will give us relief that will be sufficient for at least a few years, and so, as the substitute I offered has been stricken out on a point of order, I shall rest content for the present and will endeavor to get the appropriation of $2,000,000 in the sundry civil bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOUGLAS. Mr. Chairman, I do not desire to occupy time, but, in view of the remarks of the gentleman from New York, it seems to be desirable, in fact necessary, to give a little more information on this point. I would state that I have incorporated in the CONGRESSIONAL RECORD, March 17, a full explanation of the Pennsylvania Railroad's intention and show exactly what they propose to sell to the Government as a site. I wish to say that in the first place the site is not accessible or desirable for a general post-office. It will mean that the Government will have to expend $4,000,000 or more for a building in a position that is inconvenient and consequently not for the good of the postal requirements of New York City or for the public, except as a substation.

There will probably be spent a million of dollars more for equipment. This will mean a total expenditure of at least $7,000,000, which with other expenses would figure out equivalent to $300,000 a year rental. Every man who knows anything about this question and has studied it from a purely business point of view is thoroughly convinced that we should lease and not buy. All details are given fully in the RECORD, March 17. Another thing I wish to call the attention of the House to as most important is this: That the railroad authorities do not propose to sell a proper site. They are only selling an inside site. The map in the RECORD will show this. It means for $2,000,000 the Government would buy a site without having one foot of easement or one foot of front on any street.

I have asked for opinions as to the value of such a site, if it was purchased by the United States Government, and am told that if we to-day bought that ground for $2,000,000 and then put it up at auction to-morrow morning we could not probably get more than $250,000 to $500,000 for what we purchased at $2,000,000. I therefore do not hesitate to say that unless the Pennsylvania Railroad Company amend their proposition no man on the floor of this House from New York State, or any other State, should stand for such a proposition. It is directly wrong on the face of it.

I have called the attention of the committee to these points. The Appropriations Committee know it. This House well knows it, and our present Speaker [Mr. CANNON] last year investigated the purchase of said site and stated that he could not find out whether it was worth $500,000 or a million dollars or what it was worth, and the conference committee deliberately threw it out in the conference with the Senate and declined to allow it to go into the sundry civil bill. An effort is being made to force this proposition by interests I do not know anything about, but I will not stand for it as an honest man.

I disclaim any desire to enter into an argument of this kind to-day, and I regret that it has been brought up; but the issue having been raised, I propose to fight it out, and I say without hesitation if the present amendment is voted down I shall regret it sincerely, because it is an honest, upright business proposition to accomplish what New York City needs, in a proper manner, and the Pennsylvania Railway should meet us fairly. I shall fight to have a purchase stricken out, the same as Mr. CANNON and Mr. HEMENWAY and others did last year, because, after careful investigation, I find it is unjust to the Government and we should not put our hands in the Treasury and spend $2,000,000 for such a site. I have no hesitation in saying that any man who will read the full explanation which I have placed in the RECORD will be satisfied and convinced that my position on this subject is correct.

Mr. GOLDFOGLE. Will the gentleman yield to me?

Mr. DOUGLAS. With pleasure.

Mr. GOLDFOGLE. The difficulty seems to be that we are reckoning without our host. The gentleman must remember that it takes two to make a bargain, two to enter into a contract. The gentleman from New York has been proceeding on the theory that we can obtain an appropriation for the site of the Pennsylvania Railroad on a lease for a period of twenty-five years, and still we have nothing before us that gives us any assurance whatever that the Pennsylvania Railroad will accede to such a proposition.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DOUGLAS. Mr. Chairman, I ask unanimous consent that I may have time enough to reply to my colleague.

Mr. OVERSTREET. Mr. Chairman, I shall have to object to that.

The CHAIRMAN. The gentleman from Indiana objects, and without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. FINLEY. Mr. Chairman, I move to strike out the last two words. I think we might as well be frank about this matter. Since I have been in this House the contention has been going on as to what the Government should do in the way of securing additional post-office room in New York City. I confess for one that I do not understand the proposition to-day further than this, that I shall not vote for the amendment to the amendment offered by the gentleman from New York.

I do not think it is a practicable proposition. I do not believe it is one that should carry in this committee, and I hope that the committee will vote down that amendment. Why? We have here one proposition from the New York Central Railroad Company, where it is known that a contract can be made for leasing, and another proposition involved in the amendment of the gentleman from New York [Mr. DOUGLAS], leasing one which it is well known can not be made with the Pennsylvania road. So that, Mr. Chairman, there is to-day the same want of agreement, there is to-day the same contention and strife that has existed in reference to this proposition for the past five years to my knowledge. I acquit the delegation from New York City of all responsibility for this condition of affairs. They have ably and zealously worked to secure proper legislation for the New York City post-office.

When I say I shall not vote for the amendment to the amendment, I also did not vote for the original amendment. I believe that both should be voted down. I think when this matter is considered carefully the conclusion is inevitable that the influence of the New York Central Railroad Company and the Pennsylvania Railroad Company has up to this time prevented the people of the city of New York from obtaining proper postal facilities, and have been able to prevent legislation.

Mr. GOLDFOGLE. Will the gentleman allow me an interruption?

Mr. FINLEY. Certainly.

Mr. GOLDFOGLE. Does the gentleman know of any way in which New York City can, through this House, obtain the passage of a bill for the erection of a Government post-office building in New York City? Does he know of any way in which we can get that bill out of the committee or get it considered in this House?

Mr. FINLEY. Mr. Chairman, I will answer the gentleman by saying that, judging by the experience of the past five years and the little opportunity I have had for observation, I will tell him one way, and that is to get the New York Central Railroad Company and the Pennsylvania Railroad Company to caucus together, and if they can agree a bill will likely be reported by the Committee on Public Buildings and Grounds. [Laughter.]

Mr. GOLDFOGLE. Can you do that?

Mr. FINLEY. I confess I can not.

Mr. GOLDFOGLE. No, and no one else can. No one seems to be able to do it. Then why delay us?

Mr. FINLEY. I am not delaying anybody. I say that there should be a permanent arrangement. There is one proposition for rent and another for a building owned by the Government, and I do not believe that if you incorporate these two amendments into this bill it will be for the best interests of the Government.

Mr. SULZER. May I ask the gentleman a question?

Mr. FINLEY. Certainly.

Mr. SULZER. I would like to ask the gentleman if, in his opinion, it would not be cheaper and more economical for the Government to purchase this site at the terminus of the Pennsylvania Railroad Company at the price offered, $2,000,000, than to rent a substation there at $75,000 a year for a period of twenty-five years?

Mr. FINLEY. I will come to that proposition, Mr. Chairman. I will say that I am opposed on principle to the Government of the United States renting post-office sites in great cities like New York. I believe the Government should own its buildings.

Mr. GOLDFOGLE. Does the gentleman know any other way by which we can secure substations or branches in New York City, in a city that is growing every hour, in a city that has an enormous population, in a city which is the metropolis of the United States of America?

Mr. FINLEY. Mr. Chairman, I understand that perfectly well, but it does not detract from the force of the argument that the Government should own its buildings. It should own a building at the New York Central station and also at the Pennsylvania

Railroad station. In fact, I may add that I believe that in every city in the whole United States where there is a population of 5,000 people the Government should own the post-office building, so that I think the pending amendment will not end your troubles. I do not believe that you will obtain the relief you so much need and so much desire by the incorporation of these two amendments in the bill under consideration.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. SIBLEY. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, it seems to me singular that our New York friends can not arrive at some harmonious arrangement or agreement respecting the postal facilities in the city of New York.

Mr. SULZER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. SIBLEY. I do, for a question.

Mr. SULZER. I will say to the gentleman from Pennsylvania that the New York delegation unanimously, with the exception of two Members, went before the Committee on Appropriations in favor of the proposition to purchase the site at the terminus of the Pennsylvania Railroad Company.

Mr. SIBLEY. Oh, I think the House understood that very well before. It looks to me like this: Here are two great railroad companies that, combined, carry 90 per cent of all the mail that arrives in the city of New York.

Mr. SULZER. What companies?

Mr. SIBLEY. The New York Central and the Pennsylvania Railroad Company carry into the city of New York 90 per cent of all the mails that arrive in that city.

Mr. SULZER. That is quite true.

Mr. SIBLEY. Both of these railroad companies are erecting large terminals at the present time; have their plans in process of development and construction. Now, if we can rent or authorize by this amendment the Postmaster-General to enter into a contract, say, at the same rate that we authorize the Postmaster-General to contract with the New York Central, at 90 cents per square foot of floor space, I think that it would prove an economy amounting in the aggregate to millions of dollars. It would save something like two or three hundred thousand dollars annually to the Government. If we can get that space at all, we will get it before their plans are definitely finished, before their stations have been erected, and I can see no objection whatever to permitting the Postmaster-General to negotiate at a limited price per square foot for the accommodations necessary to meet the enormously expanding business of that great commercial metropolis.

There is no gentleman who is familiar with postal affairs on either side of this Chamber who is unaware that there must be some action taken. We can not localize it and say it is the city of Chicago or the city of New York. It is our city. We as members of the Federal Union are all of us more or less interested in business that must either go or come from that great metropolis.

Mr. GOLDFOGLE. Mr. Chairman, that is the right way to talk.

Mr. SIBLEY. Now, then, what is the practical solution of the problem? It would certainly seem to be this amendment which permits, if he sees fit and wise and expedient and economic to this Government, the Postmaster-General to enter into a contract for floor space when it would cost less than one-half of what the same floor space would cost to build. I hope the amendment will prevail.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. FITZGERALD. Oh, Mr. Chairman, I hope the gentleman will withhold that motion for a moment. I have not spoken on this question in the two days it has been under discussion.

Mr. OVERSTREET. I think that we have debated it long enough.

Mr. FITZGERALD. Just five minutes.

Mr. OVERSTREET. We must proceed.

Mr. FITZGERALD. I think, in fairness, on account of the division on this side of the House, the gentleman ought to grant me some time.

Mr. OVERSTREET. I call for the regular order. We better make progress.

Mr. FITZGERALD. Then I ask for just three minutes.

Mr. OVERSTREET. Mr. Chairman, I will withdraw my motion and ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] have three minutes. I give notice now that I will then take the floor and move that debate be closed.

Mr. FITZGERALD. Mr. Chairman, some confusion has resulted from the different propositions for relief of the postal facilities in New York City. Everybody concedes that some relief must be afforded. Among the additional facilities that are required are those at the terminals of the two great railroads that enter the city of New York. Two propositions have been made to the Government—one to lease space at the New York Central and one to sell a site at the Pennsylvania terminus. I do not know whether the Pennsylvania Railroad Company will entertain a proposition to lease a portion of its terminal to the Government for postal facilities, but I do know this, Mr. Chairman, that some facilities will be required at that terminal.

It may be that it will be impossible to secure legislation that will enable the Government to purchase a site at that terminal and to erect a building there, and so, in my opinion, it is wise at this time to lodge with the Postmaster-General the discretionary power to secure the proper facilities there by means of a lease, as is proposed by the amendment of the gentleman from New York [Mr. DOUGLAS]. For this reason I trust that the committee will place this discretionary power in the hands of the Postmaster-General and permit him to ascertain whether the Government can obtain at the Pennsylvania terminal the same facilities that it is authorized in the bill to obtain at the terminal of the New York Central Railroad.

Mr. OVERSTREET. Mr. Chairman, I now renew my motion that debate on the pending paragraph and amendments thereto be closed.

The motion was agreed to.

The CHAIRMAN. The question recurs on agreeing to the amendment offered by the gentleman from New York [Mr. DOUGLAS].

The amendment was agreed to.

The Clerk read as follows:

For necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture, cleaning, and all other matters not specifically provided for in other appropriations, $225,000: *Provided*, That the Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any of the postmasters of said offices to expend the funds he may allow them for such purposes without the written consent of the Postmaster-General.

Mr. TAWNEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 12 on page 12 insert:

"*Provided further*, That no part of this appropriation shall be expended for telephone service in any post-office where the postmaster is required, by order of the Postmaster-General, or otherwise, to use no other telephone service than that of the Bell Telephone Company or any of the telephone companies connected with or controlled, in whole or in part, by said Bell Telephone Company."

Mr. OVERSTREET. I make a point of order upon that amendment.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. TAWNEY] wish to be heard on the point of order?

Mr. TAWNEY. Mr. Chairman, the amendment is clearly in order. It is a limitation upon the appropriation of $225,000 carried by the paragraph just read; that is, it specifies that no part of this appropriation shall be paid for the exclusive use of any particular telephone service. The merits of the amendment, if the Chair overrules the point of order, I am perfectly willing to discuss, but it seems to me clear that the amendment is a limitation upon the appropriation and is therefore in order.

Mr. OVERSTREET. I beg to direct the attention of the Chair to section 321 of the postal laws, based upon Statutes at Large, section 1103:

The Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any of the postmasters at said offices to expend the funds he may allow them for such purposes [miscellaneous and incidental items, including furniture and cleaning] without the written consent of the Postmaster-General.

Upon that is based the discretion of the Postmaster-General relative to the expenditure of the miscellaneous items. The limitation to which the gentleman from Minnesota [Mr. TAWNEY] refers is such a limitation as would preclude absolutely any discretion on the part of the Postmaster-General. I do not understand, Mr. Chairman, that the limitations which are placed upon appropriations for expenditures may deprive an officer of the administrative branch of the Government of a discretionary authority which a statute has given him. To demonstrate by way of illustration the point I make, let me say this: The practice obtains to supply telephones from this item of appropriation for miscellaneous and incidental expenses. The practice of the Department has been and is now to authorize the use of telephones according to the circumstances in the respective offices.

I do not claim that he may exercise this power in favor of any one company as against another by way of arbitrary preference, but only by way of convenience. Where there are two companies, the discretion as to the price is left to him; where there are more than two, the same discretion is allowed, and where there is but one, of course, if the telephone service is essential to the proper discharge of the business of the office, he must then select that one. But in no case has this discretion been exercised by way of mere preference or favoritism in favor of any one company.

I give this as an illustration of the discretion to which this

statute has reference. If an absolute limitation be insisted upon, the officer is deprived of this discretionary power.

Mr. TAWNEY. Mr. Chairman, just one word in reference to the argument of the gentleman from Indiana [Mr. OVERSTREET] on the point of order. His proposition is that because the statute gives to the Postmaster-General certain discretionary power in the expenditure of money for miscellaneous purposes, therefore it is not competent for the Congress of the United States to modify that discretion by specifying a particular item which has heretofore been classed as incidental expenses and take away from him the discretion of expending any part of that money for that particular item except under certain circumstances.

It seems ridiculous to maintain what I understand the proposition of the gentleman from Indiana to be—that is, because Congress in the past has given the Postmaster-General discretionary power in the disbursement of money appropriated for miscellaneous expenses, we can not limit the incidental purposes for which the appropriation is made and can not require that it shall be expended only for such incidental purposes as Congress may designate; that we can not make an exception of certain incidental purposes that have heretofore been appropriated for.

Now, just one word more. The gentleman from Indiana claims that the use of telephone service has been let by open bids——

Mr. OVERSTREET. The gentleman is in error. I made no such claim.

Mr. TAWNEY. Well, the gentleman stated that——

Mr. OVERSTREET. I stated that it could be and was in some instances.

Mr. TAWNEY. And was in some instances.

Mr. OVERSTREET. Yes.

Mr. TAWNEY. But within the last six months, by order of the Postmaster-General, every independent telephone, at least in certain States, has been ordered out of Government post-offices. In the State of Minnesota——

Mr. OVERSTREET. I challenge that statement and ask for the proof.

Mr. TAWNEY. And in the State of Ohio, as I am informed by Members of Congress from that State. I know in my own State that in the city of St. Paul, where the postmaster had the Twin City telephone service installed in the post-office, and where it had been in use for some time, and where he installed it because of the superior service, because of the fact that it reached more of the patrons of that post-office than did the Bell telephone service, nevertheless, upon the mandatory order of the Postmaster-General, the Twin City Telephone Company was obliged to remove its entire service from that post-office building on the plea——

Mr. WILLIAMS of Mississippi. Mr. Chairman——

Mr. TAWNEY. In just a moment. I wish to complete this statement.

The CHAIRMAN. The gentleman declines to yield.

Mr. TAWNEY. On the plea that it was necessary to have the Bell service. Why was this done? Because it is claimed that sometimes the Department in Washington wanted to talk to the postmaster in St. Paul by long distance-telephone, and there was no other telephone company that had the long-distance service between Washington and St. Paul. So that has been the excuse for this order in every instance, as I am informed, where the independent telephone has been ordered out.

I do not know of my own knowledge that it has been ordered out of the post-offices in other States, but I am informed by Members of this House that it has, in spite of the fact that the independent telephone companies in almost every city outside, perhaps, of Chicago and New York or the large cities of the country, serve more people in the community than does the Bell telephone. They all have their county and country lines running into the rural districts, affording the people an opportunity to communicate with the post-office in their community, which the Bell Telephone Company does not have; and I maintain that there is absolutely no justification for this discrimination against the independent telephone companies, that the order of the Postmaster-General is clearly a discrimination between these companies and the Bell Company or the companies under the control of the Bell Company, and it should cease. I certainly think that the amendment is in order, and, if held in order, I trust it will be adopted.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to say in corroboration of what has just been said by the gentleman who has just taken his seat, that I was written to from the little town of Canton, in Mississippi, and I was told that this order had been issued there. The people down in the county protested against it——

Mr. OVERSTREET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Indiana will state it.

Mr. OVERSTREET. I wish to inquire if the gentleman from Mississippi will not defer his remarks until the point of order has been ruled upon, and then, if it is held in order, the debate may proceed upon the merits of the proposed amendment.

Mr. WILLIAMS of Mississippi. I want to furnish the House and the country, if I can, with this information while the gentleman reserves the point of order for a minute.

Mr. OVERSTREET. I made the point of order, and I assumed that the gentleman from Minnesota [Mr. TAWNEY] would address himself to the point of order, as I endeavored to do.

Mr. TAWNEY. I did, and the latter part of my argument was only an answer to that part of the gentleman's argument which did not relate to the point of order.

The CHAIRMAN. The Chair will state that he is prepared to rule on the point of order.

Mr. WILLIAMS of Mississippi. I should like to have the gentleman from Indiana reserve the point of order for a minute, if he will.

Mr. GROSVENOR. I think it is only fair to the Postmaster-General, who is lying in bed sick, that accompanying these statements, which I by no means challenge, a very brief statement of his explanation should be made. I should be glad to make it. I went to the Post-Office Department myself with a letter from the independent company in my own town, protesting——

Mr. WILLIAMS of Mississippi. Mr. Chairman, I submit that I do not understand the parliamentary situation. If I am to be cut off from making some explanations by the point of order, and then the gentleman from Ohio is permitted to make his explanations notwithstanding that——

The CHAIRMAN. The Chair understood that the gentleman from Ohio was propounding an interrogatory.

Mr. WILLIAMS of Mississippi. I think as between the gentleman from Ohio and myself I have the floor; as between the gentleman from Indiana and myself, perhaps not.

Mr. GROSVENOR. The Postmaster-General has a perfectly proper and legitimate reason for his action in the matter.

Mr. OVERSTREET. I do not wish to be too insistent. There is abundant answer to meet the statement the gentleman from Minnesota has made. I reserve the point of order for five minutes, and if the gentleman will only occupy a short time, I will yield to him.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, this letter came to me. Here it is; I read it:

CITIZENS' LONG DISTANCE TELEPHONE AND TELEGRAPH COMPANY,
Canton, Miss., January 25, 1904.

Hon. JOHN S. WILLIAMS, *Washington, D. C.*

DEAR SIR: The Postmaster-General has issued an order to all postmasters as follows:

"But one telephone company's service at any one post-office shall be covered by official allowance, and the company which furnishes long-distance connection with Washington shall be patronized."

Inasmuch as the Bell monopoly controls the telephone business at Washington, this order can have but one effect, to wit, to give to the Bell monopoly exclusive right to furnish telephone service at all post-offices.

This order does not leave it in any wise to the discretion of the postmaster to retain the telephone which is of the most use to his business or to the community, but commands a preference to the Bell. If communication with Washington between the various clerks of the post-offices and the Department were the only use to which the telephone could be put, there might be some slight reason for the order, but the Postmaster has entirely forgotten that the business public and the community generally who do business with the various post-offices have some right to this public service.

We sincerely hope that you will use your good offices and influence, so that this anomalous position of the United States Post-Office Department, practically boycotting all telephone systems except the Bell, will be of short duration.

Yours, truly, B. L. ROBERTS, *President.*

In my county the Mutual Telephone Company has its telephones in every farmhouse and in nearly every house in the town, and, by the way, at a rate about one-third of what we pay in the city of Washington. When I got this letter, I sent it with one of my own to the office of the Postmaster-General to protest against an order which compelled the people in Mississippi, whether they would or would not, to use the Bell telephone, to give them their custom; because the practical effect of that order would be this, provided that anyone in that county were desirous of entering into communication with the post-office, the Department having ordered that they should use only one phone, and that should be the long-distance phone, or virtually to use the Bell monopoly phone, it necessarily results that the people of that county would have to take out their other phones and would have to give their custom to the Bell Telephone Company, as only the Bell Telephone Company would have the long-distance telephone service with Washington, and they would have to pay a higher rate to the Bell Telephone Company, as that company would not have the local competition, which would be by this order broken down.

I got no satisfaction from the Department, although I received a letter in reply. I shall take the liberty, if I can find them, of

inserting in the RECORD my letter to the Post-Office Department and its reply to me:

JANUARY 26, 1904.

Hon. H. C. PAYNE, *Postmaster-General.*

MY DEAR SIR: Inclosed please find a letter from Mr. B. L. Roberts, president of the Citizens' Telephone Company at Canton, Madison County, Miss. I sincerely join in the protest of Mr. Roberts and others against the order for postmasters referred to and quoted in his letter. Take my own county, for example. The postmaster at Yazoo City, its chief town, has ten times as much use for a telephone to communicate with the balance of the county and the State as he has for a telephone to communicate with Washington. When he communicates with Washington at all it is, I imagine, either by wire or letter.

The people of my county made up their minds long ago not to be robbed by the Bell Telephone Company. They therefore organized what is called the "Mutual Telephone Company," and nearly every house in Yazoo City, every plantation, and nearly every farm has one of these phones. The Cumberland Telephone Company, the long-distance company, put down prices to almost nothing at one time with the view of running out competition and afterwards of raising their prices to extortionate rates, as they had done at Columbia, Tenn., and elsewhere. The citizens of my town and county not only did not take the Cumberland phones at the price offered, which really would have been below the cost of operation, but, knowing the object of the gigantic concern, the Mutual Telephone Company passed a regulation, agreed to universally by the citizens, as far as I know, not to furnish a phone to anybody who would not obligate himself not to take the Cumberland phone. This rule continued until the Cumberland Telephone Company virtually gave up the fight so far as driving out went, and now some few people have both.

The order from the Post-Office Department of the character referred to virtually compels the people throughout our country to patronize the monopoly, and, as people want to communicate with the post-office, gives the Cumberland or Bell Company an advantage in the fight almost beyond calculation.

Your own knowledge of the facts will show you that, as the Bell Telephone Company is the only one operated in the city of Washington, it would be the only one that could be used under your order, and that this would virtually mean that every farmhouse should put in their telephone in order to be able to communicate with the post-office. Moreover, the thing would look like a Government indorsement of the Bell telephone monopoly. They would advertise everywhere that the only telephone allowed to be used by the post-offices of the United States, under an order from the United States Government, was theirs, and that therefore theirs is the best. Please return Mr. Roberts's letter with your reply, and oblige.

Yours, very truly, ——— ———.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 4, 1904.

MY DEAR MR. WILLIAMS: I beg to acknowledge receipt of your communication of the 26th ultimo, forwarding a letter addressed to you by Mr. B. L. Roberts, president of the Citizens' Telephone Company, of Canton, Miss., regarding the rental of telephones in connection with the postal service.

In reply thereto I beg to state that where application is made for an allowance to pay for a telephone in connection with any post-office in the country the Department will take up such case on its merits. In determining each case the best interests of the postal service as a whole will be considered, and the question of cost will be a factor, as well as whether long-distance service is afforded.

The Department does not feel justified in paying for a double service, considering such an expenditure wasteful and unnecessary.

The communication from Mr. Roberts is returned herewith.

Very truly, yours,

H. C. PAYNE, *Postmaster-General.*

Hon. JOHN S. WILLIAMS,
House of Representatives.

If the chairman of the Committee on Post-Offices can give an explanation, I know that my people would be glad to have it. The explanation given by the Post-Office Department amounts absolutely to nothing. They seem to go upon the idea that the post-offices of the country must communicate by phone with Washington more than with other places, whereas, as a matter of fact, I do not suppose they communicate with Washington by phone once a month, while they communicate with the people throughout the county all the time. When they do communicate with Washington, as a rule it is by letter or by telegraph and not by the long-distance phone, and yet the explanation, as the Department gives it, was that country offices must have the long-distance phone communicating with Washington, and as the Cumberland use those phones, they must use that, being forbidden by executive legislation to use two. Now, that seems to me "a lame and impotent conclusion" from very unfounded premises.

Mr. OVERSTREET. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. I do not need that long a time. I went to the Post-Office Department to find out the facts in this case. I had received a letter which purported to make this very same charge, which also was accompanied by the resolution of a convention of independent telephone owners. I laid the subject before the Postmaster-General himself. There was a personal matter in it that I shall not refer to here. He told me there was no truth in it, and I do not care to repeat that here. He then told me that the only use that the Government had for a telephone in the post-office was to communicate in case of accident or some special matter with the great post-offices in the particular districts in the country where any matter of importance should occur.

For myself I accepted that statement, for I do not know any use that the post-office people throughout the country have for communicating with the people in the community in which the post-office is located. I do not know how it could be used by them. I do not understand that they could use phones to hurry up the mail that was to be distributed by the rural free delivery. The Postmaster-General told me it was important for the Department to hold communication between Washington and the cities of Chicago, Cincinnati, Louisville, New York, and the great cities where the inspectors are located; and for that reason, and for that reason alone, the long-distance telephones—not Bell telephones, but any long-distance telephone located in that particular place—were authorized to be employed.

That is his statement, and I have no reason to doubt its accuracy, and I know of no reason to discredit his statement. He made it very frankly and fully, and there was no thought of the Post-Office Department to favor monopoly or discrimination against anybody. They were using a phone that was of value and not a phone that was of no value. I give this statement as that of the Postmaster-General and not as affirming or denying the same.

Mr. OVERSTREET. Mr. Chairman, just for the purpose of completing the record, as it has been started, I wish to state to the Chair and to the committee that the practice which I referred to a moment ago has obtained and has been universally followed, as shown by the letters which I shall ask the Clerk to read. There has been no ironclad rule of contracts with any particular company. Conditions of a local character, with the factor of the long-distance connection with Washington as one element to be considered, have always been taken into account in determining the result as to what telephone should be installed in any office. Each case is decided upon its merits.

The amendment offered to which I directed the point of order permits and directs an absolute monopoly in favor of the independent telephone company. It forbids the expenditure of a single dollar of this appropriation for the Bell Telephone Company or any telephone company connected with it or——

Mr. TAWNEY. I beg the gentleman's pardon, it does not——

Mr. OVERSTREET. Now, the gentleman seeks to leave the impression it is in the interest of competition, and then so frames the language of the resolution as to put in the hands of the only competitor of this great long-distance telephone company the absolute power to control the situation. Now, the practice is, as shown by these letters, which I will ask the Clerk to read, that the local conditions control, as the gentleman from Ohio suggests, with the element of long-distance connections taken into account as one factor, where they can reach the inspectors at certain points over the country. I now ask the Clerk to read the correspondence which I send to the desk.

The Clerk read as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 25, 1904.

MY DEAR MR. OVERSTREET: I inclose herewith for your information copies of two letters I have written concerning the rental of telephones in connection with the postal service, which, I think, express the attitude of the Department toward the matter.

I might add, however, that the total number of telephones belonging to what is known as the opposition companies that have been displaced are very few, while the number of Bell telephone instruments supplanted by telephones of the opposition companies is very large. Some of the opposition instruments have been removed because the Department has not been willing to pay for a double service.

In each and every instance the Department will give consideration to the merits of the case, as stated in the letters, copies of which are inclosed herewith.

Very truly, yours,

H. C. PAYNE,
Postmaster-General.

Hon. JESSE OVERSTREET,
House of Representatives, Washington, D. C.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 15, 1904.

MY DEAR MR. WADHAMS: I beg to acknowledge receipt of your communication of the 13th instant. I think perhaps the best way to answer your letter is to inclose herewith a carbon copy of a letter sent to Senator BEVERIDGE, bearing upon the same subject-matter.

The facts are that there have been large numbers of Bell telephone instruments displaced, but very few of the Independent Company's instruments displaced. Within a few days a Bell instrument was ordered taken from the Memphis, Tenn., office and the Independent Telephone Company's instruments put in.

Each case is taken up on its merits as presented. You can readily see that long-distance service is somewhat of a factor, and I think I am justified in assuming that double service paid for by the Government is unnecessary and the expenditure not justified. Double service in all the post-offices in the United States would cost the Government an enormous amount of money, which I think would not be good business administration.

Very truly, yours,

H. C. PAYNE, *Postmaster-General.*

Mr. E. A. WADHAMS,
The Hotel Pfister, Milwaukee, Wis.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 8, 1904.

MY DEAR SENATOR: I am in receipt of your favor of the 6th instant, with which you transmit a communication from the Home Telephone and Telegraph Company, of Fort Wayne, Ind., regarding the rental of telephones in connection with the postal service.

In reply I beg to state that where application is made for an allowance to pay for a telephone in connection with any post-office in the country the Department will take up such case on its merits.

In determining each case the best interests of the postal service as a whole will be considered, and the question of cost will be a factor as well as whether long-distance service is afforded.

The Department does not feel justified in paying for a double service, considering such an expenditure wasteful and unnecessary.

The letter from the Home Telephone and Telegraph Company addressed to you is returned herewith.

Very truly, yours,

———— ————,
Postmaster-General.

Hon. ALBERT J. BEVERIDGE,
United States Senate.

Mr. OVERSTREET. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair is prepared to rule. The paragraph under consideration contains an appropriation of $225,000 "for necessary miscellaneous and incidental items directly connected with first and second class post-offices." The Chair understands that under the statutes a part of this money may be expended for telephone service. The amendment offered by the gentleman from Minnesota provides that no part of the appropriation shall be expended for telephone service in any post-office where the postmaster is required, by order of the Postmaster-General or otherwise, to use only one kind of telephone.

Now, the Chair would call the attention of the gentleman from Indiana, chairman of the Post-Office and Post-Roads Committee, to the fact that this amendment is not put in as a limitation upon the use of the entire sum appropriated in this paragraph of $225,000. This limitation is merely a limitation upon the amount which the Postmaster-General may use for telephone services authorized by law, and this amendment simply says in effect, in order that this amount may be available, the Postmaster-General must refrain from saying to the postmaster that he must use one single telephone. The Chair, therefore, is of opinion that this amendment comes within the rule, and it is simply a limitation upon the expenditure of a part authorized by this paragraph for telephone services, and therefore the Chair overrules the point of order. The question, therefore, is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. OVERSTREET. Mr. Chairman, I wish to be heard briefly in opposition to the amendment. I think the committee is fairly well familiar with the situation from the debate which immediately preceded the ruling of the Chair just made. There is no effort whatever made by the Post-Office Department to limit the use of any one particular telephone. It is true there are a number of telephone companies throughout the country and occasionally there are offices where these two companies compete with each other. The Department does insist that there should not be double service; that is to say, all telephone companies operating through any one office should not have the privilege of installing service, that one only should be sufficient. Now, I think a reading of the amendment by the Chair clearly shows (and I would like to have the resolution here if some one will hand it to me) that if we adopt this amendment it would mean a preference directly to the independent company.

I do not know how deeply interested the gentleman from Minnesota is. He seems to be very closely related to some information connected with the Minnesota company, but I do know in my own home city, where we have practically all of these companies represented, the independent company and the Bell Telephone Company both competing for the privilege of the installation of service, that the Bell Telephone Company had the service for a while. Subsequently it was changed, and to-day the independent company has the service. One of the letters I had read at the Clerk's desk shows that the contrary was the result recently in some of the cities, and in the city of St. Paul it is possible that somebody's toes have been tread upon in the change of service in that city. But it all illustrates this point, that in each instance the merits of the case are considered and taken into account. From the opportunities for lessening the price of the service, the extent of it in the local community, and as one factor, and one only, the long-distance connection, the Department determines which company shall have the service.

Now, let us read this amendment which the gentleman offered—and I call his special and careful attention to it as the champion of the people of Minnesota, whose telephones are in jeopardy by reason of this appropriation—to see whether or not out of the depths of his heart he can have any compassion for a competing company which perchance may invade that field and make overtures to the Department for installation of similar service:

Provided, That no part of this appropriation shall be expended for telephone service in any post-office where the postmaster is required or ordered by the Postmaster-General or otherwise to use another telephone service than that of the Bell Telephone Company, or any of the telephone companies connected with or controlled in whole or in part by said Bell Telephone Company.

Suppose, for illustration, that in the city of St. Paul the Bell Telephone Company for various reasons—contract price, facility, general terms of contract—which enter into such negotiation was regarded as a better service, taking all in all, than the independent company of the twin cities of Minnesota.

Then, the Postmaster-General having contracted for that, this resolution absolutely denies to the Department the right or authority to even consider the Bell Telephone Company as a competitor, and when it has once been removed it leaves the city company of Minneapolis and St. Paul in absolute control of that situation. Now, if the gentleman had made an overture for competition, he might have been justified in the remarks he has made. If he had said that no double service should be inaugurated, it not only would have been just, but would have been in the spirit of the present practice of the Department.

If he had said that the question of price and of local facilities should be considered, without regard to the factor of the long-distance connection, he would then have been within the bounds of propriety and common sense in this appropriation, but when the language which he has so craftily drawn here gives to the independent company of any city greater power than the Bell Telephone Company to-day has under the exercise of this authority he is disclosing the situation for which he stands sponsor, and I want to know if this committee is going to sit idly by and see that kind of an amendment upon the books in the interest of one class or company, in violation of the practice of the Department and the justice of the situation with reference to the expenditure, that the Postmaster-General may have authority to permit competition between any and all companies which exercise that line of service.

Mr. ROBINSON of Indiana. Mr. Chairman, the amendment of the gentleman from Minnesota [Mr. TAWNEY] is in the right direction. Its purpose is to meet a condition—to meet post-office regulations. Under the present policy it is made possible in a city like Fort Wayne, Ind., where the Home phone people have thousands of subscribers to hundreds for the Bell phone, to exclude the Home people with their phones, a network in the community, and retain the Bell phone. The same occurs in the Indiana city of the gentleman [Mr. OVERSTREET], where the Bell phone, with hundreds of subscribers only, is preferred, though the Home Telephone Company has thousands of subscribers in that community.

It is no wonder that the Bell phone, with its years of high rates and poor service, should be driven from the field by the phone company of the community.

But the Department excludes the phones that give full and complete service to the communities in the vicinity of the post-office upon the bare pretext that long-distance service is monopolized by that service.

It is the purpose of Congress to serve the people, but how can this be done by cutting out that service that so largely serves the affected communities?

Long-distance service in the usual city is but seldom availed of, and the postmaster of the city can step over to the public station, and thus we yield to the people the service we appropriate for and that they pay for.

I do not understand that the amendment proposed does more than place the best service at the disposal of the postmaster and people concerned.

It relieves the post-office from the restrictions under which it seems to be laboring and opens up a system to secure justice and fair dealing. The amendment should carry.

Mr. STEVENS of Minnesota. Mr. Chairman, the telephone service at the post-office in my city of St. Paul has been mentioned by the chairman of the Post-Office Committee as well as by my colleague, and it might be instructive to this committee to know just what was done and how the Post-Office Department has treated telephone matters there. I will preface my remarks by saying that I, in my own house and office, use the Bell telephone because I prefer it, so that I have no connection with and do not use the independent phone.

A year or more ago the Post-Office Department asked for bids for telephone service in the public building at St. Paul, a large Government building, having many offices in it. The Post-Office Department asked for bids for furnishing the telephones for that building and the postal stations.

The Bell telephone people were repeatedly asked to bid, but they refused to make any bids or proposals at that time, and the result was that the independent company was the only one which offered bids. Their bids were necessarily accepted, and they were fair, reasonable, and acceptable, and they installed the service. They spent about $1,500 or $2,000 in making a switch board and connections that were required, and they installed a first-class service for the post-office and for the public, but with which I had no connection, either with my office or house, so it was of no advantage to me. That continued until last October, when the postmaster at St. Paul received a peremptory order from the Postmaster-General that the service of the Twin City telephones be discontinued with notice of about a month, although this company had expended its money and had installed a service perfectly satisfactory to all concerned.

The postmaster at St. Paul notified the Post-Office Department that the service was satisfactory to that office and to the patrons of the office, and the patrons of the office thereupon petitioned

the postmaster at St. Paul requesting that the independent service be retained. These letters all came before the Postmaster-General and the First Assistant Postmaster-General, and some time ago I performed the enormity of going myself and asking that these matters be investigated carefully by the Post-Office Department. I suppose I rendered myself open to all sorts of charges, but I did it. [Laughter.] The matter was then taken up and the independent telephone company was ordered out on the same theory as was stated by the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from Mississippi [Mr. WILLIAMS], that the Department was desirous of having a long-distance telephone connection with the post-office at St. Paul. Now, from my experience, and I have had considerable experience with post-office matters at St. Paul and with the Post-Office Department here, I doubt if there is any necessity of more than one communication a month between the general Department here and the local post-office at St. Paul.

I have no doubt that the patrons at St. Paul use that office five hundred times a day, and the patrons there seem to desire the local phone. For that reason I have strongly urged that the independent phones be retained, and the Postmaster-General has refused that request. Now, I shall not attempt to construe the amendment of my colleague, the gentleman from Minnesota [Mr. TAWNEY], but I do say that this committee ought to limit the authority of the Postmaster-General so that he shall not have the arbitrary power to order systems in and systems out as he pleases without public advertisements or bids or giving the local postal authorities some voice in determining facilities given to the people. He ought to be compelled to give the people some right to reach their local post-office by the best possible facilities, and he has not done it in the case of the city of St. Paul.

Mr. BAKER rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BAKER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. OVERSTREET. Mr. Chairman, I insist that debate is closed, and so move.

The CHAIRMAN. The gentleman from Indiana moves that debate be closed on this paragraph.

Mr. BAKER. Mr. Chairman, I understood that I was recognized before the gentleman from Indiana.

The CHAIRMAN. The gentleman from Indiana had the floor to move that all debate be closed on this paragraph.

Mr. BAKER. I merely ask for two minutes.

Mr. OVERSTREET. Mr. Chairman, I insist on my motion.

The CHAIRMAN. The gentleman from Indiana moves that debate on this paragraph be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now recurs on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. OVERSTREET) there were—ayes 64, noes 25.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEPBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 196. An act to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to make appropriations for carrying the same into effect.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 50.

Resolved by the House of Representatives (the Senate concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 9771) entitled "An act granting an increase of pension to Abram Claypool" by striking out the word "Illinois," in line 5 of said enrolled bill, and inserting in lieu thereof the word "Indiana."

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 60.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 2,000 copies each of the reports of the governors of Alaska, Arizona, New Mexico, and Oklahoma for 1903, 500 copies for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 500 copies for the use of the Department of the Interior.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For advertising and purchase of newspapers containing official advertisements contracted for under this appropriation at first and second class post-offices, $25,000.

Mr. POWERS of Massachusetts. Mr. Chairman, I offer the following amendment as a new paragraph to the bill.

The Clerk read as follows:

Insert as new paragraphs after line 16, page 12, after the word "dollars," the following:

"For compensation to seven assistant superintendents, salary and allowance division, at the rate of $2,000 per annum, $14,000.

"For per diem allowance for seven assistant superintendents, salary and allowance division, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, and for other necessary expenses, $10,220."

Mr. FINLEY. Mr. Chairman, I reserve the point of order against this amendment.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order against the amendment.

Mr. POWERS of Massachusetts. Mr. Chairman, I will say that my purpose in offering this amendment is to incorporate in the bill a provision which has existed there since 1896. As long ago as the second Cleveland Administration the Postmaster-General strongly recommended the creation of the office of assistant superintendent——

Mr. OVERSTREET. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. POWERS of Massachusetts. Certainly.

Mr. OVERSTREET. Has not the gentleman got this speech of his mixed up with another one? Was it not 1901?

Mr. POWERS of Massachusetts. Oh, no; the recommendation in favor of the incorporation of this office was made many years ago. It was in the year 1900 that the recommendation was made, which was acted favorably upon by the House of Representatives, and I call the attention of the committee to the language used in the report of the First Assistant Postmaster-General in 1900, when he urged the enactment of the law creating these offices. He used this language:

I beg to renew urgently my former recommendation that five special agents be employed by the division of salaries and allowances—men of experience in the postal service—who are familiar with the inside workings of a post-office, who are capable of instructing postmasters as to proper methods to pursue in order to secure the best possible results from the clerical force employed, and who are also sufficiently familiar with real-estate values to enable them to investigate lease cases, change of sites, intelligently, etc.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?

Mr. POWERS of Massachusetts. Certainly.

Mr. OVERSTREET. The language that the gentleman just read asks for five, and his amendment calls for seven. I understood the gentleman to state to the committee that he followed the language.

Mr. POWERS of Massachusetts. In the following year, I will say to the gentleman from Indiana [Mr. OVERSTREET], it was found that five were not sufficient, and the number was increased to seven, and the language of the amendment which I have proposed is the exact language contained in the bill which was passed last year. Now, if I correctly understand the situation, it is this: I do not understand that the Post-Office Department has recommended this change. On the other hand, I understand that these assistant superintendents have been entirely satisfactory to the Post-Office Department, and I find in the hearings before the committee this year that the First Assistant Postmaster-General strongly urged the continuation of this recommendation.

I do find, however, that the Fourth Assistant Postmaster-General, when he appeared before the committee, intimated that his Department could do this work.

Now, what is the situation? If you strike out the provision for these seven assistants, you practically place the entire inspection force under the Fourth Assistant Postmaster-General. You place under him some 356 inspectors, who are not only to inspect his department, but are to inspect the departments of the First Assistant, the Second Assistant, and the Third Assistant, also. It strikes me that it is not good civil service to have every inspector employed in the Post-Office Department under one Assistant Postmaster-General, I care not whether he be the Fourth or the First or the Second or the Third. Here is an attempt to affect very seriously the status of these seven men charged with the expenditure or the supervision of the expenditure of something like $26,000,000, a sum larger than that expended for free delivery or free rural delivery. Yet we are called on to do this, not upon the rec-

ommendation of the Postmaster-General, not upon the recommendation of any Assistant Postmaster-General, unless it be the Fourth.

To my mind, Mr. Chairman, it is certainly a dangerous situation when you place every inspector under the control of a single department or a head of a single department. I should like to ask my friend the chairman of this committee why should not all the inspectors of the Post-Office Department be under the Postmaster-General, so that he may inspect each one of the four departments under his immediate supervision? Why should all the inspectors be placed under the Fourth Assistant Postmaster-General? I am not aware that there is anything in the functions of that particular bureau that entitles the head of it to the entire supervision of the inspection force. I trust, Mr. Chairman, that this amendment may be considered favorably and that it may be accepted by the committee in charge of this bill. I feel that it would be an error of judgment to strike out this important division, which has for the last four years been under the control of the First Assistant Postmaster-General.

Mr. FINLEY. The gentleman's amendment, as I understand, does not change the salaries fixed by current law?

Mr. POWERS of Massachusetts. No, sir; there is no change as to salaries and no change as to expenses. The language is exactly the same as the language contained in the bill of last year.

Mr. FINLEY. I withdraw the point of order.

Mr. SIBLEY. In all the other provisions for expenses of traveling agents or inspectors of the Post-Office Department we have used these terms:

Engaged in traveling on official business away from their homes or their official domicile or headquarters.

The amendment of the gentleman from Massachusetts uses the language, "when actually engaged in traveling on official business." The amendment does not say "when they are away from their homes." The incorporation of the language I have read would make the proposition conform to the rest of the bill with reference to traveling expenses. I am heartily in favor of the gentleman's amendment.

Mr. POWERS of Massachusetts. I certainly do not object to the gentleman's suggestion. I sought to use the language used in the appropriation bill of last year.

Mr. COWHERD. Mr. Chairman, I want to say at the outset that I am heartily opposed to the proposition of the gentleman from Massachusetts [Mr. POWERS], and I hope it may be considered by this committee on its merits and not as if it had connection with any proposition to do something that may reflect upon somebody in the Post-Office Department. I hope the House by this time fully understands that the report which was so much discussed here a few days since was not made by the Fourth Assistant Postmaster-General, and I trust that this bill may not be considered in its items with reference to that opinion which once prevailed here.

Mr. POWERS of Massachusetts. I should like to ask the gentleman whether, in striking out the provision for the seven assistants and making no other provision for them, the effect was not to make an increase of eight inspectors coming directly under the Fourth Assistant?

Mr. COWHERD. I do not remember just what the increase was in the regular inspectors' force, but I know it was less than the amount asked for in that force for the regular inspection work.

Mr. OVERSTREET. And not on account of this action at all.

Mr. COWHERD. No; not on account of this action at all, the force authorized being less even than was asked for.

Now, if the House will bear with me a moment, I would like to state the facts in regard to the legislation that took out of the bill the inspectors of the First Assistant's division. That was comparatively new legislation. It had been in the bill for only a few years. The change, as has been suggested, was not recommended by the Postmaster-General.

Mr. PARKER. Does not the gentleman mean the assistant superintendents?

Mr. COWHERD. Yes; the assistant superintendents who acted as inspectors. They were not called inspectors, but their business was inspection.

But, Mr. Chairman, when the First Assistant himself appeared at the hearings of the committee, before the Fourth Assistant had ever been there, we came to the conclusion, upon the testimony that was given by him, that there was absolutely no reason for the maintenance of those men on the pay rolls, and concluded then, before we had ever heard from the Fourth Assistant Postmaster-General, that we were simply duplicating the work here and doubling the expense.

These are the facts: The business of these men is to inspect the offices on the question of increase of rent or location of post-offices. We found that not only could the general inspection force do that work, but that very frequently one of the regular inspectors would be in a city inspecting the post-office as to its expenses, etc., while one of these assistant superintendents would be traveling there from Washington at the expense of per diem, salary, etc., from the Government, to inspect the office with reference to the raising of rent or changing the location, and we discovered from the examination of both these gentlemen, the First Assistant and the Fourth Assistant, that we were simply duplicating work here; and the only contention anywhere made that had any effect was that in some cases they needed a man to go right away, and that they would have to apply to the general inspector's force for a man.

Upon investigation of that we found out that these questions of raising of rent or renewal of leases or removal of offices were practically invariably considered for months before they were disposed of, so that there was no necessity to have a special force of men to be called upon to attend to that particular business, and simply in the interest of good administration, in the interest of economy, and because he did not want two inspectors inspecting the same office at the same time at double cost we struck out this work and put it back where it had always been heretofore, with the regular inspectors' force, under whatever officer that inspectors' force might be, which is now the Fourth Assistant. I think, Mr. Chairman, the amendment should not prevail.

Mr. PARKER. Mr. Chairman, I heartily support the amendment of the gentleman from Massachusetts [Mr. POWERS], and also, as stated by the last gentleman, on principle. Inspectors are not assistant superintendents and can not be.

Mr. COWHERD. But if the gentleman will permit, these assistant superintendents were inspectors.

Mr. PARKER. Not entirely. The assistant superintendent is a man who goes around, who belongs to the bureau of salary, allowance, and supplies. He goes to an office in an executive duty, just like a member of a general staff or a division officer; he goes there to find out what ought to be done. He is an adviser for executive management; he advises that a man may be added or ought to be added here. He advises that a man ought to be lopped off there; he advises that a rent should be taken in a certain way; that so much should be paid for the rent of a post-office. He advises about the supplies of that post-office. He is executive. That is his occupation.

Now, the inspector is an entirely different man. He does not belong to the bureau of allowance and supplies; he belongs to the Fourth Assistant Postmaster-General's inspecting force. He belongs to the inspector-general's department and not to the executive department. He goes from post-office to post-office, not to recommend what shall be done rightly, but to point out what has been done wrongly. He goes in without notice; he takes up the accounts of the postmaster, he finds out whether anything has gone wrong and reports, so that it shall be remedied with a strong hand, just as the inspector does in the Army.

Mr. OVERSTREET. Mr. Chairman, will the gentleman yield?

Mr. PARKER. Am I right?

Mr. OVERSTREET. I want to ask you a question.

Mr. PARKER. Yes.

Mr. OVERSTREET. Do you believe there ought to be any more of these inspectors appointed under this bill than are now in the service?

Mr. PARKER. I say that the assistant superintendent has duties which are not essentially inspector's duties.

Mr. OVERSTREET. I ask the gentleman if he insists upon authorizing two additional assistants?

Mr. PARKER. I do not know anything about how many inspectors you have.

Mr. OVERSTREET. Well——

Mr. PARKER. The amendment I support is an amendment which is taken from the estimates, and I know no more about it than the estimates state.

Mr. OVERSTREET. Only five of these assistants are now in the service.

Mr. PARKER. Then what in that regard——

Mr. OVERSTREET. But does not the gentleman think that in all fairness to his argument he ought to suggest such an amendment?

Mr. PARKER. I think that the gentleman in fairness to my argument can only go by what is in the estimates. I do not know what number are in office now; I supposed the estimates represented what men were there.

Mr. OVERSTREET. Are you in favor of all the estimates?

Mr. PARKER. I was in favor of that particular estimate.

Mr. OVERSTREET. For any special reason except that given in the estimates?

Mr. PARKER. Yes; I had a special reason for this. I wish the gentleman would let me finish one sentence. I was just coming to the argument. I say it is a different thing to superintend than to inspect. If you make the inspector an executive officer, who is going to inspect him?

The inspector is intended to find out what is wrong. He should

be in a different department from the man who is to decide what is right and is to administer the office. I know of some of these assistant superintendents, not personally, but I have heard of their work. I know they live in different parts of the country, and that they exercise a supervising and advising power over the offices in the different parts of the country. They are under the management of the First Assistant Postmaster-General, and they assist and advise as an ordinary member of the staff will do. But I say that the inspector, who is under the Fourth Assistant Postmaster-General, whose duty is to find out what is wrong, can not safely be put in charge of doing that work, because then he would be inspecting himself, and the Government would have lost the benefit of the sensible executive on the one side and the vigilant detective on the other. The two departments must be separate, and the inspector can not do the work now done by these assistant superintendents.

Mr. SIBLEY. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Massachusetts, as the Clerk will report.

The Clerk read as follows:

Strike out the words "of the Post-Office Department" and insert after the word "business" the word "official;" so that the amendment will read: "When actually traveling on official business;" and insert after the word "business" the words "away from their home, their official domicile, and their headquarters."

Mr. POWERS of Massachusetts. I will accept the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Pennsylvania will be incorporated in the pending amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the word "seven" and insert the word "five." There are now but five such assistants in the service. The law of last year authorizes seven, but two of the seven are not now in the service, as I am informed. I think the committee would not care to enlarge that service.

Mr. POWERS of Massachusetts. Mr. Chairman, I understand there are but five of them. I had assumed, when I offered the amendment, there were seven. I accept the amendment offered by the gentleman from Indiana.

The CHAIRMAN. Without objection, the amendment will be incorporated in the amendment of the gentleman from Massachusetts.

Mr. OVERSTREET. I ask unanimous consent that the amount appropriated may be reduced to conform with the number.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that that amendment may be incorporated in the pending amendment. Is there objection? [After a pause.] The Chair hears none, and the amendment to the pending amendment will——

Mr. OVERSTREET. By unanimous consent I desire that the amount shall be made $5,000 for per diem and $10,000 for salaries.

Mr. POWERS of Massachusetts. These figures are to be changed according to the reduction made in the number?

Mr. OVERSTREET. Well, of course, the figure as to salary would be known, being five times $2,000; but as to the per diem, I ask to limit the per diem to $5,000 a year. You do not want to make it $4 a day for every day of the year.

Mr. POWERS of Massachusetts. They would be traveling away on business.

Mr. OVERSTREET. That is the usual amount. That is practically the usual amount.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

Mr. COWHERD. I would like to ask the chairman of the committee if he favors this amendment?

Mr. OVERSTREET. I have not yet favored it. I wanted the committee to understand it.

Mr. COWHERD. I understood the gentleman spoke of cutting it down.

Mr. OVERSTREET. I will say to the gentleman from Missouri that I must concede there is doubt as to the wisdom of giving them all these assistants. I believe that they could be dispensed with, but because of the doubt I have not strenuously resisted the amendment. I wish, however, to amend the amendment. And in fairness to the service I feel that the committee ought not to be misled by the present law providing for seven where there are only five in the service. It is my intention, however, to vote against the amendment.

Mr. SIBLEY. I want to say that if I understood the gentleman from New Jersey properly, he holds that the 5 assistant superintendents are really inspectors to inspect the other 356 inspectors. I caught that to be his language, practically or substantially. If that is the case I am sure I shall vote for the amendment, and hope it will prevail.

Mr. COWHERD. I would like to ask my friend from Pennsylvania, as he is on the Post-Office Committee, if he holds that these assistant superintendents are inspectors to inspect the inspectors?

Mr. SIBLEY. In view of the statute creating this office, which was read from by the gentleman from Massachusetts, I would not undertake clearly to state what are their duties.

Mr. COWHERD. Mr. Chairman, I would like to ask my friend if it is not a fact the only thing they have ever done has been to go around the towns and investigate the question of the location of post-offices and rent; that that is practically all?

Mr. SIBLEY. Well, I am not familiar with all that they have done.

Mr. COWHERD. Which has been done by the regular inspector's force always before they were put on, and can be done now.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. COOPER of Wisconsin. If it is in order, I would like to ask to have the amendment again reported.

The CHAIRMAN. The Chair will first state that the point of order was raised against the amendment, but the committee having by unanimous consent twice amended the amendment, the Chair holds that the point of order has been withdrawn and the question now is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. FINLEY. Mr. Chairman, the point of order was actually withdrawn.

The CHAIRMAN. The point of order was withdrawn by the gentleman from South Carolina. Without objection, the Clerk will again report the amendment, and the Chair would like to ask that gentlemen who incorporated amendments into the amendment would follow the Clerk with care, so as to see that the amendment when put to the committee conforms to the alterations which have been actually made.

The Clerk read as follows:

For compensation to five assistant superintendents, salary and allowance division, at the rate of $2,000 per annum, $10,000.

For per diem allowance for five assistant superintendents, salary and allowance division, when actually traveling on official business away from their home, their official domicile, and their headquarters at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, and for other necessary expenses, $5,000.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COWHERD. Division.

The committee accordingly divided; and there were—ayes 23, noes 65.

Mr. POWERS of Massachusetts. Mr. Chairman, I call for tellers.

The CHAIRMAN. The gentleman from Massachusetts calls for tellers. The gentleman from Indiana and——

Mr. OVERSTREET. Mr. Chairman, I would suggest that the Chair has not yet determined whether tellers should be ordered.

The CHAIRMAN. The Chair would state the Chair has the right to order tellers without putting the motion. The gentleman from Indiana and the gentleman from Massachusetts will take their places as tellers.

The question was again taken; and the tellers announced that there were—ayes 25, noes 67.

Mr. BUTLER of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. BUTLER of Pennsylvania. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER of Pennsylvania. I would like to know the proper place in this bill at which I can offer an amendment——

The CHAIRMAN. The Chair would announce the pending vote first. On this question the ayes are 25 and the noes 67, and the amendment is not agreed to. The gentleman from Pennsylvania rises to a parliamentary inquiry.

Mr. BUTLER of Pennsylvania. At the proper time, if the Chair will indicate the proper time to me, I desire to make a motion to insert in this bill at the proper place the paragraphs of the bill providing for the free-delivery service and the rural free-delivery service. I understand we have read the bill down to and including line 16, on page 12. I am not quite certain whether by examination of the bill of last year those two services were not provided for in the bill at this particular place; it may be the section below. I will state more plainly: They may have followed the next section; and I ask the Chair for advice, if it is a proper question to ask.

The CHAIRMAN. The Chair hardly thinks that this is a proper parliamentary inquiry, but it would be ruled upon by the Chair whenever the amendment should be offered if any point is made against it.

Mr. BUTLER of Pennsylvania. Well, of course, I do not want to compromise the Chair; I only want to be well advised; and as the word of the Chair is the law of the committee, I asked his advice in advance.

The CHAIRMAN. The Chair would state the bill is now being read and is open to any amendment——

Mr. BUTLER of Pennsylvania. I can not hear the Chair.

The CHAIRMAN. The Chair will state that the bill is now being read for all amendments which Members desire to submit, and as the Chair understands his functions they are purely official, and the Chair does not desire to take any more difficulties than the rules impose upon him.

Mr. BUTLER of Pennsylvania. I have no desire to add to the many duties of the Chair, and that I may not lose the opportunity I will offer it right along until we do hit the proper place. Mr. Chairman, I move as an amendment to this bill to insert at this place all the provisions in this bill found on pages 23, 24, 25, and 26, down to section 2, providing for what is known as the "free-delivery service" and the "rural free-delivery service."

The CHAIRMAN. The Chair will state that according to the rules of the House the amendment which the gentleman refers to should be sent to the Clerk's desk.

Mr. OVERSTREET. Mr. Chairman, may I ask the gentleman from Pennsylvania if he has his motion in writing?

The CHAIRMAN. That was the suggestion which the Chair just made. The Chair will state the motion as the Chair understands it. The gentleman from Pennsylvania moves to insert in the bill, after paragraph following line 16, page 12, is completed, that which the Clerk will report.

Mr. LIVINGSTON. May I suggest to the gentleman from Pennsylvania that when we finish reading the bill——

Mr. OVERSTREET. Mr. Chairman, I do not want to lose the privilege of making a point of order.

The CHAIRMAN. The gentleman from Indiana reserves the point of order to the amendment.

Mr. LIVINGSTON. After the bill is read through, the amendment which the gentleman offers to this portion of the bill, it seems to me will be the proper time to move for the transposition.

Mr. BUTLER of Pennsylvania. I would adopt the gentleman's suggestion if it should be the wish of the committee that we pass through the bill until we come regularly to these two sections, but I did not want to miss the opportunity——

Mr. MANN. You will get left if you do. [Laughter.]

Mr. BUTLER of Pennsylvania. Yes; and therefore I will hold on to the string unless it is the unanimous wish of the House that I let go at this time.

Mr. LIVINGSTON. Let me say that I am in favor of the gentleman's proposition, but I want it distinctly stated that it goes back to the First Assistant Postmaster-General.

Mr. BUTLER of Pennsylvania. That is the very purpose for which I offer this amendment now.

Mr. LIVINGSTON. But do you say so in the amendment?

Mr. OVERSTREET. Mr. Chairman, I make the point of order.

Mr. MANN. Before the point of order is taken, Mr. Chairman, I think we ought to hear the amendment.

Mr. OVERSTREET. That was what I was about to say, that this is not the point for a colloquy between two gentlemen on the committee. Let the amendment be read, and then we can consider it intelligently.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Free-delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, $20,250,000.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the further reading may be dispensed with, with the understanding that it is the identical language in the bill at a subsequent point relating to rural free delivery and the free-delivery service.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the further reading of the amendment be dispensed with.

Mr. BAKER. I object; I want to hear it.

The CHAIRMAN. The gentleman from New York objects, and the Clerk will proceed.

The Clerk continued the reading, as follows:

For pay of letter carriers in new offices entitled to free-delivery service under existing law, $110,000.

For horse-hire allowance, $700,000.

For car fare and bicycle allowance, $300,000.

For compensation to twenty-two mechanics, at not exceeding $900 each, $19,800.

For marine postal service, Detroit, Mich., $4,500: *Provided*, That the Postmaster-General may, in his discretion, enter into contract for such marine postal service for a period not exceeding five years at an annual rate not to exceed $4,500.

For all other incidental expenses, including letter boxes, package boxes, posts, furniture, satchels, and straps, $300,000.

For car fare for special-delivery messengers in emergent cases, $10,000.

For fees to special-delivery messengers, $900,000.

Rural free-delivery service: For compensation to six division superintendents of rural free-delivery service at $2,400 each, $14,400.

For compensation to twenty-five rural agents at $1,600 each; fifteen rural agents at $1,500 each; fifteen rural agents at $1,400 each; nineteen rural agents at $1,300 each; sixty-five rural agents at $1,200 each, and ten rural agents at $1,000 each, $196,200.

On and after July 1, 1904, special agents in charge of divisions of the rural free-delivery service shall be known and designated as division superintendents of rural free-delivery service; and special agents and route inspectors of such service shall be known and designated as rural agents.

For per diem allowance for seventy-four rural agents in the field when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, and for other necessary official expenses, $88,800.

For per diem allowance for seventy-five rural agents in the field when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed $3 per day, and for other necessary official expenses, $67,500.

For incidental and other necessary official expenses of division superintendents and rural agents, livery hire, $30,000.

For compensation to clerks at division headquarters: Twelve clerks, at $1,200 each; ten clerks, at $1,100 each; ten clerks, at $1,000 each; eight clerks, at $900 each, and six clerks, at $700 each, $46,800.

For pay of letter carriers and clerks in charge of substations of rural free-delivery service, $20,180,000: *Provided*, That not exceeding $12,500 of the amount hereby appropriated may be used for compensation of clerks in charge of substations. On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

For incidental expenses, including letter boxes, furniture, satchels, straps, badges, and the making of maps for use in the rural free-delivery service, etc., $150,000.

Mr. MANN. Now, Mr. Chairman, I reserve a point of order on this.

Mr. OVERSTREET. I have already made the point of order.

The CHAIRMAN. The Clerk has completed reading the amendment and the gentleman from Indiana makes the point of order, and the Chair will hear the gentleman on the point of order.

Mr. OVERSTREET. The first point I make, Mr. Chairman, is that it is not germane, because that part of the bill which is sought to be transferred from one section to the other has not been reached.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. The gentleman from Indiana makes the point of order that this amendment is not germane. Will the discussion of that proposition, if the Chair shall decide that it is germane, prevent me from making a point of order for other reasons?

Mr. OVERSTREET. I have said that that was the first point. I do not pretend to limit it to that. I quite agree with the gentleman that there are other reasons.

The CHAIRMAN. The Chair will state that he considers the better practice for all points of order to be made at one time. The Chair thinks that if one makes the point of order against an amendment which should be overruled that other gentlemen have the right to raise points of order against the pending amendment.

Mr. OVERSTREET. I did not intend, Mr. Chairman, to waive other points by saying that my first point was that it was not germane. I insist, for various reasons, that the point is well taken. We are now proceeding under the five-minute rule, under the rules of debate of the House, and reading the bill at page 12; and the motion is made to transfer provisions from page 20 or 26 to page 12. It is a general rule, I understand, which requires a motion to be directed to the part of the bill under consideration. Otherwise confusion would obtain, misunderstandings would arise as to what should probably come next if the motion could be made to transfer the last pages of the bill to the third page, when some member might be interested in the last page and not in the third. That would work injustice to Members.

Another reason for the point of order is that it is contrary to existing law, and therefore new legislation. I presume, Mr. Chairman, that the House or the Committee of the Whole has full power to arrange a bill in any way that it sees fit. It could take alternate sections and rearrange the bill in its entirety. Under that possibility this amendment might now be in order if there were no other points of order to which it would be obnoxious. But, Mr. Chairman, in the regular orderly business of the House the practice has always obtained to consider the bills in a systematic way. The first effort at system is to be found in the estimates of the Department where the bill is an appropriation bill. These estimates come to this body in the order in which they have been arranged in the bill now before the committee.

To change that may not be directly in opposition to existing law, because there may be no direct statute fixing the order of estimates, but it is an indirect violation of it. In the third place, Mr. Chairman, there is no law anywhere which defines the duties of the various Assistant Postmasters-General. The only law

under which their duties are prescribed is the law relative to the duties of the Postmaster-General himself, who is authorized by the law to regulate his entire Department. I call the attention of the Chair to the first law relative to the duties of the chiefs of Departments, which was passed July 27, 1789, being Revised Statutes, 161, reading as follows:

SEC. 161. The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

That is the only law upon the statute books of this country relative to the management of any of the great Departments by their heads, except such as is found in the statutes relative to the duties of the various Cabinet officers.

Mr. BUTLER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. OVERSTREET. I yield for a question.

Mr. BUTLER of Pennsylvania. I understand there is a point of order pending, and I would like to ask the gentleman whether he is speaking to the point of order?

Mr. OVERSTREET. Certainly, I am speaking to the point of order. The point of order is that this amendment is contrary to existing law, and I am reading existing law. On May 8, 1794, five years later (Rev. Stat., 388), an article was passed which reads as follows:

SEC. 388. There shall be at the seat of government an Executive Department to be known as the Post-Office Department, and a Postmaster-General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster-General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed.

The first statute relative to the appointment of any assistant to the Postmaster-General was in 1789, when the Postmaster-General himself was authorized by law to appoint a First Assistant Postmaster-General at a salary of $1,000. There were no duties of the assistant then prescribed in that statute. Later statutes increased the salary, but did not incorporate into law any instructions as to the duties of that assistant.

No statute or appropriation bill which through the years has carried authorizations for the Second, Third, and Fourth Assistant Postmasters-General has contained any provisions of law giving instructions as to their duties or taking away from the Postmaster-General the authority contained in the Revised Statutes, 161, passed July 27, 1789. Now, this amendment is out of order because it is absolutely futile. It accomplishes nothing. I submit that any amendment which does not accomplish any purpose is not worthy of the time of the committee to consider it.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. MANN. May I ask the gentleman whether the law is the same now as it was a year ago, when the appropriation bill passed the House?

Mr. OVERSTREET. What law?

Mr. MANN. Existing law.

Mr. OVERSTREET. In reference to what I have just been speaking?

Mr. MANN. Yes; if it was in order a year ago to put this appropriation item under the First Assistant Postmaster-General, what change has there been in the law to now make it out of order? I ask merely for information.

Mr. OVERSTREET. In the first place, the bills have always been arranged in the order of the estimates which have come to the Congress.

Mr. MANN. The gentleman, of course, would not say that that was law at all?

Mr. OVERSTREET. Oh, no; not at all. There is no law upon which the arrangement of the bill is based.

Mr. MANN. Then is it not in order for the House or the committee, if it can make an appropriation at all, to put it in at any place it pleases?

Mr. OVERSTREET. I say that, under the general authority of a Committee of the Whole to arrange or rearrange its bill in any form it pleases, it probably could do it. I stated a while ago, if the gentleman will recall, that under that authority in all probability the committee could rearrange all of the sections alternately and still it would not make any difference in the expenditure.

Mr. MANN. If this item should be inserted in the bill under the head of the First Assistant Postmaster-General instead of the Fourth Assistant Postmaster-General, would the Postmaster-General himself have authority under the existing law to make an order on the 1st day of July transferring this service over to the First Assistant?

Mr. OVERSTREET. Absolutely, and there would be no law which would be violated by him if he paid no attention to it.

Mr. MANN. He would have the same authority this year as he had last year.

Mr. OVERSTREET. Certainly; he could transfer it just as he chose. The transfer in an appropriation bill from one page to another of an item simply by the transfer carries with it no additional duties to the Postmaster-General with reference to the methods of the expenditure of that item.

Mr. MANN. Last year we made an appropriation for rural free delivery under the head of "The First Assistant Postmaster-General." I suppose by authority of law, or at least by authority of something, that service was transferred about the time the appropriation law went into effect, at the beginning of the fiscal year, from the First Assistant to the Fourth Assistant Postmaster-General.

Mr. LIVINGSTON. And the transfer will be made temporarily.

Mr. MANN. I do not know anything about the appointment being temporary, but some authority——

Mr. OVERSTREET. Unquestionably, so far as the law is concerned, the gentleman is quite right; it is the same to-day that it was a year ago.

Mr. MANN. But has not the House the same authority that it had a year ago?

Mr. OVERSTREET. What I stated was that the mere transfer of this particular language from page 26 or 27 to page 12, 13, or 14 does not affect the method of the expenditure of the appropriation. The appropriation will be expended in the same way under existing law.

Mr. CRUMPACKER. Would the transposition of the language abrogate or in any respect affect the existing order of the Postmaster-General transferring this business to the Fourth Assistant Postmaster-General?

Mr. OVERSTREET. Absolutely not, in my judgment. Last year the item of appropriation for free delivery and for rural delivery came as a part of the bill known as that part relating to the First Assistant Postmaster-General. Since that date, under the authority of law, the Postmaster-General by an official order has transferred those two particular branches of the service to another department under the Fourth Assistant Postmaster-General. He clearly had that authority of law, and he has now the authority of law to transfer those same divisions back where they were a year ago, or he can give them still another position in the Department. That authority is under the law that I have read, which gives him clearly the authority to manage that Department in an administrative way according to the law of 1789, which has neither been repealed nor modified.

If, therefore, Mr. Chairman, there had been no further shifting of these two positions to another Assistant Postmaster-General, the estimates sent to the House through the Secretary of the Treasury would have been in the same order that they were a year ago, and in all probability, I presume, as a matter of fact they would have appeared in the appropriation bill in the same systematic arrangement.

Now, Mr. Chairman, the headings in the appropriation bill, fixing the relative divisions of the Department—First Assistant, Second Assistant, etc.—are merely for the purpose of convenience, like the headings of chapters. They are not legislation, they are purely in the nature of a systematic and orderly method of calling to the attention of the committee the arrangement of the appropriations which are to be expended for the administration of the service, the arrangemant obtaining in the Department at the time the bill was under consideration.

Therefore I stated that it would be futile to make the change, because, I take it, the gentleman from Pennsylvania and those who may favor his amendment have no thought of merely confusing the bill. They have no disposition to mix up or confuse the bill simply for that purpose. Their purpose evidently is to transfer to the First Assistant Postmaster-General certain divisions of the Department not now under his specific control.

Mr. BUTLER of Pennsylvania. That is the object.

Mr. OVERSTREET. Mr. Chairman, just one more point and I shall conclude. This amendment, in my judgment, is subject to a point of order because it interferes with the proper consideration of the bill itself.

This is an amendment seeking to transpose certain matter from one section of the bill to another, and if carried it would clearly interfere with the offering of other amendments to those parts of the bill which have been transferred. It would take away from the committee the opportunity to consider the bill in that orderly way which would obtain under the arrangement which has come to the House from the Secretary of the Treasury in his estimates. Suppose this amendment should prevail. We would thereby cut off all but one other amendment of the pages sought to be transferred.

Mr. LIVINGSTON. Did not the last appropriation bill carry this appropriation just where the amendment now proposes to place it?

Mr. OVERSTREET. I presume it did.

Mr. LIVINGSTON. Then how can it be against the law to do the same thing now? A part of the point of order, as I understood, is that this transposition is against the law.

Mr. OVERSTREET. Not at all.

Mr. LIVINGSTON. Then what other ground is there for the point of order? Has not the House the right to transpose these sections as they see fit?

Mr. OVERSTREET. Possibly; but I say that if in making this transposition the orderly proceeding upon the bill is interfered with and confusion introduced, then it would not be a proper method of procedure.

Mr. LIVINGSTON. One other question: Was not this transfer made by the Postmaster-General, and distinctly stated to be temporary?

Mr. OVERSTREET. I am not sure about that.

Mr. LIVINGSTON. I am.

Mr. OVERSTREET. He has, in my judgment, clear authority, whether he said this transfer should be temporary or not, to make the transfer every week in the year.

Mr. LIVINGSTON. Not if we put the matter by law under the First Assistant Postmaster-General.

Mr. SNOOK. I rise to a parliamentary inquiry.

Mr. MANN. I desire to make a further point of order, one which possibly may not have been covered by the gentleman from Indiana.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] will suspend until the Chair answers the parliamentary inquiry of the gentleman from Ohio [Mr. SNOOK].

Mr. SNOOK. If the Chair should hold that the point of order raised by the gentleman from Indiana was not well taken as against the amendment offered by the gentleman from Pennsylvania, would it then be in order to raise the point of order against any particular part of the amendment?

The CHAIRMAN. The Chair stated that the gentleman making the point of order should, according to the best usage, include all the reasons for making his point of order, but that other gentlemen could make other points of order if the Chair overruled the point first made.

Mr. SNOOK. Other gentlemen could make them.

Mr. MANN. Mr. Chairman, although the point of order raised by the gentleman from Indiana [Mr. OVERSTREET] has not yet been disposed of, I desire to make a point of order on a portion of the amendment which is printed in the original bill, on page 26, beginning in line 4 with the word "and." I make the point of order on that part of the amendment which reads:

And on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

I make the point that it is contrary to existing law and is new legislation.

Mr. OVERSTREET. Will the gentleman yield for a moment, to enable me to make another point of order?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. MANN. I have made my point of order, Mr. Chairman.

Mr. OVERSTREET. I wish to make an additional point of order, and I will not discuss it. I make the point of order against the part on page 25, line 25, beginning with the words "on and after July 1," down to the place where the gentleman from Illinois [Mr. MANN] makes his point of order. My point of order is against the words:

On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. BUTLER] desire to be heard on the point of order?

Mr. BUTLER of Pennsylvania. I do not, provided the Chair is with me. If not, I should like to have a chance to discuss the points of order as I understand them.

I am pleased with the "futility" part of the argument made by the gentleman from Indiana [Mr. OVERSTREET], that exhibited in his effort of twenty minutes to show the futility of the motion. I believe it to be the privilege of any Member, if he sees fit, to rise in his place and offer an amendment. Whether or not it is futile is a matter to be considered by the committee and not for the Chair to decide.

I do not know who transferred these two departments to the office of the Fourth Assistant Postmaster-General, and, furthermore, I do not care. I do know that heretofore they have been a part of this bill. I further know, and it does not require us to have minds as long as a railroad or as wide as a barn door to understand, that this has been for years a part of this appropriation bill and that there is some place in this bill where these two provisions belong.

If they do not belong here they belong somewhere, and it was for the purpose of finding that somewhere that I first made my inquiry of the Chair, and the Chair would not answer. It may be that they belong in the next section; but lest I might lose my place, as I have already said, I have offered them here.

They are germane, because they do pertain to the business of the Post-Office Department. They are germane, because they not only belong to the Post-Office Department, but they do provide in an orderly way for the transaction of the business of that Department. Furthermore, they belong properly to the office of the First Assistant Postmaster-General, which is now being considered.

Again, I may not have offered these two sections at the proper place, and the Chair may so decide, and to that I shall take no exception, because I warn the Chair that I will offer them again at the proper place, and shall continue to offer them until I find the particular hole in which I can put this peg.

Mr. Chairman, if there is anything well understood in this House it is this, that the Post-Office Department does not make law for the country, yet the chairman of this committee makes the startling proposition to us that the Post-Office Department can make this bill or arrange it as it pleases, and furthermore that the committee can not make it or arrange it as it pleases. The situation has gone as far as it dare go in this country. This is not the business of the executive, but it is of the legislative branch of the Government. I submit that the arrangement of this bill belongs to this House. It may have been that the Postmaster-General saw fit, under the estimates of the Fourth Assistant Postmaster-General's office, to submit these two provisions for the place seen in the bill. Does the gentleman from Indiana, who argued this point of order, pretend for one minute that that commits this House upon the arrangement of this bill? Furthermore, does he pretend to say that because the Committee on the Post-Office and Post-Roads saw fit to adopt the recommendation of the Post-Office Department this amendment can not be made?

Mr. Chairman, if you have any doubt in your mind, let me say that in pursuance of a regulation made by the Postmaster-General, and for some purpose that is not here disclosed, we are asked, like vassals with chains around our necks, to submit to the present arrangement of the bill. I have done that for the last time. It has pleased somebody on some occasion to make provision in these laws of the Post-Office Department distinctly placing this in the service under the First Assistant Postmaster-General. That action is to be found in what is known as the "Postal Laws and Regulations," on page 22, section 17.

Mr. Chairman, conceding that it belongs to the Postmaster-General to assign the business of his Department to suit himself; conceding that the act of Congress to which the gentleman has referred authorizes him to make that assignment, this House has, from time to time, provided for such assignment, which has passed into a regulation. I do not concede, but I do not propose to argue it to you, and I desire the gentleman from Indiana shall understand, that the Postmaster-General has any authority to make this transfer under the law. His authority has not been shown. Its purpose is not manifest here, and I submit to the Chair it should be known. I asked for the hearing, and it was said that none were printed. All we know is that last year in this particular place we appropriated for these two departments under one bureau, and now they are transferred to another bureau.

Mr. THAYER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Massachusetts?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. THAYER. I do not know but what I am in favor of the gentleman's motion; but I want to ask this: What advantage is it going to be to put this under the First rather than under the Fourth Assistant Postmaster-General?

Mr. BUTLER of Pennsylvania. I would like to be as respectful to the gentleman from Massachusetts as possible, but I am, in the best way I am able, giving my reasons for my judgment.

Mr. THAYER. Why not now?

Mr. BUTLER of Pennsylvania. I am attempting to confine my remarks to the point of order. Mr. Chairman, do you for one moment think this changes existing law? Because if it does, I give the gentleman warning, when we reach these two paragraphs elsewhere, that they will go out of the bill if I am able to get on my feet and make the point of order.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit a word on the point of order. I have little doubt that there are certain paragraphs and provisos in the amendment that are new

legislation. Now, I understand that if an amendment is offered containing provisions which are obnoxious to the rules of the House a point of order will be sustained against the entire amendment. So it seems to me that this amendment will have to go out on the point of order upon that principle. But in relation to the question of the rearrangement of the paragraphs I want to submit this thought: There is no doubt that the Committee of the Whole House has power to rearrange the paragraphs and sections of a bill upon a proper motion.

But this is not a motion to rearrange the paragraphs and sections of the bill. This proposition comes in the way of an amendment. The gentleman from Pennsylvania offers the matter read as an amendment to the bill at this particular point, and if it shall be adopted the bill will still contain the identical matter at another place. So, if the Chair pleases, this is not a proper motion to rearrange the paragraphs of the bill. But since the gentleman has offered matter that is regularly in the bill and part of its text it is a meaningless amendment, void because it accomplishes no purpose, and is therefore open to the point of order.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Pennsylvania offers an amendment which has been reported by the Clerk, following line 16, page 12, of the bill. The gentleman from Pennsylvania moves to amend by adding what is conceded is the language now in the draft of the bill before the House contained on page 23, from line 5 down to and including line 16 on page 26 of the bill. To this amendment the gentleman from Indiana [Mr. OVERSTREET] makes the point of order, first, that the amendment is not germane; second, that it contains new legislation, and, third, that in parts it is contrary to existing law. The gentleman from Illinois [Mr. MANN] has also made the point of order against a certain paragraph in the amendment.

Now, the Chair wishes to have it clearly understood in the first place that this amendment, left as it is before the committee, is an entirety, and any point of order sustained against any part of the amendment would of course throw out the entire amendment.

First, as to the question as to its being germane. The Chair understands that it is in the power of the House to make the artificial arrangement of a bill, and the Chair does not think that the transfer of what happens to be in a part of the bill which has not been yet read to a part of the bill which is now under consideration necessarily raises the question of its germaneness. The question of the amendment being germane is raised as a new and independent question when the amendment is offered. Now, as to this amendment being germane at this time, the Chair would be constrained to hold that it is germane to this part of the bill, unless it can be conclusively shown to the Chair that there is some other part of the bill to which the amendment preeminently belongs.

Now, the Chair is not convinced that there is any other part of the bill to which this amendment applies in preference to this part of the bill. The Chair therefore holds that the amendment at this point is germane. In making this ruling, however, the Chair wishes to be distinctly understood as not considering that this amendment changes the discretion in any way of the Postmaster-General in reference to the expenditure of funds appropriated for his Department. The law prescribes that the funds appropriated for the Post-Office Department shall be expended and accounted for by the Postmaster-General, and the Chair is of opinion that it is a matter of indifference in what part of this appropriation bill an item of appropriation occurs so far as the discretion rested in the Postmaster-General is concerned. It is very clear from the points of order raised by the gentleman from Indiana and the gentleman from Illinois that this amendment, regarded as an entirety, changes the existing law and contains new legislation.

The Chair has looked through the amendment hurriedly, but in line 22, on page 23 of the bill, the words "five years" seems to be changed from "ten years." The first two words in line 1 of page 25, together with the last words of page 24, reading "in the field" seem by reference to the present law to be new legislation, and the parts of the amendment referred to by the gentleman from Indiana, beginning at the bottom of page 25, and the parts referred to by the gentleman from Illinois, at the top of page 26, are new legislation or change of existing law, and without going into any further detail as to the number of instances in which the pending amendment changes existing law, it is very clear to the Chair that the amendment does contain new legislation, does change existing law, and the Chair, therefore, sustains the point of order.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I move to amend this bill by adding at the point to which the bill has now been read, at the end of line 16, on page 12, the following paragraph.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 16, page 12, insert the following:

"Free-delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, $20,250,000."

Mr. OVERSTREET. Mr. Chairman, I appreciate under the ruling of the Chair that——

Mr. STAFFORD. Mr. Chairman, I wish to reserve the point of order.

Mr. BUTLER of Pennsylvania. He has just stated it was germane.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin that debate had begun on the amendment, and the point comes a little late.

Mr. STAFFORD. Mr. Chairman, I thought the gentleman from Indiana rose to make the point of order.

The CHAIRMAN. Under those circumstances, the Chair will understand the point of order has been reserved.

Mr. OVERSTREET. The gentleman reserves the point of order?

Mr. STAFFORD. Yes, sir.

Mr. OVERSTREET. I would rather the point of order be first disposed of.

The CHAIRMAN. What is the point of order made by the gentleman from Wisconsin?

Mr. STAFFORD. That it is not germane, as the carrier force provided for by the amendment is at present under the direction of the Fourth Assistant Postmaster-General, of which fact the Chair will take cognizance.

The CHAIRMAN. In answer to that the Chair will state in accordance with the law as read by the gentleman from Indiana the Postmaster-General, even while we are discussing this paragraph, might by departmental order make the change. The Chair therefore overrules the point of order.

Mr. LIVERNASH. Mr. Chairman, I wish to offer an amendment to the amendment.

Mr. OVERSTREET. Mr. Chairman, I thought I had the floor pending the decision of the point of order.

The CHAIRMAN. The gentleman from Indiana was recognized prior to the gentleman from California, who will be recognized later when the gentleman from Indiana has completed his statement.

Mr. OVERSTREET. Mr. Chairman, now let us get the concrete facts that are before us. We are endeavoring to provide in an appropriation bill for the administration of the Post-Office Department. It embodies a great many different and varied items.

The Department itself, being one of the great divisions of the Government service, must necessarily systematize its own work. Under authority of law the Postmaster-General arranges that system under which he can make a proper administration of the service. If you should transfer this particular item or any other item from one portion of the bill now under consideration to another portion of the bill, it would not interfere with nor take away from the Postmaster-General any authority of law which he now enjoys in the administration of that service. The mere fact that in the arrangement of this bill it is begun with the heading "Office of First Assistant Postmaster-General," and there follow those divisions of the service which are now under that Assistant, would not interfere with the Postmaster-General continuing the administration of that service by limiting the expenditure of the money for the items in the bill following the title of First Assistant through any other Assistant's office.

Now, what has it accomplished when it has done that? You are starting in here, gentlemen, and in a manner transferring a number of items covering several pages—from page 23 and following over to page 12 and following—and what good does it do, gentlemen? I think I have the right to assume that gentlemen on this floor are swayed by motives of business in following legislation in an orderly way. It may be possible that some have antagonisms toward one or another of these officials in the Department; it may be that disappointments have interfered with the interchange of friendly feeling; but when you come to legislating here, are you to be controlled and swayed by those conditions?

Suppose we assume that the Postmaster-General to-day is authorized to transfer any part of his service to another branch or division of his Department, and expend the money appropriated by Congress under these divisions as you think may be arranged under his Office, what good will it do, gentlemen, to seek to show temper or choler or spite work, if you please, by such a change in arrangement in the appropriation bill, which would be nothing more nor less than the mere change of language from one page to another, without in any way, manner, or form interfering with the change of administration of that service?

Mr. COOPER of Wisconsin. May I just make a suggestion to the gentleman?

Mr. OVERSTREET. Certainly.

Mr. COOPER of Wisconsin. I am in sympathy with the gentleman from Indiana and with his suggestion. We are now, as I understand it, under the rule in the five-minute debate for the purpose of amendment. Now, then, an amendment is something which either adds to a bill or takes something from it. This proposition of the gentleman from Pennsylvania is not in any proper sense of the word an amendment to the bill. Therefore it is not in order under the rule by which the gentleman from Pennsylvania asked for five minutes on an amendment.

Mr. THAYER. Is not a change in the arrangement of the bill as much an amendment as anything?

Mr. COOPER of Wisconsin. Not at all. The language of the proposed amendment is already in the bill, and it does not amend the bill in any particular. It does not change the substance, it does not change the purport, it does not change its phraseology, and it does not change its effect.

Mr. THAYER. I would like to ask the gentleman from Indiana a question.

Mr. OVERSTREET. I agree with the gentleman from Wisconsin, but I felt that the Chair did not agree with me.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. OVERSTREET. I ask, Mr. Chairman, for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks that his time may be extended five minutes. Is there objection?

Mr. BAKER. I object.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the last word. Suppose that instead of a motion to transfer a paragraph the gentleman had made a motion to change the paging, and instead of numbering the pages from 1 to 28 he had numbered them 1, 3, 5, 7, and used only the odd numbers. That would not have interferred with the administration of the service, nor would it have changed in any particular the purpose of the House in making its several appropriations. I think gentlemen are going to decide this on its merits, and I want to call attention to the fact that if this motion is carried then, I assume, that the gentleman from Pennsylvania will move to transpose the next item.

Mr. BUTLER of Pennsylvania. I certainly will.

Mr. OVERSTREET. There are twenty or more paragraphs incorporated in the amendment which the gentleman had read at the Clerk's desk. Is that the way gentlemen of this House seek to legislate? Is that such an orderly method of procedure as they believe to be proper, to make a motion to transfer from page 23 over to another page one item, and then debate that and then follow it with nineteen other motions, when you have not changed a syllable of the language or put a limitation on appropriation or reduced a single item?

Now, Mr. Chairman, I have such confidence in the committee failing to approve this amendment that I shall not intrench upon the patience of the House with an extended discussion. I want to say, however, that with these two divisions, free delivery and rural delivery, taken from the First Assistant and given to the Fourth Assistant, it still leaves the department of the First Assistant Postmaster-General, the greatest department in the service in point of authority and importance, in the control of expenditures of appropriations.

There may be criticism of one department or division as against another, but when you come to analyze the several four divisions into which the Post-Office Department is now divided under the present arrangement of that service the First Assistant Postmaster-General controls absolutely all of the postmasters of the country. The Fourth Assistant's office is purely and simply a bookkeeping office, so far as it has to do with postmasters. The expenditures for salaries for clerks, for furniture, for rent of all of the post-offices, of whatever grade, are still under the First Assistant's office, notwithstanding this transfer.

Mr. THAYER. I would like to ask the gentleman if he thinks there is any question, if this amendment should prevail, that the Postmaster-General, having heard this discussion, would put the rural delivery under the First Assistant rather than under the Fourth? The gentleman said it was futile to enact this legislation. Does the gentleman not believe that if this amendment prevails that the department will come under the First Assistant as much as if it was written in it?

Mr. OVERSTREET. I do not know. I assume and believe that any Postmaster-General would undertake to administer the Department for the best interests of the service, and whatever the arrangement would be as to that he would endeavor to follow.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. LIVERNASH. Mr. Chairman, I ask that my amendment be reported. I was promised recognition.

The CHAIRMAN. The gentleman from California offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out of lines 8 and 9, page 23, the words "twenty million two hundred and fifty thousand dollars" and substitute the following:

"Twenty-three million two hundred and fifty thousand dollars: *Provided*, That no part of this appropriation shall be used for said purpose unless in the use thereof the carriers hereinafter mentioned shall be paid salaries as follows during the year beginning July 1, 1904, viz: In all cities which contain a population of 75,000 or more, carriers who have served more than three years, $1,200 per annum; in all cities containing a population of less than 75,000, carriers who have served more than two years, $1,000 per annum."

Mr. OVERSTREET and Mr. COWHERD rose.

Mr. COWHERD. Do I understand the gentleman from Indiana is going to make the point of order?

Mr. OVERSTREET. I was about to make the point of order. Mr. Chairman, I make the point of order as to that amendment.

Mr. LIVERNASH. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The gentleman from California will proceed.

Mr. LIVERNASH. Mr. Chairman, I submit that the amendment I have offered is not subject to a point of order. It has been so carefully framed as to bring it easily within the ruling made by the Chairman of this commitee concerning the New York postal-station matter.

The amendment does not alter existing law, since it is purely a direction as to what shall be done with an appropriation no existing law obliges the Congress to make, an appropriation the Congress can make or can decline to make, and which it can make unconditionally or bound by any condition within its will to impose.

The amendment comes as an example of the familiar practice of placing a limitation on an appropriation, and the precedents supporting it are so numerous and well settled as to make extended argument needless. I content myself with citing the latest ruling, the one just mentioned, and the clear-cut declarations made in support of that ruling, to the effect that the practice of the House of Representatives as to proposals like the one now under consideration is so well established as to be beyond the domain of discussion.

I hope, however, that the gentleman from Indiana [Mr. OVERSTREET] will not insist on the point of order. I say to him that the amendment embodies a reasonable request from the letter carriers of the cities affected by the appropriation—a request for a moderate increase of their compensation—and I should be glad to feel that he had refrained from opposing the granting of their proper proposal for an increase of salary.

Mr. OVERSTREET. Mr. Chairman, I merely call the attention of the Chair to this difference between the ruling to which the gentleman from California has referred and the amendment offered by him. In the case of the amendment offered by me relative to the rental of certain property in New York for post-office purposes there was no law limiting the question of the method of such appropriation excepting what is known as "appropriation-bill law." There is a statute to-day fixing the salaries of letter carriers and this cleary changes that law. Therefore, it is contrary to existing law.

Mr. COWHERD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COWHERD. Mr. Chairman, if the amendment of the gentleman from California [Mr. LIVERNASH] should be in order and should prevail, I would like to ask the Chair if it would not result in this being the condition: That the Postmaster-General could not pay any salary to a letter carrier unless he violated the law.

The CHAIRMAN. That is the opinion of the Chair.

Mr. MANN. Mr. Chairman, just for the purpose of finding out the parliamentary status, I would like to direct the attention of the gentleman from Indiana to his own amendment on the post-office appropriation, which itself provided that no portion of the rent money should be expended unless the Postmaster-General should do an illegal act, because under the law as it now stands, if this appropriation becomes a law, the Postmaster-General can not rent a building for fifty years absolutely without authority, and yet that item in the bill is made dependent upon his doing that illegal act.

Now, the gentleman from California [Mr. LIVERNASH] proposes to make this appropriation dependent on the Postmaster-General doing an illegal act. I think myself it is time for the Chair to call a halt upon limitations which provide that appropriations which are made shall not be expended unless the officer to expend them violates the existing law.

Mr. FITZGERALD. Mr. Chairman, I would like to say a few words on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. It is true that the salaries of letter carriers are fixed by existing statute, but there is no requirement that Congress shall appropriate salaries for letter carriers. Under

the well-established practice of this House it has frequently been held that in making appropriations for any purpose the House has the right to fix the conditions upon which the money shall be expended, and if those conditions are not complied with the money shall not be expended.

As the gentleman from Illinois [Mr. MANN] has well pointed out, in the amendment authorizing a lease in the city of New York for postal facilities at the New York Central terminal, it provided that the money should not be expended unless the lease were made for fifty years. The law now says that the Postmaster-General shall not make a lease for more than ten years, and the ruling in that instance was clearly within the decisions frequently made in the House; and this amendment in the form it now is appropriated the money, but provides that it shall not be expended unless the conditions mentioned shall be complied with. It is true that indirectly it accomplishes perhaps a repeal of the existing statutes, but that, under the rules of the House, is perfectly proper.

The CHAIRMAN (Mr. CRUMPACKER). The amendment offered by the gentleman from California is to strike out the phrase "twenty-two million two hundred and fifty thousand dollars," contained in the amendment offered by the gentleman from Pennsylvania, and substitute therefor the words "$23,250,000: *Provided*, That no part of the appropriation shall be used for said purpose unless in the use thereof the carriers hereinafter mentioned shall be paid salaries as follows, during the year beginning July 1, 1904, viz: In all cities which contain a population of 75,000 or more, carriers who have served more than three years, $1,200 per annum," etc.

The Chair reads only enough of the amendment to illustrate its character. The business of the House is conducted under rules adopted by the House; and it is within the power of the House to withhold an appropriation altogether or to make it and connect with it limitations even to the extent of rendering the appropriation absolutely nugatory. The House has that power and the Chair has no right to say the House can not exercise it. If the proposed amendment shall prevail, it will render the appropriation nugatory; the Postmaster-General will not be able to expend a dollar of it.

The amendment is a limitation upon the disbursement of the appropriation, and it can not operate to increase the salaries of letter carriers. If it had that effect it would be a change of existing law, and therefore subject to a point of order on that ground. It prevents the expenditure of the appropriation unless the salaries of letter carriers shall be raised. The Postmaster-General has no power to increase the salaries, and he can not disburse the appropriation unless that be done. Therefore, in the absence of further action by Congress along that line, under the proposed amendment the appropriation could not be expended at all.

The House has the undoubted right to impose limitations upon appropriations, and impose conditions by way of limitation that are impossible of performance and defeat the appropriation itself. The power to withhold appropriations altogether carries with it the power to make appropriations with all kinds of limitations. It is not for the Chair to criticise the action of the House, but simply to decide whether, under the rules, it has the right to adopt the proposed amendment. The Chair is of the opinion it has that right, and therefore overrules the point of order.

Mr. LIVERNASH. Mr. Chairman——

Mr. HEMENWAY. I should like to ask the gentleman from California [Mr. LIVERNASH] whether he desires to leave this appropriation in such a condition that the mail carriers can not get their pay next year?

Mr. LIVERNASH. I should be glad to be able to feel that the gentleman from Indiana [Mr. HEMENWAY] had asked that question in good faith.

Mr. HEMENWAY. I do ask it in good faith, because the Chair has just ruled that that would be the effect of the amendment. No man carrying the mails can receive one dollar of pay during the next fiscal year if this amendment should prevail.

Mr. LIVERNASH. It may be my misfortune, but I am unable to accept the opinion of the Chairman of this committee or the opinion of the gentleman from Indiana [Mr. HEMENWAY] as conclusive in this regard. Were they the judicial arm of this country their announcements might oblige me to an acceptance of their views; but after all the Chairman of the committee is without authority to bind by his announcement, and as against the announcement of the gentleman from Indiana I have a strong conviction, the outcome of study, that he is in error. Under my amendment the appropriation would be available for all carriers of the classes affected by it; but in using it the post-office authorities would have to see that the increases of salaries provided for were given effect. There is no danger that any interruption of salary payments would occur if the amendment were law; and I think that no Member of this body for a moment fancies that any interruption would occur.

Now, sir, in support of the amendment I wish to say——

A MEMBER on the Republican side. Regular order!

Mr. LIVERNASH. Mr. Chairman, I have been recognized, I believe, for the purpose of——

The CHAIRMAN. The gentleman from California has been recognized to speak to his amendment for five minutes.

Mr. LIVERNASH. It is not surprising, though certainly regrettable, that discussion of the just proposals of the letter carriers of the cities of America is so unwelcome to some of the Members of this assembly as that a voice should be raised here to prevent such discussion. I am glad that the protesting voice was not raised on this side of the Chamber; but it is not creditable to the committee that it has been raised at all.

Mr. Chairman, I was about to say, when interrupted, that my amendment is based on the thought that the American Government should be an ideal employer, setting an example of generosity and kindliness and enlightenment worthy to be followed in private life and tending to enforce itself on private employers. Thoughtful men must lament every condition making or tending to make the Federal Government appear to be disposed to grind the poor and to drive hard bargains with the needy.

The letter carriers of the cities of this country are a body of faithful public servants deserving of liberal treatment and benevolent consideration. They are not so well paid for their services as they ought to be—neither those who are at the bottom nor those who have been long in the employ of the State. They have for years been seeking to have their condition bettered, and in this they have been strictly right. Their proposals have at all times been conservative. There has never been a sound reason for denying the relief they have sought.

The pending amendment proposes to do for the free-delivery city carriers for the coming year what should be done for them every year—give the graduate carriers an annual income in some measure commensurate with the duties and importance of their station. It is as to one year what the carriers have been asking the Congress to do for them in permanency. The amendment is restricted to one year because of the rules of the House. If made to cover all the future it would be subject to a point of order and could not be brought to a vote in the present temper of this assembly. But provisions similar to those of the amendment should be made statutory in permanent form, and corresponding increase of pay should be given all carriers in the public service. The United States should not be a niggard in its treatment of its postal force. It should be reasonably liberal to all persons who serve it.

The carriers have been mercilessly and unlawfully embarrassed in presenting to the House of Representatives their dissatisfaction with present salaries and their wishes as to alteration of existing law. They have been, by an Executive order, obliged under penalty of dismissal to refrain from exercising their constitutional right to petition the Congress for the redress of grievances, and to refrain from exercising their constitutional right to freedom of speech. Nay, more. When they have found a Member of this House willing to arise in his place and plead their cause, there has not been wanting a sympathizer with Administration methods to raise his voice in an attempt to gag their champion. So far have we drifted from the right practices that such things as these have no longer the quality of inflaming public opinion; for such things as these, unhappily, have come to be common.

The Executive order just mentioned was issued by President Roosevelt on the 31st of January, 1902, and runs as follows:

> All officers and employees of the United States, of every description, serving in or under any of the Executive Departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the Departments in or under which they serve, on penalty of dismissal from the Government service.

This order, as Members of this body well understand, was especially aimed at the letter carriers individually and in their national association. It has been given such severe enforcement as should arouse deep indignation, and as would arouse such indignation were all the facts given publicity, as some day they will be if I can bring the House of Representatives to perform its full duty in the matter. And it has been given enforcement though a plain violation of the Constitution of the United States, which lays down, in its first amendment, this great rule:

> Congress shall make no law * * * abridging the freedom of speech * * * or the right of the people * * * to petition the Government for a redress of grievances.

It is not within the constitutional power of the Congress, and certainly not within the constitutional power of the President—indeed, it is not within the constitutional power of all branches of the Republic acting together—to abridge in any degree whatever the freedom of speech or the right of petition on the part of any American citizen, whether in the employ of the State or not in the employ of the State. The Executive order of January 31,

1902, was and is a clear usurpation of authority outside the Constitution and in plain violation of the oath of office taken by the President.

But though beyond the lawful scope of Executive authority, that order has been used to drive the letter carriers into silence as to their needs, except within the narrow means provided them in the matter of petition to the head of the Post-Office Department. And their use of even that poor and inadequate means has been made as ineffective as politicians dare make it, for while the carriers have petitioned the Postmaster-General for aid in gaining an increase of salary, their petition has been all but suppressed. I take pleasure in embracing this opportunity to give it such publicity as the CONGRESSIONAL RECORD affords. The text of the petition is as follows:

MEMORIAL TO THE POST-OFFICE DEPARTMENT.

To the Hon. Henry C. Payne, Postmaster-General of the United States:

With a firm belief in the reason and justice of the Post-Office Department and its desire to place the moral, mental, and physical personnel of that branch of its service, which is so important a factor in our present advanced state of commercial and political activity—the letter carriers—on the highest possible plane of efficiency; believing that it is your desire to assist us in every possible way to meet the demands that are made upon us in the pursuance of our duties, thereby reflecting credit upon our superiors, the service, and ourselves, and, above all, meeting in the fullest possible manner the requirements of our advanced civilization, we beg to call to your honorable attention the following resolution, adopted at the annual convention of the National Association of Letter Carriers, held in Chattanooga in 1901, and also unanimously adopted at our recent convention held in Denver in September of last year:

Resolved, That the National Association of Letter Carriers, in convention assembled, hereby approve and indorse the bill to increase the pay of letter carriers, now pending in Congress, known as H. R. 6279, which reads as follows:

"That after June 30, 1902, the pay of letter carriers in cities of more than 75,000 population, for the first year of service, shall be $600; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200. And after June 30, 1902, the pay of letter carriers in cities of a population of under 75,000 for the first year of service shall be $600; for the second year of service, $800; for the third year of service and thereafter, $1,000."

We, the executive committee of the National Association of Letter Carriers, in pursuance of the above, and believing the same will meet with your honorable and just consideration when properly set forth, do hereby submit a statement of our case.

In submitting our argument showing cause why the letter carriers' petition for an increase is based upon sound and sufficient reasons, we will substantiate our case by attempting to prove the following points:

1. That the position of letter carrier requires an employee possessed of a high standard of physical and mental ability.
2. That the letter carrier must be a man of good moral character.
3. That the letter carrier's employment is arduous, laborious, and exacting.
4. That the wages paid an employee in civil life in which similar qualifications are necessary are greater than that which the letter carrier receives.
5. That for the past sixteen years the wages and hours of labor of the letter carrier have remained unchanged, and only his duties have become complex and responsible, while in the same period of time the conditions that govern employment in civil life have immeasurably improved and there has been a phenomenal advance in the average rate of wages.
6. That all conditions point to a continuation of this upward trend of wages, the decrease in the hours of toil, and a generally improved condition of labor.
7. That the cost of living has greatly increased in the past five years, virtually having the same effect as a reduction in the letter carriers' wages.
8. That general conditions not previously specified having a bearing on his case should operate in the letter carrier's favor.

To be eligible for a position as letter carrier the Civil Service Commission demands that the applicant shall be possessed of the following requisites: He must not be afflicted with any physical or mental infirmity. He shall be between the ages of 18 and 45, weigh at least 125 pounds, and be free from any vicious or immoral habits. In connection with this he must undergo a rigid examination to determine his fitness for the position to which he aspires. The educational test is considered one of the least difficult of the various examinations in the classified service, but, notwithstanding this imputed simplicity, reference to the most recent report of the Civil Service Commission disclosed the following figures:

Table showing the number of persons examined, the number that passed and that failed, the per cent that passed, and the number appointed in the classified service during the year ending June 30, 1903.

Kind of examination.	Examined.	Passed.	Failed.	Per cent passed.	Appointed.
Departmental service	21,601	16,110	5,491	75	5,212
Government printing service	1,709	1,554	155	91	172
Custom-house service	3,433	2,856	577	83	527
Internal-revenue service	449	252	197	56	87
Post-office service	20,901	12,749	8,152	61	4,293
Clerks	9,605	6,679	2,926	70	2,166
Carriers	11,207	6,017	5,190	54	2,113

A review of the above table will show that in the examinations incident to entrance into the different Departments the per cent that failed to pass the letter-carrier's examination is greater than the totals for any other Department. This fact is at least proof that aside from the original requisite, physical qualifications, the letter carrier must possess a degree of mentality not common among men. The statistics relative to the post-office clerk's examination is given separately in this table for the reason that the post-office clerk's and the letter-carrier's examinations are identical. It will be observed that the per cent of applicants who pass the clerk's examination is considerably greater than that of the carriers. Explanation of this difference is found in the laborious and exposed character of the carrier's occupation. Unless the applicant has had previous experience in manual labor he is deterred from taking the carrier's examination owing to the well-known hardships he must encounter in that position, and if he has had this experience it operates against his ability to attain a passing grade.

By again referring to the foregoing statistics we note that of the 11,207 applicants who originally stood the carrier's examination, only 19 per cent received appointments. Remembering that appointments naturally go to the applicant who has demonstrated his superior fitness for the desired position, these figures are an unfailing index of the high standard of ability possessed by the appointee. Nor is this all. The educational test and the implied physical test a carrier undergoes is such that he would appear to be fitted for any ordinary trade or vocation. This is not entirely true of other examinations. Employees might fill with credit other positions in the classified service who would be physically unable to perform the laborious duties assigned to the carrier. Evidence of this is found in the fact that women make acceptable employees in the clerical departments.

The rate of wages to be paid an employee is largely determined by the dependence that must be placed in his honesty and trustworthiness. A momentary review of such employment in civil life will confirm this statement. This feature of employment is a natural part of the letter carrier's duties. Daily matter of the highest value is placed in his charge. How well this trust is guarded is best testified to by the general superintendent of the free-delivery system in his recent annual report, in which he says: "It will be observed that there were 21 less removals from the service during the year ending June 30, 1901, although there was an increase of about 1,400 in the total number of carriers. The fact that less than nine-tenths of 1 per cent were removed from the service speaks well for the personnel of the carrier force throughout the country."

In connection with these indispensable qualifications previously noted, the carrier is regularly assigned tasks that call for a large measure of endurance and fortitude. This is indicated by the following statistics, gathered by the Department recently in the cities of Chicago, Ill., and Chattanooga, Tenn:

Table showing average number of pieces delivered per carrier per day, the average weight of mail delivered, and the average length of routes.

CHICAGO POST-OFFICE.

Average number of pieces per carrier per day	1,125
Average number of pieces per carrier per trip	329
Average number of pounds per carrier per day	56
Average number of pounds per carrier per trip	16
Average number of miles per day per carrier	14.8

CHATTANOOGA POST-OFFICE.

Average number of pounds per carrier per day	71.04
Average number of miles per carrier per day	15.21

Owing to physical impossibilities of equalizing carriers' routes, instances are abundant where the weight of the mail in the early morning delivery has exceeded 100 pounds. Routes of over 20 miles in length are also numerous. The proper delivery of 1,125 pieces of mail per day, as noted in the above table, demands constant carefulness. The serious result that one misdelivery might entail amply justifies the strict departmental regulations concerning such error.

In selecting letter carriers from the list of eligibles the great majority of appointments are made to the substitute list. The period of time served as a substitute varies, but the average, as given by the Department's figures, is one year and seven months. Taking this estimate as a basis, he would then be three years and seven months in offices of first class and two years and seven months in offices of second class before the maximum salary was reached. This would make an apprenticeship period averaging considerably over three years.

In acquiring a trade in civil life an apprenticeship of from eighteen months to two years is considered sufficient, and rare indeed are the instances in which this period exceeds over three years. This fact alone should indicate the high standard of efficiency and ability set for the letter carrier by the Post-Office Department. Yet, in comparison with ordinary trades in civil life, in which the service is neither more arduous nor responsible or the period of apprenticeship as long, and where no educational test is required, the wages in many instances are higher, as the following table will indicate:

Average daily wages (gold) in cities of the United States, 1892 to 1896.

Year.	Blacksmiths.	Bricklayers.	Carpenters.	Compositors.	Painters (house).
1892	$2.59½	$4.23½	$2.65	$2.78	$2.68½
1893	2.59½	4.12½	2.67	2.77½	2.69
1894	2.49½	4.13½	2.62½	2.79½	2.67½
1895	2.47	4.02½	2.55½	2.81	2.60½
1896	2.44	3.82½	2.52	2.82½	2.58½

The above statistics are taken from Bulletin No. 38 of the Department of Labor, and are a part of the exhibit of that body at the Pan-American Exposition.

In the period quoted above wages reached a lower level than at any time in the past thirteen years.

In connection with the foregoing table, below is an additional one showing wages paid in some of the best-known trades in the State of Pennsylvania. This table is taken from fifteenth report of the Department of Labor, Wages in Commercial Countries.

Pennsylvania.	Number of employees.	Hours per week.			Rate per day.		
		Lowest.	Highest.	Average.	Lowest.	Highest.	Average.
1900.							
Carpenters	425	48	48	48	$2.80	$2.80	$2.80
Bricklayers	117	48	48	48	4.00	4.00	4.00
Hod carriers	130	48	48	48	2.40	2.50	2.42
Locomotive engineers	1,169	.....	.....	.....	2.47	5.50	3.29
Locomotive firemen	1,210	.....	.....	.....	1.40	3.15	2.07
Machinists	10	48	48	48	2.00	3.00	2.50
Stonecutters	160	50	50	50	3.50	3.50	3.50
Painters	48	48	48	48	2.80	2.80	2.80
Pressmen	9	60	60	60	3.00	3.42	3.16
Plumbers	8	54	54	54	3.00	3.50	3.31
1899.							
Puddlers	230	.....	.....	.....	2.75	6.00	3.56
Heaters	70	.....	.....	.....	3.50	8.57	6.25
Laborers	759	.....	.....	.....	1.10	3.42	1.52
Miners (coal)	90	.....	.....	.....	1.95	1.95	1.95
Molders (iron)	1	.....	.....	.....	1.95	1.95	1.95
Blacksmiths	21	.....	.....	.....	1.75	4.25	2.54

According to the late report of the superintendent of the free-delivery system there are 10,830 regular carriers in offices of the first class and 6,955 regular carriers in offices of the second class. For the first named the maximum wages per day is $2.72. For carriers in offices of second class the maximum is $2.36 per day. In both offices the minimum wages a carrier receives is $1.63 per day.

In the two tables previously submitted, showing wages paid in ordinary trades in civil life, it will be noted that in the majority of instances the wages per diem exceed that which the letter carriers receive. As the contrary has often been asserted, this is the most important fact.

The present law governing the salaries of letter carriers was enacted January 3, 1887. The following is an extract of this law:

"SEC. 2. That there may be in all cities which contain a population of 75,000 or more three classes of letter carriers, as follows: Carriers of the first class, whose salaries shall be $1,000 per annum; of the second class, whose salaries shall be $800 per annum, and of the third class, whose salaries shall be $600 per annum.

"SEC. 3. That in places containing a population of less than 75,000 there may be two classes of letter carriers, as follows: Carriers of the second class, whose salaries shall be $850 per annum, and of the third class, whose salaries shall be $600 per annum."

In establishing the salaries of letter carriers in 1887 it is natural to assume that Congress was guided by the nature and responsibility of the employment, coupled with conditions prevailing in civil field of activity at that time. It is also logical to assume that if there had been a marked increase in the average wage paid labor in the United States since that period it should be a potent argument favoring a readjustment of the present salaries of the carriers.

The following table, taken from Bulletin No. 38 of the Department of Labor, takes 1860 as a base at 100 and shows the trend of wages in gold for 21 industries from that time up to and including 1899:

Year.	Wages.	Year.	Wages.
1860	100.0	1880	141.5
1861	100.8	1881	147.5
1862	100.4	1882	149.9
1863	76.2	1883	152.7
1864	80.8	1884	152.7
1865	66.2	1885	150.7
1866	108.8	1886	150.9
1867	117.1	1887	153.7
1868	114.9	1888	155.4
1869	119.5	1889	156.7
1870	133.7	1890	158.9
1871	147.8	1891	160.7
1872	152.2	1892	161.2
1873	148.3	1893	159.6
1874	145.0	1894	157.6
1875	140.8	1895	157.3
1876	135.2	1896	157.4
1877	136.4	1897	159.0
1878	140.5	1898	158.8
1879	139.9	1899	163.2

It will be observed from the above table that since 1860 the trend of wages has been almost continually upward. It will also be noted that in twelve years following 1887 a gain of ten points is recorded. While no data is obtainable showing trend of wages since 1899, it is universally conceded that the past three years have witnessed an almost unparalleled advance. Evidence of this is found in the recent voluntary 10 per cent increase in salaries paid railroad employees. The extent of this increase is indicated by the following Associated Press dispatch of November 18, 1902:

"NEW YORK, *November 18.*

"Following the lead of the Pennsylvania and New York Central railroads, practically every big road in the country will raise the wages of its employees. In round figures, 650,000 men will get an annual increase aggregating $17,000,000.

"Nineteen railroads are included in those which will grant the increase. The movement for increased wages is the most stupendous in the history of the country. The total pay rolls of the railroads to-day is nearly $750,000,000.

"It is expected that the public will be forced to pay part of this increase through their freight rates.

"Among the railroads affected are the Pennsylvania; New York Central; West Shore; Missouri Pacific; Texas Pacific; Denver and Rio Grande; Rio Grande and Western; Lake Shore; Delaware, Lackawanna and Western; Nickel Plate; Wheeling and Lake Erie; Pittsburg and Lake Erie; Wabash; St. Louis and Southwestern; Erie; Philadelphia and Reading."

Next to the Government the railroads of the United States give employment to more men than any other industry, and their concerted action reveals the tendency of the times. But the railroads are not alone in this movement. Some time within the past three years a similar increase in wages has been made by almost every large corporation in the country. Nor is this all. Nothing can be more certain than that this upward trend of wages will continue. After all, wages in the country depend upon the average wealth-producing capacity of its citizens, and as long as we retain the American genius for organizing, systematizing, and inventing labor-saving machinery wages will continue to advance.

The President, in his recent message to Congress, says: "We still continue in a period of unbounded properity. * * * There undoubtedly will be periods of depression. The wave will recede, but the tide will advance."

Owing to the fixed and unchangeable rate of wages paid letter carriers, his employment is becoming rapidly less attractive, as the disposition to increase salaries in other industries becomes more manifest. Evidence of this condition is found in the rapidly growing number of resignations from the carrier service in the past four years, as shown by the following table:

1899	120	1901	175
1900	142	1902	231

While the past five years have witnessed a most gratifying increase in the general rate of wages, in keeping with this increase there has been a corresponding advance in the cost of living. From figures taken from the twenty-third annual report of the Massachusetts bureau of statistics of labor, this increase in the cost of living from 1897 up until 1902 is given at 15.37 per cent. It is quite certain that this ratio has been maintained throughout the United States.

Testimony was submitted before the Anthracite Commission on December 5, 1902, showing that the cost of meats alone had advanced 23 per cent in the previous year. The price of fuel is also much higher.

As further evidence showing the increased cost of living, the following tables are submitted:

Comparison of the retail cost of staple groceries on December 1 for the four years 1899, 1900, 1901, and 1902, showing the advancing prices.

Article.	1899.	1900.	1901.	1902.
English breakfast tea, pound	$1.00	$1.00	$1.00	$1.00
Mocha and Java coffee, do	.30	.30	.30	.30
Cream of tartar, do	.35	.35	.40	.37
Allspice, ground, do	.15	.15	.20	.20
Ginger, ground, do	.15	.15	.20	.20
Cloves, ground, do	.15	.15	.20	.20
Mustard, do	.17	.17	.22	.25
Black pepper, do	.17	.17	.20	.20
Canned corn beef, do	.12	.15	.15	.15
Canned tongue, do	.28	.28	.30	.30
Canned chicken soup, can	.29	.29	.30	.31
Sardines, half-pound can	.25	.....	.28	.28
Canned tomatoes, can	.12	.12	.12	.14
Canned corn, 2 pounds	.11	.11	.11	.14
Canned pease, can	.19	.19	.19	.21
Canned beets, 3 pounds	.....	.....	.10	.15
Cornstarch, pound	.07	.07	.08	.08
Farina, do	.05	.08	.08	.08
Hominy, 5 pounds	.16	.16	.16	.20
Cornmeal, do	.15	.15	.15	.18
Lima beans, pound	.07½	.08	.13	.10
Starch, 6-pound box	.38	.38	.38	.45
Candles, pound	.....	.....	.15	.18
Table salt, 10 pounds	.10	.10	.10	.12
California prunes, pound	.16	.16	.20	.20
Mixed nuts, do	.15	.15	.20	.20
Stuffed figs, box	.38	.38	.45	.45
Raisins, pound	.15	.15	.25	.20
Honey, 1-pint jar	.28	.35	.35	.35
Dried apples, pound	.12	.12	.12	.15
Dried apricots, do	.18	.18	.23	.20
Dried cherries, do	.16	.....	.25	.35
Rolled oats, 10 pounds	.33	.25	.35	.43

The following table shows how the cost of living has increased, even in the last two years. They are the wholesale prices of common articles of consumption, taken at random from New York City market quotations:

Articles.	Dec. 1, 1900.	Dec. 1, 1901.	June 1, 1902.	Dec. 1, 1902.
Wheat flour, barrel	$4.00	$3.85	$4.10	$4.10
Buckwheat	2.15	1.95	.....	2.50
Rye flour	3.00	3.15	3.15	3.05
Corn meal, 100 pounds	2.35	3.85	3.45	3.30
New Orleans molasses, gallon	.12	.17	.17	.17
Granulated sugar, pound	.056	.049	.0465	.0485
Rice, do	.04½	.05	.05	.05½
Pork, 100 pounds	15.50	16.50	19.00	19.00
Beef, do	10.50	11.00	16.00	15.50
Bacon, pound	.06¼	.07½	.09½	.08¾
Lard, do	.07	.063	.106	.11
Mutton, do	.05	.04½	.06	.05½
Kerosene, case	8.55	8.75	8.50	9.30
Beans, bushel	2.30	2.30	2.22	2.70
Pease, do	1.22	1.30	1.80	1.70
Butter:				
Creamery, pound	.25	.25½	.22½	.24½
State, do	.23	.23	.21½	.25
Cheese:				
Prime, do	.08½	.08½	.08½	.12½
Cream, do	.11	.10½	.10½	.13
Eggs:				
Best, dozen	.31	.30	.19	.30
Good, do	.25	.24	.17	.24
Evaporated apples, pound	.06	.09½	.11	.06½
Evaporated raspberries, do	.19	.23	.20	.21½
Evaporated cherries, do	.16	.15	.13	.20
Dried Huckleberries, do	.15	.17	.....	.17
Dried peaches, do	.....	.14	.14	.15
Live poultry:				
Chickens, do	.07	.07½	.03	.12
Fowls, do	.08	.09	.15	.12½
Turkeys, do	.09	.07	.10	.11½
Ducks, pair	.50	.50	.70	.75
Geese, do	1.00	1.00	1.00	1.37
Game:				
Quail, dozen	2.25	3.00	.....	2.50
Grouse, pair	1.05	1.75	.....	2.50
Woodcock, do	1.00	1.00	.....	1.00
Canvasback ducks, do	2.50	2.50	.....	2.00
Rabbits, do	.10	.25	.....	.30

The tendency to higher prices, as indicated by the foregoing tables, is not confined to articles entering directly into the cost of living. Nearly all commodities show advanced quotations.

In the recent annual report of the Superintendent of the Free-Delivery System this condition is given recognition when he says: "During the past year pressing demands from many offices have been made upon the Department for an increase in the allowance for horse hire. * * * An investigation into these widespread complaints has shown that an advance in the price of horse provender has taken place during the past year. Throughout the Eastern and Middle States this advance seems to be general, and also prevailing largely in the South and Northwestern section."

No matter in which direction inquiry is extended, investigation will demonstrate that an increase in the cost of living similar to that experienced in the State of Massachusetts has been sustained throughout the country. It can also be stated as reasonably certain that this upward tendency of prices will continue indefinitely. As the labor cost necessary in the production of a commodity is the greatest factor in determining its market price, hence the economic agencies that are cooperating to cause the wages of the pro-

ducers to advance acts with similar effect upon the product. An era of prosperity is an era of advancing prices.

We submit that to meet this present and prospective advance in the cost of living the compensation of the letter carriers should also be advanced.

We further submit that investigation and consideration of the various factors that assist in establishing a rate of wages will demonstrate that the present salaries of letter carriers are insufficient. We believe that it is the policy of our Government to fix a compensation for its employees commensurate with the duties performed, and we believe if inquiry proves that an injustice exists this injustice will be corrected.

As Richard T. Ely, in his Introduction to Political Economy, well says, "Government is today the largest employer of labor in the country, and all other employers and employees are more or less affected by the manner in which it treats its employees. Shall Government as an employer be influenced by the demands of ethics? Undoubtedly. As Government is an ethical person it ought to be a model employer, insisting upon justice in service and granting justice in conditions of service and in its remuneration."

In the past forty years no branch of our Government service has grown into such public popularity as has the postal system. Through the ever-changing conditions of this period the affection of the people for this Department of the Government has never wavered, and to-day their regard is more deep and abiding than ever before. No cause has contributed more largely to the desirable end than the faithful, honest, courteous, and capable letter carriers, who, face to face in their own homes, meet every week one-half of the population of our country.

This class of public employees now come before you, seeking nothing but justice and asking at your hands naught but an impartial inquiry into the merits of their petition. Confident that this boon will not be denied us and that our prayer for relief will receive your honorable consideration, we submit this memorial.

Now, sir, I trust that the amendment I have proposed will receive the support of every friend of the letter carriers. The question affords the Members of this assembly a good opportunity of testifying to their convictions on the wage matter presented for a vote. The Congress is largely responsible for the great increase in the cost of living in this country characterizing the last few years. It is to be hoped that this branch of the Congress will not deny to a hard-working class affected by that increase some relief in the way of advance in income.

Mr. BAKER and Mr. BUTLER of Pennsylvania rose.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. BUTLER] to speak in support of his amendment.

Mr. BAKER. I want to speak on this amendment.

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I think there should not be charged against me any hostility toward the Administration or toward the Government or any exhibition of what my friend from Indiana called "temper" because I for once in my life assume to have an opinion of my own.

It is not important to me whether this amendment is adopted. I do not care whether anybody votes for it. I want the opportunity of voting for it myself. That is the reason I offered it. And the reasons why I desire to vote for it I shall be glad to give, and I am reminded by my friend from Massachusetts that the time has come when some of them should be given.

I do not believe that we want to set up the one-man power in the Post-Office Department, unless the one man is the Postmaster-General—a Cabinet officer. I do not think it well to put the whole Post-Office Department in the service of the Fourth Assistant Postmaster-General. And in order that I may not tramp upon anybody's sore corns, let me say that I mean nothing by that except in an ordinary way; that idea has not come to me since the investigation that was ordered a few days ago, and since we were charged, along with other wicked people, with having done wicked things.

This is a business proposition. It is not right to put 102,000 men under the charge and direction of one officer of this Government unless he is a major-general of high rank. [Laughter.] The Fourth Assistant Postmaster-General, if my amendment does not prevail, will have twice as many people under him as he would find in the Regular Army of the United States. It was said the other day——

Mr. MURDOCK. Will the gentleman allow me a question?

Mr. BUTLER of Pennsylvania. Yes, sir.

Mr. MURDOCK. Does not the gentleman think that the Fourth Assistant Postmaster-General runs his office competently and honestly?

Mr. BUTLER of Pennsylvania. Oh, I am not defending anybody; neither am I assailing anybody. I am talking about a business affair. I am not "pitching into" anybody belonging to the Post-Office Department. That Department, in one bureau or another, may have been run competently. I am not raising the question of the competency of anyone. I do not know anything about that. I say to the gentleman who asks me that question that any man may come to such conclusion as he pleases on another's competency. I question no one in any one bureau. The more people you provide for in this bill the more chances there are to get places out of that bureau. Now, there are in this department 67,000 fourth-class postmasters.

There are in the Fourth Assistant's office 20,000 letter carriers; there are also 15,000 rural free-delivery carriers, 200 inspectors charged as route agents; also 80 special agents, 10 division superintendents, making in all, if I count the figures accurately, 102,360 men. Prior to this assignment, made by the Postmaster-General, there were in this department from 35,000 to 36,000 less employees. You will see that by this assignment, made recently, and, as I am told, for temporary purposes only—I have no authority to say that my statement is absolutely accurate—but from the best information that can be given to me I am told that the two departments were transferred temporarily.

There were in all these divisions of the Fourth Assistant Postmaster-General about 68,000 or 69,000 employees before these two assignments. Under the First Assistant's office there are 265 first-class postmasters; there are 1,200 second-class postmasters; there are third-class postmasters numbering 3,848; clerks, 2,300. I am not certain that these figures are accurate, but they approximate in a general way the number of employees in each one of these departments.

The Second Assistant Postmaster-General has about 10,555 employees. The Third, 150.

Now, there should be some reason given other than the one that might be assigned as patronage disposition why this amendment should be made. I do not care, I will say to you, whether it is made or not. There should, of course, be some good reason for it. My friend asked the question, and he is entitled to the best I can give. I believe that the day is coming, and not far off, when the fourth-class post-office will go into history.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER of Pennsylvania. I move to strike out two or three words.

The CHAIRMAN. That motion is hardly in order. The Chair is of the opinion that when a gentleman is addressing the committee and his time has expired he is not entitled to offer a pro forma amendment and hold the floor for five minutes more. The motion would not be in order.

Mr. CHARLES B. LANDIS. I ask unanimous consent that the gentleman from Pennsylvania be permitted to address the House for five minutes longer.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Pennsylvania may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MURDOCK. You told us just now that you did not doubt but what the day was coming when the fourth-class post-office would disappear.

Mr. BUTLER of Pennsylvania. Yes.

Mr. MURDOCK. There were, in 1903, 69,464, and only 2,000 disappeared that year.

Mr. BUTLER of Pennsylvania. I did not say when it was coming. I do not say it now. I do not wish gentlemen to understand me as being a prophet. I know this: The country has been developing, and one of the things that is bound to happen is the disappearance of the fourth-class post-office. I do not know how it is with other gentlemen. There were nearly 300 that encountered my attention when I came to Congress eight years ago. They are fast going out. I am rather sorry they are. Progress is going on in my Congressional district, and they go out like old limbs drop from a withered tree.

How it may be in other places I do not know. But to get back to the question put by the gentleman from Massachusetts. The first, second, and third class offices will have all the rural routes when the fourth disappears. I think it was for that reason, anticipating that all the routes would be centered in these different divisions, that it pleased the Postmaster-General one or two years ago to make this assignment, putting these rural routes in the hands of the First Assistant Postmaster-General. First, as an illustration of what I mean, these rural routes will eventually be confined to the offices above the fourth class. The town in which I live is a first-class office, or almost first-class—will be in a few days. There are 9,000 people living in it, and there are twelve routes.

All the rural fourth-class offices for 5 miles around have gone. The star route has gone. That business of that office, understand me to say, is conducted under the First Assistant Postmaster-General. Why should you have another jurisdiction? If it was thought right at one time for him to have these rural free-delivery routes, why take them away from him now? Why should there be two jurisdictions in the same post-office? Why should either the Third or the Fourth Assistant Postmasters-General take away these rural routes from the First Assistant Postmaster-General, thereby creating two jurisdictions in the same office when one will answer? I speak of the post-office in my town, and it is but a fair illustration of the situation we meet at other places.

I understand it to be the intention of the Government to establish these central places, from which these mails can be distributed, along the railroads. In that way they can abolish what is known as the "star route." In that way they save the postage to

the postmaster, where the office happens to be a first-class office. I understand it to be the policy of the Department—and I believe it to be a good one and in the interest of the service—that these places of concentration and separation of mails be on the railroads as nearly as can be conveniently arranged. The same reason which I have given to my friend from Massachusetts [Mr. THAYER] prevails, namely, that there is in the First Assistant Postmaster-General complete jurisdiction when the places of distribution are in offices above fourth grade.

I have no disposition to impose upon the patience of this House nor to take its time. It is argued as one of the reasons why this amendment should not prevail that if this section stays in the bill I will move to put on another section. The fault is not mine. I moved to amend by adopting the two sections including these two great departments. The gentleman from Indiana raised the point of order, and the Chairman properly decided that I could not do it. I have no other method except the one I am now employing. Gentlemen will understand that it is not for the purpose of creating delay nor imposing upon the patience of anybody; but I do say that if it appears to be the wisdom of this House that this amendment should not prevail I will not tarry with you any more. I know what it is to run against a great committee in the House. I can signify to the country that I am opposed to giving to any official of this Government one hundred and one thousand men to be under his control without securing the passage of this amendment.

Mr. MOON of Tennessee. Mr. Chairman, the Chair has, very properly, I think, stated the legal effect of changing this paragraph from the place it now occupies in the bill to the one that is proposed. I will therefore not discuss that question.

There must be some reason for the proposition of the gentleman from Pennsylvania [Mr. BUTLER]. I agree with him very fully that the power of the Postmaster-General, in proper places and under proper conditions, ought to be limited, that proper restrictions should be placed upon him; but it must be remembered that the power rests now, by law, in the Postmaster-General to place the carriers under either one of the four grand divisions in that office.

For reasons satisfactory to him this power has been given to the Fourth Assistant. No reason has been stated by the gentleman from Pennsylvania [Mr. BUTLER] or any other gentleman upon this floor why the House of Representatives should at this particular time interfere with the discretion of the Postmaster-General in a purely administrative act. If it had been shown that the Fourth Assistant Postmaster-General was incompetent to discharge the duties imposed upon him, then the motion might be properly entertained.

The House must look back to the motives that actuate gentlemen sometimes in proposed legislation. Do you suppose it would have ever been suggested to this House to take this power, wisely and legally lodged, this discretion, properly reposed in the Postmaster-General, from him and to exercise it by the House (a thing unheard of heretofore under similar conditions) unless there had been some feeling somewhere against the officer now exercising the power under the direction of the Postmaster-General? We had as well deal plainly with this question.

The purpose is plainly to put the whole rural-delivery system back under the First Assistant, from whom it was taken and placed under the Fourth Assistant. I submit to the House that the country will say to you, if you take this step now, that you are endeavoring to visit punishment upon the Fourth Assistant Postmaster-General for the part that he has taken in discovering, rebuking, and punishing frauds committed in the office of the First Assistant Postmaster-General. We had as well be plain about this. This is not the time—the conditions existing are not such that this House could wisely, in my judgment, at this time, take from the Fourth Assistant Postmaster-General the power that he now exercises in reference to the matters under discussion and put them back under the First Assistant Postmaster-General.

The First Assistant Postmaster-General is a very nice gentleman, a very capable and honest gentleman, but that department of the Post-Office is now discredited. Why shall we place the control of these things back under a discredited department that is now undergoing investigation in the courts of the country? Why take it from that branch of the Department that has brought about and is aiding in the prosecution of these wrongs? Have you such feeling toward Mr. Bristow, because of the discharge of his duty there, that you propose to violate all precedent, that you propose to take from the Postmaster-General the power and the discretion he now has, and to place back, at your will and against his, the control of these matters in the First Assistant's office? It is an unwise thing for you to do. The country will say that you are galled, that you are chafing under the report of the Fourth Assistant Postmaster-General, that you want to get just as far from him as you can. I think it will be better for the public interest that we stay by him just a little while longer. [Applause.]

Mr. OVERSTREET. Mr. Chairman, just a word, and then I shall move to close debate. Under existing law the expenditure of all of the money relative to the postmasters of the country is under the First Assistant Postmaster-General. It merely confuses the subject-matter to enumerate the number of offices and say that so many are under one assistant and so many under another. The importance of the subject is the control of the expenditures of the 73,000 postmasters of the country. All of the appointments, so far as the issuing of commissions is concerned and the entries of the appointments by way of bookkeeping, are now under the Fourth Assistant, but the expenditure of all the salaries of those 73,000 postmasters is under the First Assistant Postmaster-General.

The disbursement of $20,000,000 to over 23,000 clerks in first and second class post-offices is to-day under the management of the First Assistant Postmaster-General, as well as the payment of the several hundred assistant postmasters, so that aside from the pure, simple bookkeeping department of the appointments all of the disbursements for postmasters' salaries, assistant postmasters, and all of the clerks, the disbursements of the rent, light and fuel, all of the supplies for all of the offices to-day falls under the control of the First Assistant Postmaster-General. If you by any sort of legislation transfer from the Fourth Assistant Postmaster to the First Assistant Postmaster the letter carriers and the rural-delivery carriers you increase his power just by the number of those appointees and the expenditures incident to that service. That would result in giving 47,000 more employees and the payment of all their salaries and expense accounts to the First Assistant.

Now, I appeal just to the common-sense judgment of this committee. First, see if you understand yourselves the duties of these Assistants. I do not impugn any lack of information, but I mean let us start with that. All of the administration of the service, the disbursement of all the appropriations for those offices to-day comes under the First Assistant, except the rural delivery and the letter carriers and a miscellaneous number of clerks like the inspectors. It would reduce the Fourth Assistant to less than 5,000 employees, and if you count the postmasters would make the service of the First Assistant control over 147,000 employees.

Now, I say, just as I did at the beginning, I feel that the gentlemen are moved more by their personal feeling in this matter than by their judgment, and when I appeal to their common-sense judgment I rely upon their understanding of the administration of this great service. Do not cripple your own record, gentlemen, by undertaking such a move as this when you do not accomplish what the gentleman's motion, according to his construction of it, seeks to accomplish. Now, one word, Mr. Chairman, upon the pending amendment to the amendment. That amendment is made by the gentleman from California. Under the ruling of the Chair, as suggested by my colleague from Missouri [Mr. COWHERD] on the committee, that amendment will make inoperative absolutely the expenditure of the appropriation for the letter carriers of the country. You undertake, gentlemen——

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. OVERSTREET. I do not now. You undertake here by an indirect movement to carry forward some pet arrangement that is out of order in this bill and by doing so cripple the service of thousands of offices in this country by making nugatory the appropriation for the 23,000 letter carriers of the country. I think I need do no more than again appeal to the common-sense judgment of this committee. I trust, Mr. Chairman, that both amendments will be voted down. I now move that all debate on the pending paragraph and amendments be closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate upon the paragraph and amendments be now closed.

Mr. BENNY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New Jersey will state his parliamentary inquiry.

Mr. BENNY. A number of gentlemen desire to talk upon this paragraph here, and I have noticed the chairman of the committee made two or three speeches——

Mr. PAYNE. This is not debatable, Mr. Chairman.

Mr. BENNY. I am not going to debate this proposition——

Mr. PAYNE. But you are debating it.

Mr. BENNY. No——

Mr. PAYNE. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BENNY. The chairman of the committee has now spoken several times, three I think, upon this subject.

Mr. OVERSTREET. How much time do you want?

Mr. BENNY. I do not want any time just now. I am going to find out my rights, and then I propose to get the time I want.

Mr. OVERSTREET. I ask for the regular order, then, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey will state his parliamentary inquiry.

Mr. BENNY. I want to know now from the Chair how often, under the rule, the chairman of the committee is entitled to talk upon any given paragraph?

Mr. MANN. I submit, Mr. Chairman, that that is not a parliamentary inquiry.

The CHAIRMAN. The Chair will answer the parliamentary inquiry of the gentleman from New Jersey. The Chair understands the parliamentary rule and usage, which make the rules, to be that the chairman of the committee in charge of a bill on the floor of this House is entitled at all stages of the bill to the first recognition for such purpose as he sees fit, to expedite the bill under the rule. On any pending amendment there is five minutes, debate allowed on each side, and the chairman in charge of a bill may at any time after five minutes' debate on each side, move to close debate, and anything after that, the Chair understands, proceeds by unanimous consent.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. I would like to ask the gentleman from Indiana to withhold his motion for five minutes.

Mr. OVERSTREET. I think, Mr. Chairman, that I have been more than liberal.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana to close debate on the pending paragraph and amendments.

The question was taken; and on a division (demanded by Mr. FITZGERALD), there were—ayes 83, noes 50.

Mr. SULZER. I call for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed as tellers Mr. OVERSTREET and Mr. SULZER.

The committee again divided; and the tellers reported—ayes 91, noes 40.

Mr. BAKER. Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN. The Chair will first announce the vote. On this question the ayes are 91 and the noes are 40. A quorum has voted, and the motion of the gentleman from Indiana to close debate prevails. The question now recurs on the amendment offered by the gentleman from California [Mr. LIVERNASH].

The question was taken; and the Chairman announced that the noes had it.

Mr. WYNN. A division, Mr. Chairman; and to facilitate matters I ask for tellers.

Tellers were ordered.

Mr. TOWNSEND. Mr. Chairman, what is the amendment?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The CHAIRMAN appointed as tellers Mr. OVERSTREET and Mr. WYNN.

The committee again divided; and the tellers reported—ayes 31, noes 89.

So the amendment was rejected.

Mr. LIVERNASH. Mr. Chairman, I rise to give notice that after the committee shall rise I will ask for the yeas and nays upon the amendment to the amendment in open House.

The CHAIRMAN. It is not necessary to give that notice. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. BUTLER].

The question was taken; and on a division (demanded by Mr. BUTLER of Pennsylvania) there were—ayes 15, noes 61.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

For rental or purchase of canceling machines, and motors and power therefor, $200,000: *Provided*, That no canceling machine shall be rented at an annual rental exceeding the rate now paid by the Department.

Mr. CHARLES B. LANDIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Strike out, in line 17, page 12, the words "rental or:" and strike out all after and including the word "*Provided*," in lines 18, 19, and 20; so that the paragraph will read: "For purchase of canceling machines, and motors and power therefor, $200,000."

Mr. OVERSTREET. To that, Mr. Chairman, I raise the point of order.

Mr. CHARLES B. LANDIS. Mr. Chairman, my object in offering this amendment was to abandon the iniquitous practice of renting canceling machines. I find by consulting the report made by the Postmaster-General that during the last year we spent in the neighborhood of $176,000 for canceling machines—for machines that were rented.

The International Postal Supply Company rented us 250 of these machines at a rental of $400 each, receiving from the Government in rentals $100,000. The Berry Postal Supply Company rented 75 machines at $150 each. Four other companies rented machines at rentals running from $110 to $150 each.

There was opposition to this appropriation a year ago, and it was permitted to pass with a provision that a commission should be appointed by the Postmaster-General to report whether or not it might be advisable to purchase machines. I find by consulting the hearings before the Postal Committee that the First Assistant Postmaster-General testified that in his judgment the appointment of such a commission would be futile, in that the companies that furnished these machines would refuse to sell; that they would rent, but would not sell.

In other words, these manufacturers have placed themselves before this House in this attitude: "We have a machine that is essential to the dispatch of public business—you can not get along without it; we are protected by the patent laws of our country; we will rent you these machines at an exorbitant price, but we will not sell them to you."

This bill carries an appropriation of $200,000, and every dollar of that money will be spent in rentals. I have examined some of these machines now being used in the city post-office. The machines for which we pay an annual rental of $400 each has a mechanism no more complicated than the average sewing machine.

These machines have been used by the Government, as I understand it, for four years. During these four years we have paid $1,600 per machine in rent. They say to this House that we must continue to pay this exorbitant rental. We say that we would like to buy the machines. They answer that the machines are not for sale and that we must rent at this exorbitant price or they will take out their machines.

I think this House should say to these manufacturers, "Then, gentlemen, take out your machines." Now, I have it from gentlemen in every way reputable that it is possible, if this commission were organized and competition invited and it were given out that Congress was going to purchase these machines, to get a machine which would render just as good service as any of the machines now rented by the Government, at a purchase price not to exceed $325.

The machine will do maximum work. The price is minimum. The gentlemen composing this company guarantee to keep the machine in repair for three years. After the three-year term they guarantee to keep it in repair for ten years at $25 per year per machine, having machines on hand constantly, so that if any machine breaks down they can supply a new machine to take its place.

The hearings before the Post-Office Committee and the evidence submitted by the First Assistant Postmaster-General establishes the fact beyond question that it is possible to secure canceling machines that will do the work and that we can, if it is given out that the rental policy has been abandoned, purchase the machines.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. STAFFORD. Mr. Chairman, from the argument made by the previous speaker this committee might conclude that there was no competition whatever in the rental of canceling machines and that but one company was furnishing these machines. Following the last speaker very closely, I failed to discover any reference in his remarks to the report of the committee which the Postmaster-General appointed to conduct an investigation, pursuant to the provision incorporated in the last post-office bill, to determine the feasibility of purchasing canceling machines.

Mr. CHARLES B. LANDIS. Mr. Chairman, I will say to the gentleman that I did not refer to the finding made by that commission because the commission has never reported.

Mr. STAFFORD. I beg to differ with the gentleman. I have in my hand House Document No. 573 of the second session of the Fifty-eighth Congress, which contains that report and which has been before this Congress for nearly a month.

Mr. CHARLES B. LANDIS. I will state, Mr. Chairman, that I secured my information from a member of the Post-Office Committee that that commission had never reported.

Mr. COWHERD. Mr. Chairman, if the gentleman will permit, I will plead guilty to the charge of giving the gentleman from Indiana [Mr. CHARLES B. LANDIS] that information, because that was the information given to the committee at the time this item was put in the bill.

Mr. STAFFORD. I wish to acknowledge that at the time this clause was passed upon by the Post-Office Committee the report of that commission had not been published. This committee of experts appointed by the Postmaster-General recommends against the purchase, for the present, of any canceling machines.

Mr. TAWNEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. TAWNEY. Does the report show what the initial cost of the machine is?

Mr. STAFFORD. No mention whatever as to the cost is made.

Mr. CROMER. Who were those experts?

Mr. STAFFORD. The committee consisted of the superintendent of the division of allowances and salaries.

Mr. CHARLES B. LANDIS. What is his name?

Mr. STAFFORD. Mr. C. M. Waters.

Mr. CROMER. Let us hear some more of them.

Mr. STAFFORD. And two post-office inspectors.

Mr. CROMER. Who were they?

Mr. STAFFORD. I will give their names in a minute: Mr. M. C. Fosnes, post-office inspector in charge at St. Paul, Minn., and Mr. Paul Williams, post-office inspector in charge at Chattanooga, Tenn.

Mr. CROMER. They were all employees of the Post-Office Department?

Mr. STAFFORD. They were all employees of the Post-Office Department. They sent out proposals, as this document sets forth, inviting bids from all competitors. Nine owners of different patented machines submitted written bids, some for the sale and all for the renting of their respective machines. And, further, in conformance to the requirements, each machine was placed in working order at the Washington post-office, and a test made of each. The results of that examination are set forth in detail in their report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to continue my remarks for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended for five minutes. Is there objection? The Chair hears none.

Mr. STAFFORD. Reverting to the question of the purchase of these machines, there is one machine——

Mr. CHARLES B. LANDIS. Will the gentleman permit a question?

Mr. STAFFORD. Oh, yes.

Mr. CHARLES B. LANDIS. As I understand, the chief objection to the purchase of these machines is that their life is short, that it does not extend over three years.

Mr. STAFFORD. That is what the report sets forth.

Mr. CHARLES B. LANDIS. But the rental of one of these machines for that length of time has been $1,200. Now, if the machines could be purchased for $400 apiece, it does not take very long to tell how much the Government could save in three years by purchasing the machines.

Mr. STAFFORD. You refer to the Hey-Dolphin machine; this machine, as found by this select committee, was superior to any other make, but the owners of this particular machine declined to make any proposition for its unconditional sale.

Mr. CHARLES B. LANDIS. Why?

Mr. STAFFORD. No reason was given. And when this company withdrew its machines from the postal service during prior Administrations, because of its refusal to accede to a less rental, which is the same to-day, other machines were purchased which proved entirely unfit and unserviceable.

Mr. CHARLES B. LANDIS. But the postal service still went on after the Hey-Dolphin machines were withdrawn?

Mr. STAFFORD. Oh, yes; but the Government lost thousands of dollars by the change. Now, Mr. Chairman, there is competition among the owners of the different machines in the renting to the Government. I wish to quote the language of the report:

> Furthermore, we believe it advisable to adopt for use in the postal service any machine that, after test, proves reasonably satisfactory; so that no one company or combination of companies may have a monopoly of the business, and thus have the Department at its mercy.

If the amendment offered by the gentleman from Indiana prevails, there will be but one course open for the Department. Whether these officials approve the machine or not, they will be compelled to purchase it, regardless of their own conclusions as expressed in the report, while under the provision as reported in the bill they will have the option either to rent or to purchase.

Is it to be claimed that this House is better equipped than the Department to pass upon the question of the desirability of purchasing these machines at the present time, and to act absolutely and force the Department to purchase machines outright against its best judgment?

The gentleman from Indiana is in error also when he says that certain companies have not offered to sell these machines. Some owners have offered to furnish machines at a rental of $150 per annum or to sell them at $600.

Mr. POWERS of Massachusetts. Do I understand that the lessors of these machines keep them in repair?

Mr. STAFFORD. They contract to keep them in permanent repair.

Mr. POWERS of Massachusetts. Have the lessors heretofore furnished the power to run the machines?

Mr. STAFFORD. The furnishing of power is an entirely independent matter. The lessors equip the machines with motors, if not hand-power machines. But the power is provided by the Department.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent for a few minutes more, in order that I may answer the inquiry of the gentleman from Massachusetts [Mr. POWERS].

The CHAIRMAN. Is there objection to the request for unanimous consent that the gentleman from Wisconsin may proceed longer? The Chair hears no objection.

Mr. POWERS of Massachusetts. I notice that by the provision of the bill for this year the lessors pay for the motors and the power. Has such a provision been in the bill in former years?

Mr. STAFFORD. It is my impression that the Government has always paid for the power. We have only changed the phraseology, and instead of providing for motor power under the item of miscellaneous expenses we have now included it in this item.

Mr. POWERS of Massachusetts. What I want to get at is, is there as large an appropriation for rental this year as last?

Mr. STAFFORD. There is a less appropriation by $50,000.

Mr. POWERS of Massachusetts. Why should there be a less appropriation than there was a year ago?

Mr. STAFFORD. Because only $174,000 of the $250,000 appropriation in the post-office supply bill for the current year has been expended; and I would add that the report of the select committee shows that they only need $201,700, and they receive within seventeen hundred dollars of that amount.

Mr. POWERS of Massachusetts. And does the appropriation recommended by the committee contemplate any increase in the number of machines?

Mr. STAFFORD. It does contemplate an increase, as this report shows that it is proposed to install 120 more machines. At present there are 886 machines in operation, and this bill provides for the operation of 1,004 machines.

Mr. CHARLES B. LANDIS. Will the gentleman also explain to the gentleman from Massachusetts why the entire appropriation was not used up last year?

Mr. STAFFORD. It goes to show that those who estimated the present appropriation were closer calculators than those of last year.

Mr. CHARLES B. LANDIS. No; the reason was that this provision was made that no more than $175,000 should be used in rentals, and the remainder was to be used in the purchase of the canceling machines, and no machines were purchased, and practically the entire sum provided in the appropriation available for rentals was used up.

Mr. STAFFORD. Last year a sum of $250,000 was provided for rental and purchase, of which not more than $190,000 should be expended in rentals, but a surplus of more than $15,000 in the rental item was unexpended.

Mr. CHARLES B. LANDIS. They came dangerously near it.

Mr. STAFFORD. Fifteen thousand dollars balance. The remainder of the appropriation above $190,000 could have been used at the discretion of the Postmaster-General for the purchase of machines, if he deemed such course for the best interest of the service.

Mr. CHARLES B. LANDIS. Does not the gentleman think that the way to bring these manufacturers to time would be to give them to understand that this Government would not submit longer to such extortionate rentals, and would demand the purchase of machines, or else the transaction of no business with them whatever? Does not the gentleman think that would bring these manufacturers to time?

Mr. STAFFORD. I can not agree with the gentleman's premise when he says that owners have been extortionate in their demands, for, as shown by the report of the special committee, there are many machines now being rented for $150 a year, although in the instance the gentleman refers to that machine rents for $400 a year. Yet the report shows that from the results actually attained it is worth three times as much as any machine that is renting for $150 a year.

Mr. CHARLES B. LANDIS. In that connection, will the gentleman give me the cost of the Hey-Dolphin machine—the cost of producing it?

Mr. STAFFORD. There is no data in the hands of the committee or of anyone else as to cost, but we know that it is a patented machine.

Mr. CHARLES B. LANDIS. As a matter of fact, is there any more machinery about it than about an ordinary sewing machine?

Mr. STAFFORD. Whether there is more machinery about it or not they have an absolute patent, and if this results in a monopoly and gives them an opportunity to extort any price they see fit, the fault would appear to be there and you should change the patent laws——

Mr. CHARLES B. LANDIS. Oh, no——

Mr. STAFFORD. And not hamper the Post-Office Department because the manufacturers refuse to sell their machines.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Wisconsin that the way to meet that is to refuse to do business with them. I submit that the position of the gentleman is not logical when he says that because these machines, costing not more than an average sewing machine, possibly, must be had that the Government should submit to this extortionate demand.

Mr. STAFFORD. The gentleman assumes that it is only a question of one machine, but there are seven or eight now in use the rent of which is one-third of the amount paid for the machine he refers to. There is no claim that the rate is extortionate as to these other machines, so that the Department would be compelled to purchase them.

Mr. CHARLES B. LANDIS. And yet $176,000 is paid for the rental of one machine.

Mr. STAFFORD. Oh, no; but $100,000 was so used. However, this report shows that it is the best machine offered at present.

It has been pointed out why it is not best at the present time, at least, for our Government to be forced into the purchase of these machines. It is better to leave the present phraseology so as to leave it discretionary to either purchase or rent. Is it to be assumed that the Post-Office Department is going to do that which is against the best interests of the service? That is the very basis of the gentleman's remarks.

I wish to state further that, as appears from the report, these machines are now in the transition stage, when important and radical improvements are to be expected; so that should the Government be driven to purchase, at this time, one or more patents, it might be a very short time before their superiority would be supplanted by other inventions of far greater utility. Anyone who will read the report closely will be convinced that it would be a shortsighted policy to insist upon an arbitrary course, leaving no discretion with the Department.

Mr. OVERSTREET. Just one word, Mr. Chairman, and then I will move to close debate in the hope of an early rising of the committee.

Mr. Chairman, I wish to call the attention of the House directly to the proposed amendment. Should the amendment of my colleague prevail, it will oblige the Government to buy these machines, if they use them at all. All of these machines are patented. It is not necessary for me to enter into a discussion as to whether the machinery is or is not complicated mechanism. This amendment proposes that the Government should go into the business of buying these patented articles.

The Department feels that there is a necessity for these machines. That is an established truth in every large office. We care for that both by rental and purchase. If they can be purchased, they can be purchased under the authority of the present law as well as under the provision in this item in the pending bill. If they can not be purchased they can be rented.

Mr. CHARLES B. LANDIS. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. Not at present.

Now, Mr. Chairman, the committee has scaled down this appropriation very considerably. Whatever may have been the method of expenditure of this item in the past, certainly no one has charged that there has been any misappropriation of the fund for the rental of these machines.

There has been more or less criticism as to the purchase of machines by the Department—other machines—but not of the rental. The question of rental depends entirely on the nature of the monopoly which these people hold, and it is a monopoly under the patent laws, the only monoply which the Government recognizes. If, therefore, you strike out the authority to rent and limit it to purchase in this amount, only one of two things can follow. Either to force the Government to buy them at a very high, if not exorbitant, price, because they are patented articles, or do away with the convenience entirely. It is more, however, than a convenience. It is a necessity. I say we have scaled this down, I think with danger to the service in view of the demand, and I believe that we can therefore afford to follow the appropriation, limited as it is, rather than to compel the purchase.

Now I yield to my friend.

Mr. CHARLES B. LANDIS. As a matter of fact, did not we do without these canceling machines up to six years ago?

Mr. OVERSTREET. The first appropriation was in 1893, I believe.

Mr. CHARLES B. LANDIS. We have done without some other things.

Mr. OVERSTREET. We could do away with the railway postal cars and the money that is being spent for them, but that would not expedite the business like these later facilities.

Mr. CHARLES B. LANDIS. I am perfectly frank to say that, rather than be robbed as these people have robbed the Department, I would be willing to dispense with the postal car.

Mr. MANN. Will the gentleman allow me to interrupt him?

Mr. OVERSTREET. Certainly.

Mr. MANN. Can the gentleman give us an estimate of how many additional clerks would be required in the post-offices if these machines were done away with?

Mr. OVERSTREET. I was coming to that, and I am glad that the gentleman made the suggestion.

Mr. MANN. One of these machines will do more canceling than 100 clerks.

Mr. OVERSTREET. I was going to reply that the increased cost to do this same work by the increased number of clerks would be more than double, in my judgment.

Mr. MADDOX. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. OVERSTREET. I do.

Mr. MADDOX. Mr. Chairman, I should like for the gentleman to name an office where they took out any clerks by reason of the fact of having machines in there. [Laughter.]

Mr. OVERSTREET. They have not taken them out for the reason that the gentleman knows the increase of business——

Mr. MADDOX. If one would do the business of a hundred clerks, there ought to have been some discharged.

Mr. OVERSTREET. Why, it is not an unusual thing for more than a hundred or several hundred clerks to be given in one year to such an office as the Chicago office. It is not an unusual thing by reason——

Mr. MADDOX. The Chicago post-office is not the only post-office in the United States.

Mr. OVERSTREET. That is true; but these machines are used entirely in the first-class offices, as I understand; a very limited number in the second-class offices.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. OVERSTREET. Certainly.

Mr. TAWNEY. I am informed by a member of the Committee on Post-Offices and Post-Roads that these machines we are renting and paying an annual rental of about $400 apiece for cost about $150. Is that so?

Mr. OVERSTREET. I should say not. I do not know who your authority is for that, but I go by the record of the Department, which shows that they have been unable to ascertain the cost. Will the gentleman be kind enough to state what gentleman stated that?

Mr. TAWNEY. I stated a member of your committee stated a moment ago that they had no data, but he understood that they cost $150 apiece.

Mr. OVERSTREET. I differ entirely from that.

Mr. CHARLES B. LANDIS. I do not believe they cost half that.

Mr. OVERSTREET. I think they cost many, many times more, and that only shows the difference of opinion. None of us have the data. They are patented articles, and that is what makes them cost so much. I do not know what the cost is to the owner and know nothing about that. Mr. Chairman, I move that all debate on this item and amendments be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on this paragraph and amendments be now closed.

The motion was agreed to.

The CHAIRMAN. The question now recurs to the amendment offered by the gentleman from Indiana [Mr. CHARLES B. LANDIS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OVERSTREET. Division.

The committee accordingly divided; and there were—ayes 64, noes 38. So the amendment was agreed to.

Mr. LIVERNASH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LIVERNASH. I rise to ask unanimous consent to extend my remarks in the RECORD.

Mr. OVERSTREET. Mr. Chairman, remarks upon what, upon the amendment which the gentleman offered?

Mr. LIVERNASH. Yes, sir.

The CHAIRMAN. Is there objection?

Mr. OVERSTREET. I have no objection.

The CHAIRMAN. The gentleman from California [Mr. LIVERNASH] asks unanimous consent that he may extend his remarks in the RECORD upon the amendment offered by him. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Miscellaneous items in the office of the First Assistant Postmaster-General, $1,000: *Provided*, That a sum not exceeding $300 may be used for the purchase of city directories and books of reference.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill and had directed him to report that it had come to no resolution thereon.

RESIGNATION.

The SPEAKER laid before the House the following letter, which was read, and ordered to lie on the table:

HOUSE OF REPRESENTATIVES,
Washington, March 22, 1904.

SIR: I have the honor to inform you that I have this day forwarded to the governor of Ohio my resignation as a Representative in Congress from the Nineteenth Congressional district, to take effect at noon to-morrow.

I have the honor to remain, very truly, yours,

CHARLES DICK.

The SPEAKER,
House of Representatives, Washington, D. C.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 196. An act to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

Senate concurrent resolution No. 60:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates 2,000 copies each of the reports of the governors of Alaska, Arizona, New Mexico, and Oklahoma for 1903, 500 copies for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 500 copies for the use of the Department of the Interior—

to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2477. An act granting an increase of pension to Frank J. McLaughlin;

H. R. 4136. An act granting an increase of pension to Caleb Arnett;

H. R. 4526. An act granting an increase of pension to William J. Shepard;

H. R. 4251. An act granting an increase of pension to Joseph Hinkle;

H. R. 8058. An act granting an increase of pension to William M. Underhill;

H. R. 9583. An act granting an increase of pension to James H. Hargis;

H. R. 2920. An act granting an increase of pension to Daniel W. Huffman;

H. R. 5865. An act granting an increase of pension to Joshua Harlan;

H. R. 5555. An act granting an increase of pension to James R. Hauptly;

H. R. 6025. An act granting an increase of pension to John Herzog;

H. R. 3032. An act granting an increase of pension to William Pittenger;

H. R. 6582. An act granting an increase of pension to Harry Haller;

H. R. 6705. An act granting an increase of pension to Edwin A. Forman;

H. R. 6426. An act granting an increase of pension to David Z. Beidler;

H. R. 2809. An act granting an increase of pension to John Watt;

H. R. 2923. An act granting an increase of pension to John G. Fairchild;

H. R. 8376. An act granting an increase of pension to Jonathan J. Smith;

H. R. 5367. An act granting an increase of pension to Franklin Moore;

H. R. 4074. An act constituting Utica, N. Y., a port of delivery, and for other purposes;

H. R. 3565. An act directing the Secretary of War to expend $125,000 heretofore appropriated for a channel through Sabine Lake, Texas; and

H. R. 6787. An act to confirm and validate patents to certain lands situated in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Accounts was discharged from the further consideration of House resolution No. 244, and the same was referred to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, Mr. PATTERSON of Tennessee was excused from further attendance on the sessions of the House for the present, on account of serious illness in his family.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 9) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, reported the same with amendment, accompanied by a report (No. 1840); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10004) to authorize the Vulcan Coal Company, of Vulcan, W. Va., to bridge the Tug Fork of the Big Sandy River at Vulcan, Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendment, accompanied by a report (No. 1841); which said bill and report were referred to the House Calendar.

Mr. HAUGEN, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 9669) to prevent the adulteration of blue grass, orchard grass, and clover seed, reported the same with amendment, accompanied by a report (No. 1842); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13738) to authorize Frank P. Harman to bridge the Tug Fork of the Big Sandy River near Delorme, in Mingo County, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendment, accompanied by a report (No. 1843); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13739) to authorize the Blackberry, Kentucky and West Virginia Coal and Coke Company (Incorporated) to bridge the Tug Fork of the Big Sandy River, about 1 mile east of Matewan, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendment, accompanied by a report (No. 1844); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 13164) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903, reported the same without amendment, accompanied by a report (No. 1845); which said bill and report were referred to the House Calendar.

Mr. McNARY, from the Committee on Claims, to which was referred the Senate joint resolution (S. R. 11) to authorize certain officers of the Treasury Department to audit and certify claims of certain counties of Arizona, reported the same without amendment, accompanied by a report (No. 1846); which said resolution and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2261) to amend section 4607 of the Revised Statutes, relating to soliciting seamen as lodgers, reported the same without amendment, accompanied by a report (No. 1847); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3118) to amend the act approved February 18, 1895, entitled "An act to amend an act entitled 'An act to amend the laws relative to shipping commissioners,' approved August 19, 1890, and for other purposes," reported the same without amendment, accompanied by a report (No. 1848); which said bill and report were referred to the House Calendar.

Mr. BURKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4124) to authorize the construction of a bridge across the Missouri River between Wanbliska, in Burleigh County, and Morton County, in the State of North Dakota, reported the same without amendment, accompanied by a report (No. 1849); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4402) permitting the building of a railway bridge across the Red Lake River at the city of Thief River Falls, in the county of Red Lake and State of Minnesota, reported the same without amendment, accompanied by a report (No. 1850); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4620) to amend section 8 of an act approved April 15, 1902, authorizing the construction of a bridge across the Missouri River at or near Parkville, Mo., reported the same with amendment, accompanied by a report (No. 1851); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14110) to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Georgia, to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio, reported the same without amendment, accompanied by a report (No. 1852); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5193) granting a pension to Allen Campbell, reported the same with amendment, accompanied by a report (No. 1797); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10502) granting an increase of pension to Abram Young, reported the same with amendment, accompanied by a report (No. 1798); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12388) granting an increase of pension to Adam Shiria, reported the same with amendment, accompanied by a report (No. 1799); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11937) granting an increase of pension to Daniel Spurrier, reported the same with amendment, accompanied by a report (No. 1800); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11452) granting a pension to Ann Jones, reported the same without amendment, accompanied by a report (No. 1801); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9516) granting an increase of pension to Henry Johnson, reported the same with amendment, accompanied by a report (No. 1802); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9388) granting an increase of pension to Lineus V. Vance, reported the same with amendment, accompanied by a report (No. 1803); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12804) granting an increase of pension to Smith B. Mills, reported the same with amendment, accompanied by a report (No. 1804); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13850) granting an increase of pension to Mary Heaney, reported the same with amendment, accompanied by a report (No. 1805); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12623) granting an increase of pension to Liberty B. Walters, reported the same with amendment, accompanied by a report (No. 1806); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13409) granting a pension to Alfred Small, reported the same with amendment, accompanied by a report (No. 1807); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13767) granting an increase of pension to Daniel Pew, reported the same with amendment, accompanied by a report (No. 1808); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8915) granting an increase of pension to Warren McCracken, reported the same with amendment, accompanied by a report (No. 1809); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8122) granting a pension to Adonijah Richards, reported the same without amendment, accompanied by a report (No. 1810); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7473) granting an increase of pension to Nicholas Correll, reported the same without amendment, accompanied by a report (No. 1811); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6334) granting an increase of pension to George W. Gyger, reported the same with amendment, accompanied by a report (No. 1812), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6317) granting an increase of pension to Maggie Du Bois, reported the same with amendment, accompanied by a report (No. 1813); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5971) granting an increase of pension to Samuel D. Satterly, reported the same with amendment, accompanied by a report (No. 1814); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5690) granting an increase of pension to James W. Griffiths, reported the same with amendment, accompanied by a report (No. 1815); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5327) granting an increase of pension to William M. Morrison, reported the same without amendment, accompanied by a report (No. 1816); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5198) granting a pension to Emeline Simmons, reported the same with amendment, accompanied by a report (No. 1817); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4996) granting an increase of pension to Alexander Robertson, reported the same with amendment, accompanied by a report (No. 1818); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2810) granting an increase of pension to Samuel H. Whitley, reported the same with amendment, accompanied by a report (No. 1819); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2804) granting a pension to Michael Cribbins, reported the same with amendment, accompanied by a report (No. 1820); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2687) granting an increase of pension to Martin H. Ozment, George W. Williams, and Isaac N. Willhite, reported the same with amendment, accompanied by a report (No. 1821); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2005) granting an increase of pension to Alexander J. Hood, reported the same with amendment, accompanied by a report (No. 1822); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 809) granting an increase of pension to Lewis Johnson, jr., reported the same without amendment, accompanied by a report (No. 1823); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 731) granting an

increase of pension to Henry S. Hamilton, reported the same with amendment, accompanied by a report (No. 1824); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 721) granting an increase of pension to John Ryan, alias John Connell, reported the same with amendment, accompanied by a report (No. 1825); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 197) granting an increase of pension to John Latta, reported the same with amendment, accompanied by a report (No. 1826); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8074) granting an increase of pension to William H. H. Chester, reported the same with amendment, accompanied by a report (No. 1827); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9365) granting an increase of pension to John S. Edgar, reported the same with amendment, accompanied by a report (No. 1828); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 10199) for the relief of David C. McGee, reported the same with amendment, accompanied by a report (No. 1836); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the House resolution (H. Res. 263) referring certain claims to the Court of Claims for a finding of fact under the terms of the Tucker Act, reported the same with amendment, accompanied by a report (No. 1837); which said resolution and report were referred to the Private Calendar.

Mr. GREGG, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8848) to pay Elizabeth A. Ballew $100 for cattle taken by United States soldiers in October, 1865, reported the same without amendment, accompanied by a report (No. 1838); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8787) granting an increase of pension to Robert W. Brasher, reported the same with amendment, accompanied by a report (No. 1839); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 13130) for the relief of James T. Barry and Richard Cushion, executors of the last will and testament of Martin Dowling, deceased, reported the same without amendment, accompanied by a report (No. 1853); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 11511) granting an increase of pension to Edward M. McCook—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6922) granting a pension to Theresa Griffin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MORRELL: A bill (H. R. 14257) to provide for the construction of a light-house tender for use in the fourth light-house district—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of Tennessee: A bill (H. R. 14258) to declare foreign residents and citizens not pensionable except for wounds or disabilities received in actual service—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 14259) to construct and build a road from Andersonville Station, on the Central Railroad of Georgia, to the Prison Park and national cemetery, and so forth—to the Committee on Military Affairs.

By Mr. SCOTT (by request): A bill (H. R. 14260) authorizing Government assistance in the development and encouragement of ramie fiber silk and flax preparation and manufacture, and their production and profitable home market in the United States, under the supervision of the Secretary of the Treasury—to the Committee on Agriculture.

By Mr. BOWERS: A bill (H. R. 14261) to establish an agricultural experiment station in the Sixth Congressional district of the State of Mississippi—to the Committee on Agriculture.

Also, a bill (H. R. 14262) to extend the provisions of "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Indians, and for other purposes," to Mississippi Choctaws of mixed blood—to the Committee on Indian Affairs.

By Mr. WILSON of Arizona (by request): A bill (H. R. 14263) to modify the law pertaining to the acquisition and holding of lode claims in the district of Alaska—to the Committee on the Territories.

By Mr. STEPHENS of Texas: A bill (H. R. 14264) for the protection of Mississippi Choctaw Indian claimants—to the Committee on Indian Affairs.

By Mr. DEGETAU: A bill (H. R. 14265) to amend an act entitled "An act to amend an act entitled 'An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,' approved April 12, 1900, and to increase the salary of the commissioner of education provided for by said act"—to the Committee on Insular Affairs.

By Mr. WILLIAMSON: A bill (H. R. 14266) to issue certified patents without fee in certain cases, and for other purposes—to the Committee on the Public Lands.

By Mr. BRANTLEY: A joint resolution (H. J. Res. 134) to authorize and direct the Court of Claims to investigate and report all facts connected with any bill referred to it for investigation by either House of Congress under the act approved March 3, 1887, and known as the Tucker Act—to the Committee on the Judiciary.

By Mr. WEISSE: A concurrent resolution (H. C. Res. 51) authorizing and directing the Secretary of the Treasury to adjust and pay the claim of certain members of the Second Wisconsin Volunteer Infantry for hire, use, and unavoidable damage of band instruments during the recent war with Spain—to the Committee on War Claims.

By Mr. WACHTER: A resolution (H. Res. 266) to authorize the Clerk of the House to pay John Bauersfeld for services as janitor, etc.—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 14267) to correct the military record of Henry Wagner—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 14268) granting a pension to Daniel Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14269) granting an increase of pension to Franklin Lord—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 14270) granting an increase of pension to Lucinda M. Thompson—to the Committee on Pensions.

By Mr. CLARK: A bill (H. R. 14271) granting an increase of pension to John C. Tinker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14272) granting a pension to Noah Hunter—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 14273) for the relief of William L. Best—to the Committee on Claims.

By Mr. DAVIDSON: A bill (H. R. 14274) granting a pension to J. G. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14275) granting an increase of pension to Stephen A. Turner—to the Committee on Invalid Pensions.

By Mr. DICK: A bill (H. R. 14276) for the relief of John C. De Lany—to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 14277) granting an increase of pension to Lyman Bortle—to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 14278) granting an increase of pension to Byron Bowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14279) granting an increase of pension to William Landahn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14280) for the relief of Irra Gwynn—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 14281) granting a pension to Amelia Lyon—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 14282) granting an increase of pension to John R. Henry—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 14283) for the relief of Jesse L. Adams—to the Committee on Claims.

By Mr. HUNT: A bill (H. R. 14284) to correct the military record of Charles E. Frommann—to the Committee on Military Affairs.

By Mr. HUNTER: A bill (H. R. 14285) granting an increase of penson to Livingston Hampton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14286) granting an increase of pension to Jennie T. Cardwell—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 14287) to place Dr. John H. Jamar on the retired list of the Army—to the Committee on Military Affairs.

By Mr. JACKSON of Ohio: A bill (H. R. 14288) granting a pension to Nettie C. Lutes—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 14289) granting a pension to Nancy Noxon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14290) granting an increase of pension to L. R. Wilcox—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 14291) for the relief of Arthur R. Henderson—to the Committee on Claims.

By Mr. McGUIRE: A bill (H. R. 14292) granting an increase of pension to Benjamin F. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14293) granting an increase of pension to Charles P. Ruble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14294) granting an increase of pension to John Gemmill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14295) granting an increase of pension to Martha A. Simms—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14296) granting an increase of pension to W. H. H. Adams—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 14297) granting an increase of pension to Henry F. Post—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 14298) for the relief of Capt. Ormond M. Lissak—to the Committee on Claims.

By Mr. OTIS: A bill (H. R. 14299) to correct the military record of Charles W. Johnson—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 14300) granting a pension to Kate B. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14301) granting an increase of pension to William H. Gildersleeve—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 14302) to correct the military record of Andrew J. Davis—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: A bill (H. R. 14303) for the relief of Harry Bateman—to the Committee on Claims.

Also, a bill (H. R. 14304) for the relief of Harry Bateman—to the Committee on Claims.

By Mr. SMALL: A bill (H. R. 14305) granting a pension to Walter Gardner—to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 14306) granting an increase of pension to Martha Taylor—to the Committee on Pensions.

By Mr. SPIGHT: A bill (H. R. 14307) granting an increase of pension to Devernia White—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 14308) granting a pension to A. C. Fisk—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 14309) granting a pension to John Hubbard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14310) for the relief of Mary A. Pettyjohn—to the Committee on Pensions.

By Mr. VREELAND: A bill (H. R. 14311) granting an increase of pension to Frederick P. Leo—to the Committee on Invalid Pensions.

By Mr. WADE: A bill (H. R. 14312) granting a pension to Hettie S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14313) granting a pension to Margaret A. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14314) to remove the charge of desertion against John C. Davis—to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 14315) for the relief of the heirs of Jabez Tanner, deceased, and estates of L. York and Elias J. Hoover, deceased, late of Rapides Parish, La.—to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 14316) granting an increase of pension to Alexander Brady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14317) granting an increase of pension to George C. Barthelmen—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Bustanoby Frères, of New York City, protesting against the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of the Independence Methodist Episcopal Church, of Sedgwick County, Kans., composed of 61 members, urging the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of S. M. Sample and 20 others, of New Wilmington, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Trades League of Philadelphia, in favor of bill H. R. 1976—to the Committee on the Post-Office and Post-Roads.

By Mr. ADAMS of Pennsylvania: Petitions of Samuel Denny and 91 others, G. Ludwig and 48 others, Charles F. Haderer and 24 others, Thomas D. Keating and 59 others, Wilhelm Eshner and others, and R. L. Burcaw and others, all of Philadelphia, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BABCOCK: Petitions of Rev. W. J. C. Bond and 5 others, of Boscobel, Wis.; C. S. Brown and 32 others, of Stark, Wis., and O. G. Barnes and 20 others, of La Farge, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BASSETT: Petition of Austin Nichols & Co. and others, of New York City, in favor of bill H. R. 9050—to the Committee on Ways and Means.

By Mr. BEALL of Texas: Resolution of the Cattle Raisers' Association of Texas, in favor of the passage of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. BEDE: Petition of the Duluth Brewing and Malting Company and others, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of citizens of Colorado, protesting against the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of Upton Post, No. 8, Grand Army of the Republic, of Pueblo, Colo., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Resolution of the Business Men's Association of Ottawa, Kans., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of George W. Holsinger and 20 others, of Rosedale, Kans.; P. L. Ware and others, of Paola, Kans.; ministers of Ottawa, Kans.; B. F. Dice and 106 others, of Johnson County, Kans., and citizens of Ottawa, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of H. K. Bush Brown, of Newburg, N. Y., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. BRANDEGEE: Petitions of Oscar Robinson and 43 others, of Thompson, Conn., and Thomas Handley and 33 others, of Windham, Conn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BRANTLEY: Resolution of the Valdosta Board of Trade, of Georgia, in favor of bill H. R. 7637—to the Committee on Rivers and Harbors.

By Mr. BROWN of Wisconsin: Resolution of the National League of Commission Merchants, in favor of legislation prohibiting unjust discrimination in railroad tariff rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petitions of Rev. Walter Canham and 32 others, of Hallowell, Me.; H. E. Foster and 39 others, of Winthrop, Me.; Rev. George Pope and 28 others, of Vassalboro, Me., and Milton G. Besse and 40 others, of Wayne, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Portland Society of Art and others, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. BURLESON: Papers to accompany House bill granting an increase of pension to Mrs. Lucinda M. Thompson—to the Committee on Pensions.

By Mr. CAPRON: Petitions of George C. Souk and 28 others, of East Greenwich, R. I., and R. T. Thurber and 16 others, of Warwick, R. I., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CLARK: Petition of citizens of Missouri, asking for improvement of the Missouri River—to the Committee on Rivers and Harbors.

Also (by request), petitions of L. N. Montgomery and 40 others, of Louisiana, Mo., and Rev. Clyde W. Gow and 45 others, of New London, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CONNELL: Resolutions of Captain George E. Randolph Camp, No. 138, Division of Pennsylvania, Sons of Veterans, of Carbondale, Pa., in favor of the enactment of a service-pension bill (bill S. 1716 and bill H. R. 5760)—to the Committee on Invalid Pensions.

Also, resolution of Covington Grange, No. 1029, Patrons of Husbandry, of Daleville, Pa., in favor of the enactment of bill H. R. 8678, providing for an increased annual appropriation for agricultural experiment stations, etc.—to the Committee on Agriculture.

Also, petition of Richard O'Brien, of Scranton, Pa., in favor of the enactment of bills H. R. 2895 and S. 982—to the Committee on Military Affairs.

Also, resolution of Lodge No. 71, Brotherhood of Boiler Makers and Iron-ship Builders, of Scranton, Pa., in favor of the passage of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, letter of Fred A. Wagner, publisher of the Scranton Wochenblatt, in favor of bill H. R. 8678—to the Committee on Agriculture.

Also, petition of Ernest E. Kennicott, of Glenview, Ill., in favor of increasing the salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, letter of C. H. Pond, of Scranton, Pa., in favor of the enactment of bill H. R. 11584, providing for the protection of wild animals and birds in the Wichita Forest Reserve—to the Committee on the Public Lands.

By Mr. COUSINS: Petitions of C. Hampton and 47 others, and Perry J. Miller and 8 others, of Marshalltown, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COWHERD: Petitions of S. J. Hubbell and 20 others, and T. Lee Adams and 26 others, of Jackson County, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. CRUMPACKER: Resolution of Lodge No. 360, Brotherhood of Boiler Makers and Iron-ship Builders, of Lafayette, Ind., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURRIER: Petitions of Rufus C. Flagg and 14 others, of Berlin, N. H.; E. Colebrook and 12 others, of Colebrook, N. H., and Lewis J. Quimbey and 25 others, of Claremont, N. H., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DENNY: Petition of Mary Ellen Thompson and other heirs of John C. Thompson, deceased, praying reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. DRAPER: Petition of patrons of rural route No. 1, of East Schodack, N. Y., in favor of increasing salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Produce Exchange, in favor of bills H. R. 7056, H. R. 7871, and S. 3937—to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: Petition of Typographical Union No. 271, of Boise, Idaho, in favor of an eight-hour bill—to the Committee on Labor.

Also, petitions of Rev. G. W. Barnes and other pastors and officials, and Mrs. L. Krautz and 12 others, of Idaho Falls, Idaho; Jesse Turner and 96 others, of Caldwell, Idaho, and Rev. A. R. Wright and 60 others, of Boise, Idaho, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of patrons of rural mail route No. 2, of Rockton, Ill., in favor of increasing the salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rev. J. H. Boose and 12 others, of Rockford, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Streator Typographical Union, No. 328, of Streator, Ill., in favor of an eight-hour law—to the Committee on Labor.

By Mr. GILLETT of Massachusetts: Petitions of Ernest Cross and 17 others, of Springfield, Mass., and Young People's Society of Christian Endeavor and Woman's Christian Temperance Union, of Amherst and Hadley, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of the executive committee of the Society of Beaux Arts Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. GRIFFITH: Resolutions of Grange No. 1733, of Jefferson County, Ind., and Daniel Demaree and 32 others, of Ripley County, Ind., in favor of a good-roads bill—to the Committee on the Judiciary.

By Mr. GUDGER: Papers to accompany bill granting a pension to Mary E. Haren—to the Committee on Pensions.

By Mr. HEPBURN: Petitions of Rev. C. W. Butler and 36 others, of Durand, Mich.; Roland Woodhains and 100 others, of Corunna, Mich., and H. C. Newton and 107 others, of Owossa, Mich., in favor of the Herburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of patrons of rural routes No. 1, of Corning, Iowa; No. 1, of Numa, Iowa, and No. 4, of Corydon, Iowa, in favor of increasing the salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of 50 citizens of Wethersfield, Conn., for the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of citizens of Willington, Conn., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. HOLLIDAY: Petitions of James Spray and 36 others, of Bloomingdale, Ind., and L. N. Hanna and 27 others, of Greencastle, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWARD: Petition of R. B. Smith and 13 others, of Union Point, Ga., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of the Wheeler Condenser and Engineering Company, of Carteret, N. J., in favor of the Lovering bill, H. R. 9050, to amend the customs-drawback law—to the Committee on Ways and Means.

By Mr. HUNTER: Petition of citizens and veterans of Tompkinsville, Ky., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. JACKSON of Ohio: Petition of citizens of Huron, Ohio, relative to the west pier at Huron, Ohio—to the Committee on Rivers and Harbors.

Also, petition of the Fremont Furniture Company and the Gebhardt Piano Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petitions of citizens of Sandusky, Ohio, and John G. Dorn and 55 others, of Sandusky, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany bill granting a pension to Nettie C. Lutes—to the Committee on Invalid Pensions.

By Mr. KELIHER: Petitions of Joseph Scheinfein and Emerson Piano Company, of Boston, Mass., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the Coal Club of Boston, Mass., in favor of breakwater at Point Judith harbor of refuge—to the Committee on Rivers and Harbors.

By Mr. KINKAID (by request): Petitions of George D. Egner and 21 others, and George E. Gorton and 13 others, of Crawford, Nebr., and Rev. J. W. Robinson and members of the Methodist Church of North Platte, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LACEY: Petition of patrons of Keota (Iowa) rural routes Nos. 1, 2, and 3, in favor of increasing the salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Brown and others, of Newton, Iowa, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of O. K. Day and others, of Ash Grove, Iowa, against legislation curtailing the rights and privileges of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of patrons of rural route No. 1, of Colfax, Iowa, in favor of increasing the salaries of rural mail carriers, etc.—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the general assembly of Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petitions of W. P. Moulton and 43 others, of Pittsfield, Mass., and W. O. Harrington and 31 others, of North Egremont and Alford, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LIVERNASH: Papers to accompany bill H. R. 14237, to remove the charge of desertion against Louis William Mayer—to the Committee on Pensions.

By Mr. LOUDENSLAGER: Petitions of Joseph Cramer and 20 others, of Camden, N. J.; Frank B. La Barren and 12 others, of Salem, N. J.; Daniel Garrison and 45 others, of Pennsgrove, N. J., and Ashbury Methodist Episcopal Church, of Woodstown, N. J., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McCARTHY: Petitions of Howard A. Rowe and 32 others, of Norfolk, Nebr., and D. G. Rizer and 13 others, of Nickerson, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MARSHALL: Petitions of John Birdstone and 20 others, of Grand Forks, N. Dak., and Rev. E. P. Lawrence and 34 others, of Oakes, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. METCALF: Resolution of the Shipowners' Association of the Pacific Coast, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. MEYER of Louisiana: Papers to accompany bill H. R. 12492, for the relief of the estate of J. M. C. Knight—to the Committee on War Claims.

By Mr. MORRELL: Petitions of B. F. Willis and others, of York, Pa.; Charles E. Dana, Theon Ely, A. B. Lacey, Louis E. Hickman, Art Square Club, E. L. Stewardson, American Institute of Architects, and Ballinger & Perrot, of Philadelphia, Pa., for the development of the original plan of Washington, D. C., as laid out in 1790 by President Washington and P. C. L'Enfant—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Pittsburg Newspaper Publishers' Association and the Philadelphia Newspaper Publishers' Association, protesting against abridging the rights and privileges of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of the United Textile Association, against the passage of the eight-hour bill—to the Committee on Labor.

Also, petition of Walter C. Pusey, of Philadelphia, Pa., protesting against change in patent laws—to the Committee on Patents.

Also, petition of the Trades League of Philadelphia, Pa., for the

passage of the post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York Board of Trade and Transportation, protesting against the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MURDOCK: Petitions of Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans.; Frances E. Willard Circle, No. 89, Ladies of the Grand Army of the Republic, of Fort Dodge, Kans., and veterans of the civil war of Larned, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Ed. B. Lawrence and 224 others, of Pratt, Kans.; H. H. Zeigler and 23 others, of Barton County, Kans.; pastors of churches of Hutchinson, Kans.; W. W. Dodge and 42 others, of Sumner, Kans.; H. J. Winslow and 17 others, of Dalton, Kans.; Methodist Episcopal Church of Argonia, Kans., and R. M. Gilbert and 5 others, of Kiowa County, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. OTIS: Petition of the Woman's Christian Temperance Union of Yonkers, N. Y., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. PAYNE: Resolution of the Democratic Club of Blue, Central District, Ind. T., in favor of the Quay bill—to the Committee on the Territories.

Also, petition of the Presbyterian Church of Fairhaven, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. REEDER: Resolution of Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of veterans of the civil war of Wilson, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of T. Dixon and 22 others, of Kanorado, Kans.; H. C. Smith and 67 others, of Sylvan Grove, Kans.; Rev. John J. Mickey and 83 others, of Hoxie, Kans., and Roscoe A. Collins and 78 others, of Morland, Kans., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Alabama: Petitions of E. H. Shapley and 44 others, of Hartselle, Ala.; Rev. J. W. Vessey and 31 others, and W. H. Strickland and 25 others, of Florence, Ala., and Rev. David R. Riper and 29 others, of Hartsells, Ala., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of J. L. Sessler, of Fort Wayne Typographical Union, No. 78, of Fort Wayne, Ind., in favor of bill to limit the meaning of the word "conspiracy," etc.—to the Committee on the Judiciary.

Also, paper to accompany bill for the relief of Harry Bateman—to the Committee on Claims.

By Mr. SCOTT: Resolution of Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of 200 citizens of Haviland, Kans., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SIBLEY: Petitions of Charles Thompsett and 24 others, of Tidioute, Pa., and Ed. D. Smith and 37 others, of Franklin, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 1715, for the relief of the estate of Samuel A. Spencer—to the Committee on War Claims.

Also, papers to accompany bill H. R 5037, granting an increase of pension to R. H. Stillwell—to the Committee on Invalid Pensions.

By Mr. SNAPP: Petition of Joseph G. Heintz and others, of Joliet, Ill., against passage of a parcels-post bill—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of Knights of St. Patrick of New Haven, Conn., in favor of bill providing for erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

Also, resolution of Warren Thomas Circle, Ladies of the Grand Army of the Republic, Department of Connecticut, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the New England Manufacturing Jewelers and Silversmiths' Association, against the passage of an eight-hour bill—to the Committee on Labor.

Also, resolution of the Trades League of Philadelphia, Pa., in favor of the post-check bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Helpers' Division No. 96, Brotherhood of Boiler Makers and Iron-ship Builders, of New Haven, Conn., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Connecticut Chapter of the American Institute of Architects, relative to the erection of buildings on the Mall in Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Petition of C. T. Duncan and others, of Portsmouth, N. H., against the passage of bill H. R. 7033—to the Committee on the Merchant Marine and Fisheries.

By Mr. WACHTER: Petition of A. C. Schmidt & Co. and others, of Baltimore, Md., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WADE: Petition of G. L. Baker and others, of Davenport, Iowa, against the passage of the Hepburn bill—to the Committee on the Judiciary.

Also, petition of citizens of Iowa, for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, petition of rural mail carriers of route No. 1, of Walcott, Iowa, for an increase of pay and continuance of privileges—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNOCK: Resolution of Lodge No. 196, Brotherhood of Boiler Makers and Iron-ship Builders, of Kenton, Ohio, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. WILSON of New York: Petition of Walter E. Palfitt, of Brooklyn, N. Y., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of O. W. Berger, of Brooklyn, N. Y., in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, resolution of the New York Board of Trade and Transportation, against the enactment of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ZENOR: Petitions of H. M. Frank and 142 others, and of 23 members of the Woman's Christian Temperance Union, of Jeffersonville, Ind.; Dr. George F. Cline and 46 others, of Scott County, Ind., and W. V. Weathers and 76 others, of Marengo, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Isaac Miller and 28 others, of Scott County, Ind., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of N. W. Marting and others, of Eckerty, Ind., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *March 23, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. FAIRBANKS. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. QUAY. I object.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION.

Mr. MITCHELL. Mr. President, I rise to a personal explanation. I desire to have a correction of the RECORD made.

On the 8th of March I received the following letter, dated from the Pacific Coast Jobbers and Manufacturers' Association, which I will read:

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal., February 12, 1904.

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

DEAR SIR: We beg to advise you that the following resolution regarding the bill to remove restrictions from the interstate-commerce act has been unanimously adopted by the executive committee of this association, representing over 200 of the largest jobbing and manufacturing concerns on the Pacific coast.

The resolution follows:

"*Resolved*, That this association views with alarm the possibility of the passage of Senate bill 3937, and hereby requests the Pacific coast Senators and Representatives in Congress to use their best efforts to defeat same."

Yours, respectfully,

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION.
H. D. LOVELAND, *President.*
HAMILTON W. BARNARD, *Secretary.*

I presented that resolution to the Senate on the 8th of March, and the RECORD makes the following statement:

He—

Mr. MITCHELL—

also presented a memorial of the Pacific Coast Jobbers and Manufacturers' Association, of San Francisco, Cal., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

This morning I received the following letter from the Pacific Coast Jobbers and Manufacturers' Association:

PACIFIC COAST JOBBERS AND MANUFACTURERS' ASSOCIATION,
San Francisco, Cal., March 17, 1904.

Hon. JOHN H. MITCHELL,
United States Senate, Washington, D. C.

DEAR SIR: We notice that in the CONGRESSIONAL RECORD reporting the proceedings of the Senate on Tuesday, March 8, 1904, there occurs on page 3112, under the heading of "Petitions," etc., presented by your good self, the following paragraph:

"He also presented a memorial of the Pacific Coast Jobbers and Manufacturers' Association, of San Francisco, Cal., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce."

There must have been some error in reporting or printing this paragraph, as any and all communications which we have forwarded to you have advocated an increase in the powers of the Interstate Commerce Commission and opposed any curtailment of the authority and scope of that Commission, which we regard as too limited at the present time.

In order that our sentiments may be properly understood by the honorable Senators, we would much appreciate it if you will kindly publicly correct the paragraph appearing in the CONGRESSIONAL RECORD by stating, as is the fact, that this association favors the passage of such amendments to the interstate commerce act as will properly increase the powers of the Interstate Commerce Commission, and is unalterably opposed to any bill which would have the contrary effect.

Yours, very respectfully,
H. W. BARNARD,
Secretary.

I do not think the reporters are to be blamed at all for the statement which was made. I think perhaps the letter was ambiguous to a certain extent, and they might readily have made the statement which appears in the RECORD. I did not at the time of submitting the resolution make any statement. I present these letters in order that the association may be placed right on the RECORD.

MARY A. SHAW.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary A. Shaw *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with an amendment the joint resolution (S. R. 53) authorizing the reprinting of certain documents to be sold by the superintendent of documents; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River;

A joint resolution (H. J. Res. 55) providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

A joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory; and

A joint resolution (H. J. Res. 133) providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

The message further returned to the Senate, in compliance with its request, the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 14256) making an appropriation for fuel for the south wing of the Capitol building; and it was thereupon signed by the President pro tempore.

SENATOR FROM OHIO.

Mr. FORAKER. Mr. President, the legislature of Ohio has elected Hon. Charles Dick to fill the vacancy in our membership occasioned by the death of my late colleague, Mr. Hanna. Mr. Dick's credentials have been presented to the Senate and filed. He is now present, and I ask that he may be qualified.

The PRESIDENT pro tempore. If the Senator-elect will present himself at the desk, the Chair will administer the oath required by law.

Mr. Dick was escorted to the Vice-President's desk by Mr. FORAKER, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of sundry citizens of New York, praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Audubon Society of New York, remonstrating against the repeal of the law relating to the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of George Grant, jr., of Company I, Fourteenth Regiment New York Heavy Artillery, of Mecklenburg, N. Y., praying for the enactment of legislation providing for the payment to all Union ex-prisoners of war who were confined in rebel prisons thirty days or more or who were honorably discharged, the sum of $2 per day for the time of their imprisonment, etc.; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation to regulate the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. FAIRBANKS presented a petition of S. W. Stirk Circle, No. 18, Department of Indiana, Ladies of the Grand Army of the Republic, of Anderson, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Stage Employees' Union No. 30, International Alliance of Theatrical Stage Employees, of Indianapolis, Ind., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of James Hargan & Co., of Madison, Ind., remonstrating against the enactment of legislation to prevent the indiscriminate shipping of so-called "high explosives;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Furnas Place Methodist Episcopal Church, of Indianapolis, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Star of Hope Lodge, No. 59, Brotherhood of Boiler Makers and Iron-ship Builders, of Elkhart, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented petitions of sundry architects of Boston, Mass.; New York City; York, Pa.; Richmond, Ind.; Chicago, Ill.; Jackson, Miss.; Cleveland, Ohio; Providence, R. I.; Colorado Springs, Colo.; Cumberland, Md.; and Baltimore, Md., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. FOSTER of Washington presented a petition of the Spokane Clearing House Association, of Spokane, Wash., praying for the passage of the so-called "Gaines clean-currency bill;" which was referred to the Committee on Finance.

He also presented sundry papers to accompany the bill (S. 5150) to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, colonel in the United States Army and place him on the retired list; which were referred to the Committee on Military Affairs.

Mr. WETMORE presented the petition of Edmund R. Willson, of Providence, R. I., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented petitions of the congregation of the First Baptist Church of Warren; of R. F. Tobin Branch, No. 20, Woman's Relief Corps, of Warren; of the Woman's Christian Temperance Union of Warren, and of sundry citizens of Middletown, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. BARD presented a petition of sundry citizens of California, praying that lands in severalty be granted to landless Indians in Northern California; which was referred to the Committee on Indian Affairs.

He also presented petitions of the congregations of the Congregational Church of Buena Park, the Methodist Episcopal Church of Buena Park, the Holiness Church of Bolsa, and the First Church of Anaheim, all in the State of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry architects of Chicago, Ill., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of the board of directors of the

Board of Trade of Chicago, Ill., praying for the ratification of the treaty of arbitration between the United States and Great Britain; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Joliet, Ill., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry patrons of rural free-delivery route No. 1, of Rockton, Ill., praying that an appropriation be made to increase the salaries of rural letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented the memorial of Joseph G. Heintz and sundry other citizens of Illinois, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of L. G. Quackenboss and sundry other architects of Chicago, Ill., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of Dixon Post, No. 299, Department of Illinois, Grand Army of the Republic, of Dixon, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. PROCTOR presented a petition of the Woman's Club of Morrisville, Vt., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Middlesex Grange, Patrons of Husbandry, of Middlesex, Vt., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. QUAY presented a petition of Monroe Helpers' Division, No. 98, Boiler Makers and Iron-ship Builders, of Susquehanna, Pa., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Colorado and Wyoming Lumber Dealers' Association, of Colorado Springs, Colo., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Lodge No. 335, Brotherhood of Boilermakers and Iron-ship Builders, of Grand Junction, Colo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of sundry architects of Colorado Springs, Colo., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented petitions of Leadville Circle, No. 2, of Colorado; of Victor Circle, No. 8, of Colorado; of Rockyford Circle, of Rockyford; of B. F. Butler Circle, No. 4, of Pueblo; of William McKinley Circle, No. 16, of Boulder, and of Silver Circle, No. 3, of Aspen, all of the Department of Colorado, Ladies of the Grand Army of the Republic, and of Upton Post, No. 8, Department of Colorado, Grand Army of the Republic, of Pueblo, all in the State of Colorado, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented petitions of the congregation of the Free Methodist Church, of Boulder; of the city council of Rockyford; of the congregation of the First Presbyterian Church of Rockyford; of the Christain Endeavor Society of Colorado Springs; of the congregation of the First Presbyterian Church of Monte Vista; of the congregation of the St. James Methodist Episcopal Church, of Central City; of the congregation of the First Methodist Episcopal Church of Rockyford; of the congregation of the First Christian Church of Rockyford; of the Young People's Society of the Baptist Church of Rockyford, and of sundry citizens of Fruita and Vineland, all in the State of Colorado; of the Woman's Christian Temperance Union of Waynesburg; of the congregation of the Lutheran Church of Worthington; of the congregation of the United Brethren Church of New Holland; of the congregation of the Mount Tabor United Brethren Church, of Intercourse, and of the Woman's Christian Temperance Union of Orangeville, and of sundry citizens of New London, Harrisburg, Carbondale, Yardley, and Wickboro, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CLARK of Montana presented a petition of Subordinate Lodge No. 123, Brotherhood of Boiler Makers and Iron-ship Builders, of Livingston, Mont., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. CULBERSON presented a petition of the congregations of the First Baptist Church, the Methodist Episcopal Church, and the Christian Church, all of Stratford, in the State of Texas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DUBOIS presented a petition of Typographical Union No. 271, of Boise, Idaho, praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of Local Lodge No. 33, Brotherhood of Boiler Makers and Iron-ship Builders, of Bayonne, N. J., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Fishermen's Protective Association of Bridgeport, N. J., praying for the adoption of an amendment to the bill to exclude naval naphtha boats of 5 tons and under from the provisions of the law; which was referred to the Committee on Commerce.

He also presented a petition of Pomona Grange, No. 8, Patrons of Husbandry, of Mercer County, N. J., and a petition of Hamilton Grange, No. 79, Patrons of Husbandry, of Yardville, N. J., praying for the passage of the so-called "Brownlow good-roads bill;" which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Battle Ship Oregon Section, No. 25, Navy League of the United States, of South Orange, N. J., praying for the enactment of legislation providing a plan for an efficient national naval reserve; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Christian Endeavor Society of Mount Ephraim, N. J., and a petition of the All Around Club, of Mount Clair, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a memorial of the Newspaper Publishers' Association of Philadelphia, Pa., remonstrating against the enactment of any legislation to prohibit carriers of the free rural-delivery service from exercising the rights which they now have in the matter of distribution of newspapers and other periodicals; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Methodist Episcopal Church of Pinebrook, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Orange Society of New England Women, of East Orange, N. J., praying for the enactment or legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Local Lodge No. 30, of Trenton; of Local Lodge No. 45, of Trenton; of the United Brotherhood of Operative Potters; of the Trades Council of Union County, and of German-American Typographical Union No. 8, of Newark, all of the American Federation of Labor, in the State of New Jersey, praying for the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

He also presented petitions of sundry architects of Newark, Summit, Paterson, Orange, and East Orange, all in the State of New Jersey, praying for the enactment of legislation to regulate the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. HALE presented petitions of sundry citizens of Old Town, West Paris, Belfast, Freedom, Lisbon, Charleston, Caribou, Columbia Falls, Winterport, Easton, Wayne, Madison, Baltimore, Waldo, Windham, Gardiner, Bethel, Greenwood, Albany, Limerick, Winslow, and Camden, all in the State of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Caribou, Me., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Sagadahoc Lodge, No. 168, Brotherhood of Boiler Makers and Iron-ship Builders, of Bath, Me., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. KEAN presented a petition of Typographical Union No. 71,

of Trenton, N. J., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 71, of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 32, Brotherhood of Boiler Makers and Iron-ship Builders, of Bayonne, N. J., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. GALLINGER presented the petition of C. D. Harrison, of Washington, D. C., praying for the enactment of legislation relative to telephone rates in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of the Sanders & Stayman Co., of Washington, D. C., and a petition of House & Herrmann, of Washington, D. C., praying that an appropriation be made for the establishment of a high-pressure water service in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of sundry architects of New York City; of the American Association of Allied Arts, of New York City; of sundry architects of Boston, Mass.; of E. L. Baily, of Philadelphia, Pa., and of sundry architects of the United States, praying for the enactment of legislation to regulate the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented a petition of sundry patrons of rural free-delivery route No. 1, of Danbury, N. H., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Washington, D. C., praying for the enactment of legislation to increase the salaries of employees at the Government Hospital for the Insane in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Newport and Manchester, and of the congregation of the Christian Church of Franklin, all in the State of New Hampshire, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Petersburg, N. Dak., praying for the passage of the so-called "good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. McCOMAS presented petitions of the congregation of the Lutheran Church of Ruxton; of the Epworth League of the Hunt's Methodist Episcopal Church; of the Luther League of St. Paul's Methodist Episcopal Church, of Lutherville; of Independent Order of Good Templars, No. 199, of Damascus, and of Eureka Lodge, No. 272, Independent Order of Good Templars, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. McCREARY presented sundry papers to accompany the bill (S. 4923) for the relief of Thomas H. Clay, administrator de bonis non of Benjamin Gratz, deceased; which were referred to the Committee on Claims.

Mr. FRYE presented a petition of the congregation of the Hartwell Presbyterian Church, of Cincinnati, Ohio, and a petition of the congregation of the Independence Methodist Episcopal Church, of Sedgwick, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 23) in relation to pharmacy in the Indian Territory, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 11963) regulating the practice of medicine and surgery in the Indian Territory, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. ALLEE, from the Committee on Claims, to whom was referred the bill (H. R. 2591) for the relief of W. S. Feland, late deputy collector second Kentucky district, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. NEWLANDS on the 16th instant, providing that no building shall be erected on the Mall of Washington, D. C., within 445 feet of a central line stretching from the center of the Dome of the Capitol to the center of the Washington Monument, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 4448) for the relief of Central University, of the State of Kentucky, and A. R. Burnham and John Bennett, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4504) for the relief of Smith R. Mershon, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4191) for the relief of Smith R. Mershon, reported adversely thereon; and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (H. R. 4407) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce *v.* Grady," asked to be discharged from its further consideration, and that it be referred to the Committee on Privileges and Elections; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 7190) for the relief of the Bank of North Wilkesboro, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes, to report it with amendments, and I submit a report with the bill.

I shall ask the Senate to take up the bill for consideration tomorrow morning, unless the Indian appropriation bill is still pending. In that event, I shall ask its consideration by the Senate immediately after the completion of that bill.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 4818) for the relief of James T. Barry and Richard Cushion, executors of the last will and testament of Martin Dowling, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

UNVEILING OF STATUE OF GENERAL SHERMAN.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Pennsylvania [Mr. PENROSE] on the 17th instant, to report a substitute, and I ask for its present consideration.

The PRESIDENT pro tempore. The proposed substitute will be read.

The Secretary read the concurrent resolution reported as a substitute, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in the form such as is customary in the case of eulogies 12,000 copies of the proceedings and accompanying documents, with suitable proce plates to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library in such manner as, in his judgment, may be desirable.

Mr. COCKRELL. Let the resolution be read again. There was some confusion, and it was difficult to get its purport.

The PRESIDENT pro tempore. The resolution will be again read, at the request of the Senator from Missouri.

The concurrent resolution was again read; and it was considered by unanimous consent, and agreed to.

LAND AT PORT ANGELES, STATE OF WASHINGTON.

Mr. KEARNS. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 9777) granting to the city of Port Angeles, State of Washington, for parking purposes, certain portions of the Government reserve in said city, to report it favorably without amendment, and I ask that it be now considered.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. FOSTER of Louisiana introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5195) to give the Court of Claims jurisdiction in the matter of the claim of the owners of the steamboat *Bee;*

A bill (S. 5196) for the relief of the estates of Phillip McGuire and Catherine McGuire, deceased;

A bill (S. 5197) for the relief of the estate of Pierre Z. Doucet, deceased;

A bill (S. 5198) for the relief of Marie Annette Bouligny and François Bouligny;

A bill (S. 5199) for the relief of the estate of Joseph A. Landry, deceased;

A bill (S. 5200) for the relief of the estate of Henry J. Heard, deceased; and

A bill (S. 5201) for the relief of the estate of Vincent Avet, deceased, and Mrs. Victorie C. Avet.

Mr. DRYDEN introduced a bill (S. 5202) granting an increase of pension to Asa K. Harbert; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 5203) providing for the resurvey of township 18 north, range 6 east, and township 19 north, range 6 east, Montana meridian, Cascade County, State of Montana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GORMAN introduced a bill (S. 5204) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GALLINGER introduced a bill (S. 5205) granting an increase of pension to Joseph Dickinson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5206) granting an increase of pension to Lucy Jane Ball; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DIETRICH introduced a bill (S. 5207) to amend the homestead laws as to certain unappropriated lands in Nebraska and to authorize the leasing of grazing lands therein; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 5208) granting an increase of pension to William A. Bentley; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. CLAPP) introduced a bill (S. 5209) for the relief of Edward H. Ozmun; which was read twice by its title, and referred to the Committee on Claims.

Mr. FOSTER of Washington introduced a bill (S. 5210) granting an increase of pension to William L. Beach; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5211) granting an increase of pension to Mary A. Hayward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 5212) granting an increase of pension to John D. O'Brien; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUARLES introduced a bill (S. 5213) granting an increase of pension to Theodore J. Widvey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 5214) granting an increase of pension to William P. Renfro; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 5215) to amend and perfect the military record of Samuel Ford, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5216) granting a pension to Michael Burkhart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5217) regulating the duties and fixing the compensation of the customs inspectors at the port of Boston; which was read twice by its title, and referred to the Committee on Finance.

Mr. BACON introduced a bill (S. 5218) granting permission to Capt. C. De W. Willcox, United States Army, to accept a decoration and diploma tendered to him by the Government of the French Republic; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HOPKINS introduced a bill (S. 5219) amending the statutes relating to patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. PROCTOR introduced a joint resolution (S. R. 64) authorizing the Librarian of the Library of Congress to deliver to the governor of the State of Vermont an original record or records of certain conventions held in Vermont in the years 1776 and 1777 for the purpose of organizing a State; which was read twice by its title, and referred to the Committee on the Library.

Mr. GALLINGER introduced a joint resolution (S. R. 65) providing for an extension of time for completing the highway bridge across the Potomac River at Washington, D. C.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. HALE submitted an amendment, intended to be proposed by him to the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor; which was ordered to lie on the table, and be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $195,260.43 to pay amounts found due the several States for expenses incurred and paid by them under act of July 27, 1861, as recommended by the second comptroller of the Treasury, November 21, 1892, and December 2, 1892, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN WALLER.

Mr. PLATT of New York. I move to reconsider the votes by which the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mails, was ordered to a third reading, and passed.

The motion to reconsider was agreed to.

Mr. PLATT of New York. I move that the bill be recommitted to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

REPEAL OF DESERT-LAND ACT.

The PRESIDENT pro tempore. The second reading of the bill introduced yesterday by the Senator from Montana [Mr. GIBSON] will now be in order.

The bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act was read the second time by its title.

Mr. GIBSON. As the consideration of the Indian appropriation bill was not concluded yesterday, I have consented to defer my remarks until to-morrow at the conclusion of the morning business.

The PRESIDENT pro tempore. The bill will still lie on the table.

BERTHA A. HOLZER.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Bertha A. Holzer, widow of W. J. Holzer, late a folder in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

LEONARD E. WALES.

Mr. BALL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Leonard E. Wales, in trust for Edward R. Elkinton, William R. Elkinton, John Y. Elkinton, and Mary W. Elkinton, minor children of David W. Elkinton, late conductor of elevator in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HOURS OF LABOR.

On motion of Mr. McCOMAS, it was

Ordered, That 1,500 additional copies of S. 489, "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," be printed for the use of the Committee on Education and Labor.

DOCUMENTS ON CRIMINOLOGY.

Mr. QUARLES. Mr. President, I hold in my hand four public documents on the subject of criminology. I ask that the four may be reprinted as one document, the supply having been exhausted.

The PRESIDENT pro tempore. The Senator from Wisconsin asks that the documents referred to by him, on the subject of criminology, may be printed as one document. Is there objection?

Mr. PLATT of Connecticut. I am not going to object to that order, but I want to say that I think the Senate has been bothered about long enough by Mr. MacDonald, who is the author of these documents.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. COCKRELL. Did I understand the Senator from Connecticut to object to the printing of that document?

The PRESIDENT pro tempore. The Senator did not object.

Mr. COCKRELL. I did not hear what the document is.

Mr. PLATT of Connecticut. I did not object to it, but I said that I thought the Senate had had about enough of it.

Mr. COCKRELL. If we have had enough of it, enough is enough. Let us hear what it is.

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. QUARLES] has asked for the reprinting as one document of four documents on criminology, prepared by Mr. MacDonald.

Mr. KEAN. I object to the printing of the documents, Mr. President.

The PRESIDENT pro tempore. Objection is made.

PAYMENTS TO DELAWARE INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. QUAY, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish forthwith to the Senate a statement showing the difference in value between coin and currency on payments made by the United States to the Delaware Indians, from and including the year 1862 to and including the year 1878; said payments being set forth in the report of the subcommittee of the Senate on Indian Affairs, dated March 29, 1902.

Mr. STEWART. I do not think this resolution will be necessary under the amendment adopted on the motion of the Senator from Iowa [Mr. ALLISON]. It would take some time to get this information, and I think that amendment covers the point.

Mr. QUAY. It may not be necessary and it may. It can do no harm.

Mr. STEWART. It can do no harm; but the information can not be obtained in time for the Indian appropriation bill.

Mr. QUAY. I do not know.

Mr. ALLISON. It seems to me there are some complications about this matter of the difference between currency and gold that can not well be settled by a resolution such as the Senator now proposes. I think there ought to be some direction more in detail to the Secretary of the Treasury as to how he shall make this computation. I have just been looking at the treaties to see what was required under them. Will the Senator allow the resolution to lie over for the present? No information that can now come from the Secretary can be of value in the consideration of the appropriation bill.

Mr. QUAY. I think it very possible that information may be had from the Secretary of the Treasury that will be of importance in the passage of the Indian appropriation bill, but I have no objection to the resolution going over in order that the Senator may examine the treaties which he has before him; and I do not myself care to have it passed without looking at them. Let the resolution go over.

Mr. ALLISON. Very well; let it go over.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Pennsylvania.

Mr. QUAY. I say the resolution can go over for the present. I do not want to have it go to the Calendar. I want to have it lie on the table, so that I can call it up to-day if I shall desire.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the resolution may lie on the table subject to his call. Is there objection? The Chair hears none.

HOUSE BILLS REFERRED.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Printing:

A joint resolution (H. J. Res. 55) providing for the publication of the reports of the Board of Managers and inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

A joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory; and

A joint resolution (H. J. Res. 133) providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

The bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River was read twice by its title, and referred to the Committee on Commerce.

REPRINTING OF DOCUMENTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 53) authorizing the reprinting of certain documents to be sold by the superintendent of documents, which was on page 1, line 12, after "sale," to insert "such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated."

Mr. PLATT of New York. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

THOMAS J. HOBBS.

Mr. LODGE. I ask unanimous consent to call up the bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass. It will not occupy a moment.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. Is it not novel to direct a subordinate, a disbursing officer, to issue a check?

Mr. LODGE. I supposed it was in the usual form.

Mr. SPOONER. I think the Secretary of the Treasury ought to be directed to issue it.

Mr. LODGE. I suggest that it be changed so as to read "that the Secretary be authorized to cause to be issued a check," etc.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. After the word "That," at the beginning of the bill, strike out the words "Thomas J. Hobbs, disbursing clerk of;" insert after the word "the," in the same line, the words "Secretary of the;" in the same line, after the word "Treasury," strike out the word "Department;" and in line 4 strike out the word "issue" and insert in lieu thereof the words "cause to be issued."

The amendment was agreed to.

The PRESIDENT pro tempore. The bill was reported from the Committee on Finance with amendments, which will be stated.

The amendments were, on page 1, line 5, after the word "of," to strike out "said" and insert "an;" and in the same line, after the word "check," to insert:

Issued by him on the 8th day of July, 1903, numbered 40008, upon the assistant treasurer of the United States at New York, in favor of Crane & Company, for the sum of $5,220.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, instructed to cause to be issued a duplicate of an original check issued by him on the 8th day of July, 1903, No. 40008, upon the assistant treasurer of the United States at New York, in favor of Crane & Co., for the sum of $5,220, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE RESERVATION.

Mr. STEWART rose.

Mr. COCKRELL. I ask the Senator from Nevada in charge of the Indian appropriation bill to allow me to call up for passage the bill (H. R. 8878) to extend the provisions of the act of January 21, 1903, to the Osage Reservation, in Oklahoma Territory, and for other purposes. It was favorably reported from the Committee on Indian Affairs with sundry amendments by the Senator from Connecticut [Mr. PLATT], and it will take only a moment. It consists of only about twenty lines.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. STEWART. I yield for that purpose.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, in line 8, after the word "are," to insert "as to the use of stone;" and on page 2, line 1, after the word "therein," to strike out the following proviso:

Provided further, That all limitation on the export of stone and gravel for any and all uses and purposes from any part of the Indian Territory and the Osage Nation, in Oklahoma, are hereby removed.

So as to make the bill read:

Be it enacted, etc., That the provisions of the act of Congress approved January 21, 1903, entitled "An act to amend an act entitled 'An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory,' approved June 6, 1900," are, as to the use of stone, hereby extended to and shall include the Osage Reservation, in the Territory of Oklahoma: *Provided*, That the proceeds from the lands in said Osage Reservation, in Oklahoma Territory, shall go to the Osage Nation or allottees therein.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXTENSION OF EIGHTH STREET NW.

Mr. GALLINGER. I ask the Senator from Nevada to yield to me to ask for the consideration of a bill which I feel sure will pass without objection. If there is any objection to it, I will withdraw the request for its consideration.

Mr. STEWART. On that condition I yield to the Senator from New Hampshire.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 3454) for the extension of Eighth street NW., or Wrights road, District of Columbia.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

Mr. STEWART. I now ask that the reading of the bill may be continued.

The PRESIDENT pro tempore. The Chair calls the attention of the Senate to the item on page 53 of this bill, beginning in line 10 and ending with line 19, for payment to J. Hale Sypher of $50,000. The point of order was made by the Senator from New Jersey [Mr. KEAN]. The Chair is of opinion that the private claim under Rule XVI barred from appropriation bills must necessarily be a claim against the Government of the United States, which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair the committee having jurisdiction of the subject had a right to report this item favorably and thus make it in order. So the Chair overrules the point of order raised by the Senator from New Jersey.

Mr. KEAN. Then, Mr. President, I suggest that the amendment of the committee ought to be amended. I move, after the word "dollars," in line 12 on page 53, in the amendment of the committee, to strike out the remainder of the clause; so that, if amended, it would read:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $50,000.

The reason I do this is because, so far as I can find, there is absolutely no agreement under date of November 7, 1891, between J. Hale Sypher and the Choctaw Nation; and I should like very much if the Senator from Nevada [Mr. STEWART] would furnish to the Senate information as to the services rendered by this claimant.

Mr. STEWART. I suggest that the Senator from Colorado [Mr. TELLER], who is familiar with the subject, make the explanation.

Mr. TELLER. Mr. President, I think the Senator from Connecticut [Mr. PLATT] has given some attention to this subject. I really do not myself know what is the amendment.

The PRESIDENT pro tempore. The amendment to the amendment of the committee submitted by the Senator from New Jersey [Mr. KEAN] will be stated by the Secretary.

The SECRETARY. On page 53, line 12, after the word "dollars," it is proposed to strike out:

which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as the attorney of said nation under contract entered into on the 7th day of November, A. D. 1891, between said J. Hale Sypher and the said Choctaw Nation.

So as to make the clause read:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $50,000.

Mr. PLATT of Connecticut. Mr. President, I understand that some Senator has asked that the nature of this claim might be explained. I have not been a very strenuous advocate of inserting this amendment, though I assented to it being placed in the bill. I can state, I think, what the nature of it is.

In 1891 there was an amendment put on the Indian appropriation bill to pay the Choctaws and Chickasaws, in round numbers, about $3,000,000 for an alleged title to lands which had been opened for settlement to the Cheyennes and the Arapahoes. That grew out of transactions long ago, and was known as "the leased district." This land was west of the ninety-eighth meridian. I insisted at the time that the Indians had no title; that they had parted with it after the lease to the Government, but the Senate thought otherwise, and adopted the amendment.

The money could not be drawn, under the amendment, until the President approved the conveyances. President Harrison refused to approve the conveyances, and sent to Congress a message in which he said that he believed there was so much fraud connected with the obtaining of that amendment that he was not disposed to give his assent under any circumstances to anything which would result in the payment of this money.

There had been a pretty extensive and vigorous lobby employed by one set of Indians to procure this money. When the money was finally paid, $692,000 of it was paid out to attorneys and lobbyists; but while the question was pending before the President as to whether he would approve the leases the Choctaw council discharged all of the attorneys who had been employed under its authority theretofore and appointed new representatives to come to Washington and to employ counsel for the purpose of procuring this money.

That delegation embraced the Delegate, the governor, and one other prominent Choctaw. They came here and employed Mr. Sypher. They made a contract with him to pay him 10 per cent of the amount to be procured. He worked at it faithfully, and I think it is in evidence that he devoted all the time that was necessary for about a year and a half to try to secure the payment of this money. But President Harrison went out of office without paying the money or without approving the conveyances. The conveyances were prepared by Mr. Sypher, and they were signed by this delegation that employed him. He asserts that he had at last convinced President Harrison that the money ought to be paid, and that the only reason it was not paid while the matter was in his charge was because there was not sufficient money in the Treasury.

But when President Cleveland came in the Choctaw people came here with a new set of agents to induce President Cleveland to approve the conveyances. I do not wish to go into any scandals about that, and decline to do so. President Cleveland, however, after two or three months' consideration, approved the conveyances and the money was paid. It was paid mainly to Mr. Stanley and Mr. Green McCurtain, Mr. McCurtain being one of the committee that had employed Mr. Sypher. As I said, the money being paid, $692,000 of it was distributed among lobbyists and attorneys, giving Mr. Sypher nothing at all and not recognizing him. The balance of it was distributed to the Choctaws and Chickasaws, except about $37,000, which, as I have always understood, was retained by the governor, upon the plea that he had to pay it out in connection with obtaining the legislation.

This whole matter has been, to my mind, one of the most notorious instances of lobbying that I have ever known since my coming to the Senate. I introduced a resolution which called upon the Secretary of the Treasury to inform the Senate what had become of this money. A good deal of it was traced; some of it could not be traced. But the Choctaws never paid Mr. Sypher a dollar. He labored assiduously trying to get this money paid. On the whole, I have thought the Indians owed Mr. Sypher something. He did not absolutely procure the payment of the money—that is to say, it did not pass through his hands—but he had cleared the way for it so that Mr. Cleveland, as President, found that the way was clear.

We have not felt that the Choctaws were doing the fair thing by Mr. Sypher. We do not allow him the 10 per cent under his contract, but we allow him what may be called a quantum meruit for his services during that year and a half, which we believe to have been faithfully rendered and to have been of value to the Choctaw Nation in securing the payment of this money.

I do not know that I can state the matter any more fully than I have.

Mr. STEWART. I think the Senator has fairly and fully stated the case.

Mr. LODGE. I should like to ask what the statement of the Department is in regard to this claim, and whether the Senator from Nevada has a letter from the Interior Department or the Indian Commissioner in regard to it?

Mr. PLATT of Connecticut. I do not think there is any recommendation for it by the Department or by the Indian Commissioner.

Mr. STEWART. Was there not a letter before the subcommittee? It is a matter that was referred to the subcommittee. I do not know that I have ever read the letter.

Mr. LODGE. Is there a letter?

Mr. BARD. I have here a letter from the Secretary of the Interior.

Mr. STEWART. Let the letter be read, so that we may see what it is.

Mr. LODGE. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1904.

CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: Acknowledging receipt of a copy of Senate bill 3359, "A bill for the relief of the attorney and representative of the Choctaw Nation," by reference of the chairman of your committee, with request for report thereon for the information of your committee, I have the honor to inclose herewith a copy of a report by the Commissioner of Indian Affairs in the matter, a copy of the bill having been referred to him on January 15, 1904, in which he recommends, for reasons fully set forth, that the Department report adversely to the bill.

I concur in the views of the Commissioner, and earnestly recommend, in justice to the Choctaw Nation, that the bill be not favorably considered.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

Mr. KEAN. Now, Mr. President, I should like to have the letter of the Commissioner of Indian Affairs read.

Mr. PLATT of Connecticut. There is one thing which I ought to have said in my explanation, which is this: That the reason the Choctaw people give for not recognizing Mr. Sypher is that they obtained from the attorney-general of the Choctaw Nation an opinion saying that the act under which he was employed was unconstitutional; but they availed themselves of the act so far as the preparation of the leases was concerned. They acted under that to get the money, and then said that they repudiated the contract.

Mr. STEWART. But the commissioners appointed under the act continued to receive the money.

Mr. PLATT of Connecticut. They repudiated the contract, claiming that it was unconstitutional, but they went forward under it as to everything else except paying the money.

Mr. TELLER. Mr. President, in 1901 Congress adopted what is substantially an effort to make these Indians pay their debts. Some little experience of mine connected with them justifies me in saying that they never pay if they can help it. In the act making appropriations for the Indian Service for the fiscal year 1902, approved March 3, 1901, the following provision was inserted:

For payment to the heirs of Albert Pike, deceased, to be paid as hereinafter provided, out of any funds in the Treasury of the United States belonging to the Choctaw Nation——

Mr. ALLISON. From what is the Senator reading?

Mr. TELLER. Page 22 of the act making appropriations for the Indian Service, approved March 3, 1901—

$75,000; which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately as follows: Thirty thousand dollars to—

I need not read that. It simply gives the names of the members of the family and the administrator to whom the amount should be paid. The paragraph continues:

upon execution by each of the said heirs and said administrator of a receipt in full for all their respective claims against the Choctaw Nation for the services of Albert Pike in the collection from the United States of what is commonly known as the "net-proceeds claim."

In that case Albert Pike had rendered service to these Indians for a number of years. They had declined to pay him, as they do on all occasions decline to pay honest attorneys who do their work. After an investigation by the Committee on Indian Affairs, this claim was believed to be just. It was reported in the bill to which I have referred, which was passed and became a law, and the money was paid. There is nothing unusual in the pending claim, and I think we can also find some other precedents for it.

Because the Indians paid a large amount of money, that is no reason for saying when the money was paid to them that Mr. Sypher should not be paid for his work, for no part of that $600,000 was earned in the business that Sypher was engaged in. Sypher had prepared all the papers. He had done, up to the time President Harrison went out of office, everything that it was necessary to do, except the payment of the money. At that time the probability is that it would have been paid if the Treasury had been as flush as it has been at some other times. It was subsequently paid in the early days of the Cleveland Administration, and, as stated by the Senator from Connecticut [Mr. PLATT], it appears from the Treasury Department that a large sum of money was paid out, ostensibly and professedly, as I understand, for services rendered in securing the passage of the original bill, which was the cause of the President declining to pay anything until he knew something about where it was going. I do not understand that the President meant to say that no part of it should be paid. I think the President's notion was that he would see, when it was paid, that it did not go into the hands of an irresponsible lobby that had really earned nothing.

Mr. CULLOM. I should like to inquire of the Senator if he knows how much has been paid to other attorneys connected with the case?

Mr. TELLER. Nothing at all was paid to attorneys out of that money. It was paid to the lobby; and we know who they were. That is shown in the Treasury report. Not one of them, I think, is an attorney, and none of them had been making any claim upon this fund for services rendered. After the passage of the act it was necessary to do a good many things to secure the payment of this money. All of that General Sypher had performed, and all that was left to be done was the payment of the money.

Mr. KEAN. I ask to have the letter to which I have referred read.

Mr. TELLER. I want to say that Mr. Sypher had nothing to do with the original lobby, and I have every reason to believe that he protested very vigorously against their being paid anything, saying that it was a robbery of the Indians to pay them anything; but the protest availed very little just at that time.

The PRESIDENT pro tempore. The Senator from New Jersey asks for the reading of the letter from the Commissioner of Indian Affairs.

Mr. STEWART. Before that is read, I wish to make a remark.

Mr. TELLER. I want to say just another word. This was not a matter in the Interior Department at all. It was a matter purely in the executive department with the President. The Interior Department had very little to do with it, at least; but there is enough in the Department to show that General Sypher had rendered service to those Indians. It is clear that he procured what you might call the principal steps of securing the form of transfer or release, and all that had to be done by sending or going to the Indian Territory.

Mr. STEWART. What impressed me most was the fact that a law was passed discharging these attorneys or this lobby, or whatever it was, and appointing a commission to employ an attorney to get this payment. That commission came here and employed General Sypher by a written contract. The Senator from California [Mr. BARD] has the contract, and I will ask that it may be printed as a part of my remarks. I will not stop to read it. It is a very full contract.

General Sypher went to work superintending the doing of the things necessary to get the money. The bill was passed and the whole thing straightened up so that the Indians could get the money. He attended to that. The commission came on and cooperated with him; but when they wanted to make a change they got an opinion of their attorney-general that the law under which Sypher was employed was unconstitutional; but the commissioners who employed him were continued in office. They came here, and they got the money on the papers which had been prepared and filed by Sypher.

It seems they thought there was nothing unconstitutional about it but the employment of Sypher. That looks to me so crooked that it rather hurts their case, because if it was unconstitutional to pay Sypher to carry out that contract, it was unconstitutional to pay over any of the money. The whole thing was an absurd excuse, undoubtedly, and although I have not investigated the matter particularly myself, the subcommittee investigated it very thoroughly.

I will ask the Senator from California [Mr. BARD] to send up the papers that he has so that they may be printed in the proceedings in order that we may have the record complete.

Mr. QUARLES. Mr. President, as I understand this amendment, it does not involve this claim at all. The amendment of the Senator from New Jersey [Mr. KEAN], as I understand it, only involves the question of taking a receipt in full under the contract made by Mr. Sypher with the Indians. Now, if there is any reason why he should not give a receipt in full under that contract, I should like to hear it.

Mr. STEWART. There is no reason, so far as I am concerned.

Mr. KEAN. I should like to have the letter of the Commissioner of Indian Affairs read.

The PRESIDENT pro tempore. As soon as the Senator from Nevada has surrendered the floor it will be read.

Mr. KEAN. I thought the Senator from Nevada had yielded the floor.

Mr. STEWART. I have no objection to the amendment, so far as that is concerned, but I should like to have in the RECORD the contract and the documents which the Senator from California has. I do not ask that they be read, but that they may be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada asks that the contract and the papers in the case may be printed in the RECORD. Is there objection? The Chair hears none.

Mr. BARD. I will call attention first to the act of the council of the Choctaw Nation, found in this document on pages 38 and 39, which will be read by the Secretary, and, in addition, a copy of the contract between the nation and Mr. Sypher.

The PRESIDENT pro tempore. Does the Senator from California ask that they be read?

Mr. BARD. It was suggested by the Senator from Nevada that they be read.

Mr. STEWART. No, I do not ask it.

Mr. KEAN. I ask that they be read.

Mr. STEWART. I do not ask it unless somebody wants them read. However, I want them to appear in the RECORD.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the documents may be printed in the RECORD as a part of his remarks. Is there objection? The Chair hears none.

The papers referred to are as follows:

Whereas the Congress of the United States did on the 3d day of March, A. D. 1891, make an appropriation of the sum of $2,991,450 in favor of the Choctaw and Chickasaw nations of Indians, for their right, title, and interest in certain lands west of ninety-eighth degree west longitude, and now occupied by the Cheyenne and Arapahoe tribes of Indians;

And whereas the attorneys and others employed in the prosecution of the claim by the commissioners appointed by the Choctaw government have failed to procure the payment of said appropriation to the treasurer of the Choctaw Nation, as required by the act of the general council of April, 1891;

And whereas it appears that contracts made by said commissioners with their attorneys have never been approved by the Interior Department as required by the United States statutes, thereby precluding said attorneys from being of any use to the Choctaw Nation in procuring said appropriation, and it is believed that said attorneys with supposed contracts are an absolute hindrance to the prompt payment of said appropriation, thereby depriving the Choctaws of their just dues: Therefore,

SECTION 1. *Be it further enacted by the general council of the Choctaw Nation*, That any and all contracts made by the Choctaw commissioners with any attorneys in connection with the appropriation of $2,991,450, and not approved by the Department of the Interior, are declared void and of no effect.

SEC. 2. That the principal chief of the Choctaw Nation and the national treasurer and the special delegate heretofore appointed be, and they are hereby, authorized and directed to proceed at once to Washington City, D. C., and make a formal demand for this money, and to this end they are authorized to procure such assistance and to take necessary steps to procure said money before the 1st day of December, 1891, and they are further authorized to sign the necessary relinquishment to said lands west of the ninety-eighth degree west longitude, now occupied by the Cheyenne and Arapaho tribes of Indians.

SEC. 3. That all acts or parts of acts, resolutions or parts of resolutions, except the "disbursement bill known as the per capita bill," of April, 1891, coming in conflict with this are hereby repealed, and this act take effect and be in force from and after its passage.

Approved, October 19, 1891. J. H. BRYANT, *Acting P. C. C. N.*

Proposed by R. J. Ward.

Agreement.

Whereas the Choctaw Nation of Indians in the Indian Territory have a just and valid claim against the United States of America for certain money or moneys appropriated by act of Congress approved March 3, 1891, to pay said nation of Indians for all their right, title, interest, and claim which said nation may have in and to certain lands designated and described in the act aforesaid, are desirous of securing the services of J. Hale Sypher, an attorney and conselor at law, to prosecute said claim, and to collect the amount appropriated by the act of Congress aforesaid, to-wit, $2,206,987.50:

Now, therefore, this agreement, made and entered into by and between J. Hale Sypher, attorney and counselor, party of the first part, and Governor Wilson N. Jones, principal chief; Hon. Green McCurtain, national treasurer, and Hon. Thomas D. Ainsworth, special delegate, commissioners, appointed by act of the general council of the Choctaw Nation approved October 19, 1891, parties of the second part;

Witnesseth, That for and in consideration of the professional services of the party of the first part in and about the prosecution of the said claim and the services of others who may be employed, or authorized by him to act in the premises, either as colleague or as substitute, the parties of the second part hereby promise and agree for themselves and their heirs and legal representatives to pay to the party of the first part, his heirs, substitute or legal representatives, a fee equal to 10 per cent of whatever sum of money or other evidence of indebtedness which may at any time be awarded or recovered on account of said claim, and the said fee shall become due and payable immediately upon the making of said award or payment, and the parties of the second part hereby stipulate that the party of the first part, his substitute or legal representatives, shall have direction and control of the prosecution of said claim to its final termination and adjustment, with power to receive, receipt for, indorse, and collect, any draft, warrant, or other evidence of indebtedness, that may be issued or rendered in payment thereof, and, further, to retain from the proceeds of any such draft or other evidence of indebtedness the amount of the fee herein stipulated; and, if requisite to the faithful performance of this agreement, the parties of the second part hereby authorize and bind their heirs and legal representatives to invest the party of the first part, his substitute or legal representatives, with like power, to the end that the provisions of this agreement shall fully be carried into effect. And the parties of the second part further agree to furnish all evidence and papers that may be lawfully required in the prosecution of said claim, and to execute from time to time and deliver to the party of the first part such powers of attorney or other papers as may be necessary for the prosecution and full settlement and collection of said claim, and the payment of said fee.

It is further agreed that this agreement shall not be affected in any particular by any revocation of the authority granted or which may be granted to the party of the first part, nor by any services rendered or which may be rendered by others or by the parties of the second part, his heirs or legal representatives, or by any of them.

This agreement is limited by the provisions of the act of the Choctaw council of October 19, 1891, requiring necessary steps to be taken to procure said money before the 1st day of December, 1891. (See act.)

And the party of the first part agrees to diligently prosecute said claim to the best of his professional ability to a final termination.

Witness our hands and seals this 7th day of November, A. D. 1891.

J. HALE SYPHER. [SEAL.]
WILSON N. JONES. [SEAL.]
GREEN MCCURTAIN. [SEAL.]
THOS. D. AINSWORTH. [SEAL.]

Signed, sealed, and delivered in the presence of—
ROBT. V. HUGHES.
GEO. H. BROWN.

DISTRICT OF COLUMBIA, *ss:*

Personally appeared before me, the subscriber, a notary public in and for said District, the afore-named J. Hale Sypher, Wilson N. Jones, Green McCurtain, and Thomas D. Ainsworth, to me well known, and acknowledged the foregoing letter of agreement to be their free and voluntary act and deed for the purpose therein set forth.

Given under my hand on this 7th day of November, 1891, at Washington, D. C.

[SEAL.] ROBT. V. HUGHES, *Notary Public.*

DISTRICT OF COLUMBIA, *ss:*

I hereby certify that the foregoing is a true copy of the original as shown to me this 18th day of December, 1901.

ROBT. V. HUGHES, *Notary Public.*

Mr. KEAN. I now call for the reading of the letter which I sent to the desk.

The PRESIDENT pro tempore. The Senator from New Jersey asks for the reading of a communication from the Commissioner of Indian Affairs. It will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 9, 1904.

The Hon. SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt of Department letter of January 15, 1904 (I. T. D., 216-1904), inclosing for report a copy of a bill (S. 3359) entitled "A bill for the relief of the attorney and representative of the Choctaw Nation," which provides:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any funds in the Treasury of the United States belonging to and due, or out of any funds which may hereafter become due, the Choctaw Nation, $220,698.75 to the attorney and representative of said Choctaw Nation, as per contract duly executed by said nation and under a power of attorney, set out on page 25 of the message of the President of the United States of February 18, 1892, to the Senate of the United States."

The Indian appropriation act approved March 3, 1891 (26 Stats., 1025), appropriated $2,991,450 to pay the Choctaw and Chickasaw nations of Indians for all their interest in certain lands occupied by the Cheyenne and Arapaho Indians, under Executive order, which had been ceded in trust by article 3 of the treaty with said nations, concluded April 28, 1866 (14 Stats., 769), and provided that three-fourths of the appropriation should be paid to such person or persons as are or shall be duly authorized by the laws of the Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of the Choctaw Nation, and also provided for the payment, in a similar manner, of the remaining one-fourth to the representatives of the Chickasaw Nation. The act made the appropriation "immediately available and to become operative upon the execution, by the duly appointed delegates of said respective nations specially authorized thereto by law, of releases and conveyances to the United States of all right, title, interest, and claim of said respective nations of Indians in and to said land (not including Greer County, which is now in dispute) in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of any kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply."

On March 17, 1891, the principal chief of the Choctaw Nation addressed a letter to the President requesting information as to what form of release and conveyance named in the act of 1891 would be satisfactory to the Government. This letter was referred to this Office and was the subject of office report of April 29, 1891, a copy of which was transmitted by the Department to the President in a communication dated May 6, 1891. In that communication Secretary Noble referred to an interview had by him with Mr. Leo E. Bennett, United States Indian agent at the Union Agency, Ind. T., "regarding the manner in which this business has been conducted in the Choctaw Nation" and inclosed an affidavit of Mr. Bennett, in which it was stated that Robert J. Ward, one of the delegates of the Choctaw Nation, and who, among others, was to execute the release and conveyance to the United States, is a senator in that nation's council to negotiate the final cession of the Choctaws' interest in the lands west of the ninety-eighth meridian. Secretary Noble further said:

"By an act of the general council of the Choctaws (No. 34) entitled 'An act to authorize the appointment of three commissioners to treat with the United States Commissioners in reference to the leased district, and for other purposes,' approved November 5, 1889, Ward was appointed as one of the three commissioners, the other two, J. H. Standley and H. C. Harris, who, you will perceive, are also among those to execute the present deed; that by an act of the general council (No. 14) entitled 'An act contracting to the delegation appointed to negotiate with the authorities of the United States one-fourth of the recovery out of the "leased district,"' so called, etc., 'the compensation was fixed at 25 per cent.' This was approved December 24, 1889.

"While this last act was pending and while the names of the delegates were before the senate of the Choctaw Nation, pending confirmation, Ward was approached, as he says, by one Thibeau, a white man, residing in Paris, Tex., who said there was a plot on foot among certain senators to defeat said measure; that if he (Ward) was willing to pay for it he could fix the matter; and Ward was induced finally to give seven promissory notes, hereinafter described, to induce the confirmation of the delegation and the approval of the fee of 25 per cent out of the funds recovered. These notes were given, he states, on the 23d and 24th days of December, 1889, and were to the following persons and amounts:

W. W. Hampton, senator	$15,000
L. W. Oakes, senator	10,000
H. P. Ward, senator	5,000
Columbus Irwin, senator	5,000
Simon Wilson, senator	2,500
J. B. Jeter	10,000
G. T. Thibeau	20,000

"The form of note is inclosed, and it seems that each note was signed by R. J. Ward, who also signed the names of Standley and Harris. The note to Hampton appears to be for $12,500 instead of $15,000, as stated in the affidavit.

"The number of Senators thus to be compensated formed a majority of all the body that was to confirm the per cent and authorize the delegation to act in making these conveyances. If true, therefore, these facts should impair the validity of the consent apparently given by the Choctaw Nation to these conveyances and involve the question of good faith as to the whole transaction.

"There is no evidence corroborating the statements of Ward, but inasmuch as he criminates himself in the transaction it is hardly presumable that he has told an entire falsehood.

"It is impossible for me, with this knowledge, which I communicate to you, to recommend the completion of this transaction without an investigation into the facts thus asserted by one of the parties implicated, and which statement seems to have been voluntarily proffered."

Secretary Noble accordingly recommended that all action by the President "be postponed until the Ward statement can be laid before Congress, and due investigation into the facts be properly made by that body. He concluded with the statement that—

"The allowance made to the delegation of 25 per cent would amount to $747,862.50, and this enormous sum of money for the services rendered leads to grave suspicion, if the facts mentioned have any basis whatever, of a much wider conspiracy against the public welfare both of the Choctaws and the United States."

The communication from the Department was transmitted by the President to Congress with his message of February 18, 1892, in which message the President, after alluding to the section in the Indian appropriation act of 1891, said in part:

"If this section had been submitted to me as a separate measure, especially during the closing hours of the session, I should have disapproved it; but as the Congress was then in its last hours a disapproval of the general Indian appropriation bill, of which it was a part, would have resulted in consequences so far-reaching and disastrous that I felt it my duty to approve the bill. But as a duty was devolved upon me by the section quoted, viz, the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and, in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

"Very soon after the passage of the law it came to my knowledge that the Choctaw legislature had entered into an agreement with three citizens of that tribe to pay to them, as compensation for procuring this legislation, 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents, under this agreement, out of the three-fourths interest in the appropriation of the Choctaw Nation, is $560,896. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them.

"Within a month after the passage of the law R. J. Ward, one of the agents who was to divide with his two associates the enormous sum to be paid by the Choctaws, presented to me an affidavit dated April 4, 1891, which is herewith submitted. It appears from his statement that the action of the Choctaw council in this matter was corruptly influenced by the execution of certain notes signed by Ward for himself and his associates in sums varying from $2,500 to $15,000. His associates deny any knowledge of this, but the giving and existence of these notes is not refuted. The statement of the two associates of Ward, denying any knowledge of or participation in this fraud, are also submitted, together with other papers relating to the matter. Whatever may be the fact as to the use or nonuse of corrupt methods to secure this legislation from the Choctaw council, I do not think the Congress of the United States should so legislate upon this matter as to give effect to such a contract, which I am sure must have been unnoticed when the measure was pending. If the relations of these Indians to the United States are those of a ward, Congress should protect them from such extortionate exactions. We can not assume that the expenses and services of a committee of three persons to represent this claim before Congress could justly assume such proportions. The making of such a contract seems to convey implications which I am sure are wholly unjust.

"After the passage of the appropriation bill legislation was had by the Choctaw Nation looking to the completion of the contract made with their delegates as to the payment of this money; but subsequently, when it was supposed that this extraordinary arrangement might require me to bring the matter to the attention of Congress, an act was passed by the Choctaw general council, approved October 19, 1891, declaring all contracts made by the Choctaw delegates with any attorneys in connection with this appropriation void and of no effect. A copy of this law will be found with the papers submitted. There has also been submitted to me an unofficial copy of the opinion of the attorney-general of the Choctaw Nation, holding that this last legislation is unconstitutional and void. I am of the opinion that, if this appropriation is to stand, provision should be made for protecting these tribes against extortionate claims for compensation in procuring action by Congress.

"Copies of the several laws passed by the Choctaw Nation with reference to this matter will be found in the accompanying papers."

All of the foregoing correspondence will be found printed in Senate Executive Document No. 42, Fifty-second Congress, first session. On pages 24 and 25 of that document will be found the following:

WASHINGTON, D. C., *November 4, 1891.*

The PRESIDENT OF THE UNITED STATES:

SIR: We, the undersigned, commissioners appointed by an act of the general council of the Choctaw Nation approved October 19, 1891, being authorized and directed to proceed to Washington City, D. C., and make a respectful formal demand upon the United States for the payment of the money appropriated by Congress, approved March 3, 1891, do hereby most respectfully appeal to you for just and speedy action in the premises.

We would most respectfully submit that our people, having learned of this appropriation for their benefit by the Congress of the United States, do not understand the cause of the delay in the realization of the money, a portion of which, by recommendation of the governor and general council of the nation, will be set apart for schools and purposes of internal improvements, and therefore much anxiety and restlessness prevails in the nation, to the detriment of harmony, peace, and good order among the people.

We desire to assure the President that no portion of this money is to be paid for improper and illegal purposes. No agents or lobbyists have been employed by us to advocate our claims or to attempt to influence improperly or illegally either Congress or any officer of the Government.

We have employed and engaged the professional legal services of Gen. J. Hale Sypher, who presented us this morning. He is our true and lawful attorney and representative, and we have none other authorized to represent or to act for us.

Very respectfully, your obedient servants,

WILSON N. JONES,
Governor and Principal Chief of the Nation,
GREEN MCCURTAIN,
Treasurer of the Nation,
THOS. D. AINSWORTH,
Special Delegate of the Nation,
Commissioners of the Choctaw Nation of Indians.

J. HALE SYPHER,
Attorney and Counselor.

DISTRICT OF COLUMBIA, *ss:*

Subscribed to before me this 4th day of November, A. D. 1891.

[SEAL.] ALLEN R. ADAMS, *Notary Public.*

The foregoing is the "power of attorney set out on page 25 of the message of the President," referred to in the bill (S. 3359) under consideration. It will therefore be seen that the "attorney and representative" of the Choctaw Nation, for whose relief the bill is intended, is Gen. J. Hale Sypher, an attorney of this city.

It does not appear that any contract between parties claiming to represent the Choctaw Nation and General Sypher was ever submitted to this office for approval under section 2103 of the Revised Statutes. Apparently the only information had by this office that such a contract ever existed is contained in a printed brief prepared by General Sypher, which was recently left by him with the office.

In said brief it is stated that on November 7, 1891, a contract was executed between J. Hale Sypher, attorney and counsellor, party of the first part, and Governor Wilson N. Jones, principal chief; Hon. Green McCurtain, national treasurer, and Hon. Thomas D. Ainsworth, special delegate, commissioners, appointed by act of the general council of the Choctaw Nation, approved October 19, 1891 [April 9, 1891 (?)], parties of the second part, in which it was provided that General Sypher should be paid for his services "10 per cent of whatever sum of money or other evidence of indebtedness which may at any time be awarded or recommended on account of said claim," meaning the claim of the Choctaws to $2,206,987.50, being their share of the appropriation made by the act of 1891.

General Sypher makes the assertion in the closing paragraph of his brief that he "held a properly executed and binding power and contract and labored in this behalf many years and did not receive a dollar," but was defrauded out of his "fairly and justly earned fee."

It should be noted that this alleged contract was executed on November 7, 1891, by a Choctaw delegation appointed under the Choctaw Act of October 19, 1891, which act was declared unconstitutional and void by the national attorney of the Choctaw Nation in an opinion rendered October 30, 1891. (See Senate Ex. Doc. 42, 52d Cong., 1st sess., p. 26.) If this act was void—and undoubtedly it was, as it sought to impair a prior contract obligation, to wit, the agreement of the Choctaws to pay the delegation of 1889 25 per cent of the sum recovered by it to the nation—then every act performed by the new delegation must have been a mere nullity, including the contract made with General Sypher.

General Sypher could not have "labored in this behalf many years," as he states he did in his brief, as less than two years elapsed from November 7, 1891, the date of his contract, until June 2, 1893, the date on which the payment of the $2,206,987.50 was made to the treasurer of the Choctaw Nation.

This payment was made by the Government direct to the treasurer of the Choctaw Nation without deducting any attorney's fees, but it appears that the nation afterwards compensated its delegation of 1889 and certain attorneys, as follows:

James S. Standley, settlement of amount due delegation of 1889	$551,746.87
D. M. Ross, attorney fee, as per contract	75,000.00
John C. Orrick, attorney fee, as per contract	66,209.60

A detailed statement showing these payments is contained in Senate Executive Document No. 8, Fifty-third Congress, first session.

In a report made by General Sypher as "attorney for the Choctaw Nation," found in a printed pamphlet left by him with this Office, and made subsequent, it is presumed, to the date on which the nation received payment of the money, he characterized the payments to the agents and attorneys as an "outrageous and shameful robbery," which could not have been consummated without the active cooperation and participation of the Choctaw national treasurer. He declared that he had more than earned his fee as stipulated in his contract, but added that since the Choctaws "have been so shamefully and outrageously robbed of nearly one-third of the appropriation," he would wait a reasonable time for the principal chief to take such action as will justly remunerate him (Sypher) for his professional services to the Choctaw Nation.

This last statement of General Sypher may account for his present application to Congress for relief, as embodied in the bill S. 3359. He probably failed to reach a settlement satisfactory to him with the Choctaw national authorities.

It seems to this Office that General Sypher's contract and the claim made by him thereunder must be judged by the standard of the laws of the Choctaw Nation. It never had any standing under Federal law. And as the Choctaw law under which the contract was made was declared unconstitutional and void by competent authority of the Choctaw Nation, it follows that the contract must also be held invalid.

The enactment of the bill S. 3359 is therefore not recommended.

The copy of the bill received with the Department's letter of January 15, 1904, is herewith returned with a copy of this report.

Very respectfully,

W. A. JONES, *Commissioner.*

Mr. MCCUMBER. Mr. President, I was not present with the committee when this case was finally adjudicated. However, I was there during the entire time of its consideration.

I do not think there are many things to be taken into consideration in determining what is a just and appropriate sum to be paid to Mr. Sypher as attorney for the Choctaw Nation. These facts appear—they are undisputed: By an act of the Choctaw Nation a certain committee was authorized to proceed to the city of Washington and there employ an attorney who would give his services in securing for them the payment of a claim of about $3,000,000 against the Government of the United States. This commission proceeded to the city of Washington under that act of the Choctaw Nation, and they employed Mr. Sypher to look after their interests.

There is nothing here to show that Mr. Sypher knew of any of the conditions prior to that time or of the fact that this act might, by an Indian attorney, be declared unconstitutional. He went to work under the authority that was given him. He performed services under the contract, which provided for a contingent fee. He was to receive 10 per cent on this sum of nearly $3,000,000 in case he succeeded in securing its payment by the United States to the Choctaw Nation. He was to receive nothing, of course, if he did not succeed. He therefore put his time and his labor against the contingency of securing the proper amount or an amount that would be agreeable to the Choctaw Nation. He absolutely performed, according to the statement which appears before us, nearly two years of actual service, and was almost continuously engaged on that particular case.

Now, it is true that he would have received about $260,000 as his fee had he been successful in securing the payment of the claim. It is true also as a matter of law that if he did not succeed in gaining his point and securing the payment he would have

received nothing. Therefore, he is not entitled to recover his 10 per cent.

Now, why did he fail? That is a matter which should be presented to every attorney in the Senate. He failed not because of any lack of diligence on his part, not because of any lack of skill upon his part, but because the Choctaw Nation thought they saw another channel through which they could reach the new Administration that would be more successful. Therefore, without taking into consideration at all the amount of labor that had been performed by General Sypher, they summarily dismissed him, after he had succeeded in preparing all of the papers and doing all of the things required as a condition precedent to securing the payment of this sum. Now, the nation say he should recover nothing whatever for his services, because he was to receive a contingent fee, but they themselves, by their discharge of him, placed it out of his power to secure this fee.

I have the right to assume that, as the following Administration, the Administration of President Cleveland, directed this payment, it was properly directed and that there were legal grounds for its payment. Therefore, I have a right to assume that if the nation had not discharged General Sypher he would have received the entire sum of $265,000; in other words, that it was not necessary to have the lobby which afterwards charged more than $600,000 for their services.

So the question which would be presented to an attorney in this case is one of equity: What should be paid General Sypher upon the quantum meruit for his services? He performed those services. The amount involved was $3,000,000. He would have received a large fee. Therefore, taking into consideration the amount which he would have received had he carried his contract on to the end and secured the payment of the sum, taking into consideration his ability as an attorney, and taking into consideration the length of time he was employed, it seems to me the only question presented here is one as to the amount that should be paid.

It may be that $50,000 for eighteen months' or twenty months' labor is too high; possibly I myself would not have agreed to give him that much had I been there; but I certainly would have voted to pay him a reasonable sum.

It seems to me the fact of the payment that was made to the others, the fact that somebody in the Choctaw Nation, whom they declare to be their attorney-general, found, for convenience, to get rid of this man's contract, that the provision was unconstitutional and that they could discharge him under it, should not be taken into consideration by the Senate in determining what the services of General Sypher were worth.

It is a fact undisputed that the payments which were made were payments that were made upon the papers and upon the record prepared by General Sypher; and therefore if this law was unconstitutional in one part, it seems to me as though the whole act was tainted with unconstitutionality, and they should not have received any sum of money under it. But they did receive their money through the labors that were performed under this contract.

Now, what amount should be paid him? If $50,000 is too much, let us agree upon some sum that will be reasonable and just and appropriate in this matter. He has waited many years for payment for his services. He performed the services. So far as this record shows, he performed them conscientiously and honestly, not only services to secure the $3,000,000, but also to prevent the same nation from being robbed out of $600,000 additional by a set of lobbyists. He has done his duty.

It seems to me, Mr. President, that this nation should be compelled—and they have the money—to pay him some reasonable sum. If $50,000 is too much, let us place it at what amount we think would be right and just in view of all the considerations.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. KEAN. Mr. President, I withdraw the amendment to the amendment.

The PRESIDING OFFICER. The Senator from New Jersey withdraws the amendment to the amendment. The question recurs on the adoption of the amendment.

Mr. KEAN. I hope the Senate will disagree to the amendment.

Mr. TELLER. I hope not.

Mr. FORAKER. I do not know anything about this matter except what I have learned from the statement just made by the Senator from North Dakota [Mr. MCCUMBER]. If his statement is true—as I have not any doubt it is—I think the money ought to be paid. I shall vote for the amendment, and I hope it will be agreed to.

Mr. ALLISON. Mr. President, the claim for attorney's fees made by Mr. Sypher appearing in this bill is the first knowledge I have had that he had any claim for services. The original matter of the Choctaw Nation is perfectly familiar to most of those who were in the Senate in 1891. This Choctaw and Chickasaw claim, so called, was pending here and pressed upon the consideration of the Senate for a great many years. Finally, in the short session ending the 4th of March, 1891, an amendment was put upon the Indian appropriation bill providing for the payment of $2,900,000, in round numbers, to the Choctaws and Chickasaws for certain lands.

As I remember it, there was in fact no real foundation for this claim. It had been reported against over and over again, and the executive officers had decided that the claim was not one which ought to be paid by the United States.

Mr. SPOONER. You mean the $3,000,000?

Mr. ALLISON. I mean the $3,000,000. But it had been pressed upon Congress year by year, and when the appropriation was finally agreed to by the two Houses there was hesitation by President Harrison in signing the bill. He regarded it, from his investigation, as a claim that had no real foundation, and therefore he would have vetoed the bill but for the fact that it passed upon the 3d of March, and its failure would have required an extra session of Congress. Therefore he signed the bill, there being other matters in the bill important to the Indian Service and which could not have been carried out without an extra session of Congress.

President Harrison, the Secretary of the Treasury, the Secretary of the Interior, and others for the time being hesitated about paying over this money, arising out of contracts between various attorneys. I will not call them lobbyists, but they were people employed by the Choctaw Nation to secure from the Government of the United States this payment for certain lands. I think the Senator from Colorado was then a member of the Senate.

Mr. TELLER. I was.

Mr. ALLISON. He will remember all the facts, perhaps, more clearly than I do, but I think the claims for attorneys' fees amounted to $700,000 or $800,000, and there was a conflict between them as to who were entitled to the money. Among the attorneys who had been employed from time to time, some employed and then discharged, and others employed in their places, there were questions arising, covering several years, as to what should be paid to them. So the money was not presently paid. They were all here, and in one way and another claiming their portion of the money. Finally it was paid. The statute itself provided how it should be finally paid.

The statute—that is, the amendment of the appropriation bill—itself provided that this money should be paid to a duly authorized agent or agents of the Choctaw and Chickasaw nations. They received some $2,200,000, and then of course this swarm of attorneys appeared for their proper proportion of the fees connected with this payment, and, as I see from the paper here, $551,000 was paid to certain people who had served the Choctaw Nation in securing the appropriation.

After that had been done the Committee on Appropriations was badgered certainly for two or three years by other attorneys claiming that in the adjustment of the fees and the payment of the $551,000 they had not been paid or that they had not received their proper share. The heirs and executors of Albert Pike made a very clear statement to the Committee on Appropriations showing that Albert Pike had done a very large amount of service in this regard for the benefit of this claim, and I think on a deficiency appropriation bill provision was afterwards made to pay the heirs of Albert Pike.

Mr. TELLER. It was in the Indian appropriation bill.

Mr. ALLISON. It was done in the Indian appropriation bill.

Mr. KEAN. Seventy-five thousand dollars.

Mr. ALLISON. Seventy-five thousand dollars.

Now, of course, with this transaction Mr. J. Hale Sypher had no connection whatever. He appeared on the scene after the money had been appropriated by Congress and at a time when there was no possibility of escaping the payment of the money under that statute unless it was repealed, modified, or suspended in some way. There were no papers, there could possibly be no papers, in the case unless it should be a legal argument to show something for or against a particular attorney who should share in this money after it had been paid over to the Choctaw Nation. What services Mr. Sypher rendered to the Choctaw Nation as respects these attorneys I do not know.

Mr. STEWART. It was necessary for him to make out the deeds and prepare the papers on which the President would act. The approval of the President was required.

Mr. ALLISON. There were deeds of the land, of course, to be made up. The statute required certain things that the Choctaw Nation should do. They had to make out a quit claim deed for this land, which they had sold and had been paid for many years before; but inasmuch as it was necessary to show that there was some title in the Choctaw Nation, the amendment provided that they should execute deeds, as the foundation of the whole claim was that they had some shadowy title to these lands. It was purely a shadowy title.

The Committee on Appropriations at that time investigated it

with the utmost care, and so far as I know they were unanimous in the belief that the claim ought not to be paid by the Government of the United States.

Mr. TELLER. What do I understand the Senator to say was unanimous?

Mr. ALLISON. That this Choctaw claim ought not to be paid. I am speaking of the committee.

Mr. TELLER. The Committee on Appropriations?

Mr. ALLISON. Yes.

Mr. PLATT of Connecticut. If the Senator will permit me, he will remember, if he has not already stated it, that when President Harrison sent in his message, a resolution was introduced in the Senate directing it to be paid without the approval of the leases by the President; and the Senator will also remember that both he and myself took quite a part in that discussion and that the resolution did not pass the Senate.

Mr. ALLISON. Yes; I had not stated that, and it is not material to what I was about to say.

Now, Mr. President, I have no doubt that Mr. Sypher did some work here. That is shown by the fact that he went to the Choctaw people and got an agreement out of them to pay him 10 per cent of an appropriation which had already been made by Congress.

Mr. TELLER. I wish to say to the Senator that I think the evidence will hardly justify the statement that he went to them at all. They came to him.

Mr. ALLISON. Very well.

Mr. TELLER. They came to him and solicited his assistance.

Mr. ALLISON. I do not wish to do injustice to Mr. Sypher. The three commissioners probably came here and employed him.

Mr. TELLER. It was after the President had declined to make the payment.

Mr. ALLISON. Very well. Mr. Sypher was employed, and he undoubtedly did work, but that work was done for the Choctaw Nation, and it was done under a contract with them and not under a contract, as I understand, that we are bound to respect, because it was not registered in the Interior Department, as every contract must be, the theory being that it must receive the approval of the Secretary of the Interior before it is registered.

He performed that service and ought to be paid. I have no doubt, a reasonable fee. Whether the amount here proposed is reasonable or unreasonable I do not know, but I have often seen such appropriations go around in a circle. Now, without the consent of the Choctaw Nation, without their approval and against their protest, we propose to take $50,000 out of their money.

Mr. LODGE. And against the protest of the Secretary of the Interior.

Mr. ALLISON. Is it not perfectly plain that the Choctaw Nation will come to the United States with another claim and have another attorney who will say that we improvidently and improperly took $50,000 out of their money, and that we must restore the money to their credit in the Treasury? Now, that will be the result of it. We have done that in the past in instances I remember. I venture the prophecy that we will argue this case over again five years, ten years, hence, when it will present itself in the form of restoring to the Choctaw Nation the money they are entitled to because of this improvident appropriation made out of their funds against their protest.

Mr. STEWART. If the Senator will allow me, I understood him to state that they were not entitled to any of the $3,000,000 they did get.

Mr. ALLISON. I so stated, and I so believe now.

Mr. STEWART. If they got all of that sum, to which they were not entitled, they ought to divide with some of those who did the work for them.

Mr. ALLISON. They certainly ought to divide with all the people who helped them.

Mr. FORAKER. Before the Senator takes his seat, I wish to ask him to inform me whether or not I correctly understood him. I understood the Senator from North Dakota [Mr. MCCUMBER] to say that this employment of Mr. Sypher commenced before the money was appropriated.

Mr. ALLISON. Oh, no.

Mr. FORAKER. I understood the Senator from Iowa to say that he was not employed until after the money had been appropriated. What was the employment for, then?

Mr. ALLISON. I understand it was an employment to get the money the appropriation provided for.

Mr. FORAKER. Did not the appropriation provide that it should be paid?

Mr. ALLISON. It did so provide, but——

Mr. TELLER. Will the Senator allow me to make a statement? President Harrison declined to make the payment.

Mr. FORAKER. I was not aware of that.

Mr. TELLER. He declined for two reasons, I think; and I know something about it. One reason, I think, was that he was of the opinion the Senator from Iowa says the Committee on Appropriations were.

The PRESIDENT pro tempore. The Senator from Colorado will please suspend one moment while the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. NELSON. I ask that it be temporarily laid aside.

Mr. STEWART. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Nevada asks that the unfinished business be temporarily laid aside, and that the Senate proceed with the consideration of the appropriation bill. The Chair hears no objection.

Mr. TELLER. That opinion was that the Choctaws ought not to have anything; that it was an improvident act on the part of Congress.

Mr. ALLISON. A gratuity.

Mr. TELLER. A gratuity. And the further reason was that they had made arrangements of such a character that a large portion of the money was to be diverted from the Indians into the hands of improper persons. That, I think, in General Harrison's mind was the real governing cause why he declined for nearly two years to make the payment.

Mr. LONG. And he never did.

Mr. TELLER. And he never did make it, although there is reason to suppose it would have been made by him had the Treasury been flush. I think it can be demonstrated that he would have paid it; but just at that time, when he was going out, there was not a superabundance of cash on hand.

Now, Mr. President, I want to say a word in reply to the Senator from Iowa.

Mr. FORAKER. Before the Senator passes from that, let me inquire what, then, was the particular service General Sypher was employed to render?

Mr. TELLER. In securing, first, all the necessary steps which they had to provide for in order to have the money paid over. They could not have it paid over without doing certain things, as the Senator from North Dakota says, conditions precedent which they were to perform, and in inducing the President, if he could, to forego his objection to the payment upon the assurance, as he had from the commission who came here, that they would not allow to be diverted to lobbyists the money that properly belonged to the Indian tribe.

Mr. ALLISON. If the Senator will allow me, I should like to read the clause making the appropriation in the act.

Mr. TELLER. Very well: I have no objection.

Mr. ALLISON. It provides as follows:

> And the sum of $2,991,450 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order, said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians. Said lands have been ceded in trust by article 3——

Mr. TELLER. When?

Mr. ALLISON (reading):

> Said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866, and proclaimed on the 10th day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain 2,393,160 acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation.

Now, after this appropriation, Mr. Sypher became the attorney of the Choctaws under this appropriation in connection with the agent. I understood the Senator from Colorado to say that he was one of the agents.

Mr. STEWART. He was one of the commission.

Mr. TELLER. There was a commission of three.

Mr. ALLISON. He was one of the commission.

Mr. STEWART. Authorized by the statute.

Mr. ALLISON. Authorized by the statute. Now, the thing that was to be done was simply to prepare the necessary claims and deliver——

Mr. TELLER. Oh, no, Mr. President.

Mr. ALLISON. And deliver the necessary orders of the Choctaw Nation as respects the payment. That is all there is to it.

Mr. TELLER. No, Mr. President, that is not a fair statement. The President of the United States, as I said, declined to pay this

money. There is not any law I know of that would compel the President to make payment if he declines. How far he may decline and what will be the proper thing for him to do is a question I do not care to go into. There was a very strong feeling, as the Senator has said, that this provision ought not to have been made, and there was a good deal of talk to the effect that it should not have been passed, but of course it could have been legally reached only by a reconsideration or repeal of the act.

Now, Mr. President, I am not willing to admit that this was one of the cases there is no question about, as the Senator from Iowa would seem to indicate.

From 1866 up to the day the appropriation was made these Indians were before the Interior Department pressing this claim day in and day out, and I have not any doubt that they had twenty-five or thirty different attorneys, first and last, doing that thing. Every man connected with the Department knew that it was a very sore question with the Indians. They believed that they were being defrauded by the Government. I knew something about it. It is a long time ago, and of course I will not attempt to state from memory exactly what was done, but I know it was one of those things that had bothered Congress and had bothered the Executive Departments. Finally it was determined to get rid of the thing and pay it off, just as we pay off a good many other things which Indians have brought against us, in order that we might maintain the confidence and good will of the Indians, and because the legislative department and the executive department have felt that if there was any error anywhere we had better make it against the Government of the United States and not against the Indians; that if there was a doubtful question, we would give the Indian the benefit of the doubt and not take it ourselves, because the Indian was absolutely helpless and we had the power, and that as became a great nation we would deal with our wards in a generous manner.

Now, Mr. President, this payment had been pressed again and again. There was not a Senator who voted for it who had not heard it discussed on and off here for years and years and knew all about it. Whatever opinion he might have, he had had an opportunity to make up his mind from the record. When he came to deal with these questions he could go to the record and take the facts and determine, as no man could unless he went through the whole question from beginning to end.

Mr. PLATT of Connecticut. Will the Senator permit me to interrupt him? The original claim, if it has any bearing upon this amendment, arose in this way: In 1866 the Cherokees, Chickasaws, and Choctaws leased to the Government land, to settle friendly Indians upon it, west of the one hundredth meridian. They claimed that they had never done anything except to lease the land, and when the Government appropriated it and divided it up among the Indians it was bound to pay them.

The Government, on the other hand, claimed that subsequently there had been another treaty in which the Indians had parted with the title, and it involved not only this but some 12,000,000 acres which were in the same situation. It was finally decided in a suit in the Court of Claims and in the Supreme Court within the last two or three years that the Indians had no title to it. The Court of Claims found that they had. The Supreme Court reversed them and found that the original contention of the Government that the Indians had parted with their title was correct.

Mr. TELLER. Mr. President, I did not intend to go into an intricate and difficult explanation, but that is stated very frankly and very clearly.

Mr. BACON. With the permission of the Senator, I should like to ask if I understood him correctly. I understood the Senator to say that after this money had been appropriated it was within the power of the President of the United States to say that it should not be paid. Am I correct in that?

Mr. TELLER. I do not know what the Senator understood, but that is not what I said. I did not say that it was within his power. I said there was no way I know of, if he declined to pay it, to make him do it.

Mr. PLATT of Connecticut. The condition to the payment of the money was that proper conveyances should be executed and approved by the President of the United States.

Mr. BACON. Oh, well, then——

Mr. PLATT of Connecticut. And he declined to approve those conveyances, not, perhaps, because they were improper, but upon the ground——

Mr. TELLER. Not because they were irregular or defective, but because he did not want to make the payment.

Mr. BACON. I beg the Senater's pardon. I was not familiar with those facts, but I was rather struck by the statement, and I wanted to know if I understood him correctly.

Mr. TELLER. Nobody imputes any impropriety to President Harrison. There was ten times as much trouble and fuss made about the appropriation after it was made as was made before, and if it had been made before, the appropriation would not have been made at that time, I presume. But, in my judgment, whatever might have been the subsequent conclusion of the court, it was a doubtful question and one that we did well, I think, to get rid of by an appropriation not larger than that which was made.

Now, Mr. President, I want to say a word or two about the service of General Sypher.

Mr. McLAURIN. Will the Senator allow me to ask him a question before he proceeds with that point?

Mr. TELLER. Certainly.

Mr. McLAURIN. In the determination of the liability of the Choctaws and Chickasaws to General Sypher, and if liable the amount for which they were liable, were these two tribes, by their representative or in any other way, heard before the committee?

Mr. TELLER. There is but one tribe, the Choctaws, involved here. The Chickasaws have nothing to do with it.

Mr. McLAURIN. Was that tribe, either by its representative or in any other way, heard before the committee?

Mr. TELLER. A bill was introduced for the payment of this debt. It was referred to the Committee on Indian Affairs and a subcommittee was appointed, of which the Senator from Connecticut [Mr. PLATT] was one and the Senator from California [Mr. BARD] the other. I do not know whether there was a third member of the subcommittee or not.

They took this matter up and had it under consideration for some time. I do not know how long they had it before them, because this bill was referred to them some time ago. They notified the attorney of the Choctaws, who is here, of this controversy. He claimed that they wanted to produce papers of some kind—I do not know what—but his objection, I understand, grew out of the fact substantially that after they had passed the act and after General Sypher had come here and done his work to a large extent the attorney-general of that Territory, the Indian attorney-general, decided that it was unconstitutional—that the act was unconstitutional—and thereupon they ignored Mr. Sypher after he had practically rendered the service. Just when that was done I do not recall, although it is in the papers; but the commission appointed under that unconstitutional act kept on and received the money finally.

Mr. PLATT of Connecticut. They signed the conveyances on which the money was paid.

Mr. TELLER. They signed the conveyances and made the deeds to the Government, all of which were accepted eventually and all approved before they were accepted—that is, approved as to their form. The attorney-general of the Department decided that they were wrong and needed still the approval of the President. It was at that time, I think, that General Sypher was employed. When the act was passed the Choctaw people were in fear that the provision in the act of Congress would be repealed and that they would be remitted to their original state, and of course they were anxious to get the money and get it as quickly as they could, as they always are.

Mr. President, I believe that, under the circumstances, this provision has met our approval as to the amount; in fact, I know it met the approval of the two Senators who have had the matter in hand. General Sypher said to them: "Whatever you think I ought to have, if you will state the amount, I will take it." General Sypher rendered these Indians services, practically, as the Senator from Connecticut [Mr. PLATT] says, for nearly two years to the exclusion of all other business.

Mr. CLAY. Will the Senator allow me to ask him how long Mr. Sypher was engaged in this service?

Mr. TELLER. I have stated that about three times.

Mr. CLAY. I did not hear the Senator. I was out of the Chamber.

Mr. PATTERSON. General Sypher rendered about twenty months' service.

Mr. TELLER. He rendered about eighteen or twenty months' service; practically two years' service, and ever since he has been trying to get his pay.

Mr. CLAY. He was employed to get the money after the act of Congress was passed?

Mr. TELLER. Yes; because the President of the United States declined to approve the deeds; not because he considered them irregular, but because no money could be paid until he did approve them, and he was doubtful whether, under certain conditions, the payment ought to be made at all.

I think, as I stated before the Senator from Georgia came in, that there were two objections. One was that a very large part of this amount would go to a lobby.

Mr. CLAY. Is not $50,000 a rather large sum for twenty months' service?

Mr. TELLER. General Sypher had a contract with the Indians to receive 10 per cent of the amount secured; and they prevented him from completing his contract by discharging him.

Mr. President, as I said before, we have a precedent here in dealing with these people, and that was only in 1901, when it was necessary to compel them to pay General Pike. He had been their attorney for at least twenty or twenty-five years; he had

been for at least twenty years, to my certain knowledge. I made the acquaintance of General Pike in 1866, and I had known him intimately from that time on. I knew he represented those Indians. He was himself, in person or by his son, at all times, more or less, during that period their attorney; at least he was while I had anything to do with these affairs.

Mr. PATTERSON. I would ask the Senator whether the $75,000 paid to Albert Pike was in addition to the six hundred and odd thousand dollars paid to the other gentlemen?

Mr. TELLER. That was in addition to the fees of the other attorneys. The Indians made no provision for the payment of General Pike, and they did not intend to pay him. They only paid him because Congress compelled them to do so; and they will not pay this claim unless Congress compels them to do so.

Mr. QUARLES. Mr. President, it seems to me there is one weak spot in this claim as it now stands, notwithstanding the very full and persuasive statement made by the Senator from North Dakota [Mr. McCUMBER]. I have not the honor of being a member of this committee, but I am informed that the Indians were not represented at all before that committee when this matter was being considered. The Senators who are members of the committee will correct me if I am wrong.

Mr. TELLER. I will suggest to the Senator that that is an incorrect statement, for their attorney was before the committee—whether the Senator was there or not I do not know—and the attorney was also before the subcommittee, as I understand.

Mr. McCUMBER. And he also appeared before the whole committee.

Mr. TELLER. Yes; he appeared before the whole committee.

Mr. STEWART. I notified the attorney immediately on the filing of this amendment, and told him to notify the nation that we would give them a hearing, or that the conference committee would give them a hearing if the bill should pass before they had a chance to appear before the committee, and I urged him to have the papers sent in.

Mr. TELLER. That was before the committee reported this bill—while it was pending before the committee.

Mr. QUARLES. I understand that the attorney has requested the privilege of introducing some papers which have a bearing on this question, and that they were not received or considered by the committee. I will ask the Senator from California [Mr. BARD] if that is correct?

Mr. BARD. Yes. I will say, however, in that connection, that the request of the attorney for the Choctaw Nation to introduce those papers at the hearing and to consider this matter was made about thirteen or fourteen days ago. He stated, however, in answer to questions that were put to him, that he was not then prepared to reply; that in order to do so, it would be necessary for him to send for certain papers to the Choctaw Nation, and that he had sent for the papers, which were then inaccessible to him, it being a long way to Washington.

Mr. QUARLES. Thank you.

Now, Mr. President, here is the trouble, as suggested by the Senator from Iowa [Mr. ALLISON]: If we sit here practically as a judicial tribunal to pass on this question, and take $50,000 out of the treasury of the Choctaws and the Chickasaws, without giving them a full and complete hearing, we will certainly have this bill coming back here again for a return of this $50,000 on the ground that the Indians were not heard, as they had a right to be; that they have not had their day in court; and not only will that claim be presented, but it will be allowed, and will pass this Senate.

It would seem to me, therefore, far better that this amendment of the committee should be disagreed to at this time and take the matter up after the representatives of the nation have had a full and complete hearing and the nation has had its day in court.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. QUARLES. Certainly.

Mr. McCUMBER. I simply wanted to say to the Senator that, while I was not present at any of the subcommittee meetings which had this matter in charge, the attorney representing the Choctaws was before the full committee at its meeting on Saturday and urged his objections to the bill at that time. Neither by word nor by act nor in any manner did he indicate that he wanted any further time before the full committee; nor was there anything stated in the arguments on either side to the effect that more time was required. The attorney submitted his case to the committee. He did not ask for further time. And so the committee had a right to assume that he was not asking for further time to introduce any new matter.

Mr. STEWART. One other matter. In this bill there is an appropriation of $700,000 to pay the Choctaws for lands that were taken by the freedmen. Although we are legally bound for it, and it will be put in as an appropriation, I do not think that originally it had very much foundation. I do not think that after the war we ought to have paid them anything. We ought to have given the money to the negroes at the time. The loyal Creeks came here with a delegation and stayed for three or four months. A portion of them insisted that there should be no treaty signed on the part of the loyal Creeks without such a provision; and they stayed here until they had secured the insertion in the treaty of a provision that the blacks should share equally with the Indians, that they should be treated in that way, and they have been treated in the same way. The Choctaws ought to have been treated in the same way; but they have not been. We gave them the land, and the court held that the United States must either take the land away from the negroes or pay for it. Finally it got settled upon a money appropriation. Here is $700,000 which I do not think ever ought to have been exacted.

Some of the Indians had been in rebellion. The Creeks had been divided about equally. The loyal part of them insisted that the negroes should be taken care of in any arrangement made; but the Choctaws did not; and the Government has to buy that land in order to give the negroes 40 acres apiece, and we pay for it in this bill.

The Choctaws knew what was going on. Their attorney was before the committee and knew what was being done, and some suggestion was made about having papers. I saw him last night, and I told him if he had anything to present, he could bring it before the conference committee; that anything that would defeat this agreement could undoubtedly be heard there. There was no snap judgment taken. These Indians should be fairly dealt with. I think the Choctaws have been pretty liberally dealt with in this bill, and they ought to pay their debts.

Mr. SPOONER. Mr. President, only a moment. It seems to me to be entirely beside the question involved here to discuss the proposition whether Congress should or should not have appropriated the $3,000,000. That was adjudicated by Congress, the appropriation was made, and it can not be recalled.

The nation ought to be made to pay a lawyer who, under contract, performed services for the nation in obtaining property or in obtaining an appropriation or in attending to the business of the Indians. It is ridiculous, really, that such claims should come before the Senate in this way.

The proposition is that we should take this sum out of the moneys which belong to the Choctaw Nation—somebody's else money—which the Congress is called upon to appropriate, and of course the facts should be ascertained in the clearest possible way, and under circumstances which would enable the owners of the money to have a full hearing on common-law proof in order that the ascertainment may be an accurate one and one binding upon both parties.

I think such a claim as this ought to have been referred—as either House of Congress has the perfect right to refer it—to the Court of Claims before it is finally passed; and there the Choctaw Nation could have its day in court and General Sypher could have his day in court.

I was told a few moments ago by the attorney, or a gentleman who represented himself as the attorney, of the Choctaw Nation that they had not had a completed hearing before the committee in opposition to this claim. The Senator from California [Mr. BARD], in the statement which he made, entirely corroborated the statement which this agent or lawyer of the Choctaw Nation made to me—that in the course of the hearing questions arose and were put to him which he told the committee he was not then prepared to reply to, and that it would be necessary for him to send for the papers out to the Choctaw Nation; that he had sent for the papers; that they were in an inaccessible place, a long way from Washington; that a part of them had been received, but that all of them had not been received.

The Senator from Nevada [Mr. STEWART] substantially stated the same thing a few moments ago, and he coupled with it a proposition which I think is entirely untenable from the standpoint of legislative propriety. He said that he had told this lawyer to get his papers, to present the objections he had to this appropriation, if he had any, and bring them before the conference committee, as I understood the Senator——

Mr. STEWART. Certainly.

Mr. SPOONER. Mr. President, that is a novel proposition. A conference committee is not to legislate. The Senate is to legislate so far as its part of that function is concerned.

Mr. STEWART rose.

Mr. SPOONER. A conference committee—if my friend will allow me to conclude my sentence—is to reconcile differences between the two Houses.

Mr. STEWART. The Senator will excuse me.

Mr. SPOONER. Certainly.

Mr. STEWART. What the Senator says is news to me, and I think it will be to everybody else.

Mr. SPOONER. In what particular?

Mr. STEWART. That conference committees do not legislate.

Mr. SPOONER. They do, but they have no right to do so.

Mr. STEWART. They have made much legislation.

Mr. SPOONER. They have made too much. There is no doubt about that.

Mr. STEWART. Does the Senator think it would be too much to request an attorney, if he had any objections to a provision in the bill, to present them to a conference committee?

Mr. SPOONER. I think—and I have no doubt about it—that before the Senate incorporates a provision in a bill it passes the Senate should have the information to enable it to decide whether or not the provision should become law. When a conference committee takes a bill into conference it represents the Senate; it is not there as a tribunal of original jurisdiction to take testimony and to hear objections. That proposition means that the Senate, half informed or uninformed, shall pass an act, so far as we enact provisions in a bill, to be overruled, in a subsequent examination as to the merits, by our own representatives in the conference.

Mr. STEWART. That occurs frequently.

Mr. SPOONER. The Senator says it occurs frequently. I admit it.

Mr. STEWART. It occurs every day.

Mr. SPOONER. It occurs too frequently, as I said a few moments ago.

General Sypher performed services. I have no doubt he did. The Senator from California [Mr. BARD] and the Senator from Connecticut [Mr. PLATT] constituted the subcommittee, and they have stated, as I understand, that he performed under contract, in good faith, services to this Indian nation, and that the reasonable value of those services is $50,000. I was prepared to vote for this proposition if the Choctaw Nation had had full opportunity to present its objections and to sustain the objections by such papers and documentary evidence as might be relevant, but the Senator's suggestion that we shall pass it anyhow and that its agent can bring these papers later to the attention of the Senator and his conferees on the conference committee——

Mr. STEWART. Will the Senator allow me?

Mr. SPOONER. Always.

Mr. STEWART. We know very well what papers there are that they rely on.

Mr. SPOONER. Then, why does the Senator invite this gentleman to present them to the consideration of the conference committee?

Mr. STEWART. I wanted to let him bring them, if he could. I knew he did not have them. He has not got them now. The only thing the Indians relied upon from the beginning was the opinion of their attorney-general, that this law was unconstitutional. They made no other excuse. Sypher has been working at this, and all we ever heard was that the law was unconstitutional.

Mr. SPOONER. What papers show that?

Mr. STEWART. We have got the statutes.

Mr. SPOONER. I ask what papers could be brought here from the Choctaw Nation to show that that law was unconstitutional?

Mr. STEWART. The opinion of their attorney-general.

Mr. SPOONER. That is here?

Mr. STEWART. That is here; all the papers are here. He can not get any other papers.

Mr. SPOONER. Does the Senator say to the Senate that it was for that purpose that that agent desired to be heard?

Mr. STEWART. He did not ask me, but I said "If you have got anything to present, bring it here."

Mr. BARD. I wish to state to the Senator from Wisconsin that, as the chairman of the subcommittee, I gave notice to Mr. McMurray, the attorney for the Choctaw Nation, and invited him to be present at a meeting before the committee, first on February 24, subsequently at another meeting on March 2, and the last on March 17. He did not appear at any of these meetings of the subcommittee, but he did appear at a meeting of the general committee on March 19. Before that committee, however, a statement was made that he had asked his people to send him certain documents and testimony, that he hoped to have them here shortly, and he thought that certain of those papers could arrive here in Washington to-day. I make this explanation to show that the committee has given him opportunity to be heard.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. BARD. Certainly.

Mr. SPOONER. Did the attorney state to the committee what the nature of those papers was, so that the committee could judge whether or not they were relevant to the question?

Mr. BARD. No.

Mr. SPOONER. He did not?

Mr. BARD. No; he simply described them in a general way.

Mr. SPOONER. Is the Senator from California satisfied that the Choctaw Nation could have had a hearing by the committee before the appropriation of any money was made? If he is, I am content.

Mr. BARD. I have hesitated to join with the other members of the committee for that reason.

Mr. STEWART. What did the Senator say?

Mr. SPOONER. In this part of the Chamber the Senator was not distinctly heard. I understood the Senator to say that he had hesitated in the matter.

Mr. BARD. I hesitated, but did join with the members of the committee in that matter.

Mr. PATTERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. I yield the floor.

Mr. PATTERSON. Mr. President, the letter from the Commissioner of Indian Affairs which was read from the Secretary's desk throws some light upon this controversy, and by reference to its statements a more accurate knowledge can be had, at least as to the dates and details of the several transactions that have been under discussion. It appears from this letter that it was in 1889 that the legislative body of the Choctaw Nation passed an act under which the persons were employed who undertook to secure the necessary legislation for the claim presented by the Choctaw Nation against the United States. It was in that contract that the sum of 25 per cent was to be paid to those employed for the purpose; and it was that 25 per cent which President Harrison thought was so extortionate and smacked somewhat of fraud. But when you take into consideration the fact that this claim had been before Congress at a number of sessions and had failed; that the claim had to be, as it were, initiated; that it had to be followed through the committees and through the two branches of Congress, and that subsequently those who made the claim and entered into the contract would be required to see that the claim was paid if the appropriation was secured, the contract for 25 per cent to some lawyers, at least, will not appear as extortionate as it will to others.

However that may be, that claim was ultimately paid by the Choctaw Nation, and it was paid because it was a legal contract and a legal claim against the Choctaw Nation. For some reason, perhaps because of the objections made by President Harrison to the payment of this claim, the Choctaw Nation, on the 9th of October, passed an act which undertook to annul the contract it had made with the first agents; and on the same date—and, I think, perhaps it was in the same act—they provided for the employment of General Sypher or Mr. Sypher—whether or not he is entitled to a military designation I do not know——

Mr. STEWART. In the same act they appointed the commission.

Mr. PATTERSON. They appointed the commission, but——

Mr. STEWART. And they authorized the commission to employ counsel.

Mr. PATTERSON. Yes; authorizing the employment of Sypher. That act was adopted on the 9th of October, 1891. On the 30th of October, before the contract was entered into with Sypher, the proper authority of the Choctaw Nation declared that that act was unconstitutional.

Mr. STEWART. Oh, no.

Mr. PATTERSON. I beg your pardon.

Mr. STEWART. Oh, no.

Mr. PATTERSON. That is where some of the trouble arises.

Mr. STEWART. They did not do that until after President Cleveland came into office.

Mr. PATTERSON. That is the reason a clearer statement, or, at least, a more detailed statement, should be made. The Senator from Nevada is clearly laboring under an error.

Mr. STEWART. Oh, no.

Mr. PATTERSON. I think he is. I will show the Senator, and if I do not I will admit my error. In the brief that was filed by Mr. Sypher he went on to state his own contract, that he was appointed by the commissioners appointed by act of the general council of the Choctaw Nation approved October 19, 1891.

Mr. STEWART. They did not pass any other act. They did not pass any act repealing that act. That act is still in force.

Mr. PATTERSON. No; they did not pass any act repealing that one; but they did pass an act repealing, or practically repealing, the act under which the first contract was made.

Mr. STEWART. Yes; the first contract.

Mr. PATTERSON. The act under which the first contract was made. But the last act was passed on the 19th of October, 1891, and the attorney-general of the Choctaw Nation on the 30th of October, 1891, declared it to be unconstitutional.

Mr. President, I have here Executive Document No. 42 of the first session Fifty-second Congress. It contains the opinion of the attorney-general of the Choctaw Nation:

Office of national attorney, Choctaw Nation, Antlers, Ind. T., October 30, 1891.

That is the date of the opinion. The subject of the opinion was this act of the Choctaw legislature under which Sypher was employed.

Mr. STEWART. He went on and did the service. The commission that was appointed signed the papers, prepared everything for the payment of the money, and received all the money—all under that same act. That looks somewhat suspicious. We never heard of that act until after the money was paid.

Mr. PATTERSON. I think the Senator from Nevada does not state that with exact correctness.

Mr. STEWART. Then you are without proper information.

Mr. PATTERSON. The Indians got the money under the act of March 3, 1891, and any services that were rendered by anybody to secure the payment of that appropriation were not illegal and could not be unconstitutional, while the act that provided for the appointment of that person might have been unconstitutional But when you take up the opinion of the attorney-general, who was the authority under the constitution of the Choctaw Nation to pass upon such questions, you find that before the Sypher contract was entered into he had declared it unconstitutional. He gives a number of reasons for the unconstitutionality of the act under which Sypher was employed. I find this stated as one of them:

> This is clearly and positively unconstitutional and void.
> All laws of the Choctaw Nation (article 7, treaty of 1855, between the United States and the Choctaw Nation) must be compatible with the Constitution of the United States and the laws made in pursuance thereof.
> The law under consideration violates the Constitution of the United States in that it impairs the obligation of a contract, and is therefore void under the treaty as stated, especially so as the contracts were made with United States citizens.

Now, the contract that was attempted to be voided by the act under which Sypher was employed was that which authorized the first employment of those who attended to the preparation of the law, guiding it in its course through committees and through Congress and who were deliberately set aside by the act of October 19, 1891, after the law of Congress had been adopted and when nothing remained to be done, as I understand the letter of the Commissioner of Indian Affairs, but to take the necessary steps to secure the money from the Treasury of the United States.

This opinion of the attorney-general was published in the Indian Citizen, a weekly paper of Atoka, Ind. T., on Saturday, November 7, 1891. It was published in a public newspaper of the Indian Territory on the same day that the contract under which Sypher claims was entered into. It must be pretty clear that Mr. Sypher, if he did not learn of the fact at the time he made the contract, must have learned shortly afterwards, long before any particular service was rendered, that the properly constituted authorities of the Indian nation had declared the act of the Choctaw legislature, under which he was appointed, unconstitutional and void.

Mr. STEWART. So far as it abrogated previous contracts.

Mr. PATTERSON. It was unconstitutional and void, because it abrogated a previous contract.

Mr. STEWART. Had they not the right to employ more counsel? They went on with the business under the new arrangement. The act was not entirely void.

Mr. PATTERSON. The act of the Choctaw legislature not only authorized the employment of these men, but attempted to abrogate a legal, binding contract which had been entered into three years before.

Mr. STEWART. I doubt if it was legal and binding. It was for lobbying.

Mr. PATTERSON. It was for services, the principal part of which had been rendered.

Mr. McCUMBER. Assuming that that is correct, does the Senator, as a lawyer, hold that because the act was void, inasmuch as it attempted to vitiate a prior contract, it would be void so far as it affected another and future contract? Might it not be void because it vitiated or attempted to vitiate the one contract, and yet be valid as to the other contract?

Mr. PATTERSON. I can not undertake to answer that question as a lawyer or as a judge. I simply know that the act was declared unconstitutional, and that Mr. Sypher evidently proceeded to perform the duties with that opinion staring him in the face; and the Commissioner of Indian Affairs gives that as one of his reasons for holding that this claim should not be paid.

Mr. McCUMBER. That would not necessarily govern an attorney who would act upon his power and upon his authority when he could see that the authority was binding and valid, would it?

Mr. PATTERSON. I think that an attorney seeking to perform his duty as a lawyer who undertakes to perform services under and by virtue of an act of a legislature would not be content to proceed under the employment if that act by the proper authorities was declared unconstitutional and void.

Mr. McCUMBER. But the act was declared unconstitutional and void because of a certain thing in it, and that was that it vitiated a prior act. It was not declared to be unconstitutional and void, as I understand, because it employed some one else.

Mr. PATTERSON. No; that is a mistake. The attorney-general gives a number of reasons for declaring it unconstitutional and void.

Mr. McCUMBER. Yes.

Mr. PATTERSON. And this is one of them. I cite this because the Commissioner of Indian Affairs cites this particular reason in his letter of February of this year.

Mr. McCUMBER. I understand that.

Mr. PATTERSON. A number of reasons are given, some two or three. This is the last reason that is given in the opinion of the attorney-general.

Mr. McCUMBER. There is another question right here which I should like to ask the Senator. Suppose that the attorney did hold this act to be unconstitutional. Can the nation itself plead ultra vires to the proposition that it employed a counsel to perform certain services when those services and acts have been performed and they have received the benefit of them? Could they then make that plea as against payment for the service agreed upon?

Mr. PATTERSON. I imagine that if the attorney rendered the services with notice as to the view of the law department of the State or of the nation, the Choctaw Nation in this instance, that it was unconstitutional, so far as the contract itself was concerned, he would have no claim either in law or in equity, and certainly that decision would be res adjudicata. It has never been appealed from. It was the constitutional authority under the constitution of the Choctaw Nation for passing upon questions of that kind, and it stands to-day the law of that nation.

Mr. STEWART. Is there anything in that opinion holding that the appointment of the commission was unconstitutional; that it could not go on; that any powers given to that commission were unconstitutionally conferred?

Mr. PATTERSON. It simply declares that the act is unconstitutional.

Mr. STEWART. I know that.

Mr. PATTERSON. That is all.

Mr. STEWART. If it carries the whole act, it makes it ridiculous. They have gone on under the act and got the money and all that. That is what makes the whole thing suspicious.

Mr. PATTERSON. The attorney-general gives additional reasons in this opinion.

Mr. STEWART. I do not care for the reasons he gives. If the whole act was unconstitutional, how could they make the deeds and get the money and go ahead with it?

Mr. PATTERSON. They made the deeds and got the money under the original appropriation.

Mr. STEWART. These men were appointed under that recent act—the men who carried it out?

Mr. PATTERSON. As I said before, the Senator from Nevada ought to be able to distinguish between services, by whomsoever they may be rendered, being perfectly legal, when the acts are done for the purpose of securing an appropriation already made, and an unconstitutional act.

There was nothing illegal in what Mr. Sypher did, no matter how unconstitutional the act may have been under which he was appointed; and whether it was Mr. Sypher or Mr. Smith or Mr. Jones or Senator STEWART, whatever was done to secure the money was perfectly legal. But the contract under which the individual may have undertaken to perform the duties might at the same time be absolutely void for want of proper authority in the legislature that adopted it.

Mr. STEWART. Does the Senator maintain that the Choctaw Nation is in a position to say that the contract appointing commissioners to make deeds and to secure assistants and appointing them, and under which they got the money, is unconstitutional? What the Senator read of that opinion is simply that they could not abrogate former contracts, that that would be unconstitutional. It can not be that the whole act is unconstitutional, for it seems that they have acted upon it and recognized it as a constitutional act, and I think the Choctaw Nation is estopped from saying it is unconstitutional.

Mr. PATTERSON. I have stated it a number of times, and it is unnecessary for me to go over it again. The only purpose I had was to make clear the order of certain things in connection with this transaction. I understand when a court or a proper authority declares an act to be void it is void unless the decision is reversed by some competent tribunal. A court may declare an act to be void in part and legal in part, but when the reviewing court, whether it commits an error or not, declares the act to be void and that stands, it is res adjudicata, and the act is void.

Mr. STEWART. What court declared it unconstitutional? No court. It is a mere opinion.

Mr. PATTERSON. I said to the Senator from Nevada that it

was the attorney-general who, according to the letter of the Commissioner of Indian Affairs, was the properly constituted authority——

Mr. STEWART. How did he know?

Mr. PATTERSON. Oh, well, I do not know. But he was the properly constituted authority under the constitution of the Choctaw Nation, whatever it was, to pass upon the constitutionality of the law. I suppose the attorney-general was the court for that purpose.

Mr. STEWART. I never heard of it in any other case.

Mr. PATTERSON. But there are a lot of things you have not heard of, Senator.

Mr. STEWART. I have never heard of it in any civilized country.

Mr. PATTERSON. Perhaps not.

Mr. STEWART. Perhaps they are uncivilized, and that some outsider has a right to say how their laws shall be interpreted.

Mr. McCUMBER. I should like to ask the Senator from Colorado if he considers the dictum of an attorney in any case as res adjudicata, when it has not been tried by a court?

Mr. PATTERSON. As I understand it, these Indians have a government of their own, they have courts of their own, they have legislatures of their own, they have laws of their own.

Mr. McCUMBER. And courts.

Mr. PATTERSON. I said courts. They are all acting, as I understand it, under constitutions which they have adopted and which are satisfactory to themselves. They are independent nations for many purposes.

Mr. McCUMBER. Has any court held this act to be unconstitutional? I am asking the question for information.

Mr. PATTERSON. I have stated a number of times that the Commissioner of Indian Affairs in his communication states that this man was the properly constituted authority to pass upon the constitutionality of that act.

Mr. McCUMBER. To determine——

Mr. PATTERSON. I would have to go to all the laws and to the constitution of the Choctaw Nation before I could answer the question of the Senator.

Mr. McCUMBER. The Senator does not think the Commissioner intended to mean by that language that the decision of that officer, this attorney-general, would constitute the judgment of a court?

Mr. PATTERSON. I mean to say this: If our Constitution provided that the attorney-general of a State or of the United States should have authority and power to pass upon the constitutionality of laws, whenever that officer did declare a law constitutional or unconstitutional, it would be so. But we do not confer that power upon our attorneys-general.

Mr. McCUMBER. Nor does the nation, either.

Mr. PATTERSON. I do not know, beyond what the Commissioner of Indian Affairs says in his letter. I have to put that against the dictum of the Senator from South Dakota.

Mr. SPOONER. I wish to ask the Senator a question for information, because I have not read the papers, and that is whether the attorney-general held the act void as a whole? I understand the act covers several subjects.

Mr. PATTERSON. No.

Mr. CLAY. Did he hold an act of Congress to be unconstitutional?

Mr. PATTERSON. Oh, no; an act of the Choctaw legislature.

I will say for the information of the Senator that the Choctaw legislature in 1889 passed an act under which, I think, three persons were employed to prepare this claim, to bring it to Congress, and to do all necessary service in securing the enactment of the law, and, I suppose, in connection with the collection of the money. Under the employment thus authorized by the Choctaw legislature they prepared the claim, came on to Washington, and gave all the necessary attention to it until it was passed by Congress and became a law.

Then President Harrison, for some reason, refused to pay it, and before the money was collected the Choctaw legislature enacted another law by which they declared all agreements made with the first commission or the first agents as null and void, and authorized the employment of another agent. It was under the second act that Mr. Sypher was employed, and it was that act which the attorney-general of the Choctaw Nation declared unconstitutional for a number of reasons, which are given in his opinion. One of the reasons he gives is that it impaired the validity of a contract, which is prohibited by the Constitution of the United States, in that it attempted to set aside the original contract under which the law was passed by Congress.

Mr. SPOONER. If the Senator will permit me, that looks like an absurdity on its face.

Mr. PATTERSON. I am not undertaking to stand for the attorney-general. He is an Indian, I suppose. I do not know.

Mr. SPOONER. The idea of holding an act of the legislature of the Choctaw Nation void, under the Constitution of the United States, because it impairs the obligation of a contract is a new proposition.

Mr. PATTERSON. That is because you have not read this opinion.

Mr. SPOONER. My recollection is that that prohibition of the Constitution is applicable only to the States.

Mr. PATTERSON. If it does not occupy too much of the time of the Senate, I will read the entire opinion. It is only a page.

Mr. STEWART. Read it.

Mr. PATTERSON. I myself have never read it all.

Mr. STEWART. Read it.

Mr. PATTERSON. This is from the Indian Citizen, of Atoka, Ind. T., November 7, 1891. It is headed "Constitutionality of a law."

Below will be found an official opinion of the national attorney of the Choctaw Nation on an act recently passed by the general council.

The act in question was published in these columns week before last and proposed to cancel the contracts of the attorneys of the nation made with the "leased district delegation," and authorizes the governor, treasurer, and special delegate to go to Washington and make a formal demand for the money, and also authorizes them to make other arrangements, without regard to cost, to get the money by the 1st of December.

The national auditor called upon the national attorney for his opinion as to the constitutionality of this action, and in accordance with the law requiring the national attorney to give his opinion in writing to the national auditor upon all cases concerning the revenue expenses of the nation, the following opinion was elicited:

OFFICE OF NATIONAL ATTORNEY CHOCTAW NATION,
Antlers, Ind. T., October 30, 1891.

Hon. WILLIAM WILSON,
National Auditor, Choctaw Nation.

DEAR SIR: Answering your letter of the 28th instant, returning the same with copies of the laws inclosed, I have the honor to answer your questions concerning the law in their order.

(1) The law relating to the appropriation of $2,991,450, passed by the general council on October 19, 1891, and approved by J. H. Bryant, acting principal chief Choctaw Nation, is not constitutional, but defective in various particulars.

That is the law in controversy.

(1) Article 3, section 8, constitution, requires every bill which shall have passed both houses of the legislature to be presented to the principal chief. The failure to do so because of the temporary absence of the chief for two or three days, or for any other cause not provided in the constitution or laws, makes it unconstitutional.

(2) The president of the senate is authorized to exercise the duties of the principal chief (article 5, section 4, constitution) only when a vacancy occurs "on account of the inability of the principal chief to discharge his duties."

In this case, however, there was no vacancy whatever in the office of principal chief, who was perfectly sound and well, was in the Choctaw Nation at his home, and immediately returned to the capital. Nor was there any legal disability.

Such temporary absence is not "inability" in the eyes of the law.

Such a construction would be highly mischievous, as the president of the senate could at his will deprive the principal chief of all authority unless the chief should be immediately and personally present at every instant when a bill should pass.

The president of the senate has no such authority, and the principal chief has no right to delegate such authority.

The Choctaw people elected the Hon. W. N. Jones principal chief, and he can not, except as expressly provided by the constitution, be divested or divest himself of his rights or his responsibilities.

The law referred to is unconstitutional in this respect, that it is signed by Hon. J. H. Bryant as acting principal chief of the Choctaw Nation, and not signed by Hon. W. N. Jones, principal chief of the Choctaw Nation.

(3) Again, the signature of the Hon. J. H. Bryant as acting principal chief is not authorized by the Choctaw laws, but if the principal chief's office had been vacant, the person authorized by law is the "president of the senate," and this alleged act is not so signed, but on its face it clearly appears that D. W. Hodges at this very time was president of the senate.

(4) The constitution of the Choctaw Nation, section 23, article 7, declares that any law "passed contrary to the provisions herein specified shall be null and void," and section 21, article 1, declares "the general council shall pass no bill of attainder, retrospective law, nor law impairing the obligation of contracts."

That is the Choctaw constitution.

Mr. SPOONER. That is their constitution?

Mr. PATTERSON. Yes, sir; their constitution. He says:

The act under consideration proposes to impair the obligation of contracts in section 1 in express terms.

This is clearly and positively unconstitutional and void.

All laws of the Choctaw Nation (art. 7, treaty of 1855 between the United States and the Choctaw Nation) must be compatible with the Constitution of the United States and the laws made in pursuance thereof.

The law under consideration violates the Constitution of the United States in that it impairs the obligation of a contract, and is therefore void under the treaty as stated, especially so as the contracts were made with United States citizens.

It is to be observed in regard to the alleged act of October 19, 1891, that it proposed to create a new delegation.

It would be obnoxious to article 7, section 13, of the constitution, which expressly requires that delegates or commissioners to transact such public business shall be nominated by the principal chief and confirmed by the senate, which has not been done, except in case of the special delegate and the delegation of 1889.

If it should be held that the alleged law of October 19 repeals the laws of April 9, then there is a special delegate; but it is evident that this construction would be obnoxious to the plain meaning of the general council.

Article 3, section 1, declares that the style of the law shall be, "Be it enacted by the general council of the Choctaw Nation assembled," which is not observed in the act of October 19, 1891.

This is a constitutional requirement, and any law (sec. 23, art. 7) which is passed contrary to such provisions is null and void.

He then says:

The laws of April 9, 1891, however, could not be repealed by the act of October, 19, 1891, because the latter is void, as above stated.

C. E. NELSON,
National Attorney, Choctaw Nation.

I do certify that the above is a true and correct copy of the original now on file in my office (October 31, 1891).

WM. WILSON,
National Auditor, Choctaw Nation.

Mr. President, if the original contract were extortionate, requiring all the services to be rendered for 25 per cent, when the claim was chaotic, as it were, when it was a matter of grave doubt whether the legality of such a claim could be established to the satisfaction of Congress, it seems to me that 10 per cent simply to remain in Washington and take the necessary steps to secure the payment of money that already had been appropriated might well come under that head, especially for so large a sum. I imagine it did not require the services of a very eminent lawyer.

But that is neither here nor there. I am not in the habit of depreciating the fees of attorneys, but it seems to me that when it is held in mind that Mr. Sypher proceeded under his employment to do services that ought to have been performed by others, who would doubtless have performed them had it not been for the enactment of this unconstitutional law, he knowing that he was running along grooves where if the law was constitutional by which he was appointed it would deprive those who had performed the main service of all compensation, it becomes quite questionable.

But if there is anything at all, Mr. President, in this claim, it is on the quantum meruit, and it strikes me that $50,000 for eighteen or twenty months' services is just simply out of all proportion. There is one thing certain. The committee in estimating the compensation did not determine what the value of the service was by basing it upon the value of the services of a Senator of the United States.

Mr. OVERMAN. May I ask the Senator a question?

Mr. PATTERSON. Certainly.

Mr. OVERMAN. What service could Mr. Sypher perform as a lawyer, the money having been appropriated?

Mr. PATTERSON. He went into no court; he had nothing to do with Congress. What he had to do, if anything, was to make representations to the President who succeeded President Harrison that he ought to pay the claim, and if papers were to be drawn, then he had to give whatever time and attention were necessary, I suppose, for the preparation of the papers.

Mr. OVERMAN. Were any papers drawn?

Mr. PATTERSON. I suppose there were, from what some of the Senators say.

Mr. McCUMBER. Does the Senator not consider that it was the work of an attorney to prepare the papers and secure the execution and delivery of such deeds as would be accepted by the Government of the United States? Is not that regular legal work and work that people would usually employ an attorney for and not a layman?

Mr. PATTERSON. The Senator from Virginia [Mr. MARTIN] makes a very proper suggestion, and that is that the Department itself is supposed to have very competent men for the preparation of papers of that kind. It has a number of solicitors and attorneys.

Mr. FULTON. Let me ask the Senator from Colorado a question. This man did do some work?

Mr. PATTERSON. Oh, I think there is no doubt in the world about that.

Mr. FULTON. Because the contract is void, inasmuch as the act under which it was made is unconstitutional, does that constitute a good reason why Mr. Sypher should not be paid a reasonable compensation?

Mr. PATTERSON. I think that is true. I think every man should be paid——

Mr. FULTON. It seems to me the only question is to determine what is a reasonable compensation.

Mr. PATTERSON. If it was the United States against whom this claim was presented I should without hesitation insist that the man should receive reasonable compensation, although there were legal obstacles in the way of its payment. But it does seem to me, Mr. President, that this is a pretty questionable practice. We are the trustees for the Choctaw Nation. It is as though the Senator had a deposit in a bank and an alleged creditor of the Senator should go to the bank and say to the bank, "I want you arbitrarily to pay out of the deposit of your customer a claim that I present, because I can satisfy you it is just."

Mr. FULTON. I agree with the Senator that we ought to be very careful about it, but the committee has inquired into it and has become satisfied that this amount is reasonable, and yet I confess that I am not satisfied that it is reasonable. If the Senator will move to amend by providing a different compensation, it would please me better.

Mr. PATTERSON. The Senator from Virginia [Mr. MARTIN] suggests that I offer an amendment, which I do, to strike out the word "fifty" and insert "fifteen," making it read "$15,000."

Mr. SPOONER. Mr. President, I do not intend to take more than three or five minutes of the time of the Senate. If this were a claim against the United States, I suppose there is no doubt that on the report of the committee it would pass, but the relation of the United States to this matter is a peculiar one. As the Senator from Colorado [Mr. PATTERSON] has just said, and as I suggested when I had the floor before, this is not our money which it is proposed we shall appropriate by this bill. We hold it in trust for the Choctaw Nation. We have the power to pass it and to take this money out of their fund, which is a trust fund, and pay it over to General Sypher, and we have the power, if the Choctaw Nation make a future claim against the United States, as suggested by the Senator from Iowa, that the money shall be refunded to them for breach of trust by the United States, to refuse to recognize it.

There is no relation in the world more sacred, and it always has been so and always must be so, than that of a trustee. In the case of no private trustee in the world could such a contract, or any questionable contract, be enforced against the trust estate without the cestui que trust having their day in court and without the claimant being forced to prove his case in court.

One reason why we should be peculiarly careful in appropriating the funds which we hold in trust for the Choctaw Nation is our power to do what we please, the mere matter of power, with their funds. That is why this Government should be peculiarly careful. I do not like to vote this $50,000 out of their fund on the presentation of the merits both as to the amount due and in other respects thus far made in this case, with the accredited agent of the Choctaw Nation contending here that they desire further hearings.

Mr. STEWART. No.

Mr. SPOONER. He does. He sent a card to me a few minutes ago. I declined to go out and asked him to communicate to me in writing—I never saw him until an hour ago—what he had to say, and he says, among other things, here:

We further will show by a copy of a judgment in the case of George Thibeau, who is mentioned in General Sypher's case, that after a full and complete hearing before a United States court and lasting more than a week the jury returned a verdict in favor of the nation, and many other matters.

I do not know what the Thibeau case is, but I know this, Mr. President, that in the administration of a trust the trustee, clothed with the power of sovereignty, ought not summarily to dispose of the interest of the cestui que trust. It is in violation of the plainest principles which control the administration of trusts.

As I said before, and I repeat it, the power is in Congress to refer by a mere resolution or by a resolution of the Senate a contested claim like this, when it becomes the duty of the Court of Claims to find the facts and report them to Congress, thereby opening the door to the Choctaw Nation to a full opportunity to present their case and their objections. That is what would be right between man and man, and that is what is right, Mr. President, between this great sovereign trustee and this Indian nation.

Mr. MITCHELL. If the Senator will allow me, I desire to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. SPOONER. Certainly.

Mr. MITCHELL. I wish to ask the Senator from Wisconsin whether his investigations have led him to any conclusion as to whether the arrangement between General Sypher and the Indians was of such a character that there is an obligation upon their part to keep their contract with him?

Mr. SPOONER. I know absolutely nothing about this matter except what has been uttered in the Senate Chamber, and from what has been uttered in the Senate Chamber I have no hesitation in saying that, regardless of the validity of the act under which the employment was made and this service was rendered, and I do not doubt that the service was rendered, General Sypher would be entitled to recover a quantum meruit.

Mr. MITCHELL. Now, one other question. These Indians are the wards of the nation, and it is the duty of Congress to protect their interests. These funds are trust funds, and, of course, should be guarded with the greatest of care. But is there not also an obligation on the part of Congress to see to it that any legal contracts these wards make shall be obeyed, and is there any power anywhere to compel them to meet that obligation unless Congress, representing the Government, whose wards the Indians are, should compel them to do it? And is it not as much a duty upon the part of Congress to see to it that any valid contract the Indians make shall be kept by them, even if it leads to an appropriation of the trust funds to the extent of whatever amount is reasonable to pay General Sypher?

Mr. SPOONER. Unquestionably. The Senator can have no controversy with me on that point.

Mr. MITCHELL. I thought not.

Mr. QUARLES. If my colleague will permit me, in the line of the query of the Senator from Oregon I will state that there is no contract here which under the law is entitled to recognition as such.

Mr. MITCHELL. I know nothing about that.

Mr. QUARLES. The law prescribes that any contract made by an attorney with an Indian tribe shall be void unless it is filed with the Secretary of the Interior and approved by him. Now, we are asked as a trustee here to waive that proposition. That is the situation from a legal standpoint.

Mr. SPOONER. I may be wrong about it, but I am not absolutely certain that the contract was one of those contracts which require the approval of the Department. It may be; but in any event, I think if General Sypher performed the service (and that he performed service, and able and faithful service, I have no question), where a claim is so indefinite, or rather where the conclusion upon it is so indefinite as this debate has shown this claim to be, even among the members of the committee, the wise course to be pursued is to refer it to the Court of Claims, in order that there both sides may be heard on the facts. When the case comes back from the court it will, of course, be advisory; but then it will be for us, as the Senator from Oregon suggests, if we are satisfied it is just, to compel them by our appropriation out of their fund to pay what they owe.

Mr. PLATT of Connecticut. May I interrupt the Senator from Wisconsin?

Mr. SPOONER. Certainly.

Mr. PLATT of Connecticut. The same thing which the Senator has been suggesting suggested itself to me, and this question arose in my mind, whether under our statutes we could refer to the Court of Claims to find the facts in a case which was not a claim against the United States.

Mr. SPOONER. It is a claim against the United States as a trustee, and if the state of the statute law is such as to preclude the Congress from referring a claim against a trust fund to a tribunal for ascertainment of the facts and an advisory report, that law ought to be amended, because it is peculiarly important that, as to that class of cases, the Congress should have the benefit of information elicited by a tribunal in which both sides have an opportunity at least to be heard.

Mr. McCUMBER. Mr. President, before voting either upon this amendment or upon the original proposition, I wish to direct a question to the Senator from California [Mr. BARD] who was chairman of the subcommittee. As every Senator understands, a committee must rely in such a case upon the report of its subcommittee. The subcommittee of which the Senator was chairman reported to the full committee, I understand.

Mr. BARD. It made no report.

Mr. McCUMBER. Then, if they made no report, there was nothing before the committee to bring up the question as to whether this Indian tribe had a legal or proper notice. If the Senator investigating the subject itself has come to the conclusion that this matter was not properly presented to the committee, that there is further evidence which ought to be considered, then I should be in favor of not considering the question at this time.

If the Senator, acting in the capacity of chairman of that committee, came to the conclusion that he had before him a written agreement, and knowing what character of evidence was necessary to change the terms of a written agreement, concluded that the evidence which was proposed could not be considered as relevant in the face of a written instrument, then he had a right and the committee had a right to absolutely disregard it.

In all of this argument before us to-day and in all the letters that are being sent in here there is not a syllable or a word to show what character of evidence they propose to introduce.

We have very clearly a written instrument—an instrument of employment. You can not change that instrument except by showing that it has been abrogated in some way or by showing that it was illegal from the beginning. It requires certain evidence to show either its abrogation or that it has been satisfied. No one proposes to furnish such evidence that I know of. Nobody has proposed it to the subcommittee that I am aware of. No one has proposed it, I know, to the general committee, because it was not mentioned.

But if the subcommittee having it in charge have reason to believe—and I got that opinion from the Senator from California—that legal and proper evidence could be produced which would modify or affect this contract in any way, then I should say that it would be the duty of the Senate to await action on this matter until they received that evidence; and if that is true, I should be in favor of not considering the question at this time.

I believe the Senator from Colorado can inform us upon this point, and I believe the Senate would be glad to know whether there is any legal evidence he knows of, or that has been suggested to him, that will bear upon this case and which could be considered in taking the whole matter of its merits into consideration.

Mr. QUARLES. It seems to me that the Senator from North Dakota has made out a prima facie case by his statement just made, namely, that the committee confided this matter to a subcommittee, which subcommittee had not reported to the main committee.

Mr. McCUMBER. It never came before the committee without some report.

Mr. LODGE. I desire to ask the Senator, if it was never reported on by the subcommittee, how it got into the bill?

Mr. QUARLES. That is the point I was going to make.

Mr. McCUMBER. I assume, of course, that there was an oral report. It came into the bill by the subcommittee reporting on it: and I understood that the subcommittee did make an oral report or made a statement concerning it, and that the action of the committee was based upon the statement of the case made by the subcommittee. If I am in error the Senator from California can correct me.

Mr. BARD. I will make this statement, Mr. President, that it is true the subcommittee never made a formal report on this matter, which had been submitted to it for consideration, but on the 19th instant, or I think it was last Friday, when the full committee held its meeting, the question was brought up, not upon a report by the subcommittee, and I regarded that action as taking out of the subcommittee all further authority to deal with the subject.

I should like to say, in answer to the suggestion which has been made, that I am fully convinced, after having given the matter a good deal of consideration, that this is a valid claim against the Choctaw Nation. I believe that it is good, and that it is good for the whole amount, 10 per cent, under the contract. I can not conceive of any documentary or other evidence that may be introduced here to alter my opinion in regard to this claim.

Mr. McCUMBER. May I ask the Senator a question right here? Was any character of evidence suggested to you which to your mind would have been evidence that could be legally considered as altering or varying the terms of the contract?

Mr. BARD. I do not remember that there was any statement made to me as to the character of the evidence which was proposed to be introduced.

Mr. LODGE. May I ask the Senator a question for information merely? I should like to know if the Choctaws were heard, by their agent or counsel or in any way, in regard to this claim.

Mr. BARD. No; he was present at the meeting of the full committee. He had been notified nearly a month ago of our intention to take up the matter for consideration, and he was invited to be present at the hearings.

Mr. LODGE. The agent of the Choctaws?

Mr. BARD. Yes, sir; the attorney.

Mr. PLATT of Connecticut. With General Sypher. They were both before the full committee.

Mr. BARD. They were before the full committee.

Mr. LODGE. Was the agent opposed to this payment?

Mr. BARD. Yes; he made objection to it, but only in a general way, as I remember.

Mr. LODGE. Did he have an opportunity to submit any testimony or writing?

Mr. BARD. No.

Mr. McCUMBER. If the Senator will allow me, I can answer the question of the Senator from Massachusetts. He made his objection entirely on the ground that this act had been declared unconstitutional, and therefore the Choctaw Nation was not responsible for it. He did not at that time claim that he wanted any further time, that his nation desired any further hearing in the matter, but he stood entirely upon that proposition. Now, if he made this claim to any subcommittee, it is without my knowledge. He certainly did not in presenting the matter to the committee.

Mr. LODGE. He did not ask for time to present any evidence?

Mr. McCUMBER. Not at all. Not a word was said about it. He did not ask for a minute's time.

Mr. BARD. I should like to state that I think the Senator is in error. I think the attorney at that time mentioned that he had telegraphed for some documents. I think that statement is corroborated by some members of the committee who were present.

Mr. QUARLES. He had not received the documents?

Mr. BARD. He had not received them.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. PATTERSON] to the amendment of the committee.

Mr. PATTERSON. I ask leave to withdraw the amendment and to substitute another for it; that is, to withdraw the word "fifteen" and substitute "twenty-five."

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. On page 53, line 12, before the word "thousand," strike out "fifty" and insert "twenty-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended. [Putting the question.] By the sound the "noes" have it.

Mr. STEWART and Mr. TELLER called for the yeas and nays; and they were ordered.

Mr. CULBERSON. Let the amendment be read.

The PRESIDENT pro tempore. The amendment will be read as amended.

The Secretary read as follows:

For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $25,000, which said sum the Secretary of the Treasury is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as the attorney of said nation under contract entered into on the 7th day of November, A. D. 1891, between said J. Hale Sypher and the said Choctaw Nation.

The Secretary proceeded to call the roll.

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. MALLORY]. If he were present, I should vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP].

The roll call was concluded.

Mr. BEVERIDGE. I have a general pair with the senior Senator from Montana [Mr. CLARK]. I transfer that pair to the senior Senator from Kansas [Mr. BURTON], and vote "yea."

Mr. HOAR (after having voted in the negative). I desire to withdraw my vote. I am paired with the Senator from Alabama [Mr. PETTUS].

Mr. QUAY. I desire to state that I have a general pair with the Senator from Alabama [Mr. MORGAN], who is necessarily absent from the Chamber, but as he and I agree generally about the features of this bill I take the liberty of voting. I vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. He is detained by illness. I withhold my vote.

Mr. WARREN. I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I will ask if that Senator has voted?

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair is informed that he has not voted.

Mr. WARREN. Then I withhold my vote, as I am paired with that Senator.

The result was announced—yeas 23, nays 25, as follows:

YEAS—23.

Allee,	Fairbanks,	Kittredge,	Platt, Conn.
Ankeny,	Foraker,	McCumber,	Quay,
Bard,	Fulton,	Millard,	Stewart,
Beveridge,	Hansbrough,	Mitchell,	Stone,
Cullom,	Hopkins,	Newlands,	Teller.
Dubois,	Kearns,	Penrose,	

NAYS—25.

Allison,	Clay,	Lodge,	Patterson,
Bacon,	Culberson,	Long,	Perkins,
Ball,	Foster, Wash.	McCreary,	Quarles,
Blackburn,	Gallinger,	McLaurin,	Spooner.
Burnham,	Gamble,	Martin,	
Carmack,	Kean,	Nelson,	
Clarke, Ark.	Latimer,	Overman,	

NOT VOTING—42.

Aldrich,	Daniel,	Gorman,	Platt, N. Y.
Alger,	Depew,	Hale,	Proctor,
Bailey,	Dick,	Hawley,	Scott,
Bate,	Dietrich,	Heyburn,	Simmons,
Berry,	Dillingham,	Hoar,	Smoot,
Burrows,	Dolliver,	McComas,	Taliaferro,
Burton,	Dryden,	McEnery,	Tillman,
Clapp,	Elkins,	Mallory,	Warren,
Clark, Mont.	Foster, La.	Money,	Wetmore.
Clark, Wyo.	Frye,	Morgan,	
Cockrell,	Gibson,	Pettus,	

So the amendment as amended was rejected.

PAYMENTS TO DELAWARE INDIANS.

Mr. QUAY. Mr. President, I now ask unanimous consent of the Senate to take up a resolution which is lying on the table. It came up this morning, and was laid on the table subject to my call. I ask that it may be laid before the Senate and passed.

The PRESIDING OFFICER. The Senator from Pennsylvania asks for the present consideration of a resolution, which will be read.

The Secretary read the resolution yesterday submitted by Mr. QUAY, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish forthwith to the Senate a statement showing the difference in value between coin and currency on payments made by the United States to the Delaware Indians, from and including the year 1862 to and including the year 1878; said payments being set forth in the report of the subcommittee of the Senate on Indian Affairs, dated March 29, 1902.

The resolution was agreed to.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 14, after line 5 on page 94, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents in fee to Frank A. A. Robertson, Edmond Cheney Robertson, Ella F. Robertson, Samuel J. Brown, Joseph R. Brown, Augusta Brown, Jennie Brown, Susan F. Brown, Thomas A. Robertson, Ida Robertson, Nancy Tawaqin, members of the Sisseton and Wahpeton band of Sioux Indians, for lands heretofore allotted to them in the State of South Dakota, and all restrictions as to sale, incumbrance, or taxation of said lands are hereby removed.

That the Secretary of the Interior be, and he is hereby, authorized and directed to approve a deed dated June 9, 1903, from Joseph C. Melot, citizen Pottawatomie allottee No. 489, and Eliza Melot, his wife, conveying to Louisa Melot (his divorced wife) the southwest quarter of the southeast quarter of section 21, and the north half of the northeast quarter of section 28, in township 6 north, range 2 east of the Indian meridian, in conformity with the order and decree of the judge of the district court for Pottawatomie County, Okla., at the regular April term, 1898, which decree was rendered in the divorce case of Josept C. Melot against Louisa Melot, decreeing said land to the said Louisa Melot as alimony.

That Mark Burns, Chippewa allottee No. 17 (census of 1889), to whom a trust patent has been issued containing restrictions upon alienation, may sell and convey from his allotment to the village of Cass Lake, county of Cass, State of Minnesota, the certain 10 acres described as follows: Commencing 80 rods north from the quarter post on the section line between sections 9 and 16, running thence north 40 rods, thence east 40 rods, thence south 40 rods, thence west 40 rods to the place of beginning, being 10 acres located in the southwest corner of the northwest quarter of the southeast quarter of section 9, township 145 north, range 31 west, on the Chippewa Reservation, Minn., but such conveyance shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restriction had been issued to the allottee.

That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patents in fee, severally, to Bert Dietrich, George A. Dietrich, Willie Pearl Dietrich, Clarence A. Dietrich, Ruby G. Dietrich, Thomas M. Dietrich, Charles Roache, Octaviana Roache, Safaro Roache, Brigida Roache, Sahropone or Sarapio Roache, Homy or Mary Roache, Pautrice Roache, Candelario Roache, Nicholas Roache, Kit Carson Farwell, Pearl Farwell, and Num mah che or Gertrude Farwell, members of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said land are hereby removed.

Mr. QUARLES. I desire to offer an amendment to the amendment of the committee right at that point.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 96, after line 9, it is proposed to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent in fee, severally, to Lotsee Dietrich, Pokin Roache, George Chandler, Allottee No. 283, and Louisa B. Farwell, members of the Kiowa, Comanche, and Apache tribes of Indians, for the lands heretofore allotted to them, respectively, in the Territory of Oklahoma, and all restrictions as to the sale, incumbrance, or taxation of said lands are hereby removed.

Mr. STEWART. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 14, on page 96, after line 9, to insert:

That the allottees of lands bordering upon Spring River or Grand River, in the Indian Territory, may each alienate, subject to the approval of the Secretary of the Interior, not to exceed 10 acres of land for waterworks or waterpower purposes. Any land so alienated not to be taken from the homestead of any member of the Cherokee tribe.

That the following-named allottees of lands situated in the Quapaw Agency, Ind. T., are authorized to alienate certain portions of their allotments therein, described as follows, namely: Fred Long, the south half of the southeast quarter of the northwest quarter of section 28, 20 acres; John Faber, the east half of the southeast quarter of the southwest quarter of section 28, 20 acres; the heirs of George Bearskin, deceased, the northeast quarter of the southwest quarter of section 22, 40 acres; Annie Daugherty, the northeast quarter of the southeast quarter of section 12, 40 acres; and James Boone, lot numbered 1 in section 3; all in township 27 north, of range 24 east.

The amendment was agreed to.

Mr. DUBOIS. Mr. President, the amendment I am about to offer is a committee amendment sent down on the recommendation of the Secretary of the Interior. I will explain briefly that in the making of allotments of land there were allotments made to two sons of an Indian, one an infant son, who has since died. The land would revert to the father, but the father wants the surviving son to have his portion of the land which was formerly allotted to the son who died.

Mr. STEWART. There is no objection to that amendment.

Mr. SPOONER. I should like to make an inquiry of the chairman of the Committee on Indian Affairs. I notice a great many provisions in the bill for the removal of the restriction of the right of alienation of Indian lands. Are those all recommended by the Secretary of the Interior?

Mr. STEWART. Nearly all of them have been recommended by the Interior Department. We have struck out some such provisions from the House bill, and we have put in a good many, with a view of ascertaining if the Department could suggest some rule, or if we can invent some rule, whereby this removal of restrictions may be made without coming to Congress in each individual case, so that it may all be done without mentioning names. We have put these others in the bill so that it will all be in the hands of the conferees. We took the liberty of doing this in the hope that we may be able to agree upon some general plan; though I do not believe we can. I have pretty much given it up.

Mr. SPOONER. Is it proposed to pretty generally remove these restrictions?

Mr. STEWART. No; that is the trouble. We are afraid it would become too general.

Mr. SPOONER. Of course this is a very important thing for the Indians, and especially for their families. Unless these restrictions of alienation are removed no matter how drunk an Indian may get, he can not be despoiled of his land while he is non compos. If we once begin to remove these restrictions, I do not know where we are going to end.

Mr. STEWART. A good many of these are white men who have been doing business, and some of them are bankrupt.

Mr. SPOONER. How did those white men get to be allottees—by fraud?

Mr. STEWART. I do not know whether it is by fraud or not. Their allotments were obtained under the laws of the nation. They are adopted citizens of the tribe, and in that way they got to be allottees.

Mr. DUBOIS. I will ask that the amendment which I proposed shall come in after the end of line 3 on page 97.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 14, after line 3, on page 97, it is proposed to insert:

That the Secretary of the Interior is authorized and directed to permit an exchange of lands in Oklahoma Territory now included in Kiowa allotment No. 310 for certain other lands in same Territory now included in Kiowa allotment No. 312, and to issue new allotment patents to the allottees interested carrying the exchanges into effect.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section [22] 15, on page 97, line 22, after the word "of," to strike out:

June 30, 1902: *Provided*, That no compensation shall be paid to or received by any deputy clerk in excess of $1,200 per annum.

And insert:

March 3, 1901 (31 Stat., p. 1073).

So as to make the proviso read:

Provided, That the chief deputy clerks located at South McAlester, Muscogee, Vinita, and Ardmore, respectively, as well as all other extra clerk hire and office expenses, shall be paid by the clerks of the respective United States courts of the Indian Territory from the emoluments of their respective offices, as provided by the act of March 3, 1901 (31 Stat., p. 1073).

The PRESIDING OFFICER. The amendment will be considered as agreed to in the absence of objection.

Mr. ALLISON. I call the attention of the Senator in charge of the bill to the fact that he has stricken out of it the limitation on the compensation of deputy clerks. He has not only changed the date of the act, but he has stricken out the following proviso:

Provided, That no compensation shall be paid to or received by any deputy clerk in excess of $1,200 per annum.

That leaves the whole matter open to somebody to pay an indefinite sum. The language of the proviso as it originally stood contains a restriction, as it seems to me, which is rather a wholesome one, and one which, as suggested by the Senator from Wisconsin [Mr. SPOONER], appears frequently in our statutes.

The PRESIDING OFFICER. Does the Senator from Iowa move to restore the proviso which has been stricken out?

Mr. ALLISON. I will make that motion, so that we may hear any explanation which can be given for the proviso being stricken out.

Mr. STEWART. The explanation is found in a communication received in answer to a letter in regard to the compensation of clerks, which was written by the Senator from Illinois [Mr. HOPKINS], who, I understand, takes some interest in the matter.

Mr. HOPKINS. Yes.

Mr. STEWART. The letter had better be read, and I send it to the desk for that purpose.

The PRESIDING OFFICER. The letter referred to by the Senator from Nevada will be read.

The Secretary read as follows:

WASHINGTON, D. C., *March 9, 1904.*

Hon. WILLIAM M. STEWART,
Chairman Committee on Indian Affairs, United States Senate.

SIR: There is an item on the Indian appropriation bill now pending before your committee which affects the office of the United States clerks in Indian Territory, which I desire to call to your attention.

Congress in 1895 passed an act reorganizing the courts in the Indian Territory, and in that act provided for the appointment by the clerk of a deputy clerk, to be stationed at each place of holding court in the respective districts, and fixed the salaries of the deputy clerks at $1,200 per annum as deputy clerks, and provided that these salaries should be paid by the disbursing clerk of the Department of Justice. Then, on the 19th day of February, 1903, Congress passed another act, creating what is known as "recording districts," establishing one at each place of holding court, and designating the deputy clerks as ex officio recorders. Then, in order to enable them to do the recording under the act of February 19, 1903, they were allowed to retain out of the fees for recording the sum of $1,800 each per annum.

This additional compensation was allowed so as to enable them to employ competent assistants in the recording office. Before the passage of this last act referred to there was no provision for recording deeds or instruments in writing in the Indian Territory, and since the passage of this act providing for the recording of instruments the work in the recorder's office has been very great, and it would be simply impossible for the deputy clerk to perform his duties as deputy clerk and then attend to the recording also without the proper additional help. So this allowance was given him.

Now, it will be understood that their additional compensation in acting as ex officio recorders is to be taken from the earnings of the recording fees, and all over and above the sum allowed to be retained under the law is turned into the Treasury of the United States. So that if any one of these recorders should not earn the designated amount to be retained, he would not get it. In other words, should they earn as ex officio recorders only $100 per annum they would receive only that amount; but should they earn over $1,800 per annum the excess under the law goes to the United States Treasury.

Now, in the bill now pending before your committee, on page 59, line 4, it is provided: "That no compensation shall be paid to or received by any deputy clerk in excess of $1,200 per annum."

This provision just referred to was placed on the bill as a House amendment and was not on the bill when it came from the House committee; and I submit that for the good of the service in the recording of deeds, leases, and other instruments of writing in the Indian Territory it should be stricken out, and that the item be left as it originally came from the House committee.

There is one other item to which I desire to call your attention in this amendment, and that is this: At present, and under the existing law, the chief deputy clerks of the respective districts are allowed a salary of $2,500 per annum, which has always been paid from the emoluments of the office and accounted for to the Attorney-General. And this amendment would, in my judgment, if allowed to stand, include the chief deputy clerks.

This, I know, was not intended to be done by the gentleman who offered the amendment. As will be seen by reference to the CONGRESSIONAL RECORD of March 5, page 3009, commencing at the head of said page, in which the gentleman offering this amendment stated that it would not include the chief deputy. But I very much fear from the language of this amendment it would include him, or that it would be so construed by the Department, and I feel sure it was never intended to do so.

I submit this explanation in justice to the deputy clerks, as I believe the adoption of this amendment would work a great wrong to the service. I am myself the clerk of the southern district of the Indian Territory, and am perfectly familiar with the matters of which I speak.

Trusting that this amendment will be stricken out or the corrections made to which I refer, I am,

Very respectfully,

C. M. CAMPBELL,
Clerk United States Court Southern District of the Indian Territory.

Mr. ALLISON. I think the chief deputies would be cut down to $1,200 by this provision. My attention was called to it by the provision above, which reads:

That hereafter the salaries of the deputy clerks in the Indian Territory appointed under the act of March 1, 1895 (28 Stat., p. 695), and acts amendatory thereto, be paid by the disbursing clerk for the Department of Justice at the rate of $1,200 per annum, as fixed by said act, in the same manner as the salaries of the clerks of the several United States courts in the Indian Territory are now paid: *Provided*, That the chief deputy clerks located at South McAlester, Muscogee, Vinita, and Ardmore, respectively, as well as all other extra clerk hire and office expenses, shall be paid by the clerks of the respective United States courts of the Indian Territory from the emoluments of their respective offices as provided by the act.

This provision as proposed to be amended would open up the entire compensation of deputy clerks, it seems to me, and would thereby change the existing law upon that subject, because the law provides that they shall only receive $1,200. That provision is stricken out. The amendment may not be necessary, and I hope the Senator from Nevada will give attention to it in conference and that it will be looked into carefully. I think probably it is a good provision to leave out, though I may be mistaken.

Mr. STEWART. I understand that was put in by the House, and undoubtedly the conference committee will be intelligent about that subject.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 98, after line 2, to insert as a new section the following:

SEC. 16. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Yuma and Colorado River Indian reservations in California and Arizona, the Secretary of the Interior is hereby authorized to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 5 acres of the irrigable lands. The remainder of the lands irrigable in said reservations shall be disposed of to settlers under the provisions of the reclamation act: *Provided further*, That there shall be added to the charges required to be paid under said act by settlers upon the unallotted

Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservations before reclamation; said sum to be paid in annual installments in the same manner as the charges under the reclamation act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

The amendment was agreed to.

The next amendment was, on page 99, after line 6, to insert as a new section the following:

SEC. 17. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nev., the Secretary of the Interior is hereby authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain: *Provided*, That there shall be reserved for and allotted to each of the Indians belonging on the said reservation 5 acres of the irrigable lands. The remainder of the lands irrigable in said reservation shall be disposed of to settlers under the provisions of the reclamation act: *Provided further*, That there shall be added to the charges required to be paid under said act by settlers upon the unallotted Indian lands such sum per acre as in the opinion of the Secretary of the Interior shall fairly represent the value of the unallotted lands in said reservation before reclamation, said sum to be paid in annual installments in the same manner as the charges under the reclamation act. Such additional sum per acre, when paid, shall be used to pay into the reclamation fund the charges for the reclamation of the said allotted lands, and the remainder thereof shall be placed to the credit of said Indians and shall be expended from time to time, under the direction of the Secretary of the Interior, for their benefit.

Mr. HANSBROUGH. I have no objection to that amendment, but I think that we had better make it general while we are legislating on the subject. I therefore move to insert, after the word "Nevada," in line 13, the words "or any other Indian reservation."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 17, on page 99, line 13, after the word "Nevada," it is proposed to insert "or any other Indian reservation."

Mr. SPOONER. How will it read as amended? What is it about?

The SECRETARY. As proposed to be amended, the section would read:

SEC. 17. That in carrying out any irrigation enterprise which may be undertaken under the provisions of the reclamation act of June 17, 1902, and which may make possible and provide for, in connection with the reclamation of other lands, the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nev., or any other Indian reservation, the Secretary of the Interior is hereby authorized to reclaim, utilize, and dispose of any lands in said reservation which may be irrigable by such works in like manner as though the same were a part of the public domain, etc.

Mr. STEWART. Mr. President, there are two or three little amendments which I desire to have made. On page 8, line 15, after the word "court," I move to strike out "to be——"

Mr. LODGE. Has the last amendment been agreed to?

The PRESIDING OFFICER. The last amendment has not yet been agreed to. The Chair thought the Senator from Wisconsin [Mr. SPOONER] addressed the Chair.

Mr. STEWART. I thought the amendment had been agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota [Mr. HANSBROUGH] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. COCKRELL. Do I understand that the amendment of the Senator from North Dakota [Mr. HANSBROUGH] has been agreed to—to include any and all reservations?

The PRESIDING OFFICER. It was agreed to without objection, but the Chair will consider it open if the Senator from Missouri desires.

Mr. COCKRELL. I did not know that the committee had accepted the amendment to include any and all Indian reservations.

Mr. STEWART. There can be no objection to it on any reservation. When it comes in the system of irrigation for particular lands, of course the reservation must be included in order to carry out the system; and if they irrigate the land of the Indians and give them for barren wastes 10 acres of irrigated land——

Mr. ALLISON. Five acres.

Mr. HANSBROUGH. Only 5 acres.

Mr. STEWART. Ten acres, is it not?

Mr. SPOONER. I did not suppose there was any limit in the bill.

Mr. STEWART. I think we had better put it at 5 acres, because if they get 5 acres that will be enough.

The agent at the works telegraphed that it is necessary that it should be only five. If an Indian gets five acres of irrigated land, he is a rich man.

Mr. SPOONER. What becomes of the Indians whose lands are injured—which are overflowed or damaged?

Mr. STEWART. If they can be found we will attend to their cases. I do not think there is any danger of that. What about the white man who may be injured——

Mr. PLATT of Connecticut. If I understand this provision, it proposes, where Indians are on reservations which are irrigable and are to be irrigated, to give them five acres of land only and to dispose of all the rest of the land in the reservation to settlers and pay the result into the reclamation fund.

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. Now, if the Senate desires to do that, these amendments are properly drawn to accomplish that purpose.

Mr. SPOONER. And that without consulting the Indians.

Mr. PLATT of Connecticut. I so understand.

Mr. HANSBROUGH. I did not understand that section 17 gives such authority. I read the provision hastily, and it occurred to me that if we were going to extend the reclamation law to any particular reservation it would be well to have a general provision extending it to all of the reservations. Of course, if the Senator from Connecticut thinks this disposes of lands in all these reservations belonging to the Indians I shall withdraw the amendment, for I have no desire to do that.

Mr. STEWART. I think you had better withdraw it.

Mr. ALLISON. It certainly does that. In lines 20 and 21 you will see it is provided that all irrigable lands not allotted shall be disposed of under the provisions of the reclamation act.

Mr. PLATT of Connecticut. There is this in favor of the amendment—that these lands, until they are irrigated, are worth nothing. It is not like taking agricultural lands away from the Indians and allowing them nothing for them. There is that distinction between desert lands and agricultural lands. Now, the amendment does, as I understand it, take away from the Indian upon any reservation which is irrigated all except 5 acres.

Mr. HANSBROUGH. I think the Senator from Connecticut is correct in his reading of the amendment, and I withdraw my amendment in order not to complicate the matter.

Mr. DUBOIS. Does the Senator withdraw the amendment?

The PRESIDING OFFICER. The Senator withdraws the amendment. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. STEWART. I desire to offer the amendment I send to the desk.

The SECRETARY. On page 8, line 15, strike out the words "to be;" so as to read:

For one stenographer to each of the three judges of the Choctaw and Chickasaw citizenship court, appointed by them, respectively, etc.

The amendment was agreed to.

Mr. QUARLES. On page 1——

Mr. STEWART. I wish to put in one or two little amendments to finish up the bill.

The PRESIDING OFFICER. These are reserved committee amendments.

Mr. QUARLES. Very well.

The SECRETARY. On page 54, line 24, after the word "Interior," insert the following:

By the Commission of three persons provided for in said section of said act.

Mr. CULBERSON. Let the amendment be again stated.

Mr. STEWART. Read it as the clause will read if amended.

The SECRETARY. On page 54, line 24, after the word "Interior," it is proposed to insert "by the Commission of three persons provided for in said section of said act;" so that, if amended, it will read:

And all other lands and deposits of like character in said nations segregated under any act of Congress shall, instead, be sold, under direction of the Secretary of the Interior, by the commission of three persons provided for in said section of said act, after due advertisement, upon sealed proposals, under regulations to be prescribed by the Secretary of the Interior and approved by the President, with authority to reject any or all proposals.

The amendment was agreed to.

Mr. PLATT of Connecticut. Are there not some committee amendments which have been passed over?

The PRESIDING OFFICER. There are several committee amendments which have been passed over; two, the Chair believes.

Mr. PLATT of Connecticut. Let us dispose of the amendments which have been passed over.

Mr. MCCUMBER. There is one matter which I wish to call up. I refer to what occurred yesterday, and I invite the attention of the junior Senator from Massachusetts to the proposition. I believe he raised the point of order on the Eli Ayres amendment.

I submitted to the Senator yesterday the report that was made by the committee, with the request that he would read it over to see whether or not he desired, from his previous knowledge of the case, after reading the report, to stand upon his objection. I know the Senator from Massachusetts would make no objection unless he considered that there were other grounds than the mere

point that it was general legislation, for the reason that many amendments of general character have gone through.

Mr. LODGE. If the Senator will excuse me, I did not make the point of order that it was general legislation. I made the point of order that it was a private claim.

Mr. McCUMBER. As a private claim. I will say that many other private claims have been put on this bill, and I assume, therefore, that the Senator would make no objection unless there was some other reason back of it in his mind why this as a private claim should not be allowed.

Mr. CLAY. Will the Senator allow me to ask how many private claims are included in this bill?

Mr. McCUMBER. I have not the number.

Mr. CLAY. Is it not true that there are sixty or seventy private claims included in this appropriation bill?

Mr. PLATT of Connecticut. How many?

Mr. CLAY. Sixty or seventy.

Mr. PLATT of Connecticut. Oh, no.

Mr. STEWART. No.

Mr. McCUMBER. No.

Mr. CLAY. How many pages in this bill are devoted to general legislation?

Mr. McCUMBER. Perhaps the chairman can answer the question. I will not myself attempt it.

Mr. CLAY. I have been told that there are twenty-one pages in it devoted to general legislation.

Mr. McCUMBER. The question I wish to raise is of an entirely different character.

In 1839 Eli Ayres purchased 194 sections of land in an Indian reservation, from the Chickasaws, I believe it was. They were Indian reservees. This was done in conformity with the requirements of a treaty made with the Chickasaw Nation in 1834. He paid for that land according to the agreement, a hundred and fifty-five thousand two hundred dollars. This, I believe, was at the rate of one dollar and a quarter an acre.

It is contended on the part of the Department, as I remember, that this land was granted to the Chickasaws as a tribe and did not belong to them individually, and therefore they had no right to sell it individually. They did sell it. They passed their deeds. They received $155,000, as I am informed, according to the report, and the Government refused to concur in the deeds, and, holding that the land did not belong to the Chickasaws, or at least that they had no right to transfer it, the Government threw one-half of it open to settlement, or about that, and sold the other half.

For that which was sold the Government received some $56,000, which was put into the Treasury of the United States. The Supreme Court of the United States held after that, as did the supreme court of the State of Mississippi, that those deeds were valid, that the land did belong to the Chickasaws individually, and that they had the right to convey the same, and since that time this claim has been pending before the Departments of the Government seeking to recover the amount paid.

Now, inasmuch as the Government received in actual cash for this land, which had been absolutely purchased and to which a good title had been obtained by Eli Ayres, the sum of only about $56,000, the claim of Mr. Ayres or his assignee was cut down to the sum of $56,000, the actual amount received by the Government of the United States.

Now, three things are undenied: First, the land did belong to Eli Ayres. He got a clear title to that land. Secondly, the Government had no title; and, thirdly, the Government took the land of Eli Ayres and sold it and received for that which was sold $56,000, and also opened up to settlement the balance of the land that had been purchased by him, for which, of course, it received nothing, it being taken as homesteads, etc., I presume.

Now, the question which arises is whether the Government, having sold property that did not belong to it and having received money for those lands, ought not at least to pay to the legal owner of the land what it received. This is the statement which comes before the committee. I served on the subcommittee on this case. It will come up year after year, and the same facts will be furnished us, which are found in the reports that have been made by the Secretary of the Interior, the deeds, etc., every one of which is obtainable. As I say, the question will come up again year after year, and if there is any reason why it is not a valid claim, and if the Senator from Massachusetts can give us that reason, I certainly will be gratified to receive it here on the floor, so that we may know that there is something back of what appears on its face to be a just claim. On the face of the facts it does appear clearly and beyond any question that the Government did take land belonging to Eli Ayres, and that it sold it and received the money for it.

Now, as I say, there may be something back of this which the subcommittee has not been able to find and of which some Senator can inform us. If there is, I know the subcommittee which has had this matter in charge will be glad to hear it, and so will the Committee on Indian Affairs. I fail to find any reason why it should not be paid.

Mr. CULBERSON. I notice that the amendment refers to Ayres as having been a resident of the State of Texas. I will ask the Senator if any other committee of this body ever reported this claim favorably?

Mr. STEWART. Oh, yes; the Committee on Claims.

Mr. McCUMBER. I understand that the Committee on Claims has reported it favorably.

Mr. ALLISON. At this session?

Mr. McCUMBER. No; it has been before the Committee on Indian Affairs at this session.

Mr. ALLISON. On this bill?

Mr. McCUMBER. On this bill.

Mr. CULBERSON. I suggest that if objections are going to be made to particular items in this bill because they are private claims the general rule should be insisted on as to all of them.

Mr. McCUMBER. The reason why I called up this matter at the present time is that the same item was on the bill a year ago, I believe, and the same point was raised, and of course it was sustained; but those who have considered it feel that it is a fair amendment and that it ought to be paid. If there is any reason why it should not be paid and why it should be excepted from other amendments of like character, we ought to know it, and then we will be prepared to take it up again when it comes before the Senate.

Mr. STEWART. It went out in conference.

Mr. McCUMBER. I am informed that it was put on the bill and went out in conference.

Mr. TELLER. In answer to the inquiry whether the Committee on Claims has ever reported this matter, I will state that while a member of that committee I reported the bill for $155,000.

Mr. CULLOM. What is the amount now?

Mr. TELLER. Fifty-eight thousand dollars. It has been repeatedly reported from the Committee on Claims for that sum. The Government got actually in cash for this land $58,000, and finally, in order to compromise the difference between Senators, it was agreed that this amount should be paid. Last year we put it on this same appropriation bill, and the House refused to concur. It may do so again. I do not know. The report I made must have been ten years ago.

I regard this claim as an obligation on the part of the Government of the United States as binding as the obligation of any bond that the Government ever executed, and more so, because by force practically it took the money away from this man, long since dead, as I know, but whose heirs are entitled to it. Later the courts held that the title he had was good; and if the people who bought this land of the Government have any title at all, it is the title that lapse of time gives.

Mr. LODGE. I made the point of order against this claim. It is a large claim. It is an old claim. It has been here a great many years, I know. It has been discussed here at length. Some years ago I became entirely convinced, perhaps erroneously, although I have seen no reason to change my mind, that it was not a sound claim. I do not care to take the time of the Senate on the Indian appropriation bill in discussing the Eli Ayres claim. It can be argued here by the hour. I do not think it ought to be on the Indian appropriation bill. I do not approve of putting private claims generally on appropriation bills. I have not undertaken to make points of order against all of them, but I did against this one because I had discussed it at length and thought I knew something about it. I shall not withdraw the point of order, which I believe has been sustained.

The PRESIDING OFFICER. The Chair is so informed.

Mr. HANSBROUGH. I wish to offer an amendment.

Mr. PLATT of Connecticut. There are several amendments which have been passed over.

Mr. STEWART. Let us dispose of those which have been passed over.

Mr. HANSBROUGH. I thought we were through with the committee amendments.

The PRESIDING OFFICER. The Chair thinks there are two other committee amendments.

Mr. CULBERSON. I should like to ask what became of the Ayres amendment?

The PRESIDING OFFICER. It was ruled out on a point of order.

Mr. CULBERSON. Does the Senator from Massachusetts insist upon the point of order?

The PRESIDING OFFICER. He did not withdraw it.

Mr. LODGE. I made the point of order yesterday, and the amendment was ruled out yesterday.

Mr. CULBERSON. Does the Senator insist upon the point of order?

Mr. LODGE. Yes, Mr. President; I made the point of order yesterday.

Mr. SPOONER. Yesterday afternoon the Senator from Connecticut [Mr. PLATT] submitted some observations as to the treaties under which arises the claim of the Delawares for reimbursement for the difference between what should have been paid in gold and what was paid in currency. I should like a little more definite information from the Senator, if he has it at hand, upon that branch of this question, which is really the pivotal point in it.

Mr. PLATT of Connecticut. Is that before the Senate? It was passed over.

Mr. QUAY. The Delaware amendment was not passed over. It was agreed to.

The PRESIDING OFFICER. It was agreed to as amended.

Mr. PLATT of Connecticut. It was agreed to?

Mr. QUAY. It was agreed to as amended.

The PRESIDING OFFICER. Will the Senator allow the two other amendments which have been passed over to be disposed of?

Mr. ALLISON. It was my understanding that the Delaware amendment would be brought up when the bill reached the Senate.

Mr. PLATT of Connecticut. Yes; in the Senate.

Mr. QUAY. The amendment was agreed to, and the Senator withdrew the point of order.

Mr. ALLISON. I reserved the point of order on the amendment, with a view of debating the question when it came up in the Senate.

Mr. QUAY. I did not hear anything about debating it.

The PRESIDING OFFICER. The first amendment which has been passed over will be stated.

The SECRETARY. On page 7, line 5, after the words "practical stockmen," it is proposed to insert "subject only to such examination as to qualifications as the Secretary of the Interior may prescribe:" so as to read:

To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, etc.

Mr. LODGE. Mr. President, this amendment and the one at the bottom of page 8 were passed over largely at my request, I think. I have since then got a statement in regard to the nature of the examinations, which I will print in the RECORD, and also statements and reports of the Commissioner of Indian Affairs:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., March 23, 1904.

Hon. HENRY CABOT LODGE,
United States Senate.

SIR: In compliance with your telephone request of the 22d instant for a statement of the subjects included in the examinations for farmer, matron, and stockman in the Indian Service, the Commission has the honor to submit the following information:

FARMER EXAMINATION.

Subjects:	Relative weights.
Penmanship	5
Spelling and copying	5
Farm economy, relating to farm implements, appliances, machinery, and buildings	25
Keeping accounts, elementary tests in farm accounts	5
Practical questions in carpentry and blacksmithing, embracing construction of farm buildings and ordinary blacksmithing and horseshoeing	15
Practical questions in farming, embracing operations with soils, crops, timber, in dairying, stock raising, orcharding, and gardening, as applied to general farming	25
Experience in farming	20
Total	100

MATRON EXAMINATION.

Subjects:	
Penmanship	5
Spelling and copying, about seven lines of ordinary prose containing twenty or more misspelled words	5
Domestic economy, comprising practical economical housekeeping and the training of pupils in domestic science and good morals	25
Keeping accounts (a memorandum of domestic supplies received and issued is given, and the competitor required to make the proper entries to account for same)	10
Nursery management and domestic hygiene, involving a knowledge of the principles of domestic hygiene, the diseases of children and their treatment by the nurse, the ventilation and disinfection of the sick room, what to do until the doctor comes in emergency cases, and the general duties of a nurse	25
Cutting, fitting, and sewing, an essay of from 200 to 250 words on each of two topics relating to cutting, fitting, and sewing by both hand and machine	15
Experience	15
Total	100

STOCKMAN, DAIRYMAN, AND OTHER EXAMINATIONS FOR MINOR POSITIONS.

Subjects:	
Age	20
Physical condition	20
Experience	60
Total	100

It will be noted that in the farmer examination the practical questions and tests, including a consideration of the experience of the competitor, constitute 85 per cent and the educational or scholastic tests, embracing merely the elements of a common-school education, but 15 per cent. An elementary knowledge of carpentry and blacksmithing is included for the reason that industrial teachers as well as farmers are appointed as a result of this examination, the scope and character of which were determined upon by the Commission, with the cooperation of officers of the Bureau of Indian Affairs. The subjects included are only those considered by that Bureau as necessary and proper tests of fitness of its farmers and industrial teachers. The minimum scholastic tests have been insisted upon by that Bureau for the reason that the farmers in the Indian Service are also teachers of general farming and farm economy and should have sufficient education to intelligently instruct the pupils placed under their supervision.

Indian school supervisors and other officers closely connected with the Indian school work have urged that the standard be raised and that only well-educated and highly trained farmers who have an excellent knowledge of the theory as well as the practice of agriculture be appointed in the Service; but the small salaries offered are not sufficient to induce such men to seek the positions. It is not believed, however, that the present minimum standard for this position may be materially lowered without injury to the Service. Several weeks ago the Commission suggested to the Indian Bureau an increase in the relative importance of the element of experience as a desirable modification of the examination, but the Bureau has not yet concurred in the suggestion. It may also be stated that for the Indian schools in the arid region practical questions relative to irrigation and experience in such work are included in the examination, with a relative weight of 20 per cent.

While the Commission has failed at times to secure a sufficient number of qualified men for this service, owing to its unattractive character and the low salaries offered, the service has not been materially embarrassed through such failure, as temporary appointments of the Department authorized by the Commission have been made permanent where no eligibles were secured in a reasonable time. Special facilities have also been afforded to such temporary appointees to take the regular examinations by arrangement in certain cases to have them held at the schools where such appointees are employed.

The examination for the position of matron was determined upon by the Commission in conjunction with the officers of the Interior Department in the same manner as that for farmer, and embraces only those subjects considered essential tests of fitness for the position.

For positions of cook and laundress, and others of a minor character, no educational tests are required, although it has been stated by officers of the Indian Service that such employees act as teachers of their respective occupations and should therefore be tested in the elements of a common school education in addition to a knowledge of their respective trades or occupations. It is understood that the Department has been favorable to the retention of these minor positions in the classified service for the reason that quite as capable a class of employees has been secured as it would be possible to obtain in any other way for the low salaries paid.

The Commission will be pleased to furnish such further information as may be desired concerning examinations and appointments in the Indian Service.

Very respectfully, JOHN C. BLACK, *President.*

It will be seen that the examinations are extremely practical, in the case of a farmer only 15 per cent relating to penmanship, spelling, copying, and keeping accounts; 85 per cent is entirely as to experience and knowledge in farming. It is the same way in regard to the matrons, only 10 per cent being in reference to penmanship, spelling, and copying, while the other 90 per cent relates entirely to practical questions of housekeeping and experience. For stockmen, dairymen, and other minor positions the only subjects are age, physical condition, and practical experience. There is no scholastic examination whatever. It seems to me the examinations are not unreasonable.

The statements of the Commissioner of Indian Affairs seem to indicate that on the whole the officials think this system, if not perfect, is better than the old system. It seems to me the amendment proposes rather a radical change in the existing law without any information direct from the Department in regard to it. If it was the desire of the officers who are charged with the care of Indian affairs I of course should not think of putting my opinion against theirs, but it seems to me under the circumstances that it is a change which had better not be made without further knowledge than I at least have. For that reason I make the point of order that both of the amendments are general legislation and propose a change of existing law.

Mr. ALLISON. On what page are they?

Mr. LODGE. Pages 7 and 8, in regard to farmers and stockmen and matrons.

Mr. SPOONER. So far as the point of order is concerned, it is very difficult to say what is and what is not general legislation. This provision, I understand, lasts for a year, just as the provision that precedes it lasts for a year; and if in a bill appropriating money it is incompetent, because it is general legislation, for Congress to provide as to the instrumentalities which shall be employed in its expenditure and disbursement, it being a temporary provision anyway, living only as long as the appropriation lives, then there is a great deal in this bill that is general legislation; and so in every other appropriation bill. I think a ruling sustaining the point of order is one which would very much and very unfortunately tie up the hands of the Senate in the enactment of appropriation bills.

Mr. LODGE. I do not understand that this expires with the year. I think this is legislation which does not. I think as it stands it is general legislation.

Mr. SPOONER. It does not say "hereafter."

Mr. LODGE. No; but I think it is a clause which clearly, like a great deal of other legislation on appropriation bills, of course, as the Senator knows, does not expire with the year. I think this is of that character. It is a change in existing law. This changes existing law, and although that is the House rule and not our rule, I think it gives the amendment the character of general legislation. It changes an existing statute, which is a permanent statute.

Mr. SPOONER. I know what "general legislation" is under the constitutions of the States as contradistinguished from private and local or special legislation; but what this phrase "general legislation" embraces here or how to make any satisfactory definition of it, I have never yet discovered.

Mr. LODGE. I think it is a very vague term as it is used here. The President of the Senate, in ruling the other day, described it as legislation of a permanent character that did not expire with the bill. That is, he gave that as one definition. I have always thought the House definition as to an amendment changing existing law was much better. This certainly changes existing law, and as it changes an existing general statute, which is not an appropriation bill, it seems to me to come fairly within the scope and phrase "general legislation," because we are repealing a portion of a general statute.

Mr. STEWART. Mr. President, on its face it is not general legislation, as you can see. It says:

> To enable the Secretary of the Interior to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding $75 each per month, and for furnishing necessary equipments and rental of quarters, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, $125,000.

It makes the appropriation for this year.

Mr. SPOONER. That is all right. That leaves the regular farmer just as he was.

Mr. STEWART. It makes the appropriation for this year.

Mr. SPOONER. This is for additional farmers and stockmen——

Mr. STEWART. And fixes the price.

Mr. SPOONER. And fixes the method of examination which shall apply to them. That changes no existing law. It regulates the appropriation of money which for the first time is made in this bill.

Mr. LODGE. I thought this was a regular appropriation made every year.

Mr. SPOONER. No; not this one for additional people.

Mr. LODGE. I thought we made that appropriation for additional people every year.

Mr. SPOONER. The chairman of the committee says no. Suppose the Civil Service Commission should lose a stockman now and then by some——

Mr. GORMAN. Do what? I can not hear.

Mr. SPOONER. Suppose the horrible thing should happen that the Civil Service Commission should for a year lose jurisdiction of a stockman——

Mr. STEWART. Or of a farmer——

Mr. SPOONER. Or a farmer——

Mr. STEWART. On a reservation——

Mr. SPOONER. Or a matron. I do not think it would shake the foundations of the universe or leave Liberty bleeding in the streets. But on the face of this amendment the point certainly is not well taken.

The PRESIDING OFFICER. If the Senate desires the present occupant of the chair to rule on the point of order, he is perfectly willing to do so. He is under the impression that the existing law is changed by this amendment. Congress has already given to the President authority to extend the civil-service laws whenever he thinks wise, and if he thought wise he could do it just as well with this amendment out as with it in.

Mr. STEWART. Submit the point to the Senate.

The PRESIDING OFFICER. The amendment changes existing law in that it takes the authority away from the President and gives it to the Secretary of the Interior.

Mr. SPOONER. If the Chair will pardon me a suggestion, Congress makes a great many changes in existing law when it adds employees that are not provided for by existing law. That is a change in existing law, but it is not necessarily general legislation.

The PRESIDING OFFICER. The Chair should have said "general legislation."

Mr. SPOONER. Is it general legislation? Is it possible that it is general legislation, and therefore obnoxious to the rule of the Senate, for Congress, leaving subject to the jurisdiction of the Civil Service Commission or the President those regular officers who have heretofore been provided for and whose compensation is simply provided for here, to add other employees who never have been in that work?

Mr. LODGE. I understand, as a matter of fact, that this clause has been carried for some years.

Mr. SPOONER. I do not know about that.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. SPOONER. Certainly.

Mr. NELSON. We have been in the habit, where very doubtful points of order have been raised, of having them submitted to the Senate. This apparently, from the discussion, is of such a doubtful character, and I suggest to the Chair that the point of order be left to the Senate.

The PRESIDING OFFICER. The Chair has no hesitancy whatever in doing it. The Chair will submit the question to the Senate.

Mr. HOAR. It can be submitted to the Senate on an appeal.

The PRESIDING OFFICER. The question is, Is the amendment in order?

Mr. LODGE. Has the Chair decided the question?

The PRESIDING OFFICER. The Chair does not decide it. Is the amendment in order?

Mr. LODGE. Before that is done, I merely wish to say that I have here some statements of the Commissioner of Indian Affairs. I know very little about the Indian Service, but——

Mr. HANSBROUGH. I suggest to the Senator to read them.

Mr. LODGE. They are extracts from his reports.

Mr. HANSBROUGH. Let the Senator read anything bearing on this question in the report of the Commissioner of Indian Affairs.

Mr. LODGE. It is an extract from the report of the Commissioner of Indian Affairs of 1902. He says:

> The application of the classified service to this branch of Government employees has raised the tone and elevated the morals of the Indian school service.

He further says:

> Through politics and favoritism the Indian school service was handicapped to a considerable extent in the past, but this objectionable feature has gradually given way to a more efficient corps of employees, through which the schools have steadily improved and are now being intelligently conducted and rendering valuable service, with very little, if any, reasonable grounds for adverse criticism.

In his report for 1903 he says:

> The difficulty surrounding those who are employed in Indian schools is extremely great. Charged with the responsibility of forming the moral characters of numbers of Indian children who do not appreciate the restraints with which our own children are familiar, and knowing these general conditions, the characteristics of the Indians, and the lack of home support, when cases of immorality among the pupils are reported they are not judged with the same degree of harshness as would be the case had they occurred in a white school.

As employees of the Indian schools, if these people are to teach the Indians the business of farming, stock raising, and so on——

Mr. SPOONER. How is that?

Mr. LODGE. As I read the provision to which the amendment applies, they are "to superintend and direct farming and stock raising among such Indians as are making an effort for self-support."

Mr. SPOONER. The Senator was reading about schools.

Mr. LODGE. I was saying that I suppose this comes under the general head of instruction.

Mr. STEWART. Will the Senator allow me?

Mr. LODGE. Permit me to finish reading this extract.

Mr. STEWART. We have followed that suggestion.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. STEWART. Very well; if he will not yield.

Mr. LODGE. I am perfectly willing to yield.

Mr. STEWART. I say we have followed the suggestion the Senator has just read. We had some controversy about schools and agents and so on, and we followed that suggestion. We had quite a contest here whether that is to be carried out.

Now, here is another thing that the Commissioner recommends. He finds he can not get farmers under that system, and he recommends this slight change for half a dozen farmers to superintend farms and stock raising on reservations. The same man who wrote that recommended this provision.

Mr. LODGE. I, of course, give great attention to his recommendation. I should be glad if the Senator would read the recommendation he made.

Mr. STEWART. He made it verbally before the committee and it was put in at his suggestion.

Mr. LODGE. Very well.

Mr. STEWART. It was put in by the committee when the suggestion was made verbally. This was put in at the suggestion that it was impossible to get the right kind of men through the civil service to do that particular work.

Mr. LODGE. I see the subjects: "Examination for stockmen—age, physical condition, and experience." I suppose those are hardly scholastic tests.

Mr. SPOONER. That is very strong evidence that this matter ought not to be under the jurisdiction of the Civil Service Commission. Of course, I agree entirely with the Commissioner and the Senator from Massachusetts that the superintendent of schools and the teachers of Indian schools ought to be absolutely removed from politics. There is a great difference between handling children and handling hogs.

Mr. LODGE. I probably misunderstand the appropriation, but I supposed it was intended to instruct the Indians in farming and

stock raising. That is what I supposed. I did not suppose they were merely employed to run a farm. I supposed they were employed to instruct the Indians and be associated with them. I think it is very desirable to get men of good character.

Mr. GORMAN. Mr. President, when this matter first came up for consideration in the Senate I expressed the opinion that I thought it was wise, in view of the extraordinary power that Congress has conferred upon the President and the Civil Service Commission, that the whole question of the exemption of smaller places from the civil service should be treated as a whole and not be dealt with in this small way in various bills that are coming before Congress. I am still of that opinion. I have no doubt, and I trust, from what I read in the papers this morning as to the action of the President in the matter where there are quite a number of places to be filled in the construction of the isthmian canal, that he has rather reached that conclusion himself. I find that in his very extraordinary letter, which is published to-day, instructing the Commissioners, he uses the language which I shall read. It would seem that he believes in all important enterprises particularly civil service examinations can not well be applied to the smaller places. After notifying these gentlemen of their appointment as Isthmian Canal Commissioners, he says to them:

> I believe that each one of you will serve not merely with entire fidelity, but with the utmost efficiency. If at any time I feel that any one of you is not rendering the best service which it is possible to procure, I shall feel called upon to disregard alike my feelings for the man and the man's own feelings, and forthwith to substitute for him on the Commission some other man whom I deem capable of rendering better service. Moreover, I shall expect, if at any time any one of you feels that the work is too exhausting and engrossing for him to do in the best possible manner, that he will of his own accord so inform me, in order that I may replace him by some man who, to the requisite ability, joins the will and the strength to give all the effort needed. But so long as you render efficient service of the highest type in the work you are appointed to perform, you may rest assured of my hearty support and backing in every way.
>
> These are the conditions under which you have been appointed and under which I shall expect you to proceed. I shall furthermore expect you to apply precisely the same principles in the choice and retention of the subordinates who do the work under you as I have applied in your choice and shall apply in your retention. I shall expect you to appoint no man for reasons other than your belief in the aid he can render you in digging the canal. If, having appointed any man, you find that your expectations about him are not fulfilled or that from any reason he falls short of his duty, I shall expect you to dismiss him out of hand; I shall expect that under such circumstances you will pay not the slightest heed to any backing or influence the man may have. I assume, as a matter of course, that in dealing with contractors you will act on precisely the principles which would apply in any great private business undertaking. There is no man among you to whom I think it is necessary to say a word as to the standard of honesty to be exacted from every employee or contractor, for if I had had the slightest ground for suspicion that there was need to say such a word to any one of you I should not have appointed him. But I do wish to emphasize the need of unceasing vigilance in the performance of this great work.
>
> As to the details of the work itself I have but little to say. It is to be done as expeditiously as possible and as economically as is consistent with thoroughness. There is one matter to which I wish to ask your special attention—the question of sanitation and hygiene. You will take measures to secure the best medical experts for this purpose whom you can obtain, and you will, of course, make the contractors submit as implicitly as your own employees to all the rules and regulations of the medical department under you. I presume you will find it best to have one head for this medical department, but that I shall leave to your own judgment.
>
> The plans are to be carefully made with a view to the needs not only of the moment, but of the future. The expenditures are to be supervised as rigorously as if they were being made for a private corporation dependent for its profits upon the returns. You are to secure the best talent this country can afford to meet the conditions created by every need which may arise. The methods for achieving the results must be yours. What this nation will insist upon is that the results be achieved.

Mr. President, I think it is wise that the President should so instruct his Commission in regard to the selection of subordinates. He is receding from the advanced civil-service-reform idea which has been applied to small places such as those we are considering in this bill. It is the result, I have no doubt, of the President's experience when he has come to deal with these matters practically and when the responsibility of dealing with them is upon him. I do not know of any law in existence which authorizes such instructions in regard to employment, but the President has seen proper to determine that that is his power, his right, his duty, and it will apply to thousands and thousands of men.

As I said yesterday, I think the rule is a wise one, and he is perfectly justified, if he has the right, to instruct the Commissioners that the civil-service rules shall not apply to the persons who will be required in the construction of the canal. I suggest to the Senator from Massachusetts, who I know is an advocate of the civil-service-reform laws and regulations, that it is time some such rule as the President has now adopted in the employment of 20,000, 30,000, or 50,000 men, whatever the number may be, shall be extended to the service within the States and Territories of the United States.

I think it is fortunate that this matter comes as it does on the Indian appropriation bill, and that it comes at a time when the President has receded from the advanced position he has heretofore held.

I shall sustain the amendment of the committee, seeing that there is no way in which we can deal with the subject generally at the present session of Congress, and being perfectly prepared hereafter, at the next session of Congress, to restrict the power of the Executive, if it be necessary. Indeed, I think no man who considered the proposition in either branch of Congress when the original law was framed here contemplated that it would be extended as it has been to minor and subordinate positions.

I know that for a time, and for a very long time, the newspapers of the country, the civil-service boards, intelligent men, men of activity and of learning, created the impression that there was a disposition among men occupying seats in both Houses of Congress to oppose civil service because it was the matter of patronage that they wanted; that their only opposition to the law was because they wanted to benefit constituents and persons dependent somewhat upon them for political positions.

I myself have modified my own view within the last few years as to the operation of the law so far as it applies to clerkships and other offices of the Government. I think it has benefited the country and relieved us all. It is not a matter with me of patronage, but simply in the interest of the proper administration of the affairs of the country. I congratulate the country and rejoice in the fact that the President, whom I know to be entirely sincere in all the views he has had heretofore, has reached a point where he has opened the door and relieved the situation in the case of the isthmian canal. I only trust it will be extended, and that small farmers, charwomen, mechanics, and people who are dependent upon their daily toil for a livelihood shall have the opportunity to get these small places, not by political influence necessarily, but that the door may be opened to them as the President has now opened it to everybody who can live in the climate down on the Isthmus.

Mr. PLATT of Connecticut. Mr. President, I agree with very much that the Senator from Maryland [Mr. GORMAN] has just said, but I have never supposed that the civil-service law as it exists on our statute books or has been supplemented by legislation could by any means be held to apply to the building of the isthmian canal. So I do not think the order or statement which the President has just issued to the Commission has any significance whatever as relating to appointments under civil-service laws and regulations.

I think, with the Senator from Maryland, it is just right that there should be no appointments there by political influence, and even that Senators and Members of the House ought to refrain from recommendations of persons to be employed by that Commission. I myself have taken that ground. I received a great many applications from people who desired to be employed under the Commission, and I have uniformly said to them that I did not think the employment a matter which ought in any way to be influenced by what are supposed to be political considerations, and I must decline to make recommendations.

I would have said nothing on the subject, except I thought I gathered from what the Senator from Maryland said that the action of the President in some way was a departure from his former views with regard to appointments by civil service.

Mr. LODGE. I do not think the Panama Canal has any bearing whatever on the civil-service law or on this particular question; but I have no desire to have the Senate overrule what I believe to be a sound point of order. We have so few rules to protect us on appropriation bills that I do not wish to see this point overruled, and therefore I will withdraw it.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws the point of order.

Mr. SPOONER. Mr. President, I wish to say a word in reply to the Senator from Maryland [Mr. GORMAN]. I understood the Senator from Maryland to intimate some doubt of the power of the President to instruct the Commission in the matter of appointments. If the Senator will recur to the act he will find that the responsibility of constructing the canal is placed by law upon the President. Of course he is to do it through the Isthmian Canal Commission, but the act provides that—

> Said Commission shall in all matters be subject to the direction and control of the President.

So everything the President said, I think, was not only well said, but said with as complete power as any public officer ever was charged with.

I do not think the Senator from Maryland is justified at all, as the Senator from Connecticut [Mr. PLATT] has said, in inferring from the letter of the President—nor would he be if it were a specific order—that the civil-service rules should not apply to the construction of the canal, in imputing to the President any recession from his views in relation to the general subject of civil service. I have never supposed it could occur to any sane man in the United States that that canal could be constructed under the handicap, delay, and all that, of competitive examinations through the Civil Service Commission, thousands of miles away, a great work on which, I suppose, 50,000 or 60,000 men may be employed at a time—it may be more—where there will be a vast number of employees, some from this country and some not. The

idea of applying to that work outside of the United States, technically, really, the civil service would be an utter absurdity, and would tend more than any other one act, I think, to impede the construction of the canal.

Mr. HOAR rose.

Mr. MITCHELL. Mr. President, I desire to offer an amendment——

The PRESIDING OFFICER. The Senator will withhold his amendment for a moment, until these amendments are agreed to. Without objection, the amendments on page 7 will be agreed to.

Mr. HOAR. I rose to speak to the existing question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. HOAR. Mr. President, I wish to say one word in regard to what has been said by the Senator from Maryland [Mr. GORMAN] and the Senator from Connecticut [Mr. PLATT], because it seems to me that both those Senators, undoubtedly undesignedly, have perhaps confounded two very different things in speaking of the matter of appointment, as the Senator from Connecticut did, of persons to be employed on the isthmian canal. I understand that when civil-service reform was demanded and came into operation the whole civil service of the country, then amounting to between 50,000 and 100,000 persons, was practically used as an instrument for the promotion of the fortunes of the dominant political party, whatever it happened to be, and which at that time was the Republican party.

If it had gone no further than that, there was a certain reasonableness in the arrangement. At any rate, a very strong argument could be made for maintaining that practice. The dominant party is responsible for the Administration. The President is chosen as a political leader and as the head of a political party. I do not mean by that that he is to be the head of a political party in his executive action, but he is taken from among the great political leaders of the country. A party government, in the experience of mankind, wherever the people of a country in whole or in part govern themselves, is the best government that has ever existed on the face of the earth, and more is accomplished for liberty and order and advancement in that way than in any other.

Now, then, the political party being responsible for the Government and the Executive being responsible that the laws are faithfully and well executed, it was very earnestly and fairly argued that if that were all, it was better to make up the civil service of the country of men who were influential and active in their political parties. Such men are always and invariably men of energy. They are usually in our American community men of character, or they can not maintain their influence and leadership. The political party is then responsible, clear down to the roots, for an efficient and honest and satisfactory administration.

That was the old system brought in. It is our habit to say that in the old times of Washington and Jefferson that did not exist. General Washington declared when he was President that he would not knowingly put into any important public office a man who did not maintain the political opin ons of his Administration; and when Mr. Jefferson came into office he declared that he found every place in the civil service and every office above the lowest grade in the Army filled by a political opponent of his own.

But the trouble was the thing went further. The able and influential members of the two Houses of Congress undertook to claim not that the Administration should fill the offices with persons representing fairly the dominant party in different places, but that they should fill the offices with their particular adherents.

There were instances which the Senator from Maryland undoubtedly may remember—it is not necessary for me to specify them—where eminent politicians, Republicans holding offices in the Senate and the House, would recommend a Democrat a great deal quicker than they would recommend a man who was not devoted to their own personal fortunes, and who did not belong to their political faction in the party. So the thing became unpopular, and in some places a scandal, not because the appointments were political, but because they were made the instruments of building up in different parts of the country a sort of personal chieftainship; and the man who came to the Senate or the House frequently had, as Scott says in Waverly, a Vich Ian Vohr, with his tail on set of retainers in the Departments, who were thoroughly and utterly devoted to that man's political fortunes without any regard to the interests of the party which was organized to advance certain political principles. Every Senator will remember instances of that kind.

Civil-service reform went on the theory not that those examinations are the best possible way of ascertaining whether men are honest or efficient or capable of particular executive functions; it went on the ground that, on the whole, a system which was open to all citizens alike, which determined the title to appointments to office by certain examinations, while not the best thing possible, was infinitely better than determining them by the simple test of whether the candidate or the applicant was devoted to the particular fortunes of an ambitious candidate in the Senate or in the House of Representatives or in some other political office. It is not the best system; but it is a better system practically by far than the one it has supplanted, and it has grown in favor, as the Senator from Maryland [Mr. GORMAN] indicated in his own case, by trial. The putting a stop to patronage for that purpose is a very different thing from the practice of consulting Senators and Representatives in regard to matters, even like this very matter of the persons who are to be employed in this mighty enterprise of building the Panama Canal.

I suppose everybody will agree that with such public instruments all employees of this sort ought to be fairly divided between the different sections of the country. The Government can not maintain the confidence or the affection or the support of the people unless the people of every part of the country have their fair and full share in it. It would not be just, if you are to appoint a thousand men for this particular public service, to take them all from California or all from Mississippi or all from Massachusetts, even if you got in that way, on the whole, a better set of public employees. Everybody agrees to that. If that is to be done, how is the President or how is an Executive Department to find out who are the best men and the qualities of men in a particular State, except by inquiry of the men whom that State has selected, or men of experience, acquainted with their people at home, whom the State selects as the best examples of its intelligence and capacity and integrity?

If the Senator from Connecticut [Mr. PLATT] were applied to, who would know better than the Senator from Connecticut the capacity or quality of a young man in Hartford or in Meriden or in New Haven? Either he is to be consulted, or his associates in the other House are to be asked, when such a man applies for service as a clerk, or as a man capable of managing 500 men in the canal digging, or as an engineer, or as an accountant—either the Senator and his associates have got to be consulted and give their opinion in such cases, or the Administration has got to establish all over the country a lot of private and unofficial irresponsible sources of information, as the Administration now does in some of the Southern States, where there are no representatives in either House of Congress of its political party.

I do not believe that the Senator from Maryland and the Senator from Connecticut will differ with me when I say that I do not think that method of procedure—perhaps the best the Administration could get—has worked very well in the South. If I were President of the United States, I should invite, in those Southern States which have not Republican Representatives, the confidence of the Senators and Representatives from those States, being quite certain that every one of them would not, in any advice so solicited, be governed by particular party or political feeling. I do not suppose, if a young engineer from Hartford or from Meriden, Conn., wanted to be employed on this canal and should apply to my friend from Connecticut, that he would care two cents whether he was a Republican or a Democrat.

Mr. PLATT of Connecticut. I certainly would not.

Mr. HOAR. The Senator from Connecticut says he certainly would not, and we all knew that before he said it.

Why, then, in every instance should Senators not be expected to give any Department such information as they have in this important matter? What we want to put an end to and to keep out of the public service—and we have got it out of the public service—is the old political chieftainship, if I may use that phrase; the making of the political executive officers in this country a band of retainers for political parties or ambitious politicians. If that could be completely accomplished, I do not think it would do any great harm if the Democratic party were to come into power. I do not think they ought to turn out the old and efficient public servants. I myself do not think—though I have been the most zealous of civil-service reformers from the very beginning and made one of the earliest speeches ever made in this country for that policy—I do not think it could do any great harm if the Democrats, in making new appointments, should select men whom they were willing to be responsible for in the administration of the public service, if it could be done fairly—fairly to the whole Democratic party; fairly to the whole community; fairly to those communities that are themselves Democratic. But what this civil-service reform is here for is what I have stated.

Mr. CLAY. Mr. President, if the Senator from Massachusetts will permit me, I think I thoroughly understood the Senator; and if I have, I agree with him.

Where a State is represented by an entire Democratic delegation, consisting of two Democratic Senators and an entire Democratic delegation in the House of Representatives, the Senator takes the position that in such cases, in his opinion, the party in power ought to advise with the Representatives and Senators from those States in regard to the character and fitness of appointees to office.

Mr. HOAR. Subject always to the correctness of the opinion, which I certainly entertain in regard to my associates here, that they would give that advice fairly and without regard to partisan considerations.

Mr. CLAY. Take, for illustration, the State of Georgia to-day, which, as I have said, has eleven Representatives in the other House and two Senators here. Those eleven Representatives and those two Senators represent the intelligence and the wealth of that State. I believe that the Constitution meant that the President should advise with the Senators before making appointments affecting the people in such States. I agree entirely with the distinguished Senator from Massachusetts on that point.

Mr. GORMAN. Mr. President, in what I have said I had no intention, and I am sure I did not convey the idea, of attacking the civil-service law or the regulations made by the Civil Service Commission and approved by the President, except to comment upon the fact that those regulations have been extended to various subordinate and minor places which have no earthly bearing upon the success of political parties.

The civil-service law giving power to the President to make rules and regulations which are to have the force of law has been used and exercised by him to an extent which was never contemplated, as suggested by the Senator from Massachusetts [Mr. HOAR], who was one of the original civil-service reformers.

But the President of the United States has seen proper—and he has undoubtedly the power—to apply the law to nearly every position, including the mechanics in the navy-yards and the subordinate places under the Interior Department. That has been a matter of very great hardship to that class of people.

Mr. LODGE. If the Senator will allow me a moment, do I understand him to say that the law has been extended under the present Administration?

Mr. GORMAN. It has been extended.

Mr. LODGE. I understood the Senator to say that it had been extended by the present President.

Mr. GORMAN. To some extent.

Mr. LODGE. The extension of the civil-service law to employees in the navy-yards was made under President Harrison.

Mr. GORMAN. Under President Cleveland the law was also extended.

Mr. LODGE. President Cleveland extended it to 40,000 places.

Mr. GORMAN. Unquestionably. The President is a civil-service reformer and a believer in that principle; and, Mr. President, under the present Administration the President has enforced the law rigorously, and, I take it for granted, he has done so fairly; but he has applied it to a great number of subordinate officers within the United States. When, however, the Administration comes to deal with officers who have been sent to the Philippines, men who are sent seven or eight thousand miles from our borders, to fill places in which men ought not to be influenced by political considerations, holding the highest positions in point of salary, and with enormous responsibility, the civil-service law has been, by order of the President of the United States, suspended, and men who are sent to the Philippines to occupy such places have not been required to pass civil-service examinations, and the Senator from Massachusetts says that they ought not to be used as political agents.

So far as my observation has gone—and I do not criticise the President of the United States for pursuing that course—of the officers under him or his Secretaries, there are very few officials of importance who are not members of his own party. Whether they were appointed by the influence of Representatives or Senators I know not, and I do not care. Selecting them, as he has, outside of the civil service, to have consulted with his party friends in Congress would not be amiss; on the contrary, I think, as the Senator from Massachusetts has well said, he may get good information from that source.

Mr. PLATT of Connecticut. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. GORMAN. I yield.

Mr. PLATT of Connecticut. May I inquire what officers the Senator from Maryland alluded to who were sent to the Philippine Islands as being exempted from the provisions of the civil-service law?

Mr. GORMAN. Nearly all of the civil officers.

Mr. LODGE. The Senator is entirely mistaken. The civil-service system there is more rigid than it is here.

Mr. GORMAN. In examinations?

Mr. LODGE. In appointments. There have been no appointments outside of the civil service, except those that came to the Senate for confirmation.

Mr. GORMAN. It has not been three days since an order was issued that the subordinate officers, the clerks, collectors, and others in various positions, should be granted an increased compensation so long as they served in the Philippine Islands; and after service there——

Mr. LODGE. They are under the civil service when they go there.

Mr. GORMAN. They are not under the civil service by any means.

Mr. LODGE. Those were men who were under civil service when they went there.

Mr. GORMAN. No; they are not selected entirely from the civil service.

Mr. LODGE. Entirely.

Mr. GORMAN. Very few of them.

Mr. LODGE. The order applies only to those in the civil service, as I think the Senator will find.

Mr. GORMAN. The Senator and I differ about that. I happen to know quite a number of persons who have gone to the Philippines who never passed a civil-service examination. They served in Cuba without a civil-service examination, and also in Porto Rico.

Mr. LODGE. The men who served in Cuba and Porto Rico were all certified and put in the classified service—all those who were considered fit.

Mr. GORMAN. I have not the order here, but I have it in my office. If the Senator will read the order of the Secretary of War issued within a week, he will see that it provides that all officers who go to the Philippine Islands shall receive increased compensation, and that when they return to this country, if they are certified by their superior officer as having performed their duties well, they can come back here and be eligible for appointment in the Departments at a reduced compensation.

I think I can not be mistaken, that in no case has a different rule been applied. It is probably wisely so. I do not criticise the President for that; I simply call attention to the fact that in all the appointments to places connected with the construction of the isthmian canal, as I have just stated, the President does not think for a moment of requiring such an appointee to pass the civil-service examination in order to be appointed by that Commission. I think it is wisely so. I think it would be impossible for him to apply the civil-service rules in the construction of that canal from the appointment of engineers down.

If that be true there, Mr. President, why must a more rigid rule, one that amounts almost to exclusion, be applied in all these little subordinate places in the country?

It is said—and said with great force, I have no doubt—that under the old rule ships were ordered to be constructed in the navy-yards at certain times for the purpose of increasing the number of employees, and that political influence was used in many cases where these yards were located. I have no doubt there was great abuse in that, and I think, to a very great extent, the enforcement of the law has had a beneficial effect.

I would not undo it all, but as the Administration has found it necessary to abrogate the rule in the class of offices which I have named, I do say that it is time, in my judgment, that it ought to be revised here and some more definite and just provision made for such cases as are now under consideration. Congress ought not to be called upon to be constantly legislating about these small places to gratify some head of a Department.

Mr. PLATT of Connecticut. I do not wish to continue this discussion of the advantages or disadvantages to the Government and to the public service of the civil-service law and regulations. At the proper time I shall be quite willing to express my sentiments on that subject, but I know that the Senator in charge of this bill is very anxious to get on with it.

I simply want to say one word as to what I think would be the proper course to be pursued in the construction of the interoceanic canal. I think it has been put in the charge of the Panama Canal Commission to do this great work upon the same principles that would apply if a great transcontinental railroad was to be built by a private corporation from New York to San Francisco, if such a thing is possible to imagine. The construction of the Panama Canal is a great work and it ought to be pursued in the same way that a great work would be pursued by private enterprise. I should not expect that the president or the board of directors or the manager of such a great enterprise would inquire of me where he could find his engineers or his contractors or his bookkeepers, nor should I think it was any portion of my duty to recommend them to him.

Mr. HOAR. I might ask the Senator if his next-door neighbor happens to have a son who is a bright young fellow, would he not give him a certificate if he asked for it?

Mr. PLATT of Connecticut. Very likely I would.

Mr. HOAR. That is all of it.

Mr. PLATT of Connecticut. But I want to say one thing. I have never asked a railroad company or any such establishment to appoint or employ a person in their service. If I did anything

of that kind, I would do it, not as a Senator, not as a politician, but as an individual. I have not done it for fear that it might be supposed that I was asking it because I was a Senator or a politician.

I think this Commission has got the greatest work of the ages to carry through, and unless it does it on the strictest business principles, without reference to Senators and politicians as to the men who are to be selected to do that work, they will be in infinite trouble and there will be infinite scandal.

So for one I hope that no recommendation made by any executive officer or any person connected with the legislative branch of the Government will have any influence whatever in appointments or selections of persons to be employed under that Commission. I may be entirely singular about this, but I wanted to express that sentiment.

Mr. LODGE. Mr. President, I do not want to discuss the well-worn subject of civil-service reform, as it is called, or the classified service. I think it has proved of enormous value, and I hope that there will be no recession in it; but I do want to correct what I believe is an error on the part of the Senator from Maryland [Mr. GORMAN].

The Philippine service has been placed, and was placed at the earliest possible time, by Governor Taft under a civil-service system of classification far stricter than anything we have had in this country within my knowledge. The men transferred to that service were transferred from the classified service here, and they were given an advance of pay because they served in the Tropics. Of course, on their return, they were eligible to the classified service from which they had been transferred, but at a lower rate of pay.

In the Cuban and Porto Rican service men were appointed during a temporary exigency that lasted in Cuba for three years, and they were certified by the governor-general, in the case of Cuba, to the Departments here—that is, their names were placed on the eligible list, they having been tested for three years by Government service, and those whom the officers in Cuba considered to be good clerks or good officers were certified by them and were given eligibility in that way. I am perfectly certain that in the Philippines, since the service has been fairly organized, there have been no appointments made outside the regular classified service, except, of course, those which come through the Senate, with its power of confirmation.

Mr. QUARLES. Mr. President, I believe there is nothing pending before the Senate.

The PRESIDING OFFICER. There are two amendments pending that have not yet been agreed to. One is the civil-service amendment.

Mr. PLATT of Connecticut. The point of order has been withdrawn on that amendment.

The PRESIDING OFFICER. The point of order has been withdrawn; and without objection, the amendment will be agreed to.

Mr. PLATT of Connecticut. Is there any other amendment?

Mr. STEWART. I do not suppose we can pass this bill to-night.

Mr. PATTERSON. Let us have an adjournment.

The PRESIDING OFFICER. The amendment last adopted completes the committee amendments.

Mr. McLAURIN. Mr. President, if the committee amendments have all been disposed of, I desire to offer an amendment.

Mr. STEWART. I think we had better adjourn; and I move that the Senate adjourn.

Mr. LODGE. I hope the Senator will let us have an executive session for a short time.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. STEWART. I yield.

Mr. BEVERIDGE. Will the Senator from Nevada withhold his motion to adjourn?

The PRESIDING OFFICER. The Senator from Nevada has withdrawn his motion and has yielded to the Senator from Massachusetts [Mr. LODGE], as the Chair understands.

Mr. STEWART. There is no use going on further to-night with the bill.

Mr. BEVERIDGE. Will the Senator permit me to ask for the present consideration——

Mr. McLAURIN. I should like to know how I lost the floor? I believe I had the floor, Mr. President.

Mr. BEVERIDGE. I beg the Senator's pardon. I did not know he had the floor.

Mr. McLAURIN. I did have it, but I seem to have lost it.

Mr. BEVERIDGE. The Senator from Nevada [Mr. STEWART] seemed to have the floor and moved to adjourn and then withdrew that motion.

Mr. McLAURIN. The Chair recognized me.

The PRESIDING OFFICER. The Chair will of course recognize the Senator from Mississippi; but he understood it to be the wish of the Senator in charge of the bill not to go on further with it to-night.

Mr. McLAURIN. I merely desire to offer an amendment to which the Senator in charge of the bill has said he has no objection. I should like to dispose of that amendment, because I may not be here in the morning.

The PRESIDING OFFICER. The amendment submitted by the Senator from Mississippi [Mr. McLAURIN] will be stated.

The SECRETARY. On page 41, after line 2, it is proposed to insert the following:

Any full-blood Mississippi Choctaw heretofore identified or entitled to identification under any application heretofore filed, who has removed or shall remove to the Choctaw-Chickasaw country within six months from the passage of this act, shall be entitled to all the rights of a full-blood Mississippi Choctaw.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. PLATT of Connecticut. I do not think that amendment ought to be adopted without the Senate knowing something about it and when it has never been submitted to the committee.

Mr. McLAURIN. I will state to the Senator from Connecticut that the Senator from Nevada in charge of the bill has seen the amendment and accepts it. At least, he said he would make no objection to it.

Mr. STEWART. I can not accept it, of course, so as to bind the Senate.

Mr. PLATT of Connecticut. This is a very important question.

Mr. STEWART. It is an important amendment, and I suggest that it be printed and go over until to-morrow.

Mr. McLAURIN. Mr. President——

Mr. CULLOM. If I can get the floor, I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 24, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 23, 1904.

UNITED STATES ATTORNEY.

Horace Speed, of Oklahoma, to be United States attorney for the Territory of Oklahoma. A reappointment, his term having expired January 16, 1904.

PROMOTIONS IN THE ARMY—CAVALRY ARM.

First Lieut. John C. Raymond, Sixth Cavalry, to be captain, March 21, 1904, vice Harrison, Second Cavalry, detailed as commissary.

Second Lieut. Douglas H. Jacobs, Fourteenth Cavalry, to be first lieutenant, March 21, 1904, vice Raymond, Sixth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Commander John M. Hawley to be a captain in the Navy from the 15th day of March, 1904, vice Capt. Theodore F. Jewell, promoted.

Lieut. Commander Frank F. Fletcher to be a commander in the Navy from the 12th day of March, 1904, vice Commander Charles E. Colahan, deceased.

Lieut. (Junior Grade) Ulysses S. Macy to be a lieutenant in the Navy from the 12th day of March, 1904, vice Lieut. Henry E. Parmenter, promoted.

Ensign Claude C. Block to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904, after having completed three years' service in his present grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 23, 1904.

POSTMASTER.

MICHIGAN.

William N. Lister to be postmaster at Ypsilanti, in the county of Washtenaw and State of Michigan.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 23, 1904.*

The House met at 12 o'clock noon.
Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.
The Journal of yesterday's proceedings was read and approved.

RETURN OF A BILL.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 36) to reimburse John Waller, postmaster at Monticello, N. Y., for money expended in carrying the mail.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. OVERSTREET. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. REEDER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. REEDER. I understood, Mr. Speaker, that I was to have time this morning to present the matter of reconsideration called up yesterday.

The SPEAKER. The Chair is not informed of any such agreement. This is a highly privileged motion and in order.

Mr. REEDER. I do not want, Mr. Speaker, to put this off too long; but if I can have time to-morrow morning I shall be satisfied.

Mr. LACEY. Mr. Speaker, I do not want to make any agreement; but I understand the motion of the gentleman from Kansas, if it is in order at all, would be of the highest privilege—higher than that of a motion to go into Committee of the Whole.

The SPEAKER. The motion to reconsider is of the highest privilege, but after once entered it is a matter to be considered when it suits the House to reconsider it. The matter that the gentleman from Indiana calls up by his motion is of high privilege, and it is quite competent for the House to go on with that business, or it may refuse to go into Committee of the Whole House.

Mr. LACEY. Mr. Speaker, I want to enter my point of order on the motion to reconsider, that it is not in order under the rules of the House, and let it go over with the motion.

The SPEAKER. The Chair can not entertain any motion for other business until the motion made by the gentleman from Indiana is disposed of. The question is on the motion of the gentleman from Indiana, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 105, noes 92.

Mr. UNDERWOOD. I ask for the yeas and nays.

The question on ordering the yeas and nays was taken.

The SPEAKER. Thirty-four gentlemen have risen, not a sufficient number, and the motion of the gentleman from Indiana is agreed to.

POST-OFFICE APPROPRIATION BILL.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, and the Clerk will read.

The Clerk read as follows:

Inland mail transportation: For inland transportation by star routes, including temporary service to newly established offices, $8,100,000: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Mr. OVERSTREET. Mr. Chairman, I move to strike out, in line 11, page 14, the words "eight million one hundred thousand" and insert in lieu thereof "seven million eight hundred and fifty thousand."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 11, page 14, strike out the words "eight million one hundred thousand" and insert in lieu thereof the words "seven million eight hundred and fifty thousand."

Mr. RIXEY. Mr. Chairman, I would like to ask the chairman of the committee a question or two. I would like to know whether the committee have taken any steps to require a better service in the star-route service?

Mr. OVERSTREET. Many efforts have been made in the past two or three years to require better service within the star-route system. The limitation of bidders to residents on these various routes, as well as the requirements of the contractors to deliver and collect mail from the patrons of the star routes, are in line with the improved service. Both of these propositions have resulted in improved service, although they have naturally called for more expenditure.

Mr. RIXEY. I would like to cite, Mr. Chairman, one instance that came under my own observation. It was the case of a man who lived along one of the star routes, and he gave his mail to the contractor as he came by. The nearest postmaster complained that he was deprived of his revenue and urged a conspiracy by the patrons along the route to deprive him of the revenue. The Department at first refused to allow the carrier to take the mail, and it was only after an inspector had visited the neighborhood and reported that there was no conspiracy and after the Representative for that district had been put to a good deal of trouble that the matter was corrected. What I wish to know is why the Department did not give the man who lives along the star route an absolute right to put up his box and have the mail taken from it irrespective of the wishes or objections of the nearest postmaster?

Mr. OVERSTREET. That privilege is authorized and directed by the regulations of the Department. Wherever any patron residing along any star route will erect a box for the receipt of his mail a stipulation is entered into in each contract under the late administration that that box shall be recognized, and the contractor of the star-route service must deliver the individual mail for the patron into the box and collect mail as he may deposit in it.

Mr. RIXEY. That may be a regulation for the future, but I feel quite sure that it is not enforced now in all cases.

Mr. OVERSTREET. I do not know about the special instance referred to by the gentleman, but that is the regulation, as I understand it.

Mr. COWHERD rose.

Mr. OVERSTREET. I will yield to the gentleman from Missouri.

Mr. COWHERD. Is it not a fact that that stipulation is put into all the new contracts, but that there may be some old contracts which have not been relet since this order was put in force which do not contain it?

Mr. OVERSTREET. Quite right. Beginning with the last few years, as each route is advertised for anew, or any new service is inaugurated in the star service, that provision is inserted in the contract; and so far as the southern division, which was just let during the present year—during the past few weeks—is concerned, that provision was inserted in the advertisements, that all the contracts in that whole division must contain that stipulation. It is barely possible, as the gentleman from Missouri [Mr. COWHERD] has suggested, that the case cited by the gentleman from Virginia [Mr. RIXEY] may be under some of the old contracts, but the policy of the Department for the last few years is clearly in line with the suggestion I have made.

Mr. RIXEY. Will the chairman of the committee state what is the difference in the service furnished by the star-route service and that furnished by the rural free-delivery service?

Mr. OVERSTREET. The rural free delivery?

Mr. RIXEY. Yes.

Mr. OVERSTREET. The only difference is that the star-route contractor has no authority relative to registry and money-order service, and also the sale of stamps, while the rural free-delivery carrier does exercise that authority.

Mr. RIXEY. I will ask the chairman of the committee, for information, if it would not be well to extend that privilege also to the star-route service?

Mr. OVERSTREET. That is a matter for consideration, perhaps, but that has not been taken up at this session.

Mr. RIXEY. Then, I would like to ask the gentleman this further question as to why there should be so much difference in the pay of the two services?

Mr. GRIGGS. Oh, that is easy.

Mr. RIXEY. Now, we have heard a good deal about the desirability of increasing the pay of the rural free-delivery carriers.

Mr. GRIGGS. I will answer that, if the Chairman will permit me.

Mr. RIXEY. But we have heard nothing about increasing the pay for the contract service or for requiring better service.

Mr. GRIGGS. Mr. Chairman, I will answer my friend from Virginia as to that.

Mr. OVERSTREET. I yield to the gentleman from Georgia.

Mr. GRIGGS. Two years ago the Post-Office Committee brought in a bill endeavoring to put the rural free-delivery service under the contract system. That is the system under which all star routes are let. The lowest bidder for a star route secures a contract and performs a service. Under the rural free-delivery service there has grown up a vast political machine, and the Gov-

ernment must pay, it seems, whatever salaries may be demanded by these organizations.

Mr. RIXEY. Will the gentleman allow me to ask this question: Does he see any great reason why these two services should be under a different system?

Mr. GRIGGS. I did not two years ago, but this House almost unanimously did, and voted us down.

Mr. RIXEY. Does the gentleman believe there is any reason why there should be so much difference in pay?

Mr. GRIGGS. None whatever.

Mr. RIXEY. Because I understood the gentleman from Missouri [Mr. COWHERD] the other day to state that the star-route carrier, for practically the same service, only gets something over $400, whereas——

Mr. GRIGGS. An average of $400.

Mr. COWHERD. He gets $400 on an average of a 20-mile route, and that has been increased, so the Second Assistant states, by reason of our increase in the pay of the rural carrier.

Mr. RIXEY. Then, Mr. Chairman, I believe I will offer an amendment to the pending section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. RIXEY. I will ask to be recognized after that amendment is voted on.

The CHAIRMAN. The question before the committee is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. MADDOX. Mr. Chairman, I would like to make a few remarks on this subject which has just been discussed and make an answer myself in regard to this matter of rural free-delivery and star-route service. I want to say that I have for some time, whenever an opportunity has afforded itself, attacked the method and manner by which these star routes were let by the Post-Office Department. Now, it is true that until we established this rural free-delivery service and put it in operation there was no amendment nor any effort on the part of the Department which let out the star-route contracts to better that service in any sense of the word, nor have they ever made any effort until the rural service became permanent.

Gentlemen who were here four years ago remember that when we had the postal laws up for consideration, when an attempt was made to pass new laws to regulate the postal service, it was then suggested and also insisted even to the very last minute by the then chairman of the Post-Office Committee that the Second Assistant had no authority to do what he is doing to-day. If he has the authority now, he had it twenty years ago, and there was no effort upon the part of this Department to better the service in this country until the rural service was put into operation, and, in fact, developed all over the country. Then they began to see a way by which they could better the service. That is how it came about exactly. It was insisted then that if you proposed to let these rural routes out by contract they will be exactly where they were, as I insisted, four years ago and five years ago, and if you do it now you will soon be running mail routes with a one-eyed mule, as I said at one time, or a Texas pony hitched to one of these "jump-gulleys" all over the country with the United States mail; and there is not a Representative in this House who would admit, if he was in company with a foreigner, that that turnout was carrying the United States mail. That is exactly what we will get back to if you propose to put it under the contract system.

That is what it means. The difference that the gentleman is inquiring about is that up to a few years ago any man in this country could go and take contracts for thousands of routes all over the country and then go and sublet them, and that subcontractor could sublet his contract, until absolutely in our section of the country it got down to where a man would take a route of 20 or 25 miles and carry the mail on his back. That is the kind of service we had, and the rural service being forced upon this Department, the Second Assistant has discovered under this system a better way. If he had done what he ought to have done five years ago or ten years ago, I dare say the rural-route service would never have been heard of.

Mr. CROMER. Mr. Chairman, I can not understand why this item should increase so rapidly in the appropriation bill. According to the report of the committee I see that since 1891 this appropriation has increased 55 per cent, and yet the rural free-delivery service is displacing star routes all over the country very rapidly. It seems to me that the amendment of the chairman of this committee [Mr. OVERSTREET] ought to have gone much further, inasmuch as the bill proposes to appropriate $1,400,000 more than was appropriated last year, being 17 per cent increase. This effort on the part of the Department to popularize the star-route service is for the purpose of antagonizing rural free delivery.

Mr. LIVINGSTON. That is all there is in it.

Mr. CROMER. Instructions have recently been sent to special agents in my State that, in laying out rural free-delivery routes, whenever a special agent of rural free delivery comes to a road on which there is a star-route carrier the rural free-delivery service shall not be established on that road. For years and years this star-route service was carried on by very incapable agents driving blind mules through the country, a disgrace to our Government; but since the inauguration of rural free delivery the Department has seen fit to undertake to improve the service at the expense of the Government. I am in favor of reducing this appropriation much more than has been suggested by the chairman of the committee.

Mr. MONDELL. Mr. Chairman, I do not rise to oppose the reduction in the appropriation, because I assume that the chairman of the committee has taken into consideration all the conditions existing and has concluded that the reduction can be made without detriment to the service, but I wish very briefly to reply to some of the statements made by the gentleman from Indiana [Mr. CROMER]. Evidently the gentleman, happy and content, as he is and ought to be, with the extension of the magnificent rural free-delivery service in his district, forgets that there are vast areas in this country where it is utterly impossible, under present conditions or under the conditions which will exist for many years, to establish rural free-delivery routes.

Mr. LIVINGSTON. Why is that? Let the House know why.

Mr. MONDELL. Because there is a very large proportion of our country so thinly and sparsely populated that it is impossible to get a population large enough within a given area to provide for the establishment of rural free delivery.

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Georgia?

Mr. LIVINGSTON. Just one other question. If that is true as to rural free delivery, why should it not hold good as to the star-route delivery?

Mr. MONDELL. Well, I assume that the gentleman would not deprive citizens of the United States of the right and privilege to obtain mail because perchance the country in which they live is not fully developed or the conditions are such that it is impossible to settle the country thickly.

Mr. LIVINGSTON. Then, why not give them the better mail service, even if the country is thinly settled?

Mr. MONDELL. They are receiving very fair service through the star-route system and hope to get better.

Mr. LIVINGSTON. It is only very recently that that is true, then.

Mr. MONDELL. The star-route service has been wonderfully improved in the last few years. That improvement has led to an increase in the cost of the service; and I want to call the gentleman's attention to the reasons for the increase in the cost of that service. He seems to be surprised that there should be an increase.

There has been an increase, first, because the western country is settling and developing and additional star routes are required. It is increasing because it has been necessary to make considerable expenditure for the establishment and the extension of star routes in Alaska. It has been increased further because the service has been vastly bettered, and the service should be still further improved. I do not think it is fair for a gentleman who has in his district the benefits of rural free delivery to say that improvements in the star-route service should not be had, because it may prevent the extension of rural free delivery. It certainly should not and does not have that effect.

Formerly star routes were carried very largely by syndicate bidders. Their methods were peculiar. They resulted in saving to the Government, but in very poor service to the people. The Second Assistant Postmaster-General, in order to remedy that condition of subletting and resubletting, made certain provisions with regard to the contracts, which have resulted in routes being carried by people living in the vicinity, who give their personal attention to the carrying of the mails. This has resulted in better service. It has also increased somewhat the cost of the service.

Mr. CROMER. Will the gentleman allow me a moment?

Mr. MONDELL. I am very glad to yield.

Mr. CROMER. Are these routes now let to the individuals who carry the mail, or are they let to contractors here in Washington, who sublet to the men who do the carrying?

Mr. MONDELL. No bids are received for the carrying of mail on star routes unless the bidder submits with his bid a statement that he is a resident of the vicinity—I forget just the exact language, but this is what it amounts to—that he is a resident of the vicinity over which the star route runs or that he will move to the vicinity if he receives the contract, and will give the carrying of the mail his personal attention. This has resulted in breaking up very largely, almost entirely, the old syndicate system, which was certainly very objectionable.

Mr. CROMER. Does the gentleman know why it is that the

committee, after reporting this bill, come in here and propose to reduce the appropriation $300,000?

Mr. OVERSTREET. I expect to explain that matter as soon as I get the floor.

Mr. MONDELL. I assume that the committee has no disposition to injure this service, and that the chairman of the committee understands that the service can be carried on under the reduced appropriation. Therefore I do not propose to object to the reduction.

[Here the hammer fell.]

Mr. KLUTTZ obtained the floor.

Mr. OVERSTREET rose.

The CHAIRMAN. For what purpose does the gentleman from Indiana [Mr. OVERSTREET] rise?

Mr. OVERSTREET. I was seeking the floor in my own right.

The CHAIRMAN. The gentleman from North Carolina [Mr. KLUTTZ] has been recognized.

Mr. KLUTTZ. Mr. Chairman, in reference to the remarks of the gentleman from Georgia [Mr. MADDOX], and in justice to the bureau of the Second Assistant Postmaster-General, I want to say that the star-route box system was first tried as an experiment, as I recollect, in South Carolina about five years ago. It was done largely upon the initiative and the insistence of a gentleman now dead, who was then a faithful Representative of that State, Doctor Stokes, whom all of us who were then in the House well remember.

The system was tried there as an experiment, and it succeeded so well and gave such satisfaction to the public that since that time, in letting contracts in the different States (and they are let by divisions of the States every four years), the advertisements have been so written that the bidding for the star-route contracts has been with the distinct understanding that the persons performing the duty under these contracts should take the mail from the boxes and deliver it to the boxes of patrons of the route. In recent years, since that time, the star-route contracts which have been let ad interim in North Carolina have been let on that system, and it has given most excellent satisfaction to our people. The contracts in that State and the adjoining States have all been let to take effect on the 1st of July of this year upon that system. In remote sections of the country it has some advantages over the rural free-delivery system.

For instance, in the mountain section of my State, where the conditions of the roads and the unbridged streams and the paucity of the population do not justify in many instances the introduction of the rural free delivery, this star-route box system comes in and, to a great extent, performs the service which would be rendered by the free-delivery system. In some respects it has an advantage over that system, because the rural carrier travels over the route one way going and another way coming, while, as a rule, the star-route carrier goes and comes on the same route on the same day, so that letters can be received in the morning and answered in the afternoon by the patrons of the star route, the principal difference between the operation of the two systems being, in the first place, that the patron on the star route is not required to furnish any particular kind of box, but can put up any box that he chooses, and, in the second place, the star-route carrier is not required to sell postage stamps, money orders, or anything of that kind.

I merely say this in justice to the Department, which has been experimenting faithfully with this system, and now, I think, has it in such condition that it is likely to do great service to the country.

Mr. MADDOX. The gentleman has misunderstood the point I was trying to make. I was about to say that even in my State this contract business did not begin until last year.

Mr. KLUTTZ. That was the first four years' letting after the system was adopted.

Mr. MADDOX. My contention is that if there had been done what ought to have been done by the Second Assistant Postmaster-General—and there has been no change of the law—this system could have been adopted fifteen years ago just as well as recently.

Mr. KLUTTZ. If the gentleman from Georgia or myself or any other Member desiring the introduction of this system in his district had been as diligent as was Doctor Stokes, of South Carolina, in bringing the matter to the attention of the Department it would probably have been adopted long ago.

Mr. OVERSTREET. Mr. Chairman, just a word in explanation of the amendment which proposes to reduce the amount of the appropriation carried in the bill. After the bill had been reported the committee learned, or rather I learned officially as chairman of the committee, that the bids for star routes in the southern section had very largely been opened and the prices for that service proved to be lower than the Department had expected.

I have a letter from the Acting Second Assistant Postmaster-General explaining that inasmuch as a large proportion of these bids have been opened, showing that they had overestimated, he recommends this reduction. This reduction is, therefore, not in conflict with any service now inaugurated, nor is it under the estimate of the Department revised in this letter concerning the southern section which has just been relet at an average increased cost of a little over 56 per cent of the last contract of four years ago.

Mr. Chairman, I ask that the letter be read in my time in explanation of this amendment.

The Clerk read as follows:

STAR SERVICE.

POST-OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, March 22, 1904.

SIR: Receipt is acknowledged of your letter of 21st instant, asking whether any reduction can be made in our original estimate for the transportation of mail by star routes by reason of the later information obtained in opening the bids for reletting of the four-year contracts in what is known as the "second contract section," including eight Southern States and Porto Rico; and also whether any further reduction can be made on account of probable discontinuance of star service as a result of the additional amount allowed for rural free-delivery service in the urgent deficiency bill.

In reply I have to say that in submitting the original figures for star routes for the next fiscal year it was estimated that in reletting the service in the southern section the cost would probably be increased from the old rate of 3½ cents per mile traveled to 6½ cents per mile traveled, owing to the new contracts providing for box delivery and collection service not included in the old contracts, and because of the higher rates now prevailing as compared with four years ago. This rate of increase was about 85 per cent.

We have not yet completed the reletting in the Southern States, but we have awarded 4,451 contracts at an average rate of 5.49 cents per mile traveled, an increase of about 57 per cent. We have not determined the exact number of routes yet to provide for in this section, but there will be approximately something over 400 such routes, and it is certain that the rate per mile for these routes will exceed the average of those already let, because on these routes no satisfactory bids were received under the first advertisement.

I would therefore now estimate that the rate per mile for service in the entire southern section under the new contracts will be 5.60 cents, or an increase of 60 per cent. On this basis I am now willing to say that the original estimate, $8,100,000, for star service may be reduced by $250,000, making the revised estimate for the next fiscal year $7,850,000. I believe it would not be safe to assume that there will be any larger rate of decrease in star service by reason of establishment of rural free-delivery service under the allowance made in the urgent deficiency bill than has obtained thus far during the current fiscal year, which rate of increase has been taken into consideration in these figures.

Very respectfully,
G. F. STONE,
Acting Second Assistant Postmaster-General.

Hon. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. OVERSTREET. Mr. Chairman, I now move that all debate on this paragraph and all amendments thereto be closed.

Mr. RIXEY. I submit to the Chairman that I have an amendment that I desire to offer, and I would like to explain it.

Mr. OVERSTREET. This will not prevent the amendment from being offered and acted upon.

Mr. RIXEY. I would like to explain it, which I will do in less than five minutes.

Mr. OVERSTREET. Then I move that after five minutes all debate on this paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the paragraph and amendments thereto be closed in five minutes.

The question was taken; and the motion was agreed to.

Mr. OVERSTREET. I yield four minutes to the gentleman from Virginia.

Mr. RIXEY. I offer this amendment, to be acted upon as soon as the amendment of the gentleman from Indiana is disposed of.

The Clerk read as follows:

Insert after the word "dollars," in line 11, the following:

"*Provided*, That no part of this appropriation shall be used for transportation on any star route which does not give as good service to the patrons along said route as is required to be furnished in rural free-delivery service."

Mr. OVERSTREET. I reserve the point of order on that.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. RIXEY. Mr. Chairman, I do not suppose that it is necessary to discuss the point of order. If it is, I would like to be heard later on as to that. I want to give the reasons for the amendment first. As was stated a few moments ago, the star-route service can not be superseded in a great portion of the country by the rural free-delivery service. In the district I represent four of the ten counties have no rural free delivery, and the people do not seem to wish it. They are satisfied with the star-route service, but they wish to have the advantages and conveniences coming from the rural free deliveries. Now, the star-route service is much less expensive than rural free delivery; and why not give to the patrons of that service the same benefit, the same advantages, that the patrons of the rural free delivery have?

There are many objections in some cases to the free-delivery service. The carrier has to have 20 miles, and many of the patrons can not get their mail until late in the evening of the day in which the mail is delivered, whereas under the star-route service the people frequently get their mail hours before they would under the other service. Again, the star-route carrier travels each way

over the same road. It seems to me, Mr. Chairman, it is nothing but a reasonable concession to the people who are satisfied with the star-route service, which costs the Government so much less than the rural free delivery, to give them the best service that can be secured. Let the patrons on the star routes have the same conveniences as to delivery and collection of mail, sale of stamps, and registration of mail matter as now provided on the rural free-delivery routes, and still that service will cost the Government much less than the other.

Mr. OVERSTREET. Just a word. I think that the amendment is clearly subject to the point of order for the reason that this appropriation is for contracts already made, almost entirely. There would be a limited per cent of it used that would not go to contracts already made. The contracts already made contain no provision authorizing the star-route carrier to sell stamps, to sell money orders, or to receive and deliver registered mail. The rural-delivery carriers are Government employees who give bond for their services and exercise duties imposed by the Government. The regulations provide for the rural-delivery carrier to sell money orders and deliver registered mail and sell stamps.

If, therefore, this amendment should prevail, it would give authority to the many thousand star-route contractors now under contract to sell stamps, to sell money orders, to receive and deliver registered mail without any provision in their bond already given concerning those duties. That argument applies not only to the point of order, but equally well to the suggestion of the amendment itself upon its merits. Whatever may be done in the future concerning the enlargement of the privileges and authority of star-route contractors is a matter for more deliberate consideration than we can give to this amendment at this point, and it ought not to prevail in any event.

Mr. RIXEY. Mr. Chairman——

The CHAIRMAN. Debate upon the paragraph and pending amendments is closed.

Mr. RIXEY. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will first put the question on the amendment of the gentleman from Indiana. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Virginia. The Clerk will, without objection, again report the amendment offered by the gentleman from Virginia.

The amendment was again reported.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Virginia on the point of order made by the gentleman from Indiana.

Mr. RIXEY. Mr. Chairman, I understand the gentleman from Indiana to rest his point of order largely upon the fact that a portion of this money was to be used on the route for which contract had already been let. I do not consider that that objection is a good reason for sustaining the point of order, but I would not care to offer an amendment which would not allow pay on the routes for which contracts have already been let, and I will therefore ask to modify the amendment by inserting after the words "star route" the words "contract for which shall be hereafter let."

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to modify his amendment, and the Clerk will report the addition.

The Clerk read as follows:

Insert after the words "star route" the words "the contract for which shall be hereafter let and;" so that it will read "used for transportation on any star route the contract for which shall be hereafter let, and which does not give as good service," etc.

Mr. OVERSTREET. I renew the point of order and suggest to the Chair that that is absolutely new law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For mail-messenger service, $1,200,000.

Mr. SNAPP. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, line —, after the word "dollars," insert the following:
"And for the performance of this service in the city of Chicago by underground electric cars, $100,000: *Provided*, That no part of this appropriation shall be used unless the Postmaster-General shall so decide, after satisfactory preliminary trial, and the service can be performed at a cost not exceeding that of an efficient wagon service between the same points.

Mr. SNAPP. Mr. Chairman, as explanatory of the amendment, I desire to have two letters—one from the Postmaster-General, the other from the Fourth Assistant Postmaster-General—reported by the Clerk.

The CHAIRMAN. The Clerk will read the letters in the time of the gentleman from Illinois.

The Clerk read as follows:

CHICAGO TUNNEL SERVICE.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 24, 1904.

Hon. JESSE OVERSTREET,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

SIR: I hand you herewith copy of letter from the Second Assistant Postmaster-General, addressed to me, with reference to the conditions of the mail-transportation service in the city of Chicago, Ill., and recommending that Congress be asked to make provision, in connection with the appropriation for mail-messenger service in the pending post-office appropriation bill, for the authorization of service by the underground-tunnel system.

The recommendation as set forth in the letter referred to meets with my approval, and I have the honor to request that your committee incorporate in said bill a suitable provision to carry the same into effect.

Very respectfully,

H. C. PAYNE, *Postmaster-General.*

SECOND ASSISTANT POSTMASTER-GENERAL,
DIVISION OF RAILWAY ADJUSTMENT,
Washington, February 24, 1904.

SIR: The conditions of the mail-transportation service in the city of Chicago, resulting from the magnitude of the mail matter arriving and departing at the several stations, in connection with the rapid growth of all other traffic, the limited platform space and narrow streets at most of the stations causing serious congestion and aggravating delays in handling mails, the busy thoroughfares around the new post-office building, and the limited facilities for approaching it and leaving it with heavy wagons, suggested a thorough investigation as to whether relief might be secured by certain proposed changes in the building and by the use of the underground-tunnel system, which is soon to be opened for public use, connecting all railway stations and intersecting many of the principal streets of the city, operating 40 feet beneath the surface, crossing under the bed of the river at several points, and proposing to compete with surface electric lines and with transfer companies in the carriage of merchandise and parcels.

The joint committee representing this office and the office of the First Assistant Postmaster-General, which you appointed at my request and which has visited Chicago, spending several days in conference with local post-office officials and with a representative of the Treasury Department, has submitted its report to the effect that the underground-tunnel system, by reason of the substantial character of the construction of the tunnels, the completeness of its equipment, its operation by the positive third-rail electric system, with a thorough block and signal apparatus soon to be provided, gives promise of a very satisfactory method of handling bulk mail and relieving the surface congestion, the committee stating further that its inquiries develop the fact that the tunnel company expects to do a business for the public at rates no greater than would necessarily be paid for like efficiency of service by other transfer companies.

The committee unanimously recommend, among other relief measures which meet my approval, that Congress be asked to incorporate in the pending post-office appropriation bill, in connection with the appropriation for mail-messenger service, a clause authorizing the Postmaster-General to arrange for a preliminary test of the tunnel system, and, in the event of such test demonstrating that the system can be satisfactorily used for mail purposes, to make a contract with the company operating the underground-tunnel system in the city of Chicago for the transportation of the mails between the several railway stations, and between the stations and the new city post-office, at a compensation deemed reasonable, not to exceed the probable cost of an efficient wagon service between the same points, covering the remainder of the contract term. To effectuate this purpose the messenger appropriation should be increased in the sum of $100,000.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

To the POSTMASTER-GENERAL.

Mr. SNAPP. Mr. Chairman, the hearings before the Post-Office Committee developed these facts—that a vast amount of mail in the city of Chicago is now being transferred between the several railroad stations and the main post-office and the substations by what is called the "screen-wagon" service. It also demonstrated the fact that of all the mail entering the city of Chicago 60 per cent of it is what is called "transit" mail and 40 per cent of it is local mail—that is, the 60 per cent called "transit" mail is mail destined to other points north, east, south, and west of the city of Chicago, and that 40 per cent of it is mail arriving and departing from Chicago and local mail. It demonstrated also that the present screen-wagon service of the city of Chicago is extremely inadequate for the purpose of transferring this mail. The result is that there is great loss of time and delay of mail, extending sometimes to as much as twenty-four hours' delay in the transfer of this through mail from the East to the West.

The hearings also developed this fact—that there has been constructed in the city of Chicago an underground tunnel system covering or underlying all of the business streets of the city of Chicago. It is an electric line commonly called the "third-rail" system, thoroughly equipped, as is reported upon by the Assistant Postmaster-General. This tunnel company have made a proposition to the Post-Office Department for the transfer of this mail at the city of Chicago. This matter was taken up before the Post-Office Committee, and after the facts that I have enumerated were developed a commission was appointed by the Postmaster-General, and after a full investigation, as the committee will see by the report just read to them, the Postmaster-General and the Second Assistant Postmaster-General have recommended that this appropriation be increased $100,000 for the purpose of permitting the Department to enter into a contract with this tunnel company if after a preliminary test the system shall be found sufficient for this purpose.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Illinois be allowed to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SNAPP. Mr. Chairman, I yield to a question from anyone who desires to ask one.

Mr. FINLEY. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. SNAPP. Certainly.

Mr. FINLEY. As I understood the gentleman's amendment—I may not have heard it read correctly—it proposes an increase of $100,000 for this particular underground electric service. Am I correct in that?

Mr. SNAPP. Yes, sir.

Mr. FINLEY. Now, I would ask the gentleman this question: Will not the effect of his amendment increase the cost of the service at Chicago? Will not that be the effect of it?

Mr. SNAPP. Yes; the effect will be to increase the cost at Chicago; otherwise it would not be necessary to increase this appropriation.

Mr. FINLEY. The service, as I remember, is being performed for about $106,000.

Mr. SNAPP. It will result in decreasing the wagon service now in existence, although it will not do away with it wholly.

Mr. FINLEY. It will be necessary to perform part of the service by wagon?

Mr. SNAPP. It will be necessary to perform a small part of the service by the present screen-wagon service, but the most of it will be abolished.

Mr. MANN. Will my colleague yield to me?

Mr. SNAPP. Certainly.

Mr. MANN. My colleague from Illinois has fully explained the situation, but I might say, partly in response to the question of the gentleman from South Carolina [Mr. FINLEY], that under the appropriation law as it now stands the Post-Office Department is not authorized to let any contracts for tunnel service whatever. The purpose of the amendment, while it increases the appropriation somewhat, is more for the purpose of authorizing the Department to use this service in case it proves the most practical service. The proposition which has been submitted by the tunnel company was that the service shall be performed twice as quickly as it is now supposed to be performed by wagon service on the top of the street.

As I say, the tunnel company did not submit the proposition on its own motion, but it was urged upon them that they make a proposition. As a matter of fact, the wagon service is not only delayed more or less in the street, but the wagon service is delayed at the depots.

Mr. COOPER of Pennsylvania. Will the gentleman allow me a question?

Mr. MANN. Certainly.

Mr. COOPER of Pennsylvania. Why should this new system cost so much more money than the present system?

Mr. MANN. The provision of the amendment is that no contract shall be let to the tunnel company at a greater cost than that of an efficient wagon service.

Mr. COOPER of Pennsylvania. What reduction will be made in the cost of the wagon service?

Mr. MANN. If this proposition is carried through, if it is let to the tunnel company, the wagon service will be done away with as far as the transfer of mail is concerned between the railway stations and the post-office and the railway stations.

Mr. COOPER of Pennsylvania. What will be the net additional cost to the Government by the installment of the new service?

Mr. MANN. The provision of the amendment is that there shall be no net increase of cost. Under the present law they can not let a contract to the tunnel company. Under the present law the tunnel company could not take a contract for experiment. The people who had the wagon service in Chicago were willing to have the tunnel company make the experiment at their cost if they could be paid what they are now receiving, but the Department held that an appropriation for a screen-wagon service could not be used for carrying mail by tunnel, although it might be carried twice as quick.

Mr. COOPER of Pennsylvania. I understand that; but what I want to know is if this new system was installed and the old system put out what would be the net additional cost to the Government?

Mr. MANN. I will say frankly to the gentleman that I doubt very much whether, under the amendment, the tunnel service will ever be utilized. The amendment provides that the tunnel service shall cost no more than an efficient wagon service will cost and they must carry it twice as quickly. Whether it will ever be possible to get the tunnel company to carry the mails between the stations in one-half the time and do it for the same cost I do not know, but certainly there is no objection to trying the experiment.

Mr. MOON of Tennessee. Will the gentleman yield to me?

Mr. MANN. Certainly.

Mr. MOON of Tennessee. I did not understand the situation. My impression was that the amendment offered was under the mail-messenger service. The gentleman must be wrong in stating that the provision in the bill is that there would be no more cost to this than to the screen-wagon service.

Mr. MANN. The provision in the amendment is that it shall cost no more.

Mr. MOON of Tennessee. Is that in the amendment?

Mr. MANN. That is the provision in the amendment offered by the gentleman from Illinois.

Mr. MOON of Tennessee. I want to ask the gentleman a further question. Why not let the matter be considered under the clause provided in the bill, the clause below?

Mr. OVERSTREET. If the gentleman will permit me, I will explain that. Now, Mr. Chairman, under the present law the mails are carried from the stations in cities from railways and post-offices outside of the 80-rod limit, which Members are familiar with, under what is known as the "mail-messenger law," which gives authority to the Department to contract for carrying of the mail by messenger by screen-wagon transfer. There is absolutely no authority of law which would permit the carrying of mails between stations and post-offices by underground system of railroads. The Department and the committee have had their attention called to the congestion of mail in the city of Chicago. We had demonstrated here a few days ago the needs of the great city of New York, which we sought to remedy, and which was remedied in a different way, because the need was in a different way. In this instance the congestion comes in the transit of the mail across the city.

Mr. MOON of Tennessee. Do I understand that the gentleman favors the amendment offered by the gentleman from Illinois?

Mr. OVERSTREET. Rather than the proviso, for the reason that when we put the proviso in under the screen-wagon service the commission, to which the gentleman from Illinois [Mr. MANN] referred, had not reported. After that proviso was put in the following section on the bottom of page 14, under the head of "Regulation screen-wagon service," this commission did report, and the letters from the Postmaster-General and the Second Assistant, read from the Clerk's desk a few moments ago, were transmitted to me. That letter of the Postmaster-General calls attention to the investigation of this situation at Chicago and recommended an amendment which would give that relief. The letter of the Second Assistant calls attention to the advisability of the provision coming in under the mail-messenger service rather than the screen-wagon service.

Mr. MOON of Tennessee. Mr. Chairman, that is what we want to know. What is the reason for that?

Mr. OVERSTREET. The reason of that is that it comes, according to a statement contained in the letter, which I think explains it, more properly under that item, because it is a system of transmission, while the regulation wagon service relates entirely to wagon service. This relief would be given by way of the underground system, whereas the wagon-service appropriation is specifically for wagon service.

Mr. MOON of Tennessee. Then it is not contemplated to do away with the wagon service at all?

Mr. OVERSTREET. Oh, it would do away with the wagon service if the Postmaster-General should effect proper negotiations—just as in the New York case, if they should succeed in the effort to contract with the New York Central Railroad at New York City it would do away with the renting of the present station and the use of the transmission of the mail between the station and the railroad.

Mr. MOON of Tennessee. I understand it might possibly do away in the administration, if that view were taken, but it would not do so by operation of law. You have the law left here providing for the wagon service. Is it the purpose of the chairman of the committee to move to strike out that provision of the law?

Mr. OVERSTREET. Oh, certainly, that provision will have to be stricken out when it is reached. It is just in line directly with the effort made a few days ago to afford relief to a condition in the great city of New York of a different character. Here at Chicago, by reason of the lay of the land, and the lake, and the river, and the drawbridges, traffic in the streets is so congested that it interferes with the transit of mail across town. The underground service will avoid all of that congestion, and according

to the statements made by the tunnel company itself and according to other information the purpose of it is to increase the speed of the delivery, as well as to avoid the interference of the congestion of the street.

Mr. FINLEY rose.

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. I yield to the gentleman.

Mr. FINLEY. Will this amendment not have the effect of largely superseding this screen-wagon service performed by contract?

Mr. OVERSTREET. I should think so.

Mr. FINLEY. Is not this true, that at present that service is being performed under contract, and the contractor having failed, this screen-wagon service is being performed by the sureties on the bond of the contractor, and at a loss? Is not that true?

Mr. OVERSTREET. I do not know about that. It is being performed by a contractor.

Mr. FINLEY. Is it being performed by the sureties of the contractor?

Mr. OVERSTREET. That I do not know. I understand it is.

Mr. MANN. Mr. Chairman, I can answer the gentleman without hesitation.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. OVERSTREET. Yes.

Mr. MANN. I say, Mr. Chairman, without question, so far as my information goes, and I think it goes far enough to make the statement, that the surety company carrying out the contract is carrying it out at a loss; but that is the only thing that could possibly operate against this proposition. That matter has been most carefully considered.

Mr. OVERSTREET. This has been considered purely on its merits as to an increase of benefits to the service.

Mr. FINLEY. At present the Government has a contract which is being carried out.

Mr. OVERSTREET. Yes, exactly; just as the Government today has in regard to station H in New York City.

Mr. FINLEY. Is it not true that the contract with the Government calls for an efficient screen-wagon service?

Mr. OVERSTREET. I am not familiar with the law.

Mr. MANN. I will say, Mr. Chairman, that while the contract calls for that, under the present system it is impossible for the contractor to give efficient service because he can not get his wagons into the depots sometimes within an hour of the time they should go in on account of the congestion of the depots. He can not get the mail out of the depots without getting his wagons in, and it is an impossibility for him to perform that service. I do not think the contractor will get out of his contract without a loss by any proposition carried here.

Mr. SNAPP. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto be now closed.

Mr. FINLEY. There has been no debate in opposition to the amendment. I wish to be recognized on that side of the question.

Mr. SNAPP. Very well.

The CHAIRMAN. The gentleman from Illinois [Mr. SNAPP] withdraws his motion; and the gentleman from South Carolina [Mr. FINLEY] is recognized for five minutes.

Mr. FINLEY. Mr. Chairman, I think the amendment offered by the gentleman from Illinois should not prevail. The Committee on the Post-Office and Post-Roads went over this matter carefully and placed in the bill this provision:

For regulation, screen, or other wagon service, $1,133,000: *Provided*, That the Postmaster-General may, in his discretion, contract for the performance of this service in the city of Chicago by underground electric cars and wagons at a sum not exceeding the present cost of this service in that city.

Mr. Chairman, the Government now has a contract, which has some time yet to run—more than two years, as I recollect—with a party, having a surety company on his bond, for the performance of this wagon service in the city of Chicago. The party having failed to perform the service, his sureties are now carrying out the contract at a very considerable loss. The effect of this amendment, if carried, will be to relieve the party now performing that service. Now, I ask the committee——

Mr. MADDOX. Does not the gentleman think that this amendment was subject to a point of order when it was offered?

Mr. FINLEY. I was not paying any attention to that.

Mr. MADDOX. We have a very diligent committee in making points of order upon amendments not coming from the committee. I am satisfied that this amendment was clearly out of order, but nobody rose to make the point.

Mr. COWHERD. Why did not the gentleman make it?

Mr. FINLEY. I do not wish my time taken up in this way.

Mr. MADDOX. I wish to say that the members of this committee are exceedingly diligent in making points of order on any amendment offered by a Member outside of the committee.

Mr. COWHERD. The gentleman knows, I presume, that this amendment is practically carried in the bill already.

Mr. MADDOX. I did not know anything of it myself until I heard it discussed; but gentlemen on the committee knew of it.

Mr. FINLEY. I am in favor of the provision as it appears in the bill, placed there by the Committee on the Post-Office and Post-Roads, which provides that this service shall not cost the Government more than the existing service.

Now, this contract has two or three years yet to run. The contractor has failed; and the adoption of this amendment will have the effect of relieving his sureties of the burden and expense of carrying out this contract. The loss to the Government will exceed $30,000 annually. Now, is it right that they should be relieved? I know of my own knowledge that in my part of the country when star-route contractors fail their sureties are required to take up the contract and carry it out to the letter. The principle is the same in all cases; and the sureties of this Chicago contractor should be required to carry out the contract and to render efficient service.

Mr. SNAPP rose.

Mr. FINLEY. I can not yield. I have only five minutes, and my time will soon be out.

I repeat that the adoption of this amendment will relieve the sureties of the contractor from the performance of the service for the Government of the United States in the city of Chicago. I hope, therefore, that the amendment will be voted down.

The question being taken on the amendment,

The CHAIRMAN. The ayes appear to have it.

Mr. FINLEY. I call for a division.

The question was again taken; and there were—ayes 54, noes 26.

So the amendment was agreed to.

The Clerk read as follows:

For regulation, screen, or other wagon service, $1,133,000: *Provided*, That the Postmaster-General may, in his discretion, contract for the performance of this service in the city of Chicago by underground electric cars and wagons, at a sum not exceeding the present cost of this service in that city.

Mr. OVERSTREET. I move to amend by striking out the proviso embraced in this paragraph.

The amendment was agreed to.

The Clerk read as follows:

For mail bags, cord fasteners, label cases, and for labor and material necessary for repairing equipment, $300,000.

Mr. HUGHES of New Jersey. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out the period in line 6, page 15, and substituting a colon, and adding thereafter the following:

"*Provided*, That none of this appropriation shall be used for mail bags made or repaired in prisons or by convict labor."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment.

Mr. HUGHES of New Jersey. I ask the gentleman to reserve the point of order, to allow me to explain the amendment.

Mr. OVERSTREET. I reserve the point of order.

Mr. HUGHES of New Jersey. Mr. Chairman, I think I am doing the committee a service in calling attention to the fact that mail bags are being manufactured by convict labor, and I had not the slightest doubt, and I have not now the slightest doubt, that when this committee realizes the fact that American mechanics are asked to compete with convicts in the State prison of New Jersey and elsewhere they will alter that state of affairs.

I want to call the attention of the committee to the fact that the Postmaster-General in his report has called the attention of Congress to the existing state of affairs and has asked that it be remedied.

In the Committee on Labor we have had hearings on the convict-labor bill, and I am free to say that there has not been a single argument which I consider sound advanced in favor of continuing convict labor, especially for permitting convict labor to come into competition in the manufacture of goods used by the United States.

Many people express sympathy for the convict who is deprived of his liberty, and they think that an opportunity should be given him to put in his time in a reasonable way, giving him as much enjoyment as is compatible with the object for which he is incarcerated; but it seems to me that the American mechanic, the American laborer, is entitled to much more sympathy, much more consideration at the hands of Congress, than convict labor of any kind or description; and I sincerely hope, gentlemen, that this amendment, by virtue of which it is intended to prevent New York and other contractors from bidding for Government work and then going to the State prison and employing prisoners there to work upon it, will prevail. I ask the gentleman not to press the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 14256. An act making appropriation for fuel for the south wing of the Capitol building; and

H. R. 9777. An act granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. R. 55) authorizing the reprinting of certain documents, to be sold by the Superintendent of Documents.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 57.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in the form such as is customary in the case of eulogies 12,000 copies of the proceedings and accompanying documents, with suitable process plates, to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library in such manner as, in his judgment, may be desirable.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4837. An act to amend an act entitled "An act to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891," and acts amendatory thereof, so as to extend the time for completion of said bridge until January 1, 1905; and

S. 2148. An act to provide for the enlargement and improvement of the public building at Tyler, Tex.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER of New Jersey. Mr. Chairman, I shall not at this time discuss the point of order, although I do not believe that the amendment is subject to it.

If there is anything laughable in our public administration, it seems to me it is found in the fact that to-day the mail bags of the United States are largely being manufactured under a contract that is being executed in the New Jersey State prison, notwithstanding that in every prison that the United States has authorized it has specifically placed a provision that no manufacturing shall be carried on within it.

Mr. LIVINGSTON. Let me suggest that the language is "where machinery is used."

Mr. GARDNER of New Jersey. It is specifically provided that in the prisons in the Indian reservations such manufacturing shall not be done; and, more than that, the United States has provided by statute that no United States prisoner in any State penitentiary shall be employed in manufacturing these articles by machinery. And yet, inconsistently enough, it has come about that the United States is contracting for and using the products of prison labor, made by the prisoners of the States in penitentiaries, side by side with United States prisoners who are not allowed to be employed on the same work. It is ridiculous, and it seems to me there is no question but that an amendment ought to go on this bill to put our legislation in some consistent shape. Why, the wardens themselves smile at us. Here are the national prisoners in one wing of a penitentiary, and here are the State prisoners. Here are articles being made for the Government by the State prisoners, while the national prisoners are forbidden to work upon it by national statute. I hope there will be no opposition to this amendment.

The CHAIRMAN. The gentleman from Indiana.

Mr. OVERSTREET. Mr. Chairman, just a word on the merits of the amendment which has been discussed by the gentleman who introduced it. The United States, as I understand it, has never by any statute limited the manner of the manufacture of any article which it buys. In other words, there is no limitation against the manufacture by convict labor. I have my own personal views against this labor, but I am addressing myself to-day to the law, as I presume we must all do. In the absence of any restrictions relative to the character of individuals who may be engaged in the labor of the manufacture of goods purchased by the United States, I take it that the usual rule of law pertaining to contracts would be enforced. There is but one contract for the manufacture of mail bags now in force. That contract was entered into between the Government and some individual who was unable to carry forward the contract and was obliged to surrender it to his bondsmen.

They are to-day carrying out the terms of that contract, as I understand. It is possibly true that a part—possibly all, I do not know, but certainly a part—of that contract is being performed by convict labor in the State of New Jersey. The contract, however, Mr. Chairman, will not expire by its terms during the period for which this appropriation is made. I take it that if this appropriation were stricken out entirely, it would not vitiate or impair the terms of the contract, and the parties who are entitled to the pay would come in for their pay under an appropriation in the urgent deficiency act. If the terms of the contract, therefore, can not be modified by striking out the appropriation, how can it be modified by any limitation on expenditures?

I believe that there ought not to be any contract of that character. We, however, find ourselves with one on our hands, and the limitation for the payment of that contract, I believe, would not be that degree of limitation which the House has recognized in the limitation on the expenditures.

Mr. HUGHES of New Jersey. Would the gentleman be satisfied with an amendment which exempts existing contracts?

Mr. OVERSTREET. Well, I would rather take care at the time when more contracts will be made. I will say to the gentleman that no contracts are authorized in this bill or contemplated by the Department during the next fiscal year. I say that upon authority of the Second Assistant Postmaster-General, who stated in the committee not only that the contract would not expire during the period for which the appropriation is made, but that the Department intended to see that no such contract for labor was indulged in in the future.

Mr. TAWNEY. Is there a provision in the bill prohibiting the Department from entering into any such contract as now exists?

Mr. OVERSTREET. I should say not.

Mr. MANN. Does the gentleman mean to say that a contract has already been entered into for work to be done beyond the present fiscal year?

Mr. OVERSTREET. Why, certainly. There are plenty of contracts that run longer than a year. My recollection is this contract will not expire for two years. I may not be exact about that by a few months.

Mr. MUDD. Does the gentleman contend that an amendment which limits the expenditure, which limits the money in this bill as appropriated, does not come in as a limitation?

Mr. OVERSTREET. That is not this case.

Mr. MANN. Would the gentleman be willing to state whether he would make a point of order if the gentleman from New Jersey should change his amendment so as to provide that "hereafter" no contract should be entered into for prison-made goods?

Mr. OVERSTREET. I do not like to make an admission in advance of the offering of an amendment. Possibly when the time arrives I might not make the point of order.

Mr. MANN. In my judgment, if the gentleman does not make such a concession, this amendment will prevail.

Mr. OVERSTREET. I think this amendment is clearly subject to the point of order, and the other might not be.

Mr. MANN. The amendment I suggest would be subject to the point of order; clearly this is not subject to a point of order.

Mr. HUGHES of New Jersey. Will the gentleman be willing to consider this amendment as pending until I shall have an opportunity to submit an amendment such as suggested by the gentleman from Illinois?

Mr. OVERSTREET. I will say to the gentleman that I will ask unanimous consent for the gentleman that the item be passed until after the next item has been concluded, and that in the meanwhile he can prepare his amendment.

Mr. HUGHES of New Jersey. Very well.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that lines 4, 5, and 6, on page 15, be passed until after the reading of lines 7, 8, and 9 has been concluded, and then the committee return to the lines passed over.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the paragraph contained in lines 4, 5, and 6, on page 15, be passed without prejudice until the completion of the paragraph in lines 7, 8, and 9. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, $45,000.

Mr. OVERSTREET. I will extend the request for unanimous consent for the remainder of page 15.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the consideration of the paragraph to be amended may be postponed until after the reading of line 21 of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. It is impossible for me to hear the request of the gentleman from Indiana. I am also unable to hear the Clerk as to where we are reading.

Mr. OVERSTREET. I have extended the unanimous consent down to line 21; then we would recur to where the gentleman from New Jersey wanted to offer his amendment. He does not seem to be ready.

The Clerk read as follows:

For rent of building for a mail-bag repair shop and lock-repair shop, and for fuel, gas, watchmen and charwomen, oil, and repair of machinery for said shops, $10,000.

Mr. TAWNEY. I desire to ask whether that includes the paragraph in line 21, and to know if that is also passed?

Mr. OVERSTREET. That is not passed.

The CHAIRMAN. The Chair will state that the only paragraph which is passed without prejudice is the paragraph contained in lines 4, 5, and 6, and what was to be passed until the committee had disposed of the bill down to and including line 21.

The Clerk read as follows:

For inland transportation by railroad routes, of which a sum not exceeding $100,000 may be employed to pay freight on postal cards, stamped envelopes and stamped paper, mail equipment, and other supplies from the manufactories and depositories to the post-offices and depots of distribution, $39,698,000.

Mr. TAWNEY and Mr. BAKER rose.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 21, page 15——

The CHAIRMAN. The Chair will state that the Clerk has only completed the reading of line 19. Does the gentleman from New York wish to offer an amendment after line 19?

Mr. BAKER. Yes, sir.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. BAKER. Mr. Chairman, I move to strike out the last word. I do so for the purpose of stating that, in my judgment, and so far as my information goes, the prices paid for the transportation of mail by the railroads of the United States is most excessive. I am sorry that I have not been able to get in shape such data as, perhaps, would convince gentlemen on the other side who, in this bill as in previous bills, have shown such extreme solicitude for the interests of the men who control the great railroads of this country, as evidenced in this enormous appropriation. Yesterday I made repeated efforts, Mr. Chairman, to get a few minutes to say a few words upon another section of this bill. I desired to point out then, as I desire to point out now, that the gentlemen on the other side of the House are particularly lavish of the money of the United States Government when it comes to the demands of men who control the great special-privileged corporations of the United States, but when it comes to the question of recompensing the men who have nothing but their votes, who have no favors to give, who have no railroad passes to issue, who have no other form of favors to give; when it comes to those men, then the cry of "economy" must come up, and we are told that we must economize, that the United States Government can not afford to increase the salaries of these men.

You can vote upon this floor $97,000,000 for a big navy; you can vote $77,000,000 for a large army; you can vote $17,000,000, or thereabouts, for fortifications; you can vote—as you did, I am told, last session—$600,000 to make additions to the White House in order that its occupant may emulate European monarchs; you can appropriate millions upon millions to do all kinds of things except to see that the men who are doing the ordinary labor of this Government—the letter carriers, clerks, free-delivery carriers, etc.—shall get a recompense that shall be adequate to meet their needs, but which is not adequate because you gentlemen for years, particularly during the past two years, have been enacting legislation which has created "trusts" and has increased the cost of living to these very employees of the Government, as well as every other workingman in this country, 43 per cent, according to Dun's report.

Why, only within the last month the necessities of life, according to Dun's Review, have been increased 6 per cent, the cost of 350 articles being 103.615 on March 1, 1904, as against 102.028 on February 1, 1904, and as against 97.378 on October 1, 1903. When those men whose expenses of living have been increased 43 per cent as a result of Republican legislation, as the result of your legislation in the interest of special privileged corporations, as a result of your legislation through the iniquitous tariff system, which increases prices while reducing wages; when those men come here and exercise their right of petition; when they say that they can not meet the increased cost of living out of the meager wages they receive, you say you can not afford it; that the United States Government is "too poor;" that we must "economize." You do not, however, propose to economize on the $45,000,000 you are going to give the railroads; you do not propose to economize on any contract or on any deal with the special privileged corporations; you do not propose to economize when you are dealing with any man who has a favor that he can confer on Members of this House or any other member of the Government. But it is only the poor men, the men who have nothing but their votes, these men who are mere victims of your system of taxation. When those men come and ask for a slight increase in their wages, "economy" is the cry.

Gentlemen, you upon that side are responsible. Men have been working for $600 a year in the rural free-delivery service, and it has been shown upon this floor that their expenses for horses, wagon, sleigh, harness, for feed, and for repairs are something like $300 a year, and you who brag about your "prosperity," you who talk and tell us this is the most prosperous country upon the face of the earth, and that every man in the great State of Pennsylvania can get employment at $2 a day—$600 a year—yet you have these men begging for the opportunity of only getting from three hundred to three hundred and twenty-five dollars a year net, and then attempt to deny them opportunity to go to their Congressmen and ask that they shall be paid adequately——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BAKER. Mr. Chairman, I ask unanimous consent that I be allowed five minutes more.

Mr. OVERSTREET. Mr. Chairman, I object.

Mr. BAKER. Then, Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Tha motion is not in order on a pro forma amendment.

Mr. BAKER. It has been done before, Mr. Chairman, and I shall notice the fact in future.

The Clerk, proceeding with the reading of the bill, read as follows:

For railway post-office car service, $5,736,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 21, page 15, insert:
"*Provided*, That no part of the amount hereby appropriated shall be expended for the use of cars in the railway postal service that have been used in said service for a period of more than fifteen years."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order on that.

Mr. TAWNEY. Mr. Chairman, I think it will be admitted by every Member of this House that there is no part of the public service so dangerous, so hazardous to those engaged in it, as the railway postal service. During the last fiscal year there were 372 accidents. Twenty-two railway postal clerks, including one substitute and three weighers, were killed; 75 were seriously injured and 398 slightly injured.

Mr. LIVINGSTON. Will the gentleman allow me a question?

Mr. TAWNEY. Certainly.

Mr. LIVINGSTON. Are not these cars regularly inspected?

Mr. TAWNEY. I do not know whether they are regularly inspected by the Government or not. They are, of course, inspected by the railroad car inspectors when they go into the service and thereafter by car inspectors, and doubtless when out of repair are sent back to the shop for repair. But I want to call to the attention of the committee this important fact.

Recently the Postmaster-General has made a report to this House showing the total number of cars in the service and the length of time that each car in the service has been in that service. From that report I find that there are 168 cars out of a total of a little over 1,000 that have been in the service from sixteen to thirty-three years. I find 75 cars in use to-day that have been in use twenty-two to thirty-three years.

Mr. LIND. Will the gentleman yield for a question?

Mr. TAWNEY. Let me finish this. I find there are 10 cars in the service that have been in the service from thirty to thirty-three years. Now I will answer my colleague.

Mr. LIND. What rental is paid by the Government for these cars?

Mr. TAWNEY. The rental for last year, based on the number of cars in service, and the amount of the last annual appropriation, was $4,730.50.

Mr. LIND. Is not that almost the full value of the cars?

Mr. TAWNEY. I understand it is, although I can not say accurately what the cost of construction is. My information is that it costs between five and six thousand dollars.

Mr. LIND. I have been told that the Government pays as a rental virtually the value of a railway mail car every year.

Mr. TAWNEY. That is in line with the information that I have myself.

Mr. GROSVENOR. Will the gentleman from Minnesota yield?

Mr. TAWNEY. Certainly.

Mr. GROSVENOR. In the line of what the gentleman is speaking about I want to ask if there are any statistics that show how many of the accidents to which the gentleman has referred are fairly attributable to defects in the mail cars?

Mr. TAWNEY. The number of accidents that I have given to the committee has been taken from a report of the Superintendent of the Railway Mail Service. I have given just what that report shows. I can not answer the gentleman's question any further than it is answered by the report of the superintendent of this service.

There is no information here to indicate how many of the accidents were caused by defects in the mail cars. I want to make this observation, however, and I think it will be borne out by the information which we all have, that you scarcely find a serious railway accident where the railway postal car is not the most seriously injured of any car in the train. If there is any car that is smashed all to pieces, it is sure to be the railway postal car, which in too many cases is more of a tinder box than a suitable place for a human being to be inclosed in as these clerks are.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Illinois?

Mr. TAWNEY. I do.

Mr. MANN. The gentleman from Minnesota may or may not be aware that under existing law railroad companies are required to make a report to the Interstate Commerce Commission of the cause of every railway accident. I ask the gentleman whether he has examined this report to ascertain whether any of these accidents have been caused by poor postal cars?

Mr. TAWNEY. I have not examined it, and I do not think that report would give the information.

Mr. MANN. Oh, yes.

Mr. TAWNEY. It might give the cause of the accident, but I do not claim that the cause of the accident is always or frequently attributable to the railway postal car. Now, fifteen years is the average life of a railway car——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Minnesota be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. The cause of the accident would not throw any light on the question of whether or not this enormous death rate among the railway postal clerks is attributable to the imperfect railway postal car.

Here are cars that were manufactured and put into the service in 1871, and according to the report of the Postmaster-General they have been in continuous service ever since. In style of construction, kind, and quality of material the cars built in 1871 are entirely different from the car of to-day. These cars are very much lighter, as every man knows who has taken occasion to observe the manufacture and construction of cars, and that the postal cars that we see every day are the weakest and lightest in the train. The new cars are strong and heavy. One of the chief reasons, if not the sole one, for the complete destruction of so many railway postal cars in railroad wrecks is the fact that to-day our engines are so much heavier than they ever were before and the Pullman cars and coaches are so much heavier than formerly that when there is a head-on collision the invariable result is the crushing of the weakest car, and that car is always the railway postal car. Now, fifteen years is the average life of a car.

Mr. COWHERD. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. COWHERD. The gentleman has given the age of so many of those cars in the service, I will ask him if it is not a fact that that report shows that practically every one of those old cars have been in the shops and have been rebuilt?

Mr. TAWNEY. It shows they have been in the shops. It does not show whether they have been rebuilt or simply repainted or some other repairs made upon them.

Mr. COWHERD. It shows whether their condition is good or not.

Mr. TAWNEY. Of course they have not been in continuous service without repairs. No man would claim that a car could be in continuous service from 1871 down to the present time without getting out of repair. What I maintain, Mr. Chairman, is that when a car has been used the length of time found to be the average life of a car it should no longer remain in the service, especially when these cars are used continuously by railway postal clerks.

It is our duty to provide the safest conveniences and appliances we can obtain. Therefore these cars should be as strong and as secure and as safe as any other car in railway service. Now, if this amendment is adopted, it would eliminate only 168 cars out of 1,036 now employed in the service; and even if that number may be considered large, you must bear in mind that every car of that 168 has from two to four men employed in it every day and night, and I think, Mr. Chairman, that this amendment is fair. It is not going to operate as a hardship at all on the railway companies. It will simply put out of service about 168 cars, some 70 of which have been in use for from twenty-two to thirty-three years. I ask for a vote.

Mr. GARDNER of New Jersey. Mr. Chairman, nobody would go further than I in agreeing to any provision in this or any other bill to protect railway mail employees or the lives of any other worthy persons. The difficulty about it is that the time a car has been in operation is no more an indication of its stability and safety than it is of a ship. The gentleman says that most of the cars, for illustration, that we see are comparatively new. I take it it is safe to assert that the gentleman is under an optical delusion, and that a very large number of the new cars which he sees are old cars which have been rebuilt. No railway company wants to run an inferior car in a fast train or in a train where such cars are dangerous. The age of a car is no measure whatever of its strength. These old cars that the gentleman talks about, upon a further inquiry, will be found to be almost universally in use on short lines, always running on accommodations and rarely at a speed in excess of 20 miles an hour.

Mr. TAWNEY. If the gentleman will permit an interruption, I will say that this does not apply to the combination accommodation at all, but just applies to cars in the full railway post-office service.

Mr. GARDNER of New Jersey. And they are on lines where accidents perhaps rarely happen. I repeat that if the gentleman will bring forward an amendment which goes to the inspection of cars, that goes to the ascertainment of the safety of a car, then I am with him; but the age of a car no more measures its strength than any other thing that has no relation whatever to it. The car may or may not have been thoroughly rebuilt in that time. It may or may not have had much of the timber substituted with steel. It may or may not have been most thoroughly braced in several respects. Now, it may be true, as the gentleman says—but his amendment will not remedy that—that in railroad accidents it is the railway mail car that kinks up, bends up, smashes up, more than the 60,000-pound passenger coaches in use to-day.

If the gentleman wants to revise the railway mail-car service, if he wants to provide that a railway mail car must be of given dimensions and that it must be constructed of steel and that its weight shall not be less than sixty or ninety thousand pounds, then he would raise another question.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman that if this amendment is adopted, I intend to follow it up with an amendment along the lines suggested by the Second Assistant Postmaster-General in that respect.

Mr. GARDNER of New Jersey. In conclusion I wish to say, Mr. Chairman, that here is an amendment that bases its entire merits on the age of a car, and the age of a car is no measure of its safety.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask to have read in my time a very able editorial, to be found in the Scientific American, under date of January 9, 1904, entitled "A call for stronger passenger cars."

The Clerk proceeded to read as follows:

A CALL FOR STRONGER PASSENGER CARS.

The Pullman Company recently made the very significant statement that during the year ending September 1, 1903, not a single passenger was killed or injured on a Pullman car in the State of New York. They also announced that although in the past three years the company had carried in all parts of the United States a total of 32,639,341 passengers, only six persons were killed (in two disastrous wrecks) and only four persons were seriously injured.

Compare these figures with the official statistics of railroad accidents in any given year, say for the year 1902, when 345 passengers where killed and 6,683 were injured. Of the thirty-two and a half million passengers that were carried in the three years in Pullman cars, only one in every three and a quarter million was killed or injured, but of the 640,000,000 passengers carried during the year 1902 in ordinary cars, over 7,000 passengers, or about one in every 92,000, were killed or injured. In other words, of two passengers who board a train together he who enters a Pullman car has thirty-six chances of reaching the end of his journey in safety against one chance of his fellow-passenger who enters an ordinary day coach.

Those of us who read between the lines in the accounts of railroad disasters, that appear with such shocking frequency in the columns of the morning papers, will not be at all surprised at these figures. The story of the smashup, if it be a collision, may vary in details, but the general features will have a marked similarity. Thus the mail clerks will be killed outright, and the occupants of the smoker and first day coach, which in all probability will telescope into each other, will divide up the list of casualties pretty evenly between killed and injured; unless, indeed, a broken steam pipe is accountable for the parboiling of the whole mass of unfortunates; while

incidentally the account will mention that the Pullman cars, after expending their momentum in crushing up the lighter first-class coaches, smokers, baggage cars, etc., came to rest without any serious injury, and more often than not without even leaving the rails. Should they leave the rails and roll down an embankment, the passengers are pretty sure to escape with the conventional "bad shaking up."

Now, what do these results teach us? Just this, that if we can not make railway travel safe by installing the very best signal systems and by the careful selection of enginemen and train hands, switchmen, and operators; if we must forever go on having railway smashes, we can at least save the limb and the life of the passenger by building cars on the lines of the Pullman and rendering them practically accident proof.

The strength of the Pullman car lies in its very massive underframe, the heavy steel angles and plating that are worked into the vestibule ends, and the massive vertical vestibule frames, which prevent the platforms from riding one upon another and shearing their way through the structure of the adjoining car. There is no question that it would be possible greatly to increase the safety of ordinary passenger travel by constructing all railroad cars on the vestibule principle and building into the platforms that steel framing, which is largely answerable for the immunity from destruction in bad railroad wrecks of the present Pullman car.

The railroad companies will naturally raise the objection that to give to all cars the strength of Pullman construction would so greatly increase the weight of trains that the engines would be unable to cope with the service. But it is a fact that the strength and indestructibility of the Pullman car could be imparted to the ordinary first-class coach without any serious increase in the weight of the latter. The Pullman car is loaded down with a lot of unnecessary weight, both in its structure and in its embellishments, which could be got rid of in the proposed type of car. A considerable saving of weight might be made by building the underframe, the sides below the sills, the platforms, and the vestibules entirely of steel. This, indeed, has been done by the Illinois Central Railroad, to which too great credit can not be given for the advance that has been made in its new steel passenger cars.

The steel passenger car is not by any means a novelty. In fact, between thirty and forty years ago one of this type was constructed in this country and formed the subject of illustration in the columns of the Scientific American, while in Europe not only are the underframes of all cars built of steel, but there is a large number of freight cars of various types of metal construction that have proved their durable qualities by nearly half a century of service. In a railway collision it is always the weakest element that gives way. When telescoping occurs, it is the oldest car that is sliced in half by the platform of the adjoining car. With trains built entirely of steel cars, or cars with steel underframes, the injuries of a collision would be confined very largely to bruises and some broken limbs, due to the passengers being hurled violently forward under their own momentum. But the horrible dismemberment, the wholesale crushing out of life, now due to the telescoping of cars, would be of very rare occurrence. Indeed, with steel cars it is questionable whether telescoping would extend, even in the most severe collisions, much beyond the first 8 or 10 feet in the car.

In view of the shameful slaughter that has lately been going on upon our railroads in a series of accidents that is nothing short of a national disgrace, it becomes the duty of legislation to stipulate that for all new passenger cars a certain minimum standard strength and excellence of construction shall be specified. By the mandate of the Government we have the automatic coupler and the train brake. The time has now come for the Government to demand for every passenger on the railroad the same immunity from maiming and death as is shown by the Pullman Company in their statement of only ten persons killed or wounded out of thirty-two and a half million passengers.

Mr. LIVINGSTON (interrupting the reading). May I ask the gentleman from Michigan for what purpose this is being read?

Mr. SAMUEL W. SMITH. For the purpose of enforcing the demand for stronger passenger cars; and it is a very able article, too.

Mr. LIVINGSTON. A fine advertisement for the Pullman Car Company.

Mr. SAMUEL W. SMITH. No; an able article from the Scientific American of January 9.

Mr. LIVINGSTON. How much longer is it?

Mr. SAMUEL W. SMITH. I think the reading will be finished in two or three minutes more.

The Clerk resumed the reading. Before the reading was concluded,

The CHAIRMAN. The time of the gentleman from Michigan [Mr. SAMUEL W. SMITH] has expired.

Mr. SAMUEL W. SMITH. I ask unanimous consent that my time be extended, in order that the Clerk may read the few remaining lines of this article.

A MEMBER. Let it be printed in the RECORD.

Mr. SAMUEL W. SMITH. I accept the suggestion and ask that the whole article be printed in the RECORD.

There was no objection.

Mr. SIBLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. SIBLEY] desire to be heard in opposition to the amendment?

Mr. SIBLEY. I do.

Mr. Chairman, I think the Pullman Car Company owe a debt of gratitude to my friend from Michigan for the elaborate and expansive advertisement they have received this morning.

Mr. SAMUEL W. SMITH. How much do you think was paid to the Scientific American?

Mr. SIBLEY. The company ought to pay a good deal, and ought to honor you with free transportation in the Pullman cars to the end of your public career, which we all trust may be a prolonged one.

It seems to me that if our friend from Minnesota [Mr. TAWNEY] would follow the suggestion of the gentleman from New Jersey and secure fixed provisions as to the safety of the ordinary, cars he would command the assent of every gentleman on this floor. But you can not fix arbitrarily the life of a car by naming a given term of years. If you were to fix it at fifteen years, and provide that at the end of that term the car must go to the scrap heap, you may be pretty sure that the corporation would spend very little money toward the end of the fifteen years in repairing and strengthening the car and making the condition of its cars uniformly strong.

Mr. TAWNEY. Will the gentleman pardon me a moment? Experience shows that the natural life of a car is fifteen years—that is, of other cars aside from the Pullman cars.

Mr. SIBLEY. I do not believe that either the gentleman from Minnesota or myself is sufficiently conversant with the technique of car construction to be able to determine a question of that kind.

Mr. TAWNEY. Reliable information has been obtained from those who know what the experience has been.

Mr. SIBLEY. I think there would be a wide difference of opinion among those who know or ought to know.

Mr. TAWNEY. Does the gentleman think that a car built in 1870, when the speed of railroad trains was not more than 25 miles an hour, could to-day be used in trains traveling at the rate of 60 or 70 miles an hour?

Mr. SIBLEY. Ah, but the railroad company must see that every car that it uses is properly equipped and in proper condition. Their own interests demand this. The gentleman might as well say that the usefulness of a Member on the floor of this body terminates when he reaches the age of 60 years. What a grand lot of men we would miss from this assembly if that rule were adopted. You can not, by defining a term of years, arbitrarily fix the standard of the usefulness of a car any more than you can fix such a standard with reference to a horse. You may say of a horse that the measure of his usefulness should be seven or ten or twelve years, but the horse may be a good one at eighteen years. This House should not attempt to legislate in this matter by fixing an age limit.

The article read at the desk speaks about the Pullman cars not being injured when railroad accidents occur. I think that the adequate way of protecting mail clerks would be to adopt just the reverse of the rule proposed. If a man who travels in a Pullman car has thirty-six chances for his safety against one chance of the man who travels in an ordinary passenger coach, then, inasmuch as so many people must travel in ordinary passenger coaches, because of their lack of ability to pay the difference in price, why not offer an amendment compelling the railroad company to put the Pullman car next to the locomotive, where they will receive the first shock of a collision? And then when you have the passenger cars back where the ordinary people now travel, and the mail cars away in the rear, I will guarantee that the mail cars will not get hurt very much in an ordinary head-on railway collision.

Mr. TAWNEY. I will suggest to the gentleman that the answer to that is that the Government of the United States is not paying a rental of $5,000 a year for the coaches in which the passengers ride.

Mr. SIBLEY. Let us look out for the passengers. We are here to legislate for all the people as much as we are for those employed in the Railway Mail Service; and if this sad state of affairs exists, and if everybody who rides in an ordinary passenger coach has only one chance in thirty-six as against the man who takes the Pullman, it would be just as suitable, it seems to me, for this Congress to attempt to regulate the position which the mail cars should occupy in the trains; and I hope the gentleman does not represent the spirit of this Congress in attempting to legislate.

I have seen only one bill this year that provides an adequate form of government which meets every description and condition of society, and that is the bill introduced by my friend from Brooklyn [Mr. BAKER]. I want to say that I am rather in favor of that bill. I am in favor of any bill or any measure or any man——

Mr. BAKER. Will the gentleman yield for a question?

Mr. SIBLEY. I want to finish this. I am afraid my time will expire.

The CHAIRMAN. The gentleman declines to yield.

Mr. SIBLEY. I am in favor of any man who believes that he has some great truth within his bosom that, if given to the world, will add to the sum total of human blessing, or some great theory of government that, if enacted into law, would better humanity and lift it onto a higher plane. Though I may not agree with him, I am glad that such a man is thinking great things, and it would seem if the gentleman from New York [Mr. BAKER] and my friend from Minnesota [Mr. TAWNEY] can get together that they can arrange a system of government and regulation which will adequately meet every condition in human affairs that they have in their minds.

Mr. BAKER. Will the gentleman yield for a question?

Mr. SIBLEY. Yes.

Mr. BAKER. Let me suggest that instead of "the gentleman from New York" getting together with the gentleman from Minnesota that the gentleman from Minnesota ask the author and

sponsor for the bill and not the mere introducer of it to get together with him. I merely introduced the bill "by request," as you all know.

Mr. SIBLEY. Do you disclaim——

Mr. BAKER. I disclaim sympathy with the paternalistic principles of the bill. I am not a paternalist, but an individualist.

Mr. SIBLEY. I am very glad to hear that, Mr. Chairman. In the gentleman's own time I should like to hear a description of what an individualist is. I think the whole House would be interested.

Mr. TAWNEY. I presume the gentleman from Pennsylvania will now modify his statement as to being in sympathy with the gentleman from New York.

Mr. SIBLEY. I do entirely. I withdraw the recommendation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman——

Mr. BAKER. I ask unanimous consent that the gentleman have time to answer one question.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BAKER. Will the chairman of the committee yield for one moment while I ask a question?

Mr. OVERSTREET. No.

Mr. Chairman. I reserved the point of order against this amendment, while the debate has run to the merits of it. I shall address myself briefly to the merits of the amendment.

I want to call the attention of the Chair first to a statute which I think would control relative to the point of order. It is the statute of March 3, 1879, to be found in the Postal Laws and Regulations, section 1177, which reads as follows:

All cars or parts of cars used by the Railway Mail Service shall be of such style, length, and character, and furnished in such manner as shall be required by the Postmaster-General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad company.

I submit to the Chair that under that statute the Department is now operating relative to the character and condition of cars, and while Congress clearly would have the right to legislate in a different way, making different directions, fixing limitations of length and size of the cars and the period of time in which they might be used, yet such legislation can not be had upon an appropriation bill. I direct that to the attention of the Chair.

Now, Mr. Chairman, I should like to have the attention of the committee concerning the merits of this amendment.

There is now in vogue in the Department, under the law which I have just read, a practice of the Second Assistant Postmaster-General in the nature of an inspection of cars.

He requires the railroad companies to examine these cars and report; and these companies are compelled to make such changes in those cars as the Postmaster-General, through his Second Assistant, may direct. In the hearings before the committee on this point the Second Assistant Postmaster-General used this language:

The cars that are constructed now are constructed according to plans that are drawn up by a committee which was appointed by the Post-Office Department in 1891.

Mr. SAMUEL W. SMITH. Will the gentleman permit me to ask him a question?

Mr. OVERSTREET. They started out with that plan, and the different master car builders of the country passed upon that plan, and wherever they decided certain features were advisable they made suggestions and changes were made in accordance with those suggestions. These cars are directed to be changed whenever, under the inspection of the Department, such changes are advisable.

I call the attention of the committee to the report brought to Congress in response to a resolution offered by the gentleman from Minnesota [Mr. TAWNEY], the author of this amendment. I read directly from a communication of the Department to our committee before that resolution was acted upon by the House. That same information is contained in both. I find that there is now one car in the service in good condition, under the inspection, which entered the service in 1869. Its number is No. 1. Another entry shows that seven were put in the service in 1870. Five of them were "reshopped" in 1903, and two are now in good condition.

Under the amendment of the gentleman from Minnesota these cars, in however good condition to-day, would necessarily be excluded from the service. The cars are constantly inspected and changed according to the examinations made. According to the statements to the committee of the Second Assistant Postmaster-General, they are improving the cars as rapidly as constructed under specifications fixed not only by the Department but on the suggestions of the master car builders of the United States.

Mr. TAWNEY. Will the gentleman from Indiana yield?

Mr. OVERSTREET. I yield.

Mr. TAWNEY. Does the chairman of the committee think that a car constructed in 1871 will compare at all in strength with a car constructed to-day; I do not care how it is repaired?

Mr. OVERSTREET. Well, I answer by the statement of the Department, that out of ten cars put into service in 1878 seven of them are now in good condition and three in fair condition.

Mr. TAWNEY. I do not deny that statement.

Mr. OVERSTREET. I wish to say, further——

Mr. TAWNEY. A car built in 1869 or 1871 was not built for service in 1903, for use on a train running at the rate of 60 or 70 miles an hour. In however good condition it may be, the strength, the resisting power, of the car is not equal to the demand under the conditions that it must meet to-day.

Mr. OVERSTREET. I am not a master car builder, and I think it is no reflection upon the gentleman from Minnesota to say that he is not a car builder. I give to him and give this committee these facts, which are official. Here is a car put in the service in 1878. We have it here from the record, and if he can not disprove it he must admit it, because it is an official document.

Now, there were ten cars put in the service in 1878. Two of them were repaired, "shopped," as the Department calls it, in 1903, six in 1902, and two in 1901. All of these ten cars have virtually been rebuilt within that time to conform to the specifications not only of the Department but of the master car builders of this country, whose specifications are followed.

Mr. TAWNEY. The gentleman does not mean to say to this committee that a car taken into a shop and "reshopped" or repaired is rebuilt? He knows that a car may be taken into a shop and have a new truck or a broken wheel replaced, or similar repairs, without being rebuilt.

Mr. OVERSTREET. But here is an official statement showing that they were in good condition on June 30 last, showing that there was reasonable repair to these cars.

I now move that all debate upon the item and upon the amendment be now closed.

Mr. WILLIAMS of Mississippi. I did not hear the gentleman's request.

Mr. OVERSTREET. I move that all debate upon the pending amendment be now closed.

Mr. WILLIAMS of Mississippi. It is upon the pending amendment, not the paragraph?

Mr. OVERSTREET. Yes.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the pending amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question now recurs on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, let the amendment be reported. A number of Members do not know, I think, what it is.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The Chair will ask the gentleman in charge of the bill if he withdrew the point of order in moving to close debate?

Mr. OVERSTREET. I did not; I still insist upon the point of order.

The CHAIRMAN (Mr. BOUTELL). The amendment offered by the gentleman from Minnesota is an amendment to the paragraph contained in lines 20 and 21 on page 15 of the bill. That paragraph is as follows:

For railway post-office car service, $5,736,000.

The amendment is as follows:

Provided, That no part of the amount hereby appropriated shall be expended for the use of cars in the railway postal service that have been in said service for a period of more than fifteen years.

The Chair has not had his attention called to any provision in the statutes of which the language of this proviso would be a violation if it were a positive enactment, so, without raising the question, and merely the question of limitation, the Chair overrules the point of order. The question now is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 42.

Mr. OVERSTREET. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Indiana asks for tellers.

Tellers were ordered.

The CHAIRMAN appointed as tellers Mr. OVERSTREET and Mr. TAWNEY.

The tellers having taken their places, the committee again divided; and there were—ayes 61, noes 59.

So the amendment was agreed to.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I desire to offer the following amendment.

Mr. HUGHES of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Chair has recognized the gentleman

from Mississippi. Does the gentleman from Mississippi yield to the gentleman from New Jersey for a parliamentary inquiry?

Mr. WILLIAMS of Mississippi. Not now.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Add at the end of the last word of the amendment just adopted:
"*Provided further*, That the annual pay for the use of any postal car shall not exceed 50 per cent of the cost of manufacturing the same."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will argue the point of order then first. It is not subject to the point of order, because it is simply a limitation upon the expenditure of the appropriation.

The CHAIRMAN. Did the gentleman from Indiana reserve the point of order?

Mr. OVERSTREET. No, Mr. Chairman, I made the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Will the gentleman state the point of order?

Mr. OVERSTREET. It is clearly contrary to existing law. It is new legislation.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman, I will answer the point of order first. It is not contrary to any existing law. There is no existing law which requires that the rental paid for a postal car shall be over 50 per cent of the cost of constructing the postal car. Mr. Chairman, this is nothing but a limitation upon the expenditure of the appropriation made in the bill, and therefore comes within the rule. Now, Mr. Chairman, while the point of order is being reserved I want to——

Mr. OVERSTREET. Mr. Chairman, I have not only reserved the point of order, but I have made it.

The CHAIRMAN. The gentleman from Indiana has made the point of order.

Mr. WILLIAMS of Mississippi. Well, I would like to hear the gentleman from Indiana upon the point of order then.

Mr. OVERSTREET. Mr. Chairman, I direct the Chairman's attention to the Revised Statutes, section 4004, being section 1176 of the Postal Laws, which reads as follows:

Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding $25 per mile per annum for cars 40 feet in length, and $30 per mile per annum for 45-foot cars, and $40 per mile per annum for 50-foot cars, and $50 per mile per annum for 55 to 60 foot cars.

Now, Mr. Chairman, that law fixes the compensation to be paid, not for the rent of railway postal cars, as the gentleman incorrectly stated, but for the service of railway postal cars.

The price of the car does not enter into the fixing of the value of the compensation any more than the cost of a man's clothes determines the value of his services. Men misstate the facts relative to this item of appropriation when they continue to insist on reporting it as rent. It is not so considered by the Department, and it is not so considered by Congress. It is for the service, and that service is with reference to the cars of certain length and a certain mileage. The statute if amended as directed by the gentleman from Mississippi would fix the basis of that service according to the price of the car manufactured. Therefore it is clearly in violation of that statute.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the law which the gentleman has just read says that the rent or the service, I care not which you call it, paid by the Government shall not *exceed* a certain amount for a car 40 feet in length, and shall not *exceed* a certain amount for a car 60 feet in length. It does not fix it at so many dollars for a 40-foot car, nor so many dollars for a 60-foot car. What he read itself is a limitation on the appropriation, and this is but a further limitation upon the same appropriation.

Now, we have just heard an admission upon the floor, or a statement and admission, to the effect that we are paying annually for these cars, for their service or for their rent, it makes no difference, as that is a play upon words, for their use—and that term will include both—a sum nearly equal to the cost of construction of one of these cars, or approximately equal to the cost of the construction of one of them.

We have just heard that some of them have been in the service thirty years, many fifteen years, so that the Government during that time has paid out thirty times the cost of the construction of the car. In addition to that we are paying by weight for carrying the mails in the cars, so I think I am right even upon the mere verbal argument in calling it a rental, because it is a return for the use just as much as a rent for land is a return for its use. I care nothing about the word "rental." It is for the use of the car. It is a further limitation upon the appropriation, and, although the existing limitation is upon a different basis, this further one violates no existing law. It changes no existing law, because the existing law upon the other basis says that it shall not "exceed" certain figures. This says that the sum, wherever the law now says that the sum shall not "exceed" so much for a 40-foot car and shall not "exceed" so much for a 60-foot car, shall also and furthermore not exceed 50 per cent of the cost of the construction of those cars. I am willing to leave the point of order there.

The CHAIRMAN. The amendment offered by the gentleman from Mississippi is to follow the amendment which has just been adopted. This paragraph appropriates for the railway post-office car service $5,726,000. The amendment offered by the gentleman from Mississippi is as follows:

Provided further, That the annual rental paid for the use of any postal car shall not exceed 50 per cent of the cost of manufacturing the same.

The Chair will call special attention to the precise language of this amendment. It is not in the form of a limitation upon this annual appropriation, but is in the form of permanent limitation upon the discretion of the Postmaster-General. The Chair therefore sustains the point of order.

Mr. SAMUEL W. SMITH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 20, after the word "service," strike out all thereafter in lines 20 and 21 and insert "$4,048,000."

Mr. SAMUEL W. SMITH. Mr. Chairman, the question of railway mail service has been, is now, and will be for many years a most interesting as well as a most complex subject.

We should approach the discussion of this subject in a spirit of entire fairness as between the Government and all interested in carrying the mails, whether it is a corporation or a single individual.

More than 300 Members of this body represent districts which either in whole or in part enjoy the blessings of free rural delivery. If the amendment which I have offered shall be adopted, and later on there shall be struck out from the bill what is known as the "special-facility clause," commonly known as the "railroad subsidy," carrying an appropriation of $167,728, which I regard as little less than an outrage on the taxpayers of the country, and add these two amounts to the amount proposed in the bill we shall be able to give $800 of the $850 to the free rural-delivery carriers, which I think is but a fair and just compensation for their services, for I regard them as among the poorest-paid servants of the Government.

This clause which I have sought to amend with the eight lines which precede it ought to challenge the attention of every Member in the House. We are asked to appropriate for the carrying of the mails by the steam railways alone one-quarter, aye, sir, more than one-quarter, of the vast appropriation of almost $170,000,000 carried by this bill.

We are told by members of the Committee on the Post-Office and Post-Roads on both sides of the Chamber that the revenues of the Government will not admit of paying the free rural-delivery carriers more than $720. Sir, I would that the committee had more carefully considered this matter when they were writing some of the provisions of this bill, especially the clause with reference to special facilities and others that I might mention.

I assume that every Member knows that we pay the steam railways for carrying the mail in apartment cars, and also in railway post-office cars, commonly known as "R. P. O. cars." "The apartment mail car, for which no extra pay is given, and the railway post-office car are essentially the same in character. They differ only in the quantity of space, quality of fixtures, etc., increased weight, costs, etc. The one is simply an evolution from the other."

If you will turn to page 4 of the report of the Superintendent of the Railway Mail Service, you will find that the Government is paying for 1,116 railway post-office cars, and if you divide this proposed appropriation of $5,736,000 by 1,116, you will see that we are asked to pay for the annual use of these cars $5,140. Is not this a very large sum to pay for the mere use or rental of the cars, when you consider that the railway post-office cars earn what is regarded by many as an exorbitant amount under the law by weight?

Let us assume that a railway post-office car 60 feet long costs $6,000, which is giving the railroad the benefit of the doubt in this discussion, and let us assume that a 50-foot car costs $5,500 and a 40-foot car $5,000.

You will observe that for the annual rental of a 40-foot car we pay $140 more than it costs, and for a 50-foot car within $360 of its cost, and for a 60-foot car within $860 of its cost, and when you further know that the life of these cars, as shown by the recent hearings taken by the Committee on Post-Office and Post-Roads, is from ten to twenty and twenty-five years, you have some appreciation of their earning capacity, independent of what they earn by carrying the mail by weight.

The following is a schedule of rates for railway mail transportation, which shows what is paid for carrying the mail by weight as well as the rates allowable per mile per annum for use of railway post-office cars when authorized:

Schedule of rates for railway mail transportation.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum. Rates allowable under act of March 3, 1873.	Rates allowable under acts of July 12, 1876, and June 17, 1878.	Rates allowable to land-grant railroads, being 80 per cent of allowance to other railroads, under act of July 12, 1876.	Intermediate weight warranting allowance of $1 per mile under the custom of the Department, subject to acts of July 12, 1876, and June 17, 1878.
				Pounds.
200 pounds	$50.00	$42.75	$34.20	
200 pounds to 500 pounds				12
500 pounds	75.00	64.12	51.30	
500 pounds to 1,000 pounds				20
1,000 pounds	100.00	85.50	68.40	
1,000 pounds to 1,500 pounds				20
1,500 pounds	125.00	106.87	85.50	
1,500 pounds to 2,000 pounds				20
2,000 pounds	150.00	128.25	102.60	
2,000 pounds to 3,500 pounds				60
3,500 pounds	175.00	149.62	119.70	
3,500 pounds to 5,000 pounds				60
5,000 pounds	200.00	171.00	136.80	
For every additional 2,000 pounds	25.00	21.37	17.10	
Over 5,000 pounds				80

No allowance is made for weights not justifying the addition of $1.

Rates allowable per mile per annum for use of R. P. O. cars when authorized.

Railway post-office cars:

40 feet	per daily line	$25
50 feet	do	40
55 to 60 feet	do	50

To constitute a "line" of railway post-office cars between given points, sufficient railway post-office cars must be provided and run to make a trip daily each way between those points.

In this connection I might state that under the law a railroad can carry 200 pounds of mail per annum and carry it in a pouch, which can be thrown into a baggage car, not requiring the use of an apartment car or of any part of an apartment car, and a road 100 miles long would earn for this service per annum $4,275. I submit that this seems too much. I know that in addition thereto in many cases the railroads are required to deliver the mail by messenger within a distance of 80 rods of the depot; but grant all this to be true, is there a railroad in the country that would not feel that they were being well paid if they could receive $4,275 for hauling over their lines each day of the year, say for 100 miles, or a greater distance if you choose, a trunk weighing 200 pounds, containing most valuable and costly articles, and in addition thereto deliver it, from some point on their line, each day a distance of 80 rods from the place of delivery?—for the trunk, like the mail pouch weighing 200 pounds, would only occupy a small part of the baggage car.

A railroad 100 miles long carrying from 3,500 to 5,000 pounds earns $17,100, and you will notice by the above schedule that for every additional 2,000 pounds over 5,000 pounds they receive $21.37 in addition to the rate for carrying 5,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that he may be permitted to proceed for five minutes. Is there objection?

Mr. OVERSTREET. Oh, just print that.

Mr. SAMUEL W. SMITH. The chairman of the Committee on the Post-Office and Post-Roads asks me to print this, but I prefer to give the figures to the committee now.

Mr. COWHERD. Mr. Chairman, I wish that this consent may be granted, and I would like to have ten minutes in which to reply.

The CHAIRMAN. The Chair hears no objection, and the gentleman is recognized for five minutes.

Mr. SAMUEL W. SMITH. Mr. Chairman, from the hearings which were had before the last joint commission to investigate the postal service it will be seen that these railway post-office cars carry from 4,000 to 12,000 pounds, and in this connection I quote Hon. William H. Fleming, who was a member of the joint commission, which report was submitted January 14, 1901:

It is very important in this connection for us to know how much weight of mail matter the postal car can carry. Some witnesses give the average weight at 4,000 pounds, or 2 tons, but Professor Adams is not willing to accept these figures (Pt. II, p. 233). One witness gives this weight of mail matter as 10,000 pounds, or 5 tons (Pt. II, p. 710). Mr. Davis, of the Post-Office Department, says that 7,000 pounds, or 3½ tons, is "an easy load" (Pt. II, p. 234), while it was testified that the postal cars on the Pennsylvania Railroad carried as high as 12,000 pounds, or 6 tons.

In this connection I wish to call special attention to the report of Mr. Bradley, of the Post-Office Department, and his specific statement (on p. 158, Pt. II) that the average weight capacity for storage of letter mail on a 60-foot postal car on the New York and Pittsburg route was 8,000 pounds; on the New York and Washington route, 10,000 pounds; on the New York, Geneva, and Buffalo route, 7,000 pounds, and of a newspaper car on the New York and Pittsburg route, 12,000 pounds. It is important to observe, too, that these weights are carried in that portion of the postal car "not assigned to distributing furniture."

Besides that, many of the mail trains use storage cars in connection with postal cars, and in this way the amount of mail handled on each postal car is largely increased, without any additional cost except that attached to the storage car, which certainly ought to be placed in the class of a freight car in all essential respects except as to speed.

But, going beyond mere general considerations, Professor Adams (Pt. II, pp. 233 and 234) makes a specific calculation of the actual cost of carrying the mail in postal cars over the Pennsylvania route. Upon the basis that each car is loaded with 3½ tons (said to be an "easy load"), he shows that the road would expend for its mail service an annual sum per mile of $2,244, while the compensation for carrying the mail over that route is $3,422 per mile, an excess of compensation over the cost of $1,178 per mile. This amount might be considered as part of a reasonable profit but for the fact that in making his computation the professor has already included all operating expenses and, in addition thereto, 38 per cent for fixed charges and dividends, etc. So that the excess of $1,178 is earned by this road in addition to a full allowance for expenses and profits.

If it be true, as Mr. Bradley states, that the storage capacity of these cars for letters alone is as high as 8,000 pounds, and in some instances 10,000 pounds, it is evident that the earnings are greatly increased when the cars are properly loaded.

Let it be noted, also, that in making this calculation Professor Adams has taken the average cost per train mile as $1, though, as a matter of fact, it is given by the Interstate Commerce Commission as 95½ cents in 1898. Moreover, the New York Central and Hudson River Railroad, which continues to assign its operating expenses between the passenger and freight service, gives its average cost per passenger train per mile as 71 cents, mail trains being classed with passenger trains. Whether the real cost of a mail train on the Pennsylvania Railroad is nearer 71 cents than 95½ cents is an open question. Besides that, Professor Adams's calculation makes no allowance for the decreased service on Sunday, but assumes that the same full service is rendered for the whole three hundred and sixty-five days in the year. So it will be seen that Professor Adams has given the road, in his calculation, the benefit of the most favorable conditions in each instance.

After a most careful and I think impartial consideration of this question I am forced to the conclusion that the present law makes overpayment to the railroads on the dense mail routes, and that the reduction recommended by Professor Adams, ranging from 1 to 12 per cent on weights beyond 5,000 pounds, is reasonable and just.

In presenting the foregoing views I have considered the regular railway mail pay and the extra postal car pay as one single item of compensation. If the reductions advocated by Professor Adams in the general rates are made, I would not advocate an additional reduction in postal car pay; but if those general reductions are rejected, I think there ought to be a reduction in the postal car pay.

In view of the foregoing statement, let us see what a railway post-office car, carrying 7,000 pounds, would earn in addition to its rental.

Mr. GARDNER of New Jersey. Mr. Chairman, I do not think the gentleman desires to make any misstatements.

Mr. SAMUEL W. SMITH. I certainly do not.

Mr. GARDNER of New Jersey. The gentleman is calculating on 6 tons, in some instances less, of mail carried every day in the year?

Mr. SAMUEL W. SMITH. Yes; I know that.

Mr. GARDNER of New Jersey. Does the gentleman not know that the postal commission and the men who have given the greatest study to this matter have determined that 4 tons is the maximum that can be carried in a postal car with the distributing going on?

Mr. OVERSTREET. And in most of them but 2 tons.

Mr. SAMUEL W. SMITH. Opinions varied, as shown by the hearings.

Mr. GARDNER of New Jersey. They have not only determined that to be the maximum, but that any calculation that is made on the average daily carrying of the mails has to take into consideration that to-day the mail will be twice as heavy as to-morrow, and that it is always true that outgoing mail from given points is twice as heavy as the incoming mail.

Mr. SAMUEL W. SMITH. I can not agree with the gentleman's statement as a whole, but will refer him to the hearings before the Postal Commission, and will say that the hearings show that the mail going west is heavier than the mail coming east.

Mr. OVERSTREET. I would suggest that a pound of western mail does not weigh any more than a pound of eastern mail.

Mr. SAMUEL W. SMITH. That is quite true, but I am answering the gentleman's question.

Mr. GROSVENOR. I do not know about that. I would not assent to that proposition. [Laughter.]

Mr. SAMUEL W. SMITH. That may be true, and I will accept the suggestion of the gentleman from Ohio [Mr. GROSVENOR]. We all know, for instance, that supposing 9,000 pounds of mail is placed upon a car bound from Detroit to Chicago the whole of that mail does not go all the way to Chicago.

Mr. GARDNER of New Jersey. That suggestion is not in your figure.

Mr. SAMUEL W. SMITH. I have not finished. I am undertaking to call the attention of the committee to what the average

would be. If you put a given amount of mail matter in a railway post-office car, and keep distributing the same and taking on new mail as the car proceeds to its destination, and assuming that a railway post-office car carries 10,000 pounds, is it fair between the Government and the railway company?

Mr. GARDNER of New Jersey. Does the gentleman know of any well-informed man in the world who claims that he can take 12,000 pounds of mail matter in a car and still leave room for the handling of it?

Mr. SAMUEL W. SMITH. I refer the gentleman to the hearings as to what can be put into a railway post-office car.

Over a road of, say, 285 miles, the distance from Detroit to Chicago, the computation shows it would annually earn $27,363.43, and add to this the annual rental of $5,140 and you have $32,503.43 as the total annual earnings of a railway post-office car, and if you will make the computation regarding a railway post-office car carrying 9,000 pounds you will observe it will earn annually on the same line $30,459.37. To this add $5,140, the annual rental, and you have as the total annual income for this car $35,599.37. Does not this seem like a large sum of money to pay for this service, when you consider that these railway post-office cars are only a part of the train which the road is daily hauling over its line, and that the road is not required to furnish an additional engineer or fireman, and that the only increase in cost is the coal for making the steam for drawing this car and its contents, and the daily care of the car in the way of seeing that it is well lighted, heated, and otherwise cared for, so as to be in running order? But let us see what is the net annual income to the railroads from a railway post-office car over a distance such as I have suggested.

In trying to get at the right of this matter I learned from an official source which is reliable that in determining what it is worth for the service of a car the price varies from 4 to 10 cents per running mile. The 10 cents per mile may be a fair price on a line like the Rio Grande in Colorado, or over other lines where they have such heavy grades, but I can not believe that even 4 cents per running mile is a fair price over a line like that of the Michigan Central between Detroit and Chicago. I think it is too much. But let us again give the railroads the benefit of the doubt, and by computation you will find that the annual cost for a car at 4 cents per running mile over a line 285 miles long for 365 days is $8,322.

I was also informed that $1,400 per year was a fair price for keeping one of these railway post-office cars in good condition—keeping it properly lighted, oiled, etc. I may add in this connection, however, that the hearings before the postal commission show that they can be cared for for an amount as low as $620, and by others that it is worth $2,000. I think I am fair in accepting $1,400.

Add this, if you please, to the $8,322, and you will find that the annual cost to the railroad is $9,722; deduct this from the annual earnings of a railway post-office car that carries 7,000 pounds, and you have a net annual earning to the railroad of $22,781.43, and from the car that carries 9,000 pounds, $25,877.37.

I desire to state that after making these figures I was not satisfied that I was correct, for I was astonished at the earning capacity of these cars, and so I submitted these figures to a gentleman for many years connected with the Railway Mail Service, who is perfectly competent to speak, and he assured me that they were correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAMUEL W. SMITH. I ask for five minutes more.

Mr. OVERSTREET. Does the gentleman need so much time?

The CHAIRMAN. Is there objection?

Mr. SAMUEL W. SMITH. Mr. Chairman, on an appropriation bill carrying so large an amount as this does, it seems as though there ought to be no objection for a few moments of time in discussing a proposition which covers more than one-fourth of the entire amount.

Mr. OVERSTREET. If the gentleman would confine himself to the amendment and not discuss portions of the bill already passed he would not consume so much time.

Mr. SAMUEL W. SMITH. Will the gentleman please direct my attention to any part of my argument that does not refer to my amendment?

Mr. OVERSTREET. The gentleman has been talking about the railway mail pay, when his amendment has reference to railway postal cars.

Mr. SAMUEL W. SMITH. I am considering the two subjects together. I could have made my amendment apply to both clauses of the bill had I chosen to do so.

Mr. OVERSTREET. I will not object to this request, but I will to any other.

The CHAIRMAN. The gentleman from Michigan [Mr. SAMUEL W. SMITH] asks unanimous consent that he may be allowed to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. GARDNER of New Jersey. I should like to inquire of the gentleman at this point how he expects this amendment to operate? He proposes to cut down arbitrarily the item by a large amount of money.

Mr. SAMUEL W. SMITH. If the amendment is adopted, it will reduce the service.

Mr. GARDNER of New Jersey. Does the gentleman expect that the rate of pay of which he is complaining will be reduced under the amendment or that the aggregate service will be reduced?

Mr. SAMUEL W. SMITH. I hope, in view of what I have said and what I propose to say, that the Committee on Post-Offices and Post-Roads will present a bill to the House reducing the pay for the rental or use of the railway post-office cars, or that they will suggest the appointment of a new commission for a further examination of this and kindred subjects.

Mr. MURDOCK. Do you contend that any car running between Detroit and Chicago carries 7,000 pounds?

Mr. SAMUEL W. SMITH. I am using that for an illustration.

Mr. GARDNER of New Jersey. Why don't you make it 15,000 pounds?

Mr. SAMUEL W. SMITH. I would only make the amount larger if I did that. I repeat that when you take the hearings it appeared to me that I was conservative in taking that amount.

Now, Mr. Chairman, I have but a moment. I want to say that the commission did not agree. Two of the commission came to the conclusion that $2,000 or thereabouts was a fair price to pay per year for these cars.

Mr. HEDGE. Who were they?

Mr. SAMUEL W. SMITH. One was Hon. William E. Chandler, for several years a Senator from New Hampshire and now president of the Spanish Treaty Claims Commission, and the other was Hon. William H. Fleming, then a Member of the House. Those were the gentlemen. If you were to pay for those cars an annual rental of $2,000 each, which in my judgment is a fair price when you take into consideration the amount paid in addition thereto for weight, you would pay for the use of the 1,116 railway post-office cars $2,232,000, and if such a provision were to be enacted into law we would save in comparison with the present proposed appropriation just in this one item of the bill $3,504,000.

Gentlemen, this law was passed in 1873, at the same time that the law was passed with reference to weights. You will notice that the law with reference to weights has twice been amended. I ask you in reason and judgment why should not this law also be amended in accordance with the suggestion of the gentleman from Mississippi [Mr. WILLIAMS]? Mr. Fleming in his report calls attention to the fact that coal, pig iron, steel rails, and those things entering into the construction and operation of a railroad have been reduced in cost from 10 to 54 and 76 per cent. In 1873, when this law was passed, we were paying for steel rails $120 a ton. To-day we are paying about $20 a ton. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I should like the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD upon this amendment to the bill. Is there objection? There was no objection.

Mr. SAMUEL W. SMITH. Mr. Chairman, I had hoped to be able to secure a few moments more time so that I might direct the attention of the committee to some statements made in the report of the commission and make some comments thereon.

It is true that I might have had time during general debate upon this bill, but I am impressed that matters of this importance receive greater attention from Members during the reading of the bill than they otherwise would, and a forcible illustration of this fact was shown by the presence of not more than one-third of the Members of the House at the time of the delivery of two speeches during the last month by prominent Members who must have given weeks and months of time in study, thought, and reflection upon the subjects which they so ably presented to the committee.

I think matters of such grave importance should receive more time and attention at the hands of Members during the reading of the bill, for it is then that usually a greater number are present and more interest and attention is manifested than is ordinarily given in the discussion of these matters under general debate.

The commission use this language:

> We are of opinion that the true basis for payment to railroads for mail transportation should be such sums as will afford the railroads a fair compensation for the services rendered.

Certainly everyone will willingly subscribe to this doctrine, and it is evident to my mind, after reading their report, that they were not altogether satisfied with their conclusions, for they further say:

> The difficulty with which the Commission has been, and Congress will be, confronted in the consideration of this question is, however, not because of any disinclination to allow the railroads a fair and full compensation for the services rendered by them in the transportation of the mails, but because of

the difficulty of determining what is a fair and reasonable compensation. This difficulty arises from the fact that the Railway Mail Service is largely sui generis. (Printed testimony, pt 2, p 152.) No other department or class of the business of railroad and transportation companies is sufficiently similar to afford a safe and certain standard by which to measure the compensation which ought to be paid for the transportation of the mails.

They also assert that the question of mail pay is not comparable with the express, with freight, or with passenger transportation, and in this connection they use this language:

An examination, then, of the three great departments of railroad transportation fails to disclose in either an adequate and reliable standard by which alone to determine the question of what is a reasonable compensation to the railroads for the transportation of the mails. Having thus failed to discover any gauge or measure by which the proper amount of the compensation to be paid for the transportation of the mails can be made a matter of mathematical demonstration, the Commission is forced to the conclusion, that, as said by Professor Adams and some of the other gentlemen whose testimony is preserved in the record, this question is one of "judgment" (printed testimony, pt. 2, p. 13), and to be determined from a full and careful consideration of the question in all its bearings upon and connection with the other branches of the railroad business and operation, by which method a conclusion may be reached whereby the railroads will receive adequate compensation for the services performed by them, and the Government protected against paying out an amount in excess of the value of the services received.

So that if it resolves itself into one of "judgment" you and I certainly have a right to express our opinions in the hope that we may be able to shed some light that will aid in the solution of this much-vexed question.

I never yet have been quite able in the light of all the facts and circumstances to comprehend this statement of the commission:

The state of facts, however, as disclosed by the evidence, is that the transportation of the mails is imposed upon several hundred different railroads, owned by different and distinct companies, operated under radically different circumstances and conditions of country, climate, population, and trade. The testimony also satisfises us that to a certain proportion of these railroads the transportation of the mails is unprofitable, and in some instances attended with positive loss; that to a smaller proportion of the railroads the expense of and receipts from the transportation of the mails substantially balance, the railroads in this class being large systems whose initial points are the great centers of business and population in the Middle West.

To the residue of the railroads, consisting of a very small percentage of the total number of railroads in the country, the transportation of the mails is a source of some actual profit; but the evidence is not sufficient to enable the commission to determine this definitely or the amount or percentage of such profit, if any. The evidence shows that the railroads which come in the class of thus deriving an actual profit from the transportation of the mails are mainly those one of whose termini is the city of New York, and operating over lines and through sections of the country where the "density" of the mail is the greatest.

If it be true that the railroads, taken as a whole, are not making any money for the carrying of the mails, then it must follow that they are losing money, and if they are losing money, how is it to be accounted for when we all know that there is not probably a railroad in the country that is not desirous of securing these mail contracts? The commission further say:

The Railway Mail Service as it is in operation to-day may be divided into two parts: First, that required of the railroads by law; second, that called for by the regulations of the Department.

This matter of regulations which we so often hear spoken of in connection with this matter is only an added proof to me of the fact that the railroads know that they are receiving compensation in excess of what they ought to receive, for if you will visit the Post-Office Department they will tell you of the various regulations that are being imposed upon the railroads, and the number is increasing rather than diminishing.

I am unable to account for the fact that the railroads submit to these continued regulations upon any other theory than that they are receiving excessive pay. If we accept the reasoning of the commission in connection with what the railroads are making, and also bear in mind the repeated regulations, which must add new burdens, and apply it to any other business transaction, I submit it would lead to but one conclusion, namely, that the individual or corporation would refuse to further continue the contract, for the reason that they were losing money and also for the further fact that regulations were being imposed which could not be fulfilled without causing a still greater loss; but, on the contrary, we learn that the railroads object mildly and keep right on letting the Post-Office Department impose these added regulations.

There were two members of the commission who frankly stated that they thought the pay ought to be reduced, and I quote from Mr. Fleming to show not only his opinion but the opinion of Professor Adams, of the University of Michigan.

At an early stage of our proceedings it became apparent that the Commission needed the assistance of some expert statistician acquainted with railway and transportation problems in order to reconcile, if possible, the conflicting testimony and ascertain with some degree of definiteness the proper data on which a just report could be based. Accordingly, Mr. Henry C. Adams, professor of political economy and finance at the University of Michigan, Ann Arbor, Mich., and also statistician of the Interstate Commerce Commission, was employed to investigate the subject and report. Mr. Adams gave months of time to his investigation and was assisted in his work by a large force of clerks. He made his report to our Commission under date of February 1, 1900, and it will be found in part 2 of the testimony, at page 171. His conclusions were as follows:

First. It is proposed that the present rate of compensation on all routes shall be reduced by 5 per cent.

Second. It is proposed that all routes receiving in excess of 20 cents per ton per mile shall be subjected to a further reduction at a uniformly progressing rate, the rate of progression being indicated in the following table:

Scheme for progressive reduction of railway mail pay.

Classification of roads[a] (cents per ton per mile).	Reduction applying to each class of roads in addition to a uniform reduction of 5 per cent.	Classification of roads[a] (cents per ton per mile).	Reduction applying to each class of roads in addition to a uniform reduction of 5 per cent.
	Per cent.		*Per cent.*
16.50 to 20	1	8.80 to 9.20	7
14 to 16.50	2	8.40 to 8.80	8
12.30 to 14	3	8.10 to 8.40	9
11.25 to 12.30	4	7.87 to 8.10	10
10 to 11.25	5	7.34 to 7.67	11
9.20 to 10	6	7 to 7.34	12

[a] On the basis of rates received under the present laws by which railway compensation is determined.

Professor Adams was subjected to a rigid examination, and his positions were assailed by various representatives of the railroads, but I do not see that his conclusions have been impaired, except, perhaps, in the matter of his comparison of mail rates with the express rates. Mr. Juller, of the American Express Company, seems to have shown that the 100-pound rate selected for comparison by Professor Adams was not a fair typical rate for that purpose.

Professor Adams revised his original statement in some minor particulars, and under pressure of oral examination made some conditional concessions, but as his final matured judgment in the premises he still holds to his recommendations of reduction. The majority of the commission state in their report that "this question (of mail pay) is one of judgment," but after making this admission they forthwith proceed to set aside the deliberate judgment of the best expert they could procure.

After the filing of his report and after his final examination, on April 7, 1900, with all the additional light he could obtain, Professor Adams makes the further statement that his proposed reduction of 5 per cent is "justified by a consideration of the economies in railway transportation not dependent on increase in the density of mail traffic." (Pt. II, p. 240.) I believe this recommendation of Professor Adams is entirely justified, unless it can be shown that the rate of pay established under the law of 1873 and the amendments of 1876 and 1878, including even the postal-car pay, was grossly inadequate at that time.

I think Professor Adams's recommendation for a general reduction of 5 per cent should be enacted into law.

I am also of the opinion that the second recommendation made by Professor Adams, that the form of progressive reduction provided for in the law of 1873, and which has never been changed, should be extended beyond the limit originally fixed of 5,000 pounds, is founded in justice and wisdom. His position on this point is even more unassailable than his other recommendation, for a 5 per cent horizontal reduction.

And I especially direct your attention to what Mr. Fleming has to say about the pay for railway post-office cars:

What, then, is the proper basis of pay for railway post-office cars? Clearly that basis is to be found in the differences which exist between the apartment car and the railway post-office car. The extra pay should be adjusted to the extra facilities; no more, no less. The distance the cars run per annum does not enter as a separate factor into the problem, because if the mail were carried in an apartment car that car would have to run just as many miles as the railway post-office car. In either case the same number of engineers, brakemen, etc., are required.

Efforts have been made to defend the heavy outlay for railway post-office cars on the ground that the regular compensation for mail transportation, as fixed by the law of 1873, was found to be inadequate, and therefore the pay for railway post-office cars was purposely placed higher than it should have been per se in order to make up the losses on the regular rates. But that plea loses much of its force when we consider that the railway post-office car pay was fixed in the same law of 1873 in which the regular mail transportation rates were fixed, and instead of those rates being found inadequate by subsequent Congresses, they were considered to be too high and were twice lowered, once in 1876, 10 per cent, and again in 1878, 5 per cent.

And, further, as to what he has to say about the proposed reduction jeopardizing the railroad interests of the country:

The moderate reductions suggested could not seriously jeopardize the railroad interests of the country, as the mail pay constituted in 1898 only 2.74 per cent of the total earnings of the roads (Pt. II, p. 239). Both reductions together would save to the Government about $3,000,000 per annum, according to Professor Adams's estimate. This sum would be less than one-twentieth of 1 per cent of the annual gross earnings of the roads.

We have, undoubtedly, a most excellent postal system, but we also have a most costly one. The total expenditures for the year ending June 30, 1901, as taken from the report of the Postmaster-General, were $107,249,295.13, of which $57,123,277.27 were expended for railway transportation.

And Mr. Fleming is sustained in his contention by Mr. Chandler, who uses the following language:

Does it follow, therefore, that the Government must go on for an indefinite period to pay the present rates for transporting the mails? The undersigned does not so conclude. The present rates per pound weights were first fixed in 1873, were reduced 10 per cent in 1876, and 5 per cent more in 1878. It is not proved that they were inadequate then, and it is not probable that it is unjust to require some reduction of rates when freight and passenger rates have been so largely reduced during the same period.

Accuracy of compensation being impossible, the best judgment of all persons having to deal with the subject must be exercised.

The commission, as authorized by Congress, employed a highly competent

expert (Prof. Henry C. Adams), and he recommended a reduction of 5 per cent of the compensation on all routes, and a further reduction varying from 1 per cent to 12 per cent on the railroad routes where the traffic is the most dense, as being, in his judgment, below the percentage of reduction which could be justly demanded by reason of changed conditions. The undersigned joins with Representative Fleming in recommending the foregoing reductions and in the removal of the present limit of progressive reduction to 5,000 pounds, and also joins in Mr. Fleming's recommendation of $2,000 per annum "as ample special pay for railway post-office cars."

I yield to no one in my desire for the best postal service of any country, but I insist that we are paying too much for the transportation of the mails. What will the Committee on Post-Offices and Post-Roads do to obtain relief? Will they bring in a bill during the present session of this Congress reducing the pay for the use of railway post-office cars, or will they favor the appointment of a commission to further investigate and report upon this whole matter?

Certainly no one ought to be satisfied with the report of the last commission. I doubt if the individual members of that commission are fully satisfied, for they were divided in their opinion, and they did not agree as to what their own expert recommended.

The railroads ought not to object, for if they are not being fairly paid for their services, as a part of the last commission assert, they should be, and no one speaking for the Government can oppose an honest effort to get at the right, whether it pertains to this or any other subject-matter, and in this way do equal and exact justice to all concerned. Let us see what the committee will propose and do.

May I be pardoned if I add a word to what I have already said regarding the free rural delivery carriers? During the closing hours of the last Congress some one asserted that the free rural delivery carriers were earning one-half as much as their salary by taking subscriptions for the newspapers, carrying parcels, etc. This may be true in a few instances, but not in the main.

In the district which I represent I have corresponded with all the carriers in this regard and also as to what their outfit cost them and what it costs them to live and what they could save. Many of these letters are very interesting, and clearly show that the carriers are not receiving a sufficient salary; but it is so universally conceded that they are not receiving adequate pay that I shall not discuss that proposition further.

Regarding their earnings outside of their salary, 138 carriers report as follows: 21 did not receive a penny; the lowest amount received by any carrier was 10 cents; the largest amount was $48.25; the average, $9.80.

For many years the farmers gave their subscriptions for newspapers to the fourth-class postmasters largely; since the coming of the rural free delivery they have given them in the main to the carriers, and I think that they would like this privilege continued. They also want the carriers to be permitted to do errands for them.

I quote a few lines from my friend Hon. Robert W. Malcolm, one of the leading farmers of the Sixth district of Michigan, under date of March 8, 1904:

> Yours received, and I want to ask you to do your best to keep Congress from stopping our mail carriers from doing errands for us farmers. Supposing I need a little repair for my binder or mower, I can send by Collard (the carrier) and he will bring what I want to my farm for 10 cents, and I can stay at home and tend to my crops. If I have to go to town I am out half a day besides what I have to spend for toll, etc. It can't hurt anyone to let things alone, and it helps the farmer.

These are the sentiments of the farmers throughout the Union wherever free rural delivery is enjoyed.

Now is the time to do our duty, and if we do the free rural delivery carriers will receive a salary commensurate with their services. [Loud applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish to offer the amendment in a form that I think will not be subject to the point of order.

The CHAIRMAN. The Chair will call the gentleman's attention to the fact that there is an amendment pending.

Mr. COWHERD. Mr. Chairman, I trust that the committee will be as generous with me as it was with the gentleman from Michigan [Mr. SAMUEL W. SMITH], and if I should ask for an extension I will try not to occupy any more time than is necessary.

The gentleman from Michigan [Mr. SAMUEL W. SMITH] has offered some very interesting figures and suggestions to the House. He will pardon me, I hope, if I say that he made one statement that does not do honor to his argument. He appeals to this House to strike out one appropriation in order that you may put it somewhere else where you may be especially interested.

Let me say to you, gentlemen, that each case which comes to you should be considered on its own merits. If this pay is too high, it ought to be reduced. If this pay is only fair, you ought not to take away from and cripple one branch of the service in order to give it somewhere else where you think possibly you are more interested.

Now, gentlemen, this question of railway mail pay is the most interesting and most difficult problem that the Committee on the Post-Office and Post-Roads has to meet in the consideration of this bill. The trouble about it is that very few men will come to the consideration of it freed from prejudice for or against the railroads or freed from improper assumptions.

My friend from Michigan [Mr. SAMUEL W. SMITH] bases an entire argument upon this proposition—that the railway postal car earns so much carrying 7,000 pounds of mail, when the actual fact has been proven to be that the railway postal car does not carry that amount of mail. But the gentleman says if it carries more you earn so much more. The fact is that it does not carry that much, and does carry very much less, the average weight of mail carried being about two tons.

This commission that the gentleman has spoken of consisted of men who were among the ablest men in this House and the other.

I think you will all agree with me that it would have been hard to select a body of men fairer than those gentlemen. They investigated this subject for some time—something like two years. They employed the most eminent statistician in the United States to go through the testimony submitted and report to them upon it, and I want this House to remember this——

Mr. SAMUEL W. SMITH. Will the gentleman yield to me for a question?

Mr. COWHERD. Let me finish this statement.

I want the House to remember that only one gentleman, practically, reported in favor of reduction, and he only 5 per cent in a bill of over $40,000,000. The statistician on whose figures even that low estimate was made himself stated over and over again that he would not be in favor of any reduction unless you could introduce certain economies in the carrying of the mail, which consisted in the bunching of the mail on particular trains; instead of carrying it, for instance, from New York to Philadelphia on something like a hundred and forty trains, carrying it only on a few trains, which of course would result in much retarding of the mails to the people of the country, and which, I submit to you gentlemen, would result in such damage to the business interests of the country that you could not afford to support the proposition for a moment. Mind you, he said that unless you could put these economies into practice he would recommend no reduction; and all of these men reported—all, I think, excepting Mr. Fleming—after two years' investigation, that we ought not to reduce the price paid to the railroads for carrying the mails.

Mr. SAMUEL W. SMITH. Did ex-Senator Chandler report that way?

Mr. COWHERD. As I remember it, all except Mr. Fleming.

Mr. SAMUEL W. SMITH. Is it not also true that the chairman of the commission, after employing that able statistician, Prof. Henry Adams, did not follow his judgment?

Mr. COWHERD. Except upon this: Professor Adams thought if you could introduce this amendment in the service, that you could introduce economies by bunching the mail; that you would not send it out as you do now—practically every fast passenger train with a mail car—but instead that you would only send out one, two, or three cars between the great cities.

There is no gentleman sitting here as a Representative upon the floor of this House that would permit such a thing to be done where you have twenty or thirty trains a day—cut off the mail cars and give the people their mail but once or twice in a day—and you know it; and yet it was said that unless you could introduce these economies in the service the rate ought not to be reduced. Professor Adams himself said—and I have here the statement made by Secretary Moody upon this subject, in which he quotes Professor Adams's opinion—that unless you could introduce these economies, in his opinion, that the pay ought not to be reduced. Now, of course, gentlemen, it is a different proposition——

Mr. HUGHES of New Jersey. Is it true, as has been stated, that the rate of pay for carrying the mail has been the same since 1873?

Mr. COWHERD. Well, I am coming to that. It is true, in fact, and yet that mere statement carries a false impression.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COWHERD. Mr. Chairman, I ask unanimous consent that I may have as much time as the gentleman from Michigan had.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time may be extended for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BAKER. Mr. Chairman, before the gentleman proceeds, will he yield to a question?

Mr. COWHERD. Well, yes; I yield.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. COWHERD. Yes; I yield.

Mr. BAKER. The gentleman stated in his opening remarks

that many men approached this question prejudiced against the railroads. Does the gentleman maintain that the men who have railroad passes in their pockets are not prejudiced in favor of the railroads? [Derisive laughter.]

Mr. COWHERD. "The gentleman" does not contend that, but "the gentleman from Missouri" is willing to risk before this House, on a record of seven years' service, whether or not he has been unduly prejudiced in favor of railroads [applause], and he is willing further——

Mr. BAKER. Will the gentleman yield——

Mr. COWHERD. No; I do not yield. I am going on now. He is willing further——

Mr. BAKER. Nobody believes that the gentleman from Missouri can be thus influenced.

The CHAIRMAN. The gentleman from New York is out of order, and the gentleman has transgressed the rules of orderly procedure of the House of Representatives.

Mr. BAKER. I want to call the attention——

The CHAIRMAN. The gentleman is still out of order. The gentleman from New York [Mr. BAKER] has again transgressed the rules of orderly procedure of the House of Representatives. The gentleman from Missouri will proceed.

Mr. COWHERD. Now, gentlemen, this matter, as I stated, ought to be considered on its merits and not on a question of prejudice for or against the railroads. The gentleman from New Jersey has asked: "Was the statement of the gentleman from Michigan true that the law had not been changed reducing pay?" Now, the fact is that the law is self-operating. The law was passed in 1873, amended afterwards by a 10 per cent reduction, and afterwards 5 per cent, so there is 14½ per cent reduction. But the law provides that a railroad carrying an average of 200 pounds of mail over its entire length shall receive $42.75 per mile per annum. That railroad earns $1.17 per ton per mile for carrying the mails, but if the next year that railroad gets to a point where it carries a ton of mail every day over its line, that same railroad earns only 35 cents per ton per mile, and when it gets to the point where it carries 300,000 pounds of mail daily per mile, average weight, over its entire length, no matter how many trains it is carried on, it drops down to a point where it earns only 6 cents per ton per mile. So you see the law itself continually reduces the pay for carrying the mails.

So much has it reduced it that during the time that the gentleman speaks of, while the percentage of reduction of pay for carrying passengers is 21 per cent and the cost of carrying freight has been reduced 44 per cent, the cost of carrying the mails has been reduced 39 per cent. Now, of course the increase of mails has been more, as a matter of fact, than the increase in freight proportionately, but the fact is that as freight increases the economies in the carrying business increase also. The improvement in the service reduces the cost of carrying, but the improvements in the mail service are along the line of increase in the cost of carrying the mails. The gentleman from Minnesota [Mr. TAWNEY] talked about the old cars in the service. To-day we are demanding in the mail service a car that weighs from 60,000 to 100,000 pounds. We put into that car an average load of only 2 tons—4,000 pounds. They put a freight car on that weighs 30,000 pounds and put 25,000 pounds of freight on it—1 pound of paying weight to 1⅕ of dead weight in the freight service, while in the mail service you have 20 of dead weight to 1 of paying weight.

Mr. HUGHES of New Jersey. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from New Jersey?

Mr. COWHERD. Yes.

Mr. HUGHES of New Jersey. Before getting away from that question——

Several MEMBERS. A little louder.

Mr. HUGHES of New Jersey. Before you get away from the question of the automatic reduction of the rate I would like to know if the law of 1873 or 1878 provided for that automatic reduction?

Mr. COWHERD. Certainly.

Mr. HUGHES of New Jersey. Then there has never been any change in the law?

Mr. COWHERD. There has been no change in the law, but there has been a reduction in the rates of carrying the mail 39 per cent under that law itself. Mr. W. H. Moody, the present Secretary of the Navy, and who I believe the membership of this House will join with me in saying was not only an exceedingly able but a very impartial investigator and a man of unquestioned integrity, after investigating this question thoroughly, stated in the report as his judgment that the pay for the carrying of mails was less than the railroads were earning proportionately to the service rendered for carrying freight or for carrying passengers or for carrying express.

Now, gentlemen, I want to call your attention to another proposition.

Mr. HITCHCOCK. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Nebraska?

Mr. COWHERD. Yes.

Mr. HITCHCOCK. Before the gentleman leaves that point, I want to call his attention to the fact, which is true out in the West at least, that there is a great deal of strife between the railroads as to which one shall be allowed the mail-carrying contract. I would like to ask him how he reconciles that fact with the statement that the rate they receive for carrying the mails is less than the rate received on other kinds of goods?

Mr. COWHERD. Mr. Moody stated, and I believe it to be true—that is, it meets with my judgment—that if you absolutely refused to pay the railroads of the United States a dollar they would carry the mails anyhow, and would have to carry them. They would have to carry them because the business of the country could not go on without it; the freight business could not go on without it: the passenger business could not go on without it; the express business could not go on without it; and if you absolutely wiped out all pay, Mr. Moody says, in his judgment, and I agree with him, that the railroads of the United States would in some way have to carry the mails and get their pay for it out of the other business that they do. It would go back onto the people, and the only difference would be that you would not appropriate for it here.

Mr. HITCHCOCK. Will not the gentleman answer the question? I am only asking for information.

Mr. COWHERD. I think I did answer the question. I said that the railroads are anxious for the service because it is necessary to their business. I will answer it further, although the gentleman knows that my time is restricted. It is a great advertisement to the railroads to carry through continental mail, the fast mail, and they compete for it. In addition to that, they are running a fast train anyhow, and this means only one other car that is to be put on. Considered in connection with their total receipts, this is not such a great matter to the railroads, constituting only about 3 per cent of their receipts. So if it is not a question of making fair pay, if it is not a question of giving a fair pay for a fair service rendered, but a question of how cheap you can get it, I admit that you can get it cheaper. In my opinion you can get it very much cheaper. But the question is, if the railroads now are carrying it at a fair price, and you put a price that is unfair, will they not put the burden back on the people anyhow by simply making up the deficit in some other branch of the service?

I was going to call the attention of the House to this proposition. The pay for a postal car is only a part of the pay for inland transportation on railroad routes. If this was all in one item, reading $45,000,000, it would be practically the same as it is in the different items, and I agree with the gentleman from Michigan in that contention. But I want to say, gentlemen, when you talk about pay for postal cars being the value of the car or half the value of it, it carries no meaning whatever. You do not pay for the postal car to carry the mails. You pay for a post-office set on wheels, equipped with everything possible to make comfortable and useful the service of the man therein, and you pay for transporting that car across the roads of the country at the fastest speed possible to steam under modern conditions. That is what you pay for; it is not for the car.

The railroads said in the hearing before the Commission that if you would let them carry the mails as they carry freight, and fast freight at that, they would carry it for 10 per cent of the amount in this bill. So I want to call your attention to the fact that of this $45,000,000 you are appropriating, practically $40,000,000 of it is for expedition of the mails. If you simply want the mails carried as freight, if you simply want them carried in a car, held until you get a car full, taken on a train running 15 or 20 miles an hour, you can get the service done for five or six million dollars; but we have developed a system, gentlemen, through the years which makes every one of these cars a traveling post-office.

Thirty or forty years ago you took the mail at New York and put it in a car, loaded it in, and it wasn't touched until it got to the next city, Albany or Buffalo, and there it was taken out and redistributed, loaded on again, and sent to Chicago and redistributed there, and at that rate it would take two or three weeks to get a letter to San Francisco. Now, from the minute the car starts from New York there are men handling the mail, which averages only about 2 tons, for they have to have the racks and bags and the cases for separating the mail, and they are handling it every minute and every hour from the time it leaves until it gets to San Francisco, and that is the service you are paying for.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. OVERSTREET. Would the gentleman like any further time?

Mr. COWHERD. I would like to answer the question that my friend has asked me.

Mr. OVERSTREET. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks that the time of the gentleman from Missouri be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SAMUEL W. SMITH. The gentleman from Missouri [Mr. COWHERD] has described what we pay for when we pay for a car. I will ask what we pay for when we pay for weight in addition thereto?

Mr. COWHERD. Mr. Chairman, I have said to the gentleman from Michigan [Mr. SAMUEL W. SMITH] that these two items added together constitute the railway mail pay, and that you must add them together in order to find out how much we pay for carrying the mails. I want to say that much of what I may have said was taken from the remarks of the gentleman from California, Mr. Loud, and the gentleman from Massachusetts, Mr. Moody, in the argument of this question before the House a few years ago. Mr. Moody illustrated it remarkably well when he said that if you get in a car to go from here to Boston you can pay whatever the price may be of the ticket and take your seat in the car and go through; but if you want to sleep, or if you want to work, you rent a stateroom and pay two or three times as much for it. That is what we do in carrying the mails. We pay for space, although the measure of the pay is on a basis of weight.

Mr. STANLEY. Mr. Chairman, I am very much interested in what the gentleman is saying, but he has made the remark here that the privilege of carrying the mails is of material benefit to the railroads. Now, can not that be fairly taken into consideration. In addition to that, as I understand it, a train is made up and this is simply an additional car that has to be taken into consideration.

Mr. COWHERD. Mr. Chairman, I believe that has been taken into consideration.

Mr. STANLEY. There is one other question.

Mr. COWHERD. Let me answer that. As a matter of fact, this commission found that although express companies had been cited for years as carrying packages very much more cheaply and getting the service from the railroad very much more cheaply than the Government, it was found that express companies were paying more to the railroads than the Government, that they were paying from 40 to 50 per cent of their gross receipts and then doing a lot of reciprocal service besides.

We found in addition to that, as I have said, that the passenger rates, except in certain cases immediately contiguous to large cities, where there are commutation tickets and where the trains go out and come back just at certain hours and loaded down, were much higher than the mail rate paid by the Government. That commission reported that for the service rendered the Government obtained a better contract and a better bargain than the passenger, the shipper of freight, or the shipper of express, and that the Government also got a better bargain than did the people of other countries where the conditions were such as to admit of comparison.

Mr. STANLEY. I would like to ask the gentleman another question—not in the way of contention, but for information, because I am very much interested in the able speech that he has made. In making up the calculation as to what was a fair recompense to the railroads, was it made by a comparison of freight rates and passenger rates or by an estimated amount of capital invested and the amount of money earned on that investment?

Mr. COWHERD. Mr. Chairman, no man has been able to say, either in the Government service or the railroad service or elsewhere, just what it costs the railroad to carry freight, what it costs the railroad to carry mail, or passengers, or express, and no man has been able to say what proportion of the cost of maintaining and operating a railroad should be charged up to any one of these items. For that reason nobody can say, either in the railroad service or out, exactly what the price ought to be for carrying any one particular part of the business. The comparison was made with all the business, and it was in comparison with that business, in comparison with the rates paid by foreign countries, that the commission, as I understand it, reported that the pay should not be reduced.

Mr. OVERSTREET. Mr. Chairman, I think the committee is ready to vote down the amendment, and I move that all debate on the pending amendment be now closed.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana that debate on the pending amendment be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Michigan.

Mr. SAMUEL W. SMITH. Mr. Chairman, I would like to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SAMUEL W. SMITH) there were—ayes 43, noes 71.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the last amendment insert:

"*Provided further*, That none of the sum herein appropriated shall be expended unless the annual sum paid for the service of any postal car shall not exceed 50 per cent of the cost of manufacturing the same."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that for the same reasons that I stated a moment ago.

The CHAIRMAN. The amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] proposes to place a limitation upon the annual expenditures for this purpose in the bill. On reading the sections in the Revised Statutes—section 3397 to section 4005—it does not appear to the Chair that this amendment would be anything further than such a limitation as should be referred to the discretion of the committee. The Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I should like to say a few words on this amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from Missouri [Mr. COWHERD] has just said that any compensation upon a percentage-of-cost rate is not founded upon a proper idea, because he says that these are not mere postal cars, but are "traveling post-offices." Now, I do not see what that has to do with this question. I do not care whether you call them traveling post-offices or postal cars. Here is a thing for the use of which the Government is paying; here is a thing which costs so much, whatever it may be; and, after all, there is this to be considered: "What is a fair return upon the investment?" Will 50 per cent pay for keeping the thing, whatever you call it, in repair and pay for depreciation and yield a fair return on the investment to the people who own the thing and rent it to the Government of the United States?

The gentleman says, and says very truly, too, that while the mail is in this car it does not go as freight does, but that it is being separated all the time. But the people who rent us this car are not separating the mail; we, through our officers, are separating it. All the labor cost falls on us.

The gentleman says that because the mail is to be separated there must be free space to work in, and less weight can be carried upon the car. That is absolutely true, but that does not go to this question at all. We pay the railroad company by weight outside of this postal-car rental. In addition to that we pay them for the use of this car. And after you are through with everything that can be said, this remains as the test of what you shall pay, what is a fair return to be paid to the people who give us the use of this car or traveling post-office, or whatever it may be, to keep it up and repair it, meet depreciation, and to pay a fair interest upon the thing itself?

Now, I say that 50 per cent of the cost of constructing the postal car will pay all that is necessary to repair it during the year, to keep it in running order, to work it, and pay all the balance of expenses, including depreciation, and at the same time will return something like 20—perhaps nearer 40—per cent per annum interest, dividend, net rent, or whatever you call it, perhaps more.

I had almost forgotten to refer to one other point. The gentleman says, and says truly, too—I agree with him and I agree with what Secretary Moody said when a Member of this House—that if these railroad companies were paid nothing for carrying the mail they would still be amply paid, because their pay would come in indirect benefit to them in their other carrying business—freight, express, and passenger. They could not carry on either without carrying on the business of carrying letters and other mail at that same time.

Mr. OVERSTREET. Mr. Chairman, it would be quite an easy matter for Congress to withhold all appropriations for th se postal facilities. But if the service is to be properly administered and the public afforded the use of those facilities for the prompt dispatch and receipt of mail matter, then we should not be led astray too easily by the claim that some railroad company is receiving an exorbitant pay. A very able commission appointed by Congress in very recent years had before it this entire subject-

matter, and after a very thorough and careful investigation made such a report upon it that Congress did not undertake to consider even the advisability of reducing these rates.

I wish to call the attention of the committee to the personnel of that Commission. Such Senators as Senator ALLISON, Senator Wolcott, Senator Chandler, Senator MARTIN, and such Members of the House as Mr. Loud, Mr. Moody, Mr. Fleming, and Mr. Catchings composed that Commission, which, after many months of investigation, made a report to Congress in many volumes, and declared, with no dissenting voice except that of Mr. Fleming, that they would not recommend any reduction in these rates.

What is this appropriation now before the committee? It is, as my friend from Mississippi says, for the rent of post-office cars. Not at all. It is for the use of traveling post-offices—not cars costing a few thousand dollars, standing upon a lot, to be occupied by some individual——

Mr. WILLIAMS of Mississippi rose.

Mr. OVERSTREET. I will yield in a moment—but cars for the use of the Post-Office Department, cars traveling from one end of the line to the other, under the same protection of the laws, subject to the same rules, which govern our post-offices in this country. Now I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. Is not an annual payment for the use of anything a rental of the thing, no matter what the thing is?

Mr. OVERSTREET. Not necessarily, by any means.

Mr. WILLIAMS of Mississippi. What would you call it?

Mr. OVERSTREET. I do not want to discuss the definition of the word "rental." I am quite content that Members should understand, as I believe they do, what this appropriation is for. Now, what does it amount to? It amounts in round numbers to about 4 cents per mile traveled for the use of these cars. These cars not only carry that mail for which they are paid by weight, but they carry the equipment, the opportunities for the services of the post-office clerks, and the railroad companies keep all the equipment and the cars in repair.

Gentlemen, does the Pullman Car Company pay railroads for hauling its cars? Not at all. The railroad companies pay the Pullman Company at the rate of about 2 cents a mile traveled for the privilege of hauling its cars for the accommodation of the public, and the Pullman Car Company maintains its own repairs to cars. Under this appropriation you pay just about what is equal to double pay by weight for the post-office cars. That is to say, mail carried upon a full railway postal car, such as is provided for in this appropriation, pays about twice as much as mail not carried in a railway postal car, because the accommodations which the company give to the railway postal clerks, the equipment which they provide for the quick distribution of the mail in transit in order that it may be quickly delivered to the persons to whom it is sent, require more care and more space than the cars where there is not a full crew for distribution, as there is in a railway postal car.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. OVERSTREET. I move to close debate upon the pending amendment.

The CHAIRMAN. The gentleman from Indiana moves to close debate on the pending amendment.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question being taken, on a division (demanded by Mr. WILLIAMS of Mississippi) there were—ayes 46, noes 71.

Mr. WILLIAMS of Mississippi. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. OVERSTREET and Mr. WILLIAMS of Mississippi.

The committee again divided; and the tellers reported—ayes 59, noes 80.

Accordingly the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I have an amendment following the amendment which was adopted a short time ago.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment already adopted the following:

"*And provided further*, That no part of said appropriation shall be expended after January 1, 1905, for the use of any new cars in the railway postal service that have not been constructed wholly from steel, or steel and wood, and constructed under rules and regulations prescribed by the Postmaster-General."

Mr. OVERSTREET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Indiana will state it.

Mr. OVERSTREET. I want to know what effect this amendment will have upon the amendment last adopted. If this amendment should be voted down, will it carry out of the bill the other amendment which was offered by the gentleman from Minnesota, or will it affect it in any way? It seems in part to modify the former amendment.

Mr. TAWNEY. Not in the least. This relates to cars to be hereafter employed—new cars; the other relates to cars now in the service.

Mr. CLARK. Mr. Chairman, we should like to have that amendment reported again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment offered by the gentleman from Minnesota.

The amendment of Mr. TAWNEY was again read.

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order upon that amendment.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. COWHERD. May I ask the gentleman a question?

Mr. TAWNEY. Yes.

Mr. COWHERD. Would it not be better to amend that amendment by striking out the words "steel, or steel and wood?" There may be some material better than either; and I am informed that the Second Assistant Postmaster-General now has before him some plans lately prepared by some of the master builders.

Mr. TAWNEY. I would say, Mr. Chairman, that the Second Assistant Postmaster-General informed me this week that they now have in course of construction two steel cars. The master builders, however, who recently met in Chicago for the purpose of considering this matter of car construction, especially with reference to the Railway Mail Service, were of the opinion that possibly, on account of the noise incident to steel construction, that kind of car might not be adapted to the service, and that they could build a car of steel and wood that would give it the requisite strength and at the same time afford every facility for the railway postal clerk to perform his duties without the annoyance of the noise incident to a solid steel car.

I notice in his report to Congress he makes substantially the same suggestion. Now, the purpose of this amendment is simply to fortify the Department in what it is now doing, and relates wholly to new cars put into the service after January 1.

Mr. OVERSTREET. Will the gentleman yield to a question?

Mr. TAWNEY. Certainly.

Mr. OVERSTREET. I want to inquire of the gentleman from Minnesota if he believes that should his amendment prevail that the cost of the construction of cars of steel, and steel and wood, in line with his amendment, would not necessarily be increased because of the larger cost of construction?

Mr TAWNEY. I do not know whether or not it would be used by the railroad companies as a reason for demanding a higher rate of pay for the use of the cars handling the mail. I do know this, the Department now has under construction, or they have adopted plans and the cars are in process of construction, two steel cars. I take it that this matter of cost——

Mr. WILLIAMS of Mississippi. Who has them under construction?

Mr. TAWNEY. The Department has approved the plans and they are being constructed by some car company.

Mr. WILLIAMS of Mississippi. I thought you said the Government was having them constructed?

Mr. TAWNEY. Oh, no.

Mr. OVERSTREET. It would no doubt result in certain changes of the regulations relative to the cars if they were to be built only of steel or steel and wood.

Mr. TAWNEY. I will say that, under my amendment, they are to be built under rules and regulations prescribed by the Department.

Mr. LACEY. Will the gentleman permit me to ask him a question?

Mr. TAWNEY. Certainly.

Mr. LACEY. How many of these postal cars does the Government now use?

Mr. TAWNEY. About 1,000.

Mr. LACEY. It would require the Department to entirely replaces the cars now in the service between now and the 1st of January.

Mr. TAWNEY. It does not replace a single car that is in the service to-day; the amendment relates only to new cars hereafter used in the service.

Mr. LACEY. It is only the new cars?

Mr. TAWNEY. It only applies to the new cars.

Mr. WILLIAMS of Mississippi. I desire to ask the gentleman from Minnesota, from our experience as legislators here, does not the gentleman think that it would only result in the railroad people coming to Congress and demanding an increased rental?

Mr. TAWNEY. Well, I do not know whether they would demand increased rental or not, but if they do is that any reason why we should not insist upon the best cars?

Mr. WILLIAMS of Mississippi. Give us your opinion.

Mr. TAWNEY. Well, I will say to the gentleman from Mississippi my own opinion is that a car built partially of steel and partially of wood will not cost a great deal more than the same character of cars that are now being built.

Mr. CLARK. I want to ask the gentleman a question with respect to these cars that have been ordered to be constructed. Is there any use to be made of the Pullman patent in that matter?

Mr. TAWNEY. That I can not answer, but I imagine not.

Mr. CLARK. If they advise the steel postal cars, is their construction to be left open to all the car builders of the country?

Mr. TAWNEY. I presume so, just as it is now. I will read what the Second Assistant Postmaster-General said:

In order that a more thorough investigation as to the latest and best construction, approved by master car builders and others, might be made, I directed the General Superintendent Railway Mail Service to secure, through the several division superintendents, the latest information and suggestions obtainable, with a view to still further improvements in the line of construction. The question as to whether all-steel cars would be preferable to cars constructed of wood and steel is being considered. Thus far the consensus of opinion is in favor of the combination wood and steel as against the all-steel construction. I refer to this subject only to show that this office is giving the matter the most careful consideration possible.

This amendment is for the purpose of fortifying the Department and giving the railroad companies to understand what the sentiment of Congress is in respect to the matter of better construction and strength of the car on which the postal clerks are employed.

Mr. OVERSTREET. I should be glad to have a ruling on the point of order.

Mr. TAWNEY. If the gentleman desires to discuss the point of order——

Mr. OVERSTREET. Why, the gentleman from Minnesota, Mr. Chairman, admits that if this amendment should prevail it would necessitate changes in the regulations of the Department in order to conform to the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OVERSTREET. Mr. Chairman, I now ask to return to lines 4, 5, and 6, in order that the gentleman from New Jersey may offer an amendment which he had not prepared at that time. That was to be done when line 21 was passed.

The CHAIRMAN. The committee will now return to the paragraph ending at line 6, page 15, to permit the gentleman from New Jersey to offer an amendment.

Mr. OVERSTREET. I understand the gentleman will wish to withdraw his former amendment.

Mr. HUGHES of New Jersey. I withdraw it with the understanding that the point of order would not be raised to the amendment that I am to offer.

The CHAIRMAN. Without objection, the gentleman from New Jersey will withdraw his amendment.

Mr. HUGHES of New Jersey. I withdraw the former amendment, and offer the amendment here as an amendment in lieu of that which I have withdrawn.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 6, insert:

"*Provided*, That hereafter no contract shall be entered into by the Post-Office Department for purchase of material or supplies to be manufactured by convict labor."

Mr. OVERSTREET. I have no objection to that.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Railway Mail Service: One general superintendent, at $4,000; 1 assistant general superintendent, at $3,500; 1 chief clerk, office of general superintendent, at $2,000; 1 assistant chief clerk, office of general superintendent, at $1,800; 11 division superintendents, at $3,000 each; 11 assistant division superintendents, at $1,800 each; 5 assistant superintendents, at $1,800 each; 23 assistant superintendents, at $1,600 each; 125 chief clerks, at $1,600 each; 247 clerks, class 6, at not exceeding $1,500 each; 1,216 clerks, class 5, at not exceeding $1,400 each; 517 clerks, class 5, at not exceeding $1,300 each; 1,691 clerks, class 4, at not exceeding $1,200 each; 1,518 clerks, class 4, at not exceeding $1,100 each; 4,131 clerks, class 3, at not exceeding $1,000 each; 1,983 clerks, class 2, at not exceeding $900 each; 789 clerks, class 1, at not exceeding $800 each; in all, $12,951,210. And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. LIVINGSTON. Mr. Chairman, for the purpose of eliciting some information from the chairman of the committee in regard to this section now under consideration, I send to the Clerk's desk, to be read in my time, an editorial from the Atlanta News.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to have read in his time——

Mr. LIVINGSTON. Mr. Chairman, I do not ask unanimous consent. I ask it in my right.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word and asks to have a newspaper article read in his time in the debate on that motion.

The Clerk read as follows:

RAILWAY MAIL FACILITIES.

On yesterday a dozen railway postal clerks might have been seen busily engaged assorting a carload of delayed mail under the Whitehall viaduct, which by right should have been on its way throughout Georgia, Alabama, and other Southern States at least twenty-four hours before.

These men were working with energy, but were making a futile fight against time. The people along the lines of railroads where this mail should have been many hours earlier were waiting impatiently, but in vain.

We are informed that many of these clerks had just reached the city after a hard and severe journey, and by reason of this accumulated mail were compelled to work at least five or six hours overtime.

The only excuse for this condition of affairs, it seems, is the totally inadequate number of railway mail clerks employed to carry on the vast volume of business committed to their charge. Not only newspapers, but letters in great numbers were congested at this point, and subscribers were compelled to wait until their papers were a day old before getting the news, while their letters were causelessly delayed for twenty-four hours.

We have no desire to be captious and critical in the matter, but it does seem that when the limited facilities for handling the mails are confessedly the cause of this congestion and delay, which has occurred not only once, but many times, it is plainly the duty of the Railway Mail Service to increase its force of postal clerks and give the people the service they demand and to which they are justly entitled. It is vexatious and embarrassing in the highest degree to be forced thus to wait for hours, and, as in this instance, a full day, longer than necessary to get one's mail. It is not only productive of impatience, but frequently results in actual monetary loss.

This great and growing center of distribution is entitled to an up-to-date service in everything. Surely the Government of the United States, least of all, should not be behindhand, and it is hoped, in the interest of the overworked clerks and the disappointed public, that these facilities will be promptly and adequately increased.

Mr. LIVINGSTON. Mr. Chairman, I want to ask the gentleman in charge of the bill, if I can secure his attention for a moment, if there is any provision in this bill for increase of railway mail clerks?

Mr. OVERSTREET. Oh, yes, about 1,000 increase.

Mr. LIVINGSTON. Now, will that avoid a congestion similar to the one we have just heard read?

Mr. OVERSTREET. Well, we hope that it will. Of course we can not foresee what congestions in the mail by reason of the increased volume in business that year will be. We have asked for a thousand, undertaking with reasonable accuracy to meet that condition.

Mr. LIVINGSTON. One other question. May that congestion occur for the want of proper distribution of these clerks on different lines of roads, and can the fault be found in the Post-Office Department?

Mr. OVERSTREET. Well, that I do not know. I am inclined to think that the administration of the Railway Mail Service is very able.

Mr. LIVINGSTON. Then there is a desperate want that ought to be met.

Mr. OVERSTREET. I do not know anything about that particular instance. I do not know the locality of it and I do not know what the conditions are. These things arise occasionally. We have provided in this bill for a temporary service. It is a new item and I think will in a large measure meet the situation. The gentleman will appreciate how difficult it is——

Mr. LIVINGSTON. I understand it.

Mr. OVERSTREET (continuing). To distribute the clerks according to grades. We, therefore, suggest for the first time an appropriation of $50,000 for temporary clerks which may be used, or, in other words, an appropriation which may be drawn, to meet a temporary emergency which sometimes occurs most unexpectedly.

Mr. LIVINGSTON. Now, then, do I understand that temporary clerks go out, for instance, from a city like Chicago and meet trains——

Mr. OVERSTREET. In any way to meet emergencies that may arise.

Mr. MANN. Mr. Chairman, I rise to oppose the motion of the gentleman from Georgia, to strike out the last word, and I would like to ask——

Mr. LIVINGSTON. I withdraw the amendment.

Mr. MANN. You can not withdraw it without consent, and I object.

The CHAIRMAN. The gentleman from Georgia withdraws the amendment——

Mr. MANN. I object. I oppose it. May I ask the gentleman if the last sentence of this paragraph is a new proposition or has it been in the appropriation bill heretofore?

Mr. OVERSTREET. No; for this reason, as I will explain. It has been in other bills, and the purpose of it is this: The appropriation for the various numbers of clerks of respective grades which the committee has just heard read is for use during the year. All of them would not be appointed on the 1st day of July. The appropriation would not be sufficient to appoint all of the clerks suggested in this bill on the 1st day of July for service during the entire twelve months.

Mr. MANN. That sentence does not help that out.

Mr. OVERSTREET. That sentence helps it out to this extent, that the clerks designated thereunder shall be made during the fiscal year so as not to involve a greater aggregate expenditure than this sum. For example——

Mr. MANN. Would the gentleman claim that under that sen-

tence the Department could employ more clerks of a particular class than the appropriation itself authorized?

Mr. OVERSTREET. No; it does not.

Mr. MANN. Then how does it help it out?

Mr. OVERSTREET. It helps in this way: They may need, for instance, a larger number of clerks of the nine-hundred, ten-hundred, or eleven-hundred dollar grades throughout a greater portion of the year than they will need clerks of twelve hundred dollars, fourteen hundred dollars, or sixteen hundred dollars.

Mr. MANN. Then they can not appoint any more of the twelve-hundred-dollar-grade clerks than are carried in the act.

Mr. OVERSTREET. No; but if the gentleman will take his pencil and paper and calculate the exact number of all the clerks of all these grades for all the year, it will make a larger amount than is carried in the item, and the purpose of the closing language of that section is simply to guard against a larger expenditure during the entire year than the total appropriation.

Mr. MANN. Well, the gentleman knows that they have no authority under the law to spend any more money than is appropriated.

Mr. OVERSTREET. I fear I fail to make myself clear.

Mr. MANN. No; I understand what the gentleman says.

Mr. OVERSTREET. Not if you are in doubt about it, because I am not in doubt about it.

Mr. MANN. Well, it may be a difference in judgment.

Mr. OVERSTREET. I think it is a difference of understanding of the facts. What I mean is this: That the bill carries authority for the use of so many clerks of so many grades, and they can not use any more clerks of the respective grades than we provide in the bill; but because all of the clerks of all of the grades will not be used for all of the year, they make a less appropriation than would be the case if all of the clerks were used all of the year.

Mr. MANN. But they can not use all of the clerks for all of the year.

Mr. OVERSTREET. No; they can not, and that is what I mean.

Mr. MANN. The gentleman from Georgia just gave an instance. There is not a single Department of the Government that does not come in with a deficiency item and get a deficiency appropriation. Here is a branch of the service that is growing. The fourth-class postmasters get a deficiency, the rural free delivery has always got a deficiency appropriation since it started, and most all other branches of the service get a deficiency appropriation. Here is a provision that no matter how fast the postal service grows you can not have a deficiency appropriation.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last two words, to ask the gentleman from Indiana a question. How many railway postal clerks does the Department recommend?

Mr. OVERSTREET. The Department recommended about fifteen hundred, and at the same time asked of the Appropriations Committee of the House for authority to employ during the present fiscal year 300. They asked that 300 be distributed through certain grades, but Congress ultimately granted authority for them to employ an additional 300 during the present fiscal year of the lower grades. They stated they had money enough. Now, if you take the 300 which have been authorized since their recommendation of fifteen hundred from their estimate, it leaves about twelve hundred, and the committee gives them 912.

Mr. TAWNEY. The figures furnished me by those familiar with the service shows that the clerks asked for for the fiscal year 1904–5 were 12,740. Those allowed by the pending bill amount to 12,098; so, according to that, you have given the railway postal service 642 less clerks than the Department has asked for.

Mr. OVERSTREET. I repudiate that information. We get our information from General Shallenberger and Mr. Stone, his efficient chief clerk.

Mr. TAWNEY. The Department makes the same analysis of the pending bill and recommendations I have just stated, that the committee has given to the railway postal service about 640 men less than the Department asked for.

The Clerk, proceeding with the reading of the bill, read as follows:

For acting clerks, in place of clerks injured while on duty, and to enable the Postmaster-General to pay the sum of $1,000, which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty or who, being injured while on duty, shall die within one year thereafter as the result of such injury, $110,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "deceased," in line 14, page 17, insert the following: "to the widow and children of the deceased, and in case there is no surviving widow or children, then."

Mr. OVERSTREET. Mr. Chairman, I make the point of order to that.

Mr. TAWNEY. The point of order, if one would lie at all, would lie to the whole paragraph.

Mr. OVERSTREET. If the gentleman wants to take it all out, take it out.

Mr. TAWNEY. It is too late to take it out now. I would say, Mr. Chairman, the amendment proposes to give this benefit of $1,000 directly to the widow and children of the deceased railway postal clerk. As the bill is drawn, that $1,000 goes to the legal representatives of the deceased clerk, exempt from the payment of debts or liabilities he may have at the time of his death.

Every man knows that a postal clerk killed in the service, or if he dies from injuries received in the service within the limit of time fixed by this bill, who leaves a widow and children, are necessarily the very ones that the Congress of the United States intended should be the beneficiaries of the appropriation, and not the legal representatives. It would go in this case to the executor or administrator in the first instance, and would then be distributed to the widow and children, if there are any.

Mr. OVERSTREET. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. I made a point of order, and I hope the gentleman will address his remarks to the point of order.

The CHAIRMAN. The gentleman from Minnesota will confine himself to the point of order.

Mr. TAWNEY. I understood the gentleman to reserve the point of order.

The CHAIRMAN. No; the gentleman made the point of order.

Mr. TAWNEY. Mr. Chairman, I do not know on what ground the gentleman from Indiana bases his point of order, but I will say that the amendment which I proposed is merely to make more definite and certain the intention of the proposition which is contained in the bill.

It is not new legislation; it does not change existing law; it merely makes definite and certain that the amount which we propose as a benefit to the widow and children of the railway postal clerks shall go to them rather than to the legal representatives of the deceased, and in the event of there being no widow or children, then it goes as the committee here proposes. Now, it is merely an interpretation of what the committee itself proposes and is construing the real intent of the committee, which is vague and indefinite under the language of the committee. In other words the amendment perfects this paragraph of the bill. I do not know upon what ground the gentleman from Indiana [Mr. OVERSTREET] makes his point of order, but it seems to me that in view of the fact that it is a mere interpretation of the paragraph a mere carrying out or making definite and certain that which the Congress of the United States intends, it is not and can not be subject to a point of order.

Mr. OVERSTREET. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. I am afraid that if the point of order should be sustained, it would necessarily be sustained as to the whole paragraph, and I confess that I do not want to make so strong a point.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that there is no danger of that contingency arising, because the paragraph having been passed by unanimous consent, even though it were originally subject to the point of order, is now before the committee for perfection, and the Chair finds a long line of unanimous decisions to that effect. It does not become necessary for the Chairman to pass upon whether the amendment would have been obnoxious to the point of order if it had been made under other circumstances. The paragraph is before the committee for perfection. The Chair therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. OVERSTREET. Mr. Chairman, I suggest for the information of the committee that the Clerk again report the amendment.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. LIVINGSTON. Mr. Chairman, I would ask the gentleman from Indiana [Mr. OVERSTREET] if he will accept the language "legal heirs?" That covers the mother, wife, and children.

Mr. OVERSTREET. I do not know what the gentleman means by "legal heirs."

Mr. LIVINGSTON. I do not know what the gentleman means when he says "legal representatives."

Mr. OVERSTREET. The term "legal representatives" is different from the term "legal heirs."

Mr. TAWNEY. Mr. Chairman, I am perfectly willing to strike

out the words "legal representatives" and let the appropriation or benefit go to the widow and children alone, and if there is no widow or children, then the Government would not have anything to pay.

Mr. OVERSTREET. Mr. Chairman, this method of providing an appropriation of about $1,000 to railway postal clerks who lose their lives while on duty is an absolute gratuity on the part of the Government. It is in the nature of an insurance; it is in the nature of a gift, an extra amount in view of the hazardous condition of the service which they perform. The Government last year and the year before expended a limited sum in this method of expenditure. I am not questioning the wisdom nor the propriety of such an appropriation, but gentlemen must remember that the Government is entitled to some kind of a safeguard as to the manner of its expenditure. Are we, Mr. Chairman, in the expenditure of this sum to permit the governmental officers to pay the thousand dollars to the first individual who asks for payment? The method of payment to the legal representatives is simply for the purpose of safeguarding the interests of the Government and guaranteeing to the Government that it has paid the thousand dollars to somebody who is within reasonable touch of the representatives and the heirs of the deceased postal clerk.

Mr. THAYER. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. OVERSTREET. Yes.

Mr. THAYER. Would it not be far easier for one to ascertain who was the widow and children of a deceased man than to find who were his legal representatives?

Mr. OVERSTREET. How are we to determine that? Who is to decide who is the widow and the children—the Postmaster-General? Is he to organize a court of inquiry? We simply provide here, as the law has always provided, that upon presentation of letters of administration showing some officer of a court entitled to receive the money, that then the money will be paid to him, and then the identification of the widow or of the heirs of the deceased will be made. The State courts determine the heirship. They may identify in their own way who is the widow. The gentleman, I think, will agree with me that it is an unfair burden to put upon the Department to have it decide between contending claims of heirs. Different States have different laws regulating the method of identification and of heirship. Now, we seek to pay this money over to the nearest possible representatives of the deceased clerks, providing that it shall not be liable for their individual debts.

Therefore we simply limit it to the legal representatives. If the clerk has made a will under any State law and it has been filed or entered for probate, the money would be paid to the executor named in the will. If there is an administrator, it will be paid to him. The law of the State would control as to its distribution.

Mr. THAYER. If the deceased left only brothers or sisters, would you give the $1,000 to them?

Mr. OVERSTREET. If there were a dependent brother or sister or mother or father, I would say "yes." The very fact that we are making a gratuity here is enough to show that we are going to a considerable length and are taking some chances.

The only instance that has been called to my attention individually in the way of finding fault with this language was in a case where they did not want the money to go to the widow of the deceased clerk because he had been separated from her on account of the moral character of the woman. They did not want her to have the money. But is the Postmaster-General to sit in judgment as between the widow of a clerk who has been separated from him without divorce and the dependent sister or the dependent mother?

Gentlemen will see the many difficulties, and to what extent these difficulties will pile up. When you come to analyze the matter, the only safe or fair way is to pay the money to some legal representative.

Mr. TAWNEY. Suppose you paid the money to some legal representative, then if the deceased clerk leaves a widow (I care not how immoral she may be or whether she is living with him or not) would not that legal representative be obliged, under your own bill, when the estate of the deceased clerk is settled, to pay the money over to her?

Mr. OVERSTREET. The same thing is true under the language of the gentleman's own amendment. There is no difference.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, the amendment in the shape offered by the gentleman from Minnesota [Mr. TAWNEY] would lead to serious trouble. In almost all cases the legal administrator would divide the estate between the widow and the children. But the amendment of the gentleman from Minnesota merely says that the money shall be paid to the widow and children. In what proportion? Is the widow to get it all, or are the children to come in for a share? If we are to make provision for the payment of this $1,000, we must make it in proper legal shape.

I think the gentleman from Minnesota will agree with me that under the amendment in the shape in which he has offered it there is no certainty as to how this money shall go or how it will be divided. It is to be paid to the widow and children. In what proportion? In what manner? Who is to decide that question? What shall be done with respect to the minor children? Certainly the bill as offered by the committee, which sends the money to the legal representative, is in far better shape to accomplish even what the gentleman from Minnesota desires.

Mr. TAWNEY. Mr. Chairman, the difficulty suggested by the gentleman from Indiana, in ascertaining who the widow is, is answered entirely by the practice of the Pension Bureau of the Department of the Interior in the administration of the pension laws. When a pensioner dies the accrued pension is paid to the widow. There is never any difficulty about ascertaining who the widow is. Or, if there is a doubt about that, then in the settlement of the estate there is an adjudication as to who the widow and lawful heirs of the deceased are.

Now, it may be that the postal clerk leaves no estate whatever to be settled; it may be there is nothing except the $1,000 gratuity which the Government pays him. Are you going to deprive the widow and children of so much of this gratuity as may be necessary to administer the estate and pay the expenses of the probate court? The amendment I have offered would authorize the Postmaster-General to pay the amount to the widow and to the children direct.

Mr. OVERSTREET. Will the gentleman allow a question?

Mr. TAWNEY. Yes, sir.

Mr. OVERSTREET. Who would pay the expense on the part of the Government in ascertaining who the widow and the children were?

Mr. TAWNEY. Who pays the expense on the part of the Government in ascertaining who the widow of a deceased soldier is?

Mr. OVERSTREET. The Government pays it. Does the gentleman look upon this item as a civil-pension arrangement?

Mr. TAWNEY. It is practically upon the same line.

Mr. OVERSTREET. I think not.

Mr. TAWNEY. Practically on the same line. What else is it but a gratuity?

I insist, Mr. Chairman, that the amendment ought to be adopted; otherwise there will be an expense incurred in the administration of the estate. The widow may have two or three or four small children. Is this sum of $1,000 to be distributed among the minor children so that she gets no benefit from it, although she may be obliged to maintain and provide for those children until they are able to provide for themselves? The money in that case is paid over to the guardian of the children, and only the income derived from that money can be used for maintaining the children during the time of their minority.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the pending item and amendments thereto be now closed.

Mr. BREAZEALE. Mr. Chairman, before the gentleman does that, will he permit me to say a word on this subject?

Mr. OVERSTREET. On which side?

Mr. BREAZEALE. In favor of that proposition.

Mr. OVERSTREET. Then I think we had better go on. [Laughter.]

Mr. BREAZEALE. No one has said anything on this side.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the pending paragraph and amendments thereto be now closed.

Mr. GRIGGS. I hope the gentleman will withdraw that motion.

Mr. OVERSTREET. I move that all debate be closed in three minutes.

Mr. BUTLER of Pennsylvania. My colleague [Mr. KLINE] desires to speak. I ask him to make the time six minutes instead of three.

Mr. GRIGGS. Make it six.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. OVERSTREET. I move that in six minutes the debate on this paragraph and the amendments be closed, three minutes to go to the gentleman from Louisiana [Mr. BREAZEALE], two minutes to the gentleman from Pennsylvania [Mr. KLINE], and I will reserve one minute to myself.

The CHAIRMAN. The gentleman moves that all debate be closed in six minutes. Is there objection?

There was no objection.

Mr. BREAZEALE. Mr. Chairman, I want to say that under the civil law as it obtains in several of the States, and especially under the law of Louisiana, and as I am told by one of my friends here under the law of Texas also, under the present provisions of this bill this $1,000 would go to the forced heirs of the deceased clerk, and his widow would get nothing. His children, his

mother, or his father, and in default of them his collateral relations, would get it all and the widow would get nothing.

Mr. LACEY. Why don't you amend the laws of Texas and Louisiana, then?

Mr. BREAZEALE. I am speaking of the civil law of Louisiana and other States.

Mr. LACEY. I say, why don't you amend the laws of Louisiana?

Mr. BREAZEALE. We can not do that now. Hence I say the amendment of the gentleman from Minnesota [Mr. TAWNEY] should be agreed to, because it provides that some of this fund, which, as he says, is an insurance for the life of the postal clerk, shall go to the widow. That is all I have to say, and that is why I am in favor of this amendment.

Mr. KLINE. Mr. Chairman, I am opposed to the verbiage of the section in this bill between lines 11 and 18, both inclusive, on page 17, without an amendment. I am not opposed to the gratuity intended to be granted to the family of those who may be so unfortunate as to lose their lives in the performance of their duties while in the Railway Mail Service. Construing this section technically and legally, the gratuity can be transmitted no further than to the legal representative of such unfortunate decedent. This section contains no transmission or succession of this gratuitous fund out of the hands or custody of the legal representatives of such decedent. The intention must be inferred. The beneficiaries contemplated by this section may be the widow and children of the decedent, but not sufficient is contained in the section to legally make them beneficiaries of this gratuity.

If the section could be construed for anything, to that extent the legal representatives of the decedent would be required to pay and distribute such gratuity to the legal heirs of such decedent, and should he die without widow or children, the same would, under such interpretation, descend to his collateral heirs, which certainly is not contemplated by this section. The beneficiaries intended to be benefited by this section are the surviving and dependent widow and children of such decedent. Sufficient is not contained therein to make them beneficiaries.

Every lawyer knows what is meant by legal representatives. It means no more than the executor or executors, administrator or administrators of the decedent, or those acting in a representative capacity for the decedent. It is true that in the construction of wills the courts have held that the testator when using the words "legal representatives" intended to use the words "legal heirs," and in many instances it has been held that when the testator bequeathed property to legal representatives he intended to give his estate to legal heirs, and the same was distributed to those standing in the relation of legal heirs.

But we are not distributing an estate under a will containing ambiguous terms, where we are asked to ascertain the beneficiaries of a testator's bounty, when he nominally makes "the legal representatives" his legatee or legatees. Under this section, as before stated, the gratuity passes into the hands of the legal representatives of such decedent. Under objection, the same could not pass out of his hands or custody. As I understand the intention of this section, under a most violent construction, this money is to pass, descend, or is to be paid to the surviving widow or children of a decedent. This could not be done. It would at best have to be paid to the legal heirs of decedent by his legal representatives. When such decedent dies without widow or children, as before stated, it is not intended that collateral heirs should have the benefit of this bounty or gratuity.

The Government does not intend to hunt up the widow or children of a decedent or his legal heirs, and thus this death fund may be properly payable to decedent's legal representatives (who is or are under bond faithfully to appropriate all moneys that may come into his or their hands belonging to the decedent's estate), who can then pay said gratuity unto the parties intended to be the beneficiaries under this section.

In order that the provisions of this section may be clear and that the proper persons intended to be benefited may, without doubt or ambiguity, receive the fund contemplated in case of the death of a railway postal clerk while in the service, I offer the following amendment to the amendment offered by the gentleman from Minnesota, by adding the following words after the word "dollars," in line 18, on page 17 of this bill:

And such legal representatives shall pay and distribute the money thus received unto the surviving widow and children of such decedent in accordance with the intestate laws of the Commonwealth in which such decedent resided at the time of his death.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the pending amendment, which he will please send to the desk to be reported by the Clerk.

The Clerk read as follows:

Add to the amendment the following:
"And such legal representatives shall pay the sum received unto the surviving widow and children, in accordance with the interstate laws of the State in which such decedent may reside."

Mr. OVERSTREET. Mr. Chairman, I do not know how many lawyers there are in this body, but I will submit that if we refer this question to the lawyers who are Members of this body, there would be as many different propositions brought in here as there are lawyers. Now, the distribution of this fund has been working very well under the present law. There is no difficulty at all now, and there is no complaint that has been called to the attention of Congress. It is working in a fair and feasible manner. If, therefore, you undertake now to change the phraseology, you will not satisfy anybody except the person offering the amendment. This is the language which has been in the law since it was first authorized, except the provision which we make that it shall be exempt from the payment of debts.

I now ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. KLINE].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. KLINE demanded a division.

Mr. MANN. Mr. Chairman, I ask that the amendment may be reported again. It has never been heard.

The amendment was again reported.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of putting a question to the gentleman from Pennsylvania.

The CHAIRMAN. Debate has ceased under general order of the committee. The only question is on agreeing to the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was put; and the Chairman announced that the ayes appeared to have it.

Mr. OVERSTREET. I ask for a division.

The committee divided; and there were—ayes 31, noes 82.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, $750,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

Mr. WANGER. Mr. Chairman, I have an amendment to offer.

The Clerk read as follows:

Insert in line 16, page 18, after the syllable "ceed," the following: "by more than 33⅓ per cent."

Mr. OVERSTREET. I make the point of order against that.

The CHAIRMAN. The gentleman from Indiana makes the point of order against the amendment.

Mr. WANGER. Will the gentleman reserve the point of order for a moment?

Mr. OVERSTREET. I will reserve it.

Mr. WANGER. Let me explain to the committee that this amendment is recommended by the Second Assistant Postmaster-General.

Mr. OVERSTREET. I have never heard of it. No such recommendation has ever come to Congress or to the committee.

Mr. WANGER. I understood him to say that it had.

Mr. OVERSTREET. Not unless it came to-day.

Mr. WANGER. I am speaking of a conversation possibly a week since. I understand that in his presentation of the needs of his bureaus for this service the Second Assistant Postmaster-General stated that the practicability of getting the companies generally which operate electric cars to carry the mail has been hampered and limited by reason of the inadequate compensation which the Department was permitted to grant. When this matter first came before the Department, and the proposition was made to carry the mails by electric street-railway cars, a certain rate of compensation, as I understand it, was agreed upon between the Department and the street-railway companies. Then, in some way or other a limitation was arbitrarily put upon the appropriation for the then current year, cutting it down one-fourth.

Thereupon some of the companies were willing, notwithstanding the reduction in compensation, to carry the mail. Many of them have grown weary. Many of them are willing to continue temporarily to carry the mail, because it has been suggested to them that some reasonable rate of compensation would be given them. Many of them have declined to carry the mail; and along many of the star routes there are electric railway cars going at high rates of speed which could accelerate the mail service to many suburban communities, but those communities are denied the benefit of the service simply because the companies decline to bother with the mails at the inadequate compensation which is fixed by reason of the limitation upon this particular appropriation.

Now, it seems to me, especially if I am right in supposing that the Department has stated this situation to the committee and has recommended that this limitation be taken off, that if the compensation is increased by 33⅓ per cent, which is in accordance with that suggestion, and the reason for naming 33⅓ per cent is that it will be just the same (if Members will consider that the existing compensation is reduced one-fourth of the compensation originally agreed upon), that we will thereby be materially aiding the service. The simple restoring of the rate of compensation to what was originally believed to be proper would now enable the Post-Office Department to secure the very valuable assistance of these electric railway cars in expediting the delivery of the mails where it is now denied, and in many instances where it will in the near future be still further denied if this greater but reasonable compensation is not permitted to be made.

Mr. OVERSTREET. Mr. Chairman, I think the amendment is clearly subject to the point of order. The item which is carried in this bill in lines 14, 15, and 16 on page 18 is in just the same words exactly as when the bill passed last year, the year before, and the year before that. So that the proviso that the rate of compensation per mile shall not exceed the rate now paid—that is, at the time that the bill became law—would be existing law. That rate is based upon the rate fixed a number of years ago.

Mr. WANGER. Only by way of limitation upon a particular appropriation.

Mr. OVERSTREET. That may be.

Mr. WANGER. Upon each particular appropriation.

Mr. OVERSTREET. But, nevertheless, the law to-day in the bill passed for the fiscal year 1904 contains the provision,

That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

That is the law now. If, therefore, in this bill, which seeks to make appropriations for the fiscal year 1905, a limitation is offered which will increase that rate, it is necessarily in violation of existing law.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the proviso in lines 14 to 16, inclusive, applies only to this bill, and if this same language was in the last bill it applied only to that bill. If the word "hereafter" had been used after the word "that," so as to read "*Provided*, That hereafter the rate of compensation," etc., the Chair would be inclined to think that that language being included in the last appropriation bill would make it statute law, but the Chair thinks that the present proviso applies only to this bill, and that the point of order might have been made against the proviso, but the paragraph having been passed unanimously without the point of order having been made any amendment which is germane in perfecting the paragraph the Chair thinks would be in order, and the Chair therefore overrules the point of order.

Mr. OVERSTREET. Mr. Chairman, just a word on the merits of the amendment. I ask that the amendment be read again for the information of the committee.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. OVERSTREET. I do not quite understand that. May I have that amendment? The purpose of this amendment is to authorize a rate of payment for transportation by electric and cable cars of 33⅓ per cent more than the present rate. Mr. Chairman, the present rate, I think, is reasonable, and I doubt the propriety of authorizing 33⅓ per cent increase for this purpose.

Mr. OLMSTED. What is the present rate?

Mr. OVERSTREET. It is about 5 cents a mile, on the average, I think, for the electric and cable car service. This is a service within the large cities and suburban service for the transportation of mail by the cable and electric car service. The Government pays these city railway companies a certain per cent for the privilege of carrying their mail back and forth over certain routes within the city limits and for suburban purposes. That service is in connection with their regular passenger service. It is either performed by the regular equipped city street-railway postal cars or what is known as the platform service, where the mail bags are thrown upon the platforms of the cars and the conductor or motorman takes the bags off at their destination and puts other mail bags on the platform and carries them to the post-office or railway stations. This regulation has been fixed after a very careful investigation on the part of the Department, and this amendment would only give these city street-railway companies 33⅓ per cent increase of pay over what they are now receiving.

Mr. SCOTT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kansas?

Mr. OVERSTREET. I yield.

Mr. SCOTT. I simply want to ask a question. The gentleman who offers the amendment stated it was his information that the Department was not able now to secure the service that it desired for the cities by reason of not being able, under the law, to offer enough compensation. I would like to ask the chairman of the committee if he has any information to that effect officially from the Department?

Mr. OVERSTREET. I have not. The gentleman stated he understood that information was given. I merely state that information has not been given to the Committee on the Post-Office and Post-Roads, and in the hearings before the committee, when Mr. Shallenberger was interrogated relative to this item, there was no suggestion made by him with reference to an increase of the rates.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. MOON of Tennessee. Mr. Chairman, I move to strike out the lines 17 to 23, inclusive, on page 18, being the section just read.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18 strike out the paragraph from lines 17 to 23, inclusive.

Mr. MOON of Tennessee. I will ask the chairman of the committee if any arrangement has been made about debate on this question? I understand some gentlemen desire to debate it. I do not, if others do not.

Mr. OVERSTREET. Why, there has been no special arrangement made about debate. I suppose the usual practice under the five-minute rule will be followed.

Mr. MOON of Tennessee. Then let us have a vote without debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. CRUMPACKER) there were—ayes 65, noes 80.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. OVERSTREET and Mr. MOON of Tennessee as tellers.

Mr. WYNN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WYNN. I will ask, if it is not too late, to have the amendment again read.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The committee again divided; and the tellers reported that there were—ayes 80, noes 88.

So the amendment was disagreed to.

Mr. WEBB. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add after the word "service," line 23, page 18, the words "and if the Postmaster-General shall expend said amount, or any part thereof, he shall state his reasons for the necessity of such expenditure in his next annual report."

Mr. OVERSTREET. I make the point of order against that, Mr. Chairman.

The CHAIRMAN. The amendment offered by the gentleman from North Carolina, it seems to the Chair, changes existing law, in that it alters the discretion now vested in the Postmaster-General, and also the provision of existing law in reference to his annual report. The Chair therefore sustains the point of order.

Mr. WEBB. Mr. Chairman, I would like to ask the Chair wherein it affects the discretion of the Postmaster-General: it only asks him to give the reasons for the expenditure authorized in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Mr. ROBINSON of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out the paragraph beginning with line 24, page 18, and ending with line 5, page 19.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. ROBINSON].

The question was taken; and on a division (demanded by Mr. ROBINSON of Indiana) there were—ayes 65, noes 69.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

For transportation of foreign mails, $2,650,000, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamer sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, $45,000: *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed $1 per mile, as authorized by act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce:" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding $55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding $40,000 for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

Mr. ROBINSON of Indiana. Mr. Chairman, I raise the point of order on that section. I will reserve it if the gentleman desires.

Mr. OVERSTREET. I think it will be well to dispose of the point of order first.

Mr. ROBINSON of Indiana. I would like to make an inquiry of the gentleman with reference to the subsidy of $45,000 for the Tahiti ship line.

Mr. OVERSTREET. I can explain that, if that is the purpose of the gentleman in making the point of order.

Mr. ROBINSON of Indiana. I would like to know when the appropriation was first made?

Mr. OVERSTREET. The item relative to the Tahiti appropriation first appeared in the appropriation bill for post-office purposes for the year beginning July 1, 1902. Each succeeding bill has contained the same language that the first bill contained, and there is no different language here.

Mr. ROBINSON of Indiana. Did the appropriation originate in the House of Representatives?

Mr. OVERSTREET. I do not know; I presume it did.

Mr. ROBINSON of Indiana. Is there any reference in any hearings before any committee which the gentleman is advised of?

Mr. OVERSTREET. I have not gone into the history of legislation to determine where it originated. Let me say briefly in answer to the gentleman's inquiry that this appropriation is authorized under what is known as the "ocean mail subsidy act of 1891." That law provided for an ocean mail subsidy, the payment for service of from $1 to $4 a mile, according to the size and speed of the boat. The Tahiti trade, as well as in other trades which was not reached by boat which made the speed and carried the tonnage defined in the act of 1891, necessarily had to be brought within the provisions of that act by special appropriation.

Mr. ROBINSON of Indiana. What is the population of Tahiti?

Mr. OVERSTREET. If the gentleman will permit, I will explain the item in answer to his inquiry. Tahiti is the largest of the group of islands in the South Pacific Ocean known as the Society Islands. It is about thirty-six hundred miles from San Francisco and the same distance from Australia. It has about 500 square miles of territory and between ten and fifteen thousand population, and is under French government. Prior to 1902, when this item first appeared in the post-office appropriation bill, there was no direct mail connection between the United States and that group of islands. Australia, under the English Government, about that time was seeking the trade of Tahiti and offered a bonus of about $40,000 for mail facilities between Australia and the capital of the island of Tahiti—Papecte.

A line of boats operating from Vancouver, flying the English flag, was also operating between Vancouver and Tahiti, and there was an effort on the part of the English Government to obtain trade relations with the island of Tahiti, so that mail facilities with the island of Tahiti were sought for not only by Australia but by British Columbia as well. Prior to 1902, and under the act of 1891, the Government was paying a subsidy of $80,000 for an American line of boats operating between San Francisco and Australia by the way of Honolulu and the Caledonian Islands. About the year 1900 or 1901 that steamship company put into service a line of boats which complied as to tonnage and speed with the provisions of the ocean mail subsidy act, and the subsidy of $80,000 was discontinued.

Mr. Chairman, the Tahitians have taken advantage of this law of the United States to give them direct mail facilities by greatly increasing the trade between that little island and the United States. During the past fiscal year, ending June 30, 1903, about $800,000 worth of business was transacted between Tahiti and the United States, about equally divided between the island and the United States. We shipped into that little island during that fiscal year $75,000 worth of breadstuffs, $100,000 worth of lumber, $25,000 in value of products of steel and other manufactures——

Mr. ROBINSON of Indiana. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Indiana yield to his colleague?

Mr. OVERSTREET. Yes.

Mr. ROBINSON of Indiana. I think, Mr. Chairman, that the gentleman is mistaken in his statement, as shown by the Monthly Summary of Commerce and Finance, which gives the commerce of this island at $369,000.

Mr. OVERSTREET. I have a letter from the Assistant Secretary of State which shows that during the fiscal year ending June 30, 1903, the trade between that country and the United States——

Mr. ROBINSON of Indiana. Then this is not a postal subsidy, but a commercial subsidy, is it not?

Mr. OVERSTREET. The law of 1891 was an ocean mail subsidy for the purpose of promoting trade and commerce.

Mr. HAY. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. ROBINSON of Indiana. I withdraw the point of order, Mr. Chairman, and if I can be recognized I will offer an amendment.

The CHAIRMAN. The gentleman will be recognized for that purpose.

Mr. ROBINSON of Indiana. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read. It was carefully prepared and handed to me by the gentleman from Ohio [Mr. SNOOK].

The Clerk read as follows:

Amend by striking out in lines 6 and 7, page 19, the words "two million six hundred and fifty thousand dollars" and insert in lieu thereof the words "two million six hundred and five thousand dollars;" and also strike out the following words in lines 7, 8, 9, 10, and 11: "including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, $45,000."

Mr. OVERSTREET. Mr. Chairman, my colleague has the floor, and I will ask the privilege of the floor in order that I may at this time move that the committee rise, and we can take this matter up to-morrow.

Mr. ROBINSON of Indiana. I yield the floor for that purpose.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13521, the post-office appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MILLER, for three days, on account of sickness.

To Mr. RIDER, for ten days, on account of sickness.

UNANIMOUS CONSENTS.

The SPEAKER. The Chair has on his desk a memorandum of three or four cases to submit to the House for unanimous consent. Unless the House indicates otherwise, the Chair will recognize gentlemen. [After a pause.] The gentleman from Washington [Mr. JONES] is recognized.

LANDS OF FORT WALLA WALLA (WASH.) MILITARY RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12685) for the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 14256. An act making an appropriation for fuel for the south wing of the Capitol building.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4837. An act to amend an act entitled "An act to amend an act authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., approved February 13, 1891," and acts amendatory thereof, so as to extend the time for completion of said bridge until January 1, 1905—to the Committee on Interstate and Foreign Commerce.

An act (S. 2148) to provide for the enlargement and improvement of the public building at Tyler, Tex.—to the Committee on Public Buildings and Grounds.

Senate concurrent resolution No. 57:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in the form such as is customary in the case of eulogies, 12,000 copies of the proceedings and accompanying documents, with suitable process plates to be bound therewith, upon the unveiling of the statue of Gen. William T. Sherman, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 3,000 copies, of which 200 copies shall be bound in full morocco, to be distributed under the direction of the chairman of the Joint Committee on the Library, in such manner as in his judgment may be desirable—

to the Committee on Printing.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7279. An act granting a pension to Lydia M. Hill;

H. R. 3903. An act granting an increase of pension to George C. Sherman;

H. R. 892. An act granting an increase of pension to Abram H. Hunt;

H. R. 3776. An act granting an increase of pension to Alfred I. Judy;

H. R. 958. An act granting an increase of pension to Alfred H. Rogers;

H. R. 468. An act granting an increase of pension to Henry Christy;

H. R. 5176. An act granting an increase of pension to Alonzo Dutch;

H. R. 6022. An act granting an increase of pension to George W. Travis;

H. R. 199. An act for the relief of John H. McLaughlin;

H. R. 10058. An act for the relief of Kirby Thomas;

H. R. 6494. An act to approve and ratify act No. 73 of the legislative assembly of the Territory of Arizona.

H. R. 9319. An act providing for the construction of a bridge across the Red River of the North at Fargo, N. Dak.; and

H. R. 14256. An act making an appropriation for fuel for the south wing of the Capitol building.

ELECTRIC LIGHTS ON ISLAND OF OAHU, HAWAII.

Mr. ROBINSON of Indiana. I ask unanimous consent for the consideration of the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7266) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. MADDOX. Reserving the right to object, I should like to hear something about the bill.

The SPEAKER. The Clerk will report the bill.

Mr. ROBINSON of Indiana. Perhaps the gentleman from Georgia [Mr. MADDOX] would prefer to hear a brief statement.

Mr. MADDOX. The bill has to be read anyway.

Mr. ROBINSON of Indiana. I thought a statement might facilitate the matter.

The bill was read.

Mr. MADDOX. I rise to object to that bill. It is impossible for anybody to find out anything about the bill at this late hour.

The SPEAKER. Objection is made by the gentleman from Georgia.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER laid before the House the bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903.

Mr. COWHERD. A bill identical with this has been reported from the Committee on Interstate and Foreign Commerce of the House. I ask that this bill be put upon its passage.

The bill was read, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," be, and the same is hereby, so supplemented and amended as to extend the time for the commencement of the construction of the bridge and approaches by said act authorized until the 28th day of August, 1904, and to extend the time for the completion of said bridge to February 28, 1907.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent, the corresponding House bill (H. R. 13164) was ordered to lie on the table.

ALLEGHENY COLLEGE, MEADVILLE, PA.

Mr. BATES. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 10208) for the relief of Allegheny College, at Meadville, Pa., was read.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BAKER. I object.

The SPEAKER. Objection is made.

ADJOURNMENT.

Mr. PAYNE. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4483) declaring the tunnels under the Chicago River an obstruction to navigation, and for other purposes, reported the same with amendment, accompanied by a report (No. 1855); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10135) to authorize the Williamson Coal Company (Incorporated) to bridge the Tug Fork of the Big Sandy River near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendment, accompanied by a report (No. 1856); which said bill and report were referred to the House Calendar.

Mr. SHIRAS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10018) granting to the State of North Dakota 640 acres of land, embracing the White Stone Hills battlefield and burial ground of soldiers killed in that engagement, reported the same with amendment, accompanied by a report (No. 1861); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13740) for the relief of the Western Alaska Construction Company's Railroad, reported the same without amendment, accompanied by a report (No. 1862); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2814) to amend an act entitled "An act to extend the coal-land laws to the district of Alaska," approved June 6, 1900, reported the same with amendment, accompanied by a report (No. 1863); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHIRAS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10443) to set apart certain lands in the State of Washington as a public park, to be known as "The Elk National Park," for the purpose of preserving the elk, game, fish, birds, animals, timber, and curiosities therein, reported the same with amendment, accompanied by a report (No. 1874); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 9135) for the relief of F. R. Lauson, reported the same with amendment, accompanied by a report (No. 1854); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14203) granting an increase of pension to Edward J. Jagger, reported the same with amendment, accompanied by a report (No. 1857); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13527) granting an increase of pension to William Odenheimer, reported the

same with amendment, accompanied by a report (No. 1858); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13413) granting an increase of pension to Hezekiah Kepner, reported the same with amendment, accompanied by a report (No. 1859); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11150) granting an increase of pension to Marvin A. Wixson, reported the same with amendment, accompanied by a report (No. 1860); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2045) granting an increase of pension to Henry Henwood, reported the same with amendment, accompanied by a report (No. 1864); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3246) granting a pension to Mrs. Hedwig A. Maass, reported the same with amendment, accompanied by a report (No. 1865); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6595) granting a pension to Capt. John H. McBrayer, reported the same with amendment, accompanied by a report (No. 1866); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9963) granting a pension to Grace Miller, reported the same with amendment, accompanied by a report (No. 1867); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11877) granting an increase of pension to Minnie C. Wilkins, reported the same with amendment, accompanied by a report (No. 1868); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12529) granting a pension to Sarah Greene, reported the same with amendment, accompanied by a report (No. 1869); which said bill and report were referred to the Private Calendar.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12664) granting an increase or pension to Rachael J. Smith, reported the same with amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12964) granting an increase of pension to Elizabeth C. Banks, reported the same with amendment, accompanied by a report (No. 1871); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13328) granting a pension to Martin R. Gentry, reported the same with amendment, accompanied by a report (No. 1872); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13687) granting an increase of pension to Henry A. Davies, reported the same with amendment, accompanied by a report (No. 1873); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills and resolution of the following titles; which were thereupon referred as follows:

A resolution (H. Res. 244) directing the Committee on Appropriations to provide in the general deficiency appropriation bill for the payment to P. L. Coultry for services rendered—Committee on Accounts discharged, and referred to the Committee on Claims.

A bill (H. R. 10029) granting a pension to Charles E. Arnett—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6446) for the relief of John J. Bell—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10608) for the relief of Peter Mommie—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 10606) for the relief of Arra M. Farnsworth—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14318) to amend section 542 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BASSETT: A bill (H. R. 14319) authorizing the erection of new buildings at Fort Hamilton, New York City, and the laying out of a road across the reservation—to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 14320) to create a recording district in the Indian Territory, with its office at Okemah, Ind. T., and to establish a United States district court at Okemah, Ind. T.—to the Committee on Indian Affairs.

By Mr. WEISSE: A bill (H. R. 14321) withdrawing certain lands in Dodge County, Wis., from homestead entry—to the Committee on the Public Lands.

By Mr. REEDER: A bill (H. R. 14374) to amend the act providing for national irrigation, approved June 17, 1902, and for other purposes—to the Committee on Irrigation.

By Mr. CURTIS: A concurrent resolution (H. C. Res. 52) providing for the printing of additional copies of the report of the Commission to the Five Civilized Tribes for 1903—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 14322) for the relief of John W. Simpson—to the Committee on War Claims.

Also, a bill (H. R. 14323) for the relief of M. C. Dickson—to the Committee on War Claims.

By Mr. ALLEN: A bill (H. R. 14324) for the relief of the heirs of Margaret Kennedy—to the Committee on Claims.

By Mr. AMES: A bill (H. R. 14325) granting an increase of pension to Sarah J. Merrill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14326) granting a pension to Frank McGuire—to the Committee on Invalid Pensions.

By Mr. BROWN of Wisconsin: A bill (H. R. 14327) for the relief of Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin—to the Committee on Indian Affairs.

By Mr. CANNON (by request): A bill (H. R. 14328) granting an increase of pension to Edith M. R. Brown—to the Committee on Pensions.

By Mr. CASSINGHAM: A bill (H. R. 14329) granting a pension to Louisa Carey—to the Committee on Pensions.

By Mr. CASTOR: A bill (H. R. 14330) to correct the military record of Jacob Metzinger—to the Committee on Military Affairs.

By Mr. CLAYTON: A bill (H. R. 14331) granting a pension to Mary K. Lewis—to the Committee on Pensions.

By Mr. CURTIS: A bill (H. R. 14332) granting an increase of pension to Ruth A. McMillan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14333) granting a pension to Daniel Jarboe—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 14334) for the relief of Leonard Wilson—to the Committee on Claims.

Also (by request), a bill (H. R. 14335) for the relief of Leonard Wilson—to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 14336) granting an increase of pension to Everton J. Conger—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 14337) granting an increase of pension to James S. Pelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14338) granting an increase of pension to Frances P. McMurtrie—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 14339) granting an increase of pension to Mary J. Dent—to the Committee on Pensions.

By Mr. KELIHER: A bill (H. R. 14340) for the relief of John Regan—to the Committee on Claims.

By Mr. KLINE: A bill (H. R. 14341) granting an increase of pension to George W. Rotz—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 14342) granting an increase of pension to John F. Brown—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14343) granting an increase of pension to William Neuborg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14344) granting a pension to Joseph A. Nimmo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14345) granting an increase of pension to Edward Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14346) granting a pension to A. E. Durham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14347) granting a pension to Mary Wilder—to the Committee on Pensions.

Also, a bill (H. R. 14348) to remove the charge of desertion from the military record of John W. Reed—to the Committee on Military Affairs.

Also, a bill (H. R. 14349) to remove the charge of desertion from the military record of George W. Torre—to the Committee on Military Affairs.

By Mr. LIND: A bill (H. R. 14350) for the relief of Albert Steinhauser—to the Committee on Claims.

Also, a bill (H. R. 14351) for the relief of the Gull River Lumber Company, its assigns or successors in interest—to the Committee on the Public Lands.

By Mr. LONGWORTH: A bill (H. R. 14352) to remove the charge of desertion from the military record of Nathan Harris—to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 14353) granting a pension to William J. Hayden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14354) granting a pension to Peter Bunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14355) granting an increase of pension to Cyrus Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14356) granting an increase of pension to Hiram Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14357) to remove the charge of desertion from the military record of William R. Brown—to the Committee no Military Affairs.

By Mr. OLMSTED: A bill (H. R. 14358) granting an increase of pension to Winfield S. Love—to the Committee on Invalid Pensions.

By Mr. PIERCE: A bill (H. R. 14359) granting an increase of pension to Jonathan H. Terrell—to the Committee on Pensions.

By Mr. POWERS of Maine: A bill (H. R. 14360) granting an increase of pension to Paul J. Emery—to the Committee on Invalid Pensions.

By Mr. SHULL: A bill (H. R. 14361) for the relief of Richard Blay, late of Company E. Twenty-eighth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 14362) granting a pension to Henry Sutherland—to the Committee on Pensions.

By Mr. SMALL: A bill (H. R. 14363) granting an increase of pension to Pocahontas C. Monteiro—to the Committee on Pensions.

By Mr. TATE: A bill (H. R. 14364) for the relief of Webster R. W. Atkins—to the Committee on Military Affairs.

Also, a bill (H. R. 14365) for the relief of John D. Lowry—to the Committee on Military Affairs.

Also, a bill (H. R. 14366) for the relief of G. A. Anderson—to the Committee on Military Affairs.

Also, a bill (H. R. 14367) granting a pension to Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, a bill (H. R. 14368) granting a pension to Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, a bill (H. R. 14369) for the relief of Abram Patton—to the Committee on Military Affairs.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 14370) for the relief of the heirs and assignees of Thomas Whaley and wife—to the Committee on Private Land Claims.

By Mr. WARNER: A bill (H. R. 14371) granting an increase of pension to Elizabeth F. Peddecord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14372) granting an increase of pension to Jeremiah Turner—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 14373) granting a pension to Waters A. Smith—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Sheldon, Iowa, for passage of bill H. R. 14102—to the Committee on Invalid Pensions.

By Mr. ACHESON: Petitions of Adin B. Lacey and others, of Philadelphia, Pa., and B. F. Willis and others, of York, Pa., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Philadelphia Publishers' Association and the Pittsburg Publishers' Association, in favor of allowing rural carriers the rights they now have relative to the distribution of newspapers and other periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Joseph M. Kelsey and 15 others, of New Wilmington, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Communications from Ballinger & Perrot, of Philadelphia; the fellowship of the Pennsylvania Academy of Fine Arts; the T Square Club; Louis W. Hickman, architect; the Civic Club, of Philadelphia; B. F. Willis, architect, of York, Pa.; E. L. Stevenson, Edward Randolph, and C. R. Woodruff, of Philadelphia, relating to the plan of the Mall, in the city of Washington, and in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of the Civic Club, of Philadelphia, in favor of bill S. 2327, to create a national forest reservation in the White Mountains, New Hampshire—to the Committee on Agriculture.

Also, resolution of the Philadelphia Newspaper Publishers' Association, relative to rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, protest of the United Textile Association, of Philadelphia, against the passage of bill H. R. 3076, known as the "eight-hour bill"—to the Committee on Labor.

Also, resolution of the Trades League of Philadelphia, favoring a new reciprocal trade treaty between the United States and Canada—to the Committee on Foreign Relations.

By Mr. ADAMS of Wisconsin: Petition of the Northern Electrical Manufacturing Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petitions of Rev. W. F. De Laps and others, of Macfarland, Wis.; Rev. R. W. Brand and 15 others, of Dunn, Wis.; Central Woman's Christian Temperance Union and the Methodist Episcopal Church, of Madison, Wis.; W. G. MacLachlan and 37 others, of Dunn, Wis., and Rev. Theodore Reinke and others, of Deforest, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. AIKEN: Papers to accompany bill H. R. 14099, for the relief of James C. Duncan—to the Committee on Claims.

By Mr. ALEXANDER: Resolutions of the board of governors of the Consolidated Stock and Petroleum Exchange, New York, favoring bill H. R. 7871—to the Committee on the Judiciary.

Also, petition of the Church of United Brethren in Christ, of Great Valley, N. Y., favoring the Hepburn bill—to the Committee on the Judiciary.

By Mr. ALLEN: Petition of Rev. D. R. Ford and 125 others, of Peaks Island, Portland, Eliot, Westbrook, and county of York, Me., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BIRDSALL: Petition of patrons of rural route from Cascade, Iowa, in favor of increasing the pay of rural carriers—to the Committee on the Post-Office and Post-Roads.

Also, petitions of C. M. Gould and 21 others, of Earlsville, and the general assembly of Iowa, in favor of the Hepburn bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolutions of Baxter Post, No. 123, Grand Army of the Republic, of Baxter Springs, Kans., and Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, of Parsons, Kans., for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: Petition of 100 citizens of Litchfield, Minn., protesting against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Pine City Lodge, No. 116, Brotherhood of Boiler Makers and Iron-ship Builders, of Brainerd, Minn., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURLESON: Petition of William Angus and 24 others, of Taylor, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BUTLER of Pennsylvania: Petition of Kennett Grange, No. 19, Patrons of Husbandry, of Kennett Square, Pa., for the passage of a good-roads bill—to the Committee on Agriculture.

Also, petition of Kennett Grange, No. 19, Patrons of Husbandry, of Kennett Square, Pa., in favor of an additional appropriation for agricultural experiment stations—to the Committee on Agriculture.

By Mr. CASSINGHAM: Petition of General Force Circle, No. 47, Department of Ohio, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committe on Invalid Pensions.

By Mr. CURTIS: Resolutions of Antietam Post, No. 64, Grand Army of the Republic, Department of Kansas, and Antietam Circle, No. 2, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petitions of A. A. Hope and 23 others, of Topeka; Rev. C. L. Fish, pastor of the Congregational Church (260 members); T. J. Seamon, pastor of the Methodist Episcopal Church (300 members); C. L. Taylor, pastor of the Missionary Baptist Church (160 members); George J. Graves and 43 others, of Shawnee County, and S. S. Jackson and others, of Scranton, all of Kansas,

in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of the Red Wing Hat Manufacturing Company, of Red Wing, Minn., in favor of bill H. R. 9302, relative to a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, affidavits to accompany bill H. R. 12248, granting an increase of pension to Hezekiah Bruce—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): Petitions to accompany bill for relief of Leonard Wilson—to the Committee on Claims.

Also (by request), petitions of S. M. Strong and 32 others, of Freeman, Mo., and Rev. W. W. Robertson and 29 others, of Garden City, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DIXON: Papers filed in support of bill granting an increase of pension to Everton J. Conger—to the Committee on Invalid Pensions.

By Mr. GARNER: Petition of the Cattle Raisers' Association of Texas, relative to freight rates on shipments of live stock—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of George Martin and 426 other voters of Wilson; W. R. Cooper, J. A. Consen, Lou Mincy, and 80 other voters of Knoxville, and G. F. Thomas and pastors and officials of the Anti-Saloon League of Rockwood, all of Tennessee, for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Edmund R. Wilson, of Providence, R. I., for the passage of a law regulating the erection of buildings upon the Mall—to the Committee on Public Buildings and Grounds.

Also, petition of the Brown & Sharpe Manufacturing Company, of Providence, R. I., for untaxed denaturized alcohol for industrial purposes—to the Committee on Ways and Means.

Also, petition of the New England Manufacturing Jewelers and Silversmiths' Association, of Providence, R. I., against the passage of the eight-hour bill—to the Committee on Labor.

Also, petition of Charles F. Clark and 12 others, of Providence, R. I., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Alfred Stone, Rhode Island School of Design, and Angell & Swift, all of Providence, R. I., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: Resolution of Ben Butterfield Post, No. 77, Grand Army of the Republic, Lancaster, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of Middlesex Grange, of Middlesex, Vt., for the passage of good-roads bill (H. R. 10765)—to the Committee on Agriculture.

By Mr. HITCHCOCK: Petition of merchants and business men of Washington County, Nebr., against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Henry Rohlff and others, of Omaha, Nebr., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HITT: Resolutions of the Board of Trade of Chicago, favoring negotiations of arbitration treaties with Great Britain and other powers—to the Committee on Foreign Affairs.

Also, resolutions of Dixon Post, Grand Army of the Republic, of Dixon, Ill., for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. KLINE: Paper to accompany bill to increase pension of George W. Rotz—to the Committee on Invalid Pensions.

By Mr. LACEY: Paper to accompany bill granting an increase of pension to John F. Brown—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: Affidavit in support of bill H. R. 4603, to correct military record of Valentine Fraker—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 13181—to the Committee on Claims.

Also, petition of citizens of Willow Springs, Mo., for the passage of a bill for the relief of Kentucky militiamen—to the Committee on Invalid Pensions.

Also, petitions of Christian Church members of Seymour, Mo., and citizens of Winona, Mo., for the Hepburn bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Austin Nichols & Co., of New York City, in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, petition of G. E. Cahoone, of Brooklyn, N. Y., in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of the Central Labor Union of the District of Columbia, in favor of legislation to regulate the hours of duty and compensation of the employees at the Government Hospital for the Insane—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: Petitions of J. H. Whitaker and 50 others, of Atlanta, Ga., and W. R. Dennis and 12 others, of Georgia, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. LLOYD: Petition of W. M. Wainwright and 62 others, of Shelbina, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. McLAIN: Petition of J. T. Trevilion and 15 others, of Claiborne, and H. S. Lee and 67 others, of Wesson, Miss., for the passage of the Hepburn bill—to the Committee on the Judiciary.

By Mr. MANN: Resolutions of the Illinois Manufacturers' Association, in favor of bills H. R. 6273 and S. 2439, relative to duties and powers of the Interstate Commerce Commission, and in favor of H. R. 4483—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: Petitions of Rev. S. B. Fraser and 19 others, of Knox, N. Dak., and John F. Sherfey and 10 others, of Grant Forks, N. Dak., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MINOR: Papers to accompany bill H. R. 14297, granting an increase of pension to Henry F. Post—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition to accompany bill granting a pension to Cyrus Palmer—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolutions of the Trades League of Philadelphia, in favor of a new reciprocal trade treaty between the United States and Canada—to the Committee on Foreign Affairs.

Also, resolutions of the Civic Club of Philadelphia, relative to the plan of the Mall, in the city of Washington—to the Committee on Public Buildings and Grounds.

By Mr. PIERCE: Petition of A. Enochs, heir of A. Enochs, deceased, praying reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. PORTER: Petition of the Civic Club, C. R. Woodruff, and the Art Square Club, of Philadelphia, Pa., for the passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. REEDER: Petition of citizens of Kansas, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RHEA: Petition of B. F. Cobell and 324 others, of Bowling Green, Ky., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: Petitions of P. A. Twitty and 52 others, of Blanche, Tenn.; N. E. Loveland and 17 others, of Goshen, Tenn.; J. L. Moore and 70 others, of Lynchburg, Tenn., and R. M. Wallace and 114 others, of Fayetteville, Tenn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. RIXEY: Petition of Lawson B. Moore and others, of Gordonsville, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Rectortown, Va., and vicinity, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Petition of Doctors Morgan and Wallace, of Fort Wayne, Ind., for reorganization of the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. RUCKER: Resolutions of Helpers' Division No. 52, Boiler Makers and Iron-ship Builders, of Moberly, Mo., in favor of bills H. R. 7056 and S. 2263—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of G. A. Walker and 11 others, of Bogard, Mo.; Rev. I. F. Lusk and pastors, of Moberly, Mo., and John Daily and 4 others, of Keyterville, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Illinois: Petition of C. Allen and 33 others, of Ewing, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of New York: Petitions of Edward C. Hall and 8 others, Baptist Church and 10 others, and A. D. Finch and 20 others, of Hartwick, N. Y.; Trinity Methodist Episcopal Church and 18 others, and H. W. Sherwood and members of the Baptist Church, of Kingston, N. Y., and Charles Maar and 70 others, of Shawangunk, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SNOOK: Resolutions of General Force Circle, No. 47, Ladies of the Grand Army of the Republic, of Ohio, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPIGHT: Papers to accompany House bill granting an increase of pension to Devernia White—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Petition of citizens of Stratford, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. STERLING: Petition of citizens of Holder, Ill., in favor of bill H. R. 10008—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Charles F. Schmidt & Peters, in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, petition of R. W. G. Welling and G. S. Greene, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of the Yacht Masters and Engineers' Association, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Walter S. Logan, of New York, in favor of bill H. R. 4870, to establish a library post—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York Produce Exchange, in favor of bills H. R. 7056, 7871, and S. 3937—to the Committee on the Merchant Marine and Fisheries.

By Mr. TATE: Papers to accompany bill to pension Jonathan H. Terrell—to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Abram Patton—to the Committee on Military Affairs.

Also, petition of G. A. Anderson, for relief—to the Committee on Military Affairs.

Also, petition of citizens of Forsyth County, Ga., for relief of Mary A. Pettyjohn—to the Committee on Invalid Pensions.

Also, papers to accompany claim of Albert Hope—to the Committee on War Claims.

By Mr. THAYER: Petition of H. G. Ripley, of Boston, for the passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of Kearsarge Association of Naval Veterans, of Boston, Mass., for the passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Worcester Mass.) Chapter, American Institute of Architects, for passage of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of the Boston Associated Board of Trade, protesting against the passage of bill H. R. 89—to the Committee on the Judiciary.

By Mr. WARNER: Petitions of George Brown and 66 other citizens, of Lake City, Ill; Thomas H. Tull and 32 other voters, of Sullivan; H. L. Strain and 17 other voters, Rev. H. Ross and 17 other voters, G. W. McDonald and 20 other voters, M. B. Welland and 22 other voters, Joseph W. Van Cleve and 100 other voters, and John T. Howell and 15 other voters, all of Decatur, Ill., for passage of the Hepburn bill—to the Committee on the Judiciary.

SENATE.

THURSDAY, *March 24, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection.

THOMAS J. HOBBS.

Mr. LODGE. The Senate yesterday passed the bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass. My attention has been called by the Treasury Department to the fact that there is a verbal error in the bill that ought to be corrected. I move that the votes by which the bill was ordered to a third reading and passed be reconsidered.

Mr. COCKRELL. It will be necessary to get the bill back from the House.

Mr. LODGE. The bill is here. It has not been sent to the House.

The motion to reconsider was agreed to.

Mr. LODGE. I move to amend the bill by striking out the word "him" and inserting "Thomas J. Hobbs, disbursing clerk of the Treasury Department;" so that it will read:

Issued by Thomas J. Hobbs, disbursing clerk of the Treasury Department

The amendment was agreed to.

Mr. LODGE. I send to the desk the letter of the Assistant Secretary of the Treasury, which may be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 24, 1904.

Hon. HENRY CABOT LODGE,
United States Senate.

SIR: I have the honor to say that it appears from the RECORD that the Senate yesterday passed a bill for the issuance of a duplicate check to Crane & Co. See page 3547.

The bill as passed contains an error which will make it ineffective. It authorizes the Secretary to cause to be issued a duplicate of an original check issued by "him." The check was issued by "Thomas J. Hobbs, disbursing clerk of the Treasury Department." If Mr. Hobbs's name and title were inserted in the bill in lieu of the word "him" the error would be corrected.

Respectfully, yours,

C. H. KEEP, *Assistant Secretary.*

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PORTO RICAN COFFEE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a joint resolution adopted by the legislative assembly of Porto Rico requesting Congress to consider favorably a petition presented by the Ponce section of the Chamber of Commerce for the protection of Porto Rican coffee; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903.

The message also announced that the House had passed with amendments the joint resolution (S. R. 55) to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1903, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented a petition of sundry citizens of Shawnee, Jackson, Kansas City, and Luray, all in the State of Missouri, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a memorial of the Merchants' Association of Huntington, W. Va., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Basnettville, Elkins, and Ravenswood, of the Woman's Christian Temperance Union of Ravenswood, and of the congregation of the Methodist Episcopal Church of Amos, all in the State of West Virginia, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Morgantown, W. Va., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented a petition of Atlanta Circle, Department of Michigan, Ladies of the Grand Army of the Republic, of St. Charles, Mich., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Grand Rapids, West Bay City, Galesburg, Ypsilanti, Lacota, and Clarendon, all in the State of Michigan, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation authorizing a preliminary examination of Petaluma Creek, in that State, and also providing for the improvement of the Sacramento River; which was referred to the Committee on Commerce.

Mr. PROCTOR presented a petition of the congregation of the Universalist Church of Woodstock, Vt., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GAMBLE presented a petition of the Black Hills Medical Society, of Deadwood, S. Dak., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hot Springs, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented a petition of Local Lodge No. 398, International Association of Machinists, of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Salmagundi Club of Newark, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the New Jersey Pharmaceutical Association, praying for the enactment of legislation to modify the patent laws, so as to exclude and prohibit all product patents on medicinal substances; which was referred to the Committee on Patents.

Mr. QUAY presented a petition of the Civic Club of Philadelphia, Pa., praying for the enactment of legislation fixing the width of the Mall, in the District of Columbia, at 890 feet; which was referred to the Committee on Appropriations.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the enactment of legislation reconvening the Joint High Commission of 1898 for the purpose of negotiating a new reciprocal trade treaty between the United States and Canada; which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the First Presbyterian Church of Fayette City, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Pittsburg, Pa., remonstrating against the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the Presbyterian Church of Marion Center; of the Woman's Christian Temperance Union of Boyertown; of sundry citizens of Troy, Carbondale, Marion Center, West Alexander, Minnequa, Canton, and Dubois; of the Woman's Christian Temperance Union of Troy; of the congregation of the Free Methodist Church of Bradford; of the Young Men's Christian Association of Philipsburg; of the congregation of the First Baptist Church of California; of the congregation of the Methodist Episcopal Church of California, and of the Southwestern State Normal School, of California, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. DIETRICH presented petitions of the Central Woman's Christian Temperance Union, of Lincoln; of the Woman's Christian Temperance Union of Nickerson, and of sundry citizens of Crab Orchard, Hastings, Nebraska City, Tekamah, and Omaha, all in the State of Nebraska, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petitions of George Foster Peabody, of Lake George, Brooklyn Heights, and New York City; of Francis Almy, of Buffalo; of John J. Boyle, of New York City; of Grant Wright, of New York City, and of W. Wheeler Smith, of New York City, all in the State of New York; of Robert Koehler, president of the Minnesota State Art Society, of St. Paul, Minn., and of Morrison H. Vail, of Dixon, Ill., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. ANKENY presented petitions of Green Lake Post, No. 112, of Seattle; of L. C. Ladd Post, No. 17, of Puyallup; of Silas Casey Post, of Friday Harbor; of Reynolds Post, No. 32, of Blaine; of N. B. Page Post, No. 94, of Mission, and of William McKinley Post, No. 106, of Deer Park, all of the Department of Washington, Grand Army of the Republic, in the State of Washington, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to increase the efficiency of the permanent military establishment of the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the destruction of derelicts at sea; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Chester, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made for the completion of the harbor of refuge at Point Judith, R. I.; which was referred to the Committee on Commerce.

He also presented a petition of the Association of Survivors of the Seventy-second Regiment Pennsylvania Volunteers, of Philadelphia, Pa., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Smithfield, Pa., and a petition of the Young Woman's Christian Temperance Union of Waynesburg, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. ALLISON presented a petition of Wisner Circle, No. 33, Department of Iowa, Ladies of the Grand Army of the Republic, of Montezuma, Iowa, and a petition of John T. Drake Post, No. 321, Department of Iowa, Grand Army of the Republic, of Brooklyn, Iowa, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Waverly, Iowa, praying for the purchase of a national forest reserve in the White Mountains in New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church of Burlington, Iowa, praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Vinton, Volga City, Fredericksburg, and Wapello, all in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Central Labor Union of Westerly, R. I., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of the Nebraska State board of agriculture, of Loup City, Nebr., praying for the adoption of an amendment to the homestead law relative to certain unappropriated lands in Nebraska; which was referred to the Committee on Public Lands.

He also presented a petition of the Builders and Traders' Exchange of Honolulu, Territory of Hawaii, praying for the enactment of legislation authorizing the expenditure of a portion of the net revenues of that Territory to the United States for certain local improvements; which was referred to the Committee on Pacific Islands and Porto Rico.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 3401) for the relief of Florence Lambert, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 3168) making an appropriation for the improvement and beautification of the grounds within the Presidio Military Reservation, at San Francisco, Cal., reported it with amendments, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (S. 1422) for the relief of the Omaha National Bank, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 2950) to remove the charge of desertion from the military record of James B. Boyd, reported it with an amendment, and submitted a report thereon.

COINAGE LAWS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed in pamphlet form 10,000 copies of the coinage laws of the United States, 5,000 for the use of the Director of the Mint, 3,500 for the House of Representatives, and 1,500 for the Senate.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 55) providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole. It provides that there shall be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903, in addition to the usual number, for the use of the National Homes for Disabled Volunteer Soldiers, 500 copies of the report proper, bound in cloth; 200 copies of the report of the inspection of the State Homes, bound in paper, and 200 copies of the record of members, bound in cloth; and that hereafter the additional number of copies herein named of future annual reports of the Board of Managers of the National

Home for Disabled Volunteer Soldiers, bound in the same manner as above described, shall be printed for the use of the National Homes.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF AMERICAN ETHNOLOGY.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 133) providing that the bulletins of the Bureau of American Ethnology be printed in octavo, to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The Secretary read the joint resolution; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that hereafter the bulletins issued by the Bureau of American Ethnology shall be in octavo size instead of royal octavo.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF GOVERNOR OF NEW MEXICO.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there shall be printed 5,000 copies of the report of the governor of the Territory of New Mexico, with accompanying maps and illustrations, to the Secretary of the Interior for the year ending June 30, 1903, 500 thereof for the use of the Delegate in Congress and 4,500 thereof for the use of the governor, and also that there shall be printed 1,000 copies of the latest map of the Territory of New Mexico for the use of the Delegate in Congress from the Territory.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRINITY RIVER (TEXAS) IMPROVEMENT.

Mr. CLAY. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 5092) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved June 13, 1902, making appropriation for improving Trinity River, Texas, to report it favorably without amendment, and I submit a report thereon.

Mr. CULBERSON. That is a short bill and rather urgent. I ask for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the provision, as provided in an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved June 13, 1902, making appropriation for improving Trinity River, Texas, so as to authorize the Secretary of War to expend so much as may be necessary of the funds appropriated and pledged in the construction of one lock and dam on the river between the mouth and section 1, and, in his discretion, to modify the plans of locks and dams described in House Document No. 409, Fifty-sixth Congress, first session, in such manner as in his judgment will be most suitable and beneficial to the interests of navigation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD LAND ENTRIES.

Mr. FULTON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4622) to amend section 2305 of the Revised Statutes of the United States, to report it favorably without amendment, and I submit a report thereon.

The bill is a short one. It proposes simply to extend the right of a soldier or marine so as to give him credit for the time he served in the Army or Navy in taking up an additional quantity of land to complete his homestead entry. I ask for the immediate consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 2305 of the Revised Statutes of the United States by adding at the end of the section the following:

And the provisions of this section shall apply to such additional quantity of land as said person may enter, sufficient to make, with the previous entry, 160 acres, so that the deduction on account of time spent in the service shall apply to all the land which such person is entitled to under the homestead law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHOCTAWHATCHEE BAY (FLORIDA) IMPROVEMENT.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by him on the 21st instant, reported it without amendment, and submitted a report thereon; and it was considered by unanimous consent, and agreed to, as follows:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the bar at the entrance of Alaqua Bayou, on Choctawhatchee Bay, in the State of Florida, with a view to securing a depth of 6 feet of water across said bar.

POTOMAC RIVER BRIDGE.

Mr. FOSTER of Washington. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. R. 65) providing for an extension of time for completing the highway bridge across the Potomac River at Washington, D. C., to report it favorably without amendment; and I submit a report thereon.

Mr. GALLINGER. Mr. President, this is a matter of some urgency, and I ask for the present consideration of the joint resolution. It will take but a moment.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the time for completing the construction of the highway bridge across the Potomac River authorized by section 12 of the act of Congress approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," as amended by the District of Columbia appropriation act approved July 1, 1902, be, and is hereby, extended to February 12, 1906.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. BACON. If in order, before consenting to the consideration of the joint resolution, I should like to have the Senator from New Hampshire give us some idea of the present status and as to the particular locality of the bridge. I do not recognize it by name.

Mr. GALLINGER. It is the new highway bridge, in close proximity to the new railroad bridge that is being built to replace the old Long Bridge.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. GALLINGER. In line 4, after the word "bridge," I move to insert "and approaches."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C."

MISSISSIPPI RIVER BRIDGE.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 5220) providing for the erection of a public building in the city of Quincy, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BEVERIDGE introduced a bill (S. 5221) granting an increase of pension to Jefferson H. Montgomery; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 5222) granting a pension to Emeline C. Sewell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5223) granting a pension to Sara A. Wardell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5224) to provide for the erection of a monument in commemoration of the battle of White Plains; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 5225) for the relief of John Mulligan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills; which were rev-

erally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5226) granting a pension to David Hixson;

A bill (S. 5227) granting an increase of pension to E. P. Cochran; and

A bill (S. 5228) granting an increase of pension to Mary Hall.

Mr. PENROSE introduced a bill (S. 5229) to correct the military record of Thomas Amick; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 5230) granting an increase of pension to John D. Juger; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 5231) to amend an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 21, 1902; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McENERY introduced a bill (S. 5232) for the relief of the estate of Peter McEnery, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 5233) granting an increase of pension to Susan A. Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5234) granting an increase of pension to John R. Leavens; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5235) granting a pension to John M. Cheevers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5236) to correct the military record of Charles W. Johnson; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. PLATT of New York submitted an amendment proposing to appropriate $2,000,000 for the acquisition of a site for a post-office building in the city of New York, such site to be subject to the right of the Pennsylvania, New York and Long Island Railroad Company to use for platforms and trackage under a plane 20 feet below the curb line of the adjoining streets, etc., intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ESTATE OF THE LATE SENATOR POOLE.

Mr. OVERMAN submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to John Poole, Mrs. Lela Poole Sessford, and to Mrs. Mary Poole Danforth, the heirs of the late John Poole, formerly a Senator from the State of North Carolina, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress from the 4th of March, 1867, to the 24th of June, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

INDEX TO GOVERNMENT PUBLICATIONS.

Mr. NELSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to bind in two volumes, instead of one, the comprehensive index to Government publications, 1881 to 1893, the preparation of which is authorized by joint resolution of March 3, 1897.

MAP OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 55) to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1903, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose.

The amendments were, on page 2, line 2, to strike out "three" and to insert "four."

On page 2, line 11, to strike out "three" and insert "four."

And to amend the title so as to read: "A joint resolution to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1904, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose."

Mr. PLATT of New York. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

REPEAL OF DESERT-LAND ACT, ETC.

Mr. GIBSON. Mr. President, I desire to call up the bill which received its second reading yesterday.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill on which the Senator from Montana desires to address the Senate.

The SECRETARY. A bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act.

Mr. GIBSON. Mr. President, in the remarks I shall submit, advocating the repeal of certain land laws, I shall include the timber and stone act, for although a bill repealing this measure has already passed the Senate it has not yet become a law.

I regret that I have not the ability to properly place before the Senate the dangers that menace our public-land interests, and to point out in language sufficiently strong and clear the urgent need at this time of a radical departure from our present methods of dealing with this subject. Believing that nothing of greater value to the nation can engage the attention of our lawmakers than the preservation of the public domain for the people who will make homes upon it, I contend that our remaining nonmineral lands and timber lands, the soil of which is suitable for agriculture, should be held exclusively for actual settlers, and that the timber belonging to the nation should be properly cared for and should be sold, as required, at its true value. This reform can only be accomplished by an absolute repeal of the desert-land act and the commutation clause of the homestead act and the timber and stone act and by a refusal on the part of the Government to further issue land scrip for any purpose whatever. We would then have upon the statute book a homestead act that would entitle any head of a family or citizen of the United States who had arrived at the age of 21 years to become the owner of a tract of land not exceeding 160 acres by establishing and maintaining residence thereon and improving and cultivating it for the period of five years.

It is well before proceeding further with this subject to refer briefly to the different acts of Congress under which individuals and companies have acquired the public lands of the United States during the last sixty years, not including acts creating land scrip, which in various forms and for different considerations has been issued from time to time, and also not including the acts granting lands for railroads, State institutions, and other purposes. The preemption act, passed September 4, 1841, enabled a person qualified under its provisions to obtain title to 160 acres of unoffered land after six months and before thirty-three months, by becoming an actual settler upon it, and by the payment of $1.25 an acre for it. But following the passage of this act there were men in Congress of national reputation who contended that the object of the Government in the disposal of the agricultural public lands should not be to derive revenue but to furnish free homes for its people. The most notable among the advocates of this policy was Mr. Benton, who said:

> I do not know how old I was, or rather how young I was, when I first took up the notion that sales of lands by the Government to its own citizens and to the highest bidder was false policy, and that gratuitous grants to actual settlers was the true policy and their labor the true way of extracting national wealth from the soil.

As a result of this contention, which rapidly gained ground not only in Congress but throughout the land, the homestead bill became a law May 20, 1862, and was based upon the well-known declaration that "the public lands belong to the people and should not be sold to individuals nor be granted to corporations, but should be held as a sacred trust for the benefit of the people and should be granted in limited quantities, free of cost, to landless settlers." Under this act the settler was required to live upon the land and cultivate it for five years, at the end of which time he could make final proof and obtain title.

Thomas Donaldson, in his History of the Public Domain, said:

> The homestead act stands as the concentrated wisdom of legislation for the settlement of the public lands. It protects the Government, it fills the State with homes, it builds up communities, and lessens the chances of social and civil disorder by giving ownership of the soil, in small tracts, to the occupants thereof. It was copied from no other nation's system. It was originally and distinctively American, and remains a monument to its originators.

But, unfortunately, as time has fully shown, a provision taken from the preemption act and known as the "commutation clause" was incorporated into the homestead act, which enabled the entryman to acquire title to his claim at the expiration of six months by the payment of $1.25 an acre, and although the time when the claimant could commute his homestead was, by act of March 3, 1891, extended to fourteen months, this clause has ever been a fruitful and widespread source of fraud and perjury, in that it has enabled the speculator and the land monopolist to acquire large bodies of public land by employing men to file upon them, under the homestead act, who, at the expiration of six months or fourteen months, could commute to cash and deed the lands over to their principals. But notwithstanding a citizen of the United States could, for three years prior to 1876, obtain title to or file upon 480 acres of public land under the preemption, homestead, and timber-culture acts, a demand for more land and increased facilities for obtaining it was insisted upon.

This resulted in the passage of the desert-land act, March 3, 1877, which was soon made applicable to all arid and semiarid States and Territories and entitled the locator to acquire under it 640 acres of land. On June 3, 1878, fifteen months later, the tim-

ber and stone act was passed by Congress. It will thus be seen that we had upon the statute books from June 3, 1878, to March 3, 1891—a period of thirteen years—the preemption act, the homestead act, the timber-culture act, the desert-land act, and the timber and stone act. But so constant and so urgent had been the demands made upon Congress by Presidents and Secretaries of the Interior during the ten years prior to 1890 for the repeal of all of these land acts except the homestead act that on March 3, 1891, a measure was adopted repealing the preemption and timber-culture acts and reducing the area that could be taken by a single individual under the desert-land act from 640 acres to 320 acres.

President Cleveland, in his first annual message, December 8, 1885, stated:

Laws which were intended for the common benefit have been perverted so that large quantities of land are resting in single ownership. It is not for the common benefit of the United States that a large area of the public lands should be acquired directly or through fraud by a single individual.

While the repealing act of March 3, 1891, was the result of earnest declarations like the foregoing and was a move in the right direction, it was but a partial compliance with the pressing recommendations of the able men who stood at the head of the land department, and of men throughout the nation who believed the public land should be held for actual settlers, for it still left upon the statute books the desert-land act, the timber and stone act, and the commutation clause of the homestead act, measures clearly in the interest of large landowners and speculators. It will not be wondered at, therefore, that the maintenance of these acts was adhered to with a tenacity never surpassed in the history of public-lands legislation.

These land laws have been in full force for twelve years since the desert-land act was amended, and have been measures that have made possible the fraudulent acquisition of public land on an immense scale, and by means of them much of the habitable trans-Mississippi domain has become the property of landlords instead of homemakers.

Mr. President, the discussions which preceded the enactment of the homestead law clearly show that the patriotic men who framed it intended that the public domain should be held for those who would go upon it and establish homes, and for no one else. The act was admirably safeguarded against speculative use through the provision requiring five years' residence and cultivation of the soil before title could be granted; but the commutation clause incorporated in the act has too often converted this beneficent measure into an effective instrument for fraudulently obtaining land in large bodies which otherwise would have been converted into homes of 160-acre tracts.

Much was claimed in the interest of reform, under the land repealing act of March 3, 1891, when in fact but little was accomplished toward lessening the opportunities for fraudulently obtaining public land. While this act repealed the preemption act and the timber-culture act it left upon the statute book ample measures for single individuals and companies to acquire public lands in large bodies. The repeal of the preemption act and the cutting down of the desert-land claim from 640 to 320 acres only compelled the man seeking to acquire large tracts of country to employ more people to use their land rights in his interest. The opportunity to plunder the public domain was still at his command and had been carefully safeguarded by retaining upon the statute book the desert-land act and the commutation clause of the homestead act and the timber and stone act.

COMMUTATION CLAUSE.

Mr. President, in considering the commutation clause of the homestead act I will refer briefly to some of the opinions of eminent men connected with the National Government, and particularly with the Public Land Department, for it is well known that for twenty-five years past many of our Presidents and Secretaries of the Interior, as well as Commissioners of the General Land Office, have recommended to Congress the repeal of this clause of the homestead act. Notwithstanding its repeal has been urgently demanded, I am satisfied it was retained upon the statute book when the land laws were revised in 1891 because of the determined efforts made by speculators to continue it in force. It was an adjunct too valuable to the large landowner to be lost sight of, and it retained its place in the homestead law under the pretext that the settler needed it to enable him to mortgage his farm at the end of fourteen months, which could only be done by obtaining complete title to the land. Thus it has ever been that all bad land laws have found a place on the statute book under the plea that they were in the interest of the farmer or poor settler.

The Secretary of the Interior, in his annual report for 1883, stated as follows:

Public lands suitable for agriculture should be disposed of only to the actual settlers under the homestead law. A strict compliance with the law should be required in all cases. No greater calamity can befall a country than to have the land owned by a few, and thus compel the masses of the people to become the tenants of such landowners.

In his report for 1884–85, after still greater familiarity with the operation of the land laws, he said:

The public lands ought to be reserved for actual settlers, and should be conveyed only when the settler has shown his good faith by a residence on the land for the period provided for by the homestead law. No commutation of homesteads should be allowed.

In the same report the Secretary also quoted, in connection with this, from the report of the Commissioner of the General Land Office as follows:

It is my opinion that the time has fully arrived when the wastefulness in the disposal of public lands should cease, and that the portion still remaining should be economized for the use of actual settlers only. An act reserving the public lands, except mineral lands and timber reserves, for entry exclusively under the homestead laws, and amending the homestead laws so as to prevent the present easy evasion of wise restrictions and essential requirements, would be a measure meeting this end and answering a pronounced public demand.

In 1884 the Commissioner of the General Land Office, in calling attention to the immense number of fraudulent entries made upon the public lands, stated:

The repeal of the preemption and timber-culture laws, which I have heretofore recommended, is one of the first essential steps in this direction. It is not possible by any administrative action to close the doors open to abuses under these laws.

This may equally be said in reference to the timber-land and desert-land laws and the commutation features of the homestead laws, and also of the provisions allowing the filing of soldiers' homestead declarations by attorney, which latter provision is used to defraud both the soldier and the Government.

If all laws for the disposal of public lands, except the homestead law, were repealed, and the latter amended as heretofore suggested, the great bulk of misappropriations would disappear from future entries.

In another part of his report he states:

If it is the legislative purpose to adhere to the policy of preserving the remaining public lands for actual settlers and to prevent the acquisition of great bodies of land in fraud of law by single individuals and corporations, American or foreign, sufficient means should be placed at the disposal of the Land Department to prevent the vast and widespread violations of law which have been brought to the knowledge of this Department and the notice of Congress.

Secretary Lamar in 1888, in his annual report, stated:

What is needed, in my opinion, is an entire reformation of existing laws, retaining an absolute homestead law and obsoleting all other forms of disposal of agricultural lands. Actual residence, improvement, and cultivation for the homestead period of five years should be the exclusive condition of acquiring title to such lands.

And he further stated:

That the principle of commuted homesteads is the same as the preemption, and its uses are the same. The difference between the two is that commuted homesteads are the more universally fraudulent. * * * If public lands are to be kept for actual inhabitancy, the commutation feature of the homestead law should be abolished.

In looking over the reports of the Public Lands Commissioner I find many instances that fully illustrate the value of the commuted homestead in obtaining large bodies of land in the arid States. One instance is given in Colorado, where fifty-seven homestead entries were made upon 8,000 acres of coal land, and in another section of that State mention is made of thirty entries covering 4,800 acres of grazing land along water courses, which entries were made to control a large adjacent territory; also another case in New Mexico, where forty-five entries were made upon 7,000 acres of land extending 15 or 20 miles along a river; another in New Mexico, embracing 6,500 acres; also one of 14,500 acres made for the benefit of a cattle company. These lands lie along the Rio Grande River and control the water right for 15 or 20 miles.

In San Miguel County, N. Mex., eighty-four entries of 160 acres each were made in the interest of a cattle company. These lands were along canyons, and were so located as to control the water and all available lands in a large district.

Mr. President, I need not state that acquiring land on an extensive scale by speculators and cattle companies could never take place under the homestead act without the commutation clause. Under our homestead law, which enables the settler to obtain title to 160 acres of land at the expiration of fourteen months, speculators have acquired vast tracts of coal lands beyond the Mississippi River at $1.25 an acre, when the minimum price of such land is $10 an acre.

The commutation clause of the homestead act has enabled lumbermen to gain possession of large bodies of the best pine-timber lands of the nation for the paltry sum of $1.25 an acre, and although the work of homestead commuting on pine-timber tracts has been largely transferred to the far West States, it is being carried on at the present time with unabated energy. This commutation attachment of the homestead act is one of the most effective means in many of the arid States for obtaining lands adjacent to rivers, ponds, and springs, the acquisition of which enables the pastoral stock grower to control vast stretches of adjacent country. The fraudulent use of the homestead act made possible by the commutation clause is far greater as we leave the humid and subhumid parts of the public domain and enter the semiarid section, owing to the tendency of a few men to own and control large tracts of Government land for pastoral stock growing and not for agriculture.

If the repeal of the commutation clause of the homestead act was demanded twenty years ago in the interest of honest settlement, how much greater is the demand for its repeal to-day, when the population of our country has passed the 80,000,000 mark and when the area of our available public domain is decreasing at the rate of 65,000 acres every day?

THE DESERT-LAND ACT.

Let us now refer to the desert-land act, a measure whose provisions are entirely subversive of the principles embodied in the homestead act. While this law was placed on our statute book ostensibly for the purpose of reclaiming arid lands, it was in fact enacted for the benefit of capitalists and men and companies seeking to obtain from the nation large bodies of land without the obligation of home making. That this act is chiefly in the interest of wealthy landowners and corporations becomes evident from the determination of its capitalist beneficiaries to prevent its repeal.

The desert-land act had scarcely been in force one year before its repeal was recommended by officials in the Interior Department, whose duty it was to note the operations of our land laws. As is well known, this act requires no settlement on the land and practically no cultivation. It provides an easy means for the employment of men and women, each to take up 320 acres of nonmineral public land and assign it to the capitalist, thus enabling him to acquire large bodies of agricultural land from the nation. It creates an opportunity for a man of wealth or a company to appropriate the water of streams and to conduct it upon large tracts of land, thus shutting out farmers who, having filed their homestead rights upon irrigable land claims, can, as associations, construct the necessary irrigation works. While its provisions appear ample to prevent fraud, they are capable of the broadest construction and have rarely accomplished the object intended by the Government.

Water that is used to-day for reclamation, or to enable the witness by a stretch of conscience or the imagination to swear that lands have been reclaimed, has been too often after final proof diverted to another claim and in due time to still another claim. This is done in numerous instances by men and companies who desire to control a large tract of land for pastoral purposes and not for agriculture. But immense bodies of land have been acquired under this act upon which there has never been a semblance of reclamation, and investigations recently made by the Interior Department confirm this allegation. The desert-land act should be repealed because it is in the interest of the landlord and does not contribute to the establishment of independent homes. Although this can be illustrated by thousands of instances throughout the arid States, it is only necessary at this time to refer to a few extracts from the official reports on public lands to show how the provisions of the desert-land act have been employed in the interest of land monopoly.

On page 34, volume 12, of Land Decisions, reference is made to J. B. Haggin, for whose benefit 151 desert-land entries were made in April, 1877, in the Visalia, Cal., land office, covering 34,958 acres, and I am informed that desert-land entries for the benefit of Mr. Haggin and his associates were made in this district until the lands so taken exceeded 300,000 acres. It is a significant fact that the 151 entries referred to were made in April, 1877, although the act was passed only one month prior to that time. This well-matured plan for taking up this immense body of land goes far to verify the oft-repeated statement that the desert-land act was the creation of California capitalists to aid them in gaining possession of extensive tracts of public lands.

According to the official reports of 1888—

Seventy-eight desert-land entries, embracing 48,000 acres, were entered in the Cheyenne district, Wyoming, and transferred immediately after proof to a land and ditch company, which had been previously organized for the purpose of acquiring title to said lands. Most of the entrymen lived in the Eastern States and had never seen the land, nor did they make any expenditure thereon. The purchase money and all other expenses were paid by the company, who evidently used the names of the entrymen in making the entries.

It is well to note at this point that under the law of March 3, 1877, desert-land entries, before final proof, were not assignable.

Another lot of fifty-five desert-land entries were reported at that time. These entries covered 35,000 acres and the final proofs were made alleging the reclamation of the tracts, which was found not to be true. These entrymen all lived in Eastern States and were never in Wyoming, and had no interest in the lands and took no part in making the entries, except to sign their names to the entry papers.

In Montana a large number of desert-land entries were discovered to have been made on good agricultural lands. Thirty-three entries of the kind, embracing 21,000 acres, were in one locality. In another place ten entries, upon 6,000 acres, were found to have been made in the interest of a land and cattle company.

Mr President, the desert-land act should be repealed because it has been the instrument of fraud and perjury on a large scale and will continue to be such so long as our present system of dealing with the public domain shall continue.

Poorly paid and much tempted land inspectors will not prevent it, and officers of local land districts can not prevent it so long as their official capacity is measured by party loyalty. As Presidents, Secretaries of the Interior, and Commissioners of the General Land Office during the last twenty-five years have met with feeble success in the curtailment of fraud committed under the desert-land act, what right have we to assume that public officials in the future will prove abler and more efficient? I know it is claimed that if the desert-land act should be so amended as to prevent the assignment of claims after entry and before final proof violations of this act would practically come to an end; but such will not be the case, for before the assignment clause was adopted, March 3, 1891, frauds on an extensive scale, as I have just shown, were committed under this act as originally adopted. The assignment clause somewhat simplified the process of obtaining land under the desert-land act and was a measure purely in aid of the capitalist, who could thus exercise less care in the selection of persons to file upon lands in his interest. The repeal of the assignment clause of this act, as recommended by the recently appointed Public Lands Commission is only a modification of one of its many bad features.

No amendments can cure the defects concealed beneath the provisions of the desert-land act except those that require residence upon the land five years and actual cultivation of the soil. I desire to quote briefly the views of some of our public men whose attention by virtue of their official positions has been called to the operations of the desert-land law.

In his message to Congress December 3, 1888, President Cleveland said:

Nor should our vast tracts of so-called desert lands be yielded up to the monopoly of corporations or grasping individuals, as appears to be much the tendency under the existing statute. These lands require but the supply of water to become fertile and productive. I can not but think it perilous to suffer either these lands or the source of their irrigation to fall into the hands of monopolies, which by such means may exercise lordship over the areas dependent on their treatment for productiveness.

President Roosevelt, in his second annual message to Congress, December 2, 1902, made this clear statement:

So far as they are available for agriculture, and to whatever extent they may be reclaimed under the national irrigation law, the remaining public lands should be held rigidly for the home builder, the settler who lives on his land, and for no one else. In their actual use the desert-land law, the timber and stone law, and the commutation clause of the homestead law have been so perverted from the intention with which they were enacted as to permit the acquisition of large areas of the public domain for other than actual settlers and the consequent prevention of settlement.

I quote from the report of the Commissioner of the General Land Office for 1883, nineteen years prior to the foregoing statement of President Roosevelt:

It has been represented that desert-land entries have largely been made for speculative purposes, in violation of the restrictions of the act, and in many instances upon land naturally productive, and the lands are held fraudulently under the entry without attempt or intention of reclamation, but are occupied or leased for grazing and other purposes. Investigations so far made of alleged illegal entry under the desert-land act tend to confirm these allegations.

The theory of the desert-land law is that the encouragement of irrigation required the disposal of land in larger quantities than 160 acres. This theory has not been sustained, as general systems of irrigation are adopted for the distribution of water, which are equally available to the owners of small tracts as of large ones. The practical operation of the desert-land law has heretofore been to enable land to be purchased without settlement and in quantities in excess of the limit established by the settlement laws, thus resulting in the encouragement of monopoly rather than the encouragement of reclamation.

In his report for 1884 the Commissioner of the General Land Office stated:

Lands and valleys along water courses are appropriated ostensibly for reclamation, but actually for the purpose of controlling ranges dependent upon the water supply and to prevent settlements interfering with such control. If the public lands are to be preserved for actual settlement, and unlawful appropriations of great areas are to be prevented, the desert-land act should be repealed.

Mr. Lamar, while Secretary of the Interior, said of the desert-land act:

The repeal of this act, in my judgment, is demanded by the most obvious considerations of a public policy looking to the protection of the public domain and the interest of honest settlement.

He also used the following words in his report for 1886:

I renew the recommendation in my previous report for the repeal of the desert-land law.

And in the same report he refers to the abuse of the desert-land act and other acts as follows:

But certain individuals want great areas; they want the signal control of great herds of cattle; and hence it is that this concentrated combination, with its dominion over the waters of that country and its audacious seizure of its public lands, turns back the tide of immigration, absorbs all existing settlements, and repels from its borders the advancing progress of development.

Secretary Vilas referred to the desert-land act as follows:

Avail has been made of this law more, perhaps, by persons who seek to procure large holdings for cattle ranges than for any very efficient purpose of reclamation.

The Hon. James Wilson, Secretary of Agriculture, in his annual report for 1901 makes the following declaration:

While all the land laws were doubtless intended to benefit settlers, they have in practice in the arid region too often benefited speculators. Hundreds of filings made under the desert, preemption, homestead, and timber-culture acts have been made by people who never were farmers and never expected to become farmers. It is to such filings that scores of meritorious irrigation enterprises owe their failure. The repeal of the preemption and timber-culture acts and cutting down desert-land entries from 640 to 320 acres have improved the situation, but it can be still further improved by an entire repeal of the desert-land act and by requiring settlers on homesteads to cultivate as well as to live on their farms. The desert-land act was an economic mistake.

While in some of the arid States lands in vast bodies were taken up for individuals and companies under the desert-land act, immediately following its adoption in 1877, upon which no evidence of reclamation whatever can be found to-day, the same fraudulent acquiring of land on a still larger scale has been continued since the act was amended in 1891, and in my opinion it will continue so long as this act so indispensable to land monopoly remains on the statute book.

When we object to the desert-land act because it enables wealthy individuals and companies to acquire large bodies of public land, and without settlement, we are met with the assertion that after a while these lands will be subdivided and sold to farmers. It is true that some of these large holdings will be subdivided, but they will be sold at prices beyond the reach of immigrant farmers generally, the advantage to be derived from free homes under the homestead act having been appropriated by speculators under the desert-land act. In fact, this act is in all its phases at war with the principles embodied in the homestead act. At this point I wish to again assert that the work of reclaiming the lands of the arid States can best be done by the National Government and by cooperative associations of farmers availing themselves of the homestead act.

THE TIMBER AND STONE ACT.

Mr. President, I will now pass to the timber and stone act, another measure chiefly employed in the interest of monopoly, and one which, if maintained a few years longer, will result in the transfer of the best of all our timber land not included in reservations from national ownership to the possession of a few men. Although this act has been in force twenty-five years, during which time the attention of Congress has been repeatedly called in the most urgent manner to the unlawful disposition of the public timber lands made possible by it, the act still stands on the statute book a monument to the wastefulness and the injustice of our national land policy. Since the enactment of the timber and stone law there has never been a time when the officials of the land department have not looked upon it as a measure in the interest of speculation and monopoly. As long ago as 1883 the Commissioner of the General Land Office stated in a communication to Hon. Thomas Ryan, then a Member of Congress from Kansas:

That the provisions of the law were widely evaded; that it is understood that large operators cause their employees and other persons to make the necessary affidavit, enter the lands, and then convey to their employers or principals.

In this manner large tracts of timber lands in California, Nevada, Oregon, and Washington Territories are controlled by single persons and firms contrary to the intendment of the statute.

The Commissioner also stated, in his report for 1883, that—

The restrictions and limitations of the act are flagrantly violated. Information is in my possession that much of the most valuable timber land remaining in the possession of the Government on the Pacific coast is being taken up by home and foreign companies and capitalists through the medium of entries made by persons hired for that purpose.

Coming down to the present time the Secretary of the Interior, Hon. E. A. Hitchcock, in his official reports has placed before Congress some of the gigantic frauds that are constantly being committed under this act, and has urged its repeal in the strongest language. I quote from his report for the fiscal year ended June 30, 1903:

During the fiscal year ended June 30, 1902, there were 4,022 entries under the timber and stone act, embracing 545,253.98 acres, while during the last fiscal year there were 12,249 such entries, embracing 1,765,222.43 acres, an increase over the previous year of 8,227 entries and 1,219,968.45 acres. The increase in the activity of this class of entries affords food for serious reflection.

* * * * * * *

Notwithstanding the extreme care exercised by this Department to protect the public timbered lands from unlawful acquisition under this act, the entries thereunder have, nevertheless, as stated, increased vastly in number.

The act, when legitimately observed and followed, affords such facilities for the acquisition by individuals and corporations of vast bodies of the public timbered lands that it is one of the greatest menaces on the statute books to-day against the avowed policy of the Government to preserve the remaining public lands for homes for actual settlers.

* * * * * * *

The rapidity with which the unreserved and unappropriated public timbered lands are being denuded of their timber under the acts above mentioned, and the opportunity offered under the timber and stone act for the fraudulent acquisition of title to public timbered lands at the uniform price of $2.50 per acre when they are in many instances worth forty times that, has been heretofore set forth in the pages of my annual reports and those of my predecessors.

He also states:

The reports of the special agents of this Department in the field show that at some of the local land offices carloads of entrymen arrive at a time, every one of whom makes entry under the timber and stone act. The cost of 160 acres of land under that act, and the accompanying commissions, is $415. As many as five members of a family, who, it can be readily shown, never had $2,075 in their lives, walk up cheerfully and pay the price of the land and the commissions. Under such circumstances there is only one conclusion to be drawn, and that is that where a whole carload of such people make entry under that act the unanimity of sentiment and the cash to exploit it must have originated in some source other than themselves.

Mr. President, if the fraudulent appropriation of public timber and its disposal at nominal prices during the last half century in the States of the upper Mississippi Valley, bordering Lakes Superior and Michigan, could be correctly published, the statement would astonish the people of the United States. Had the nation's interest in the pine timber of that vast region been faithfully protected, sufficient money would have been saved to construct two Panama tide-water canals, besides reclaiming all the irrigable arid lands beyond the Mississippi River. But forty or fifty years ago the value of pine timber was not appreciated as it is to-day. Now, however, when in the light of present conditions we can fully realize the worth of such lands and the importance of holding them at their value, it becomes nothing less than a crime to maintain upon the statute book an act under which these valuable timber lands can be acquired in unlimited areas at $2.50 per acre. The nation's ownership in the pine lands of the upper Mississippi Valley has practically come to an end, and this will soon be said of the timber lands of the far West if we continue in force the timber and stone act and the forest lieu land act.

Mr. President, the rapidly increasing rate from year to year at which the best of the public lands are passing out of Government control is shown by the following table:

Public lands disposed of in six years ending June 30, 1903.

	Acres.
1898	8,453,896.92
1899	9,182,413.16
1900	13,453,887.96
1901	15,502,796.30
1902	19,488,535.30
1903	22,824,299.00
Total	88,905,828.64

Should the annual increase in public-land absorption continue as appears in the foregoing table, the year ending June 30, 1904, will show a further segregation from the public domain of 26,000,000 acres. It should be borne constantly in mind that this present absorption of 2,000,000 acres of Government land every thirty days embraces the very best farm lands and the most valuable timber lands at the disposal of the nation.

Assuming that the public domain at this time, not including the lands of Alaska, comprises 450,000,000 acres, we must deduct fully 250,000,000 acres for mountain ranges and lands so broken or so deprived of fertile soil as to be unfit for agriculture, thus leaving approximately 200,000,000 acres of irrigable and nonirrigable farming land and pastoral land, some of which is woodland and timber land. At the present rate of public-land absorption it will be seen plainly that in a very short time all of our agricultural Government lands will be taken under the various land acts now in force, and I firmly believe that by means of our existing public-land policy, and the efforts of men and companies occupying large tracts of land for stock raising to prevent the settlement of the Rocky Mountain States, not one acre in forty of all the land of those States suitable for agriculture will be taken by home makers.

I should state at this point that conditions in the far West States which enable men to maintain large herds and flocks throughout the year upon native grasses at a profit have greatly retarded settlement there. The man or company whose herd of 10,000 cattle grazes upon 400,000 or 500,000 acres of the public domain naturally views with alarm the settlement of farmers upon the land which he is occupying, and at the same time the farmer or small settler hesitates to file his homestead claim upon land so occupied. While the immigrant going to Minnesota or the Dakotas to make a home upon the public land has been cordially welcomed by the citizens of those States, it is very different in the States farther west, where pastoral stock raising is the leading industry, for there influences have been constantly at work to prevent the incoming of settlers. It is mainly because of this that citizens of the United States by the thousands have crossed the border during the last two years and established homes in Canada upon land in no respect superior to that of our Rocky Mountain States.

The rapid increase in our population, together with the enactment of the national irrigation measure, have the last two or three years greatly stimulated the taking up of our choicest public lands in large tracts in the arid and semiarid States, and consequently agricultural lands, whether irrigable or nonirrigable, have in that time rapidly advanced in value. These facts should lead the Government to prompt action in repealing the desert-land act and the commutation clause of the homestead act, as well as

the forest reserve lieu land act, if it would save the remaining public land for inhabitancy. Our present system of land laws is all that could be desired if it is the part of wisdom to give the ownership and control of the land in eight or ten States of the Union to a few men and companies, who will use them for cattle ranges, rather than hold them for millions of homeless American citizens. Under pastoral stock raising there will never be large numbers of cattle in the Rocky Mountain States, but if farmers can occupy that country, which will surely be the case under a wise and just national policy, its live-stock interests after a while will assume immense proportions. In proof of this I have only to state that according to the last census Iowa, a farming State, having 55,000 square miles, had 500,000 more cattle than Montana, Wyoming, Idaho, Washington, Utah, Nevada, Arizona, and New Mexico, States and Territories covering an area of 821,000 square miles.

Mr. President, the continuance of our present system of land laws will result in the ownership by landlords of the principal part of the arid States, whereas if held subject to a homestead act that can not be commuted the public domain still remaining will become the property of millions of freeholders. Nor should we forget that this opportunity afforded by the Government to capitalists for obtaining title to vast bodies of public land is a very great menace to the strength and endurance of the nation, for we are reminded by constantly increasing disturbances between capitalists and the industrial classes in our cities and manufacturing centers that our hold upon liberty and good government will largely depend in the future upon the occupation by a farming population of the great States west of the Mississippi River.

Alexander Hamilton said:

> The freeholder is the natural supporter of good government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants. We are a republic and we wish to continue so; then multiply the class of freeholders; pass the public lands easily and cheaply into the hands of the people; sell for a reasonable price to those who are able to pay, and give without price to those who are not. I say give without price to those who are not able to pay; and that which is so given, I consider sold for the best of the price; for a price above gold and silver; a price which can not be carried away by delinquent officers, nor lost in failing banks, nor stolen by thieves, nor squandered by an improvident and extravagant administration. It brings a price above rubies—a race of virtuous and independent farmers, the true supporters of their country, and the stock from which its best defenders must be drawn.

The preservation of the public lands for settlers has held an important place in almost every Presidential platform for fifty years past, and yet when each quadrennial struggle for party supremacy has ended Congress, instead of adopting measures to preserve the public domain for settlers and to protect the nation's interests in its timber lands, has been willing to enact laws by which they have been turned over in large bodies to capitalists.

The time is not far distant when millions of our people seeking homes upon the land will hold the Government responsible for its present extavagant and unwise land policy. The people have been many times deceived by high-sounding resolutions adopted in national conventions. Will they be deceived much longer?

But it is asserted that not more than 50,000,000 acres of land in the arid and semiarid States can be reclaimed and that the possibilities of agriculture there will be confined within these limits. Against the correctness of this assertion I stoutly protest. The man or association does not exist at this time that can fix the boundaries of the irrigable and nonirrigable farm lands embraced in the public domain between the one hundredth degree of longitude and the Pacific Ocean. This determination must be gradually reached by the home-teader and by the National Government as it pushes forward from one irrigating enterprise to another. There will be constant surprises in the future as to the extent of agricultural land in that region, as there have been in the past few years. Large areas of nonirrigable highland or table-land country adjacent to the Rocky Mountains, where the soil is less impregnated with alkali and the rainfall is greater than upon the lower lands, have already been found to be excellent agricultural lands and capable of producing by ordinary cultivation, one year with another, much more wheat to the acre than is harvested in the great wheat-producing State of Minnesota.

J. W Powell, in an article written for the National Magazine, stated as follows:

> Nearly all of the wheat of Oregon, Washington, and California is produced by dry farming, and even in as dry a country as Utah the area of winter wheat not irrigated is rapidly increasing.

Mr. President, twenty-five or thirty years hence, when the population of the United States will be 135,000,000 or even 150,000,000, every acre of this highland country will be required to meet the demand of our own people for this important cereal. Better cultivation of the soil and new methods of preserving the moisture that falls upon it during the rainy season will year by year narrow the limits of our nonagricultural land. It is a well-known fact, also, that water brought by the irrigating ditch upon a given tract of land in quantity only sufficient to reclaim it will after a few years so saturate the ground that it can be employed upon adjacent lands. Water that will primarily reclaim only 1,000 acres will, after a while, often be found sufficient to reclaim still another 1,000 acres.

This has been well illustrated in California and some other States where irrigation has been practiced for a long time. As but little attention in the arid States has yet been given to water that lies beneath the surface of the ground, who can tell to what extent it may be employed in the future as a factor in the land-reclamation problem? In several localities in my own State subterranean water has recently been discovered so near to the surface of the ground as to render large tracts of land valuable for the growth of alfalfa and for general farming. In solving the problem of agriculture in the far West we have a right to predicate much upon the excellent work that is being done by the Department of Agriculture in the introduction into the arid States of grains and forage plants from the dry steppes of eastern Europe and from Asia. Not only is the Department of Agriculture conferring great benefits in this respect upon the arid West, but its experiment work there in soil culture for certain crops will render productive vast areas of nonirrigable and, at present, unproductive land.

In view of the foregoing facts I assert that in considering the question of preserving the public lands for home seekers no line of demarcation should at present be drawn between the so-called "irrigable" and "nonirrigable" lands, but all should be held open for settlers under the homestead act without the commutation clause, and the National Government should shield them and protect them in their rights everywhere in the arid States, as they have ever been protected when establishing their homes upon the public lands east of the one hundredth degree of longitude.

Mr. President, as millions of acres of public lands are now inclosed by barbed-wire fences, and as the men who control these lands are opposed to their subdivision into 160-acre farms, is it surprising that thousands of our own people, as I have stated, are crossing the northern boundary line and are establishing their homes under the British flag, where they are received with the same hospitality that has always been accorded to settlers in the upper Mississippi Valley?

Illegal fencing of public land should either be stopped or the Government should frankly announce its inability to enforce the law. While the public domain should everywhere be open to settlers, owners of cattle and sheep should be accorded the privilege that has ever been granted to them of pasturing their herds and flocks upon the public domain as long as it shall be unoccupied and unreserved. Believing the policy of holding all the agricultural and pastoral lands open for settlement is wise and beneficent, I would not support a leasing bill, however carefully it might be prepared, nor would I support any measure that would give the exclusive use of a given tract of public land to any man or company, for no leasing measure can ever be enacted that will render equal justice to the wealthy, influential cattle owner and the immigrant who settles upon the prairie with few resources other than his energy and his strong arms.

As it would be impossible with our present knowledge of the arid domain to properly classify the agricultural lands and the grazing lands, we should find, if a leasing bill were now adopted, that vast areas of farming lands would be turned over for an indefinite time to individuals and companies, who would use them in large tracts for grazing purposes. The opinion of a land-leasing measure was well expressed in one of the planks in the platform of one of the national political parties in 1900, as follows:

> We declare our opposition to the leasing of the public lands of the United States whereby corporations and syndicates will be able to secure control thereof, and thus monopolize the public domain, the heritage of the people.

The adoption of a measure under which the so-called "grazing lands" may be leased would contribute immensely to the advantage of the landlord, while it would everywhere throughout the arid States lessen the opportunities of homemaking.

We are told that these land acts, if repealed, will very greatly impair the national irrigation fund, and this is strongly urged as a reason why they should be maintained, notwithstanding their unwise and unjust provisions. As well might we assert that highway robbery should be tolerated whenever the property taken is appropriated to charitable purposes. But I am one of those who do not believe that the great national work of reclaiming our arid lands, now begun, will cease or be materially delayed if we take the steps required to save the public lands for home makers. There is now in the Treasury approximately $20,000,000 to the credit of the fund. Should the desert-land act and the commutation clause of the homestead act and the timber and stone act be repealed at this session of Congress, the lands already filed upon would probably increase the fund to $30,000,000, and thereafter the sales of mineral lands, including coal land and the sales of timber would go to the credit of the irrigation fund. As every dollar invested in irrigation work by the Interior Depart-

ment will be returned again to the Treasury as fast as the reclaimed lands are sold, I can not see that we shall fail to obtain the results sought for in the national irrigation act.

The great reclamation work, now so well begun by our Government, will never cease until every acre of arid public land that can be irrigated is converted into thickly settled farming communities. Not only will it be unnecessary to maintain these odious land laws on our statute books, in order to keep alive this most important national irrigation work, but to continue them when we now know they are employed in the interest of speculation and land monopoly would be unworthy of this great and progressive nation. As a matter of fact, the repeal of these land acts should have preceded the passage of the national irrigation act, as the disposition to acquire Government land for speculative purposes has been greatly stimulated since the irrigation bill became a law.

Mr. President, our country's growth has been so remarkable, owing to virgin soil and the agricultural possibilties of the Middle West, that we seem to have taken no time to consider what the condition of the nation will be when the middle of the present century shall be reached. The population of the United States in 1850 was 23,000,000. In 1950 it should be 200,000,000, unless the nation shall be torn to pieces by internal dissensions or by wars with foreign nations. Is it not therefore the part of wisdom and patriotism to resolve now that what is remaining of the public domain shall be held sacredly for our people who will make homes upon it? Jefferson, Hamilton, Jackson, Benton, Lincoln, and Cleveland—in fact, all the great men of our country for the past one hundred years—have impressed upon the nation the dangers of landlordism and the supreme importance of preserving the public domain for home makers, and yet we maintain land acts in the interest of the landlord and not in the interest of the freeholder. Is there no danger to the future of this country when we make laws that enable capitalists and foreigners to acquire vast bodies of public land upon which a system of tenantry is being established as absolute as any that can be found in Europe?

Under land acts created in the interest of capital and not in the interest of the settler vast bodies of land are owned by individuals even in such States as Illinois, Minnesota, and the Dakotas, and these lands are cultivated by tenants, the most of whom will never become freeholders. But by far the largest land holdings by single individuals and companies are found in the arid States. These have been acquired to a great extent directly from the States or the nation, and the work of monopolizing the public lands is still going on at an appalling rate. Single individuals and single foreign companies are said each to own from 1,000,000 acres to 4,500,000 acres of land in some of the arid States, while it is a common occurrence for one man or a company to acquire directly from our Government, under our present land laws, tracts of land from 10,000 acres to 200,000 acres, and upon many of these great ranches it is an unwritten law that the plow shall not be used, the owners of these pastoral estates preferring to hold them in the same condition as the Indian and the buffalo left them.

We should not forget that we are living in an era of unparalleled concentration of capital in many of the industrial pursuits of life, and that the inclination and the ability to own and control vast bodies of public land were never as great as at the present time. The figures that I have presented showing the rapid decrease in the public domain from year to year during the past six years clearly proves my assertion. The repeal of the desert-land act and the commutation clause of the homestead act and the timber and stone act, and a fixed policy on the part of the Government never to issue another acre of land scrip or to endow any institution with land, will practically preserve the remaining public land for actual settlers, for it must be apparent to all that a homestead act that requires five years' residence and cultivation of the soil will seldom be used by the speculator.

I am aware that the most determined efforts are being employed to prevent the repeal of these land acts, but I submit that such efforts are inspired chiefly by men who are employing millions of dollars in acquiring directly from the nation large holdings of timber lands, agricultural lands, and pastoral lands.

If the nation will hold the public lands (except nonagricultural timber lands and mineral lands) subject only to our present homestead act, deprived of its commutation provision, it will confer an inestimable benefit upon its people. In preserving this rich agricultural domain for home makers we shall not simply contribute to the development of the far West States, but we shall add immeasurably to the strength and stability of the whole nation

Mr. WARREN. Mr. President, with appropriation bills pressing as they are, I do not feel that I should occupy any considerable time now in discussing the matter presented by the Senator from Montana [Mr. GIBSON], further than to say that there are two sides, and, in fact, many sides, to this case. There is much that I should like to say and very much I would like to hear said on the subject. I will take time to say now, however, that I dissent from very much that has been proposed in argument by the Senator from Montana [Mr. GIBSON] and that I will ask to take the matter up at some other time.

I want to inquire now what is the parliamentary condition of the subject. Is it in the form of a resolution or a bill?

The PRESIDENT pro tempore. It is a bill, and it is on its second reading. The bill will be read the second time to-day and referred to the Committee on Public Lands.

Mr. WARREN. I should like to ask, if it is agreeable to the mover, and if it is proper in a parliamentary way, that the bill lie on the table, so that it can be taken up at a future time and some further remarks submitted.

The PRESIDENT pro tempore. If there is no objection, the bill can be read the second time and still lie on the table.

Mr. WARREN. Then I ask that that may be done.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that this bill, having been read a second time, may lie on the table for the present.

Mr. GIBSON. I am willing that it should lie on the table, but I think there should be a limit fixed. It would not be agreeable to me to have the bill remain on the table very long. I should like to have it referred.

Mr. WARREN. I will say that I do not ask this for the purpose of delay, but in order that the bill may be discussed at another time before it finally goes to the committee.

The PRESIDENT pro tempore. Will the Senator limit the time during which he asks that it lie on the table?

Mr. WARREN. I hardly think I would be warranted in doing that, because I presume there are others who wish to speak. I simply prefer the request, and if it is not agreeable to the Senator from Montana——

The PRESIDENT pro tempore. The Chair understands the Senator from Montana to object to the bill lying on the table indefinitely.

Mr. WARREN. Very well.

The PRESIDENT pro tempore. The bill will be read the second time and referred to the Committee on Public Lands.

Mr. STEWART. I hope we may now proceed with the Indian appropriation bill.

Mr. HANSBROUGH. Mr. President, I hope no hasty action will be taken about referring the bill to the committee. The matter has been before the committee for over a year. The committee is thoroughly familiar with it. The Senate is not familiar with it. I think if the bill were allowed to lie on the table for a few days, even a week or ten days, no harm would come to the cause which my friend the Senator from Montana espouses, because there are other Senators here who desire to speak on this subject. Of course we can talk on any bill that may be before the Senate, but it would be in better order if we were to speak to a measure of this kind, taking it from the table for that purpose.

Mr. GIBSON. Mr. President, I will agree that the bill shall lie on the table until next Tuesday, so that it may be referred to the Committee on Public Lands on that day, as the Committee hold a session on Wednesday.

I wish to say that although this bill, in connection with the timber and stone act, has been before the Committee on Public Lands of the Senate during this session, we have been unable to have it reported to this body. We should like to have it acted on at this session. Hence I would not want to consent to any extended delay in referring it.

Mr. WARREN. Does the Senator from Montana consider, when he limits it to next Tuesday, the condition in which we are in the Senate with respect to appropriation bills? We have the Indian appropriation bill now under consideration, which is liable to consume the day, and then we have the District appropriation bill, which will immediately follow. I do not seek to delay the pending bill, but of course we would not have the opportunity to discuss this matter, unless we did it on appropriation bills, which is hardly the proper way, if we should confine it quite as closely as next Tuesday. Would the Senator be willing to leave it until the following Monday—say a week from Monday?

Mr. DUBOIS. Mr. President, I desire to say, speaking for Idaho, that I dissent almost entirely from the conclusions of the Senator from Montana [Mr. GIBSON]. The condition which he describes certainly does not exist in my State, and I think it will be found that few Senators representing arid States will agree with his conclusions. Of course I would not like to talk to nothing, and inasmuch as the subject has been brought up, I see no objection to allowing the bill to lie on the table so that Senators representing arid States can be heard if they desire.

The PRESIDENT pro tempore. The Senator from Wyoming asks that this bill may lie on the table until one week from next Tuesday. Is there objection?

Mr. PATTERSON. Mr. President, I want to say, since Senators from other arid States have expressed themselves very briefly about this matter, that I am in pretty warm sympathy with the Senator from Montana in the views he has expressed about the operation of the law which he seeks to have repealed. It is not a

new view with me, for when I was in the House in 1877, when the arid-land law was passed, I insisted that Colorado should be omitted from the operation of the law, because I was convinced that it would be utilized in the main for the purpose of taking the public lands away from the real settler and turning them over in vast tracts to the speculator and to what we out West love to term "the cattle baron." Very shortly after I left Congress the law was extended so as to take in Colorado and, I believe, all the other arid States and Territories.

I have never seen any reason to change my views about the very, very bad policy of giving such unlimited opportunities to those who seek to take up the public lands to do so under these laws, and, so far as I am concerned, I am perfectly willing to have the question debated. I think it ought to be debated. I believe the Senate ought at the earliest possible time to be put in possession of both sides of this question, because most undeniably it is a matter that it will be called upon to pass on before very long, when the future policy of Congress in dealing with the remaining public lands will be determined.

Mr. TELLER. Mr. President, the act of 1877, the desert-land act, provided for the appropriation of 640 acres. That was objected to by representatives from Colorado both in the Senate and in the House. Ten years later the act was changed, and the amount was cut down to 320 acres, and then the law was applied to some other States as well as to those to which it had theretofore been applied.

I have had some opportunity to observe the effects of the desert-land act. I do not believe it can be charged with having been the means of aggregating any considerable amount of land in the hands of speculators. The strictness with which the Department has enforced the law as to putting water upon the land has prevented speculators from getting it. The land became entirely too valuable by the time they put on the water for cattlemen to own it.

I believe myself it would be a step backward to repeal that provision of the law. It may be that its repeal would add greatly to the value of some lands already entered, and I venture to say that from a certain section of the country there has been a large pressure brought in favor of this movement, in order to enhance the value of land now held and not settled on, title secured under railroad grants and some of it held in large tracts by purchase from railroads. That class of people are exceedingly anxious just now and very sensitive about the public land being stolen, and that influence has been, in my judgment, much more potent than anything else in pressing this legislation.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that this bill may lie on the table until a week from next Monday.

Mr. WARREN. I suggest that it be Tuesday.

The PRESIDENT pro tempore. Until a week from next Tuesday. Is there objection? The Chair hears none, and the bill will lie on the table until a week from next Tuesday.

INDIAN APPROPRIATION BILL.

Mr. STEWART. I hope the Senate will proceed to the consideration of the Indian appropriation bill. Let us finish it.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. McLAURIN].

Mr. GAMBLE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. STEWART. What for?

Mr. GAMBLE. To ask unanimous consent for the consideration of a very short bill.

Mr. STEWART. There are about a dozen such requests.

Mr. HANSBROUGH. Mr. President——

Mr. STEWART. I think I had better decline in all cases.

Mr. QUARLES. I hope the Senator will not do that. I have a measure which it is of extreme importance should be passed. It is a very short bill, for which I will ask consideration after the Senator from South Dakota gets through. If I could have an opportunity to explain it to the Senator from Nevada, I know he would yield.

Mr. STEWART. I will yield to these two Senators if there is not a word said.

Mr. GAMBLE. All right.

Mr. QUARLES. Very well.

Mr. McLAURIN. I should like to have my amendment disposed of, as I have an engagement. It will take but a moment.

Mr. STEWART. If the Senator from Mississippi objects, I will not yield.

Mr. GAMBLE. This will not take more than a moment. It is a brief bill, and one of great importance.

Mr. McLAURIN. Very well.

SOUTH DAKOTA INDEMNITY LANDS.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERMANENT CENSUS OFFICE.

Mr. QUARLES. I ask unanimous consent for the present consideration of the bill (S. 3292) amendatory of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Census with an amendment, to strike out all after the enacting clause and insert:

That section 8 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, be, and the same is hereby, amended so as to read as follows:

"SEC. 8. That there shall be a collection of the statistics of the births and deaths in registration areas for the year 1902, and annually thereafter, the date for which shall be obtained only from and restricted to such registration records of such States and municipalities as in the discretion of the Director possess records affording satisfactory data in necessary detail, the compensation for the transcription of which shall not exceed 4 cents for each birth or death reported; or a minimum compensation of $25 may be allowed, in the discretion of the Director, in States or cities registering less than 500 deaths or 500 births during the preceding year."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Mississippi [Mr. McLAURIN] will be read.

The SECRETARY. On page 41, after line 2, insert:

Any full-blood Mississippi Choctaw heretofore identified or entitled to identification under any application heretofore filed who has removed or shall remove to the Choctaw-Chickasaw country within six months from the passage of this act shall be entitled to all the rights of a full-blood Mississippi Choctaw.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SPOONER. That strikes me as a very peculiar provision. I may be mistaken about it, but it looks as if it made them citizens without any adjudication of the court, simply by operation of law. I understand a great many of them filed applications which when considered and adjudicated upon were rejected.

Mr. McLAURIN. I do not think so, Mr. President.

Mr. SPOONER. It provides, as I understand it, if one has filed an application, whether there is the slightest foundation for it or not, and if he removes he is entitled to the same rights as if the application had been adjudicated in his favor.

Mr. McLAURIN. If he is a full-blood Mississippi Choctaw, he would have just the right of any other Mississippi full-blood Choctaw when he removes within six months from the passage of the act.

The purpose of the amendment is to permit a lot of full-blood Indians in Mississippi—there are not many of them—who were prevented from going to the Choctaw-Chickasaw country within the time limited by law for the reason that, being tenants, not landholders themselves—because there are very few of them who are landholders, but a great many of them farming on the shares—they were unable to leave their farms and their crops at the time required for them to leave. This gives them an extension of six months from the passage of this act, if the amendment becomes a law.

Mr. ALLISON. I should like to ask the Senator from Mississippi a question. Do I understand that it is the purpose of the amendment to permit these Indians, who have lived in Mississippi during all these years, now to remove to the Indian Territory and participate in the benefits that are to be derived from the various treaty arrangements with the Choctaw Indians who have been in that Territory since 1832, or whatever time it was?

Mr. McLAURIN. The purpose of it is to give them whatever benefit will pertain to a full-blood Choctaw Indian. They have let the time lapse for going to the Choctaw-Chickasaw country, and this will merely extend it for six months after the passage of the act.

Mr. ALLISON. I think the time for removal lapsed many years ago, did it not? When did the time lapse?

Mr. MCLAURIN. I am not advised as to when the time did lapse.

Mr. ALLISON. I should think that it lapsed at least forty years ago. I do not know, but I should think the Choctaw Indians now in the Indian Territory would certainly object to this participation. The Senators upon the Committee on Indian Affairs will know better than I can know respecting it. I hope some member of the committee will inform us.

Mr. STEWART. The Choctaws in the Indian Territory do object to it.

Mr. MCLAURIN. There is no doubt that the Choctaw Indians already in the Choctaw Nation object to anything that will make the division of their proceeds longer. It is natural that they should object to it. These Indians, illiterate and ignorant—many of them are not able to speak a word of English—know nothing about the necessity of removing to the Choctaw country, in the Indian Territory, and they ought not to be cut out simply because some others of their tribe should object to their participating in whatever belongs to their tribe.

I have not talked to the Commissioner of Indian Affairs about it, but I am told by a Representative from Mississippi, Judge BYRD, in whose district nearly all the Indians in the State of Mississippi live, that the amendment which I have offered was agreed to by the Commissioner of Indian Affairs, and I think practically dictated by him. It was given to me by Judge BYRD to be introduced, and I have introduced it as coming from the Indian Office.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. MCLAURIN].

The amendment was rejected.

Mr. MITCHELL. On page 70, line 23, after the word "pupils," I move to insert "including Alaska Indians." It relates to the Indian school at Chemawa, Oreg., and the proposed amendment provides that that school may receive Indians from Alaska as well as from other places.

The PRESIDENT pro tempore. The Senator from Oregon offers an amendment, which will be stated.

The SECRETARY. On page 70, line 23, after the word "pupils," insert the words "including Alaska Indians;" so that if amended it will read:

For support and education of 600 pupils, including Alaska Indians, at the Indian school, Salem, Oreg., etc.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MITCHELL. I move to amend further by inserting after the words "Salem, Oreg.," on the twenty-third line of page 70, the words:

For transportation of pupils to and from said school.

This does not increase the appropriation at all.

Mr. PLATT of Connecticut. What is the object of the amendment?

Mr. MITCHELL. The object is to enable the superintendent of this school to pay out of the general appropriation which has been made—it does not increase the appropriation—the transportation of pupils to and from school.

Mr. PLATT of Connecticut. From where?

Mr. MITCHELL. From any place.

Mr. PLATT of Connecticut. In the United States or Alaska?

Mr. MITCHELL. Any place, just the same as the provision is inserted in reference to the Carlisle school.

Mr. PLATT of Connecticut. Exactly; but is this to be another Carlisle school? That has not been the understanding of the committee.

Mr. MITCHELL. I do not know whether it is to be a Carlisle school or not. I know it to be a very excellent and progressive school.

Mr. PLATT of Connecticut. Yes.

Mr. MITCHELL. Heretofore it has been held by the Department that under existing law this school was not entitled to receive Indians from Alaska, and yet the Carlisle school every year is receiving Indians from Alaska and pays as much as $50 a head to transport them from Seattle to Carlisle.

Now, there is every reason in the world, it seems to me, why the Chemawa school, which is so much nearer to Alaska, should be permitted to take the Indian pupils from Alaska. Of course their transportation has to be paid to and from the schools.

Mr. PLATT of Connecticut. This proposes an entire change. I do not say it is not a good change, but it is one which was never presented to the committee, I understand.

Mr. STEWART. It was not before the committee.

Mr. PLATT of Connecticut. Nor has there been any recommendation for it at all.

Mr. MITCHELL. There is, as I think the Senator knows, a general fund out of which transportation is allowed.

Mr. STEWART. Under certain regulations.

Mr. MITCHELL. Under certain regulations.

Mr. PLATT of Connecticut. But that does not apply to this school and schools of similar character. That is for the Carlisle school.

Mr. STEWART. It is for the Carlisle school.

Mr. MITCHELL. What is the difference, may I inquire of the Senator from Connecticut, between the two schools?

Mr. PLATT of Connecticut. The Carlisle school was established for the very purpose of bringing pupils from a distance to be educated there. This school at Salem, Oreg., I understand, was instituted for educating the Indians in the immediate vicinity; and this amendment proposes to change the whole purpose of the school, or adds an entirely different feature to it.

Mr. MITCHELL. The Chemawa school has been receiving Indians from all over the Pacific Northwest, except from Alaska. There are very few Indians in Oregon that could be provided for at school, and, as a matter of fact, very few Indians are in this school from Oregon. They come from Washington, Idaho, Montana, and from all the Pacific Northwest States and Territories. Their transportation must be paid.

Mr. STEWART. It may be that it would be good policy to have a special arrangement to bring Indian children from Alaska to this school, but it is a matter which has not been considered by the committee.

Mr. MITCHELL. I hope the amendment may be allowed to go into the bill, and the conference committee can consider it and determine whether it is right or not.

Mr. ALLISON. If the amendment of the Senator from Oregon goes in—and I am not sure that he is not right about it—it certainly should then be applied to all the other schools that are provided for under these various special provisions, and I shall ask that a similar amendment shall be applied to a little school in Iowa, which is a very excellent one in its way, because if transportation is paid to and from one of these schools it certainly should apply to all of them, so that they may properly compete with each other.

Mr. CULLOM. Let me inquire of the Senator from Oregon whether there is any difference in the kind of education received at Carlisle and at these other schools? Is not the Carlisle school of a higher grade than the ordinary Indian schools throughout the country?

Mr. MITCHELL. I do not think it is. The school at Salem, Oreg., is a most excellent and progressive industrial school. Indian pupils are taught almost all branches of industrial work there.

Mr. CULLOM. It seems to me, if the Senator will allow me, that he is entirely right in desiring a school for Alaska Indians in that part of the country on the same basis as the Carlisle school, so as to avoid the transportation unnecessarily of Indian boys and girls clear across the country. But I should rather think that the better course would be to advise the committee of the importance of establishing a Carlisle kind of a school somewhere in the western country in the next bill that comes before them. This provision is for what is a local school in a large degree, and it would be a little difficult to fit it for that kind of work unless the committee that has charge of the subject should investigate it.

Mr. PLATT of Connecticut. There are very fine schools up in Washington which are a little nearer to Alaska than the Oregon school. I do not know that I would object to this matter if it had been thoroughly considered, but it comes in here without having had any consideration that I know of, as a new question entirely. I do not think that we ought to amend the bill in that way.

Mr. ALLISON. I ask that the amendment be read again.

The SECRETARY. After the word "Oregon," in line 23 on page 70, insert the words "for transportation of pupils to and from said school."

Mr. ALLISON. Let it read "for transporting pupils from Alaska." I move to insert "from Alaska."

Mr. MITCHELL. I have no objection to the amendment, limiting it to Alaska.

The PRESIDENT pro tempore. The Senator from Oregon amends his proposed amendment as follows.

The SECRETARY. As amended it will read:

For transportation of pupils from Alaska to and from said school.

Mr. MITCHELL. I accept that amendment to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. MITCHELL. I move to amend the bill by inserting, on page 71, after the word "dollars" where it first occurs, in line 3, the following:

For the construction of an assembly hall, $18,000.

Mr. STEWART. Is that recommended?

Mr. MITCHELL. It is recommended by the superintendent very strongly as a great necessity, and I know it to be a necessity.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 3, page 71, insert the words:

For the construction of an assembly hall, $18,000.

Mr. QUARLES. I should like to ask the Senator whether there has been any action of the committee or the Department after examining this item?

Mr. MITCHELL. No; I think not, Mr. President, but the superintendent of the school recommends it very strongly, and I do not think there is any objection to it from the Department from conversations I have had with them. There were some other matters that they were very anxious to get in, which they preferred to have in, and therefore they did not recommend this item.

I visited that school last summer. I am very familiar with it. It is a most excellent school. They have literary societies there and a Sunday school class. Last year they had a large class. There were enrolled at that school 748 pupils, and there was an average attendance of 595.

It is one of the largest and one of the best Indian schools in the United States to-day, and, as I said, there are literary societies in the school. They have a Sunday school and they have a large number of pupils, and no large assembly hall. They must go from their little rooms to their studies and to their meals, and when they all wish to assemble together they have no place to go. The amendment provides for a school hall for the children, where they can meet together and have their little societies and their musicals. They have a fine band composed of Indian boys. Really, it is a very fine Indian society. It is conducted in the very best manner by the very able superintendent and his corps of assistants who are in charge. I hope the amendment will be permitted to go in.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. PLATT of Connecticut. I was called out. I should like to know what the amendment is.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. Insert after the word "dollars," where it first occurs in line 3, page 71:

For the construction of an assembly hall, $18,000.

Mr. PLATT of Connecticut. I think perhaps this is a good opportunity for me to make some remarks that have been suggesting themselves to me about Indian schools and school buildings, and the method of education and the extent of education. I have long been of the opinion that we were very extravagant in the matter of Indian schools, their construction, and their management, and the education which goes on there.

The PRESIDENT pro tempore. The Senator from Connecticut will suspend one moment while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. NELSON. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside, that the Senate may proceed with the consideration of the Indian appropriation bill. The Chair hears no objection, and the order is made.

Mr. PLATT of Connecticut. I do not believe——

Mr. STEWART. I suppose the amendment is subject to a point of order. It has not been examined.

Mr. PLATT of Connecticut. I should like about three minutes to conclude my remarks.

Mr. STEWART. Very well.

Mr. PLATT of Connecticut. I do not believe it is for the benefit of the Indians to give them what is called "higher education" in these days. I do not believe it is for their benefit to fit up palatial schoolhouses with assembly halls and music and dancing halls, with porcelain bath tubs, and everything of the highest type of luxury which prevails in these schools as we have appropriated for them. I believe the whole tendency of it is bad for the Indians and bad for the Government. I think that the education of Indians should be directed almost exclusively to what in my early days were called the "common branches," the three "R's," if you please, reading, writing, and arithmetic, and outside of that manual, and more especially industrial, training. It is not necessary, Mr. President, and it is not advisable, that a child taken from an Indian home, from a tepee, very possibly, should be educated in one of these remarkably fitted up schools of the present day.

I have struggled in the Committee on Indian Affairs against this, but it is almost impossible to prevent it. Indian schoolhouses are appropriated for very much in the line of the appropriations for public buildings. Senators and Representatives think there ought to be an Indian school, a new one, in their locality, and it goes, as a public building goes, because it is called for by the locality. I think it is quite time to call a halt.

Now, we have heard nothing about this particular amendment before. There has been no recommendation about it from the Department. The bill has gone through the House; it has gone almost through the Senate, and here for the first time we are confronted with the proposition to build a public hall for amusements, a meeting place for all manner of societies and associations connected with the school.

If we will go on with this matter we shall have our Indian children educated in nothing that will be of the least use to them. I think that our machinery of education with regard to our own children has got so perfect that the spirit of the old system of education has been very largely eliminated, and that there is more machinery to our present system of education than there is real value resulting from it, compared with the expenditure. If we are going to apply that idea to the Indian child, when it goes out of the school it will simply have a little smattering of some branches of education which are of no use whatever to it when it grows up to take its place in the business of life. I am not saying anything new. On the Indian Affairs Committee I have been representing this view of mine for years, but there seems to be no stopping it.

Mr. STEWART. I make the point of order against the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. MITCHELL. I move to amend further by inserting, after the word "dollars," in line 10 on page 71, the following:

That the appropriations for hospital employees' buildings and barn are hereby made immediately available.

Mr. STEWART. There is no objection to that.

Mr. MITCHELL. The object of the amendment is that the work may be done before the rainy season commences.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "dollars," line 10, page 71, insert:

That the appropriations for hospital employees' buildings and barn are hereby made immediately available.

Mr. PLATT of Connecticut. Does that apply to one particular school or to the whole system? Where does the amendment come in?

The PRESIDENT pro tempore. On page 71, line 10, after the word "dollars."

Mr. PLATT of Connecticut. I beg the indulgence of the Senate until I can find it.

Mr. MITCHELL. The bill provides for the construction of an employees' building and also for a barn. My amendment makes it immediately available.

Mr. PLATT of Connecticut. Will the Secretary read the amendment once more?

The Secretary again read the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. QUARLES. Mr. President——

Mr. MITCHELL. Mr. President, I have one more amendment to offer.

I find, in an examination of the record, that the superintendents of all the Indian schools where more than 600 pupils are accommodated receive as a salary from $2,250 to $2,500, several of them $2,500. The superintendent of this school receives only $2,000. I think he ought to have $2,200, and I move to amend by inserting after the word "thousand," in the first line, page 71, the words "two hundred."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Insert after the word "thousand," in line 1, page 71, the words "two hundred;" so as to read:

For pay of superintendent at said school, $2,200.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MITCHELL. I believe that is all.

Mr. QUARLES. On page 4, line 6, after the word "officer," I move to insert the words "on the active list;" so as to read:

Provided, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer on the active list of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named.

Mr. STEWART. That is all right.

The amendment was agreed to.

Mr. HANSBROUGH. I offer an amendment to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Insert at the end of the bill the following:

That the sum of $50,000, appropriated in the act of March 3, 1901, "making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," be, and the same is hereby, reappropriated and made available for erecting, constructing, and completing suitable school buildings for an Indian industrial school at or near the city of Bismarck, in the State of North Dakota, upon lands donated to the Government for that purpose and accepted by the Secretary of the Interior, upon plans and specifications to be approved by the Secretary of the Interior.

Mr. PLATT of Connecticut. I should like to inquire whether that appropriation was suffered to lapse?

Mr. HANSBROUGH. In the Indian appropriation act of 1901 a provision was inserted appropriating $50,000 and giving authority for the construction of an Indian school at or near the city of Mandan, on the west side of the Missouri River. Under the authority of the provision the Secretary of the Interior proceeded to ask for proposals with a view to securing a site. The law provided that the citizens of Mandan should furnish a site for the school, and they proposed two sites upon which to erect the school. At the same time the city of Bismarck, N. Dak., which is located on the east side of the river directly opposite Mandan, also offered a site for the school.

It transpired, as I am informed, that the site proposed by the people of Bismarck was nearer the city of Mandan than the most suitable site which had been proposed by the people of Mandan. So the citizens of Bismarck thought they came within the law which located the school "at or near Mandan." The Secretary of the Interior sent a trusted special agent to the scene, who reported against the two sites offered by Mandan and in favor of the site offered by Bismarck. The Secretary of the Interior accepted the Bismarck site; but before announcing his decision he submitted the matter to the Attorney-General for the Interior Department. The Attorney-General for the Interior Department has decided that they can not accept the site at Bismarck, because the law says the school shall be located at or near Mandan, and that they can not accept the sites at Mandan because they are unsuitable. So we are left in that dilemma. This merely reappropriates the money and directs the Secretary of the Interior to go to Bismarck, where he has already accepted the site for the school.

Mr. PLATT of Connecticut. Mr. President, since the original appropriation for the building of a school at Mandan we have established another school in North Dakota, an agricultural school, and I think I am justified in saying that when the committee recommended the establishment of that school we supposed that the Mandan school project was abandoned.

Mr. HANSBROUGH. Mr. President, I hardly think the Senator from Connecticut wants to be understood as making that statement. This money, when it was appropriated, had not been covered into the Treasury, the law was still in force, and the Department was still attempting to make the location. It was only within the last month or two months, I think, that the Bismarck site has been accepted by the Department: and but for the fact that the Attorney-General for the Interior Department has discovered that he can not locate the school at Bismarck because the law requires that it shall be located at or near Mandan we would not be here with this matter at all, and the Secretary of the Interior would be proceeding with the construction of the school at this time. So I do not think the Senator from Connecticut is quite justified in his statement.

Mr. PLATT of Connecticut. Mr. President, I do not know that I can refer to anything that has been said by the Senators from North Dakota, or either of them, to give us that impression; but I think the committee did get the impression when we established an agricultural school somewhere in North Dakota—I do not now remember where—that the Mandan appropriation had lapsed, and that, therefore, there was no more reason for the establishment of that school.

Mr. HANSBROUGH. There is just one other statement which I desire to make in that connection. The school which the Senate has authorized to be established at Wahpeton, in North Dakota, is fully 250 miles from the capital of our State, where it is proposed to locate this school—indeed, where the Secretary of the Interior has already accepted the site for this school, and the money for which has been appropriated for three years.

Mr. SPOONER. I want to ask the Senator from North Dakota what is the distance from Mandan to Bismarck?

Mr. HANSBROUGH. It is just across the river, some 4 or 5 miles.

Mr. SPOONER. Within sight?

Mr. HANSBROUGH. Within sight.

Mr. SPOONER. How far was this site from Bismarck?

Mr. HANSBROUGH. The Bismarck site is nearer to the city of Mandan by 1 mile than the city of Bismarck is itself, because it is between the city of Bismarck and the river. It is therefore nearer to Mandan, as I am advised, than the best site offered by Mandan.

Mr. SPOONER. It is nearer to Mandan than it is to Bismarck?

Mr. HANSBROUGH. No; it is nearer Mandan than Bismarck is.

Mr. SPOONER. How far is the selected site from Mandan?

Mr. HANSBROUGH. Between 3 and 4 miles.

Mr. SPOONER. Has the Attorney-General decided that that was not near Mandan?

Mr. HANSBROUGH. He decided that that was not near Mandan, notwithstanding the fact that one of the sites offered by the citizens of Mandan was farther away from Mandan than the site which has been accepted.

Mr. NELSON. The river separates the two places.

Mr. SPOONER. I know. I used to hunt buffalo up there before the Senator was born. What attorney decided that?

Mr. HANSBROUGH. Attorney-General Campbell, I think, was the officer who made the decision.

Mr. SPOONER. An Assistant Attorney-General?

Mr. HANSBROUGH. Yes, sir.

Mr. FORAKER. What is it the Senator from North Dakota desires?

Mr. HANSBROUGH. It is simply desired to reappropriate the money that was appropriated three years ago.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from North Dakota [Mr. HANSBROUGH].

The amendment was agreed to.

Mr. HOPKINS. Mr. President, I find on page 46 of the bill an appropriation of $10,000 for the maintenance of a "warehouse for the receipt, storage, and shipping of goods for the Indian Service," at Omaha, and the same amount appropriated for a warehouse at St. Louis. In the earlier part of the bill provision is made for Indian warehouses at San Francisco, at Chicago, and at New York. I should like to ask the chairman of the committee what necessity there is for the maintenance of Indian warehouses at St. Louis and Omaha?

Mr. STEWART. Those provisions were in the bill as it came from the House, and the committee allowed them to remain. I think my friend from Illinois, if he had been on the committee, would have done the same.

Mr. FORAKER. Oh, no, Mr. President; the Senator from Illinois would have removed the warehouses to Chicago. [Laughter.]

Mr. HOPKINS. I find, on consulting with the Commissioner of Indian Affairs, that the expense of this Indian warehouse at St. Louis aggregates nearly $16 on every hundred dollars of business that is transacted there.

Mr. STEWART. Does the Senator propose an amendment to the bill?

Mr. HOPKINS. First I wanted to know whether there is any reason which the committee can advance for keeping these provisions in the bill. I do not desire to antagonize the committee if the committee have any reason for retaining the provisions.

Mr. STEWART. If the Senator wants to amend the bill, let him propose an amendment.

Mr. HOPKINS. Then I will move to strike out those paragraphs.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 46, after line 3, it is proposed to strike out the following clauses:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000.

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $10,000.

Mr. HOPKINS. Mr. President, I have not made the motion for the purpose of pressing it against the wishes of the committee, if there is any reason for maintaining these two warehouses; but provision is made in the earlier part of the bill, as I have stated, for permanent warehouses at the cities I have indicated, and it seems to me that these provisions are absolutely useless.

Mr. STEWART. I am willing to submit the question without argument.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Illinois [Mr. HOPKINS].

The amendment was rejected.

Mr. DOLLIVER. On page 3, after line 10, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 10, on page 3, it is proposed to insert:

At the Sauk and Fox Agency, Iowa, $1,000.

Mr. DOLLIVER. I will state, Mr. President, that this is a provision for the superintendent of the agency there. I think it was omitted by the committee more through oversight than anything else.

Mr. PLATT of Connecticut. It is for an agent, not for a superintendent.

Mr. DOLLIVER. For a superintendent. There has been an agent there for many years. He has just simply been dropped.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Iowa [Mr. DOLLIVER].

The amendment was rejected.

Mr. QUAY. Mr. President, I submit the amendment which I send to the Secretary's desk to be read, to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of $200 each to Pretty Bear, Rattling, Swift Bird, Strike the Fire, Come Home and Kill the Enemy, Four Bear, of Cheyenne River Reservation, in South Dakota, and Fast Walker, Mdoka, Red Dog, Black Eagle, Don't Know How, Black Cloud, Fool Dog, and Walking Crane, of Crow Creek Reservation, in South Dakota, and Mad Bear, of Standing Rock Reservation, in South Dakota and North Dakota, all Sioux Indians, or their heirs, to reward them for services and sacrifice of ponies in accomplishing the rescue of Mrs. Julia Wright, Mrs. Emma Deely, and six children, all white persons, captives in the custody of the White Lodge bands of the Sioux Indians, in November, 1862, near the mouth of Grand River, Dakota Territory.

That the sum of $3,400 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. QUAY. Mr. President, this was a case of the rescue of the white women and children mentioned who were taken by the Indians in the Sioux massacre of 1862 in Minnesota, where there was an outbreak of the Santee Sioux. The Sioux, as the Senate understand, are divided into numerous bands. The Santees were one of the strongest. They raided Minnesota, swept it with torch and tomahawk, and amongst others they captured the persons named in the amendment. They fled then to the Sioux bands on the Missouri River, which had taken no part in the war and had maintained a position of neutrality. There were eleven boys of the band of Yankton Sioux on the Missouri, none of them over seventeen years old, none in touch with the white men, who are the beneficiaries of this amendment.

There were no white men near them. They formed an organization really in behalf of the whites who were engaged in the war. The chiefs and principal men of the tribe thought their action was ridiculous. They called them the "Crazy Band."

After they organized, news was brought to them that the hostile Santee Sioux band, with these prisoners, were within about 100 miles of them. This "Crazy Band" gathered what property they could, took their ponies, their rifles, and their wagons, and went out to meet the Santee Sioux to endeavor to purchase the prisoners from them; and, failing to purchase, to fight. They found the Santees and were met with an indignant refusal to trade. They remained day after day insisting on the trade, and if they could get none, they notified the Santees that they intended to fight. Then the younger Sioux of the Santees said the boys were right, and that they ought to trade those prisoners off for what they could get for them. There was some contention among the tribe in regard to it, but they finally obtained the prisoners and turned them over to the commander of the troops at Fort Beauford, Colonel Pattee, of Iowa.

This was done, as the Senate will understand, of their own motion. No white man was concerned in it, and no white man knew that the Yankton war party was out until it appeared at Pattee's headquarters with the rescued prisoners. They asked nothing for their services, although they traded off all the property they had taken with them; and they have received nothing, as I understand. They were boys then; they are old men now, and they are feeble and poor.

This proposition, while I suppose it is subject to a point of order, is merely to give this money to them, a small gratuity, as it is. It seems to me that $3,400 is a small amount for service of that kind, while we are voting millions of dollars for lands, giving away the Turtle Mountain Reservation, paying $700,000, I think, for satisfying a decree in favor of the Chickasaw freedmen against the United States, and spending the money of the Government in other quarters by the millions.

I will ask that, in connection with my remarks, an article from The Dakotan be printed. It need not be read.

The PRESIDENT pro tempore. In the absence of objection, the article referred to by the Senator from Pennsylvania will be printed in the RECORD.

The article is as follows:

[The Dakotan, August, 1902.]

A SIDE LIGHT ON SIOUX CHARACTER—AN INCIDENT IN DAKOTA HISTORY.

On that awful August day of 1862 when the Santee band of Sioux Indians fell with pitiless knife and torch upon the frontier settlements of Minnesota the most western and the most exposed of all these settlements was a little community of a dozen homesteaders and their families gathered about Lake Shetak, in what is now Murray County. The attack upon this settlement, the massacre of many of its inhabitants, and the captivity of others are stories with which all readers of the history of Indian warfare are familiar, but the manner of the ransom of some of these captives has not been written, and it is that feature of the history with which this article has to do.

As a result of that attack Mrs. John Wright and two children, a boy of 6 and an infant in arms; Mrs. William J. Duly and two little girls, the eldest of whom was 12 years of age; Lillie Everett, a girl of 8 years, and two other little girls, daughters of Thomas Ireland, became captives in the hand of White Lodge, a subsidiary chief of the Santee, whose home before the outbreak was in the Lynd woods, on the Redwood River, just west of the present town of Marshall, Minn. White Lodge and his band, consisting of about 180 persons, at once departed with their captives for the Dakota country, and by November 1, after being sent along from one Indian camp to another by the headmen, who did not care to incur the vengeance of the soldiers by being found with white captives on their premises, arrived on the Missouri River at about the line now dividing North and South Dakota.

The Teton Sioux at this period lived on the Missouri in the vicinity of Fort Pierre, and when the news of the Santee attack upon the whites in Minnesota came to their attention a council was held at which they resolved as a tribe to remain neutral. There were, however, some progressive young Teton who advocated active interference in behalf of the whites, but they were outvoted in the council. Two of these young men, Charger and Kills and Comes, a few days later sat down on the bank of the river in front of Primeau's trading house, at a point 6 miles above Fort Pierre, and after a long discussion of the situation decided to attempt to organize the young men of the tribe into an association for the purpose of rendering the whites such assistance as they could without involving the Teton in war with the Santee. Their proposition, however, was received with so much derision by the older chiefs that they were able to induce but nine others to join them. These eleven boys, the eldest of whom was but 20 years of age, with that grave formality characteristic of the Indian in his native state, solemnly pledged themselves to withhold nothing in comfort, effort, life, or property which it might be necessary to sacrifice to serve the white people. They called their society by a term which is best translated "The Young Men's Association," but by their own people they were known as the "Crazy Band." The young men thus banded together were Charger, Kills and Comes, Four Bear, Swift Bear, Mad Bear, Pretty Bear, One Rib, Strikes Fire, Sitting Bear, Red Dog, and Charging Dog.

They were not prompted to this action by any sinister or mercenary motives, but from sentiments of humanity which would have been creditable to men of the highest civilization; nor was their action in thus organizing suggested to them by white men, but was wholly original with the young Sioux participants. Early in November, 1862, Major Galpin, a trader at the mouth of the Yellowstone, coming down the river with a small party of miners from Montana in a Mackinaw boat, was hailed by a band of Santee encamped near Standing Rock and invited to land.

They were about to do so when a white woman came to the river bank and frantically warned them to keep away to save their lives. The Santees at once fired upon the boatmen, who threw themselves in the bottom of the boat, and as the current set strongly to the west shore they were soon out of danger. They learned from the woman that the captives from Lake Shetak were in the camp, and as they passed down the river they gave information of this discovery at every opportunity. The Crazy Band learned of this incident and knew the time had come for them to put their professions into practice. The boys gathered up their robes and other peltry, and taking them to Primeau's store exchanged them for food, especially sugar and delicacies which they conceived would be grateful to the Santee palate, and with these supplies moved the horses across the river and camped on the Okaboji. The third day out they arrived at the mouth of Swan Creek, where the village of Le Beau now is, and there they found a small party of friendly Yanktonaise Sioux, who informed them that a party of Santees, having white captives, were encamped on the east side of the Missouri, in the bend below the mouth of Grand River, within what is now Walworth County, S. Dak.

The boys pushed on and pitched their camp about 100 yards from the camp of the hostiles and indicated a desire for a council. White Lodge and his head men came out, each with his gun cached under his blanket, and a council was held. Charger opened the conference with a typical Indian talk about the good heart which had impelled them to the enterprise to ransom the captives, and concluding: "You see us here. We are only young boys. Our people call us crazy, but we want to do something good. If a man owns anything he likes it, and he will not part with it for nothing. We have come here to buy the white captives and give them back to their friends.

"We will give our own horses for them, all the horses we have. That proves that we want the captives very much, because our hearts are good and we want to do a good thing." Then with that dreary monotony which only an Indian could tolerate each of the other ten boys repeated his words. To this White Lodge responded:

"We come from the east where the sky is made red by the fires that burns the homes of the whites and the ground is red with the blood of whites which the Santees are killing. These white captives we have taken after killing many of their people. We will not again be friends of the whites. We have done a bad thing, and now we will keep on doing bad things. We will not give up the captives. We will fight till we drop dead."

Then the boys changed their tactics, hoping to reach the hostiles through their stomachs. They spread a feast, and Charger extended the invitation to partake in these words: "Here is food; eat what you want and go home, and we will take the captives and go home." White Lodge and his braves accepted the hospitality, but when the feast was concluded he was still obdurate and insultingly resented the attempt of the Tetons to interfere in his affairs. They became much excited and trouble seemed imminent. Then another formal council was arranged, and Charger and the boys gravely reiterated the talk made at the first sitting, to which White Lodge replied in the same way as before.

A third time the boys repeated their original proposition to trade the horses for the captives, only to be met by a more determined refusal. But the boys had still another card in reserve, and the time had come to play it. Charger spoke: "White Lodge, you talk brave. You kill white men who have no guns, and you steal women and children and run away where there are no soldiers. If you are brave, why did you not stay and fight soldiers who had guns? Three times we have offered our horses for the captives. Now we shall take the captives and put them on the horses and take them home. If you make us trouble, the soldiers, with guns, will come against you from the east and the Tetons will come against you from the west, and we shall see if you are brave."

At this a brave from the outside, who did not sit in the council, cried out to Black Hawk, the eldest son of White Lodge: "Black Hawk, why do you not speak? Why sit so still?" Black Hawk spoke: "You young people have done right. Your grub tastes good. You are straight young men, respected among your own people. I know some of you, but my father, White Lodge, does not know you. We are starving. I have one white child, which I will give up. Let the others do as I have done and give up their captives."

After much parleying it was finally agreed that the captives should be exchanged for the horses, and the Santees returned to their camp to prepare the captives for the exchange. At length the boys were invited to bring their horses and come into the village. A large lodge had been erected in the center of the camp, to which they were directed. They tied the horses near by and entered. They found Mrs. Duly and the six children (Mrs. Wright's baby had been wantonly murdered by a young savage before they reached the Missouri) sitting in a row on one side of the lodge. They were almost naked and

in a condition so pitiable that even the young savages were moved by their grief. An unexpected obstacle was here encountered. Each captive was claimed as the individual property of some brave, and no proposition looking to a wholesale exchange of horses for captives would be considered.

Each proprietor was bent upon driving the best possible bargain for his chattel. The youngest child was first offered, and after a protracted parley a bargain was made for it, and it was removed to the opposite side of the lodge; and so, in turn, after all the bluffing, bullying, and jockeying of which the Indian is capable had been indulged in, the seven captives were ransomed, but not until the boys had traded themselves out of all their property except one horse and four guns; and Mrs. Wright, whom White Lodge claimed, was still to be secured. White Lodge, who had given but grudging consent to the proceeding thus far, now absolutely refused to surrender Mrs. Wright upon any terms, and the boys were equally as determined to procure possession of her. After another period of intense excitement, in which the lives of both the boys and the captives appeared to be in peril, another formal council was arranged, and again the threat of crushing the Santees between the Tetons and the soldiers brought the tribe to their senses, although White Lodge remained obstinate.

Black Hawk and his younger brother, Chase by the Ree, proposed to take the woman from their father and give her up to the boys in consideration of the one remaining horse. The proposition was accepted, and Red Dog and Strikes Fire were intrusted with the negotiations. They soon returned with the woman, and the rescuing party struck camp and moved a few miles down the river, when night came on and they stopped. Their situation was truly desperate. They were more than 100 miles from home in a northern winter, without horses or food. The captives were without horses or food. The captives were without clothing, and the boys gave them their blankets, leaving their own bodies seriously exposed. Moreover, White Lodge was hostile and threatened to take the captives from the rescuers. That night was one never to be forgotten by any who participated in its terrors. The captives were housed in the small lodge, and the boys, illy protected against the blizzard which was in progress, spent the night in an unceasing march around the tent. They broke camp at daylight, and shortly after, to their very great relief, a friendly Yanktonaise appeared on horseback, and to him they gave two of their remaining guns for the horse. They hastily rigged a travoix, upon which five of the children were placed. Pretty Bear carried the youngest child on his back and the women walked. Mrs. Duly had no moccasins, and Charger gave her his own, himself going barefoot through that winter day until the Yanktonaise camp was reached at LeBeau. Early that morning, as they were slowly making their way down the river, the expected happened and White Lodge appeared, accompanied by five warriors, and demanded the return of Wrs. Wright; but after a long parley the boys bluffed him out, and he gave up the pursuit. Of the Yanktonaise, in exchange for one gun they procured an old cart, to which the horse was attached, the children placed in it, and Mrs. Duly mounted on the animal's back. From the Yanktonaise they also procured a little food and some moccasins. That day they traveled 34 miles, it being necessary most of the way for the boys to assist the pony with his load by pushing on the cart.

They camped that night on the present site of the village of Forest City. The next morning they climbed the river bluffs and cut directly across the oxbow in the direction of Primeau's trading house, and that night they did not camp at all, but kept up the weary tramp until daybreak, when they were on the east side of the river, opposite their home. The river was slightly frozen, making the crossing most hazardous, but their relatives, securing the assistance of Primeau, Dupree, and La Plant, the two latter half Indians, residing in the vicinity, managed to get the party over, and Primeau clothed the captives as best he could from the flannels and calicos he kept in stock and Dupree took them to his home, where they were allowed to rest for three days, when Dupree and La Plant took them in their wagons to the nearest military post, Fort Randall, where the commandant, Col. John Pattee, of the Forty-first Iowa Cavalry, took them into his quarters with his wife and daughter and entertained them for twenty days, until notice of their recovery reached their friends, and relatives came to take them home.

It is not necessary in this narrative to recite the horrible indignities and hardships suffered by the captives while in the hands of the Santees, nor to speak in detail of the other and futile attempts to rescue them. They were captured August 20 and rescued November 20, arrriving at Fort Randall November 29.

Of the members of the "Crazy Band" Martin Charger, Swift Bird, Strikes Fire, Four Bear, Pretty Bear, Mad Bear, and Sitting Bear still survive. They reside upon the Cheyenne River Reservation and are men of distinction among their people. They live in substantial houses, own excellent herds of cattle, and they are consistent members of the Protestant Episcopal Church, and on more than one occasion, since as untutored young savages they sacrificed everything they possessed and at great personal hazard rescued the white captives, as above related, have they rendered invaluable services to the whites. During the Custer war of 1875–76 they stood as a wall of rock between the hostiles and settlements, and again when the Messiah craze swept over the Sioux Nation in 1890 these men, serene and unmoved by the popular clamor, counseled calmness among their people, organized the young men for active resistance to the hostiles, if their services should be required, and, more than the United States Army and the State Militia combined, rendered the white settlements east of the Missouri safe from the attacks of predatory bands of dancers.

It is a just reproach to the General Government that the services rendered by these men in the rescue of the Lake Shetak captives have never been recognized, nor have they been paid for the horses and property which they expended in ransoming the prisoners.

When the circumstances surrounding this case are considered; when the Dakota country as it was in 1862 is taken into account; when the condition and environment of these young Tetons, unschooled, beyond the influence of the missionaries, unprompted to the heroic action which they performed, except by the instincts of humanity, unrewarded, and without the hope of reward, are reckoned with, I submit the record of the world's history will be searched in vain for a parallel.

DOANE ROBINSON.

Mr. QUAY. This matter excites some interest in South Dakota. I have a letter here from the secretary of the State Historical Society asking me for a copy of the bill, and saying it is a matter in which their society takes a deep interest. I understand, of course, the amendment is subject to a point of order. The fact is the Indian Committee have declined to put it in this bill; but I hope the chairman of the committee, in the kindness of his heart, will consent that the amendment may be agreed to.

Mr. STEWART. The difficulty about this matter is that the facts are not officially ascertained by some investigation so that they can be spread upon the record. If we put in an amendment of this kind, there are other cases where Indians have done very noble acts and performed services for the whites which will probably come here. The facts ought to be in such shape that they can go upon the record. I do not like to have the amendment come in this manner. If we put in these scattering claims, it will bring others and make trouble for us.

Mr. QUAY. I have here some records regarding this case.

Mr. TELLER. I should like to ask the Senator if he is sure of his facts?

Mr. QUAY. I received the papers from Doctor Eastman, who is a Dakota Sioux, with whom the Senator is acquainted. He says the facts are correct. They have been looked up and have several times been made the subject of magazine articles.

Mr. TELLER. So far as the facts are concerned, I should be entirely willing to accept the statement of Doctor Eastman, if made as a matter of his own knowledge.

Mr. STEWART. Has the Senator a statement which can be made a matter of record? Such a statement ought to go with the appropriation.

Mr. QUAY. I have some papers here. Here is one from Edward Morris, chaplain of the Fiftieth Regiment of Wisconsin Volunteers. As to one of these men, Fool Dog, he says:

The bearer, Shunka Wetoka, or Fool Dog, has some very recommendatory documents from Major-General Sully, from which it appears that he has rescued white women and children from hostile Indians, and they have been restored to their friends in the States.

On one occasion he purchased a white girl, a captive among the Santees—

That relates undoubtedly to this transaction—

and took her to the fort, and she was sent to her home.

I have a letter here from General Sully. General Sully says:

The bearer of this paper, "Fool Dog," "Shunk Wit Co," of the Yankton-ais Nation, has proven himself to be in reality a good Indian, a friend to the whites and to the United States Government. He was the only Indian who had the courage to accompany this expedition against the Indians. He did so and rendered it valuable assistance, and thus made his own people his enemies.

Then he goes on and says:

The general commanding requests that all white people, soldiers and others, treat him as a friend and give him any little assistance he may at any time need. His word can be relied on and his advice may be trusted.

I thought there was something further referring to this matter, but I suppose it is in the letter from Colonel Pattee. I will read the letter from Colonel Pattee. Probably the Iowa Senators know who he is; they ought to, as the letter seems to be written from the Republican headquarters—I thought it was Iowa, but I see it is Wyoming. It is headed "Sundance, Wyo.," and is directed to Fast Walker, one of these boys. Colonel Pattee says:

MY DEAR OLD FRIEND: I was so glad to hear that you were still alive and can walk as fast as ever. I wish I could come and see you once more, but I can not walk very fast now. I am past 74 years old now, and must soon expect to go to the happy land, when I hope we may meet.

* * * * * * *

I gladly sign and return a new copy of the paper I gave the 12th of December, 1862, for the noble work you did in rescuing those poor helpless women and children from the Santees. It was a good and generous thing you and your associates done for them.

Mr. GAMBLE. Mr. President, I move to insert, as an amendment to the amendment, the name "Chief Charger" after the words "Mad Bear," and to increase the total sum appropriated by the amendment from $3,400 to $3,600.

I might state, Mr. President, in connection with this amendment, that I know generally the historical facts connected with this case. I have had an intimate acquaintance with Doctor Eastman, who is a resident of my State and a highly accomplished and educated gentleman. He was a member not of this band, but of the Santees. He was present in Minnesota at the time of the outbreak, and, although a very young man, he has an intimate acquaintance with the entire history of that outbreak. I would have every confidence in his statement.

The information in regard to this amendment which I submit is from the agent at the Cheyenne Agency. He states that Chief Charger was the leader of this rescuing party. I ask that the amendment to the amendment may be concurred in. I have full faith in the statement, and I believe the amendment ought to be accepted by the Senate.

The PRESIDENT pro tempore. The amendment of the Senator from South Dakota will be stated.

The SECRETARY. In line 8 of Mr. QUAY'S amendment, before the name "Mad Bear," it is proposed to strike out the word "and;" in the same line, after the name "Mad Bear," to insert the words "and Chief Charger;" and on page 2, in line 4, to change the total sum appropriated by the amendment from $3,400 to $3,600.

The PRESIDENT pro tempore. The question is on the amendment to the amendment.

Mr. QUAY. Chief Charger was one of this party, I understand?

Mr. GAMBLE. Yes, sir; he was the leader of this rescuing band.

Mr. MALLORY. I should like to inquire of the Senator from Pennsylvania if he knows whether this claim has ever before been presented to either House of Congress?

Mr. QUAY. I have never heard of it before. It is not a claim.

Mr. MALLORY. It is not a claim; it is a proposition.

Mr. QUAY. The fact is that the interest on the value of the property advanced by these young Indians will amount to more than we are providing under this amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Dakota [Mr. GAMBLE] to the amendment of the Senator from Pennsylvania [Mr. QUAY].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Mr. President, if I correctly caught the reading of the amendment submitted by the Senator from Pennsylvania, it says "to carry out the provisions of this act." I would suggest that it should read "to carry out this provision."

Mr. QUAY. Very well. I accept whatever is necessary to perfect the amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Mr. QUAY. I have to say, as confirmatory of my statement, that the Senator from Wisconsin [Mr. SPOONER] says that the officer who gave one of these certificates was the chaplain of his regiment, and he was there when the certificate was written.

Mr. SPOONER. I should like to say a word about this matter, Mr. President. I was in the Army at Fort Rice at the time the letter which has been read by the Senator from Pennsylvania [Mr. QUAY] was written. It was written by a gentleman who was chaplain of the regiment of which I was an officer. I also knew Colonel Pattee and General Sully, and I heard something of this transaction, but of course nothing much in detail.

Everyone knows that the massacre in Minnesota was one of the most heartrending and bloody outrages of the whole Indian warfare in this country, and it is absolutely impossible for any man to exaggerate the services rendered by Indians in rescuing the women and children—the wives of settlers on the frontier and their children—by the courageous boys from the Santee Sioux.

If there could be any possible question about the propriety of this payment, it would be that the facts are not very definitely established; but the Senator from Pennsylvania might have added that the details are given in the article which he presented here, and which will be put in the RECORD. I have it in my hand, and it is signed by Doane Robinson. I knew one of these Indians, and he was not a bad Indian either.

Mr. FORAKER. He seems to have been a very good Indian.

Mr. SPOONER. And I shall myself with pleasure vote for this amendment.

Mr. STEWART. I hope the paper to which the Senator referred will be printed in the RECORD.

The PRESIDENT pro tempore. It has been ordered to be printed in the RECORD.

Mr. TELLER. I offer the amendment which I send to the desk, to come in on page 53, after line 9.

The PRESIDENT pro tempore. The amendment of the Senator from Colorado will be stated.

The SECRETARY. On page 53, after line 9, it is proposed to insert the following:

That the claim of J. Hale Sypher against the Choctaw Nation for legal and professional services rendered by him to said nation under an agreement made and entered into between the legally authorized commissioners of said nation and said Sypher on the 7th day of November, 1891, is hereby referred to the Court of Claims for adjudication. And jurisdiction is hereby conferred upon said court to hear and determine said claim upon the principles of a quantum meruit and without regard to the provisions and requirements of section 2103 of the Revised Statutes; and the said court shall ascertain and determine the character, extent, and value of the services rendered by said Sypher to said nation under said agreement; and the court, having ascertained and determined the amount justly and equitably due and payable from said nation to said Sypher for services rendered by him under said agreement, shall certify the amount found to be due and payable to said Sypher by said nation under said agreement to the Secretary of the Treasury, who shall pay the amount found to be due and payable to said Sypher as herein provided out of any money in the Treasury belonging to the Choctaw Indians, or out of any moneys which may hereafter become due said Indians.

Mr. BACON. I should be perfectly willing to see the amendment adopted if the last part of it was stricken out. It seems to me, when we have had a very protracted discussion about this matter, and the Senate has been unwilling to pay a specific amount, even $25,000, we are going very far in authorizing the payment of whatever sum may be found by the Court of Claims, without any further consideration or determination by Congress.

Now, I was very much impressed by the statement made yesterday by the Senator from Iowa [Mr. ALLISON] that whatever amount is paid on this claim out of the money belonging to the Choctaws in all probability will subsequently have to be paid by the United States Government.

Mr. SPOONER. Not under this amendment.

Mr. STEWART. The Indians are to have a day in court.

Mr. BACON. The Senator from Iowa stated that under circumstances similar to these such payments had been made by the United States Government to refund money which had been paid out of the Indian fund. Nobody will claim that that was paid because there was a legal——

Mr. TELLER. I do not think the Senator from Iowa quite made that statement. He said he thought there had been.

Mr. BACON. Well, I may be mistaken about it, but that is my recollection.

Mr. TELLER. I say distinctly that he can not find a precedent where we paid it back. I do not think he asserted that it had been done. If he had, I should have challenged it.

Mr. BACON. Assuming for the sake of this discussion that such was the fact, the payment in such cases would not have been made on the ground that the previous payments had been under legal adjudication or that there had not been a legal adjudication, but upon the broad principle of what might be construed to be justice to these Indians that we had ourselves paid out their funds, and the contention was that the payments were illegal, and therefore should be repaid by the United States Government.

Yesterday I voted against the payment of this claim, and I am very frank to say that I did so largely upon the confidence I had in the opinion of Senators present who are very much more familiar with it than I, and particularly the opinion of the Senator from Iowa, who is a very safe guide in all these matters and than whom no man knows more in regard to the details of matters of this kind.

It strikes me, when we voted yesterday that we would not agree to pay $25,000 out of this fund, it is going quite far to say that this matter shall be submitted to the Court of Claims and that whatever amount they may adjudicate to be justly due upon the quantum meruit shall, without any further action on the part of Congress, be paid out of the Choctaw fund.

Mr. SPOONER. Does not the Senator's argument lead to this end, that the claimant shall be entirely remediless?

Mr. BACON. Not at all. He has the same opportunity that he enjoyed yesterday.

Mr. SPOONER. He enjoyed none yesterday. That is the trouble.

Mr. BACON. I think he did.

Mr. SPOONER. What?

Mr. BACON. Not only yesterday, but the day before, his claim was very earnestly and ably advocated upon the floor of the Senate.

Now, the point to which I want particularly to ask the attention of the Senate is this: If this were a matter of conceded indebtedness and were a matter of account which could be definitely and accurately ascertained by the figures, then to refer it to the Court of Claims and have them adjudicate the amount due, and to provide that upon such ascertainment by the Court of Claims the money should be paid out of the Choctaw fund, would be a very reasonable proposition. But it can not be determined on any such accurate lines. It is not a matter of account. It is a matter of broad indeterminate discretion. Quantum meruit is something about which people differ in the widest degree.

Therefore it seems to me it would be unjust to these Indians to say that a court, with nothing to guide it except the unlimited discretion and judgment as to what the services may be worth, shall have the power finally to adjudicate what sum, out of the Indians' money, shall be paid.

I am perfectly willing that this attorney shall be paid whatever may finally be determined by the best judgment of the Senate and the House to be due him, but I think—I not only think but I know—that the Indians are in a very peculiar relation to us. They are absolutely helpless in our hands, and their fund is something of which we have the guardianship and in the preservation of which we ought to take the utmost care.

If the Senator will put the limitation upon it I am willing that it shall be adopted, but to leave it unlimited it seems to me is going too far. Put on a limitation of the amount and I am perfectly willing that the court shall within a stated amount adjudicate whether it is due.

Mr. TELLER. That would be a remarkable thing to do—to send a case to a court and tell the court it must not render judgment except for a limited amount.

Mr. BACON. I do not prefer that. What I prefer is that it shall come back to Congress.

Mr. TELLER. The Senator has not made that suggestion. This is the first time he has made it. The Senator has been making his objection upon the ground that the court might render too large a judgment. If it goes to the court upon the quantum meruit, it is upon the value of the service—that is what it means—and the court would have to have proof of the value of the service. It seems to me there would not be any question——

Mr. BACON. I am perfectly willing that the court shall be authorized to adjudicate it and report the matter back to Congress.

Mr. SPOONER. I want to suggest to the Senator from Colo-

rado that this proposition should be amended so as to include the heirs, administrators, and assigns. Otherwise there may be trouble. I think there should also be added a provision giving to either party the right of appeal to the Supreme Court of the United States.

Mr. TELLER. I think very likely that such a provision ought to be inserted.

Mr. SPOONER. It will be a large amount.

Mr. STEWART. I think the right of appeal should be provided for.

Mr. TELLER. I move to insert, after the word "Sypher," near the bottom of the amendment, the words "his heirs or assigns."

Mr. PLATT of Connecticut. "His heirs and legal representatives." You do not want "assigns."

Mr. TELLER. I understand that the "heirs" would be sufficient. However, I will put in whatever the Senator from Wisconsin suggests.

Mr. SPOONER. It will be payable to the administrator, anyway, if one is appointed.

Mr. TELLER. If the Senator from Wisconsin will suggest the words "with respect to the right of appeal to the Supreme Court," I shall be glad to insert them.

Mr. SPOONER. I think it is enough to say "with the right of appeal, from any judgment rendered therein to either party, to the Supreme Court of the United States."

Mr. TELLER. Then I suggest that the amendment be modified in that way.

The PRESIDENT pro tempore. The Senator from Colorado modifies his amendment as will be stated. What was the first modification?

Mr. TELLER. After the name "Sypher" I wish to insert "his heirs or assigns."

Mr. PLATT of Connecticut. I wish the Senator would not put in the word "assigns." I do not think Mr. Sypher ought to assign the claim and have it prosecuted by assignees.

Mr. TELLER. I will put in "his legal representatives."

Mr. PLATT of Connecticut. "His heirs or legal representatives."

Mr. TELLER. "His heirs or legal representatives."

Mr. CULLOM. That will cover it.

The PRESIDENT pro tempore. The Senator from Colorado modifies his amendment as will be stated.

The SECRETARY. It is proposed to add at the end of the amendment the following:

With the right to either party to appeal to the Supreme Court of the United States.

Mr. BACON. The amendment has not been printed, and therefore I have not a copy before me. I move to strike out the words:

shall certify the amount found to be due and payable to said Sypher by said nation under said agreement to the Secretary of the Treasury, who shall pay the amount found to be due and payable to said Sypher, his heirs or legal representatives, as herein provided, out of any money in the Treasury belonging to the Choctaw Indians, or out of any moneys which may hereafter become due said Indians.

And to insert in lieu thereof:

And shall report the result of their findings to the next session of Congress.

I want to insert it so as not to interfere with the last provision about the appeal.

Mr. TELLER. In that case you will not want any appeal, as it will not be a final judgment.

Mr. STEWART. No; it will not be a final judgment.

Mr. BACON. That is with the Senator. If he prefers to have the provision for an appeal remain in, I will not ask that it be taken out.

But it seems to me this is the proper view to take of this matter. We had a discussion here lasting nearly two days as to how much was properly due Mr. Sypher, and there was very great diversity of opinion among Senators on that point. I take it that if that one matter of difference could have been accommodated the amount would have been voted to Mr. Sypher.

Now, I am perfectly willing that there shall be a provision made by which that amount shall be ascertained by the court in such manner as will be satisfactory to Congress, and that then it shall come to Congress for payment. I believe, whenever that is done, whatever amount the Court of Claims may find to be due to Mr. Sypher will be voted by Congress, to be paid out of the Choctaw fund. But personally, speaking for myself only, and not knowing how other Senators may feel about it, I do not like the idea where we have a trust fund, because it is a trust fund in the highest sense, that we shall entirely dismiss from ourselves all responsibility of this matter and turn it over to a court without any further opportunity for us to consider the propriety of the payment of the amount. I state that in connection with the further statement that I believe whatever amount the Court of Claims may find to be due will be adjudged by Congress as a proper amount to be paid.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment to the amendment, which will be stated.

The SECRETARY. After the words "said agreement" it is proposed to strike out the remainder of the amendment and to insert "and shall report the result of their findings to the next session of Congress."

Mr. CULLOM. Read the first part of it, and let us see what we have left.

The PRESIDENT pro tempore. The entire amendment will be read.

The Secretary read as follows:

That the claim of J. Hale Sypher against the Choctaw Nation for legal and professional services rendered by him to said nation under an agreement made and entered into between the legally authorized commissioners of said nation and said Sypher on the 7th day of November, 1891, is hereby referred to the Court of Claims for adjudication. And jurisdiction is hereby conferred upon said court to hear and determine said claim upon the principles of a quantum meruit, and without regard to the provisions and requirements of section 2103 of the Revised Statutes; and the said court shall ascertain and determine the character, extent, and value of the services rendered by said Sypher to said nation under said agreement; and the court having ascertained and determined the amount justly and equitably due and payable from said nation to said Sypher for services rendered by him under said agreement, shall report the result of their findings to the next session of Congress.

Mr. BACON. I desire to change the phraseology so that it shall read "shall report their findings" instead of "the result of their findings."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia to the amendment of the Senator from Colorado.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SPOONER. If the chairman of the committee will turn to page 41, I wish to call his attention to a matter. I move, after the word "allottees," in line 14, page 41, to insert "in the Indian Territory."

Mr. STEWART. There is no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the amendments made as in Committee of the Whole be concurred in in gross?

Mr. PLATT of Connecticut. I should like to reserve a separate vote on the amendment about the difference between coin and paper with respect to the Delaware Indians.

The PRESIDENT pro tempore. The Senator from Connecticut asks that the item to which he has referred may be reserved for a separate vote.

Mr. TELLER. Before that is done I wish to offer another amendment.

The PRESIDENT pro tempore. The bill is in the Senate and the Senator can offer the amendment in the Senate.

Mr. TELLER. It is in the Senate?

The PRESIDENT pro tempore. It is in the Senate now.

Mr. TELLER. Then, I will offer it at the present time. I do not know anything about the necessity of the amendment or the propriety of it, but some telegrams have been received here saying it ought to be done, and in order to get an expression of the Senate, one way or the other, I offer it.

The PRESIDENT pro tempore. The Senator from Colorado offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, court shall be held in the town of Wapanucka; and all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created in the town of Wapanucka.

That the territory described in this section shall be known as "recording district No. 27," commencing at the intersection of the dividing line between townships 1 and 2 north with the range line between ranges 5 and 6 east, and running east on the dividing line between townships 1 and 2 north to its intersection with the range line between ranges 9 and 10 east; thence south on the dividing line between ranges 9 and 10 east to its intersection with the dividing line between townships 2 and 3 south; thence west on the dividing line between townships 2 and 3 south to its intersection with range line between ranges 5 and 6 east; thence north on said range line between ranges 5 and 6 east to the point of beginning. That any territory included within the above-described boundaries now in the central judicial district shall be added to the southern district. The place of recording in district No. 27 shall be at the town of Wapanucka, and the provisions of the act of Congress approved February 19, 1903, shall apply to this district where applicable.

That terms of the United States district court in the central judicial district of Indian Territory shall hereafter be held at the town of Hugo, Choctaw Nation, instead of at Antlers, as at present, and Hugo shall hereafter be the recording place for recording district No. 24. That all court and recording records shall, as soon as practicable, be transferred from Antlers to Hugo, and the clerk of the court now located at Antlers shall continue the clerk of the court to be located at Hugo for a period of four years from the removal of the court to Hugo.

That the judge of the central district is hereby authorized to appoint a United States commissioner for the central judicial district of Indian Territory, who shall be permanently located at Boswell City; and said commissioner is authorized to appoint a constable for his court, who shall receive the same compensation as is paid to similar officers in Indian Territory.

Mr. STEWART. The committee was unable to determine the question as to these courts. There is a great deal of contention down there, and I think it ought to be more fully considered. I hope the Senator from Colorado will withdraw the amendment.

Mr. PLATT of Connecticut. If it is open to the point of order, I make the point of order. It is general legislation.

Mr. FORAKER. What is this?

Mr. PLATT of Connecticut. It establishes a new court.

Mr. CULLOM. Before the point of order is passed upon I should like to make an inquiry as to whether this proposition in any way relates to the Muscogee region, where there are three separate districts, as I understand, with a judge in each?

I have been getting many letters from that country insisting that there should be some court service there; that there are some 5,000 or more cases on the dockets of those three circuits, with no power on the part of the judges to perform the service necessary to be rendered. It has seemed to me all the time that some committee having the subject in charge ought to report a measure, so that those people might have some relief. I should like to know now, as the subject is up, whether there is any prospect of any judges being created by any bill, so as to give that section of the country relief by having their cases tried.

Mr. STEWART. I will say to the Senator that if it is done at all, it ought to be done by a bill, after hearing all the parties. There are a dozen places which are claiming it, and I do not believe we can legislate intelligently about it on this bill. We did not have time to fix it in committee. We want more time. Let some committee take charge of this matter.

Mr. PLATT of Connecticut. This does not raise the question of which the Senator from Illinois was speaking.

Mr. CULLOM. I wanted to know whether it does or not.

Mr. PLATT of Connecticut. Not at all.

Mr. TELLER. It provides for the holding of court at a certain place.

Mr. CULLOM. I should like to know, if this is the time to inquire, whether there is any committee which is doing anything in the direction of creating additional judges, so that the cases there may be disposed of; and if this committee has not jurisdiction of the matter, I should like to know whether the Judiciary Committee is doing anything on the subject.

Mr. PLATT of Connecticut. There have been several bills referred to the Judiciary Committee, and they are receiving as much consideration as they can receive under the circumstances, I suppose. It is very difficult to tell what ought to be done in the Indian Territory about the creation of new courts and the appointment of new judges. It is a very difficult matter, about which there are a variety of opinions; but this amendment does not touch that question. It provides that court shall be held at a certain town of which the committee never heard.

Mr. CULLOM. It is a matter of no great consequence, so far as I know, whether it shall be in one town or another, so that there are courts provided in that country which can discharge the duties. I think some committee, and it would seem to me the Judiciary Committee, should take charge of it.

Mr. STEWART. I raise the point of order that the amendment proposes general legislation and can not be inserted on the pending bill.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. QUAY. I desire to give notice that after the disposition of the Delaware amendment I will ask to reserve for separate votes the amendment on pages 86 to 90, in relation to Sulphur City, and also the amendment on page 54, as to the sales of lands for cash in the Choctaw and Chickasaw nations, with the right to make the point of order on them.

The PRESIDENT pro tempore. The Senator from Pennsylvania gives notice that he desires to reserve the amendments on pages 54 and 86 to 90. Shall the votes on the other amendments be taken in gross?

Mr. CULBERSON. If it is necessary, I desire to give notice that I will renew the point of order on the claim of the Chippewa Indians of the State of Minnesota, page 57, and I reserve the point of order on the amendment relating to the Sulphur Springs territory, as well as certain private claims in the bill.

The PRESIDENT pro tempore. The Senator from Texas gives notice of his desire to reserve the amendment on page 57, and the one relating to Sulphur Springs, and of certain private claims. Shall the vote be taken in gross on concurring in the rest of the amendments?

Mr. ALLISON. Has the reservation been made of the Delaware amendment?

Mr. STEWART. Yes.

The PRESIDENT pro tempore. It has.

Mr. BACON. Has the bill been reported to the Senate?

The PRESIDENT pro tempore. It has. It is in the Senate now.

Mr. BACON. In what manner will these various points of order be made, if not now?

Mr. SPOONER. They are reserved.

The PRESIDENT pro tempore. The Chair is asking whether or not the amendments reported to the Senate shall be concurred in in gross, and Senators are asking that certain amendments may be reserved.

Mr. BACON. After that?

The PRESIDENT pro tempore. Yes. Shall the rest of the amendments made as in Committee of the Whole be concurred in in gross? The Chair hears no objection.

The amendments made as in Committee of the Whole were concurred in.

The PRESIDENT pro tempore. The Senator from Connecticut asks a separate vote on an amendment, which will be stated.

The SECRETARY. On page 92, after line 13, the Senate, as in Committee of the Whole, inserted an amendment, as follows:

The Secretary of the Treasury is hereby directed to forthwith ascertain, as nearly as practicable, the difference between the currency value of each payment made to the Delaware Indians residing in the Cherokee Nation under the treaty of August 22, 1860, and the supplemental treaty of July 2, 1861, from 1862 to 1878, both inclusive, and the value of a like amount of coin with which the United States was chargeable under said treaty for said Delaware Indians; and he shall pay to said Delaware tribe of Indians residing in the said Cherokee Nation, in the Indian Territory, as said tribe in council shall direct, the amount so ascertained and found to be due, and the sum of $130,000, or so much thereof as may be necessary, is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

Mr. PLATT of Connecticut. Before the amendment is acted upon finally in the Senate I wish to state what I understand to be the facts about this claim. I do not think it is or can be sufficiently ascertained so that we ought to make an appropriation for it, even admitting that there is an equitable liability on the part of the Government to pay anything.

The facts are about as follows: The claim was made by the Delaware Indians that they should be paid the difference between gold and currency arising out of two treaties.

The PRESIDENT pro tempore. Will the Senator from Connecticut allow the Chair to lay before the Senate a communication from the Secretary of the Treasury, in response to a resolution offered by the Senator from Pennsylvania [Mr. QUAY], as to this very point?

Mr. PLATT of Connecticut. I should like to have it laid before the Senate and read.

The PRESIDENT pro tempore. The Secretary will read the communication.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, March 24, 1904.

The PRESIDENT OF THE SENATE.

SIR: In reply to the Senate resolution of the 23d instant—

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to furnish forthwith to the Senate a statement showing the difference in value between coin and currency on payments made by the United States to the Delaware Indians from and including the year 1862 to and including the year 1878, said payments being set forth in the report of the subcommittee of the Senate on Indian Affairs, dated March 29, 1902"—

I have the honor to state that the difference in value between coin and currency on payments made to the Delaware Indians for the period stated in the resolution was $208,804.50.

Respectfully, H. A. TAYLOR, *Acting Secretary.*

Mr. PLATT of Connecticut. Mr. President, the letter simply shows that the Secretary can not ascertain the amount, because the amount heretofore supposed to have been ascertained at the Treasury, it was supposed, would be covered by $130,000. Now, the Treasury Department says it is two hundred and some thousand dollars. To-morrow they will say, probably, that they can not ascertain how much it is.

I think a short statement will show why this trouble arises. The Delawares have claimed for some two or three sessions past that they were entitled to the difference between gold and currency arising under two treaties, one of 1854, I think, and one of 1860. Under the treaty of 1854 they claimed that they had something like a million dollars in the Treasury and that it should have been paid to them in gold, but that it was paid out to them in currency, and under the treaty of 1861 that they were entitled to the difference between gold and currency upon payments of about $286,000.

Mr. QUAY. Will the Senator permit me to interrupt him?

Mr. PLATT of Connecticut. Certainly.

Mr. QUAY. In that treaty it was specifically agreed that the Delawares should be paid in gold and silver.

Mr. PLATT of Connecticut. I do not think so. I will come to that in a minute.

Last year the committee recommended that so much of the claim as arose under the treaty of 1854 should be referred to the Court of Claims for trial and adjustment, but were persuaded to put into the appropriation bill of last year a provision similar to one that is in the bill this year relating to the payments upon this

sum of about $286,000, which, it was alleged, had been paid into the Treasury in gold under the treaty of 1860.

Mr. President, there is first a very great doubt existing as to whether any gold was ever paid into the Treasury under the treaty of 1860. I think I may say it is conceded that no actual money was paid into the Treasury under the provisions of that treaty. Indeed, the memorial which the Indians have filed here, I think, admits no money has been paid into the Treasury under that treaty. There was a treaty made between the Delawares and the United States by which it was agreed—

That certain lands in Kansas should be sold to the Leavenworth, Pawnee and Western Railroad Company, to be paid for into the United States Treasury "in gold or silver coin," and that upon such payment to be made at rates therein specified the United States should issue to said railroad company a patent for said lands.

I am reading now from the memorial of the Delawares themselves. They say:

It was further provided that the United States would accept said trust and "that the money resulting from such disposition of the lands shall be disposed of and applied in the manner provided for by the seventh and eighth articles of the Delaware treaty of 6th May, 1854, after expending a sufficient sum to enable them to commence agricultural pursuits under favorable circumstances," and thereby the United States agreed that it, as trustee, should care for said additional moneys so to be procured and invest the same as a permanent fund for the Delawares, pursuant to said article 7 of said treaty of 1854.

It will be observed that the question whether the Government became liable for the payment of the difference between coin and currency under the treaty of 1854 is now in contention in the Court of Claims upon the case referred there. But the fact is that this railroad company purchasing the lands found that it was not able to pay the money into the Treasury, and so in 1861 a new treaty was entered into with these Indians, by which they agreed that they would accept the bonds of this railroad company to the amount specified, $286,000, in lieu of requiring the company to pay the money into the Treasury. That arrangement was carried out under President Lincoln, and bonds were issued for the $286,000 and delivered to the Indians. They ran ten years. They were payable at 6 per cent interest. There was nothing whatever in those bonds saying that they should be paid, either principal or interest, in gold. A copy of the bond is in the treaty. I could refer to it, but I do not wish to make too long an explanation.

So we have here just this situation precisely: The first treaty provided that the railroad company might buy the lands at $1.15 an acre, with the consent of the Indians, and should pay into the Treasury two hundred and eighty-six thousand and odd dollars in gold or silver coin. They never did pay any money into the Treasury at that time. The only way they ever paid any money into the Treasury was by paying their bonds when the ten years had expired.

The Government never stipulated in any treaty that it would invest the money which it received, principal or interest, payable in gold. At least, that is the claim of the Government. The Delawares seek to put a different construction on the seventh article of the treaty of 1854; but, reading that article, I can not find that the Government ever agreed to pay gold, either principal or interest, to these Indians for any of the moneys in their care.

Then, it becoming impossible at the time for the railroad company to pay this money into the Treasury, as I have said, the Indians agreed that that amount might be placed in bonds running ten years, and, those bonds being delivered for their use, the provisions of the treaty which had required payment of gold or silver coin into the Treasury should be considered as complied with.

The fact, then, is there never was any gold paid into the Treasury. There is no evidence as to how the payment of the bonds at the end of ten years was made, but certainly no payment was ever made into the Treasury in money of any kind until the expiration of the bonds in 1871.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. SPOONER. The report of the committee, in dealing with this transaction, says that the bonds, "principal and interest, were payable to or for the benefit of the Delawares in gold and silver and not in depreciated currency." I thought I understood the Senator to say that there was no such provision in the bonds.

Mr. PLATT of Connecticut. I have a copy of the form of the bonds right in the treaty (12 Stat., p. 1182):

Form of bond.

$10,000. No. 1.

Know all men by these presents: That the Leavenworth, Pawnee and Western Railroad Company is held and bound to the United States, as trustee for the Delaware tribe of Indians, in the sum of $10,000, to be paid to the Commissioner of Indian Affairs, or bearer, at the office of the assistant treasurer of the United States in the city of New York, in ten years from the date hereof, on the surrender of this bond, with interest on said sum from the same date at 6 per cent per annum, payable annually at the same office, on the surrender, as they severally fall due, of the annexed interest warrants. This bond being one of twenty-nine bonds for sums amounting in the aggregate to $290,560, the payment of which, with the interest warrants attached, is secured by mortgage of even date herewith on 100,000 acres of the land acquired by said company, under the conditions and provisions of the treaty between the United States and the Delaware tribe of Indians of May 30, 1860.

In witness whereof the Leavenworth, Pawnee and Western Railroad Company, by Thomas Ewing, jr., their agent, have signed this obligation, and have attached thereto their corporate seal this 14th day of May, 1861.

The Leavenworth, Pawnee and Western Railroad Company.

[SEAL.] By THOMAS EWING, Jr.,
Their Agent.

There is nothing in the bond stating how the principal or interest should be paid.

Mr. PATTERSON. What is the date of the bond?

Mr. PLATT of Connecticut. The date of the bond is the 14th of May, 1861.

Mr. President, it may be, and I am not going to say it would not be, that if this case went to the Court of Claims, upon a full hearing of it there the Court of Claims might find that there was an equitable claim against the United States for the difference between gold and currency; but I have not been able to see how the United States in any way became liable for that difference.

I want to say that last year, when this matter was under consideration, I, with other members of the Indian Affairs Committee, devoted hours and days, and I do not know but I might say weeks, to the hearing of the parties representing this claim; and that I have studied with a great deal of care all the accounts as furnished us by the Treasury Department, and I have become satisfied that if it were admitted that the Government ought equitably to pay the difference between gold and currency the accounts at the Treasury Department do not specify whether the payments made to the Indians in those accounts were made from the proceeds of those bonds or whether they were from some other source. All that I say about it now is that I have not been able to satisfy myself, in all my investigation, that there is any legal or equitable claim on the Government to pay this difference under the treaties mentioned; but it certainly ought not to be taken for granted here and the appropriation made. If it were a proposition to refer the matter to the Court of Claims I should not object to it.

Mr. STEWART. Mr. President, I believe the Indians have an equity. I am somewhat embarrassed by the consideration that there will be very great difficulty by the Department in ascertaining that equity; but I want the Senate to listen for a moment to a statement of the case.

A railroad company wanted to build through the reservation of the Delawares and wanted a large tract of land. The treaty of 1860 was undoubtedly instigated by the railroad company. They got the treaty made with the Indians, and in that treaty it is provided that the land should be bought by them on an appraisement, provided the appraisement shall not be less than a dollar and a quarter an acre in gold. The railroad company were unable to make the payment. In 1861 they procured another arrangement to be made, which was not a treaty in any very legitimate sense of the term. The railroad company undoubtedly got this order made by President Lincoln, which recites as follows:

Whereas by the treaty of Sarcoxieville, amended by the United States Senate, and finally ratified by the President of the United States on the 22d day of August, 1860, a principal object of both parties was the construction of a certain contemplated railroad therein named, and to that end the Leavenworth, Pawnee and Western Railroad Company were to pay into the United States Treasury, in gold or silver coin a sum of money, afterwards ascertained to be $286,742.15, as the appraised value of certain lands in Kansas belonging to the Delaware tribe of Indians.

Now, the lands were appraised as being worth that sum in gold—

which sum of money, after expending a sufficient part of it to enable the Indians to commence agricultural pursuits under favorable circumstances, was to be, by the President, for said Indians, invested in safe and profitable stocks.

The President had the right to invest it in stock. The land was to be appraised and paid for in gold. The minimum price in gold was a dollar and a quarter an acre, and it was so appraised. According to that minimum price, the land they acquired came to $286,742.15. Thus far there is no doubt about their being entitled to payment in gold. Then the order of the President goes on:

It is directed by the President that said railroad company may execute their bonds, with interest warrants or coupons attached, according to the forms hereto annexed, the principal of which bonds shall amount to the aggregate sum of $286,742.15, and deposit the same with Archibald Williams, of Kansas, hereby appointed to receive and receipt for the same.

In that there was no allegation that the form of bond presented, as stated by the Senator from Connecticut, was not a gold bond. Probably in drawing it it might have been overlooked At all events the Indians supposed it was a gold bond. Then it was provided in this order that it should not go into effect until this proclamation of the President was read to the Indians and approved by them and received their certificate. Here is the certificate which the order required:

And I do further certify that I have had before me the chiefs and headmen therein named, as John Connor, Sar cox ie, and Ne con he con, and also James Connor, who was the delegate at large of said tribe, in making the treaty of 1860, and read to them the said paper signed by the President, and fully explained to them the nature and effect of the proposition set forth in said paper; and that, after they had fully discussed the proposition, John Connor,

in English, and James Connor, Sar cox ie, and Ne con he con, through the said John Connor and other interpreters, declared that they understood it thoroughly, and each freely assented to the same; and that evidence has been presented to me by John Connor and other chiefs of said tribe by which I am satisfied that Rock a to wha died several months ago, and that no chief has been appointed in his place.

It was read to them in that way, and in reading it to them the first part of it was a recital that it was appraised at so much in coin. I take it for granted that they did not understand what that bond was, because immediately after they commenced paying them in currency the Delawares sent in their protest and stated that it was to be paid in coin. The Department might have paid it in bulk, and there is great difficulty in tracing the money and ascertaining how much they paid from this particular fund. The bonds were deposited with the Secretary of the Interior and the proceeds, as the money was collected, paid over to them. They complained, when the proceeds were paid, that the amount was not sufficient, and I take it they might have fairly understood from the reading of the order to them that there was no change made in the original contract. The original contract required gold. The land had to be appraised in gold, and it could not be appraised at less than a dollar and a quarter an acre. Then the subsequent arrangement recited what had been done, and there is no doubt that if the land was taken it was so much gold due them. Then it goes on and provides for the bonds. That they understood to be a mere extension of time. They did not understand that it was a change of language, but a mere extension of the time of payment.

Now, I do not think the Government of the United States ought to take advantage of it. It was the Government that took it and had it invested. The Indians never had the bonds in their possession at all. They were paid into the Treasury according to that treaty and others, and then the Government paid it out. The money from the sale of this land was paid into the Treasury. Whatever the receipts were, they were all paid into the Treasury according to the treaty of 1854, and also this understanding that it should be paid into the Treasury and held by the Government, and that they should be paid in the money collected. The Government was the trustee for the bonds, and the Indians undoubtedly thought, and had a right to think, that the bonds would give them the amount of money that the appraisement of the lands had yielded them.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Nevada yield to the Senator from Colorado?

Mr. STEWART. Certainly.

Mr. PATTERSON. There was quite a pertinent statement made by the Senator from Connecticut to the effect that no gold was ever paid into the Treasury for these lands.

Mr. STEWART. That is true.

Mr. PATTERSON. But before payment a second treaty was made?

Mr. STEWART. Yes.

Mr. PATTERSON. And that treaty authorized the Government to receive the bonds of the railway company for the land instead of the gold and silver?

Mr. STEWART. That is the way——

Mr. PATTERSON. Just one moment. The theory of the Senator from Nevada is, as I understand it, that it is likely the Indians did not know what the second treaty was. That is a mere surmise upon the part of the Senator, is it not?

Mr. STEWART. It is very apparent on the face of the papers. The Indians protested immediately after the payment was made.

Mr. PATTERSON. The Senator from Nevada makes the statement that that is to be supposed.

Mr. STEWART. I think it is fair to suppose it.

Mr. PATTERSON. That is what I understood. Now, is it an equitable claim against the Government, if by agreement with the Indians the Government received the bonds of the railway company in lieu of their lands, which were not to be paid in gold, that the Government should pay in gold?

Mr. STEWART. Certainly it is an equitable claim, because the Government agreed that the lands should be appraised, and agreed that the railroad company should pay a dollar and a quarter an acre in gold. They were appraised in gold, and it amounted to this sum.

Mr. ALLISON. Why did they agree to pay a dollar and a quarter in gold?

Mr. STEWART. Because that was the lowest price for which the lands could be appraised.

Mr. ALLISON. Gold and silver?

Mr. STEWART. Gold and silver.

Mr. ALLISON. Gold and silver were of the same value at that time, as they were in 1861. So I think that question was not a burning one at that moment. So it made no difference whether they were to be paid in coin or currency.

Mr. STEWART. Payments were to be made in coin in the Indian treaties from time immemorial. All the money was to be paid in gold or silver. Some of the payments were to be made in silver, and we still make provisions to pay in silver. There are some provisions in this appropriation bill for payment in silver. The reason for that undoubtedly was because there was much currency in the country that was not at par. Banks issued money, and in dealing with the Indians the policy from the beginning was to pay in either gold or silver coin, so that there would be no fluctuation or no change in the agreement with them. The Government was very particular in the treaties that that provision should be made, and we are carrying it out now. There are several items in this bill for payment in silver. When silver is at par it does not make any difference.

Now, this railroad company wanted the land, and the Government agreed in this treaty to sell it to them, or to allow the Indians to let them take it at an appraised value in gold, provided it should not be less than a dollar and a quarter an acre. That amounted to two hundred and eighty-odd thousand dollars. Then the railroad company could not meet the payment, and they got the President to make an order.

Mr. SPOONER. Will the Senator permit me to ask him a question?

Mr. STEWART. Certainly.

Mr. SPOONER. To what does the Senator from Nevada refer when he says "they got the President to make an order?"

Mr. STEWART. I refer to the order made by the President before the Indians were consulted at all. It was a treaty made in this way. It says the President makes an order.

Mr. PLATT of Connecticut. The treaty is perhaps a little irregular in form, but it was a treaty. It was ratified by the Senate.

Mr. STEWART. It was made here, and the President of the United States said it should not go into effect until it was read to the Indians. It was not an ordinary treaty such as is negotiated with the Indians; it was written here.

Mr. SPOONER. Now, assuming whatever this arrangement was in 1861 to be a treaty——

Mr. STEWART. I do not think it was.

Mr. SPOONER. I say assuming that, does not the Senator think it changed altogether in respect to the matter in dispute the treaty of 1860?

Mr. STEWART. Absolutely.

Mr. SPOONER. So the Senator's contention is that, although it changed that treaty, it was not a treaty to which the Indians agreed.

Mr. STEWART. I do not think they did. It was read to them, but I do not think it was a fair way by reading it to them to negotiate it, and I do not believe the President thought he was changing the contract other than to give them time. The main thing was to give them time. It says:

> Whereas by the treaty of Sarcoxieville, amended by the United States Senate and finally ratified by the President of the United States on the 22d day of August, 1860, a principal object of both parties was the construction of a certain contemplated railroad therein named, and to that end the Leavenworth, Pawnee and Western Railroad Company were to pay into the United States Treasury, in gold or silver coin, a sum of money, afterwards ascertained to be $286,742.15, as the appraised value of certain lands in Kansas belonging to the Delaware tribe of Indians, which sum of money, after expending a sufficient part of it to enable the Indians to commence agricultural pursuits under favorable circumstances, was to be, by the President for said Indians, invested in safe and profitable stocks; and
>
> Whereas the said railroad company is not able to pay said sum of money within time according to said treaty, etc.

It was a mere extension of time, and in that extension of time they omitted to repeat the word "gold."

Mr. PLATT of Connecticut. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. STEWART. Certainly.

Mr. PLATT of Connecticut. I do not think the Senator can maintain that this so-called treaty of 1861 was not a treaty, because it was signed by the Indians.

Mr. STEWART. I do not contend that.

Mr. PLATT of Connecticut. It was submitted to the Senate, amended by the Senate, re-signed by the Indians, and published by the President as a treaty. It may have been a little informal in its character, but those are the facts.

Mr. STEWART. Where is it signed?

Mr. SPOONER. If the Senator will look at the statutes, instead of the compilation, he will get the whole business.

Mr. PLATT of Connecticut. On pages 1183 and 1184.

Mr. ALLISON. If the Senator will allow me, I wish to say that this compilation of treaties is, as respects the Delawares, wholly insufficient to carry the real purpose, the signatures being omitted.

Mr. STEWART. Senators have got the whole matter before them, and they can do as they please about it. I think the Indians make their claim on the argument that they did not understand the treaty.

Mr. SPOONER. Did the Senator from Nevada ever know an Indian who was satisfied?

Mr. STEWART. They do not complain when they get the full amount they claim; but when they think it is not sufficient they are dissatisfied. I do not believe they understood that "bond" was different from "gold." However, I do not care to say anything further about it.

Mr. DUBOIS. Mr. President, this is a question which has bothered the committee considerably. In the last Congress I was appointed one of a subcommittee with the Senator from North Dakota to look into this claim of the Delaware Indians. We made a report, and I think I signed it, that they had a valid claim.

The Indians in 1864, as Senators will observe, protested against receiving their payment in currency, and a treaty was made with them that they should be paid in coin. The Government has had other cases similar to this—not many; four, I think, altogether. We have settled with the Pottawatomies, with the Mackinacs, and in this bill we provide for a settlement with the Chippewas. This is the only other tribe occupying a similar position and the only other tribe with which the Government has not settled.

I will confess that I have modified my views somewhat and am not so firmly convinced regarding it as I was two years ago, because I know more about these railroad bonds; but I am still convinced that the Indians thought they were entitled to payment in gold. As I have said, the Government has settled with the others, and while, under the circumstances, I do not feel like insisting upon the proposition, I believe, at any rate, we ought to give these Indians some chance, and I am willing, so far as I am concerned, to send their claim to the Court of Claims. If Senators will agree to that, I will offer an amendment to that effect.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. DUBOIS. Certainly.

Mr. PATTERSON. I desire to ask the Senator from Idaho whether the other claims to which he has referred had the element of the second treaty of 1861, by which the Indians——

Mr. STEWART. Oh, no.

Mr. DUBOIS. Oh, no; I do not undertake to say that. I simply say that the Government paid the difference between gold and currency to the other Indians.

Mr. PATTERSON. I will ask the Senator from Idaho this question: Speaking of the protest of the Indians, is it because the Indians thought that they were to be paid in gold under the treaty that they made the protest of 1861, or is it because the Indians did not know anything about either the rise or the fall in the value of the greenbacks as compared with gold?

Mr. STEWART. They complained that the greenbacks were a depreciated currency.

Mr. PATTERSON. In other words, they were simply in ignorance of the financial law.

Mr. STEWART. They were until they got the money.

Mr. PATTERSON. It was not, then, a question with them of the violation of an obligation by the Government to them?

Mr. DUBOIS. I should think not. I will read this language, which was probably written by an Indian, but possibly so that a white man could understand it.

Mr. PATTERSON. I have no idea that it was written by an Indian.

Mr. DUBOIS. This is the statement:

> It will occur to you that we are losing money by receiving paper money, which has greatly depreciated.

Mr. PATTERSON. They had learned at that time that there was a depreciation of paper money.

Mr. DUBOIS. In 1864.

Mr. PATTERSON. Yes; that was in 1864.

But, Mr. President, I submit that it was the mere fact that there was a depreciation, that paper money did not buy as much, and that it was suggested to them by some careful friend that the reason it did not buy as much was because it was paper and not gold. I do not think that they presented the claim at all because they believed that the Government had received gold, and therefore should treat it as a special trust and pay them in gold or its equivalent. It is a mere misconception on the part of the Indians, and not any bad faith on the part of the United States.

Mr. DUBOIS. I would suggest to the Senator from Colorado that if the Indians did not understand what they were doing they certainly had some one who did understand, because in the treaty with the Government it was stipulated that they should be paid in coin; and when they were not paid in coin they objected.

The PRESIDING OFFICER. The question is on agreeing to the amendment reserved by the Senator from Connecticut [Mr. PLATT].

Mr. QUAY. I understand, Mr. President, that an amendment to the amendment has been offered by the Senator from Idaho [Mr. DUBOIS].

Mr. DUBOIS. Mr. President, I offer an amendment, striking out, on page 92, from line 14 to and including line 11 on page 93, being the amendment of the committee, and substituting for it what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the amendment of the committee, beginning on line 14 on page 92 and ending on line 11, page 93, and insert in lieu thereof the following:

> That the claim of the Delaware Indians residing in the Cherokee Nation under the treaty of August 22, 1860, and the supplemental treaty of July 2, 1861, from 1862 to 1878, both inclusive, for the payment of the difference between the currency value of each payment made to said Indians and the value of a like amount of coin with which the United States is chargeable under said treaty for said Delaware Indians, is hereby referred to the Court of Claims for adjudication; and jurisdiction is hereby conferred upon said court to hear and determine said claim, and without regard to the statute of limitations; and the court having ascertained and determined the amount of such difference, shall report their findings to the next session of Congress.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Idaho [Mr. DUBOIS] to the amendment of the committee.

Mr. ALLISON. It seems to me that that will leave us just where we are now, for it does not settle any question as to the obligation to pay in coin. The proposition is simply to ascertain the difference. I do not see that such an adjudication would be worth anything if we want to dispose of this matter.

Mr. STEWART. Let it go in, and we will settle the question of obligation hereafter.

Mr. QUAY. Mr. President, I will be very sorry if the Senate does not see fit to give the Delawares what are their just dues at once instead of sending them to the Court of Claims. It was to keep this case out of the Court of Claims that I took the responsibility of adding the provision to the Indian appropriation bill. If these Indians are entitled to anything, they ought to have it without lawyers' fees or any such incumbrances as have been spoken of on this floor. If the Senate is determined that the case shall go to the Court of Claims I must submit, but the Senate ought to be a little more indulgent to the Delaware Indians. They are a feeble band now. They were strong once.

There was one singular feature in one treaty between the United States and the Delawares, which I find on the first page of the volume of treaties published by the Committee on Indian Affairs. It contains this clause:

> And it is further agreed on between the contracting parties should it for the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a State whereof the Delaware Nation shall be the head, and have a representation in Congress: *Provided*, Nothing contained in this article to be considered as conclusive until it meets with the approbation of Congress.

This is the only case within my knowledge where there was any treaty proposition for enabling Indians to form a State.

I am pretty well acquainted with the Delawares and with their history. My ancestors came in touch with them as long ago as 1712, when they lived near Philadelphia. In all their dealings with the white people they have been cheated, and they were cheated in this one under the treaty which I have just quoted. It is a treaty involving no land, but involving the sending out of a war party of Delawares against the English in behalf of the United States. They scarcely were fairly started on the warpath until their people in Gnadenhutten, in western Ohio, were massacred—Christian Indians. Some of them then, of course, were driven into hostility to the United States.

They lived, as I have said, near Philadelphia. As long ago as 1740 they lived among the whites and were familiar with white customs. They were being educated and civilized.

Then came what was called the "walking purchase" of Mr. Thomas Penn. A perjured witness was produced to say that forty years before he had seen a treaty providing that the Delawares should give the English all the land measured from a base line running up the Delaware River as far as a man could walk in a day. The Delawares held a council, and finally agreed with the whites that they would fulfill this treaty which it was claimed they had executed. When the day came for the execution of the treaty the whites had blazed the trail up the Delaware River, but instead of following the course of the river they struck a bee line inside the river from one bend to another, put men on horseback to help out their walkers, which walkers turned out to be the fastest runners in the neighborhood, and so stole about $6,000,000 worth of land from the Indians. The Delawares had then enough of the kindness and charity of the whites, but they still lived in amity there.

The next year the whites called in the Iroquois. They were the overlords, and of course the whites and the Iroquois combined; the Delawares could not resist. The Iroquois ordered them off. They went, not as a tribe, but as families, and almost night after night, the historian says, in the woods the little flames were seen, and in the morning the houses and homes of the Delawares

were found in ashes and the families were gone. The men took their guns and the women their babies and ponies, and they left for the West. Family after family disappeared forever in the gorges of the Alleghanies from their old haunts. The last Delaware woman who lived in Chester County, Pa., where my people were acquainted with these Indians, went off during the Revolution. The neighboring whites said that in the night a strange Indian came and took her away.

They went to Ohio and took part against the whites, and during the French and Indian war they were the most relentless and savage enemies we had. When that was over and the collision came between the colonies and Great Britain, this special band, which is now in the Cherokee Nation, took the part of the United States. The treaty from which I have just quoted was made with them then, and from that day to this, in every war in which this country has engaged, the Delawares have borne arms for the United States.

They first settled on the Muskingum. Their lands were bought from them there; they were told to move on, and they moved on to White River, Indiana. Their lands were wanted there; they were crowded, and their advance parties then crossed to the region which was beyond the Mississippi, which was under Spanish domination. The Spanish enlisted them in their service to fight the Osage and the Missouria Indians, and gave them a large tract of land below St. Louis, near Carondelet. The United States acquired Missouri and the Northwest Territory, and these Indians then moved on to Kansas.

I will not go into any extended remarks on the subject, except to say that they served in the Seminole war, in the Mexican war, and in the war of the rebellion. In the war from 1861 to 1864 every Delaware able to bear arms served in the Union Army. Then came the occasion of this bill here in the Senate to-day. They sold their lands, went down through Kansas and became Cherokee, and they are there now in the Cherokee Nation, with their lands all gone, their money all gone, and are become poor beggars for a little pittance at the hands of this Government which is justly due them.

I do not wish to occupy the time of the Senate longer with these remarks. As the chairman seems impatient to proceed, I have no objection to the vote now.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Idaho [Mr. DUBOIS] to the amendment of the committee.

Mr. DUBOIS. I ask leave to withdraw the amendment, Mr. President.

The PRESIDENT pro tempore. The amendment of the Senator from Idaho to the amendment of the committee is withdrawn. The question is on agreeing to the amendment of the committee as it has been amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. An amendment on page 54 was reserved by the Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. I withdraw the reservation.

The PRESIDENT pro tempore. The question then is on the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendment at the bottom of page 86, section 10, was also reserved at the request of the Senator from Pennsylvania.

Mr. QUAY. That reservation is also withdrawn.

The PRESIDENT pro tempore. The question then is on the amendment of the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. On page 90 there was an amendment reserved by the Senator from Pennsylvania [Mr. QUAY].

Mr. QUAY. That is the Sulphur Springs amendment, and the reservation is withdrawn.

The PRESIDENT pro tempore. The question then recurs on the amendment of the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Texas [Mr. CULBERSON] reserved an amendment on page 57.

Mr. CULBERSON. On page 91.

Mr. STEWART. Let us get through with page 57 first.

Mr. CULBERSON. The reservation of the amendment on page 57, Mr. President, was an error on my part. I intended to reserve the amendment on page 91, relating to the Chippewa Indians of Lake Superior and the Mississippi.

The PRESIDENT pro tempore. The question is on the amendment on page 57.

The amendment was agreed to.

The PRESIDENT pro tempore. On what page is the amendment reserved by the Senator from Texas?

Mr. CULBERSON. On page 91.

Mr. President, on yesterday or the day before I made the point of order that there was no estimate by any head of a Department for the amendment on page 91, but the Chair ruled that in that case an estimate had been presented and overruled the point of order.

Before I withdraw my point of order I want to say that the report of the committee fails to show that any estimate was made by the head of a Department. The only thing in the shape of an estimate is a report of a subcommittee of the House of Representatives several years ago and some letters written not later than 1902 by the Commissioner of Indian Affairs to the Secretary of the Interior.

I simply wanted to make my position clear that neither of these constitutes an estimate by the head of a Department within the meaning of Rule XVI.

The PRESIDENT pro tempore. The Chair agrees with the Senator.

Mr. CULBERSON. Having made that clear, Mr. President, and having investigated this matter to the effect that the amendment appears meritorious, I withdraw the point of order.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator rise to the amendment just agreed to?

Mr. CLAPP. I rise, perhaps, to a privileged question. I want to correct a statement that has been made here. I find that in the Fifty-seventh Congress, first session, the Secretary of the Interior, reviewing this subject as to both items, finally concludes by recommending that the bill be amended to appropriate the sum of $100,373. I regarded that as an estimate, and if, technically, it was not, perhaps it was a mistake to have stated it in those terms. That is what I referred to, but I still think that it was a proper statement to make.

The PRESIDENT pro tempore. As the Chair understands, all the amendments so far reported from the committee and all amendments offered in the Senate have been agreed to.

Mr. CULBERSON. I desire to make the point of order on the amendment appropriating $25,000 to send Indians to the St. Louis Exposition. I understand that the appropriation is out of the Treasury of the United States.

Mr. PLATT of Connecticut. Where is that amendment?

Mr. CULBERSON. On page 46. It is general legislation; and I make the point of order upon it, because I think we have spent about as much money for that exposition as we ought to spend, and all others, except Indians, are required to pay their own way to the exposition.

Mr. STEWART. This amount was estimated for in the urgent deficiency appropriation bill, but it was not appropria ed. The committee thought that was a sufficient estimate. The Commissioner was before the committee and explained that it was necessary to carry out what had been undertaken. I do not know whether or not that would be a sufficient estimate, but we took it for granted that it was.

Mr. TELLER. Mr. President, in that case the Department find themselves short of funds to take care of what they have already done there. They have erected a building and done one thing and another, and the Commissioner substantially said that they would get no benefit of that if they did not get an additional sum.

Mr. STEWART. And an estimate was sent in on the urgent deficiency bill to complete what they had undertaken.

Mr. TELLER. I think it ought to be allowed. If we made any mistake at all, we made it in giving them the first money.

The PRESIDENT pro tempore. Does the Senator from Texas think the amendment is general legislation?

Mr. CULBERSON. That is the point I made.

Mr. TELLER. I do not think you can call an appropriation for a specific purpose like that general legislation.

The PRESIDENT pro tempore. And one that dies with the bill itself.

Mr. TELLER. And one that dies with the bill.

The PRESIDENT pro tempore. It is very difficult for the presiding officer to determine, as Senators know, what is general legislation and what items shall be included within the term "general legislation." It is the judgment of the Chair in this case rather that it is not general legislation, and that the committee having jurisdiction of the subject had the right to report it as an amendment to this bill, it coming from a standing committee of the Senate. The Chair overrules the point of order.

Mr. CULBERSON. I make the point of order that the amendment on page 12, relating to the Chippewas of North Dakota, is general legislation; that it is not intended to carry out a treaty existing between the Indians and the United States, but that it is an item amending an existing treaty or agreement between the United States and the Indians, and, so far as the bill shows, there is no consent on the part of the Indians that this amendment shall

be adopted and no provision that the amendment shall be submitted to the Indians for ratification. I should like to have some information upon that subject.

Mr. STEWART. I make the point of order that it is too late to make the point after the amendment has been agreed to both in Committee of the Whole and in the Senate.

The PRESIDENT pro tempore. It has been agreed to both in the Committee of the Whole and in the Senate.

Mr. STEWART. So it is too late to make the point of order.

The PRESIDENT pro tempore. In the opinion of the Chair it is too late.

Mr. CULBERSON. Then I desire, Mr. President, to inquire of the Senator if this provision is not an attempt to amend a treaty or agreement with the Indians without their consent and without submitting the amendment adopted to the Indians for their ratification and approval?

Mr. HANSBROUGH. I would say, in response to the inquiry of the Senator from Texas, that it has not been customary to resubmit a treaty to the Indians. This treaty was regularly made with the Indians; it comes here exactly as all other treaties come here; it has been passed upon in the regular way by the committee having jurisdiction of the subject, and goes into this bill as all other treaties of that kind have gone into the bill.

Mr. CULBERSON. But the Senator will pardon me for calling his attention to the language. It says this treaty or agreement entered into "on the 22d day of October, 1892, shall be amended to read as follows." Then it proceeds to amend that treaty or agreement without the consent of the Indians, or, as I repeat, without a provision requiring its submission to the Indians for their approval afterwards.

Mr. HANSBROUGH. That is customary, Mr. President. All treaties are amended here after they have been agreed upon.

Mr. TELLER. Will the Senator allow me to say a word?

Mr. HANSBROUGH. Certainly.

Mr. TELLER. This is in no sense a treaty, or it would not be here. Congress years ago provided that no more treaties should be made with Indians. Since that time we have never made any. We have made what we call agreements, and if we technically call one of them a treaty that makes no difference. There is no authority to make treaties with Indians, and there has not been for thirty years; and those treaties or agreements have been treated as subject to the judgment of Congress. We change them without ever referring them back.

Mr. HANSBROUGH. This agreement is in the usual form.

Mr. TELLER. It is an agreement which absolutely, according to custom and according to law, is under our control.

Mr. CULBERSON. It may be according to law, but I submit that an agreement with the Indians is just as binding in conscience upon the United States as a treaty; in fact, more so, because it has been passed by both Houses of Congress instead of by the Senate alone; and to amend that agreement without reference to the wishes of the Indians who entered into it originally with us is a violation of the faith of the Government.

Mr. CLAPP. If the Senator will yield to me for a moment, the Supreme Court a year ago last January decided that it was not necessary to submit these matters, and since then, and at this session, two or three bills similar to this have passed, and it has become the policy now, instead of submitting these questions, for Congress to either pass a law as a new measure or take one of these treaties and proceed to amend it. There is nothing in violation of law in the matter. The court has sustained that procedure.

Mr. TELLER. It is too late now, I understand, to raise the question as to its regularity. It is absolutely regular. Congress intended by the act of some thirty-odd years ago to prevent any contracts being made, and these agreements have been treated merely as the expression of what the Indians would like to have us enact. That is all there is of it. They have no legal binding character whatever, and Congress never so recognized them.

The PRESIDENT pro tempore. Shall the amendments be engrossed and the bill be read a third time?

Mr. BACON. If there is nothing more in the nature of an amendment, I desire to say a word or two in relation to something which was said in the debate yesterday by the senior Senator from Massachusetts [Mr. HOAR].

Mr. PLATT of Connecticut. Is the Senator willing that the bill shall pass to its third reading, or would he prefer to make his remarks now?

Mr. BACON. If the Senator means that I shall make my remarks after the third reading of the bill and upon the question of its passage, I have no choice in the matter.

The PRESIDENT pro tempore. The question is, Shall the amendments be ordered to be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BACON. Mr. President, in the course of the debate on this bill yesterday, when the subject of civil service came incidentally before the Senate, the senior Senator from Massachusetts [Mr. HOAR], in the course of his remarks, used language which I will read. I read from page 3568 of the RECORD. The immediate connection had some reference to appointments under the Panama Canal Commission. The Senator from Massachusetts said:

> I suppose everybody will agree that with such public instruments all employees of this sort ought to be fairly divided between the different sections of the country. The Government can not maintain the confidence or the affection or the support of the people unless the people of every part of the country have their fair and full share in it. It would not be just, if you are to appoint a thousand men for this particular public service, to take them all from California or all from Mississippi or all from Massachusetts, even if you got in that way, on the whole, a better set of public employees. Everybody agrees to that. If that is to be done, how is the President or how is an Executive Department to find out who are the best men and the qualities of men in a particular State, except by inquiry of the men whom that State has selected, or men of experience, acquainted with their people at home, whom the State selects as the best examples of its intelligence and capacity and integrity?

Further on the Senator uses this language:

> Why, then, in every instance should Senators not be expected to give any Department such information as they have in this important matter?

Speaking generally of the question of the selection of the officers of the Government in the Executive Departments, and especially of the selection of those officers who are to be located in the several States, I desire to say a word or two, because, sir, it is a matter of very great importance to the section from which I come. I think the utterance of the honorable Senator from Massachusetts, which I have read, is a most notable one, and is substantially a condemnation of the system which now exists in this country, which is practically a disfranchisement of the people of the entire South, constituting one-third of the people of the United States, so far as concerns any real connection on their part with the selection of executive officers who represent the Government and administer the laws of the Government in their midst. That is quite broad language, but it is actually true. It is a system which is an utter and most radical violation of the most fundamental principles of free government.

One of the dearest and most vital and essential principles of a free government is the right of the people to choose those who shall hold the offices necessary to administer the government. There are different ways in which, when that principle is preserved, a people may directly or indirectly choose their officers. It may be through a direct vote of the people in a popular election, or they may be chosen through an intermediary body, such as an electoral college or a legislature, or they may be appointed by the executive with the consent of a senate. Each of these methods, while differing in form and modes of procedure, is but an agency of the popular will through which it finds expression. The governor of a State when he makes an appointment is speaking as the representative of the people, and they are making the appointment through him; not directly, but in the confidence that in making the appointment he is considering their wishes and that no one known to be unacceptable to them will be appointed. The same thing is true of the legislature of a State when it elects an official. The election is in accordance with their will, and the people are acting through the legislature. Each of these methods at last is but the means by which a free people select officers, whose selection is in accord with their will. None of them is designed to be a method by which officers will be selected whom the people do not wish or approve.

Now, I affirm, and I presume it will be conceded, that the selection of the officers of the Federal Government was not intended in the formation of the Federal Government to be a violation of this principle. It was found necessary to have a general government, as well as a State government, and it was found necessary to have officers of the General Government, as well as officers of the State government. But who will say that it was ever designed or dreamed of that the people, in providing for officers of the General Government and in providing the method by which those officers of the General Government should be selected, intended to surrender the right through those chosen methods to practically select their officers of the Federal Government; in other words, that the officers thus chosen through the methods prescribed should be other than those approved by the people and personally acceptable to them? It can not be so contended. I am confident that no Senator will rise in his place and say that in his opinion it is in accordance with the spirit of the Constitution, in accordance with the intention of those who framed the Constitution, or in accordance with the understanding of the States which adopted it that the Federal officers in a State should be selected in utter disregard and in contemptuous indifference to the wishes of the people of that State. If there is a Senator who entertains such an opinion, I trust he will avow it in language not to be misunderstood.

The proposition which I submit is this: That while under our system of local State government the right of the selection of officers and of participation in the selection of officers, so far as State officers are concerned, is preserved, that right should none the less in practical effect exist in the case of the Federal Government, in so far at least that the Federal officers thus selected should be acceptable to the people of the State and representative of their best elements; and it is not to be considered for a moment that it was ever the intention of the framers of the Government or of those who agreed to the adoption of the Constitution that there should be an exception in this regard in the case of the Federal Government, and that there should be in any State or section the denial of the right of the people to be consulted as to the Federal executive offices in their midst, or the denial of their right to have officers who should be personally acceptable to them. Who can believe for a moment, sir, that any State would have surrendered the right to the appointment of officers in its domain if it had been conceived for an instant that the General Government would under any circumstances appoint such officers in utter disregard and violation of the wishes of the people as to who such officers should be?

As a clear presentation of the circumstances under which the States surrendered to the General Government the right to appoint these officers and the care with which they sought to guard for themselves the practical enjoyment of those rights and powers, the practical administration of which they thus surrendered, I will read an extract from an interesting and most instructive article written by the junior Senator from Massachusetts [Mr. LODGE] and which appeared in the November (1903) number of Scribner's Magazine. It sets out very clearly the purpose of the States when framing the Constitution and founding the Government under it to retain to themselves, through the intermediary of the Senate, the right to be consulted and to exercise a controlling influence and even a veto in the selection of Federal officers. It was not designed simply as a protection of the country at large against unlimited Executive power in making appointments, but was particularly designed for the protection in this regard of the people of each State that the officers thus selected should be acceptable to them; in other words, that it never was the expectation that the Federal Government, while selecting officers in the method prescribed, should occupy any other relation to the people of a State in the selection of such officers than that which is occupied by the people of the State in the selection of their officers, to the extent, at least, that such officers should be acceptable to the people of each State. The right of selection was surrendered by the State, but it is impossible that they intended or contemplated that such selections would be made in the most absolute disregard of the wishes of the people of that State and in known violation of their wishes. Different agencies are employed, but in each instance it was the intention that the people of a State should still be those to determine who should be their officers and to be consulted as to who should be their officers.

Mr. SPOONER. There is a difference between the right to be consulted and the right to determine. I suppose the Senator does not claim the right of a locality to determine——

Mr. BACON. I am using that language in this sense. I say that the people do not determine in the State——

Mr. SPOONER. Yes, they do.

Mr. BACON. Well?

Mr. SPOONER. Do they not?

Mr. BACON. Possibly if the Senator will permit me to complete the sentence he would not object to the construction I was about to put upon it.

Mr. SPOONER. The Senator did not allow me to complete mine, but then I yield to him, because he has the floor.

Mr. BACON. I am very much obliged to the Senator for his courtesy. What I mean by that is this: Take the case of the State. While in many instances the people do not directly elect, at the same time the general purpose and effect of whatever arrangement they make by which officers are selected are to have the selection of the people. It may not be a direct vote of the people; it may be by an appointment of the governor whom the people elect; but when the governor exercises that power, he is presumed to be carrying out the will of the people and not to be acting in absolute indifference to their wish, and possibly in contemptuous defiance of their wish, as to who shall be the officer. It is only in that sense that I use the word "determine." Not that they should have the veto power and set aside an appointment when that particular agency which has been selected to fill the office has exercised the power thus given to it. I do not mean that.

Mr. SPOONER. I did not interrupt the Senator for any controversial purpose.

Mr. BACON. I understand.

Mr. SPOONER. I thought the language he used——

Mr. BACON. I think I have made my meaning clear now to the apprehension of the Senator. It was my fault, in that I was not sufficiently careful to limit it before.

The purpose in reading this particular part of the article of the Senator from Massachusetts is to give expression to the opinion that in conferring the power upon the General Government the States had no thought or design that the people should occupy any other relation toward a Federal officer than they do toward a State officer in so far as regards the acceptability of their officer to them. I read from the November Scribner, on page 541, as follows:

> The Senate, therefore, was regarded as the keystone of the new scheme, and the framers showed their belief in its overwhelming importance by providing that the basis of representation in the Senate should not be altered except by the consent of every State, while every other clause of the Constitution could be amended by a two-thirds vote of Congress, followed by a ratification by three-fourths of the States.
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> The reason for fixing the basis of representation for the Senate so firmly in the Constitution that so far as possible it should be beyond change is obvious, although often overlooked. The convention which framed the Constitution voted by States, as did the Continental Congress and the Congress of the Confederation. All sovereign powers of every kind, therefore, were in possession of the States as such, and consequently every power which was given in the new Constitution to the people of the Union at large was given by the States; every power that was reserved was reserved to the States; and all powers conferred upon the Senate were intended to guard and preserve the influence and authority of the States in the new government. Hence, in the formation of the Senate the States were retaining for themselves all the powers which they believed needful for their safety, and as everything was theirs to give or to withhold, they were naturally liberal in their endowment of the body which was to continue to represent them under a system where they necessarily parted with so much.
>
> It was for those reasons that the convention conferred upon the Senate both executive and judicial as well as legislative powers. The Executive was to be elected by the people at large, and the executive power therefore passed away from the States, but the States took pains to limit this great gift by conferring upon the Senate the power to reject all nominations to office made by the President, and by granting to the Senate an equal and coordinate part in making all treaties with foreign nations. These sovereign powers of appointing executive officers and of treating with foreign nations were, at the time of the Philadelphia convention, vested wholly in the States, and when the States parted with them to an Executive elected by the people at large, they reserved to themselves an equal share and an absolute veto in the performance of both these great and vital functions of government.

I repeat, I read that to show that it was the intention, as expounded by a prominent member of the Republican party, that the people of the States should occupy the same relation to the Federal officeholder that they occupy to the State officeholder. In other words, that the right of the people of a State to be considered in the selection of a Federal officeholder is as great as the right of the people to be considered in the selection of a State officer. And yet, sir, this being the design of the framers of the Constitution, as is so clearly pointed out by the distinguished junior Senator from Massachusetts, how stands it in the practical operation of the Government?

Take the State of Georgia. She is one of the original thirteen which founded this Government. Her sons, as well as the sons of the other colonies, consecrated and risked their all in order that the American colonies might be free. With them they signed the great Declaration; with them they waged the seven years' war; with them they framed the Constitution, and with them they entered into the Federal compact. Surely the people of Georgia are entitled to all the privileges of freemen in a free government. And yet how stands the case to-day? Georgia has 2,500,000 inhabitants. They are foremost in every work. They add largely each year to the general wealth of the country from her mines, her fields, and her factories. She pays into the National Treasury more than $20,000,000 a year. When blood is to be poured out in the public defense she offers it without limit. When the country is in danger it comes up with its full quota of men for the public defense; and I will say again what I have said here before, that if the published reports are correct in the recent Spanish war the State of Georgia contributed more soldiers to the volunteer service than any other State in the Union in proportion to its population.

Her great annual cotton crop, second only to that of Texas, and the other products of her fields and of mine and factories contribute largely to the balance of trade in favor of the United States. She is the largest State territorially east of the Mississippi River, and of the forty-five States in the Union stands way above the average in wealth, population, natural resources, and industrial enterprises. Nevertheless her people are not only practically disfranchised in so far as having their wishes consulted in the selection of Federal officeholders in her territory, but they are denied any participation in the offices of the Federal Government at home or abroad. There is not a Federal office of importance outside of the State held by a Georgian in the United States, and if I am not still further mistaken there is not from the State of Georgia a single representative in the great diplomatic or consular service of the United States, extending as it does all over the world. Outside of a postmaster here or there, where it has not been practicable to find a satisfactory Republican to fill the office—outside of some instances of that kind, there is not a single Executive officeholder in the State of Georgia who would have been selected by the people of the State to fill the office—not one!

Not only are the people utterly thus without any consideration on the part of the Government in the selection of who shall be their officers at home, but there is absolutely no participation allowed to them in the representation of this Government in other matters. What is true of the State of Georgia is true, with most rare exceptions, of the entire South. If you look over it, the Government, so far as its emoluments go, so far as its honors go, ignores one-third of the people of the United States, and with these very rare exceptions they are recognized and treated as aliens in a foreign land.

But, Mr. President, there is another point to which I call attention. The Constitution of the United States intended that the Senators should be the advisers of the President of the United States, and the part of the article written by the junior Senator from Massachusetts, which I have just read and which is, I think, a correct exposition in that regard, shows that it was the intention of each State that its particular Senators should be its particular advisers as to what was to be done in their own State.

Mr. SPOONER. Do you find that in the Constitution?

Mr. BACON. I find it in a very reasonable construction of the Constitution. As said in this article from which I have read, at the time when the Constitution was framed and adopted all these powers belonged to the States and to each of the States, and when each State surrended its particular power it was careful to preserve the power as to the Senate in order that while this power should be delegated to the General Government it should be exercised in a way that it should be within the control of the Senators, and necessarily, so far as each particular State was concerned, under the influence, to a degree at least, of its own Senators.

Now, what is the fact? Here are two of us from the State of Geo gia and two from each of the other Southern States. As suggested by the senior Senator from Massachusetts in his remarks yesterday, it is to those who are thus selected that the Government should look for advice as to who are the proper officers to be selected in a State. And yet the fact is that instead of the two Senators from each of the Southern States there are three referees; there are three or four men selected in each State; men who represent nobody, so far as authorized representation goes; men selected by nobody, that is, inside the State; and matters which concern the State are determined not by consultation with the Senators who are elected as the representatives of that State, and who were designed when the Constitution was framed to stand here as representatives of that State, but, on the contrary, the Senators are passed by and three or four unknown men are selected as those who are to advise as to what is to be done for the interest of the people of each of these States.

Mr. HOPKINS. Will the Senator from Georgia allow me for a moment?

Mr. BACON. With pleasure.

Mr. HOPKINS. Does the Senator contend that the policy of making appointments in a State and consulting the Senators is any different under the present Administration from what it was under President Jefferson or any of his successors in office?

Mr. BACON. If I should answer the Senator in the way in which he expects me to answer him probably, and which is possibly true, it would not affect this case. If there has been a violation of the spirit and intention of the law from the formation of the Government to the present time it would be no argument why that violation should be continued. But there is a very much better answer to the question than that.

Mr. HOPKINS. The reason I asked the Senator is that a few moments ago he made the contention that the Federal appointees in his State were men who could not be elected to any office in the State.

Mr. BACON. I did not use that language exactly, although the Senator is probably justified in thinking I did. I said they would not have been "selected."

Mr. HOPKINS. Was not the same policy pursued with respect to appointments during the Cleveland Administration?

Mr. BACON. I did not use the word "elect d." I said they would not be selected.

Mr. SPOONER. Would there be any Republicans, then, selected in Georgia?

Mr. BACON. No; I do not think they would be, or elected either; and there are the best of reasons why they would not be.

Mr. SPOONER. Are there no good ones there?

Mr. BACON. Very few. There are some.

Mr. HOAR rose.

Mr. BACON. Possibly the answer which I was about to give to the Senator from Illinois will be an answer also to the suggestion of the Senator from Wisconsin; but before proceeding with either, as I see the senior Senator from Massachusetts desires to propound an inquiry, if he wishes to do so before I answer them, I will yield.

Mr. HOAR. I wish to ask the Senator a question, because it is very agreeable to me that he and I seem to be starting from the same premises, which has not always been my good fortune.

Mr. BACON. I am always more than fortunate when I find such to be the case.

Mr. HOAR. I wish to know how far the Senator would practically carry his contention. Suppose, for instance, he were the President of the United States, elected by the Democratic party, and we were fortunate enough to live under his Administration, and there were two Senators from Massachusetts who thought, as many party men have thought, that no Democrat whatever in Massachusetts should be put into any office; that they did not want Democrats selected. Would the Senator, as President, take their advice, under such circumstances, and say that because the Senators from Massachusetts thought they ought not to have a Democrat in office, he would not appoint one?

Mr. BACON. The Senator will probably recognize the difference between advice and dictation.

Mr. HOAR. That is what I observed in what I said yesterday, but I understand the Senator to-day to use the phrase "taking the advice" not in the sense of hearing what they can say and getting all the information he can from them, as I said yesterday, but following the advice. Now, there is a great difference between letting a doctor prescribe for you and taking his medicine, as the Senator knows.

Mr. BACON. I have not said that, unless I am very much mistaken.

Mr. HOAR. I wanted to bring that out clearly. Does the Senator say that if he had been President in President Cleveland's time and the two Senators from Massachusetts had said to him they did not think it was worth while to have Democrats in office in that State, the President ought, as a matter of constitutional policy and obligation, to have taken their advice?

Mr. BACON. I have not said anything, I think, that would lead to that.

Mr. HOAR. Does the Senator——

Mr. BACON. When the Senator finishes his question I will endeavor to answer.

Mr. HOAR. I want to know whether the Senator does say that or not.

Mr. BACON. Whenever the Senator finishes his inquiry I will endeavor to reply.

Mr. HOAR. I have finished the inquiry, and I ask the question on which to base another.

Mr. BACON. The Senator will please give me an opportunity to make a reply to him. I can take the question of the Senator from Illinois in connection with that of the Senator from Massachusetts and answer them together. I say that different conditions make a very different rule applicable, or rather would make the same rule applicable in a very different way. I recognize the fact that there are very different conditions in different States. There are in some States what may be termed "normal" conditions; for instance, the State of Illinois or the State of Massachusetts, where there are parties evenly or unevenly balanced, still the parties are made up of representative men in each case—representative men as regards the morality of the country or of a State—the wealth and industries and intelligence of a State.

That is what I mean when I speak of a State under normal conditions. Then, again, there are, unfortunately and without their responsibility for the fact, other States where there are abnormal conditions where there is no such division; where there can be safely to the public interest no such divisions, and where, for reasons which, whether satisfactory to other people or not, are necessarily controlling to that people, the division is not along lines of that kind, and where the division upon the one side, generally speaking, confines all the intelligence and wealth and the better elements of a State; where there is practically no division which runs between any parts of that element, and where the other side is one which is not representative in any character of all those things which go to make up the greatness and the prosperity and the best features of a State.

Now, in the one case, where there are normal conditions—and having defined the two, of course Senators will understand to what I have allusion when I speak of normal conditions—where there are normal conditions I should say undoubtedly that the party in power should appoint those who are of their own political faith, because in so doing there is no injustice done to the community and no harm comes to the Commonwealth. I should say that it would be extremely unreasonable that the Republican Senators from the State of Massachusetts should have the right under such circumstances, in case there were a Democratic President, to say to the President that Democrats should not be appointed. But I still think that it would be the duty of that Democratic President, even though he confined himself in his appointments to the Democrats of Massachusetts, to confer and consult with the Republican Senators from the State of Massachusetts as to who are the proper and most desirable appointees in the State from the

standpoint of what is to the interest of the people of the State, and particularly from the point of acceptability to the people of Massachusetts on account of the personal character and fitness of such appointees, not meaning to include political preferences.

The distinguishing feature which differentiates the question of appointments of Federal officeholders in a State like Massachusetts, where there are normal conditions, from a Southern State, where the conditions are abnormal, is this: The line dividing the political parties in Massachusetts has on each side, in large proportions, men who represent the culture, intelligence, morality, and property interests of the State, and even though the Federal officers appointed there should belong to the minority party, they would, if properly selected, be acceptable to the people generally of the State, because, while not representing them politically, they would be fairly representative of that culture, intelligence, morality, and property interest. That such is not true in the States suffering under abnormal conditions is too apparent to require discussion. As a simple illustration, in Georgia the two most important Federal executive officers are the collector of the port at Savannah and the collector of internal revenue in the State, and each of these officers now is a negro—appointments which would not have been made in a State where normal conditions prevail.

And what I say as to the State of Massachusetts I say also as to the State of Illinois, that it would be the duty of a Democratic President to confer with the Senators from that State as to all matters which relate to the best interest of that State, and in the selection of officers to advise with Republican Senators, if those should represent that State, as to whether or not men who are proposed to be appointed by him are men of good character, and that he should rely upon their information rather than upon the information of political heelers or other people in that State who do not represent anybody and who have not been chosen by anybody to represent them.

Mr. HOPKINS. The Senator does not claim that that practice was followed in Illinois during the late Democratic Administration?

Mr. BACON. I do not know whether it was or not. I can not answer. I will say, however, and I repeat, I think that is the proper constitutional course to pursue. But, Mr. President, I am dealing with a condition of things altogether different from that when I speak of the South.

Mr. SPOONER. Will the Senator allow me a moment?

Mr. BACON. I will.

Mr. SPOONER. The Senator speaks of the constitutional duty of the President. Does the Senator conceive it to be a duty——

Mr. BACON. I do.

Mr. SPOONER. Under the Constitution resting upon the President to consult Senators as to appointments, Democratic or Republican Senators?

Mr. BACON. The word "duty" might in one sense be too strong for that.

Mr. SPOONER. The Senator speaks about the power conferred by the States in the adoption of the Constitution upon the President.

Mr. BACON. I can not hear the Senator.

Mr. SPOONER. The Senator speaks of the power conferred by the States through the Constitution upon the President as to appointments. That power is absolutely conferred upon the President.

Mr. BACON. I concede that.

Mr. SPOONER. The Constitution says nothing about Senators participating in appointments. It speaks of the Senate, but not of Senators. It is a question entirely in the option, I should think, of the President whether he will consult Republican Senators from a given State or Democratic Senators. He is responsible for the appointments, and he is at liberty to seek information from such sources as it seems best to him, is he not? Did the Senator mean to intimate——

Mr. BACON. I trust that the Senator will ask me one question at a time. He has asked me one question and should let me answer it.

Mr. SPOONER. Those questions answer themselves.

Mr. BACON. I do not think they do.

Mr. SPOONER. The Senator made a very broad remark a few moments ago about duty.

Mr. BACON. I hope the Senator will confine himself to the question. The Senator asked me a question. Let me answer it, and then I shall be glad to hear from him on duty.

Mr. SPOONER. I will yield.

Mr. BACON. The Senator asks whether or not I mean to say that it is the duty of the President. I do not mean that it is the duty in the sense that he would violate a specific law if he does not do it, but I do mean to say that it is a duty in the sense that there is an obligation upon him to inform himself as to what is to the best interests of a State when he comes to appoint an officer in it. Nobody will or should dispute that.

Mr. HOAR. I should like to be permitted to make one statement at this point, as a matter of history, if I may, with the approval of the Senator.

Mr. BACON. Certainly.

Mr. HOAR. I have been on the Judiciary Committee a good many years, from a time long before the Administration of Mr. Cleveland and since Mr. Cleveland's term ended, which was the last Democratic Administration. It has not been absolutely or universally true, but in nearly every instance the appointments made in the South by the Republican Presidents of those connected with the administration of justice—judges, district attorneys, and marshals—have had the very warm and cordial approval of the Democratic Senators from the Southern States, and, in my opinion, it is a fact highly creditable to the Republican Presidents, but still more creditable to the gentlemen who represented those States, showing how absolutely fair, impartial, and nonpolitical the counsel they have given to us in the Senate has been on that very important point.

Mr. TELLER. There are exceptions.

Mr. HOAR. There are some exceptions, I know.

Mr. BACON. I have been upon the Judiciary Committee for seven years, and of course I understand the character of the consent which is given by Democratic Senators to nominations by Republican Presidents of officers in those States. With all Democrats barred from consideration the range of choice has been very limited, and it is rarely that the parties nominated would have been acceptable if others had been eligible. I will state, however, that so far as the judicial appointments are concerned they are very few in a State, and generally as to judges and district attorneys their professional standing is known and satisfactory.

But with the permission of the Senator from Massachusetts I will return to the reply which I was making to the Senator from Wisconsin as to whether I consider it to be the duty of the President to consult Senators as to appointments in their States. I said I do not pretend that it is of the class of duty which would be a direct violation of specific law if disregarded, but that it is in the nature of an obligation which can not be properly departed from, especially in conditions such as I have indicated exist at the South, and that such a departure is a violation of the spirit and intentions of the Constitution.

It may be true, and is true, as said by the Senator from Wisconsin, that the President has absolute power of selection, and that it is then for the Senate to say whether or not it will confirm. But the President violates the proprieties, he violates an obligation, if he makes an appointment without regard to the interests of the people of a State; and I say the obligation is on the President to endeavor to make appointments which shall be in the line of the interests of the people of a State and acceptable to them; and that whatever may be the political views of the people of a State, when you come to the question of duty, the official obligation rests upon him to inform himself whether the appointments which he proposes to make are to the best interests of the people and personally acceptable to them, and to inform himself through the Senators, because, as stated by the senior Senator from Massachusetts yesterday, they are those upon whom the President has the right to rely as those best capacitated to inform him as to what is to the interest of the State. As the Senator from Massachusetts said:

> Why, then, in every instance—
>
> Not simply as to the Panama Canal—
>
> Why, then, in every instance should Senators not be expected to give any Department such information as they have in this important matter?

Mr. President, before closing I want to read still further from the article written by the junior Senator from Massachusetts [Mr. LODGE] as to the origin of the Senate and the reasons for the powers which are conferred upon it and the relations which the Senate bears to the Executive. I read now the views of the junior Senator from Massachusetts as to the relations which should exist between the President and Senators from a State, and I think the views presented by him are very sound. He is speaking of the first rejection ever made by the Senate of a nominee made by the President, in the case of a man named Fishburn, who was nominated for collector of the port, I think it was, at Savannah; and he goes on to say:

> This case undoubtedly led, therefore, to the practice which has been continued to the present time of the President consulting with Senators in regard to appointments. As the Senate, after it has confirmed a nomination, becomes equally responsible with the President for the appointment, it is obvious that the right of consultation under the Constitution, which has already been defined, must be exercised in some way. Thus it came about that the informal consultations with individual Senators took the place of the cumbrous and inconvenient method of consulting the Senate as a body, and in this way the intent of the Constitution has been carried out. Nothing, therefore, is more inept than to criticise a President because he consults the Senators from a State in regard to an appointment in that State or from it. The Senators are his constitutional advisers.
>
> In some way he must consult them, and it is impossible that any President should be able to know enough about the men in forty-five States to enable him to appoint intelligently unless he could avail himself of the knowledge of those who represent the several States. The consultation of Senators by

the President, therefore, in regard to appointments is nothing more than carrying out the intent of the Constitution in the manner which practice has shown to be the only convenient one. The influence of the Senate in making appointments is not increased thereby, except so far as the multiplication of officers has made it more necessary for the President to receive local information and depend for it upon the Senators more than was essential in the early days. All that has been done constitutionally is to substitute an informal consultation with individual Senators for the consultation of the Senate as a body, which has been always recognized as a constitutional right in the simple rule already quoted.

Mr. President, Senators may take the position that that would only apply to Senators of the particular party of the President, whether he be a Democrat or a Republican, and that is indicated in the question propounded to me by the honorable Senator from Illinois [Mr. HOPKINS]. But that is an impossible construction. If the Constitution was framed, as contended in this article, with a view to the President being advised by the Senators from a State as to matters within that State, it can not be limited to parties of a particular political party, because the Constitution knows no political parties. It can not mean that I take issue with that, and there is nothing in this language which indicates that such is the view of the junior Senator from Massachusetts. It is in accord with the general proposition that it is an impossibility for the President to know what are the conditions and wants of forty-five States, and that the proper persons under the Constitution through whom he is to gain this information are the Senators.

If he desires to know what are the conditions in Georgia, a Georgia Senator—whether he be a Republican or a Democrat, and whether the President be a Democrat or a Republican—is the Senator to give most reliably and accurately that information, and not the Senator from Illinois or the Senator from Massachusetts or the Senator from Wisconsin. Yet I affirm it as a fact that as to an appointment in a State where there is no Republican Senator the Senator from another State has infinitely more influence as to what shall be done in that State than the Senator from the State itself.

It is due to the present President of the United States to say that he has said to me that if I knew of anything against the character of a man who was to be appointed or was proposed to be appointed he would be obliged if I would tell him of it, that if I knew of the bad character of a man I should tell him. Said I to him, "Mr. President, how am I to give you such information when the first knowledge I have as to whom you will appoint is when you send the name of your nominee into the Senate? It is then too late. Then my independent official function in the matter of confirmation has begun and yours, for the time at least, has ended." So far as the ability to comply with such a request, it is an impossibility where there is no invitation or desire that there shall be any conference between a Senator from a Democratic State as to an appointment until it has been practically determined upon.

Mr. President, I care nothing personally for political patronage. It is nothing to me that I have not the opportunity to obtain offices for anyone; but I do care greatly that there shall be appointed in the State of Georgia Federal officers who shall be entirely fit and proper for the performance of those duties and shall be personally and officially satisfactory and acceptable to the people of Georgia. In the one case, so far as I am personally concerned, so far as concerns my opportunity to dispense official patronage, it is nothing. So far as concerns the interests of the people of the State and that these officers shall be acceptable to them, it is everything. The Constitution, under the present practice, ought to be amended. Instead of saying that the President shall appoint officers by and with the advice and consent of the Senate, it ought to be that he shall appoint by and with the advice and consent of certain irresponsible parties whom he shall select in a State; for it is the selection under the advice of those irresponsible parties that last determines the appointment. When it comes here, of course, if we can show that a man is dishonest the Senate will reject him; but in the absence of some such radical objection as that, when he has been thus selected and has been nominated by the President, the Senate will confirm him, although he may be utterly objectionable and unacceptable to the people of the State, and although opposed by the Senators from that State.

Mr. SPOONER. I suppose the Senator would not amend the Constitution so as to say that the President shall appoint by and with the advice of the Senators of a State?

Mr. BACON. No, I do not go to that extent; but I would say that he should seek the advice of the Senators from the State, and I think that, in part at least, is what the meaning of it is. The President should never appoint one to a Federal office in a State who is unacceptable personally to the people of that State. It is a flagrant outrage upon the people of that State whenever he does it, and a direct violation of the spirit and intention of the Constitution. It was never the design in each State, when it surrendered the absolute power which it had to appoint all officers within its borders and conferred that power in large part upon the General Government, that so far as its internal affairs were concerned the advice which the President should take should be from Senators 3,000 miles away from that State, and that the Senators from that State should be ignored and not known whatever in the matter to be advised about. And more particularly was it never the design in conferring that power upon the General Government that it should be exercised not only in accordance with the advice of Senators from other States and without regard to the Senators from that State, but in utter disregard of the personal wishes of the people of that State. Yet that is the necessary result of the constitutional construction of executive power implied in the suggestion of the Senator from Wisconsin.

Now, Mr. President, in so far as it involves the practice of appointing officers in a State in disregard of the wishes of the people of that State, in so far as it involves the appointment of officers personally objectionable to the people of that State, in so far as it involves the ignoring of the Senators from that State and the being guided by the wishes of other Senators from other States, the practical effect is to utterly outlaw that people—to disfranchise them so far as concerns not only any participation in the selection of their officers, but what goes deeper still, so far as concerns any regard or consideration for the personal acceptability of such officers to the people of the State or community in whose midst they are appointed. I repeat, sir, that such a system is, in practice, an indefensible violation of the fundamental principle of free government.

A great section of the country is practically outlawed when its people—all of its representative people—are denied participation in the offices of the Government. Senators see here every day nominations come into the Senate—nominations of foreign ambassadors, judges, consuls, commissioners of various kinds, and all kinds of Territorial officers, officers of the customs and of the internal revenue, and the thousands of officers who gather and disburse and administer the vast affairs of a government which spends $700,000,000 a year. These nominations are of great interest to Senators of one section, for they are confined almost exclusively to one section of the country. We have just had an illustration of it in the appointment of the canal commissioners. Out of the number there is one from a section which represents more than one-third of the population of the United States, although that section has many eminent engineers and men of affairs. On the Supreme Bench there are but two men of southern birth, although the South has its full proportion of able lawyers. You may go through the list of representation of this Government in all the courts of Europe or other foreign countries circling the whole globe, and where is a southern man who is ever seen or heard of in that connection?

Mr. HOPKINS. If the Senator will allow me there, I think his criticism on the question of the selection of canal commissioners is not entirely fair, because on that kind of an argument the great States of Illinois, Wisconsin, Minnesota, the Dakotas, Nebraska, Kansas, and Iowa are unrepresented.

Mr. HOAR. Massachusetts is not represented.

Mr. BACON. There are forty-five States, and seven is the number of commissioners.

Mr. HOPKINS. Seven out of the forty-five States; and certainly there can not be any discrimination in the South in the selection of those. If we were to be hypercritical we could make the same argument the Senator is making, because a member of the Commission was not selected from Illinois, Iowa, or Wisconsin.

Mr. HOAR. I believe New England is not represented; I am not sure.

Mr. BACON. That ought to be remarked, because I think it is the first time New England was ever left, if that is the case.

Mr. PLATT of Connecticut. We do not get much.

Mr. HOAR. The reason why New England is not represented is because the selections were made somewhat geographically and not on merits. [Laughter.]

Mr. BACON. I have no doubt in the world there are a great many persons in New England who would make most efficient canal commissioners. But if New England has been omitted, that section lacks greatly of being a third of the United States either in territory or population. New England has 29 Representatives in Congress while the Southern States have 136.

It is a fact that out of the vast revenues of this Government of the hundreds of millions of dollars which we appropriate and which are expended, nine-tenths go to two-thirds of this people at the North and about one-tenth to the other one-third at the South. The great pension bill, which carries nearly one-third or one-fourth of the expenditures of this Government, is one in which the disbursements are altogether, practically speaking, at the North; and this recent piece of executive legislation which we have just had enacted as a new statute by the executive department, and which is to add in the aggregate to the pension roll several hundred million dollars, is one in which while we wll pay our part of it there will be nothing of it coming back to us.

Now, do not understand me as making any complaint about

pensions. Senators here know that Southern Senators make no contention as to pensions. We leave that altogether to the Northern Senators, and the responsibility is with them.

Mr. SPOONER. The Senator would naturally expect the appropriation for pensions to be largely spent in the North, in view of the fact that nearly all the soldiers came from the North.

Mr. BACON. I understand, and I am not complaining of it; I am simply speaking of the practical fact that while the people of the South bear their full part of the burdens, they share very little of the benefits of this Government, either as to honors or emoluments.

Mr. HOPKINS. Mr. President, if the Senator will allow me a word there, I will say that Illinois pays in internal-revenue taxes more than any seven or eight Southern States combined.

Mr. BEVERIDGE. And Indiana pays more than Illinois.

Mr. BACON. The Senator from Illinois [Mr. HOPKINS] was upon the Committee on Ways and Means of the other House, but the Senator from Indiana [Mr. BEVERIDGE] has not had that opportunity. For the Senator from Illinois, who served upon the Committee on Ways and Means, the great financial committee of the House of Representatives, to take the position that the place where the internal revenue is paid is the place where the taxes of the Government are paid is the most preposterous proposition I can conceive of.

Mr. HOPKINS. The point I was making, if the Senator will allow me, is this: The Senator was complaining because appropriations were not made for the Southern States.

Mr. BACON. No, I am not complaining.

Mr. HOPKINS. My counter answer to that is that Illinois pays more money into the Treasury of the United States from internal-revenue taxation than any seven or eight Southern States that can be named.

Mr. BACON. Mr. President, in the first place I was not complaining. I was just simply commenting upon the utter fallacy of that proposition. To say that where the internal revenue is collected is the place where the taxes are paid is utterly untenable. The Senator ought to know, as one of the former members of the Committee on Ways and Means of the House of Representatives, that under the internal-revenue system taxes are paid by those who consume the articles and not by those who make them. Does the Senator contend that all the whisky that is distilled and that all the tobacco that is made in Illinois is consumed in Illinois?

Mr. HOPKINS. Georgia consumes some of the liquor, I will admit.

Mr. BACON. Yes; we do, and in that way we pay our full share of the tax.

The idea of the Senator from Illinois making any such proposition in the Senate of the United States and expecting that it will be received as an argument——

Mr. HOPKINS. I simply presented that proposition to show, if the Senator will allow the expression, the absurdity of the argument he was making, that the Southern States were being discriminated against because they did not get certain appropriations. The Senator will find, when he comes to look at the appropriations made from time to time for governmental purposes, that the South has had its full share.

Mr. BACON. Well, Mr. President, the Senator still repeats the fallacy.

Mr. HOPKINS. I repeat it simply because it was first made by the Senator from Georgia.

Mr. BACON. Very well. I say the Senator is simply repeating the fallacy that because whisky is distilled or tobacco is made or beer is brewed in Illinois therefore Illinois pays the internal-revenue tax, which, I say, is a fallacy. But it is not necessary for me to occupy a single moment of the time of the Senate to expose that, because every man who hears me knows it without my exposing it.

Mr. SPOONER. About the only governmental thing, from the standpoint of the South, the Senator would not complain of, so far as I can see, is the representation in Congress. He does not complain of that, does he?

Mr. BACON. No.

Mr. SPOONER. But he does of everything else.

Mr. BACON. Representation is something which the Federal Government does not bestow upon us.

Mr. SPOONER. Well——

Mr. BACON. I do not know what the pantomime of the Senator means, but if the fact that we have two representatives in this Senate is a matter for which we are indebted to any governmental action, I am now to be informed of it for the first time.

Mr. SPOONER. I hope the Senator would not do himself the injustice or me the injustice to impute to me such a proposition.

Mr. BACON. No, I hope not.

Mr. SPOONER. I do not suppose it will be necessary for me to say to the Senator that I know under the Constitution each State is entitled to two representatives in this body, but of course the apportionment act is passed by Congress, which fixes the number of Representatives for each State in the other House.

Mr. BACON. I do not wish, of course, to impute anything to the Senator which he does not mean, but when he spoke of our enjoying representation in Congress I did not know what other construction I could put upon it.

Mr. SPOONER. When I speak of the basis of representation I do not mean, of course, in the Senate.

Mr. BACON. No; in the House of Representatives.

Mr. SPOONER. Yes; in the other House.

Mr. BACON. I do not know of anything which is unjust in the representation the South enjoys in the House of Representatives.

Mr. SPOONER. That is one thing which the Senator finds is all right.

Mr. BACON. But yet we are in no manner indebted to any action of the executive department of the Federal Government in the fact that we enjoy that representation. We enjoy it under the Constitution of the United States—the Constitution in the framing of which my State took a part.

Mr. President, without intending I have gone somewhat at length into this question. When I rose I simply wished to call attention to a very notable utterance by the honorable and venerable Senator from Massachusetts, and to express my very great gratification that the Senator should have said that he recognized that there should be, so far as the Federal Government is concerned, a general representation of all sections and of all the people of the United States in the offices to be held, and the further explicit statement upon his part that in the appointment of these officers the proper persons for the Executive to consult were those who had been chosen and sent here as Senators to represent their States in this body.

I will only add, sir, that this is a matter which concerns the whole country; that it is not to the best interest of the country that a political control shall continue, which, if the present system is unavoidable in administration, must continue to result in practically debarring one-third of the people of the country from full participation in the executive offices of the Government.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

PAYMENTS TO DELAWARE INDIANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 23d instant, that the difference in value between coin and currency on payments made to the Delaware Indians for the period 1862–1878 is $208,804.50; which was ordered to lie on the table and be printed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I desire to give notice at this time that tomorrow morning, after the routine morning business, I shall ask the Senate to consider the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

CLASSIFICATION OF CEREALS.

Mr. McCUMBER. I wish to give notice at this time that on Friday, the 1st day of April, immediately after the routine morning business, I shall submit some remarks on the bill (S. 199) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes.

WABASH RIVER BRIDGE, INDIANA.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill (H. R. 13480) to authorize the Southern Indiana Railway Company to construct a railroad bridge across the Wabash River, in Vigo County, Ind.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was to strike out section 2, on page 2, as follows:

SEC. 2. That any bridge built under the provisions of this act shall be a drawbridge with a center or pivot pier, and so constructed that said bridge may be opened over the main channel of the river, the width of which openings shall not be less than 70 feet in the clear on each side of the pivot pier, and the piers of said bridge shall be parallel with the current of the river, and the lowest part of the superstructure of said bridge shall not be less than 38 feet above low-water mark, as understood at the point of location: *Provided*, That the draw shall be promptly opened upon proper signal for the passage of boats; and there shall be displayed on said bridge by the owners thereof, at their own expense, between sunset and sunrise, such lights and other signals as the Light-House Board may prescribe.

The amendment was agreed to.

The next amendment was, in section [3] 2, on page 4, line 1, after the word "navigation," to insert:

Provided, That if said bridge be built as a drawbridge the draw shall be promptly opened upon reasonable signal for the passage of boats, and whatever kind of bridge is built, the said company shall maintain thereon, as its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe.

The amendment was agreed to.

The next amendment was, in section [5] 4, on page 4, line 16, after the word "within." to strike out "one year" and insert "two years;" and in line 17, before the word "years," to strike "three" and insert "four;" so as to make the section read:

SEC. 4. That this act shall be null and void unless the bridge herein authorized shall be commenced within two years and completed within four years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MONONGAHELA RIVER BRIDGE, PENNSYLVANIA.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (H. R. 8889) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company." It is a bill only twelve lines long.

Mr. KEAN. I was going to move that the Senate proceed to the consideration of executive business, but I will withhold the motion for the present.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania that the Senate consider the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4 of an act approved February 18, 1903, entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;" so as read as follows:

SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within two years from February 18, 1904.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and at (5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 25, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 24, 1904.

SECRETARIES OF LEGATION.

Norman Hutchinson, of California, to be secretary of the legation of the United States at Caracas, Venezuela.

Edward Winslow Ames, of Massachusetts, to be secretary of the legation of the United States at Santiago, Chile.

COLLECTOR OF CUSTOMS.

Edward R. Stackable, of the Territory of Hawaii, to be collector of customs for the district of Hawaii, in the Territory of Hawaii.

POSTMASTERS.

MAINE.

Fred H. Atwood to be postmaster at Rumford Falls, in the county of Oxford and State of Maine.

NEW JERSEY.

George B. Jacobus to be postmaster at Caldwell, in the county of Essex and State of New Jersey.

Charles W. Russell to be postmaster at New Brunswick, in the county of Middlesex and State of New Jersey.

NEW YORK.

Charles H. Parker to be postmaster at Macedon, in the county of Wayne and State of New York.

RELATIONS WITH FRANCE IN TUNIS.

The injunction of secrecy was removed March 24, 1904, from a treaty between the United States and France for the determination of their relations in Tunis, signed at Washington on March 15, 1904.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 24, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. OVERSTREET, the House resolved itself into the Committee of the Whole on the state of the Union (Mr. BOUTELL in the chair) and resumed the consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes.

The pending question was on agreeing to the following amendment, offered by Mr. ROBINSON of Indiana:

Amend by striking out, in lines 6 and 7, page 19, the words "two million six hundred and fifty thousand dollars" and insert in lieu thereof the words "two million six hundred and five thousand dollars;" and also strike out the following words in lines 7, 8, 9, 10, and 11: "including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to Tahiti; all mails made up in the United States destined for the island of Tahiti, $45,000."

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent to occupy the floor for ten minutes.

The CHAIRMAN. Is there objection to the request that the gentleman from Indiana be allowed to speak for ten minutes? The Chair hears none.

Mr. ROBINSON of Indiana. Mr. Chairman, I will ask not to be interrupted during my general remarks, and if time shall remain after I have completed the general statement I will gladly yield.

The amendment I propose is directed solely against the $45,000 postal subsidy for carrying the mail to Tahiti, a French colony.

Fairly, this is an original proposition to the House. While it has appeared in the bill for two years, it has never been discussed, no attention has been given it, and nothing is known of it by the members of the Post-Office Committee, and inquiries by me of those who naturally would be supposed to know something about it have brought the response that they knew nothing of it.

A careful search of the CONGRESSIONAL RECORD covering the two or three year period discloses nothing in the House or in the Senate of discussion on the subject. Inquiry of the clerk of the Post-Office Committee does not disclose a line or a syllable of hearings or evidence to enlighten us. For the first two years that it appeared in the bill it was not recommended by the Post-Office Department, and the submission of estimates now are purely perfunctory and in the usual course.

This subsidy originated in the House, it is true, but I dare say no Member of the House now present knew anything about it; its birth was wrapped in darkness and obscurity; its course has been one of silence and inattention, and it comes now, so far as the membership is concerned, as an original proposition to stand or fall on its merits or to be relegated because of the unsatisfactory means we now have in this way to give it that investigation which should have been given it before it was ingrafted on our legislation.

One is almost warranted, with a provision so singular, with a history so covered up, and with the importance of the subject, in going into the domains of speculation as to how Congress was ever buncoed into the measure. The fine Italian hand of some one not disclosed and apparently not to be detected has played its part. If one wanted to be severe and reasonably parliamentary at the same time, a phrase already coined might be used and applied to this misadventure: "That it was sneaked through Congress in a cowardly manner," meaning by that that it was covered up, unknown to and undiscussed in either branch of Congress. I might say that this steamship company is controlled by the sugar trust, but I presume that is not important in this discussion.

The chairman of the Post-Office Committee don't know any more about it or its origin or the reasons for it than the records disclose, which, as I have shown, are blanks on the subject. He states that Tahiti is the largest island in the French colonies of the Society Islands, being a part of the Polynesian group. I have a map of it here, and it shows up about the size of a pin head, and the little islands around it look like pin points in the blue sea of the Pacific Ocean. The chairman says its area is 500 square miles, being something like a hundred square miles less than my county in Indiana. Two authorities differ from the gentleman. One, Harper's Book of Facts, gives it as 412, and the other, History of Ready Reference, by Larned, 600 square miles. He says the population is from ten to fifteen thousand. The established authority, Harper, gives it at 11,200. The gentleman is flexible in his statement, but not much more so than the best authorities we have, who differ widely, because, perhaps, they have not felt it of enough consequence to waste much time upon it.

This island is a coral reef, with cocoanuts, copra, vanilla beans, and mother-of-pearl shells as its principal productions. In view of the light contained in an article that appeared a week ago in the

Washington Star (Republican), and which bears the earmarks of some official who understands the subject, and which I am willing to indorse, for it is in line with my own investigation, I shall present it to the House, and with it I think comes every reason and argument why Congress should not longer be imposed upon by this unusual legislation.

THE MAIL FOR TAHITI—SUBSIDY OF $45,000 IN POSTAL APPROPRIATION BILL—RATE OF $6.50 A POUND—SCHOONERS GLAD TO CARRY IT AT 6 CENTS A POUND—CONSIDERABLE COMMENT AT THE DEPARTMENT AND THE CAPITOL OVER THE ESTIMATE.

The present postal appropriation bill carries an item of $45,000 for carrying the service between San Francisco and Tahiti. This item has given rise to considerable quiet talk at the Post-Office Department and at the Capitol. The appropriation is in the nature of a ship subsidy to the Oceanic Steamship Company.

The island called Tahiti, belonging to the Oceanic group, lies in the Pacific Ocean, 4,212 miles southwest of San Francisco. The Oceanic Steamship Company makes ten trips a year to this interesting isle of the southern seas, for which it receives from the Government the sum of $1 a mile for carrying the United States mail from this country to the isle. The ten trips a year, one way, make a total of 42,120 miles, and an equal number of dollars in the pockets of the company. Every year the appropriation comes up in the general estimate for the Post-Office Department.

NOT ASKED BY THE DEPARTMENT.

Until two years ago it was not sent to Congress by the Postmaster-General, for the reason that the Government had been having its mails carried from San Francisco to Tahiti for $350 a year, and this contract with schooners comprised twelve trips a year, instead of ten given by the steamship company, and was said to be a very good service, although a little longer than by steam. Four years ago there was inserted in the general appropriation bill for the Post-Office Department an item of $45,000 for carrying the mails from San Francisco to Tahiti. It surprised the Post-Office authorities, but they let it go. The following year the item was again inserted, and again it went through, although the Post-Office Department had not asked for it, and seemed perfectly satisfied with the service that had been given by the sailing vessels at $350 a year.

But this saving to the Government of the difference between $350 and $45,000 a year did not seem to appeal with force to the Members of Congress who passed the appropriation. So when it had gone on for two years and the Post-Office Department had grown used to its insertion the Department entered in the annual appropriation estimate the item of $45,000 for this mail carriage between San Francisco and Tahiti. Of course it went through. It is up again this session, and of course it will go through.

MAIL CARRIED TO TAHITI.

For the fiscal year 1903 the weight of the mails carried between San Francisco and Tahiti was as follows:

Letters and cards, 423 pounds; other mail matter, 5,988 pounds; total, 6,411 pounds.

On this amount of mail the United States collected inland and sea postage to the amount of $1,155.84. It paid the Oceanic Steamship Company $42,120 for carrying this mail matter to Tahiti. The excess of cost to the Government was, therefore, $40,964.16.

In order to bring this down to still plainer figures it is only necessary to show that, in paying this steamship company $42,120 for the ten trips of the year, during which the company transported a total of 6,411 pounds of mail, the Government paid for that service at the rate of $6.50 a pound. The schooners which formerly had the job were loath to lose it at the small figure of $350 a year, which was less than 6 cents per pound, estimating the weight of the mails at the figures given above for 1903.

Mr. OVERSTREET. Mr. Chairman, I spoke briefly upon this item just before the committee rose on yesterday. This is not a strange item to the bill. It comes clearly within the provisions of what is known as the "mail-subsidy act," established by law in 1891 to promote commerce between the United States and countries or peoples that have no direct mail connection with the United States.

If the steamships which ply between the United States and the island of Tahiti were of sufficient tonnage to specifically come within the provisions of the law of 1891, there would be no especial appropriation for that particular service. By reason of the fact that that is not a regular steamship route, and that only smaller-tonnage boats of slow speed make that trip, it was necessary, in order to bring it within the provisions of this law under the terms of the law itself, to make direct reference to it.

Now, Mr. Chairman, it is true that the amount of postage received from the mail carried between the United States and the Society Islands is very inconsiderable. I should say, in round numbers, it would not exceed $2,500 a year. But it is a direct illustration of the operation of the law of 1891, which sought to promote commerce and trade by giving a subsidy for mail privileges. I have a letter from the Assistant Secretary of State, under date of March 21, transmitting information as to the amount of trade—export trade—from the island of Tahiti and adjacent islands for the fiscal year ending June 30, 1903, which he says amounted to $369,923.19. That was the amount of trade which came to the United States from the Society Islands.

The amount of trade which went from the United States to Tahiti during the same period amounted, in round numbers, to $400,000: $75,000 for muslins and prints, $25,000 for manufactured iron articles, such as sewing machines, bicycles, and refrigerating machinery, $100,000 in lumber, and miscellaneous trade about $100,000. We bought from that little island nearly $400,000 worth of goods in the year, made up largely of chocolate, cocoanuts, and tropical fruits.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. Certainly.

Mr. SHERLEY. Can the gentleman tell the House how much trade there was between that island and America prior to this subsidy?

Mr. OVERSTREET. There was trade between the island and the United States prior to this subsidy to about two-thirds of that which it has developed into since.

I was going to suggest, Mr. Chairman, that mail facility unquestionably stimulates trade, and the reply to the question of the gentleman from Kentucky illustrates that point, because the trade has increased over $300,000 since this item was first put in the bill.

Mr. SNOOK. When was the first year it had the benefit of this subsidy?

Mr. OVERSTREET. The fiscal year beginning July 1, 1901.

Mr. THAYER. Before that?

Mr. SNOOK. Was the trade from the United States to Tahiti in the year 1901 almost as large as this year?

Mr. OVERSTREET. I say the trade between the islands and the United States prior to this appropriation was about two-thirds of what it has been since.

Mr. SNOOK. Were not the imports from the United States in 1901 to Tahiti $375,000?

Mr. OVERSTREET. I have not the figures before me. I am speaking of the total trade between the island and the United States.

Mr. SNOOK. That is what I am talking about.

Mr. OVERSTREET. Now, Mr. Chairman, just a word. This is a proposition showing the effect of the subsidy act. If Australia should succeed in negotiations to obtain mail facilities—Australia being equidistant from the island and from San Francisco—if they were to get that mail facility, it would divert a portion of the trade which is now given to the United States.

It is possible that tramp boats, steamship lines which do not receive mail, which would operate between the Island and this country, would carry considerable trade; but I believe there is a very serious doubt as to whether the trade between the island and the United States would continue to equal the trade which this facility has stimulated.

Now, Mr. Chairman, I move that all debate on this paragraph and amendment be closed.

Mr. THAYER. Will the gentleman yield to a question?

Mr. CROMER. Mr. Chairman——

The CHAIRMAN. The gentleman makes a privileged motion, that all debate on this paragraph and amendment be now closed.

Mr. CROMER. I hope the gentleman will give us an opportunity for some debate on this matter.

Mr. OVERSTREET. I move that in ten minutes all debate be closed.

Mr. THAYER. Have you the floor now? If so, I would like to ask you a question.

The CHAIRMAN. The gentleman from Indiana moves that debate on this paragraph and amendment be closed in ten minutes.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OVERSTREET. I ask for a division.

The committee divided; and there were—ayes 70, noes 51.

So the motion was agreed to.

Mr. CROMER. Mr. Chairman, in November, 1900, and up to that time the mail between Tahiti and the United States was carried by French steamers. There were no complaints at the Department or anywhere else about the regularity and promptness in carrying the mail. Everything was satisfactory up to that time about the carrying of the mail between this island and San Francisco. At that time the Oceanic Steamship Company had built up some trade with the island of Tahiti and had asked of the Government the right to carry this mail, and it received the right from the Department, although it cost the Government about $1,150 to have the mail carried by American registered vessels, whereas it only cost about $350 by the French steamer.

The Oceanic Steamship Company carried this mail for one or two years for the statutory allowance or the statutory rate for carrying the mail. In 1901, somehow or other, this item was considered in the Post-Office Committee—or, rather, not considered. It was placed in the bill by some one who was interested in the matter, and from that time to this we can not understand who it is in this House, or anywhere else, who is interested in paying that Oceanic Steamship Company more than the statutory allowance for carrying this mail. Last year two men could have carried all of the letters and all of the letter mail that was carried between this island and San Francisco.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. CROMER. I have only five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. CROMER. Only 423 pounds of letter mail were carried between San Francisco and the island of Tahiti during the last fiscal year, and yet Members of this House will vote to pay $45,000 a year to the Oceanic Steamship Company that did carry this mail for two years for the statutory allowance because it was an

advantage to that steamship company to carry the mail. The people who own that steamship company are the people who are interested in the trade with the island of Tahiti. Why, it is ridiculous, gentlemen, to think that we will pay six dollars and fifty cents a pound for every pound of letters and every pound of newspapers that is carried to this island from this country. That is what it amounts to. In 1903 there were just 423 pounds of letter mail and 5,988 pounds of newspapers, or prints; and if you take the total of this mail matter and divide $42,120, which this steamship company received for carrying the mail during the last year, by it, you find it cost $6.50 for every pound of newspapers and letters carried down to that island. It cost $3.75 for every man, woman, and child who was living upon the island. Why, gentlemen, the people down there on that island live in bamboo houses, with no floors except the earth, and yet we will appropriate $45,000 to carry the mail between this country and that island. Mr. Chairman, I desire to have a letter——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CROMER. Mr. Chairman, I ask unanimous consent to have this letter from the Auditor of the Post-Office Department published in the RECORD as part of my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to have inserted in the RECORD, in connection with his remarks, a letter. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, March 19, 1904.

SIR: In reply to your verbal inquiry of this morning relative to the comparative cost of foreign mail service between the port of San Francisco and the French colony of Tahiti, Society Islands, during the fiscal years ending June 30, 1902, and June 30, 1903, I have the honor to submit the following statement:

YEAR ENDING JUNE 30, 1902.

Weight of mails dispatched during that year, 347½ pounds of letter mail, 5,587½ pounds of prints. The cost of transporting these mails in American registered vessels under section 4009, Revised Statutes, would be $1,002.90, and if conveyed in foreign registered vessels the cost would be $396.58. The actual cost, however, for the conveyance of the mails in question by the Oceanic Steamship Company, under the appropriation by Congress, at $1 per mile for each outward trip, was $37,908.

YEAR ENDING JUNE 30, 1903.

Weight of mails dispatched during that year, 423 pounds of letter mail, 5,988 pounds of prints. The cost of transporting these mails in American registered vessels, under section 4009, Revised Statutes, would be $1,155.87, and if conveyed in foreign registered vessels the cost would be $447.19. The actual cost, however, for the conveyance of the mails in question by the Oceanic Steamship Company, under the appropriation by Congress, at $1 per mile for each outward trip, was $42,120.

The Oceanic Steamship Company has received for similar service rendered during the third and fourth quarters, 1903, at the rate of $1 per mile for each outward trip, $21,060.

Prior to November 1, 1900, this service was performed by French steamers at a cost to the Department of about $400 a year, and on the date above mentioned the Oceanic Steamship Company took up the service with American registered steamers, which increased the cost to about $1,150. Under the appropriation by Congress fixing the compensation at $1 per mile, the cost of the service has increased to $42,120 per annum.

Very respectfully,
J. J. MCCARDY,
Auditor.

Hon. GEORGE W. CROMER, M. C.,
The Dewey, Washington, D. C.

Mr. LIVERNASH. Mr. Chairman, coming from San Francisco, the American city most directly affected by the provision now under discussion, and having some familiarity with the matter before the committee, I feel it my duty to urge that the amendment offered by my colleague from Indiana [Mr. ROBINSON] be voted down.

The granting of the subsidy the Committee on Post-Office and Post-Roads seeks to have continued has been of tangible value to the country. In the years preceding it communication between our mainland territory and the island of Tahiti was exceedingly unfavorable to passenger and freight traffic, and both languished.

I recall with much discontent as to the old conditions the days when a tiny barkentine, the *Tropic Bird*, less than 400 tons gross, was the only vessel regularly plying between Papette and San Francisco, and the voyage in that toy craft was necessarily full of physical hardship for the passenger and full of inconvenience and delay to shippers of freight. The subsidy made possible a radical improvement of service, so that passengers could travel and freight be borne between Tahiti and our western coast by modern steamships of large tonnage and fair speed.

The subsidy justified the Oceanic Steamship Company in putting into the Tahitian trade steamships drawing to themselves forthwith new passenger and freight traffic of which our country has been the beneficiary. To withdraw that subsidy, as the pending amendment is intended to withdraw it, may and probably will work for us a return to the *Tropic Bird* conditions.

My advocacy of liberal treatment of the Oceanic Company is not colored by anything of prejudice in favor of that corporation on my own account; but I am in no doubt as to the value of the liberality in so far as the United States is concerned and in so far as San Francisco in particular is concerned, nor as to the progressiveness and Americanism of the corporation in question. Accordingly, I speak as I am speaking.

It should be considered, I think, that the Oceanic Company is the only corporation whose steamships, being engaged in the Pacific over-sea trade of this country, employs white seamen. This important fact ought to count in favor of enlarging the power of the Oceanic Company; and, so far as my voice and vote can reach, it shall so count.

Mr. THAYER. Mr. Chairman——

Mr. LIVERNASH. I regret to say that I have so little time as to feel obliged to decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. LIVERNASH. In a sense, a vote for the amendment is a vote against white seamen, and however this may be, it surely is a vote against a policy which has enlarged and is enlarging our trade with the Society Islands.

I hope the committee will not be favorably influenced by the comments of the gentleman from Nebraska [Mr. BURKETT] concerning bamboo huts and mud floors. It is painfully clear that he has much to learn about Tahiti, a French colony largely inhabited by cultivated French people, living as the French live in other lands. The commerce of the Society Islands is by no means the worthless quantity he seems to think it.

Now, sir, the condition essential to a valuable trade with the Society Islands is the maintenance of acceptable transportation facilities. Strike down the adequate transportation facilities and we strike down our trade.

I hope the gentlemen on the Democratic side of the Chamber will not be frightened by the word "subsidy." I am not in favor of the so-called "subsidy" policy for upbuilding our merchant marine.

It seems to me that the best policy in that regard will prove to be substantially in line with the proposals made in a bill recently introduced in Congress by the junior Senator from Colorado [Mr. PATTERSON]—that is to say, proposals for dealing with the problem by means of tonnage taxes and customs rebates. But until the Democratic party has power to enforce its own remedies for the decadence of our merchant marine in the over-sea trade, it should not stand for embarrassing our ships by weakening a present policy clearly possessing some sort of value, though not the best value.

It can not be the part of wisdom, I believe, to drive San Francisco backward to the *Tropic Bird*, and I hope a more enlightened policy will prevail.

Mr. SHERLEY. Mr. Chairman, I am free to confess that I know nothing as to the actual conditions of this little island of Tahiti, but the statement made by the chairman of the Post-Office Committee in defense of this item, in my judgment, is sufficient to make every man vote against it. He had to give some explanation of the cost to the Government of $46,000 to carry the mails, when the mails had been and could be carried for just about $41,000 less than that sum. His explanation was that it was a subsidy to the steamship company. He was asked in regard to the amount of trade that this country had with these islands, and he said that we had a total trade, including imports and exports, of $769,000; that we had had prior to this subsidy a trade equal to at least two-thirds of that.

Now, assuming, which is not true, that every bit of that one-third increase has been due to the subsidy, you have got this remarkable condition of affairs: That for the sake of two hundred and fifty-odd thousand dollars' worth of trade you are paying out $41,000 of Government money.

The CHAIRMAN. The time fixed by the committee for debate on this amendment has expired.

Mr. CROMER. Mr. Chairman, can we have the amendment read again?

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. ROBINSON of Indiana) there were—ayes 71, noes 62.

Mr. OVERSTREET. I ask for tellers, Mr. Chairman.

The question of ordering tellers was taken; and the Chairman decided that tellers were ordered.

Mr. UNDERWOOD. Mr. Chairman, I demand the other side.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the Chairman in Committee of the Whole can order tellers if he so desires.

Mr. OVERSTREET and Mr. ROBINSON of Indiana were appointed tellers.

The committee again divided; and the tellers reported—ayes 83, noes 68.

So the amendment was agreed to.

Mr. CROMER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 7, page 19, after the word "and," the word "fifty" and insert the word "five."

Mr. CROMER. That is to make the amounts correspond.

Mr. OVERSTREET. I accept that amendment.

The Clerk read as follows:

For miscellaneous items including railway guides, city directories, and other books and periodicals necessary in connection with mail transportation, $1,000.

Mr. OVERSTREET. Mr. Chairman, I would like the attention of the gentleman from Mississippi. The paragraph on page 2 of the bill to which the gentleman from Mississippi addressed an amendment was passed without prejudice. I understand the gentleman from Mississippi desires to withdraw his amendment.

Mr. WILLIAMS of Mississippi. The subsequent passage by the House of the two amendments offered by the gentleman from Texas [Mr. BURLESON] will render it unnecessary to adopt the amendment offered by me, and I ask unanimous consent to withdraw it.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may withdraw the amendment heretofore offered by him. Is there objection?

There was no objection.

Mr. OVERSTREET. That amendment was to lines 4 and 5 on page 2 of the bill.

The Clerk read as follows:

For manufacture of stamped envelopes and newspaper wrappers, $850,000.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 30, line 16, after the word "dollars," add "*Provided*, Upon expiration of existing contracts for the manufacture of stamped envelopes no part of this appropriation shall be expended for printing individual, firm, or corporate names in return cards on stamped envelopes."

Mr. LAWRENCE. Mr. Chairman, I make the point of order that that is repugnant to Rule XXI in that it is a provision changing existing law and not in order on an appropriation bill.

Mr. SCOTT. Will the gentleman reserve his point of order?

Mr. LAWRENCE. I will reserve the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order.

Mr. SCOTT. Mr. Chairman, I have offered this amendment in order to call the attention of the House to what seems to me to be an abuse on the part of the Post-Office Department. The section of the law which this item is intended to carry into effect reads as follows:

The Postmaster-General shall contract for all envelopes, stamped or otherwise, designed for sale to the public, or for use by his own or other Departments, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: *Provided*, That no envelope furnished by the Government shall contain any business address or advertisement.

Now, in its regulations designed to carry into effect that section of the statute, the Department uses the following language:

SEC. 337. No advertisement, business cards, or devices of any kind will be printed on special-request envelopes, in addition to the return card. The matter in such cards will be limited to: "After —— days return to (name of the writer—individual, firm, company, or corporation), street number, post-office, and State." (See sec. 136.)

Mr. Chairman, if the name of the writer, his street number, his post-office, and State do not constitute his business address, I do not know what the interpretation of that term would be. The statute expressly excludes the business address from the return card which may be printed upon one of these stamped envelopes, and yet the Department by these regulations expressly provides that that business address may be inserted, and as a matter of fact we all know that it is inserted whenever envelopes are ordered in quantities of 500 or more. I contend, therefore, that the Department has placed an interpretation upon the law which the phraseology of the statute does not warrant.

But if the construction placed upon the law by the Department is correct, I yet insist that the policy is wrong.

Mr. MANN. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. Yes.

Mr. MANN. Will the gentleman explain to us what they could put on under his construction of the law?

Mr. SCOTT. I believe the only proper thing that could be placed on the return card are these words: "After ——— days return to ———," leaving a space for the writer to write in his name and address. But, as I say, I will pass the question of the construction of the law.

Mr. MANN. Does the gentleman think that Congress had that intention in its mind—that they should not put on the name of the post-office?

Mr. SCOTT. I can not believe that Congress had it in its mind to permit the Department to issue a return card giving, for example, "The Standard Oil Company, No. 12 Wall street, New York," under this statute, because——

Mr. MANN. But suppose it is "W. A. Jones," at Campville, Mo.?

Mr. SCOTT. It is expressly said that no business address shall be printed, and I do not know what a business address is if that be not a business address.

Mr. MANN rose.

Mr. SCOTT. I have only a moment, and I prefer not to yield further. I want to call attention especially to what I regard as the vicious policy of this practice on the part of the Department. It is simply another illustration of the petty paternalism that has been so severely criticised in the matter of the distribution of free seeds, except that it has nothing like the same basis of reasonable argument for its defense that the seed distribution has. We can defend the seed distribution on the ground that it affords a benefit to a great many poor people. This benefit is conferred upon only a few, and they are the wealthier ones. The common people, or the ordinary farmer or laboring man, and indeed the ordinary retail merchant or business man, does not purchase his stamps in ten-dollar lots; and yet the regulations provide that no man can have the benefit of this provision unless he does purchase his stamps in lots of 500 or more.

It seems to me absolutely clear, therefore, that if this law is properly construed we ought to change the policy, so as to prevent the Government from becoming the competitor of the local printers all over the country. That is practically what it amounts to. Anyone, I insist, who can afford to buy his stamped envelopes in lots of 500 can afford to pay the small fee to his local printer for printing his business address thereon. It is a small matter to the firm doing the business. It is a large matter in the aggregate to the local printers all over the country.

Mr. SPALDING. Mr. Chairman, will the gentleman yield for a question?

Mr. SCOTT. Yes; I will yield for a question.

Mr. SPALDING. Is not the real principle involved this: That the object of printing the return card is for the benefit of the Government rather than for the benefit of the individual, and to prevent loading the mails and Post-Office Department with letters which would otherwise be dead letters?

Mr. SCOTT. I understand that to be the theory, and yet I maintain that a firm which is doing a sufficient business to warrant it in buying its postage stamps in lots of 500 or more would certainly not be so unwise from a business standpoint as to send those envelopes out into the mail without any business address. It would simply be the matter of the expenditure of a dollar to them, or less than that, perhaps, to have their business address printed at the local office upon their stamped envelopes, so that it seems to me the gentleman's contention can not be maintained as a matter of sound governmental policy.

Mr. Chairman, I have no desire to protract this discussion, but I would like to be heard one moment on the point of order. As I said in the beginning, it seems to me that the Department is putting the wrong construction upon the law; that the existing law does not admit of the printing of these individual addresses upon the envelopes.

But if the Chair will not hold with me on that proposition, I then rest my contention upon the well-established principle of parliamentary practice, that this House has the right to limit an appropriation. Undoubtedly the House would have a right to strike out this item if it so desired. That being the case, it seems to me the House undoubtedly has the right to limit the manner in which the appropriation shall be expended. On that statement I am willing to rest this case.

Mr. LAWRENCE. Mr. Chairman, I should like to be heard briefly on the point of order. As I understand, for many years, upon stamped envelopes sold by the Government, there has been printed a return card. I have always supposed that that was very greatly to the convenience of business men and individuals purchasing such envelopes. But at this time I do not care to enter into a discussion of the merits of the question, except to say that propositions of this kind ought to come before the House in a proper way and under the rules of the House. Here is a serious departure in the way of doing business at the Post-Office Department with reference to stamped envelopes. It ought to come before this House in the form of a bill, so that it might be discussed thoroughly and considered at length. All must admit that there can be no proper discussion of the merits of the proposition under the five-minute rule.

Mr. Chairman, there is no rule which is more frequently invoked than Rule XXI, which declares that no provision "changing existing law shall be in order on an appropriation bill." Now, it seems to me this proposition is legislation pure and simple. The only way in which it can be justified is by the claim put forward by the gentleman from Kansas [Mr. SCOTT], that it is a limitation on an appropriation.

Mr. Chairman, I realize that the rulings in this respect have been very liberal and that we have reached a point where we are legislating over and over again on appropriation bills under the plea that the provisions in question are limitations upon the appropriation. A Member of the House said to me yesterday, "The

Members of the House are catching onto this limitation business," by which I suppose he meant that by cleverly wording an amendment new legislation could be tacked upon an appropriation bill under the pretense that it was a limitation.

Of course I know the difficulties that the Chair has in ruling upon a proposition of this kind, but I conceive it to be the duty of the Chair, if he can, following the precedents made in this and former Congresses, to prevent provisions changing existing law being made part of an appropriation bill under the guise of a limitation, and consequently I am glad to be able to cite to the Chairman an exact precedent which he can follow in this case.

This is not a new proposition. It came before the House in the third session of the Fifty-fifth Congress, and was promptly ruled out of order; and I refer the Chair to page 347 of the Constitution, Manual, and Digest. The seventh paragraph on that page is as follows:

An amendment providing that no portion of an appropriation for the manufacture of stamped envelopes should be expended in printing return cards on them was ruled out of order.

That, Mr. Chairman, was a more difficult proposition to rule out than the present one; and I sincerely hope, as this is so apparently new legislation, that the Chair will see fit to follow this precedent.

I also wish to call the attention of the Chair to the fact that this is not a limitation on this specific appropriation. This appropriation, as I understand, is for the manufacture of stamped envelopes under a contract which has some years to run. The amendment is to this effect:

Provided, That upon the expiration of existing contracts for the manufacture of stamped envelopes no part of this appropriation shall be expended for printing individual, firm, or corporate names in the return cards on stamped envelopes.

This can hardly be held to be a limitation upon the present appropriation, which is made in pursuance of a contract which does not expire for, I am informed, about two years.

Mr. Chairman, it does not seem to me that this provision can be construed to be a "limitation." It is clearly new legislation and not in order under our rules.

The CHAIRMAN. The Chair wishes to ask the gentleman from Massachusetts [Mr. LAWRENCE] whether he has before him the case referred to in the Manual. The Chair calls attention to the fact that the next paragraph to the one read by the gentleman seems to refer to a decision holding rather the opposite view under similar circumstances.

Mr. LAWRENCE. The next paragraph states that—

A proposed amendment limiting the kinds of seeds to be purchased under the law was held to be a change of law and not a limitation.

I can not see that it is in conflict with the case I have cited. The case to which I referred was decided during the consideration of the post-office appropriation bill in the third session of the Fifty-fifth Congress. The amendment that "no portion of the appropriation for the manufacture of stamped envelopes should be expended in printing return cards on them" was offered by the gentleman from Missouri [Mr. CLARK]. A point of order was made by Mr. Loud (chairman of the Post-Office Committee), and the question was considered so clear that there was no discussion upon the point, the Chair simply announcing that he sustained the point of order.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit an observation or two upon the question of order. It seems to me that the proposed amendment is clearly in order. It is a limitation upon the appropriation to which it is addressed. It is a restriction upon the powers of the Postmaster-General, requiring him to expend the money carried by the appropriation for an object or a purpose which the law justifies. Under existing law the Postmaster-General may provide envelopes and paper wrappers, plain or with certain inscriptions upon them, and the proposed amendment limits the use of the appropriation to printing of only one kind of stamped envelopes and paper wrappers, a kind that the law already authorizes.

I confess that the question of limitations has been carried to an extreme point; that in some instances legislation under the guise of a limitation has been held in order upon appropriation bills; but I conceive the rule to be this, that an amendment is in order as a limitation where it simply restricts the power that the law already gives to an executive officer. A proposed amendment, whatever its form, is not a limitation if it contains authority in addition to that which the law already grants.

Mr. LAWRENCE. Does the gentleman yield just for a question? I do not wish to interrupt him.

Mr. CRUMPACKER. I yield.

Mr. LAWRENCE. I should like to ask the gentleman from Indiana if he understands this to be an appropriation made to carry out an existing contract?

Mr. CRUMPACKER. No.

Mr. OVERSTREET. I think it is.

Mr. CRUMPACKER. This is a general appropriation for the purpose named, and the amendment limits the appropriation to the printing of certain kinds of stamped envelopes and paper wrappers, the kinds that the Postmaster-General is already authorized to print, excepting that it shall not apply to existing contracts; and the amendment limits the appropriation to that purpose.

Mr. LAWRENCE. What I wanted to call the attention of the gentleman from Indiana to was this: As I understand it, this appropriation is made to carry out an existing contract, and the amendment provides that upon the expiration of the existing contracts the manufacture, etc.

Mr. CRUMPACKER. The appropriation is in general terms. It is not made to carry out existing contracts. Now, if the Chair please, I desire to say a word with reference to a ruling——

Mr. TAWNEY. Will the gentleman allow an interruption?

Mr. CRUMPACKER. I will.

Mr. TAWNEY. Under the appropriation the Postmaster-General may make contracts before the expiration of this fiscal year for which we are now appropriating, so that the appropriation is not limited to this particular contract or to these particular contracts.

Mr. CRUMPACKER. Of course not. This is a general appropriation.

Mr. TAWNEY. He may make contracts to-morrow for future execution.

Mr. CRUMPACKER. That would not make any difference. This, I understand, is a proper limitation; but I want to submit an observation upon a ruling that I made day before yesterday while temporarily occupying the chair.

An amendment was offered in the form of a limitation, but which provided that the Postmaster-General should not expend a certain appropriation unless in effect the salaries of certain officers were increased. That amendment was held in order as a limitation. On reflection it is my judgment that any court in this country would construe that amendment to amount to an increase of the salary of the officers mentioned in it. In construing acts of Congress courts look to the intention of Congress; and if that amendment had been adopted, if it did not increase the salaries of officers it would have rendered the appropriation absolutely nugatory, and no court would put an interpretation upon an act of Congress that would nullify its provisions unless compelled to do so by the plain and imperative language of the law. It is my opinion if that amendment had been adopted by the House the Department and the courts before whom it might have been brought for construction would have decided that it was manifestly the intention of Congress to increase the salaries of the officers named in it; and upon reflection it is my judgment that the decision I made while so occupying the chair was wrong upon that question. I believe, however, that the pending amendment is clearly within the line of the precedents, and it is certainly within the principle underlying Rule XXI, because it limits the expenditure of the appropriation to an object which the law now authorizes the Postmaster-General to expend it for.

Mr. OVERSTREET. Mr. Chairman, just a word. There is now a contract between the Government and some parties who are manufacturing stamped envelopes and newspaper wrappers. That contract by its terms will not expire until after the end of the fiscal year 1905. While this item of appropriation may not in terms declare that it is an appropriation to carry out an existing contract, yet the very circumstances, of which the House must have official knowledge, that the Department where the contract is made is a part of the Government, and the files of the Department show the facts, we must meet that question in the way that we would if we had made the contract by the terms of the House. Therefore we have a right to hold that the appropriation is for the purpose of carrying out an existing contract.

The CHAIRMAN. The Chair would suggest to the gentleman from Indiana that this amendment provides that upon the expiration of said contract——

Mr. OVERSTREET. That may be true; and why is not that subject to the point of order that it is new legislation? The amendment is directed to a part of the bill, and then it says that after all that has been disposed of, then certain things shall transpire. That would be legislation.

The CHAIRMAN. The Chair would like to know of the gentleman from Indiana and the gentleman from Kansas whether it is true that contracts are now in existence to which this item and this amendment refer, running longer than the end of the fiscal year?

Mr. OVERSTREET. Why, Mr. Chairman, the contract will not expire for, I think, about two years from now. I have the data here some place. One step further. The officer of the Department who testified with reference to this contract before the Post-Office Committee stated that under the terms of the contract if there were now a stipulation that the return card upon the envelope should not be printed, it would not interfere with nor

modify the contract with reference to the price, and the contractor would get the pay for printing the return card, even if not printed, under the terms of the contract. Now, that very question was taken up with Mr. Madden, the Third Assistant Postmaster-General:

Q. Where are those stamped envelopes and newspaper wrappers now manufactured?—A. At Hartford, Conn.
Q. Under a contract?—A. Under a four-year contract.
Q. When does that contract expire?—A. I think in about three years; it is about a year old now.

Mr. SCOTT. Mr. Chairman, conceding that a contract now exists which will not expire for a year or more, I think the question now in point is this, as to whether there is anything, unless we adopt this amendment, to prevent the Department from making a new contract, a similar contract, the consideration for which may be paid out of this appropriation. The very fact that the contract now runs for two years is evidence that the Department is making a long-time contract. It may occur to the Department, therefore, to make another and a new contract now or three months from now, and it is to prevent a renewal of this kind of contract that I have offered this amendment for consideration.

The CHAIRMAN. The Chairman is ready to rule.

Mr. OVERSTREET. The suggestion that the gentleman is making, that this is seeking to make new law, shows that the point of order is well taken.

The CHAIRMAN. The Chair thinks that he is not only entitled to take into consideration all the facts disclosed in debate that have any bearing upon the amendment offered in the committee so far as such facts would throw light upon the intention of the mover of the amendment, but that it is his duty to consider such facts in forming his opinion. Now, it seems to be conceded that the contracts to which this amendment refers are contracts which will not expire until after the expiration of the fiscal year for which this appropriation is made. It is therefore an attempt to place a limitation upon appropriations other than the appropriations carried in this bill. So, without venturing into deeper water about this amendment, for the reason above stated the Chair sustains the point of order.

Mr. MANN. I shall not take an appeal from the decision of the Chair at all, but I would like, before the Chair passes upon that question, to direct the attention of the Chair to the proposition as to whether Congress is obliged to make any appropriation for any contract. Is it not within the power of Congress to refuse to make any appropriation at all now, and send these people to the Court of Claims? It is also within the power of Congress to refuse to appropriate, even if they should succeed in getting a judgment in the Court of Claims; and if it is within the power of Congress to refuse to make appropriations, then under the rulings of the Chair, not only of the present occupant of the chair but many others, in days past they decided that it was within the power of Congress to say upon what terms it makes the appropriation.

I make this suggestion because I think not only the recent decisions of the Chair but the tendency of the House is to run riot on the question of limitation. I would be very glad for the Chair to have his attention directed to the fact that it is within the power of Congress to make no appropriation; and certainly, if we have the power to make no appropriation, we certainly can put on a limitation.

The CHAIRMAN. Does the gentleman desire to take an appeal?

Mr. MANN. Oh, certainly not; the Chair knows I would not.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of agents and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, $15,000.

Mr. LIND. Mr. Chairman, I move to strike out lines 17, 18, and 19. I do so principally for the purpose of asking the chairman of the committee some questions. I understand, Mr. Chairman, that these appropriations, the one in lines 17, 18, and 19, and a similar appropriation in lines 22 and 23, and another in lines 13 and 14, are expended by the Post-Office Department in paying salaries of agents who are appointed nominally at a few distant places in the country, in New England and the Pacific coast, but really employed in the Post-Office Department here. Is not that the fact?

Mr. STAFFORD. The gentleman has an erroneous impression as to the purpose of this appropriation. This item is for the maintenance of the Government agency at Hartford, Conn., where the stamped envelopes and newspaper wrappers are manufactured under contract by a private concern. This agency inspects the quality and workmanship of all supplies manufactured, and supervises the shipping, upon requisition of the Third Assistant Postmaster-General, direct to the consignee, of all embossed envelopes and wrappers.

Mr. LIND. Is it not a fact that so-called "agents" are employed in this city to-day who have never been outside the city and whose salaries are defrayed from this appropriation?

Mr. STAFFORD. I wish to positively deny that. Here, in the letter which I have from the Third Assistant Postmaster-General, he accounts for every item that has been expended in the past year out of this appropriation.

Mr. LIND. It is true, however, of the appropriation here in lines 13 and 14, is it not?

Mr. STAFFORD. Not at all. That item provides for running the stamp agency located here in Washington, the postage stamps being printed in the Bureau of Engraving and Printing and the local distributing agency being a separate agency connected with the Department here at Washington.

Mr. LIND. Does not the gentleman recall in the Bristow report case after case was enumerated where agents had been appointed to perform services nominally in New England and elsewhere, but they never performed them there, but did all the service in this place and were employed in the Post-Office here?

Mr. STAFFORD. Not in any wise in connection with this stamp agency here or any of the other respective agencies connected with the distribution of the postal supplies here appropriated for.

Mr. LIND. I so understood, and I understand they are so employed to-day.

Mr. STAFFORD. Perhaps the gentleman has probably in mind the method of running the subagencies at St. Louis, Cincinnati, and Albany, where postal clerks attached to the local offices are employed in shipping and distributing envelopes, wrappers, and postal cards upon requisitions of postmasters. For these subagencies no special appropriation exists, and an endeavor is being made to separate the service.

Mr. LIND. No; I am not referring to that. I am referring to the cases where the appointments in distant places were all nominal and the agent appointed and carried on the roll as an agent for that place, yet he was actually employed here in the Post-Office Department.

Mr. STAFFORD. In no wise, so far as clerks employed in any of these respective agencies, have they been used in other departments.

Mr. LIND. I understood further—well, I will take the chairman's statement. I withdraw my amendment.

The CHAIRMAN. The gentleman from Minnesota, without objection, withdraws his amendment.

The Clerk read as follows:

Salaries of post-office inspectors: For salaries of fifteen inspectors in charge of divisions, at $2,500 each; six inspectors, at $2,400 each; fifteen inspectors, at $2,250 each; fifteen inspectors, at $2,000 each; seventy inspectors, at $1,600 each; sixty inspectors, at $1,400 each, and thirty-five inspectors, at $1,200 each; in all, $353,050.

Mr. CROMER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out in line 25, page 21, after the word "and," the word "thirty-five" and insert "twenty-seven."

Mr. CROMER. Mr. Chairman, I desire to be heard. The purpose of this amendment is to reduce the number of inspectors provided in this bill by eight. There were eight inspectors added by the provisions of this bill to the Fourth Assistant Postmaster-General.

Mr. OVERSTREET. In this bill? The gentleman, I think, is mistaken. I presume he wishes to be accurate.

Mr. CROMER. Then I will withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Indiana will be withdrawn.

The Clerk read as follows:

For per diem allowance of inspectors in the field while actually traveling on business of the Department, $190,000: *Provided*, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on business away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more.

Mr. OVERSTREET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 22, in line 4, strike out the words "business of the Department" and insert in lieu thereof "official business away from their home or official domicile and their headquarters."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For salaries of clerks and laborers at division headquarters, miscellaneous expenses at division headquarters, traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by field inspectors

not covered by per diem allowance, and traveling expenses of the Fourth Assistant Postmaster-General and chief post-office inspector, $85,000: *Provided*, That of the amount herein appropriated not to exceed $2,000 may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend as follows:

On page 22, line 20, strike out "$85,000" and insert "$112,000."

On page 22, in line 21, after the word "exceed," strike out the following: "$2,000 may be expended, in the discretion of the Postmaster-General," and insert "$17,000 shall be expended, or so much thereof as may be necessary, by the Postmaster-General."

After the word "criminals," in line 25 on page 22, add the following: "*Provided further*, That the Postmaster-General shall expend said sum of money, or so much thereof as is necessary, in the payment of clerks, stenographers, accountants, and detectives, and for other necessary expenses for the purpose of securing information concerning the violation of the postal laws and for services and information looking toward the apprehension of criminals guilty of crimes committed in or in connection with the Post-Office Department. The examination of all witnesses, records, and accounts for this purpose shall be conducted before a select committee of eight, five of whom shall be Members of the House, to be appointed by the Speaker, and three of whom shall be Senators appointed by the Senate, and this committee shall have full power to send for persons and papers and enforce the production of the same, to examine witnesses under oath, to sit during the sessions of the House and Senate, and to exercise all functions necessary to complete investigation of all frauds and irregularities alleged to exist in said Department, and the Postmaster-General shall render to said committee all necessary assistance. And said committee shall report the result of its investigation to Congress as soon as practicable, with such recommendations as to it may seem advisable:" so that the section as amended shall read as follows:

"For salaries of clerks and laborers at division headquarters, miscellaneous expenses at division headquarters, traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by field inspectors not covered by per diem allowance, and traveling expenses of the Fourth Assistant Postmaster-General and chief post-office inspector, $112,000: *Provided*, That of the amount herein appropriated not to exceed $17,000 shall be expended, or so much thereof as may be necessary, by the Postmaster-General for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals: *Provided further*, That the Postmaster-General shall expend said sum of money, or so much thereof as is necessary, in the payment of clerks, stenographers, accountants, and detectives, and for other necessary expenses for the purpose of securing information concerning the violation of the postal laws, and for services and information looking toward the apprehension of criminals guilty of crimes committed in or in connection with the Post-Office Department.

"The examination of all witnesses, records, and accounts for this purpose shall be conducted before a select committee of eight, five of whom shall be Members of the House, to be appointed by the Speaker, and three of whom shall be Senators appointed by the President of the Senate, and this committee shall have full power to send for persons and papers and to enforce the production of the same, to examine witnesses under oath, to sit during the sessions of the House and Senate, and to exercise all functions necessary to complete investigation of all frauds and irregularities alleged to exist in said Department, and the Postmaster-General shall render to said committee all necessary assistance. And said committee shall report the result of its investigation to Congress as soon as practicable, with such recommendations as to it may seem advisable."

Mr. OVERSTREET. Mr. Chairman, against that I make the point of order that it is not germane and is new legislation.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I will address myself to the first proposition first. The part of the bill to which this amendment is offered is the part of the bill which appropriates a certain amount of money for the purpose of "securing information concerning violations of the postal laws" and for services and information "looking toward the apprehension of criminals." Now, the amendment proposes to increase the amount appropriated for that purpose, to provide additional machinery for that purpose, to gather a select committee of the two Houses of Congress which shall look into the matter of the violation of the postal laws, seeking evidence looking toward the final "apprehension of criminals." So much as to the matter of germaneness.

The purpose of the amendment, Mr. Chairman, is to secure a free and full and public nonpartisan investigation of the Post-Office Department at the hands of the Congress of the United States.

Mr. OVERSTREET. Mr. Chairman, the proviso to which the amendment is addressed authorizes the expenditure not to exceed $2,000 a year for the purpose of securing information under certain conditions. The history of that proviso briefly is this: That in the discharge of the work of the detection of criminals violating the postal laws oftentimes an inspector can not afford to disclose his identity, which would result from the execution of a receipt; or for the purpose of a decoy letter inclosing marked money to send through the mail if it was never returned, and lost, there would be no way of recompensing or reimbursing the inspector who had suffered the loss. For that purpose, and for that purpose only, this proviso has been carried in the bill.

The amendment proposed by the gentleman from Mississippi has no relation to the purpose with which this proviso has been considered thus far. It seeks only an investigation of the Department of the postal service. Now, it may be that the gentleman conceives the idea that under the rulings of various Chairmen these words of limitation as to expenditure in the item of appropriation may give them license and so limit this appropriation as to permit an investigation which is not now authorized by any law. But, Mr. Chairman, a limitation must be within the law; it must be directed to some phase of the law which already exists. This is not germane for the reason that it seeks the appointment of a Congressional committee, the expenses of which are to be defrayed by the increased appropriation of this item sought within one clause of the proposed amendment.

This proposed amendment creates certain officers, it creates officers to be appointed, or partly appointed by the Speaker of the House and partly appointed by the President of the Senate, but new officers nevertheless. The appropriation carried by the increase proposed is not for the purpose of any of the items in the law to-day, nor in the provisions of this bill, but is entirely for the purpose of defraying the expenses of the new officers which are thereby created.

Now, Mr. Chairman, I believe that it is needless to press the point further. It is not germane, because it has no relation to the subject-matter contained in these items of the bill. It is clearly new legislation, because it seeks to create new officers not now authorized by law.

Mr. WILLIAMS of Mississippi. Before the gentleman sits down can I not appeal to him to withdraw his point of order?

Mr. OVERSTREET. The gentleman can appeal.

Mr. WILLIAMS of Mississippi. I appeal to him to withdraw his point of order.

Mr. OVERSTREET. I recognize the gentleman's appeal and I overrule it. [Laughter.]

Mr. WILLIAMS of Mississippi. The gentleman reminds me of what Glendower said to Hotspur when the former said, "I can call spirits from the vasty deep;" and Hotspur replied, "Why, so can I, or so can any man; but will they come when you do call for them?" The gentleman from Indiana with his stony heart stands between an investigation of the Post-Office Department by Congress with this little point of order—that is, provided the Chair agrees with him upon the point of order, which I hope the Chair, in the interests of the public, will not do.

The CHAIRMAN. The proposed amendment, which, of course, must be taken in its entirety, discloses the fact that it is not in the language of a limitation. It contains mandatory directions to the Postmaster-General. It therefore is new legislation or changes existing law. Further than that the Chair does not consider that the creation of a joint committee of both Houses of Congress, with power to administer oaths, to conduct a judicial or semijudicial examination, is a subject which can be considered germane to a bill "which, in the words of the title, is a bill making appropriations for the service of the Post-Office Department" for the coming fiscal year. Because this is new legislation, and because it does not appear to the Chair in any proper light as a limitation, but is a direct legislative enactment, and is not germane either to the paragraph or the bill, the Chair sustains the point of order.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish to take an appeal.

The CHAIRMAN. From that decision the gentleman from Mississippi appeals.

Mr. OVERSTREET. Mr. Chairman, I desire to be heard upon the question of the appeal.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. OVERSTREET. Mr. Chairman, I recognize the privilege of any Member of the House sitting in Committee of the Whole to pray an appeal from the decision of the Chair; but while parliamentarily speaking we are in Committee of the Whole, nevertheless the House of Representatives is in session, and whatever action is taken by a Committee of the Whole is properly construed as the action of the House of Representatives.

I can appreciate further, Mr. Chairman, that where there is a clear doubt of a decision of the Chair, it is not only the privilege, but in many instances the duty, of a Member to pray an appeal; but where there can be no doubt of the righteousness of the ruling of the Chair under the rules of the House, which the House has already adopted, then such an appeal, if carried, would, in my judgment, be a reflection upon the character, dignity, and standing of the House of Representatives. I believe, therefore, that when a Chairman of the Committee of the Whole, for the time being a Representative in Congress, acting as the Chairman for all of the members of that committee, has discharged his duty under the rules and has ruled rightly, Members knowing that his ruling is right, an appeal which might be carried would put a blot upon the escutcheon of the House membership which I do not believe Members care to do.

The Chairman of this committee has ruled with universal impartiality, clearness, and courtesy, and upon this item had the gentleman from Mississippi [Mr. WILLIAMS] been in the chair instead of the gentleman from Illinois [Mr. BOUTELL], and had he in the discharge of his duty ruled the same way, I would have taken the same position I now take, that it would have been a reflection upon the membership of the House of Representatives to carry an appeal over the decision. It is the act of the Congress, not of the Members seeking to express purely their preference

upon some question. It is a parliamentary act upon the part of the Chair under the rules of a great body that the gentleman appeals from, and when he acts in that way, knowing that the ruling was properly made, he casts a reflection upon himself and discredits the National House or Representatives. [Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I have listened with much humility and a great deal of grave self-distrust to the lecture which has just been poured out upon me by the gentleman from Indiana [Mr. OVERSTREET]. I do not think he would have done it if he had understood my purpose. I do not think there would have been any tears in his voice if he had known what I was up to. He seemed to think that I wanted to put a blot upon the escutcheon of the House of Representatives. Why, bless your heart, Mr. Chairman, I am the last man in the world to do that. I am not the Post-Office Department engaged in that sort of business. [Laughter.] Nor is it my intention to try to put a blot upon the escutcheon of the House of Representatives. It is my intention to try and remove a blot from the escutcheon of the Post-Office Department. Now, I hope that we will not let a little technical matter of parliamentary law stand in between us and a great public purpose—the purpose of having honesty of administration, the purpose of detecting criminals in the Departments of the United States Government, the purpose of making clean our pathway as a nation.

Why, what does a little miserable rule of the House of Representatives amount to when you consider that it is the only obstruction lying in between you and righteousness, far greater than the righteousness of a technical decision, perhaps, technically correct upon parliamentary precedent and so-called parliamentary law? What is parliamentary law? Its text-books are the utterances of glittering generalities that change their forms, depending upon what they are applied to, and its mass of precedents is a bundle of precedents furnishing at least one precedent for almost anything you want to do or to leave undone. The Government is founded for the greatest good of the greatest number, and the very essence and soul of good government is honesty in the public service and economy of public administration. Now, the only way we can get at and institute and secure honesty in the Post-Office Department is either by the gentleman's withdrawing his point of order or by the House of Representatives marching bodily over the point of order. [Applause on the Democratic side.]

It is not a reflection upon the Chair, because the Chair understands that if there is anybody in this House that I take unto my bosom almost as a brother, it is the Chair himself. I believe that the Chair is actuated by the highest motive. The Chair is one of the very few parliamentary lawyers in this body. This body thus far has not excelled any preceding body for expertness as parliamentary sharps, either upon the majority or the minority side, as far as that goes. But I do hope that the gentleman from Indiana [Mr. OVERSTREET] will withdraw his point of order, so as to save the country from the unpleasant spectacle of gentlemen saying to the country that rather than have an investigation into rottenness and corruption they will stand upon a bare little parliamentary technicality that amounts to nothing in any citizen's mind. [Applause on the Democratic side.]

Mr. OVERSTREET. Mr. Chairman, if the gentleman from Mississippi had occupied the chair and another Member had offered the amendment which he has, to which the same point of order had been addressed under the rules of the House, how would the gentleman have ruled?

Mr. WILLIAMS of Mississippi. Mr. Chairman, the duty of a man sitting in that chair is one thing; the duty of this House of Representatives, which can change its rules in detail or in general, is another thing. Now, I decline to be put in the position of being a final court of arbitration upon the indefinite subject of parliamentary law. I do say that this House of Representatives can secure an investigation by outside authority, not intercommingled with the corruptions existing in the Post-Office Department, only in one of two ways. One way is by the gentleman withdrawing his point of order, and the other is by the House overruling a decision of the Chair. Why, I heard the honorable Speaker of this House the other day, in making a ruling, say: "The Chair rules"—and you know how suavely he says it, and with what gracefulness of gesticulation—"the Chair rules, subject to the subsequent action of the House," thus and so. And so the gentleman, so-and-so, who had made the point of order went out as far as the Chair could put him out.

But the Chair admitted there was a power behind the Chair, to wit, the House of Representatives; and the House of Representatives will find out, if it does not already know it, that there is a power behind the House of Representatives, and that is the people of the United States. [Applause on the Democratic side.] And the people of the United States know that when a gentleman rises in his place and makes a point of order upon a matter of this sort as a representative of his party, it is because his party does not want the Post-Office Department investigated. The Members of the House well know that there have been forty places in this bill where the gentleman might have made a point of order, but did not. Why did he not? Because he did not want to do so. He wanted the legislation to go through; and acting in his own capacity, and as the representative of his party, too, he declined or omitted or failed to make the point of order. And now when he has the opportunity to do a great public service he makes the point of order.

Oh, Mr. Chairman, if the gentleman would but withdraw that point of order he would awake to-morrow morning like Byron did on the day after the English Bards and Scottish Reviewers was published. He would "awake famous," with his name upon every American citizen's lips. [Addressing Mr. OVERSTREET.] Won't you withdraw it? [Applause and laughter.] Won't you do something to be famous? [Renewed laughter.] Won't you do something to keep the great body of American citizenry from believing that the Post-Office Department is in-famous, if I may mispronounce an English word. There is an opportunity here that perhaps in your lifetime, young as you are, may never again present itself to you—an opportunity to perform a public service; an opportunity, not to blot the escutcheon of anyone, but, if the Post-Office Department is all right, to remove from the Post-Office Department, and thereby from your own Administration, blots supposed to be there. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Chairman, according to the distinct and pertinent definition of the term, "anarchy" consists in disregard of law; and it does not make a particle of difference, except in degree, whether the disregard of law is a disregard of the statutes of the country or a disregard of the rules of procedure of the House of Representatives. The majority of this House is charged with a great duty in this behalf, as in very many others. The minority of this House is not charged with quite so solemn a duty as is the majority.

Mr. WILLIAMS of Mississippi. Does the gentleman refer to the duty of making a point of order?

Mr. GROSVENOR. It is the duty of every Member of this House to uphold the rules and regulations of this House just as distinct as it is to uphold the laws of the country under which we live, for the very good reason that there is an appeal to a tribunal that is abundantly capable and always ready to rectify any wrong that has been caused either by statute or by rule.

Mr. WILLIAMS of Mississippi. Will the gentleman yield a moment?

Mr. GROSVENOR. Why, sir, the gentleman has done a great deal of talking. Why should he not let me go on?

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. GROSVENOR. I will yield for a question.

Mr. WILLIAMS of Mississippi. Does the gentleman from Ohio justify the gentleman from Indiana in making his point of order?

Mr. GROSVENOR. Most undoubtedly I do.

Mr. WILLIAMS of Mississippi. I just wanted to see if there were two of you. [Laughter.]

A MEMBER. And there are a good many more.

Mr. GROSVENOR. The gentleman from Mississippi is always flippant and always funny. He is "an amusin' cuss" on all occasions. [Laughter.] He is charged with no responsibility except devilment; that is all [laughter]; and the greater the amount of the devilment, the oftener, the better, and the more he is cheered on the other side; and that I like, because he likes it. He feels it his duty to interfere, as leader of the minority, on every possible occasion, to suggest some little innovation in the procedure on this side of the House; and if he can get a modification of a resolution or the suggestion of a single change in any mode of procedure he has triumphed to that extent, and there is another plume in his coronet. Plumes and coronets do not go together, perhaps [laughter], but the gentleman knows what I mean.

Now, Mr. Chairman, more than once—possibly twice—since I have been a Member of this House a ruling of the Chair that was conceded to be in strict compliance with the rules of the House was overruled by a vote of the House, in moments of excitement and, I might say, frenzy. No good ever came of it; nothing but mischief ever came of it. I remember when the gentleman from New York [Mr. SHERMAN] made a ruling here that was as completely and necessarily a true interpretation of one of the rules of the House as it was possible to make, the House overruled him in a spirit of revolution. It was a mistake, and it would be a mistake to do the same thing again.

Mr. WILLIAMS of Mississippi. I ask for information. Was the gentleman from Ohio one of the gentlemen who overruled him?

Mr. GROSVENOR. "The gentleman" was not. Although I was on the other side of the question, and have been a great many times, I have always and uniformly, since I have been a Member of this House, voted to sustain the Chair when I believed the Chair had ruled according to the law. I voted against the ma-

jority of my own associates on this floor to sustain that ruling of Mr. Speaker Carlisle when I believed that he had done his duty as a lawyer and a presiding officer, notwithstanding he had put an impediment in the way of the purposes of my colleagues here. [Applause.]

Mr BUTLER of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. GROSVENOR. Yes.

Mr. BUTLER of Pennsylvania. Did the gentleman from Ohio ever ask the House to override the Chairman of the committee, at the same time admitting that the Chairman was right in his ruling?

Mr. GROSVENOR. Certainly not, as I have said; and I never would. I would as soon violate any law standing upon the statute books. I know that we do not always look at it in the strong light in which I look at it; but we are here—a body of men who have created our own rules. We made them ourselves, and we, by the operation of one of those rules, have put this Chairman into the chair. He makes a ruling. If he had made any other, I assume from the colloquy between the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Indiana [Mr. OVERSTREET] that the gentleman from Mississippi [Mr. WILLIAMS] would have condemned him for it in his heart, although he would not have spoken it.

Mr ROBINSON of Indiana. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Indiana?

Mr. GROSVENOR. Yes; I like to be interrupted by him.

Mr. ROBINSON of Indiana. The gentleman is on the Rules Committee and has been for the last four years. Does he not remember that the Members of the House have never had a minute's opportunity for discussion or debate of these rules?

Mr. GROSVENOR. I do not remember anything of the kind.

Mr. ROBINSON of Indiana. I will state it as a fact.

Mr. GROSVENOR. The gentleman has a right to his statement. That is not a question; that is the ipse dixit of the gentleman from Indiana. The House has the right at any time——

Mr. ROBINSON of Indiana. The House has not had a chance to amend those rules.

Mr. GROSVENOR. The House has a right at any time. The difficulty is this: A minority Member upon a question, whether he is on that side of the House or on this side, feels the pressure of the rules when the rules are against him. That is all there is of it; and if you changed the rules of the House every twenty-four hours, there would still be somebody in opposition to them all the time.

I tell you, gentlemen of the committee, that it is an unwise thing to do either of two things: one is to be misguided by the siren song, with which we have become so familiar, of our friend from Mississippi [Mr. WILLIAMS], appealing to this side of the House to violate its own rules; the second is, you bring disorder and confusion whenever you for a moment deviate from upholding the Chair when you believe the Chair has done his duty.

What is this proposition? The proposition is that, conceding that the Chairman has ruled correctly—and we all have the highest confidence in his judgment and knowledge—conceding now that under the rule we have made and that we have all constructively sworn to uphold—because when a Member of Congress swears that he will faithfully discharge his duty it means, among other things, that he will obey the rules of the House of Representatives to which he belongs [applause]—conceding now that the Chairman has ruled correctly and properly and wisely, what is the proposition? It is that because we want to do a certain thing in a certain way we will override the decision of the Chair and thereby violate the rule of the House.

Mr. WARNOCK. And destroy law.

Mr. GROSVENOR. And destroy law and inaugurate anarchy on the floor of the House of Representatives.

Take the lawful course. If you believe that there ought to be an investigation of the Post-Office Department, which I neither affirm nor deny, go at it in the proper way. Offer your resolution and send it to the Committee on Rules, if you see fit to do so.

Mr. WILLIAMS of Mississippi rose.

Mr. GROSVENOR. Let me finish. And when the Committee on Rules has failed to do its duty, the rule of the House provides that you may bring that resolution back into the House; and when it comes back to the House adopt it or defeat it; and whichever way it is done, that is the voice of the majority, and in the American Republic it is the voice of God.

Mr. WILLIAMS of Mississippi. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. GROSVENOR. I certainly do.

Mr. WILLIAMS of Mississippi. I believe the gentleman is himself a member of the Committee on Rules.

Mr. GROSVENOR. I am.

Mr. WILLIAMS of Mississippi. I believe there are one or two resolutions of this sort now pending before the committee?

Mr. GROSVENOR. I do not know whether there are or not. But I do know that the House——

Mr. WILLIAMS of Mississippi. From what has taken place in the Committee on Rules, Mr. Chairman, I never would have known, either. [Laughter.]

Mr. GROSVENOR. The answer to that is——

Mr. WILLIAMS of Mississippi. Now, if I shall try to get a resolution of that sort up for consideration at the next meeting of the Committee on Rules, will the gentleman from Ohio vote with me to let the House investigate the Post-Office Department?

Mr. GROSVENOR. I do not want to be compelled to come into this House and apologize for having associated on a question of that character with the gentleman from Mississippi. [Great laughter.]

Mr. Chairman, I conclude what I have to say in a very few words. When you violate a rule of the House, that is one thing; but when you do it by a solemn condemnation of the Chairman of the Committee of the Whole House, you have gone certainly far out upon an open sea in a rudderless boat. I appeal to the majority of this House to stand by the majority of the House, and let the gentleman from Mississippi have his opportunity occasionally to exploit his own views on this question. They are greatly gratifying to him, and they do not hurt "the old man" a particle.

Mr. COOPER of Wisconsin. Mr. Chairman, I think in view of the frequency with which the gentleman from Mississippi, the leader of the minority, has urged the House to override the decision of the presiding officer upon a point of order, even when such decision has been, as is the one now pending, confessedly correct, that he ought to be reminded of what the great father of Democracy, Thomas Jefferson, said concerning the importance of a legislative body adhering to prescribed rules of procedure. I have here a copy of Mr. Jefferson's Manual of Parliamentary Practice. The headings of the preface are interesting at this time. I beg to bring them to the attention of the gentleman from Mississippi. The first heading is "Importance of rules" and the second "Importance of adhering to rules." I read from the Manual:

IMPORTANCE OF RULES.

SECTION 1. *Importance of adhering to rules.*

Mr. Onslow, the ablest among the speakers of the House of Commons, used to say "It was a maxim he had often heard when he was a young man from old and experienced members that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of or departure from the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were in many instances a shelter and protection to the minority against the attempts of power."

Mr. Chairman, rules are adopted by a legislative body in large part for the protection of the minority. The majority can do what it pleases. Its rights are secure. But the only way to protect the minority is at all times to have rules and at all times to obey them.

Mr. Jefferson, in this preface, further says:

So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary from time to time and are become the law of the House; by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check, and which the wantonness of power is but too often apt to suggest to large and successful majorities.

I call the attention of the gentleman from Mississippi to the concluding paragraph:

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker or captiousness of the Members—

That is the clause to which I wish to call his attention—

not subject to the caprice of the Speaker or the captiousness of Members. It is much more material that there should be a rule to go by than what the rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the Speaker or the captiousness of the Members. It is very material that order, decency, and regularity be preserved in a dignified public body.

I appeal from the gentleman from Mississippi to Thomas Jefferson as to the great importance to a legislative body of a rigid adherence to rules.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I think I have a right to be heard. I have listened to the gentleman from Wisconsin. I am so glad that he has "got back on the reservation." I do not know what to do. I think I remember the time when he, with the balance of us, overruled the Speaker upon a point of order that was parliamentarily equally as correct as this.

He quotes the father of Democracy, the father of political wisdom, almost, in my opinion——

Mr. COOPER of Wisconsin. Mr. Chairman, I have seen that

sort of language so many times; will the gentleman please mention a time when I ever voted to overrule the Speaker——

Mr. WILLIAMS of Mississippi. Did not you vote with us to overrule that decision which ruled out of order the motion to abolish the sugar differential on the Cuban reciprocity bill?

Mr. COOPER of Wisconsin. No, sir; I did not. I think not; I do not remember now.

Mr. WILLIAMS of Mississippi. Well, I always thought you were a blanket Indian on that occasion; I may be mistaken.

Mr. COOPER of Wisconsin. Moreover, if it was at that time and under that decision, of which I have no recollection now, I am sure it could not have been so perfectly plain as this proposition. [Laughter on the Democratic side.]

Mr. WILLIAMS of Mississippi. Now, then, Mr. Chairman, I have the very highest regard for Thomas Jefferson's opinion about anything that Thomas Jefferson did know and could have known in his day and generation. Thomas Jefferson's opinion, however, upon a locomotive would not interest me very much. Thomas Jefferson had never seen a locomotive, and Thomas Jefferson had never seen the present rules of this House. [Applause on the Democratic side.]

It may have been true that in Thomas Jefferson's day, when the minority had some voice in making the rules of the House, that the thing of greatest detriment to the minority was to break down the rules, but we have found to-day that the thing of greatest detriment to the minority is to observe the rules. They are made not to protect, but by rules to rule the minority. The gentleman says that they are made for the purpose of protecting the minority. Why, our experience is that they are made for the purpose of gagging the minority [applause on the Democratic side], and to-day they are being used for the purpose of gagging the House and for the purpose of "protecting" the majority! That is what the rules are right now being used for.

Mr. PAYNE. Will the gentleman yield to allow me to ask a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from New York?

Mr. WILLIAMS of Mississippi. I will yield.

Mr. PAYNE. I would like to know if the gentleman did not vote for these same rules in the Fifty-second or Fifty-third Congress when he was here, and did not his entire party vote for the same rules substantially that we have to-day?

Mr. WILLIAMS of Mississippi. Oh, that has been thrashed out so often.

Mr. PAYNE. The gentleman can not evade the question by saying it has been thrashed out so often. Were not the rules substantially the same rules we have to-day?

Mr. WILLIAMS of Mississippi. The gentleman knows that the spirit of the present rules is not the spirit of the rules of the Fifty-third Congress.

Mr. PAYNE. Is the gentleman doing anything here except to amuse or trying to amuse somebody? If he has any reasoning about this thing or any aspirations to be Speaker in a future Congress——

Mr. WILLIAMS of Mississippi. Mr. Chairman, I gave no time to the gentleman either to make a speech in my time or to indulge in personal abuse, either one of the two. [Applause on the Democratic side.]

Mr. PAYNE. But the gentleman knows——

Mr. WILLIAMS of Mississippi. Now, then, I say that the rules of to-day are a gag on the minority, and the rules to-day are at this moment being used for the protection of the majority.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. No; I will not yield to anybody. The gentleman from Ohio "appeals to the majority to stand by" what? "To stand by the majority." I appeal to the country to know whether if "standing by the majority" is not about the only thing that the majority of this House has proven itself competent to do during this Congress. [Applause on the Democratic side.] It stood "pat" on everything else, I believe.

Now, Mr. Chairman, I do not think it is unwholesome even for a wise man to have a little fun now and then. Although I seem to have affected the "dignity" of the gentleman from New York very much, I do not think that I have spent my main time here in "amusing" the House of Representatives, and judging by the expression upon the countenance of the gentleman from New York I am not "amusing" him now. [Applause on the Democratic side.] And judging by the way the Republican Members of this House are acting upon this proposition I am not "amusing" them now. Now, I knew long ago that, in some way or other, the Republican party had relegated to innocuous desuetude the oath which is taken when one comes here to "observe the Constitution," but I did not know until the gentleman from Ohio [Mr GROSVENOR] had expressed himself this morning that in some subtle way the rules of the majority of the House, in the making of which the minority has had no voice, have been substituted for the Constitution as a special Members' oath. [Applause on the Democratic side.]

Now, Mr. Chairman, the gentleman from Wisconsin knows, the gentleman from Ohio knows, and the gentleman from New York knows, every man in the sound of my voice knows, that all the talk this morning about "introducing a resolution to investigate the Post-Office Department" and "sending it to the Committee on Rules" and "getting a favorable report" from the Committee on Rules to bring it into the House and getting the recognition of the Speaker and getting a square vote in this House upon the substantial proposition is—I hardly know what—a more than disappearing dream of utter ignorance in connection with the manner in which proceedings are pratically carried on in the House of Representatives under our present rules.

There has been for a month before the Committee on Rules a proposition introduced for this very investigation, which was referred by the introducer to the Committee on the Post-Office and Post-Roads. That reference was then changed to the Committee on Rules, and there it now lies. Now, do you imagine—does the country imagine—that we are going to get that resolution out of the Committee on Rules? Does the committee imagine that the gentleman from Ohio would vote to get that resolution out of the Committee on Rules? I have some slight hope of getting it out. I have some hope that the Speaker of this House may join the two minority members of the Committee on Rules [laughter on the Democratic side] and let it out, but that hope has been dwindling somewhat as the hours and days and weeks have passed. [Laughter on the Democratic side.]

I still, however, decline to believe that before the session closes at any rate the Speaker will not join in with the Democrats and see to it that the House gets an opportunity, notwithstanding the "obstructive tactics" of the gentleman from Indiana with his little point of order, to investigate the Post-Office Department. With the expression of that hope, Mr. Chairman, I ask for a vote. [Applause on the Democratic side.]

Mr. PAYNE was recognized.

Mr. WILLIAMS of Mississippi. Mr. Chairman, a parliamentary inquiry. Who has the right to conclude debate on an appeal from the decision of the Chair?

The CHAIRMAN. The Chair thinks that debate rests entirely with the committee.

Mr. WILLIAMS of Mississippi. Has not the mover of a resolution the right to close debate?

Mr. PAYNE. But this is on an appeal from the decision of the Chair.

The CHAIRMAN. A motion to close debate would be in order at any time.

Mr. PAYNE. Mr. Chairman, what the gentleman from Mississippi does not know about the rules of the House would fill a large volume. He has never been able to adjust himself to the rules of the House. He is the first gentleman of long experience in the House I have known to openly advocate the violation of the rules of the House by overruling the decision of the Chair on appeal. Various gentlemen I might mention, gentlemen on the other side and, perhaps, some on this side, have made ingenious arguments trying to show that the decision of the Chair was not within the rules of the House, although it seemed to me and many others that it was plainly so, and have made excuses for an appeal in that direction. But the gentleman from Mississippi comes here making a joke of the whole matter, because from the time when I first came in he made nothing else of it except a joke, trying to get the House to overrule the plain rules of procedure of the House.

Now, he says the minority have had no voice in the formation of the rules, and yet the rules are the result of the experience of a hundred years, since the time of Thomas Jefferson and his written parliamentary law contained in Jefferson's Manual, and followed up from time to time by various Congresses, Democratic and Republican, until finally in the Fifty-first Congress we got them up to that degree of perfection that the two Democratic Congresses succeeding adopted the rules as the rules of this House, and they are substantially the rules as they stand to-day.

I never heard a Republican get up on the floor and advocate the overruling of a decision of the Chair because his decision was not in accordance with the rules, and yet admitting that his decision was in accordance with the rule and advising his side of the House to take the matter into their own hands. I never heard a gentleman of standing now in the present minority in this House, except the gentleman from Mississippi, stand and practically admit that the ruling of the Chair was in accordance with the rules of the House and ask them to overturn a decision of the Chair because he wanted to accomplish some purpose by doing so. The rules on both sides have always been regarded as sacred in this respect. I have heard Speaker Carlisle and Speaker Crisp argue for the integrity of the rules to be respected by the minority as well as the majority.

Why, Mr. Chairman, we come here to-day, and the whole proposition of the gentleman from Mississippi [Mr. WILLIAMS] is to override the rules, to disregard the rules, for each Member to disregard his duty, when it is as much the individual duty of the Members of this House to enforce the rules as it is for the gentleman sitting in that chair—to violate his conscience, to violate his duty, to violate the rules of the House, simply because the gentleman from Mississippi [Mr. WILLIAMS] is seeking to make a party play before the country upon this question.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman has just held up as a fault in me that which I perhaps regard as a virtue. He has said that I did not "understand" certain things. He does not seem to understand the compliment that he has just paid me. He has charged, as if it were a fault in me, that I was not hypocrite enough to argue that which I did not believe, and I take it as a compliment to my intellectual integrity that he should have made that charge, although he seems unable to comprehend that he has paid a compliment. If I had thought that the ruling of the Chair was technically wrong, I would have made that argument, but there is not any party success or anything else on the face of this earth that could make me do what the gentleman says others have done, to wit, under the pretext of arguing that a thing was unsound technically which they thought to be sound, to disguise the purpose which they had in view.

My purpose is, frankly, to get the House of Representatives for this particular purpose and at this particular time to suspend this particular rule in order that we may investigate a great Department of this great Government charged to be and supposed to be absolutely rotten. [Applause on the Democratic side.] I have not been hypocrite enough to disguise my purpose and hide behind a diaphanous parliamentary argument of one sort or another. I am not sworn to obey your rules and nobody else is sworn to obey your rules. We are sworn, on the contrary, to do our duty to the country, and when our duty to the country under your rules can be done only by temporarily upsetting one of them, then I, for my part, take all the responsibility and accept the scolding that the gentleman from New York throws upon me as a compliment not intended, perhaps not "understood," by him.

Now, Mr. Chairman, I move that debate cease.

The CHAIRMAN. The gentleman from Mississippi moves that all debate on the appeal do now cease.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The Chair will order this vote to be taken by tellers.

Mr. WILLIAMS of Mississippi. Mr. Chairman, had we not as well have tellers at the same time?

The CHAIRMAN. The gentleman from Mississippi demands tellers. The gentleman from Indiana, Mr. OVERSTREET, and the gentleman from Mississippi, Mr. WILLIAMS, will take their places as tellers.

The committee divided; and the tellers reported—ayes 133, noes 99.

So the decision of the Chair stood as the judgment of the committee.

The Clerk read as follows:

For miscellaneous items, $1,000.

Mr. COWHERD. Mr. Chairman, I move to strike out the last word as a pro forma amendment. I merely want to say that in some remarks I submitted yesterday to the House I misquoted the position taken by Mr. Moody in one respect, and I want to correct the RECORD. His statement was that the pay earned by railroads in carrying mails was less than in freight or express and a little more than in the passenger service. I quote here Mr. Moody's language:

If I had to guess, and guess upon my life, I would say that the express business was more profitable to the railroad than the mail business, and, again, I would say that the passenger business was less profitable, and that the most profitable business of all was that in which the charges are nominally the lowest—that is, the transportation of freight.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Free-delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, $20,250,000.

Mr. LIVERNASH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out of lines 8 and 9, page 23, the words "twenty million two hundred and fifty thousand dollars" and substituting the following:

"Twenty-three million two hundred and fifty thousand dollars: *Provided*, That no part of this appropriation shall be used for said purpose unless in the use thereof the carriers hereinafter mentioned shall be paid salaries as follows during the year beginning July 1, 1904, viz: In all cities which contain a population of 75,000 or more, carriers who have served more than three years, $1,200 per annum; in all cities containing a population of less than 75,000, carriers who have served more than two years, $1,000 per annum."

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order for a moment until I can ask the gentleman from California [Mr. LIVERNASH] a question. If I heard the Clerk correctly, this amendment is clearly for the purpose of providing for an increase in the salary of the letter carriers.

Mr. LIVERNASH. It would have the effect of increasing the income of carriers of certain classes—men of long service.

Mr. OVERSTREET. It increases their salaries differently from what is now provided by law? It increases the salaries more than they are now receiving?

Mr. LIVERNASH. By its terms carriers of three years or more service in cities of 75,000 or more inhabitants would have their income for the next fiscal year enlarged $200, and carriers of two years or more service in cities of less than 75,000 inhabitants would have their income for the same year enlarged $150, as matter of Congressional limitation on the use of the appropriation carried by the pending bill.

Mr. OVERSTREET. Mr. Chairman, I make the point of order. The gentleman admits that it is clearly for the purpose of increasing the salaries. Those salaries are now fixed by law. It is new legislation and contrary to existing law.

The CHAIRMAN. The Chair will hear the gentleman from California on the point of order.

Mr. LIVERNASH. Mr. Chairman, the amendment is word for word the amendment offered by me at an earlier stage of the reading of the bill, and the Chairman of this committee, passing on a point of order identical with the one now raised, has held the amendment proof against the point of order.

Under the circumstances I shall not engage in argument. It seems sufficient to direct the attention of the Chair to the ruling just mentioned.

With the indulgence of the Chair, however, I should like to ask the gentleman from Indiana [Mr. OVERSTREET] this question: If the pending amendment were to be withdrawn, as doing only for one year what it would be better to do in permanency, would the gentleman from Indiana in charge of the bill be willing to have inserted a new paragraph directly and frankly providing for such change of the present law as would establish for carriers of the classes affected by my amendment the annual salaries I am seeking to obtain for them—establish, I mean, as matter of positive law?

Mr. OVERSTREET. I will pass that bridge when we reach it.

Mr. LIVERNASH. I submit, Mr. Chairman, that we are now at the bridge.

Mr. OVERSTREET. Then I will wait until the Chair rules.

Mr. CRUMPACKER. Mr. Chairman, just a word on the point of order. I occupied the chair when the ruling was made to which the gentleman from California [Mr. LIVERNASH] refers. That ruling followed what I conceived to be a precedent made by the present occupant of the chair in relation to a rental of a station in the city of New York, and the ruling was based upon a belief at that time that the amendment did not increase the salaries of the letter carriers in any respect. The law fixes the salaries of carriers, and the amendment was in the form of a limitation. And it occurred to me that in the form in which it was presented it did not increase the salaries of carriers or change existing law, and therefore it was held in order as a limitation.

But upon reflection and subsequent investigation of the provisions of that amendment, I have no doubt that the Post-Office Department or any court would hold that it was clearly the intention of Congress to provide an increase of the pay of letter carriers in accordance with the provisions of the proposed amendment. I think any court would hold that to be the clear purpose and intention of Congress in adopting the amendment. And if that be true, of course it was new legislation, of course it changed existing law, and the amendment was clearly subject to a point of order. I therefore believe that the decision I made on the day before yesterday while occupying the chair, in ruling upon this particular proposition, was erroneous.

Mr. FITZGERALD. Mr. Chairman, it is rather astonishing to hear the admission just made by the gentleman from Indiana [Mr. CRUMPACKER], although it is well for him to be frank. I was somewhat astonished at what we might call the "Indiana idea" that was announced from the chair the other day and taken up by the two colleagues of the then Chairman, the gentleman from Indiana [Mr. CRUMPACKER], that we could not change by indirection a law, and that if we made an appropriation upon certain conditions which were in conflict with existing statutes the money could not be expended. It is a well-known and well-established practice of this House to appropriate money under such conditions as will in effect change existing law. It is done in such a way that it will be a limitation upon the appropriation made.

In the provision of the bill which was adopted upon the motion of the chairman of the Committee on the Post-Office and Post-Roads an appropriation of $90,000 was made to rent a substation in New York City at the terminal of the New York Central Railroad. That money was appropriated upon the condition that a lease should be made for a period not exceeding fifty years. The

law now is that the Postmaster-General can not make a lease for a longer period than ten years. I was somewhat surprised that the chairman of the Post-Office Committee should follow his colleague [Mr. CRUMPACKER]; because if he really believed that the money could not be appropriated, he could not have been sincere in his efforts to provide increased postal facilities in the city of New York.

Mr. Chairman, this committee has the right to appropriate money to conduct this service during the coming year or it can refuse to do it. It can appropriate the money to conduct this service, and it can place such limitations and such conditions upon the expenditure of the money as it deems proper; and if that in effect accomplishes a change or repeal of existing law, it is proper under the rules of the House, and it is one of the ways in which a change can be made in the law.

The CHAIRMAN. The Chair is prepared to rule. Against the amendment offered by the gentleman from California [Mr. LIVERNASH] the gentleman from Indiana [Mr. OVERSTREET] makes the point of order that it is contrary to existing law or that it changes the existing statute law. Now, in passing upon a very difficult question of this sort, on which there may very well be a division of opinion, it becomes the duty of the Chair, so far as possible, to place himself in the position of a judge who would be called upon to express an opinion upon a statute containing a provision such as the amendment offered by the gentleman from California. The Chair will call attention to the rule of the House governing amendments of this character, as found in clause 2 of Rule XXI:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The language of the latter part of this rule is very clear and explicit—that on a general appropriation bill no amendment shall be in order that changes existing law. There have been numerous attempts to escape from this rule by placing limitations upon appropriations, and there is a long line of decisions to the effect that certain limitations upon appropriations are in order. But the question must always remain whether the amendment changes existing law or, if placed in the bill, simply renders nugatory the appropriation, or, in the third place, makes a limitation permitted under the present law.

Now, there might be grave doubt in the minds of able parliamentarians and learned judges as to what the effect of this provision would be; but the Chair takes it that in getting at the intention of the legislature the judge would have no better evidence and no surer ground upon which to form his decision than the opinion of the mover of the amendment; and the Chair, in endeavoring to act in a judicial and impartial manner, is not only entitled but bound to take into consideration the opinion of the mover of an amendment or the general consensus of opinion of the committee with reference thereto.

The gentleman from California [Mr. LIVERNASH] has expressed it as his opinion that it is the intention of this amendment to change the salaries now fixed by statute law. Of course, if this is the intention, and the court would hold that that intention governed in the interpretation of the statute, then this amendment necessarily would change the existing statute and be very clearly obnoxious to the last clause of this rule. Under the facts as disclosed in the debate as to the intention of this amendment to change the existing law, the present occupant of the chair is compelled to sustain the point of order.

Mr. LIVERNASH. I offer the following amendment.

The Clerk read as follows:

Amend by striking out of lines 8 and 9, page 23, the words "twenty million two hundred and fifty thousand dollars" and substituting the following:

"Twenty-three million two hundred and fifty thousand dollars: *Provided*, That in the use of this appropriation the carriers hereinafter mentioned shall be paid, in lieu of salaries now fixed by law, salaries as follows during the year beginning July 1, 1904, viz: In all cities which contain a population of 75,000 or more, carriers who have served more than three years, $1,200 per annum; in all cities containing a population of less than 75,000, carriers who have served more than two years, $1,000 per annum: *And provided further*, That said salaries shall be paid such carriers after said year."

Mr. OVERSTREET. Mr. Chairman, against that amendment I make the point of order for the same reason. I presume the gentleman will admit that substantially it is the same amendment.

Mr. LIVERNASH. Will the gentleman from Indiana reserve his point of order instead of making it? I should be glad to have a few moments in which to answer his question.

Mr. OVERSTREET. Mr. Chairman, I make the point of order. I did not reserve it. We must make progress.

Mr. LIVERNASH. Then, Mr. Chairman, I will speak to the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. OVERSTREET. That, of course, is within the discretion of the Chair; and I ask the gentleman to confine his remarks to the point of order.

Mr. LIVERNASH. Mr. Chairman, I do not wish to act in bad faith with the Chair in this matter. I offered the amendment in the hope that no point of order would be made against a frank proposal to do directly what by an earlier amendment I sought to do indirectly; and when I arose a moment ago asking the gentleman from Indiana [Mr. OVERSTREET] to reserve his objection it was for the purpose of directing his attention to the fact that the pending amendment might be regarded as the bridge he had expressed a disposition to cross when he should come to it.

I shall now suspend, for of course I am conscious that the point of order, if insisted on, is good, and I do not intend to transgress the usages governing orderly procedure.

Mr. OVERSTREET. I insist on the point of order.

The CHAIRMAN. For the reasons given in reference to the other amendment, the Chair sustains the point of order.

Mr. SULZER. Mr. Chairman, I move to strike out the paragraph under consideration and substitute the following, which I ask the Clerk to report.

The CHAIRMAN. The gentleman from New York moves to strike out the paragraph under consideration, and offers a substitute, which the Clerk will report.

The Clerk read as follows:

Free-delivery service: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, $23,250,000. *Provided, however*, That the Postmaster-General is hereby authorized in his discretion on and after June 30, 1904, to pay letter carriers in cities of more than 75,000 population for the first year of service, $600; for the second year of service, $800; for the third year of service, $1,000; for the fourth year of service and thereafter $1,200; and after June 30, 1904, to pay letter carriers in cities of a population of under 75,000 for the first year of service, $600; for the second year of service, $800; for the third year of service and thereafter, $1,000.

Mr. OVERSTREET. Mr. Chairman, against that I make the point of order for the same reason. It is identically the same provision.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. SULZER. On that, Mr. Chairman, I desire to be heard.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. SULZER. Mr. Chairman, in my opinion I do not think the point of order made by the gentleman from Indiana [Mr. OVERSTREET] is well taken with regard to this provision. The substitute just offered by myself is not in derogation of existing law and does not in any way change the law or place any limitation upon existing law. It simply gives the Postmaster-General a discretionary power to increase the pay of letter carriers. It is not mandatory in any sense, and hence it does not violate the rule.

It provides that this money is appropriated for the pay of letter carriers, and leaves it in the discretion of the Postmaster-General whether he wants to increase their pay or not. I do not think it comes within the rule of the House, and, in my judgment, I do not think the point of order made by the gentleman from Indiana is well taken, and I trust, in the interest of fair play and simple justice, the point of order will be overruled. Let us be fair; let us be honest; let us be just; and, finally, let us pay the efficient, hard-working letter carriers decent wages, so that they can live like honest, hard-working, respectable American citizens. That is all I want to say now, so far as this point of order is concerned.

The CHAIRMAN. The Chair is prepared to rule. The Chair understands that the salaries of letter carriers are now provided by law. The amendments offered by the gentleman from California were in the form of limitations; the present amendment alters the existing law by vesting in the Postmaster-General the discretion to pay increased salaries. No question as to a limitation arises. It is a positive enactment, changing the existing law prescribing the salaries and vesting in the Postmaster-General the discretion to increase them. The Chair therefore sustains the point of order.

Mr. SULZER. Mr. Chairman, I move now to strike out the last word, in order to get recognition to say what I want to say for the letter carriers of our country. I am now, always have been, and always will be their friend. For many years the letter carriers have been endeavoring to get fair, just, honest, decent pay from the Government of the United States. The people of this country, who are really the Government, are in favor, in my opinion, of paying the letter carriers a just day's pay for an honest day's work. That is all that is asked for. These letter carriers are the hardest worked, the most honest, the most efficient, the most competent, and the most obliging, courteous, and industrious employees of the Government; and they are the poorest paid. Do not forget that. It is a shame the way these men are compelled to work for a mere pittance, not enough to keep body and soul together. It is a disgrace to this great and wealthy Republic. They can not afford to bring their children up as children should be reared, and properly fed, and decently clothed, and sent to

school, so that they will make honest men and good women and become fearless and patriotic citizens.

Mr. Chairman, I have received thousands and thousands of petitions from people all over this country which read as follows:

Mr. WILLIAM SULZER,
House of Representatives, Washington, D. C.

I believe that the letter carriers are entitled to the increase of pay that they so earnestly desire. Their faithfulness, integrity, and energy in transacting the business of the people should certainly be recognized and rewarded, considering the fact that they are ill paid now. They suffer much from exposure, are docked when they miss a day's work, and there are no pensions for them.

OTTO BORY,
100 St. Marks Place, New York City.

Now, sir, I want to state that in every Congress since I have been here a bill has been introduced for the relief of the letter carriers. In five different Congresses—namely, the Fifty-fourth, the Fifty-fifth, the Fifty-sixth, the Fifty-seventh, and the Fifty-eighth—I had the honor of introducing such a bill myself, and I worked as hard as I could—before the committee, with Members of the House, in season and out of season—continually to get a favorable report, but all in vain. I never could get the Republicans on the committee to report the bill and do justice to the deserving letter carriers of the country. Time and time again on the floor of this House I have pleaded for just pay and decent treatment for these faithful employees.

Let me say to the Members of this House that on the 10th day of last November I reintroduced the letter carriers' bill, which reads as follows:

A bill (H. R. 835) to increase the pay of letter carriers.

Be it enacted, etc., That after June 30, 1904, the pay of letter carriers in cities of more than 75,000 population for the first year of service shall be $800; for the second year of service shall be $800; for the third year of service shall be $1,000; for the fourth year of service and thereafter shall be $1,200. And after June 30, 1904, the pay of letter carriers in cities of a population of under 75,000 for the first year of service shall be $800; for the second year of service, $800; for the third year of service and thereafter, $1,000.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

If there ever was a bill introduced in this House that ought to appeal to every Member as a matter of right and justice, it is this letter carriers' bill. The bill was referred to the Committee on the Post-Office and Post-Roads. It is there now. It is sleeping in that committee, and it will never wake up, never come out. That is all there is to it—a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the Members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility, and the Republicans in this House are responsible and can not evade that responsibility.

The letter carriers' bill, now peacefully and silently slumbering in committee, has the support of over 1,450 petitions, covering nearly 2,000,000 names. One petition from New York City has on it 327,000 names. Resolutions from over 2,100 organizations, representing labor unions, boards of trade, business men's leagues, independent organizations, and fraternal associations, indorsed it. These came from all parts of the country. State legislatures, city councils, and in fact every organization of any kind, political, religious, and economic, have asked that this bill be passed, but still it sleeps. Not only that, but over 400 newspapers, daily and weekly, have supported the bill editorially. The demand that Congress take action on this bill has become general, but nothing is done. Why not? Ask the Republican members of the Committee on Post-Offices and Post-Roads.

Mr. Chairman, let me say again, I am a friend of the letter carriers. The Government in all its service has no more honest, no more tireless, no more faithful employees. These men are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out, in sunshine and in storm, in winter and in summer, in all kinds of weather, sometimes eighteen hours out of the twenty-four; and taking all other employees in the various Departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

Now, sir, why is it when every Democrat, I believe, on this side of the House is anxious for a favorable report on this bill, is anxious to have it passed, is anxious to vote for it to make it a law, why is it, I ask, that the Republicans in this House smother the bill every session in the committee? Why is the Republican party against the letter carriers' bill? Is it because a few Republican leaders of this House are opposed to giving the letter carriers decent wages? Or is it because the Republicans are so busy legislating for monopoly that they have no time to legislate for man? And to think of it! The chairman of the committee, the gentleman from Indiana [Mr. OVERSTREET], has the brazen audacity to rise in his place in this House and assert that this great Government can not afford to pay the letter carriers and postal employees decent wages! And in the face of the fact that we have in the Treasury a surplus of over $224,000,000, the largest surplus in all our history, and every dollar taken from the pockets of the taxpayers.

There is a general sentiment, an urgent demand, from all over this country in favor of this bill to increase the pay of the letter carriers so that they shall be able to live decently. I have made a great many speeches in this House in favor of the letter carriers. After the action of the chairman of the Committee on Post-Offices to-day I am of the opinion, and I want the letter carriers of the country to understand it, that they will never get their wages increased so long as the Republican party is in power in this House and can stop it. [Applause.]

Now, sir, I want to read an editorial from the New York American, one of the greatest newspapers in this country, owned, published, and edited by my distinguished colleague, WILLIAM RANDOLPH HEARST, which expresses my views and ideas upon this question better than any words of mine. The editorial was published on Wednesday, March 23, 1904, and is as follows:

THE LETTER CARRIER THE POOREST PAID MAN IN THE UNITED STATES—LET HIM HAVE DECENT WAGES FOR WORK THAT IS HARD AND EXPOSES HIM TO CONSTANT DANGER OF SICKNESS.

In keeping with their attitude toward those who earn their bread in the sweat of their face, the Republicans in the lower House of Congress yesterday, by the brutal force of a majority, rejected a plea for additional pay to the letter carriers of the United States.

Representative LIVERNASH moved for an increase in the general appropriation bill in order that the letter carriers could be more decently paid.

The motion was rejected, and rejected by the Republican majority.

The demand for increased pay to the letter carriers is just. It is not a favor to these public servants. Increased pay is their right. They are the poorest paid men of all the thousands working for the United States.

Their scale of wages was fixed in 1878. They are paid at beginning $600 a year. Then, after several years, they are paid $800 a year, and if they live long enough, escaping the dangers of pneumonia and other disease incident to the exposure they undergo, they get $1,000 a year.

But the letter carrier must work every day. He is docked for a day's absence. If he is sick he must lose his wages. When he gets old he draws no pension.

There is no reward for long or faithful service on the part of the letter carrier. If he would better his condition he must seek employment in another line of work.

A scale of wages made in 1878 may have been fair then, but such a scale is manifestly small now. The cost of food, of clothing, and all things incident to human life has increased since 1878, but the letter carrier is asked to work now for wages fixed under conditions that obtained over twenty years ago.

The United States Government should be liberal in payment of wages. The Government should give an example of fair dealing to the private employer.

In the case of the letter carrier the Government affords an example of stinginess that would do credit to a miser.

But the Government is not a living thing. It is what the majority in Congress makes it. That majority in Congress is Republican. The Republicans are asked to make it so that honest toilers can get decent wages, and they refuse.

This is more than a party question. It is a matter of humanity. Thousands of men in responsible positions in cities all over the United States, undergoing hardships that will wreck the constitution of any human being, are asking for enough money to live decently, to educate their children and give them something to live on when they are old. They can not in person make the demands. Their case is in Congress, and yet the majority in Congress rejects an effort made in their behalf.

Write to your Member of Congress and ask him to vote for the bill to give letter carriers better pay. They are honest men. They work hard. They are held to the observance of the strictest rules, and they are more poorly paid than any other class of workingmen in the United States, considering the character of their duties.

Demand that the Republican majority, for once in its career, cease its opposition to decent treatment for men who labor for a living.

Let it be made so that the United States will always be a generous employer of labor and a fair paymaster.

[Applause.]

That editorial tells the truth. Written by a sincere friend of the wage-earners, it tells the truth in trumpet tones. It expresses my sentiments, and you must answer it. This matter can not be longer ignored. It can not be whistled down the wind. It is here to stay until justice is done. You must meet it, and sooner or later you will be forced to go on record and vote for it or against it, because the friends of the letter carriers' bill will never cease their efforts until it is written on the statute books of our country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

The Clerk read as follows:

For marine postal service, Detroit, Mich., $4,500: *Provided*, That the Postmaster-General may, in his discretion, enter into contract for such marine postal service for a period not exceeding five years at an annual rate not to exceed $4,500.

Mr. McMORRAN. Mr. Chairman, I would like to offer an amendment to that.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 23, line 21, strike out the words "may, in his discretion" and insert the word "shall."

Mr. OVERSTREET. Mr. Chairman, I would like the gentleman to advise the committee whether he believes that such a contract can really be obtained under the terms which this amendment would fix.

Mr. McMORRAN. Mr. Chairman, the circumstances of that service at present are as follows: There is a contract with a man

in Detroit at the sum of $20 per day, which at the present time only exists from day to day, the claim being made that the contractor is liable to have his boat drop out from under him, and the further claim is also made that he needs an appropriation of $12,000 for the appropriation now made of $4,500; and in consideration of $12,000 a year he proposes to build a new boat, which I believe is entirely unnecessary, and it is my judgment, if the Postmaster-General will readvertise, that half a dozen competitors will bid for this service at $20 per day. I believe to-day the matter should be closed up and should not be left and leave the service in jeopardy, and I therefore ask the committee to accept the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Rural free-delivery service: For compensation to six division superintendents of rural free-delivery service at $2,400 each, $14,400.

Mr. CROMER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 8, page 24, after the word "to," strike out the word "six" and insert the word "seven."

Mr. MANN. I reserve the point of order on that, Mr. Chairman.

Mr. CROMER. Mr. Chairman, we have had eight subdivisions in this country and eight special agents in charge of rural free delivery. The provision of this bill proposes to reduce these subdivisions or these special agents in charge to six and place the rural free delivery in certain parts of the country in the hands of post-office inspectors. These post-office inspectors are good fellows and good men for their business, but they are not the proper men in whose hands ought to be placed the rural free delivery. I can not understand what the purpose of the committee is in reducing these subdivisions from eight to six when they——

Mr. HINSHAW. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Nebraska?

Mr. CROMER. In a minute. When they propose in this bill to increase the special agents for the establishment of this service, and the Fourth Assistant Postmaster-General has already placed a large portion of the country in the hands of post-office inspectors. On June 20, 1903, by order of General Bristow, the Pacific division of rural free-delivery service was discontinued, and all cases of investigation in the rural free-delivery service for the States of California, Nevada, and the Territory of Arizona were referred to the post-office inspector in charge at San Francisco, who is in charge to-day of this part of the country with reference to rural free delivery.

On the same date all rural free-delivery cases and investigations for the States of Idaho, Montana, Oregon, and Washington were referred to the inspector in charge at Spokane, Wash.

On the same date all rural free-delivery work in the States of Colorado, Utah, and Wyoming, and the Territory of New Mexico were referred to the post-office inspector in charge at Denver, Colo.

On the 2d day of January, 1904, rural free-delivery work in Pennsylvania and New Jersey was assigned to the post-office inspector in charge at Philadelphia.

I believe that these post-office inspectors are good men for their business, but they ought not to be put in charge of the rural free-delivery service. Our Democratic friends have charged us, without foundation, with a government by injunction; but, if the policy of the Post-Office Department is pursued and the policy of the Post-Office Committee is pursued, they certainly with a great deal more reason can charge us with a government by inspectors.

Now, we have Fosnes, a good man, but a post-office inspector, as general superintendent of free delivery. We have Mr. Thorpe, a good man, but a post-office inspector, superintendent of city free delivery. We have Mr. Spillman, a good man, formerly private secretary to General Bristow, superintendent of rural free delivery. We have Mr. Chance, a good man, at one time chief clerk to General Bristow, superintendent of the division of post-office supplies. We have Mr. Waters, a former post-office inspector, superintendent of salaries and allowances. My opinion, gentlemen, is that we should not reduce these subdivisions and put this country in the charge of post-office inspectors to extend the administration of the rural free-delivery service.

Mr. OVERSTREET. Mr. Chairman, there are now seven divisions authorized by law. It is the purpose of the Department to consolidate so as to reduce the number to six. This is recommended by the Department for the good of the administration of the service. It only clouds the situation, Mr. Chairman, for my colleague or any Member on the floor to throw into this body the scarecrow of post-office inspectors. There is absolutely no syllable of law, either on the statute books or in this bill, which in the slightest manner even squints at such an authority.

The rural free-delivery service is being very rapidly extended. Very ample provision has been made in recent months in the deficiency appropriation bill to continue that line of work. We have authorized an expenditure for inaugurating the service and the payment of salaries of carriers beyond what the present indications would point to as to the extent of the service during the next fiscal year. There is not the slightest restriction by any of the provisions of this bill to limit the further extension of that service as rapidly as it is possible to do.

There are many reasons for the popularity of that service, and it does not help the situation for my colleague to leave the impression that there are Members who seek to restrict the proper extension of the service. Why, Mr. Chairman, it is a pure matter of administration as to the divisions. My friend says these are good fellows. Of course they are, but are we to enlarge the number of division headquarters simply to make provision for the appointment of all good fellows? I wish we might do it, but it is not in the line of good business conduct.

Mr. CROMER rose.

The CHAIRMAN. Does the gentleman from Indiana yield to his colleague?

Mr. OVERSTREET. Yes.

Mr. CROMER. Isn't it a fact that New Jersey and Pennsylvania have been placed in the hands of the post-office inspector with reference to rural free delivery?

Mr. OVERSTREET. Not in the hands of a post-office inspector at all. I don't understand there is any inspector in charge of it.

Mr. CROMER. And doesn't the gentleman know about the Western States being placed in the hands of inspectors also?

Mr. OVERSTREET. No, sir; I do not.

Mr. CROMER. It is the fact, nevertheless.

Mr. OVERSTREET. It is purely an administrative matter. We make provision by way of an appropriation, and the effort to enlarge the number of divisions simply for the purpose of appointing men to them is not in proper line of the action of the committee. Now, Mr. Chairman, I move that all debate on the item and the amendment thereto be now closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the paragraph and pending amendment be closed.

The motion was agreed to.

Mr. MANN. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Indiana [Mr. CROMER].

The question was taken, and the amendment was rejected.

Mr. MOON of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert in line 10, page 24, after the word "dollars," the following: "for compensation to one rural agent for rural carriers examining board, $2,000."

Mr. OVERSTREET. Against that, Mr. Chairman, I reserve the point of order.

Mr. MOON of Tennessee. Mr. Chairman, it is hardly necessary for the gentleman from Indiana to rise and reserve the point of order, for I was about to concede to the Chair that the point of order could be well taken against the amendment. But the merits of this proposition are such that I feel that no just man will urge a point of order when the facts are presented to this House.

I shall only briefly state that this is a proposition to give a salary to one member of an examining board of the Civil Service Department connected with the Post-Office Department which is equal to and commensurate with the salaries of the other two gentlemen on that board. It so happens that the two Republicans on that board get a salary that is higher than the lone Democrat on that board. That is hardly a fair thing. The Department thinks it is hardly fair, and it has been recommended here that those salaries be made proportionate. I concede that it is new legislation, and if the objection is insisted upon that the Chair will properly rule the amendment not in order, but I ask that the letter to Senator DANIEL, as well as the letter of the Postmaster-General to the Civil Service Commission, which have been sent with the amendment to the desk, be read for the information of the House, and then I hope the gentleman from Indiana [Mr. OVERSTREET] will not insist on his point of order.

The CHAIRMAN. The Clerk will read the letter in the time of the gentleman from Tennessee.

The Clerk read as follows:

FEBRUARY 3, 1904.

Hon. JOHN W. DANIEL,
United States Senate, Washington, D. C.

SIR: In response to your letter of February 1, requesting information concerning the present and proposed status of the positions of supervising examiner and secretary of the rural carrier examining board, the Commission has the honor to submit the following:

Since the classification of the rural-carrier service the work has been under the supervision of a board which consists of three members—a chairman, who is designated as such in the legislative appropriation bill; a supervising examiner, whose duties have been performed by a special agent detailed from the rural free-delivery service, and a secretary, whose duties have been performed by a $1,600 clerk detailed from the Department. Under the regulations effective on February 1, 1904, the three members of the board are

specifically designated as chairman, supervising examiner, and secretary, respectively. At the time these regulations were agreed upon it was assumed that the same arrangements for the assignment of persons to perform the duties of the board would continue.

The Department decided in December, however, that the special agent assigned to duty as supervising examiner could not properly continue to draw the per diem (while in Washington) which he had formerly been permitted to draw in addition to his salary of $1,400 per annum. The duties of the position of supervising examiner require his presence in Washington a considerable portion of the time, but he must hold himself in readiness to go into the field on short notice. His trips are often long and correspondingly expensive, and the single item of Pullman fare is frequently more than his per diem allowance. As a result of the uncertainty regarding the time and duration of his trips, his living expenses while in Washington are necessarily higher than the ordinary. The net result is a serious inroad upon his compensation of $1,400 per annum which is entirely disproportionate to the duties he is obliged to perform.

The commission suggested to the Post-Office Department that recommendation be made to Congress for appropriations for the position of supervising examiner and secretary at $2,000 and $1,600 per annum, respectively. This would involve no increase in the appropriation for the Department as compared with the last year. The special agent who acted as supervising examiner was paid, in addition to his salary of $1,400, $4 per diem, which made his gross income something like $2,800 per annum. The appropriation for secretary at $1,600 would merely involve a change in the designation of a $1,600 clerk.

The Postmaster-General advised the Commission, in a recent letter, that he had instructed the Fourth Assistant Postmaster-General to bring the matter to the attention of the proper committee, with the recommendation that these salaries be appropriated for and be made immediately available. The Commission is very anxious that no change be made in the personnel of the board, and unless this appropriation can be made immediately available it is feared that the special agent now assigned to the duties of supervising examiner will be obliged to ask to be relieved from the assignment, and the work of the board be thereby seriously compromised.

Very respectfully,

HENRY F. GREENE,
Acting President.

JANUARY 22, 1904.

The CIVIL SERVICE COMMISSION, *Washington, D. C.*

GENTLEMEN: Replying to your communication of the 20th instant, I beg to advise you that I have instructed the Fourth Assistant Postmaster-General, at his hearing before the proper committee, to urge that the salaries for the supervising examiner and the secretary of the rural carrier examining board be made immediately available.

He has already made the argument for the salary which you desire.

Respectfully, yours,

H. C. PAYNE, *Postmaster-General.*

Mr. OVERSTREET. Mr. Chairman, I reserve the point of order, and I would like to make some inquiries of the gentleman from Tennessee [Mr. MOON]. What is this man doing now?

Mr. MOON of Tennessee. My information is that he is now serving as an examiner on the civil-service board in the post-office.

Mr. OVERSTREET. What is his designation?

Mr. MOON of Tennessee. He is now on the examining board. The letter read shows his disignation.

Mr. OVERSTREET. What is the designation of the office that he holds?

Mr. FLOOD. Mr. Chairman, I will state that it is supervising examiner, I believe.

Mr. OVERSTREET. No; he is not a supervising examiner.

Mr. FLOOD. He is acting as supervising examiner on that board.

Mr. OVERSTREET. What is he paid?

Mr. FLOOD. One thousand four hundred dollars a year.

Mr. OVERSTREET. As what kind of an officer?

Mr. FLOOD. As an agent.

Mr. OVERSTREET. A rural agent?

Mr. FLOOD. Yes.

Mr. OVERSTREET. Now, Mr. Chairman, I simply want to suggest to my colleague on the committee that this bill does not contain a single provision for the promotion of any man in the service more than $100 over what he now receives; that there is not any provision which promotes a man in any part of the service who to-day is receiving above $1,700 a year. This item is clearly new law which creates a new office to promote from $1,400 to $2,000 a gentleman who happens to be a Democrat.

Mr. FLOOD rose.

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. I decline to yield. I am sorry the gentleman from Mississippi [Mr. WILLIAMS] is not now in his seat, in order that I might direct his attention to an item which the gentleman who offers the amendment concedes is clearly subject to a point of order, and which promotes from $1,400 to $2,000 a Democratic employee. Mr. Chairman, I withdraw the point of order, and I wish to see if there is a man on the other side of the Chamber who, when the matter comes home to himself, is quite as patriotic as he is when it pertains to this side of the Chamber. [Applause and laughter on the Republican side.]

Mr. BURLESON. It is so rare a thing that we just want to see how it will feel.

Mr. FINLEY. Mr. Chairman, I will say that inasmuch as he is the only Democratic employee that I know of I will therefore not raise the point of order.

Mr. MOON of Tennessee. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee desire to make the point of order?

Mr. MOON of Tennessee. Mr. Chairman, I desire to address myself to the remarks just made by the gentleman from Indiana [Mr. OVERSTREET].

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. MOON of Tennessee. Mr. Chairman, I want to thank my friend from Indiana for withdrawing the point of order.

The gentleman has very properly confessed to this committee that there has been produced here a magnificent bill—that there has been but little increase of salary. I want to commend the gentlemen for the course that he has taken, and say to him that his Democratic colleagues on the committee stood by him and agreed all along through the contest on that bill to proper salaries. This is not a question of Democratic or Republican politics. It is a question of compensation for an officer. Here is a man who is not getting as much money for the service which he is rendering as other gentlemen are getting for the same service on the same board.

Whether that man be a Democrat or a Republican, he is entitled to compensation for the service rendered equal to the compensation received by any other man doing similar duty.

So, Mr. Chairman, I think I can very properly say to my friend that this is not a proposition for an increase of salary, but an equalization of salary under the law. If the gentleman will examine the letter read he will see that really there is no increase in this proposition. Upon the ruling of the Department this gentleman will not receive the per diem to which he is entitled as an inspector, but, on the contrary, his salary will be reduced out of proportion with that received by others with whom it is entirely correct he should be put on a fair and equal basis, as they are members of the same board and doing practically the same work.

The question being taken, the amendment of Mr. MOON of Tennessee was agreed to.

Mr. LEVER. Mr. Chairman, we are about to appropriate over $20,000,000 for the maintenance and further inauguration of the rural delivery service. It is a wise and just expenditure—a reasonable accession to the just demand of the rural population of the country for an equal share of the benefits of the postal service.

It is of much concern to me, as it must be to every fair-minded and just Member of this Congress, to know if this great sum is to be distributed fairly among the States, and in proportion to their rural population and the actual need for the service, or, judging the future by the past, along the lines of greatest political "pull." Is each State to be treated with even proximate fairness and justness in the general division of the fund, or will those States with Republican majorities and Republican Congressmen, as heretofore, get the long end of the rope?

It had never occurred to me that the Post-Office Department was other than a great business institution under Federal control, operating for the good of all the people of the country, regardless of State, sectional or political lines, or affiliation. I was especially impressed with the idea that this rural delivery service, inaugurated for the special benefit of the farmers and in response to a widespread demand for fair treatment among all classes of people, was being distributed without regard to politics or sectionalism. How often are we mistaken in our understanding of the workings of this great piece of machinery known as the Federal Government. The idea was a dream—one of the kind belonging only to youthful innocence and youthful credulity in the fairness and goodness of mankind. What a severe shock it is to a young man to have his cherished notions shattered by the cold, merciless logic of incontrovertible facts!

On December 15, 1903, just after the opening of the present session of Congress, Judge MADDOX, of Georgia, in a speech on the floor of this House raised the issue that favoritism and unfairness had been used in the location of rural routes, and charged discrimination in the disbursement of the money appropriated for this service. In the course of his remarks—and he approached the subject with that honesty and fair-mindedness so characteristic of the man—he said:

> But there is something peculiar about this rural free-delivery business. I want to call the attention of the House, especially this side of the House, to the fact that there were 15,119 rural delivery routes established up to June 30, 1903. When we first began this business, some three or four years ago, we made complaint in this House at that time that this business was not being carried on impartially; that we were being discriminated against. But I was told then that I was mistaken. I offered an amendment to equalize the distribution of these routes so that every part of the country and every district should be placed upon an equality in establishing these routes. The chairman of the Post-Office Committee, at that time Mr. Loud, made a point of order on my amendment, and it was ruled out; but I was assured at that time that there would be no partiality shown against any district; that it would be carried on all alike, and everybody should have his share, equally and justly.
>
> Now, gentlemen, what have we got? There were 15,119 routes granted up to the 30th day of June of this year, 1903. One-third of those routes, more than one-third, are located in four States of this Union—Iowa leads, with Indiana, Ohio, and Illinois. They seem to have got there with every foot down. Iowa, Illinois, Indiana, and Ohio have 5,039 of these 15,119 routes. Seven States have nearly one-half of them, and this statement does not include the great States of New York and Pennsylvania. They are left out of the calculation; but seven States in the Union practically have one-half of all the routes that are established in the United States—Iowa, Indiana, Ohio, Illinois, Michigan, Wisconsin, and Kansas.

In an open letter to the Fourth Assistant Postmaster-General, the energetic Member from Alabama, Representative BOWIE, also charged flagrant discrimination, not only in the location of routes, but in the report of the agents upon the petitions investigated, and in the consideration of petitions filed in the Department. Among other things, he says:

In recently looking over your report, I found the discrimination which I had suspected not only was in existence, but to a far greater extent than I had inferred from the facts at hand. I refer to the figures as shown in your report for the fiscal year ending June 30, 1903. I do not know what the figures will show since that date, but I am inclined to believe that since that time the law has been fairly and equitably administered. I think it right, however, that a record should be made of protest against the condition of affairs that most certainly did exist up to the close of the period embraced in your report.

With these statements, coming from such eminent and responsible sources, in mind, I began an investigation of my own accord, and it has resulted in convincing me—and I believe when I have given the facts to the House they will convince every fair-minded man here and throughout the country—that the rankest injustice has been done my section and State in the distribution of rural routes, and that the discrimination charged by the gentlemen referred to does exist in an outrageous degree. The protest I am about to make may result in no good, for it is hard, I know, to penetrate the hide of a departmental official who is supported by the Administration in power and whose political head depends upon the amount of service he shows himself capable of rendering to that party. [Applause.] I conceive it to be my duty, however, to lay some of the facts I have gathered before the House for the information of Members, in order that they may know what treatment is accorded them and how the money they vote for this service is being used to the advantage of certain sections as against their own.

Now, Mr. Chairman, we shall let the facts speak for themselves, and I shall be satisfied with the showing they make and the proof they give of the policy of discrimination that exists in the Post-Office Department, or at least has existed.

There were 21,660 routes in operation on February 15 of this year. How are they distributed, and what section has gotten the lion share of them? I shall insert in the RECORD a table prepared by the Post-Office Department showing the number of petitions filed, the number favorably reported, the number adversely reported, the number of routes established in each State in the Union, and the number of petitions pending at this time and awaiting the action of the Department, together with the population and the density of population of each State.

Rural free delivery, February 1, 1904.

State or Territory.	Population in 1900.	Density of population.	Total number of petitions filed.	Total number favorably reported.	Total number adversely reported.	Total number of routes established.	Total number of petitions pending.
Alabama	1,828,697	35.5	646	254	196	245	196
Arizona	63,592	1.1	9	8	1	8	0
Arkansas	122,931	24.7	96	66	7	62	23
California	1,311,564	9.5	264	190	49	190	25
Colorado	1,485,053	5.2	114	62	45	61	7
Connecticut	539,700	187.5	237	201	22	201	14
Delaware	184,735	94.3	118	100	11	85	7
District of Columbia	278,718	4,645.3	3	2	1	2	
Florida	528,432	9.7	39	18	8	18	13
Georgia	2,216,331	47.6	1,582	691	463	675	428
Hawaii	154,001	28.9	1		1		
Idaho	161,772	1.9	43	24	16	24	3
Illinois	4,821,550	86.1	2,553	1,877	359	1,843	317
Indiana	2,516,462	70.1	2,065	1,569	285	1,508	211
Indian Territory	392,060	12.6	9	2	1	2	6
Iowa	2,231,853	40.2	2,272	1,749	330	1,719	193
Kansas	1,470,495	18.0	1,510	1,084	243	1,032	183
Kentucky	2,147,174	63.7	530	285	79	279	166
Louisiana	1,381,625	30.4	33	11	5	11	17
Maine	694,466	23.2	400	293	57	289	50
Maryland	1,188,044	120.5	397	319	50	314	28
Massachusetts	2,805,246	348.9	230	178	21	177	31
Michigan	2,420,892	42.2	1,672	1,251	226	1,231	195
Minnesota	1,751,394	22.1	1,249	818	139	793	292
Mississippi	1,551,270	33.5	339	138	40	133	151
Missouri	3,106,665	45.2	1,541	1,108	176	1,089	257
Montana	243,220	1.7	23	12	8	11	3
Nebraska	1,066,300	13.9	944	640	193	624	111
Nevada	42,335	.4	2	1	1	1	
New Hampshire	411,588	45.7	201	148	24	146	29
New Jersey	1,883,669	250.3	197	151	26	148	20
New Mexico	195,310	1.6	3	3		3	
New York	7,268,894	152.6	1,762	1,381	257	1,368	124
North Carolina	1,893,810	39.0	1,090	485	376	480	229
North Dakota	319,570	15.2	150	49	46	47	55
Ohio	4,157,545	102.0	2,377	1,723	381	1,671	273
Oklahoma	398,331	10.3	272	161	23	133	88
Oregon	413,536	4.4	160	114	26	114	20
Pennsylvania	6,302,115	140.1	1,805	1,287	292	1,244	226
Rhode Island	428,556	407.0	29	23	4	23	2
South Carolina	1,340,316	44.4	737	289	305	286	143
South Dakota	401,570	15.2	262	141	50	140	71
Tennessee	2,020,616	48.4	1,631	944	308	902	379
Texas	3,048,710	11.6	901	593	123	562	185
Utah	276,748	3.4	48	30	16	30	2
Vermont	343,641	37.6	271	199	44	197	28
Virginia	1,857,184	46.2	894	437	269	427	188
Washington	518,103	7.7	134	91	25	87	18
West Virginia	958,800	38.9	180	132	38	128	10
Wisconsin	2,069,042	38.0	1,269	939	130	894	200
Wyoming	92,531	.9	9	5	4	5	
Total			33,293	22,276	5,800	21,660	5,217

Gentlemen, these figures show a remarkable situation and prove beyond peradventure the most palpable favoritism in the administration of this service and in the distribution of the funds set aside for it.

The ten solidly Democratic States of Alabama, Arkansas, Louisiana, Florida, Georgia, North Carolina, South Carolina, Mississippi, Texas, and Virginia—States always Democratic—with a total population in round numbers of 16,300,000, have been favored to the extent of 2,899 rural routes, an average of 289 routes in each State. Putting the figures in a different way, they show that these Democratic States have received only one route for every 5,600 of their population. What story do the figures tell as to the solidly Republican States of Iowa and Indiana? With a combined population of only 4,700,000, just about one-fourth the population of the States named above, these two States—in the last decade rock-ribbed and eternal in their Republicanism—have been favored by the Department with 3,227 rural routes, 328 more than have been given to the entire South.

Assuming that under the present rules each carrier gets $600 per annum, and multiplying this by 3,227, the number of routes in operation in Iowa and Indiana, we find that these two States are drawing from the total rural-delivery appropriation the sum of $1,936,200, nearly one-sixth of the entire fund, as against $1,739,400 for the ten southern Democratic States.

By another calculation we find that if we assume that each route serves at least 100 families, as is required by the rule of the Department—and which is entirely arbitrary in its character and frequently works an injustice against deserving petitioners—322,600 families in Iowa and Indiana are receiving the favors of the National Government through this service, while in the ten

Southern States, with a population four times as large, only 289,900 families are thus favored by the parent Government, which assumes to treat all of its people with the same degree of fairness.

These figures show as glaring a piece of injustice to the South as was ever perpetrated upon her since her awakening from the inconceivable nightmare of reconstruction and carpetbagism. [Applause.]

But this is not all. Take the two States of Illinois and Kansas, both as solidly Republican as Georgia and South Carolina are solidly Democratic, and what do we find? With a population of 6,200,000, or less than half the population of the ten Democratic States, they have so persuaded the Department as to get from it 2,275 routes, or only 24 routes less than are located in all the Southern States. What reason is there for this inequality? What excuse can be offered for this discrimination? What defense can be made for this injustice to a great section of our country, whose people are willing contributors to the national expense and who have demonstrated their loyalty to the flag in offering their lives for its defense and its honor? Can it be possible that there is a deliberate intention somewhere to make a distinction between sections in the distribution of public benefits? What reason is there that certain States should be treated with such liberal generosity by the Government, while other States equally as deserving and with conditions equally favorable are given such scant consideration as to call forth the protest of the fair-minded everywhere?

What are the peculiar persuasive powers of certain States which induce the Department to look with such favor upon them that do not belong to other States? What is the peculiar influence that results in the location of more rural-delivery routes in two States than are located in ten, and that in the face of equal conditions? Is it politics? Is it sectionalism? It is something. The facts show it, and you can not get away from the facts.

By another process we deduce another interesting set of facts. A moment ago I made the statement that in Iowa and Indiana there was a rural-delivery route for every 1,400 of population. Taking that as a unit or basis of calculation, we find that there should be in the Southern States 11,642 routes. But for some reason, because of some lack of something that the other States seem to have, we have fallen far short of that number, and, as before stated, have only 2,899. In other words, we have gotten just one-fourth of what we are entitled to under a fair and indiscriminate distribution. Again I ask, why this discrimination?

But the proposition may be advanced, and in a former debate on this question it was intimated, that the South had not been diligent in demanding the service; that her people were indifferent to it and were slow to take hold of it, and that southern Congressmen have been negligent of the interest of their districts, and have lacked energy in the following up of petitions filed. I shall not answer this with a denial, but shall content myself to let the figures gathered from the official records explode this misconception.

From the two States of Iowa and Indiana 4,336 petitions for rural service have been filed. From the Southern States named 6,317 petitions have been filed—2,000 more than from these two Republican States. Has the South been indifferent to this service? Do the figures show it? And yet, with 2,000 more petitions filed by the Southern States than by Iowa and Indiana, still these two States have 328 more routes in operation.

Again, let us pursue another line of inquiry and learn how the Department has treated the petitions filed, and again we are brought to the conclusion that we have not been treated equitably. Of the petitions filed from the South only 45 per cent have received favorable consideration at the hands of the Department, or 55 per cent of the petitions filed and examined have been regarded by the Department as lacking merit. On the other hand, of the petitions filed from the States of Iowa and Indiana, 75 per cent have been favorably acted upon and only 25 per cent have been regarded as without merit. Did this just happen so, or was there a deliberate purpose on the part of some one, somewhere, to cater to the influence of Republican Members and Senators from these States?

Perhaps the Department has been operating under duress, or perhaps it has been unable to resist the persuasive demands of these States for "pap," and then for more "pap." And yet I can not bring myself to believe that this great business Department of the Government, which is more closely related to the people than any other branch of the Government, could permit itself to lend its influence in partisan contests. And yet, I confess again, that the finger of facts points sharply in that direction; and I have been constrained to ask if the "Iowa idea" and the havoc it seemed to play in the Republican camp played any part in the location of over 1,700 routes in that State? How inspiringly eloquent must the Iowa stump orator grow in descanting upon the glorious record of the Republican party and the blessings it has brought the country, and when, before an audience of farmers, enumerating as one of the chief blessings this rural-delivery service and the benefits that these 1,700 routes have brought to the 170,000 farmers in that great State.

What a persuasive argument that would be! That crowd would go home with the idea that the only thing great in this world was the Republican party, and the only thing great in the Republican party was that stump orator. And yet, gentlemen, this rural-delivery service was not born out of the womb of any political party. It is here as the result of the earnest and honest demands of the farmer everywhere that the Government treat him with absolute fairness in the distribution of its benefits. It is the answer of the Government to a righteous demand, and it will be a sad day for the service when it is debased to partisan and party purposes. It could receive no harder blow than a policy of injustice in connection with its administration.

Nonpolitical in its character and equally nonsectional, it should be administered with absolute fairness to all the States according to their rural population. The service must be kept out of politics. Several attempts have been made at different times to guard against this very danger, but each time the amendments covering the case and offered to the post-office appropriation bill have been ruled out of order. Hence from year to year the Post-Office Department has been intrusted with the disbursement of the enormous sum appropriated for this purpose and has had full authority, without any restrictions of law, to administer the service and to promulgate such rules and regulations as seem best to it. Is there any reason, therefore, that discrimination has crept into the service, and that charges of unfairness are openly made? The service is too important, covers too wide a field, and the appropriation is too great to be placed in the hands of any one man, however unassailable his character or however great his executive ability, without some legislation directing its administration. When Members vote for this appropriation, as all of us will do, they ought to have some assurance that their districts and States will receive their proportion of it. We ought to know that a half dozen States are not to be allowed to gobble up the hoggish share of it.

But, Mr. Chairman, I have digressed from my line of inquiry. Let us get back to the figures and we will show that the Department has not treated us fairly in taking up and investigating petitions filed from the South. Again the policy of discrimination stands out in glaring light.

Of the total number of the petitions filed with the Department from the two States of Iowa and Indiana only 404 remain unacted upon, or 91 per cent of all petitions from these States have received some kind of consideration, while 25 per cent of all petitions filed from the South are still pending—not having received the notice of the Department—and only 75 per cent have been acted upon. Again the question, Why this discrimination? is pertinent and interesting.

The country has heard much of the rottenness that is supposed to have existed in the Post-Office Department. We have heard of investigations there and we have heard of some whisperings of it here. But, gentlemen, it seems to me that this discrimination in the administration of the rural-delivery service furnishes a fertile field for the exercise of the genius of the departmental sleuths for investigating things. It seems to me that it would be a much better and certainly a more profitable investment of their talents to ferret out the mysteries of this matter than to strain their overworked brain in launching an attack upon the line of the enemy, as we have it in the miserable assault they have made upon the character and integrity of the membership of this body. [Applause.]

But, gentlemen, I wish to call the attention of the House to a few cases typical of the gross injustice done certain sections in the location of these routes and in the consideration given the petitions filed, and to assert it as a conclusion reached from the facts that the whole service is honeycombed with the rankest partiality and discrimination. It is my purpose to be absolutely fair in making my statements and in drawing my conclusions from the official records.

The States of Kansas and South Carolina are in many respects very similar. They have an almost equal population, and the population in each is almost entirely rural. Neither has a large city, and the necessity for rural service is about equal in each. Their most important point of dissimilarity is in their political affiliation. We would, therefore, expect to see the two States with practically the same amount of rural service, assuming, of course, that the service is distributed fairly and without regard either to the location of the State or the political column in which it is usually found.

What are the facts? Take the State of Kansas, undoubtedly Republican, and with a population of 1,400,000, in round numbers, and compare it with my own State, everlasting in its Democracy, and with a population of 1,300,000, and the official record shows Kansas with 1,032 routes in operation as against 286 routes in South Carolina. Kansas has a route for about every 1,300 of

her population, while South Carolina, although uncomplainingly bearing her share of the national burden, has only one route for every 4,500 of her population, or a proportion of nearly three and a third in favor of Kansas in the way of public favors. No doubt it will be interesting to southern Members to know how many rural routes their respective States are entitled to, if the same unit of population for rural service was applied to them as has been applied to Kansas.

The calculation is simple. South Carolina should have about 1,000 rural routes; she has only 286. Georgia should have 1,700; she has only 675. Florida should have 400 routes; she has only 18. Arkansas should have about 1,000 routes; she has the pitiful total of 62. Alabama should have about 1,400 routes; she has 245. Mississippi should have 1,200 routes, and yet she has only 133. North Carolina should have 1,400; she has done well to get 480. The empire of Texas should have 2,300; she must be content with 562; and Virginia, the mother of Presidents, should have about 1,400 routes; she has only 427. Now, these are the only States in the Union always Democratic. Applying the same process to Iowa, a Republican State, we find that she is entitled to a fraction less than 1,700 routes, and it is a remarkable fact that she has 1,719. With what exact justice is this State treated! They have figured it out to the finest nicety, and Iowa has more than are hers by right, even measured by the Kansas standard. Indiana should have 1,900 routes, and she has over 1,500, and so it goes. A few States have practically monopolized this entire appropriation.

If the Department had given Kansas the same treatment given to South Carolina, that State would have only 311 routes, instead of 1,032; Iowa would have less than 500, instead of 1,719; Indiana would have 560, instead of 1,508, and Illinois would have 1,066, instead of 1,843.

Of course, I know, as every Member must know, that it is practically impossible to give each State its exact share of routes, but I know, as every Member must know also, that there is no reason on earth why the Department could not adopt some plan by which an approximately fair and equal distribution of routes could be made.

Another peculiar state of facts is developed in a study of the official records relative to rural service in Kansas and South Carolina. Of the 1,510 petitions filed from Kansas in the Department, 88 per cent have received some kind of consideration, while of the 737 petitions from South Carolina only 80 per cent have been acted upon. But a still more peculiar fact is that of the petitions presented from Kansas, 72 per cent have had the favorable consideration of the Department, while of the petitions from South Carolina we congratulate ourselves that we have been able to squeeze from the Department favorable reports for only 39 per cent.

To put it in another way, the Department found only 16 per cent of the Kansas petitions lacking in its arbitrary requirements or conditions precedent to the establishment of rural service, while in South Carolina for some reason they have found 41 per cent of the petitions lacking in something which furnished an excuse for unfavorable action.

Oh, I know some one is ready to say, "Your State is sparsely settled; the conditions are unfavorable for the service, and hence this seeming discrimination against you." I meet this assertion with the facts. The last census reports show that Kansas has a density of population of only 18, while South Carolina has a density of population of over 44, or, in other words, South Carolina is more than twice as thickly settled as Kansas; but for some strange reason she is five times less thickly dotted with rural routes.

It is evident from these figures that the conditions are much more favorable for rural service in South Carolina than in Kansas. In fact every single Southern State, with the exception of Florida and Texas, has a greater density of population than Kansas, and most of them a larger population, and yet not one of them has even half as many rural routes. I can not imagine that any difference in the condition of roads in the two States could give an excuse for this evident discrimination, for, while I do not have the statistics at hand, I presume the roads in each State are the average country road, and hence there is little difference as to that—certainly not enough to furnish an excuse for the Department to give Kansas five times more of this service than an active, energetic delegation in Congress has been able to get for South Carolina.

True, the percentage of illiteracy is perhaps greater in South Carolina than in Kansas, due entirely to our large negro population, but this surely can not furnish an excuse for the injustice done us. Surely this Republican Administration, holding itself out, as it does, as the divinely appointed champion of the negro race and the rights of that race, political, social, and otherwise, has not reached that point of disregard for him where it refuses to deliver his mail unless he can read or write. And yet that is a fact, for I am informed that no negro family is counted on a route unless there is at least one member of the family who can read and write. So that it is plain that this discrimination can not be justified on this ground. Mr. Chairman, there is but one reason for this inexcusable liberality to Kansas, namely, she is a Republican State and it is deemed necessay to keep her Republican, and hence we find this great and beneficent service is being used to bolster up the fortunes of a political party, contrary to every principle of equity and to the purposes of the service.

Let us make another comparison from the records, and we will take Connecticut and South Carolina, and see how they have been respectively treated by the Department. Connecticut, with a population far less than that of South Carolina, has only eighty-eight routes less, and that, too, in the face of the fact that she is a State of towns and cities, with practically no rural population, whereas the population of South Carolina is almost exclusively agricultural. Connecticut is a great, widespread city, with a post-office is every little town, and with practically no need for rural service; and still she has it, out of all proportion either to the necessity for the service or to her population.

Only 237 petitions have been filed from that State, and of that number 201 have been acted upon favorably, or a percentage of 85 favorable reports as against a percentage of only 39 favorable reports in South Carolina—a difference in favor of Connecticut of 46 per cent. The total number of adverse reports in Connecticut was just 9 per cent, as against 41 per cent of adverse reports for South Carolina; or, in other words, there were five times more adverse reports for South Carolina than for Connecticut. Of the petitions from Connecticut only 14 remain to be acted upon, or 94 per cent of all petitions filed from that State have received consideration from the Department, while only 80 per cent of the petitions from South Carolina have been acted upon.

The moral to be drawn from this patent partiality is, she is Republican, while South Carolina is Democratic.

Again, compare Maine, a typical Republican State, with only 694,000 population and only four Members of Congress, with South Carolina, with 1,300,000 population and seven Members of the House, and again the notorious difference in treatment forces itself upon our attention and demands our protest. With only half the population of South Carolina, the State of Maine has in operation 289 rural routes, against 286 in South Carolina; that is, Maine has a rural route for every 2,390 of her population, while South Carolina must be content with 1 route for every 4,500 population, a difference in favor of Maine of 2 to 1. Not only that, but of the petitions filed 73 per cent have been reported favorably, as against 39 per cent of favorable reports from South Carolina, or a difference of 34 per cent in favor of Maine.

Only 14 per cent of the petitions filed from Maine were given adverse action by the Department, and in South Carolina 41 per cent of the petitions filed were unfavorably acted upon; or, to put it differently, there were three times as many unfavorable reports from South Carolina as from Maine. There remain only 50 petitions from Maine unacted upon, while there are still pending from South Carolina 143 petitions which deserve the attention of the Department. Every deduction from the records is but cumulative evidence of the partisan administration of this service, for it can not be said in justification of the acts of the Department, with respect to these two States, that conditions are better in Maine than in South Carolina, or that there is more demand for the service, or that Maine is more thickly populated. The facts are all the other way. Maine's density of population is only 23, as against 44.4 density in South Carolina.

Our population is twice as great, our people almost entirely rural, our density of population nearly twice as great, our demands for the service practically twice as many, as shown by the petitions filed, with every condition more favorable for the inauguration of the service; yet the Department has seen fit to give Maine more routes than South Carolina. Measured by the same standard as is applied to my people, she has nearly double the routes she is entitled to have.

I am making no personal complaint. There is no quarrel between the Department and me. I have always received courteous treatment at the hands of the Department officials; my district has fared well compared with other districts in the State, all conditions considered, and my State has been accorded her full share of the service, measured by the standard applied to all Southern States. I complain because my section has not been accorded the same treatment given to other sections and that political and sectional considerations have influenced the Department in the distribution of this service.

I have made the charge after a thorough investigation of all the records available. I have offered the proof, necessarily in condensed form, and to a fair and candid man there is no escape from the conclusion that the charge has been proven beyond a reasonable doubt.

I charge the responsibility to no individual of the Department. I charge the whole Department, and I do insist that the system is being violently and notoriously distorted from its original purposes and is being used as a vast political machine in the interest of the party in power. Against this, representing in part as loyal

and brave and deserving a people as God's sun shines upon, I protest, and in their name I demand fair and impartial treatment at the hands of every Department of the Government.

I demand that this service be made the service of the whole people rather than the machine of any political party. [Loud applause.]

The Clerk read as follows:

For compensation to twenty-five rural agents at $1,600 each; fifteen rural agents at $1,500 each; fifteen rural agents at $1,400 each; nineteen rural agents at $1,300 each; sixty-five rural agents at $1,200 each, and ten rural agents at $1,000 each, $196,200.

Mr. WILLIAM W. KITCHIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 24, after the word "dollars," in line 18, insert:
"No rural agent shall recommend against the establishment of a route on account of the condition of the roads over which a proposed route extends in any case in which a suitable carrier can be obtained for the usual compensation."

Mr. OVERSTREET. I make a point of order on that amendment.

Mr. WILLIAM W. KITCHIN. I ask the gentleman to withhold that point of order for a moment.

Mr. OVERSTREET. Very well; I reserve it.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I hope that when the gentleman hears my statement he will withdraw this point of order, not because of any persuasion of mine, but by reason of the facts to which I shall call his attention.

The rural free delivery is no longer experimental. We can now safely say that it is an established part of the postal system. The people in every section of this country are as much entitled to it, if they need this service and ask for it, as the people of any other section. When the salary of these carriers was $500 a year and the service experimental the Department may have been justified in requiring communities to have good roads before it would initiate this experiment.

The experiment has proved satisfactory and successful; yet the same regulations formerly existing still prevail, I understand, and routes are refused to people on the ground that the roads are not sufficiently good.

As I understand, the salaries of the carriers will be increased by this bill to $720 a year—a proposition which I shall support. I make this appeal to the gentleman from Indiana [Mr. OVERSTREET]: If a community can get a suitable carrier to perform the required service at the usual compensation, is not that community entitled to rural free delivery if the proper number of patrons petition for it? In my own county and in other counties of my district routes have been refused to good communities on account of the condition of the roads. Through great sections of the country the people—as good people as there are anywhere and as deserving of good mail facilities—live upon bad roads, in hilly or mountainous parts of the country, with a clay soil or a rocky surface. The people are improving their roads; yet it will take a generation for all the people who are entitled to rural free delivery and entitled to the best mail facilities to have good roads.

But even as the roads are now in every one of these communities, in my judgment, where the people desire rural free delivery, a suitable carrier can be had to perform the duties required. I believe many men in each community will be glad to have these places as carriers at $720 a year, or even at the present salary of $600 a year. If this is true—and the regulations of the Department now deny to these rural communities the benefit of rural free delivery on account of the roads—is it not right, is it not just for Congress to incorporate into this bill a provision that will prevent rural agents hereafter from refusing to establish routes on account of the condition of the roads? I will say to the gentleman from Indiana that, though hoping he will not insist upon the point of order, but will let the House vote upon this proposition, yet I have another amendment that will not be subject to the point of order, but which will only apply to this particular appropriation. But if we are going to remedy it at all, I believe we ought to incorporate this into permanent law.

If we are going to change it at all let us change it permanently, so that the people throughout the country, where they have the requisite number of families of patrons who properly petition for it, may have the benefits of rural free delivery. It will not cost the Government anything extra, and it will be doing a simple act of justice to the rural communities where nature has given them such conditions that their roads are not now considered by the rural agent to be sufficiently good. So I hope the gentleman will not insist upon his point of order.

Mr. OVERSTREET. Mr. Chairman, I feel compelled to insist upon the point of order, although I think the amendment ought to be voted down on its merits. I presume the next step would be to appropriate $100,000,000 out of the public Treasury to build the roads. Now, I call the attention of the Chair to section 3965 of the Revised Statutes, being section 1155 of the Postal Laws and Regulations.

I understand, Mr. Chairman, that whatever authority the Department now has for the extension of rural free delivery comes under the authority relative to the establishment of post-offices and the control of post-roads. No legislation has been had which directs the method of the establishment of such service. The appropriation bills have carried money to pay the expenses of the service, to pay the officers and to pay the carriers, but so far as the law is concerned we are operating in the establishment and conduct of rural delivery, under the authority of law relative to post-roads. The section to which I refer reads as follows:

The Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productive and other circumstances, may think proper.

Under that authority the inauguration of rural delivery has been invoked; but the appropriations have been expended to pay the officers. Now, this amendment, if carried, would give authority to a rural carrier which the Postmaster-General now has under the law I have just read. This amendment directs a rural carrier what to do, but does not refer to the law I have read giving the authority to the Postmaster-General. The amendment is clearly in violation of that statute.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I did not contend that the amendment was not subject to the point of order, but I asked the gentleman not to insist on his point of order.

Mr. OVERSTREET. Oh, Mr. Chairman, the question of good roads and who shall pay for them is all involved in this.

Mr. WILLIAM W. KITCHIN. That has nothing to do with this.

Mr. SIMS. I want to ask the gentleman a question.

Mr. OVERSTREET. I yield.

Mr. SIMS. The gentleman refers to good roads. Now, if good roads are to be required prior to the establishment of rural free delivery, that is one of the main levers by which the Federal Government is to be asked to build these roads; but if rural free-delivery routes can be established on the roads we have, that argument in favor of the Federal Government building these roads will be done away with.

Mr. OVERSTREET. Let me call the attention of the gentleman from Tennessee [Mr. SIMS], and also the attention of the gentleman who offers this amendment [Mr. WILLIAM W. KITCHIN], to the practice in the State of Indiana, where the law authorizes counties to bond themselves for the purpose of building roads, and another statute provides that 5 per cent of the taxes raised shall be expended on such roads as are used for rural delivery routes. Let the States supplement the work of the National Government, and not, by limiting the authority of the carrier in his recommendations for these routes, necessarily lead to the Government furnishing the money to build or repair those roads which are not now passable.

Mr. WILLIAM W. KITCHIN. The gentleman from Indiana has evidently misconceived that amendment. There is nothing in it that requires or authorizes the National Government to build good roads.

Mr. OVERSTREET. I admit that.

Mr. WILLIAM W. KITCHIN. And it does not contain any proposition for the building of roads.

Mr. OVERSTREET. I admit that; but I say the natural tendency would be in that direction. You could not avoid it.

Mr. WILLIAM W. KITCHIN. On the contrary, the tendency is just the other way. Now they require good roads before they establish these routes. If you adopt this amendment, whatever inducement that requirement offers will be gone.

Mr. OVERSTREET. Why does not the gentleman's State aid in the construction of good roads by State laws?

Mr. WILLIAM W. KITCHIN. The gentleman knows I can not control any State. The question is up to you now. Do you want to deprive the people who live on bad roads of mail facilities? Do you want to deny to them the right that your people have?

Mr. MAHON. Make your own roads.

Mr. OVERSTREET. That is a matter for you to argue to your State. I have given the instance of the State of Indiana, which has supplemented the work of the Government. Mr. Chairman, I call for a ruling.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from North Carolina is clearly new legislation in that it takes away discretion from the Postmaster-General given under the general law. The Chair sustains the point of order.

Mr. WILLIAM W. KITCHIN. I offer the following amendment.

The Clerk read as follows:

Insert, in line 18, page 24, after the word "dollars," "*Provided*, That no part of this appropriation shall be paid to any rural agent who after the 1st day of July, 1904, shall make a recommendation against the establishment of any route on account of the condition of the road over which said route extends or is proposed to extend."

Mr. OVERSTREET. I make the point of order against that. It is undertaking to do by indirection that which can not be done directly.

Mr. WILLIAM W. KITCHIN. I desire to be heard on that. I cite the gentleman from Indiana to the Constitution, Manual and Digest, page 345. I will read the syllabus:

While it is not in order to legislate as to the qualifications of the recipient of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications.

Now, I submit that under that Congress can refuse absolutely to appropriate a dollar of this money. It can, if it so desires, refuse to appropriate a dollar of it unless it is paid to a man over 40 years of age. It has the power to refuse to appropriate a dollar of it unless it is paid to a baldheaded man. It can refuse to appropriate unless it goes to a soldier, and it may also refuse to appropriate to a man who turns down a route on account of bad roads. It seems to me that the point made by the gentleman is not good against the amendment, for it is a mere limitation upon this particular appropriation and applies only to the money carried in this bill. I do not think it is as satisfactory as the other amendment I offered, but it is not subject to the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that there is an amendment pending against which a point of order has been made.

Mr. OVERSTREET. Mr. Chairman, this amendment is just as much in violation of existing law as the amendment which was last ruled upon. Under the rulings of the Chair relative to limitations of appropriations, the doctrine hardly runs to the extent to an amendment of this character. Where the law is absolutely rect, refusing a certain authority, it can not be purely a limitation of the method of appropriation coming in direct conflict with the law. Now, the gentleman suggests that you can refuse to appropriate. That is quite true.

Mr. WILLIAM W. KITCHIN. Will the gentleman allow me?

Mr. OVERSTREET. But that is by way of striking out the appropriation. That is an appropr ation with a limitation under the law. This is not under the doctrine of limitation.

Mr. WILLIAM W. KITCHIN. The gentleman admits that now there is no law.

Mr. OVERSTREET. I do not admit it by any manner of means. I read it a while ago.

Mr. WILLIAM W. KITCHIN. I understood you to say so.

Mr. OVERSTREET. I say that the only law under which the rural service is now either inaugurated or controlled is the law relative to the establishment of post-roads and the control of post-roads. The law which I read is Revised Statutes, section 3995.

Mr. WILLIAM W. KITCHIN. And this amendment is in accordance with that law, there being no law except that.

Mr. OVERSTREET. The gentleman will appreciate that that is a great big bunch of law, when you come to consider it.

Mr. WILLIAM W. KITCHIN. But there being no direct law on the subject, will the gentleman contend, when Congress is limited to that specific purpose, that Congress has not the power under the bill to appropriate a specific sum of money with the limitation on the sum of money in its disposition?

Mr. OVERSTREET. Why, I contend that very thing, and I think the Chair will hold with me. I hope so.

Mr. WILLIAM W. KITCHIN. I think the Chair should not hold with the gentleman.

Mr. OVERSTREET. We will see about that in a moment.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from North Carolina reads as follows:

Provided, That no part of this appropriation shall be paid to any rural agent who, after the 1st day of July, 1898, shall make a recommendation against the establishment of any route on account of the condition of the roads over which said route extends or is proposed to extend.

The Chair has not been referred to any law prescribing the duties of these agents or to any law directing the Postmaster-General to designate the duties of these agents so employed. The Chair can only consider the general law, conferring upon the Postmaster-General the power to distribute the duties of his Department where these duties are not distributed by law, and this amendment——

Mr. OVERSTREET. If the Chair will permit me to say, under the law with reference to the administration of the duties of the Postmaster-General, and supplementary to the authority which I read,

The CHAIRMAN. That is what the Chair has in mind, the general law; but this amendment, although vague in its terms and although it might seem to contain provisions which in the mind of the Chair would be difficult of enforcement, still, as the Chair understands those questions they should be submitted to the discretion of the committee, the Chair can not see that this amendment is anything else but an appropriation for certain agents, omitting others, a discrimination which Congress has of course the right to make, and the Chair, therefore, is constrained to overrule the point of order.

Mr. WILLIAM W. KITCHIN. I do not care to discuss the question——

Mr. ROBINSON of Indiana. Mr. Chairman, may we have the amendment again read at the Clerk's desk?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. OVERSTREET. Mr. Chairman, I should be very glad to be recognized in opposition to the amendment, if the Chair will permit. [Cries of "Vote!" and "Regular order!"]

Mr. Chairman, this amendment is absolutely revolutionary in its character. If it should prevail then every rural agent would be prohibited by this law from making any suggestions as to the condition or character of roads over which it is proposed to inaugurate the rural service. That kind of legislation would cripple the service, because it would result in an inauguration of the service in all parts of the country where the roads would not permit of proper travel.

It would embarrass the Treasury, because it would necessitate a large outlay of money for poor service, and it would result as a dangerous precedent for Congress to fix on an appropriation bill the duties of the rural agent, telling him not to make recommendations relative to all the circumstances which should be taken into account in determining the advisability of inaugurating the service. I presume the next step of the gentleman will be that no rural agent ought to count the colored men upon the l ne of the service; in other words, direct the rural agent to determine the kind of people who will be served when he recommends that service.

Mr. BARTLETT. If the gentleman will permit me to say to him, he is mistaken in reference to any such statement as that. The agents have refused to count the colored men because they do not get any mail. I will state, as a matter of personal experience in my own district, the county of Baldwin, three routes have been turned down for that reason only.

Mr. BURLESON. And three in my own district for the same reason.

Mr. OVERSTREET. I thought I would get a rise.

Mr. LAMB. You will have a rise: I have not asked any questions. Will the gentleman yield to me?

Mr. BARTLETT. The gentleman ought not to make a statement of that sort without he is sustained in his information or in his facts.

Mr. OVERSTREET. I am afraid my genial friend from Georgia did not understand the statement that I made.

Mr. BARTLETT. I am afraid I did not.

Mr. OVERSTREET. I made no statement that that is the practice now; not at all. The gentleman who offered this amendment said that Congress had the right under the limitation of the expenditure of this appropriation to determine even the color of the hair of the agent and whether he had any hair at all or not——

Mr. LAMB. That was just a simile.

Mr. OVERSTREET (continuing). And we could say what kind of route it should be over, and then I suggested carrying to the logical conclusion the argument of the gentleman that I presumed when Congress had once denied to the carrier the right to recommend in reference to the condition of the roads, they might go a step further and recommend as to the condition of the people. Now, that is what I said.

Mr. BARTLETT. I rose to ask a question about the amendment. Will the gentleman permit me?

Mr. OVERSTREET. I will be very glad to do so.

Mr. BARTLETT. I have hurriedly read it. Now, is it the gentleman's construction of this amendment that the salary of the agent who makes this report shall be docked for that particular service or for the year?

Mr. OVERSTREET. I understood from the reading of it that he should have no pay at all.

Mr. BARTLETT. For the year?

Mr. OVERSTREET. For the whole year. Now, here is what the effect of that is——

Mr. BARTLETT. I do not want the effect, I want the gentleman's construction.

Mr. OVERSTREET. But I want to convert the gentleman

from Georgia, who is always very fair—I do not know as to other gentlemen.

Mr. BARTLETT. I am very much obliged to the gentleman, although I think I am a sample of the gentlemen on this side.

Mr. OVERSTREET. What he said was that no part of this appropriation shall be expended after the 1st day of July next, which is the term for which it is appropriated, where the rural carrier recommends against the establishment on account of the bad condition of the roads.

Mr. BARTLETT. My recollection of the amendment is it shall be expended for the salary of the agent; that is the reason I wanted to call attention to it, as I could not hear it read. Let us find out what it is.

Mr. OVERSTREET. Let me read the amendment:

Provided, That no part of this appropriation shall be paid to any rural agent who, after the 1st day of July, 1904, shall make recommendation against the establishment of any route on account of the condition of the roads over which said route is proposed to extend.

Mr. OLMSTED. Will the gentleman from Indiana yield for a question?

Mr. OVERSTREET. Yes.

Mr. OLMSTED. I would like to ask if the regulation or rules of the Post-Office Department do not now require the inspector to report the condition of the road?

Mr. OVERSTREET. Yes.

Mr. OLMSTED. Then he would have to violate the rules of his superior officers or lose his pay?

Mr. OVERSTREET. Yes.

Mr. BARTLETT. Let me ask the gentleman, if this amendment is adopted and the agent who was appointed to investigate and report upon the proposed route should make a recommendation that the route ought not to be established because the roads were bad or impassable on account of creeks or absence of bridges, no matter what the cause was, no matter what the Government owed him for previous services, would the salary be taken away from him?

Mr. OVERSTREET. Absolutely. Now, Mr. Chairman, I move that all debate on this paragraph and amendment be closed.

Mr. WILLIAM W. KITCHIN I hope the gentleman will not do that.

Mr. OVERSTREET. The gentleman from North Carolina said he didn't want to debate it.

Mr. WILLIAM W. KITCHIN. I didn't know then that the gentleman from Indiana was going to debate it.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I move to strike out the last word. When I heard the gentleman from Indiana throw out gratuitous and unwarranted comments upon what he expected "the gentleman" might hereafter propose, I imagined that he was not filled with a proper spirit of debate. But when he makes an argument referring to what I might do and then shuts off debate without permitting me the opportunity of replying, it emphasizes my opinion of his conduct in regard to it. I wish to call the attention of the country to the fact that, as I understand, every man on the Republican side of the House voted against this amendment, and that——

Mr. OVERSTREET. I want to call the gentleman's attention to the fact that he is now speaking out of order. All debate on this paragraph was closed, and yet I did not rise to call the gentleman to order.

Mr. WILLIAM W. KITCHIN Then I will wait until the next paragraph is read.

Mr. OVERSTREET. Oh, I am not calling the gentleman to order.

Mr. WILLIAM W. KITCHIN I do not care to receive any courtesies from the gentleman.

Mr. GARDNER of Michigan. Mr Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, strike out lines 11 to 18 and substitute as follows: "All rural agents other than those in charge of a division who have served two years or more shall receive $1,500. All rural agents who have served less than two years shall receive $1,300.

Mr. OVERSTREET. Mr. Chairman, I make the point of order on that.

Mr. GARDNER of Michigan. Will not the gentleman reserve the point of order?

Mr. OVERSTREET. No; it is clearly subject to a point of order; it is new legislation. These salaries are now fixed by law, and this is a proposition to increase them.

The CHAIRMAN. The amendment offered by the gentleman from Michigan very clearly contains a change of existing law, and is, therefore, subject to a point of order.

The Clerk read as follows:

For compensation to twenty-five rural agents at $1,600 each; fifteen rural agents at $1,500 each; fifteen rural agents at $1,400 each; nineteen rural agents at $1,300 each; sixty-five rural agents at $1,200 each, and ten rural agents at $1,000 each, $196,200.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, I move to strike out the last word. I do not want to take much time on this, but I want to state that, in my judgment, every vote that was cast against the amendment offered by me, that was cast against granting rural free-delivery service to the people living in rural communities that have bad roads, came from the Republican side of the House, and that those who favored it were on this side of the House; that if hereafter communities with bad roads fail to get this good service on account of the condition of the roads, the Democratic side of this House will not be responsible for it.

Mr. LAMB. Mr. Chairman——

Mr. OVERSTREET. Will the gentleman wait until the next paragraph is read?

The Clerk read as follows:

For per diem allowance for seventy-four rural agents in the field when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, and for other necessary official expenses, $88,800.

Mr. LAMB. Mr. Chairman, if the gentleman from Indiana had known the character of what I was going to say, I do not think he would have objected. I have been around in my district with these agents and know they counted the houses of every colored man on the routes. I want to say, further, that out of eleven rural carriers in my district three of them are colored men. Of course the white men protested against their appointment, and I filed my protest with the Department, but I had to tell them that when they came into competition with the negro and the negro answered the questions intelligently they couldn't prevent their appointment as carriers of the mail. [Applause.] I state this because it is true, and in view of what was said here a few minutes ago I thought the Members on that side ought to have a plain statement of facts. [Applause.]

[Mr. DAVIDSON addressed the committee. See Appendix.]

Mr. GOLDFOGLE. Mr. Chairman, in concluding my remarks some time ago I omitted to ask unanimous consent to extend them in the RECORD. I ask that now.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

For per diem allowance for seventy-five rural agents in the field when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General not to exceed $3 per day, and for other necessary official expenses, $87,500

Mr. POU. Mr. Chairman, I move to strike out the last word. I have been impressed with the position taken by my colleague [Mr. WILLIAM W. KITCHIN] with respect to the practice of the Government agents in refusing to establish rural-delivery routes over bad roads. I do not see any reason in it. There is no such provision as that made with respect to star routes. There is certain work to be performed and a certain amount of pay provided, and when the work is done the Government pays for it, it matters not if it is over a bad road or over a good road. It seems to me that this requirement that the Post-Office Department has seen fit to make is entirely unnecessary and prevents the extension of this service in a great many places where it should be established. I know that in my district several routes have been turned down because the agent has seen fit to report that the roads were not good enough.

If we establish that principle, why not apply it to the star routes. There is no such requirement made with respect to them. The Government wants the mail carried over a road, say, 25 miles long, and it pays a certain amount of money for it. Now, what is the difference between that and providing rural free-delivery routes over the same distance? I think the fact should be emphasized that people living in mountain districts and in sections where the roads can not be made good have been denied the rural free-delivery service here to-day by the unanimous vote of the Republican side of this Chamber, while the minority voted solidly to give them the benefit of the service. There is no reason in it; there is no justice in it. It is not right.

When you allow the Post-Office Department to require people asking for the service to make the roads good as a prerequisite to its establishment, you are discriminating against the poor in favor of the rich. Some communities are not able to build macadam roads, but they are just as much entitled to rural delivery service

as the people of wealthy communities. But this is but another instance of Republican discrimination. At heart that party has a contempt for the poor man. He can not contribute to make up a big campaign fund to buy votes. The automobile trust wants to force people to build fine roads, and the Republican party, as usual, is helping the trust.

Mr. GARDNER of Michigan. Mr. Chairman, I move to strike out the last two words. I wish to ask the chairman of the committee the reason for this discrimination of $1 a day in the per diem expenses of men who are doing precisely the same work and incurring the same expense. It is unjust, as is the salary allowance, which varies to the extent of $600 a year to men who do precisely the same service under the same name, incurring the same expense. The whole thing tends to dissatisfaction and to a feeling that the Government is not fair nor just in its treatment of this class of public servants.

Mr. OVERSTREET. Mr. Chairman, just a word. The difference in per diem is made entirely for the reason that the smaller amount is paid to those who are newly assigned to duty, and who are employed almost entirely in those rural sections where the expenses of living are not nearly so high as elsewhere. This is not a discrimination except in the fact that men who have been longer in service and have had longer experience are placed in communities where they must necessarily go to cities, where the expenses of living are higher, while the smaller amounts are allotted to men with less experience and who go to sections where the expenses incurred are less.

Mr. GARDNER of Michigan. Is it not a fact that many of the route inspectors receiving the lower rates of pay have been employed for a year or more in this service and are incurring precisely the same expense as those agents who are drawing $1,600 a year? In my district it has occurred, and is occurring to-day, that men who have been long in the service and are recognized by the Department as among its best servants are discriminated against by the employment of men who are not one whit better qualified and have not been any longer in the service. Such a condition is not right.

Mr. OVERSTREET. As I said, this is not a discrimination. We give to men of the lowest grade engaged in this service $1,000 a year instead of $900, as heretofore. That takes care of a very considerable number of agents to whom the gentleman from Michigan refers.

Now, Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

The motion to close debate was agreed to.

The Clerk read as follows:

For compensation to clerks at division headquarters: Twelve clerks, at $1,200 each; ten clerks, at $1,100 each; ten clerks, at $1,000 each; eight clerks, at $900 each, and six clerks, at $700 each, $46,800.

Mr. SIMS. Mr. Chairman, it seems to me that there are a few things that ought to be said on this subject that has now come up for discussion. I did not sympathize with the amendment offered by the gentleman from North Carolina [Mr. WILLIAM W. KITCHIN], because I think these rural inspectors ought to have some discretion about this matter. I think they ought to pass on the question of roads. But at present all kinds of confusion exists in regard to that matter. In my own part of the country we have one route inspector in one place who comes from one State, and another in another place who comes from a different State. Their ideas of good roads vary. A road which one of these men calls good another calls bad. Frequently routes which have been once rejected have later been established when reinspected by a different man.

I think that whether we can legislate on this subject in this bill or not it is well to discuss it and let the Department understand the situation. I venture to say, in broad terms, because I think it is the truth, that the brains, the bravery, and the patriotism of all ages and among all peoples have come from the hill country, the mountain country. The best soldiers on earth, the bravest and most patriotic, come from the hill country. The most intelligent people come from the highlands—the most liberty loving, the most independent. [Applause.] Now, sir, if such people want their letters and papers delivered to them, why deny them? Why should we expect them to have roads fit for a rubber-tired buggy in order to get their mail, when they are willing to accept it though carried in "rough-rider" style on horseback? Why should this service be furnished only to people of the lowlands with good roads? It seems to me that the Department should make some regulation by which routes which comply with every other requirement, though they do not meet the fanciful standard of some inspector as to good roads, may not be turned down and denied, but service given wherever it can by carrying the mail on horseback.

Sometimes an inspector comes to my district from that of my friend and colleague, the gentleman from Tennessee [Mr. BROWNLOW], where they do not see the sun before 10 o'clock in the morning nor after 2 o'clock in the afternoon on account of the height of the mountains, but where as good, brave, and intelligent people as are to be found anywhere reside. Of course his ideas of good roads do not disagree with ours, and all routes so inspected are established.

Mr. BUTLER of Pennsylvania. Do those people see Mr. BROWNLOW oftener than they do the sun? [Laughter.]

Mr. SIMS. He is in their minds day and night, and they do not have to see him. [Laughter.] By his constituents, Republican and Democrat alike, he is regarded as the model legislator, superior to any other man in the United States. He never lets anything slip that brings a dollar of other people's money into his district, and in his district are more rural routes than any other district in Tennessee and fewer good roads, and he wants the Government to keep them up. I am serious about this matter. The judgment of different special agents varies greatly according to the section of country from which they come or in which they have been brought up. These men can not agree in determining the requirements of particular sections as to good roads.

Now, I do hope the Postmaster-General will take this matter up and treat it seriously and let us have some uniformity, so that where there are people entitled to it, who get first-class mail, who take the newspapers, they should not be denied this service because they live in a hill country, when the carrier gets no more pay for carrying their mail on horseback than he does when his route lies along a turnpike and the mail can be carried in a rubber-tired buggy. [Applause.]

I repeat, despotism and deterioration go hand in hand and are found in the low countries. This has been the case since the dawn of creation. Who ever heard of a conqueror, hero, or genius coming from the low countries? Liberty, bravery, patriotism, independence, and intellectual superiority are the children of the peaks; strength, health, and vigor are associated with the eternal snows, while disease, contagion, and death are inhabitants of the valleys. Away with this discrimination against the best classes of our people.

Mr. Chairman, I say, let the character of the people to be served be the determining standard, rather than the character of the roads on which the carrier may have to travel.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on this paragraph be closed.

The motion was agreed to.

The Clerk read as follows:

For pay of letter carriers and clerks in charge of substations of rural free-delivery service, $29,180,000: *Provided*, That not exceeding $12,500 of the amount hereby appropriated may be used for compensation of clerks in charge of substations. On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

Mr. MANN. Mr. Chairman, I make the point of order against so much of the paragraph just read as begins with the word "and," in line 4 on page 26, and ends with line 12 on the same page, on the ground that it is new legislation and a change of existing law.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the lines mentioned.

Mr. OVERSTREET. Mr. Chairman, I desire to reserve a point of order against so much of the paragraph as begins with the word "on," in line 25, page 25, and closes with the word "carriers," in line 4, page 26.

Mr. Chairman, having reserved this point of order, I wish to ask the gentleman from Illinois if he does not believe that all of this subject-matter included in the language to which both points of order have been made had better be given over to the committee to be determined upon its merits? I think, Mr. Chairman, that the gentleman from Illinois will appreciate that the latter part of the paragraph is no more subject to a point of order than that portion to which I have reserved the point of order, and that he will further appreciate the fact that the whole matter is one subject and ought in all fairness to be considered at once by the committee.

I had hoped that no one would raise a point of order against any portion of this paragraph, and for my part I should most willingly withdraw the point I have reserved if we could have the entire subject-matter before the committee at one time. I ask the gentleman if he will not join with me in withdrawing both points of order, and let the committee determine by a majority vote what shall be done with the entire paragraph?

Mr. MANN. Mr. Chairman, I think I am fully as ready on ordinary occasions as is the very distinguished and able chairman of the Committee on the Post-Office and Post-Roads to leave a question to the committee; but I have noticed that he, and in my

opinion most properly, has raised a point of order on a great many provisions which he was not willing to leave to the judgment of the committee. He has availed himself of the rule, as he himself said a while ago, adopted by the House for the protection of the minority, and I desire to avail myself of the rule, so far as the paragraph is concerned to which I have made the point of order. I do not see how disposing of the point of order on the portion of the paragraph which I object to has any relevancy to the question of leaving to the judgment of the committee the portion of the paragraph to which the gentleman himself has made a point of order. If the committee is competent to pass upon the whole question, the committee is certainly fully as competent to pass upon that part of the question to which the gentleman has made the point of order.

Mr. TOWNSEND. Mr. Chairman, I request the gentleman to reserve his point of order until we can be heard upon this question.

Mr. WILLIAMS of Mississippi. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. MANN. Certainly.

Mr. WILLIAMS of Mississippi. Did I hear correctly? Did I hear gentlemen upon that side asking other gentlemen to withdraw points of order? [Laughter.]

Mr. BURLESON. And leave it to the judgment of the committee?

Mr. MANN. Mr. Chairman, I will leave it to the gentleman from Mississippi and the gentleman from Indiana to fight that out themselves. They are well matched, and each is able to take care of himself.

Mr. FITZGERALD. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is the decision upon the point of order made by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, in reference to the request to reserve the point of order, I will say that if any gentleman should desire opportunity to discuss the question, I should feel very much hesitancy about insisting on the point.

Several MEMBERS. Regular order!

Mr. MANN. I think the disposition of the House is to dispose of it.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Illinois makes the point of order upon that part of the bill contained in lines 4 to 12, inclusive, on page 26, which is in these words:

> And on and after said date said carriers shall not solicit business or receive orders of any kind from any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

The gentleman from Illinois [Mr. MANN] makes the point of order that this paragraph in the bill is contrary to existing law.

The general post-office appropriation bill approved April 21, 1902, contains this provision relating to rural carriers:

> But the carriers shall not be prohibited from doing an express-package business, provided it does not interfere with the discharge of their official duties.

The language in the present bill, to which the gentleman from Illinois makes the point of order, is clearly in violation of the provision of the law now existing, permitting the rural carriers to do an express-package business, and the Chair sustains the point of order.

Does the gentleman from Indiana renew the point of order as to the first part of the paragraph?

Mr. OVERSTREET. I renew the point of order as to the first, and shall request the Committee on Rules for consideration tomorrow of a rule which will permit debate and consideration of this subject-matter. I insist upon my point of order.

Mr. BUTLER of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The Chair will rule on the point of order made by the gentleman from Indiana. The Chair understands that the point of order made by the gentleman from Indiana is as to the words——

Mr. HARDWICK. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HARDWICK. I rise to offer an amendment in order to obviate the difficulty, and which I think would not be subject to a point of order. I think if my friend will withdraw the point of order we can obviate the difficulty. [Cries of "Regular order!"]

Mr. OVERSTREET. I would suggest the gentleman will appreciate that while he and I may agree there are other gentlemen who may not agree with us.

Mr. HARDWICK. I wanted to put it in a form that would not be subject to the point of order.

Mr. OVERSTREET. Under the circumstances, we may just as well let this all go at this time, and we will consider it tomorrow.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Indiana makes the point of order to so much of the bill as is contained on page 25, line 25, from the word "on" down to and including "carriers."

Mr. LLOYD. Mr. Chairman, I would like to ask the chairman of the Committee on Post-Office if he would not withdraw the point of order against this provision and submit to the Committee on Rules the proposition that they bring in a rule which would authorize the appointment of a committee to investigate the post-office and the charges of fraud in the Post-Office Department? [Laughter and applause on the Democratic side.]

The CHAIRMAN. The regular order is demanded. The only regular order now before the House is the decision upon the point of order made by the gentleman from Indiana. The point of order made by the gentleman from Indiana is that the language read is contrary to existing law. As the Chair has previously stated, in a former ruling, the general appropriation bill of April 21, 1902, prescribes by statute the salaries of the employees in the rural free-delivery service. The Chair is therefore constrained to hold that this paragraph which changes these salaries is contrary to existing law, and sustains the point of order.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

> Insert after "substations," line 25, page 25, the following:
> "*Provided*, That rural carriers shall be permitted to do an express-package business, provided the packages and articles carried are not authorized by law to be accepted for mailing: *And provided further*, That rural carriers may make and perform contracts with publishers of newspapers and periodicals and news agents to act as agents for and distribute newspapers and periodicals which are admitted to the mails at second-class rates of postage and upon which one rate of postage has been paid, if subject to postage, to patrons of their routes, provided there is no interference thereby with the discharge of their official duties. Any rural carrier doing an express-package business other than as authorized in this act shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than $300, to be prosecuted in any court of competent jurisdiction."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that amendment. It is clearly contrary to existing law.

The CHAIRMAN. The gentleman makes the point of order that the amendment is contrary to existing law, and, further, contains new legislation. The Chair sustains the point of order.

Mr. LIND. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

> After the word "substations," in line 25, page 25, insert:
> "*And provided further*, That no money hereby appropriated shall be expended in the payment of salaries to rural free-delivery carriers at a less sum for such services than $720 per annum."

Mr. OVERSTREET. I make the point of order against that amendment.

Mr. LIND. Under repeated rulings of the Chair the point of order is not well taken. It is well settled that this House can prescribe any general reasonable limitation, or perhaps unreasonable, that it sees fit on an appropriation that it makes. So I provide by this amendment that this money shall not be expended except on condition that the Postmaster-General appoint men of sufficient efficiency to carry on the service to be entitled to $720 a year, the exact amount that the committee recommended.

This amendment is within the rule, in proper form, and will effect the object that everybody desires.

Mr. COWHERD. Will my friend yield for a question?

Mr. LIND. Yes.

Mr. COWHERD. My friend knows as it is now the carrier who has a short route of only 5 or 6 and in some cases 10 miles is graded accordingly. Under this he will have to receive the maximum salary, as the language of your amendment reads.

Mr. LIND. The amendment can be perfected so as to obviate that difficulty. It can be made to read "as a maximum salary."

Mr. OVERSTREET. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Without objection, the alteration suggested by the gentleman from Minnesota will be made. Does the gentleman from Minnesota yield?

Mr. LIND. Certainly.

Mr. OVERSTREET. I would inquire if this amendment will permit an increase of salary to the carrier if it should prevail?

Mr. LIND. No; I think not.

Mr. OVERSTREET. You make no increase of salary?

Mr. LIND. No, sir.

Mr. OVERSTREET. What is the purpose of the amendment, then?

Mr. LIND. Why, the gentleman understands the English language, I apprehend, much better than I do.

Mr. OVERSTREET. Perhaps the gentleman can construe his own language.

Mr. LIND. What is the purpose of your recommendation that the rural carriers should have $720 a year?

Mr. OVERSTREET. It is to increase the salary.

Mr. LIND. This is for the purpose of securing an efficient service to carry out the object of the appropriation and the decision of this House.

Mr. OVERSTREET. Without any reference to salary?

Mr. LIND. Why, the salary is an incident.

Mr. OVERSTREET. It would be necessarily——

Mr. LIND. A very important one.

Mr. OVERSTREET. A pertinent factor.

Mr. LIND. Now, things are getting too refined in this House——

Mr. OVERSTREET. I thought so from the gentleman's answer.

Mr. LIND. I do not propose to attempt to follow the chairman of this committee, and I might say the Chairman of the Committee of the Whole, in all of the refinements that we have had. When the point of order was made against the appropriation that carried $4,500,000, then most any language that limited it seemed to be in order; now when it only involves the salary of mail carriers, perhaps the rule will be drawn more tightly; certainly, if the chairman of the committee has his way.

Mr. OVERSTREET. Mr. Chairman, the gentleman has not made an answer to my question.

Mr. LIND. I ask that the amendment be again reported by the Clerk, in my time.

The CHAIRMAN. Without objection, the Clerk will again report the amendment as modified.

The Clerk read as follows:

After the word "substations," in line 25, on page 25, insert:
"*And provided further*, That none of the money hereby appropriated shall be expended in the payment of the salaries of rural free-delivery carriers at a less sum for such services than $720 per annum as a maximum salary.

Mr. GROSVENOR. Mr. Chairman, I want to point out to the committee some rulings that have been made upon this identical question or questions of similar import. The law as it stands to-day fixes the salary not only for the time which is passed, but for all time to come until it is changed by some action of Congress. The salary is fixed at $600 per annum. Here, now, comes two provisions. I take it nobody would claim that if the amendment was offered fixing the salary of the rural carrier at $720, that it would be in order upon this bill. Now, you can not do, I submit, by indirection what you can not do by direction. Now, here is the definition of limitation, which I think is absolutely pertinent and absolutely conclusive upon this question.

It was a ruling made in the second session of the Fifty-seventh Congress, found on page 344 of the Digest:

A limitation is negative in its nature, and may not include positive enactments establishing rules for executive officers.

This is an open, straightforward definition. Now to apply it. This is said to be a limitation. Well, it is a limitation upon the expenditure of this money. What is its effect if it is a valid enactment? It is to repeal a law that gives to the carrier $600 and give to the carrier $720, or it does not provide for any payment. Clearly it can not be done by direction; clearly it comes within the purview of these decisions, a number I have here, and that is all I desire to say.

Mr. OVERSTREET. Mr. Chairman, I wish to suggest to the Chair two points: First, when the proposition for increasing the salary of the letter carriers in cities was offered, the gentleman offering it clearly said that it was for the purpose of increasing the salaries beyond what the law now fixes. This amendment, couched in apparent language of limitation of expenditure, provides that none of it shall be expended unless the carrier shall receive a salary of not less than $720. In reply to my inquiry the gentleman from Minnesota, however deftly and skillfully he sought to construe his own language—there was but one meaning to his response, and that was that the carriers' salaries under that limitation would be $720 a year.

Under the appropriation in the item to which this amendment is directed, provision is made for the expenditure of $20,180,000. That sum is to be expended, with the exception of $12,500, which may be used for compensation of clerks in charge of stations, almost exclusively for the pay of salaries of rural carriers. In the language of the bill, we provide that that shall be expended at the rate of $720 a year to such carriers. The Chair has held that the present law clearly provides for $600 and no more, and that this proposition was therefore repugnant to the law and obnoxious to the rule.

This amendment is just as obnoxious to the rule in the language as now drawn as the language of the bill. It is not a limitation of expenditure except that it shall not be less than $120 more than the law now authorizes. The limitation would not be the method of expenditure, but the price and value of the services of each individual carrier, which is contrary to the provision of the existing law.

The CHAIRMAN. Does the gentleman from Minnesota wish to be heard?

Mr. LIND. Mr. Chairman, I have nothing further to suggest, and I ask for a ruling.

Mr. PAYNE. Mr. Chairman, I want to make a single suggestion. If it is not a change of law, but simply a limitation, it amounts to a negation. It renders the appropriation nugatory, and the whole clause would have no effect whatever.

Now, it is a rule of the courts in construing a statute to make something out of the language, to construe that the legislative mind had something in view and attempted to accomplish something, and to get by implication, if possible, some meaning of the statute. They could not get any meaning with this amendment unless they held that it increased the salary to $720 a year, so it would be a change of existing law in that respect.

Mr. LIND. Mr. Chairman, I now desire to say one word. I regard it as settled, in Committee of the Whole at least, so far as this bill is concerned, that if an amendment is a limitation in form it is proper, although it may remotely in some way affect existing law. The Chairman ruled early during the progress of the discussion of this bill that under a limitation upon an appropriation it was competent to authorize the Postmaster-General in the city of New York to acquire a leasehold running fifty years at an expenditure of $4,500,000. To say that was not a change of existing law, so far as it controlled the discretion of the Postmaster-General at least, is to beg the question, it seems to me.

If the limitation is truly a limitation proper in form, well designed to effectuate the purpose stated, although it may incidentally affect existing law, it seems to me that there is no objection to it. This amendment, I submit, Mr. Chairman, does not affect existing law except so far as this appropriation is concerned; and for this appropriation this House is law unto itself. It simply prescribes the manner and conditions upon which the appropriation shall be expended. That condition is a legitimate one, one calculated to promote the public service and the efficiency of that service.

The CHAIRMAN. The Chair is prepared to rule. The general appropriation bill of April 21, 1902, which makes the present statute law regarding rural free-delivery service, prescribes that the salary of the rural carriers shall be $600 per annum. This law prescribes the statutory salary of rural carriers until the law has been changed. With this law in existence the gentleman from Minnesota offers the following amendment, which the Chair will read:

And provided further, That none of the money hereby appropriated shall be expended in the payment of salaries to rural free-delivery carriers at a less sum for such service than $720 per annum as a maximum salary.

It is very clear that under clause 2 of Rule XXI, which has been read to the committee to-day, this amendment is not in order if it would change the existing law when incorporated into this act. Would this amendment change the existing law? If the amendment would not change existing law, and would therefore be in order, it would simply work a nonappropriation for the pay of rural carriers. Would this be considered the intention of Congress if this amendment should appear in the act? As the Chair has before said, the best evidence as to the meaning of an act is the intention of the legislature which passed it, and the Chair is justified in taking into consideration the opinion of the mover of the amendment as to its effect. It is the opinion of the Chair, based upon the statements of the gentleman from Minnesota and his admissions as to his object in offering the amendment, that it is the intent of this amendment to change the existing law. The Chair therefore sustains the point of order.

Mr. LIND. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. THAYER. Mr. Chairman, on that question may I be allowed a moment or two?

The CHAIRMAN. The Chair will recognize the gentleman from Massachusetts.

Mr. THAYER. Mr. Chairman, I think that if we have rules here which so bind us down that we can not record our judgment and legislate as we want to legislate, it is high time that we directly or indirectly amended or repealed those rules; and while I understood what the chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Indiana [Mr. OVERSTREET], said relative to the Committee on Rules bringing in a rule to-morrow morning whereby we might be permitted to do something we wish to do directly on this salary question, I am somewhat in doubt what latitude the rule will confer and whether or not we shall be forced to-morrow under its provisions to vote simply the $720 to the rural free-delivery carrier as salary on condition that

he shall not act the part of messenger and expressman, as he is now allowed to do.

I believe the great majority of this House to-day is in favor of giving the rural free-delivery carriers a salary of $720, and of also permitting them to do the work that they are now doing in the way of messengers and petty expressmen. [Applause.] Gentlemen of the committee, it is no discredit to or criticism of our Chairman if this appeal is sustained. We would simply indirectly make a new rule—not discredit the Chairman. I believe his rulings are correct and exactly as I would have ruled were I in his place, although that may not add anything to the ruling; but if we now sustain the appeal the Chairman of this committee will understand, as every other man in this House will understand, that we are not criticising him or his judgment or questioning the correctness of his ruling, but that we are attempting indirectly to change the rules of this House for the emergency which has arisen, whereby we can record our votes and provide a salary for these carriers as they deserve. Mr. Chairman, I hope that the appeal will prevail. We will then have this matter before us, and with no criticism of the Chairman's ruling, as he will fully understand and as we shall understand, but simply that we may be in a condition whereby we can act and vote on this question intelligently at this time.

Mr. OVERSTREET. Mr. Chairman, I sincerely hope that the decision of the Chair will stand as the judgment of the committee. The Chair is certainly right in the ruling. There was no obligation whatever on the part of the Post-Office Committee to bring this item in in this form. It was clearly obnoxious to the rule, inasmuch as it would be in violation of existing law. However, under the situation which confronts us at the close, as we believe, of the present session of Congress, the committee believed that in justice to the situation, in fairness to the service of the rural districts, we were warranted in asking the House to consider this subject-matter while considering an appropriation bill, without bringing in a separate bill for that purpose.

There is but one of two ways which could be followed, either to suggest this on an appropriation bill or to bring in a separate bill. Members may feel somewhat incensed against the Post-Office Committee. We have not permitted that feeling, however, to conflict with the exercise and discharge of our duty as we have seen it. There has been no committee of this House under greater stress of labor than that committee. They have had no opportunity to consider special legislation. At least twenty-five bills worthy of consideration are now in the possession of that committee—bills whose sponsors and advocates are knocking at the door for consideration.

We therefore believe, in fairness to the situation, that we were justified in asking the House to consider this question of rural service in an appropriation bill. It has gone out under a point of order. I feel that the point which I made was justified, because a portion of the paragraph was stricken out under the point of order made by the gentleman from Illinois [Mr. MANN]. I want it all to be brought back here for the purpose of fair debate by this House, and however I might advocate one position, I am always ready and willing to bow to the rule of the majority.

Mr. MANN. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. MANN. May I ask the gentleman whether the rule which he will ask for will contemplate a vote upon that portion of the paragraph stricken out or as an entirety, or will the rule which he will ask for permit discussion or amendment of the proposition in the House or the committee, whichever it may be?

Mr. OVERSTREET. Mr. Chairman, I have no way of determining what the Committee on Rules will do.

Mr. MANN. Oh, I beg the gentleman's pardon, but I did not ask him what the Committee on Rules would do.

Mr. OVERSTREET. I will answer the question of the gentleman. I think the gentleman has not asked any question as yet that I have not answered.

Mr. MANN. I know the gentleman is always willing to do that, if he understands a question.

Mr. OVERSTREET. I understand the question. I say again I do not presume to judge what action the Committee on Rules may take. The rule which I shall introduce before the House adjourns to-night will be to make it in order to offer at this point in the bill the language which has now been stricken out.

Mr. GROSVENOR. All of the language.

Mr. OVERSTREET. All of that language.

Mr. BUTLER of Pennsylvania. I would like to ask the gentleman from Indiana whether or not he will ask for a provision that will be susceptible of amendment?

Mr. OVERSTREET. That is exactly what I expect to ask for.

Mr. GROSVENOR. Mr. Chairman, I think I can set that part of it right, if the gentleman will permit me. The rule itself when it is brought in here will be open to amendment, so that there can be no limitation upon the action of the committee.

Mr. BUTLER of Pennsylvania. That is all right.

Mr. OVERSTREET. I regret very much that Members were frightened lest I be able to nail it down so that there could be no amendment.

Mr. MANN. Oh, we are so used to being nailed down that we expected it this time—not by the gentleman from Indiana [Mr. OVERSTREET], but by the gentleman from Ohio [Mr. GROSVENOR]. [Laughter.]

Mr. OVERSTREET. I have asked nothing upon this bill but fair debate, and I am willing to abide the result of that debate and act upon the orders of the majority of this House. But I do insist that when a part of the subject has been taken from the bill all of it should go out if any goes out, and all come back if any comes back, if my suggestion should be followed.

Mr. Chairman, I move that all debate on the appeal be now closed.

The motion to close debate was agreed to.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. LIND. In view of the statement made by the gentleman from Indiana [Mr. OVERSTREET], I withdraw the appeal.

The CHAIRMAN. Without objection, the appeal will be withdrawn.

There was no objection.

Mr. SPALDING. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "substation," in line 25, page 25, insert the following:

"*Provided further*, That in States where the size of inhabitated farms or ranches has heretofore prevented the establishment of routes for which applications are or may hereafter be pending the Postmaster-General may establish such routes, notwithstanding the number of families served per route is less than required by regulations of the Post-Office Department now in force: *Provided*, That no such daily routes shall be established which serve less than seventy families."

Mr. OVERSTREET. I reserve a point of order upon that amendment.

[Mr. SPALDING addressed the committee. See Appendix.]

Mr. OVERSTREET. I ask for a ruling on the point of order. The gentleman admits that the amendment is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COOPER of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all, beginning with the word "on," in line 25, page 25, down to and including the word "carriers," in line 4, page 26, and substitute in lieu thereof the following——

The CHAIRMAN. The Clerk will suspend for a moment. The Chair wishes to call the attention of the gentleman from Wisconsin [Mr. COOPER] to the fact that all that part of the bill down to and including line 12, which this amendment proposes to strike out, has already gone out on a point of order.

Mr. COOPER of Wisconsin. Then I offer the amendment as a new section.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. POWERS of Maine having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. J. Res. 55. Joint resolution providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

H. J. Res. 113. Joint resolution for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the Governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory;

H. J. Res. 133. Joint resolution providing that the bulletins of the Bureau of American Ethnology be printed in octavo;

H. R. 11449. An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River; and

H. R. 56. An act to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 8878. An act to extend the provisions of the act of Jan-

uary 21, 1903, to the Osage Reservation, in Oklahoma Territory, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 55) to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1903, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose.

The message also announced that the Senate had passed bills and resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3454. An act for the extension of Eighth street NW., or Wrights road, District of Columbia;

S. 5092. An act to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved June 30, 1902, making appropriation for improving Trinity River, Texas; and

Senate concurrent resolution No. 59.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the bar at the entrance of Aloqua Bayou on Choctawhatchee Bay, in the State of Florida, with a view to securing a depth of 6 feet of water across said bar.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 31.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed in pamphlet form 10,000 copies of the coinage laws of the United States, 5,000 for the use of the Director of the Mint, 3,500 for the House of Representatives, and 1,500 for the Senate.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Insert as a new section the following:

"On and after the 1st day of July, 1904, the Postmaster-General is hereby authorized to pay all regularly appointed rural free-delivery carriers, out of any moneys in the Treasury not otherwise appropriated, the following salary: For the first year of service, at the rate of $600 per year; for the second year of service, at the rate of $720 per year; for the third and each subsequent year of service, at the rate of $850 per year, payable in each case pro rata at the end of each month, and each carrier shall be entitled to leave of absence, not to exceed fifteen days in each year, without loss of pay, during which time a substitute carrier shall be employed at the minimum rate of $600 per annum.

"That in determining the rate of pay for carriers the Postmaster-General shall consider the service rendered by them, respectively, both prior and subsequent to July 1, 1904.

"That all other provisions of law relating to the salaries of rural free-delivery carriers inconsistent with the provisions of this section relating thereto are hereby repealed."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that that it is contrary to existing law.

Mr. COOPER of Wisconsin. Will the gentleman reserve the point of order for a moment?

Mr. OVERSTREET. I will reserve the point of order.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. COOPER of Wisconsin. Mr. Chairman, at this time I shall say only a word in relation to this amendment, as I expect to-morrow to move it again, provided the rule to be brought in by the gentleman from Ohio [Mr. GROSVENOR] is adopted by the House.

I am frank to say that this amendment, which has my hearty indorsement, is offered by the Rural Mail Carriers' Association of the United States.

Mr. Chairman, I see no reason why these carriers may not with entire propriety organize for the purpose of making their wishes known to the Congress of the United States. Our manufacturers, our shipowners, our shipbuilders, the men managing the great industries of the country organize indiscriminately and send agents or representatives here to lobby for their respective interests. I use the word "lobby" in no disrespectful sense. These carriers are poor men, drawing meager salaries, and they also have a perfect right to present here a measure which they think is just and fair, and respectfully to ask for its enactment into law.

Mr. WM. ALDEN SMITH. Is this their amendment?

Mr. COOPER of Wisconsin. This is the amendment of the Rural Carriers' Association of the United States; that is, the one which they declare that they desire to see pass.

Mr. Chairman, in cities carriers receive for the first year $600. Afterwards, when experience has made them expert, this salary is increased in cities of the second class to $850, and in cities of the first class to $1,000 per annum. I myself have not been able to understand why this system of a gradual increase in the salaries of public employees, based upon the idea that experience promotes efficiency, should obtain so far as concerns city carriers and not obtain in the matter of the rural free-delivery carriers.

The business of the rural free-delivery carrier is on many routes not great in amount during the first year, but, as statistics show, it usually increases with much rapidity. The second year the carrier has more business to do, he does it better, and is entitled to better pay. The third year the business on many of the routes is materially increased, so that some become approximately self-sustaining and in others the deficiency is comparatively small.

Mr. WM. ALDEN SMITH. And how is it in the tenth year?

Mr. COOPER of Wisconsin. In the tenth year I believe that many of the routes will become entirely self-sustaining.

In my judgment, $850, the maximum amount allowed to carriers in cities of the second class after their first year of employment, is none too great a salary to be allowed rural free-delivery carriers beginning with their third year of service, especially when we take into account the fact that the carrier in the city is frequently allowed $200 or $250 per annum for horse hire in addition to his salary.

[Here the hammer fell.]

Mr. OVERSTREET. Mr. Chairman, I ask for a ruling on the point of order.

Mr. CRUMPACKER. Mr. Chairman, I desire to offer an amendment.

Mr. FITZGERALD. I demand the regular order.

Mr. OVERSTREET. I ask for a ruling on the point of order, and then I will yield to my colleague [Mr. CRUMPACKER] to offer his amendment.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Indiana [Mr. OVERSTREET] to the amendment offered by the gentleman from Wisconsin [Mr. COOPER].

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment to come in as an independent paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert after the word "substations" the following:

"On and after July 1, 1904, letter carriers of the rural free-delivery service who carry upon routes 20 miles or more in length, measuring from the post-office from which the carriers start, shall receive an annual salary of $750; and those who carry upon routes less than 20 miles in length shall receive $35 per annum for each mile contained in their respective routes, and no other or further allowance or salary shall be paid to said carriers."

Mr. OVERSTREET. I make the point of order against that amendment.

Mr. CRUMPACKER. I confess that it is subject to the point of order, and I put it in the RECORD simply to call the attention of the House to the subject. I hope that to-morrow I may have an opportunity to offer it when it will be competent to consider it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OVERSTREET. Now, Mr. Chairman, I ask unanimous consent that the paragraph under consideration may be passed without prejudice, and let us proceed with the few remaining sections of the bill, and then to-morrow I hope to be able to secure the consideration of this paragraph under a rule.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that this paragraph may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. I would like to offer an amendment, simply to be pending.

The Clerk read as follows:

SEC. 2. That there shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post-Office Department, who shall hold office for four years unless sooner removed by the President, and who shall receive an annual salary of $5,000, give bond to the United States in such sum as the Postmaster-General may determine, and report direct to the Postmaster-General; and who shall, under such regulations as the Postmaster-General shall prescribe, and subject to his direction and control, have supervision of the purchase of all supplies for the postal service.

Mr. GIBSON. Mr. Chairman, I want to know——

Mr. MANN. I reserve the point of order on that paragraph.

Mr. OVERSTREET. I ask for order, Mr. Chairman.

The CHAIRMAN. The committee will be in order.

Mr. FITZGERALD. Regular order. I ask for the regular order.

The CHAIRMAN. The regular order is demanded. Does the gentleman from Illinois renew the point of order?

Mr. OVERSTREET. Mr. Chairman——

The CHAIRMAN. The committee will be in order. The Chair asks if the gentleman from Illinois renews his point of order?

Mr. GIBSON. I thought the Chair had recognized me.

The CHAIRMAN. The regular order is demanded, which is a ruling upon the point of order, if the gentleman from Illinois insists upon it.

Mr. GIBSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. If there is to be no opportunity to have an ex-

planation of the reason for this, and if the regular order is to be demanded——

Mr. COWHERD. I appeal to the gentleman from New York to withdraw his demand for the regular order in order that there may be an explanation of the paragraph.

Mr. FITZGERALD. I suggest that we go home and think of it until to-morrow. I insist on the regular order.

The CHAIRMAN. The regular order is demanded, and the committee will be in order.

Mr. MANN. Unless there is an explanation of the paragraph, I will insist upon the point of order.

Mr. OVERSTREET. I would be very glad if we could have order, but I do not propose to talk against this noise.

The CHAIRMAN. The committee will be in order, and gentlemen will be seated and cease conversation. The Chair will be glad to hear the gentleman from Illinois upon the point of order.

Mr. MANN. Mr. Chairman, so far as the point of order is concerned, this is plainly new legislation, and also a change of existing law. There can be no possible doubt of that; an inspection of the paragraph makes it so plain that it admits of no discussion. I did not desire to make the point of order without an explanation, but if no explanation can be offered then I make the point of order.

Mr. OVERSTREET. There is an abundance of explanation, but I confess I dislike, I will say to the committee, after talking for three straight weeks, to try to talk down this noise in a House of 200 Members.

Mr. Chairman, if I could have the attention of the House, I would be very glad to explain the item.

Mr. BUTLER of Pennsylvania. Mr. Chairman, if the gentleman from Illinois has any doubt as to whether or not he will insist on the point of order, I desire to make it, and call for the regular order.

The CHAIRMAN. The Chair would be glad to hear the gentleman from Indiana in charge of the bill on the point of order.

Mr. OVERSTREET. The point of order is well taken, so far as the rule is concerned. This, however, is a righteous section [cries of "Regular order!"] and is good legislation, and I was in hopes that Members were willing to consider it with a view of enacting it into law, although it is in violation of existing law. I still believe that if Members would consider the item or would listen to an explanation of it they would agree with me upon it.

We seek by this section to give authority for the consolidation of the supply divisions of the Post-Office Department, to be under the control of a purchasing agent, who shall be answerable directly to the Postmaster-General, although he receives his appointment from the President Mr Chairman, it is in the line of good legislation——

Mr. FITZGERALD. The gentleman has confessed the point of order, and debate is not in order.

The CHAIRMAN. The point of orde made by the gentleman from New York is well taken.

Mr. LIND. Before the gentleman takes his seat, I desire to ask him a question.

The CHAIRMAN. The gentleman from New York has called for the regular order, which is a ruling on the point of order. The Chair sustains the point of order, and the Clerk will read:

The Clerk read as follows:

SEC. 3. That hereafter, under such regulations as the Postmaster-General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than 2,000 identical pieces of third or fourth class matter without postage stamps affixed: *Provided*, That postage shall be fully prepaid thereon.

Mr. HUGHES of New Jersey. Mr. Chairman, I make the point of order against that last section on the ground that it is new legislation.

The CHAIRMAN. The gentleman from New Jersey makes the point of order against section 3.

Mr. HUGHES of New Jersey. That it is new legislation. I reserve the point of order. I would be glad to hear the gentleman from Indiana, if there is any explanation for this.

Mr. OVERSTREET. I move that the committee do now rise. [Applause.]

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. BENTON to withdraw from the files of the House, without leaving copies, the papers in the case of Jacob Scott, Fifty-fourth Congress, no adverse report having been made thereon.

POSTPONEMENT OF MEMORIAL EXERCISES.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent that the memorial exercises in honor of the late ROBERT H. FOERDERER and HENRY BURK, which were to have been held on next Sunday, be postponed until Sunday, April 10, on account of the unavoidable absence of many Members from Pennsylvania and others who desire to take part in those exercises, and I would also ask that when the House adjourn on Saturday, the 9th, that it adjourn to meet on Sunday, the 10th, for the purpose of conducting those exercises.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

TO RELIEVE OBLIGATORS ON BONDS UPON EXPORTS TO THE PHILIPPINE ISLANDS, ETC.

Mr. PAYNE. Mr. Speaker, I desire to present a privileged report from the Committee on Ways and Means.

The SPEAKER. The gentleman from New York presents a privileged report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13088) to relieve obligators on bonds given to the United States upon the exportation to the Philippine Islands, prior to November 20, 1901, of articles subject to internal-revenue tax.

The SPEAKER. The bill and accompanying report are ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 9791. An act granting a pension to Abram Claypool;

H. R. 9777. An act granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city;

H. R. 3761. An act ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street; and

H. R. 8335. An act to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following titles:

S. R. 53. Joint resolution authorizing the reprinting of certain documents to be sold by the superintendent of documents; and

S. 2323. An act relating to ceded lands on the Fort Hall Indian Reservation.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3454. An act for the extension of Eighth street NW., or Wrights road, District of Columbia—to the Committee on the District of Columbia.

S. 5092. An act to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, etc.—to the Committee on Rivers and Harbors.

Senate concurrent resolution No. 59.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the bar at the entrance of Alaqua Bayou, on Choctawhatchee Bay, in the State of Florida, with a view to securing a depth of 6 feet of water across said bar—

to the Committee on Rivers and Harbors.

REPRINT OF POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that one print of the post-office appropriation bill, with the amendments thus far agreed to, be made, in order that Members may have the bill before them to-morrow. I ask this especially because I am informed that copies of the bill are practically exhausted, and many Members are inquiring for them, and we might as well have it printed with the amendments agreed to thus far.

The SPEAKER. Is there objection?

Mr. BAKER. I would like to ask what number would be provided for by that resolution?

The SPEAKER. The usual number under the House rule. The Chair hears no objection, and it is so ordered.

ADJOURNMENT.

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned to meet to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of ship channel from Beaumont to Sabine Pass, Tex.—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of State, transmitting a copy of a joint resolution of the legislature of Porto Rico, requesting favorable consideration of a petition for protection of Porto Rican coffee—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a communication from the Quartermaster-General, a recommendation that certain appropriations for the military establishment be made immediately available—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a communication from the Quartermaster-General, a recommendation that the appropriation for military posts be made immediately available—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of road into Mount Rainier National Park—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CANDLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10101) for the cession of 120 acres of land to the Beecher Island Battle Memorial Association, reported the same with amendment, accompanied by a report (No. 1875); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12687) to amend an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 3, 1894, reported the same without amendment, accompanied by a report (No. 1879); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Connecticut, from the Committee on Agriculture, to which was referred the bill of the House (H. R. 14098) to provide for an increased annual appropriation for agricultural experiment stations, and regulating the expenditure thereof, reported the same without amendment, accompanied by a report (No. 1883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 1954) to authorize the exploration and purchase of mines within the boundaries of private land claims, reported the same with amendment, accompanied by a report (No. 1885); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on Military Affairs, to which was referred the Senate joint resolution (S. R. 9) authorizing the issue of duplicate medals where the originals have been lost or destroyed, reported the same without amendment, accompanied by a report (No. 1886); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2268) to authorize the Absentee Wyandotte Indians to select certain lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 1887); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 12655) for the relief of John Bremond, reported the same with amendment, accompanied by a report (No. 1876); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10214) for the relief of the heirs of C. K. Bowen, deceased, reported the same without amendment, accompanied by a report (No. 1877); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 4349) for the relief of Charles R. Hooper, reported the same without amendment, accompanied by a report (No. 1878); which said bill and report were referred to the Private Calendar.

Mr. LIND, from the Committee on Claims, to which was referred the bill of the House (H. R. 7977) for the relief of Nelson Dalbec, reported the same without amendment, accompanied by a report (No. 1880); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 5151) for the relief of S. R. Green, reported the same without amendment, accompanied by a report (No. 1881); which said bill and report were referred to the Private Calendar.

Mr. LIND, from the Committee on Claims, to which was referred the bill of the Senate (S. 735) for the relief of Jean Louis Legare, of the Dominion of Canada, reported the same without amendment, accompanied by a report (No. 1882); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11524) granting a pension to John F. Borrows, reported the same with amendment, accompanied by a report (No. 1884); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WM. ALDEN SMITH: A bill (H. R. 14375) making an appropriation to pay to certain Chippewa Indians of Michigan moneys due them under former treaties—to the Committee on Indian Affairs.

By Mr. NORRIS: A bill (H. R. 14376) providing for the holding of Federal court at Grand Island, Nebr.—to the Committee on the Judiciary.

By Mr. McCARTHY: A bill (H. R. 14377) providing for the payment of $100,000 to the Omaha tribe of Indians of Nebraska—to the Committee on Indian Affairs.

By Mr. SMITH of Texas: A bill (H. R. 14378) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 14379) to increase the limit of cost for the purchase of a site for a post-office building at St. Louis, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A resolution (H. Res. 267) requesting the Attorney-General of the United States to furnish to the House of Representatives all evidence in his office submitted at the trial of Clarence L. Leeds—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A resolution (H. Res. 268) directing the Secretary of the Treasury to furnish certain information—to the Committee on Appropriations.

By Mr. OVERSTREET: A resolution (H. Res. 269) providing for the consideration of the bill H. R. 13521—to the Committee on Rules.

Also, a resolution (H. Res. 270) relative to consideration of H. R. 13521—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BAKER: A bill (H. R. 14380) granting a pension to John Groom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14381) granting a pension to Julia E. Neale—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 14382) for the relief of Elijah G. Steely—to the Committee on Military Affairs.

Also, a bill (H. R. 14383) granting a pension to Festus H. Sanders—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 14384) granting an increase of pension to Elizabeth McKee—to the Committee on Invalid Pensions.

By Mr. BROWNLOW (by request): A bill (H. R. 14385) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Cowdon against Glass"—to the Committee on Claims.

By Mr. CASTOR: A bill (H. R. 14386) granting an increase of pension to Ferdinand Mergel—to the Committee on Invalid Pensions.

By Mr. DANIELS: A bill (H. R. 14387) for the relief of Charles Hensley—to the Committee on Private Land Claims.

By Mr. GUDGER: A bill (H. R. 14388) for the relief of W. N. Hedden—to the Committee on War Claims.

Also, a bill (H. R. 14389) granting a pension to J. F. Cisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14390) granting an increase of pension to Edward Carr—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 14391) granting an increase of pension to James McClay—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 14392) granting an honorable discharge to Daniel Gallant—to the Committee on Naval Affairs.

Also, a bill (H. R. 14393) granting a pension to Deborah W. Annable—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14394) to remove the charge of desertion standing against W. B. Davis—to the Committee on Naval Affairs.

Also, a bill (H. R. 14395) granting an increase of pension to Frank Lovely—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 14396) granting a pension to Fannie Moynahan—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 14397) granting a pension to Elizabeth Vanzant—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 14398) granting an increase of pension to J. W. Cheney—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 14399) granting a pension to Esther H. Stilwell—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 14400) granting a pension to Georgia H. Suminsby—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 14401) granting a pension to William H. McPhetridge—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 14402) granting an increase of pension to William Van Gundy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14403) granting an increase of pension to Jacob Sarver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14404) to correct the military record of Christopher J. Sweetman—to the Committee on Military Affairs.

By Mr. RIXEY (by request): A bill (H. R. 14405) for the relief of Thomas J. Sweeney—to the Committee on Claims.

Also, a bill (H. R. 14406) granting a pension to Paul W. Thomson—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 14407) granting an increase of pension to Harman H. Hurst—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 14408) for the relief of the estate of Tucker Jackson, deceased—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 14409) granting an increase of pension to William F. McMillan—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 14410) granting an increase of pension to Moses F. Colby—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: A bill (H. R. 14411) granting an increase of pension to William Agin—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 14412) granting an increase of pension to Matilda Mixon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of John A. Merritt and 10 other shipowners, against granting American registry to foreign-built ships—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Rev. A. W. Mills and 40 others, and Rev. J. A. Hawkins and 39 others, of Casey, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Resolutions of the Fairmount Park Art Association, of Philadelphia; Edgar V. Seeler, president, and Arnold H. Moses, secretary, Philadelphia Chapter, American Institute of Architects; the City Parks Association of Philadelphia, and C. C. Zantzinger, architect, of Philadelphia, in favor of bill S. 4845, regulating the erection of buildings on the Mall—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Philadelphia Board of Trade, in favor of bill S. 2641—to the Committee on Naval Affairs.

Also, resolutions of the Philadelphia Board of Trade, in favor of bill H. R. 4505—to the Committee on Military Affairs.

By Mr. ADAMSON: Memorial of the Citizens' Alliance of Birmingham, Ala., against the passage of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

By Mr. AIKEN: Papers to accompany bill H. R. 14323, for the relief of M. C. Dickson—to the Committee on War Claims.

Also, papers to accompany bill H. R. 14322, for the relief of John W. Simpson—to the Committee on War Claims.

By Mr. ALLEN: Petition of Freeman E. Rankin and 102 others, of Wells, Me., in favor of a law for the destruction of dogfish—to the Committee on the Merchant Marine and Fisheries.

By Mr. BAKER: Paper to accompany bill granting a pension to Julia E. Neale—to the Committee on Pensions.

Also, resolution of the New York Board of Trade and Transportation, against a seryice-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Yacht Masters and Engineers' Association of Brooklyn, N. Y., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. BENTON: Papers to accompany bill granting a pension to Festus H. Sanders—to the Committee on Invalid Pensions.

Also, petition of J. M. Wells and 76 others, of Aurora, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of O. P. Morton Post, No. 14, Grand Army of the Republic, of Joplin, Mo., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill to remove charge of desertion against Elijah G. Steely—to the Committee on Military Affairs.

By Mr. BURNETT: Paper to accompany bill H. R. 7669, granting a pension to Mary Anderson—to the Committee on Pensions.

By Mr. CASTOR: Resolution of the Civic Club of Philadelphia, in favor of the Powers bill fixing width of the Mall at 890 feet—to the Committee on Public Buildings and Grounds.

Also, resolution of the Trades League of Philadelphia, relative to a new reciprocal trade treaty between the United States and Canada—to the Committee on Foreign Affairs.

By Mr. COOPER of Pennsylvania: Petition of Letta Dull and 21 others, of Broadford, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of the Chicago Historical Society, in favor of preserving the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. DALZELL: Petition of Charles R. Bright Post, No. 360, Grand Army of the Republic, Department of Pennsylvania, in favor of a service pension for ex-prisoners of war—to the Committee on Invalid Pensions.

Also, resolution of the Trades League of Philadelphia, in favor of bill H. R. 1976, known as the "post-check bill"—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Forty-third Street Presbyterian Church, the East End Woman's Christian Temperance Union, and the Hazlewood-Greenwood Baptist Church, all of Pittsburg, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Philadelphia Board of Trade, in favor of bill H. R. 4505—to the Committee on Military Affairs.

By Mr. DANIELS: Papers to accompany claim of Charles Hensley—to the Committee on Private Land Claims.

By Mr. ESCH: Petition of the La Crosse Retail Liquor Dealers' Association, in favor of a reduction of the tax on liquors to 70 cents—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Typographical Union No. 328, of Streator, Ill., in favor of an anti-injunction bill—to the Committee on the Judiciary.

Also, petition of C. F. Saltstrouse and 17 others, of Rockford, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of the New York Board of Trade and Transportation, against passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of the Rhode Island Chapter, American Institute of Architects, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of the New England Butt Company, of Providence, R. I., in favor of bill H. R. 9050—to the Committee on Ways and Means.

By Mr. HAUGEN: Petitions of patrons of rural routes of Decorah, Iowa, and rural routes Nos. 2 and 3, of Ossian, Iowa, in favor of increasing the salaries of rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Texas: Petition of the R. O. Murphree Company and 70 voters of Hamilton, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HITT: Resolution of the Freeport Woman's Club, of Freeport, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of the Salt Lake Ministerial Association, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. KELIHER: Petitions of the American Institute of Architects, Boston; the Architectural Club, A. Lankford Warren, the Boston Society of Architects, Maurice B. Biscoe, and the American Institute of Architects, Worcester Chapter, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of the M. Steinert & Sons Company, of Boston, Mass., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the Boston Associated Board of Trade, in favor of reclassification of mail matter, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Brotherhood of Boiler Makers and Iron-ship Builders of America, in favor of bills H. R. 7056 and S. 2259—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Lumber Trade Club of Massachusetts, in favor of bill S. 2327, providing for the White Mountain Forest Reserve—to the Committee on Agriculture.

Also, resolution of the Citizens' Trade Association of Cambridge, Mass., relative to increasing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Massachusetts State Pharmaceutical Association, in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of Adin B. Lacey and others, of Philadelphia, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of B. F. Willis and others, of York, Pa., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of the Trades League of Philadelphia, in favor of bill H. R. 1976, known as the "post-check bill"—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Gettysburg Circle, No. 138, Ladies of the Grand Army of the Republic, of Gettysburg, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LAMB: Papers to accompany claim of C. C. Hicks—to the Committee on War Claims.

By Mr. LITTAUER: Resolution of the Mechanicsville (N. Y.) Lodge, Brotherhood of Boiler Makers and Iron-ship Builders, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. LONGWORTH: Petitions of Christian Endeavor Society of the First English Lutheran Church of Cincinnati, Ohio, and Rev. H. H. Clark and 130 others, of Norwood, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Papers to accompany bill granting a pension to William H. McPhetridge—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolutions of the City Parks Association of Philadelphia; Edgar V. Seeler, president, and Arnold H. Moses, secretary of Philadelphia Chapter of the American Institute of Architects, of Philadelphia, and Leslie W. Miller, secretary of the Fairmount Park Association, in favor of bill S. 4845, regulating the erection of buildings on the Mall—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Philadelphia Board of Trade, in favor of bill S. 2641—to the Committee on Naval Affairs.

Also, resolutions of the Philadelphia Board of Trade, in favor of bill S. 4505—to the Committee on Military Affairs.

Also, memorial of the Philadelphia Board of Trade, in favor of bill S. 5146—to the Committee on Naval Affairs.

By Mr. NEEDHAM: Petition of B. C. Muston and 28 others, of Pacific Grove, Cal., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. NEVIN: Petition of the First Evangelical Church of Findlay, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Chickamauga Circle, Ladies of the Grand Army of the Republic, Department of Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. PIERCE: Papers to accompany bill to pension Jonathan H. Terrell—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of veterans of the civil war of Norcatur, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RHEA: Three petitions of citizens of Todd and Logan counties, Ky., relative to amending the revenue laws—to the Committee on Ways and Means.

Also, petitions of S. D. Caldwell and 70 others, of Cave City, Ky., and G. F. Clark and 56 others, and W. H. Collins and 31 others, of Glasgow, Ky., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ROBINSON of Indiana: Petition of George E. McCulloch, of Vinita, Ind. T., in favor of a separate appellate court and additional judges—to the Committee on the Judiciary.

By Mr. RYAN: Petition of the New York Produce Exchange, in favor of bills H. R. 7056 and 7871—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Illinois Manufacturers' Association, favoring legislation to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Resolution of Antietam Post, No. 64, Grand Army of the Republic, of Parsons, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Newberg, Oreg., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WM. ALDEN SMITH: Petition of the Second Baptist Church of Grand Rapids, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petition of C. U. Irwin and 48 others, of Big Springs, Tex., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPALDING: Petition of Turtle Mountain band of Chippewa Indians, of North Dakota, against ratification by Congress of a certain agreement with them, concluded October 22, 1892, to accompany bill H. R. 12684—to the Committee on Indian Affairs.

By Mr. STERLING: Resolution of the Brotherhood of Boiler Makers and Iron-ship Builders of America, Evergreen Lodge, No. 24, of Bloomington, Ill., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEVENS of Minnesota: Petition of Grand Army of the Republic veterans of Minnesota, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the St. Paul Chamber of Commerce, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Elias E. Ries, of New York, against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

Also, petition of the American Association of Allied Arts, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, petition of W. B. Wilson, president of the United States Military Telegraph Corps, relative to bill H. R. 2892—to the Committee on Military Affairs.

Also, statement showing conditions of the service of the attendants and nurses employed at the Government Hospital for the Insane, etc.—to the Committee on the District of Columbia.

By Mr. VAN VOORHIS: Petitions of Rev. W. E. Prior and others, of Fultonham, Ohio; E. F. Spence and 74 others, of Zanesville, Ohio; Rev. W. W. T. Gilman and the ministers of Marietta, Ohio; and the Woman's Christian Temperance Union and 24 others, and the Woman's Christian Temperance Union and 23 others, of New Matamoras, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, papers to accompany bill granting a pension to William Agin—to the Committee on Invalid Pensions.

By Mr. WACHTER: Petition of the Townsend-Grace Company, of Baltimore, Md., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. WARNER: Petition of the First Baptist Church of Freeport, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILLIAMS of Mississippi: Petition of Andrew John, a Seneca Indian, alleged to represent the Seneca Nation of New York Indians, against the passage of bill H. R. 11204—to the Committee on Indian Affairs.

By Mr. WOODYARD: Petitions of Stephen Davidson and 75 others, of Parkersburg, W. Va.; A. Williamson and 19 others, of Belleville, W. Va.; J. C. Walker and 26 others, of Wood County, W. Va.; A. F. Pullman and 35 others, of Ritchie County, W. Va., and Rev. C. L. Altfather and 25 others, and Rev. G. H. Williams and 42 others, of Sutton, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Merchants' Association of Huntington, W. Va., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ZENOR: Petition of Morton Chapel Church, of Jeffersonville, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

SENATE.

FRIDAY, *March 25, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Thomas Dixon *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Louisa Perkins, administratrix of Augustus N. Perkins, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Lucy J. Eaton, executrix of Lucy A. Caldwell, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation;

A bill (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903;

A bill (H. R. 56) to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes;

A bill (H. R. 3761) ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street;

A bill (H. R. 8335) to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28;

A bill (H. R. 9777) granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city;

A bill (H. R. 9791) granting a pension to Abram Claypool;

A bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River;

A joint resolution (S. R. 53) authorizing the reprinting of certain documents to be sold by the superintendent of documents;

A joint resolution (H. J. Res. 55) providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

A joint resolution (H. J. Res. 113) for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory; and

A joint resolution (H. J. Res. 133) providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

PETITIONS AND MEMORIALS.

Mr. SMOOT presented a petition of Local Lodge No. 103, Brotherhood of Boiler Makers and Iron-ship Builders, of Salt Lake City, Utah, praying for the extension of the coastwise laws of the United States to the trade between the mainland and the Philippine Islands; which was referred to the Committee on Commerce.

Mr. FAIRBANKS presented a petition of the congregation of the Morton Chapel Church, of Jeffersonville, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of W. S. King and sundry other citizens of Wells County, Ind., praying that an appropriation be made to increase the salaries of rural letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Eli Lilly & Co., of Indianapolis, Ind., praying for the passage of the so-called "Hepburn pure-food bill" and remonstrating against the passage of the so-called "McCumber pure-food bill;" which was ordered to lie on the table.

He also presented a petition of Local Union No. 72, International Brotherhood of Stationary Firemen, of Indianapolis, Ind., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. BURNHAM presented the petition of Byron W. Clough and 40 other patrons of free-delivery route No. 3, of Concord, N. H., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers and remonstrating against the enactment of legislation to prohibit free rural letter carriers from carrying express matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Dr. John W. Parsons, of Portsmouth, N. H., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of F. Melber, of Pittsburg, Pa., praying for the passage of the so-called "Brownlow good roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Atlantic Works, of East Boston, Mass.; of the Citizens' Industrial Association of Dayton, Ohio, and of the New England Manufacturing Jewelers' and Silversmiths' Association, of Providence, R. I., remonstrating against the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Portsmouth, N. H., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a memorial of the Linnaean Society of New York City, remonstrating against the repeal of the law for the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of Dr. Lemuel Pope, jr., and 73 other citizens of Portsmouth, N. H., remonstrating against the passage of the so-called "power-boat bill;" which was referred to the Committee on Commerce.

Mr. MCCUMBER presented a petition of sundry citizens of North Dakota, praying for the enactment of legislation making State historical societies designated depositories of public documents; which was referred to the Committee on Printing.

Mr. GALLINGER presented a petition of the Retail Merchants' Association of Pennsylvania, of Erie, Pa., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented the petitions of Frank A. Bourne, of Boston, and of Warren K. Blodgett, of Boston, in the State of Massachusetts; of the Washington State Chapter, American Institute of Architects, of Seattle, Wash.; of the Minneapolis Art League, of Minneapolis, Minn.; of John G. Wotung, of Baltimore, Md., and of the New York Chapter, American Institute of Architects, of New York City, praying for the enactment of legislation to regulate the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. PERKINS presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Army and Navy Parlor, No. 207, Native Sons of the Golden West, of California, praying for the enactment of legislation granting extra travel pay to volunteers who served in the Philippines during the war with Spain; which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Watsonville, Cal., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Pacific Grove, Cal., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation granting lands in severalty to landless Indians in northern California; which were referred to the Committee on Indian Affairs.

Mr. KEAN presented a memorial of the Audubon Society, of New Jersey, remonstrating against the repeal of the law for the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the congregation of the Methodist

Protestant Church of Pitman, of the congregation of the Methodist Episcopal Church of Wenonah, and of the congregation of the First Baptist Church of Matawan, all in the State of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. LONG presented a petition of sundry citizens of Atchison, Lyon, and Belpre, all in the State of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry labor organizations of Salina, Kans., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented the affidavit of Kate M. Smith, widow of Andrew Smith, late captain, One hundred and twenty-second New York Infantry, and major, United States Volunteers; which was referred to the Committee on Pensions, to accompany the bill (S. 5170) granting a pension to Kate M. Smith.

He also presented a petition of the Central Labor Union of the American Federation of Labor, of Emporia, Kans., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. HOAR presented petitions of sundry citizens of Hampshire County, Mass., of the Woman's Club of Freeport, and of the congregation of the First Baptist Church of Freeport, all in the State of Illinois, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Ancient Order of Hibernians of the United States, praying for the enactment of legislation providing for the erection of a statue to the memory of Commodore John Barry; which was referred to the Committee on the Library.

He also presented petitions of sundry architects of Boston, Mass., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. CLAPP presented a petition of sundry citizens of Cottage Grove, Minn., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Homer Circle, Department of Minnesota, Ladies of the Grand Army of the Republic, of Minnesota, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Mankato Branch, Journeymen Stone Cutters' Association, of Mankato, Minn., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Robert Koehler, president of the Minnesota State Art Society, of St. Paul, Minn., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

Mr. CULBERSON presented a petition of Typographical Union No. 333, American Federation of Labor, of Denison, Tex., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. PENROSE presented the petition of Capt. T. H. L. Payne and sundry other veterans of Philadelphia, Pa., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide for the construction of a light-house tender for use in the fourth light-house district; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Bryn Mawr, Wynnewood, and Rosemont, Pa., praying that lands in severalty be granted the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for a reconvening of the Joint High Commission of 1898 for the purpose of negotiating a new reciprocal treaty between the United States and Canada; which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the Church of Christ of Troy, Pa., and a petition of the congregation of the Forty-third Street Presbyterian Church, of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Pittsburg and Allegheny, in the State of Pennsylvania, praying for the enactment of legislation to create a Colonization Bureau and to provide for advances to actual settlers on the public domain; which was referred to the Committee on Public Lands.

Mr. CARMACK presented petitions of sundry citizens of McLemoresville, Tenn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Delavan Post, No. 155, Department of Illinois, Grand Army of the Republic, of Delavan, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the Western Avenue Methodist Episcopal Church, of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HEYBURN presented a petition of the Helpers' Division, Brotherhood of Boiler Makers and Iron-ship Builders, of Pocatello, Idaho, praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. MALLORY presented a petition of sundry owners and masters of vessels of Pensacola, Fla., praying for the denial of American registry to foreign-built vessels; which was referred to the Committee on Commerce.

Mr. FRYE presented a petition of the Maine Indian Association, praying that lands in severalty be granted to the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 5177) to establish four permanent military camp grounds in the States of Texas, Wisconsin, Pennsylvania, and California, and for the enlargement of the Chattanooga and Chickamauga National Park, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and the bills were postponed indefinitely:

A bill (S. 499) to establish a permanent military camp ground in the vicinity of Oakland, in Garrett County, Md.;

A bill (S. 676) to establish a permanent military camp ground upon the Nacimiento ranch, situated in Monterey and San Luis Obispo counties, Cal.;

A bill (S. 3682) to establish four permanent military camp grounds: In the vicinity of Fort Sam Houston, Tex.; Camp Douglas, Wis.; in the Conewago Valley, Pennsylvania, and at or near Nacimiento ranch, California;

A bill (S. 3681) to establish a permanent military camp ground in the Conewago Valley, in the counties of Dauphin, Lebanon, and Lancaster, Pa.;

A bill (S. 908) to establish a permanent military camp ground in the vicinity of Fort Sam Houston, Tex.;

A bill (S. 2949) to establish a permanent military camp ground in the vicinity of Tacoma, in Pierce County, Wash.; and

A bill (S. 1427) to establish a permanent military camp ground in the vicinity of Camp Douglas, in Juneau County, Wis.

Mr. QUARLES, from the same committee, to whom was referred the amendment submitted by Mr. CARMACK on the 29th ultimo, intended to be proposed to the bill (S. 3682) to establish four permanent military camp grounds: In the vicinity of Fort Sam Houston, Tex.; Camp Douglas, Wis.; in the Conewago Valley, Pennsylvania, and at or near Nacimiento ranch, California, reported adversely thereon; and the amendment was postponed indefinitely.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 2330) to correct the military record of Jacob McDowell, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 3754) for the relief of Henry T. Clarke, reported it with amendments, and submitted a report thereon.

BERTHA A. HOLZER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FORAKER on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Bertha A. Holzer, widow of W. J. Holzer, late a folder in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

LEONARD E. WALES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. BALL on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Leonard E. Wales, in trust for Edward R. Elkinton, William R. Elkinton, John Y. Elkinton, and Mary W. Elkinton, minor children of David W. Elkinton, late conductor of elevator in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 5237) for the relief of Philip McDonald; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5238) for the relief of George F. Ormsby; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNHAM introduced a bill (S. 5239) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892;" which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5240) granting an increase of pension to Hugh R. Barnard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 5241) to regulate the salaries of assistant postmasters in post-offices of the first class; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE introduced a bill (S. 5242) to set apart certain lands in the State of South Dakota as a public park, to be known as the Battle Mountain Sanitarium Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KITTREDGE introduced a bill (S. 5243) granting an increase of pension to Benjamin F. Ross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 5244) granting an increase of pension to John K. Whited; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McLAURIN introduced a bill (S. 5245) to indemnify G. W. Hardy and Joseph Lard, of Scott County, Miss., for homestead land, by granting other lands in lieu thereof; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5246) for the relief of Henry Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 5247) for the relief of Arthur Taylor;

A bill (S. 5248) for the relief of the estate of Camile Berard, deceased;

A bill (S. 5249) for the relief of Augustin Lastrappes; and

A bill (S. 5250) for the relief of the estate of Jacob H. Morrison, deceased.

Mr. KEAN introduced a bill (S. 5251) for the purchase of a site and the erection of a public building thereon in the city of Plainfield, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5252) granting an increase of pension to Peter C. Applegate; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5253) granting an increase of pension to Joseph Mort; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 5254) to provide for an additional recording district in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CLAPP introduced a bill (S. 5255) to provide allotments to Indians on White Earth Reservation, in Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PENROSE introduced a bill (S. 5256) to correct the military record of Isaac Sutton; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5257) to correct the military record of Patrick F. McDermott; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 5258) for the relief of the city of Annapolis, Md., and certain citizens thereof; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5259) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 5260) for the relief of Mattie H. Jarnagin; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5261) granting a pension to Georgia H. Suminsby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 5262) granting an increase of pension to Albert Wines; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5263) granting a pension to Anna M. Espolucci; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5264) establishing an additional recording district in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Commitee on Indian Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PROCTOR submitted an amendment proposing to appropriate an additional sum of $50,000 for furnishing and equipping the United States revenue cutters with Ingersoll self righting and bailing lifeboats to be propelled by oars and sails or by motor power, as the Department may decide, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. McCREARY submitted an amendment proposing to appropriate $10,000 for the construction of an elevator connected with each story of the United States public building at Richmond, Ky., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

TESTIMONY IN IMPEACHMENT CASES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Rules be directed to consider and report whether any amendment be desirable in the Senate rules relating to impeachments, and especially whether the rules may properly and lawfully provide for taking testimony in such cases by a committee in accordance with the practice of the English House of Lords in such cases, questions of the admission of material testimony and the final argument being reserved for the full Senate.

REPORT ON PAN-AMERICAN RAILWAY.

Mr. ELKINS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed, with the accompanying map, 7,000 additional copies of the report of the commissioner appointed under the sundry civil appropriation act of March 3, 1903, to carry out the recommendations of the Second International Conference of American States with regard to the Pan-American Railroad, 2,000 for the use of the Senate, 2,000 for the House of Representatives, 2,000 for the Bureau of American Republics for distribution at the Louisiana Purchase Exposition, and 1,000 for the permanent Pan-American Railway committee.

SAMUEL A. STEELE—WITHDRAWAL OF PAPERS.

On motion of Mr. SCOTT, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Samuel A. Steele, Senate bill 2342, there having been no adverse report on the same.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 22d instant approved and signed the following acts:

An act (S. 3658) ratifying an act of the legislative assembly of the Territory of Oklahoma legalizing the waterworks-bond election held by the city of Geary, in said Territory;

An act (S. 1667) granting a pension to Stalnaker Marteney;

An act (S. 1760) granting a pension to Ann A. Devore;

An act (S. 1959) granting a pension to Mary Remington;

An act (S. 2894) granting a pension to Clara G. Garretson;

An act (S. 2971) granting a pension to Amelia Walsh;

An act (S. 3417) granting a pension to Garrett V. Chamberlin;

An act (S. 3519) granting a pension to Ruby A. Stirdivant;

An act (S. 3654) granting a pension to Hannah Hall;

An act (S. 3860) granting a pension to James Henry Martineau;
An act (S. 106) granting an increase of pension to Carrie Wages;
An act (S. 140) granting an increase of pension to Daniel B. Bailey;
An act (S. 200) granting an increase of pension to Austin Almy;
An act (S. 236) granting an increase of pension to Andrew Jackson Power;
An act (S. 305) granting an increase of pension to John R. Evans;
An act (S. 336) granting an increase of pension to William Lechleidner;
An act (S. 358) granting an increase of pension to Phebe A. Ford;
An act (S. 360) granting an increase of pension to Mary Lucetta Arnold;
An act (S. 447) granting an increase of pension to David H. George;
An act (S. 450) granting an increase of pension to George H. Sutherland;
An act (S. 454) granting an increase of pension to Rinaldo M. Griswold;
An act (S. 569) granting an increase of pension to Jesse B. Nurse;
An act (S. 783) granting an increase of pension to William McGee;
An act (S. 827) granting an increase of pension to Elias S. Gibson;
An act (S. 1388) granting an increase of pension to Orson H. Sawtelle;
An act (S. 1394) granting an increase of pension to Lewis M. Webster;
An act (S. 1423) granting an increase of pension to Samuel F. Murry;
An act (S. 1436) granting an increase of pension to Thomas P. Wentworth;
An act (S. 1661) granting an increase of pension to Mary E. Riley;
An act (S. 1764) granting an increase of pension to John Shehan;
An act (S. 1899) granting an increase of pension to Thompson Warren;
An act (S. 2029) granting an increase of pension to Peter P. Dobozy;
An act (S. 2058) granting an increase of pension to Jacob A. Roof;
An act (S. 2320) granting an increase of pension to Samuel H. Legrow;
An act (S. 2348) granting an increase of pension to Hamilton S. Gillespie;
An act (S. 2655) granting an increase of pension to Isaac Zellers;
An act (S. 2661) granting an increase of pension to John H. Klingler;
An act (S. 2690) granting an increase of pension to James Garry;
An act (S. 2857) granting an increase of pension to Onne H. Ropka;
An act (S. 2863) granting an increase of pension to David C. Coleman;
An act (S. 2871) granting an increase of pension to Justin M. Cooper;
An act (S. 2872) granting an increase of pension to Albert Schermerhorn;
An act (S. 2937) granting an increase of pension to Julius Bodenstab;
An act (S. 2938) granting a pension to James L. Ackley;
An act (S. 2946) granting an increase of pension to Joshua Day;
An act (S. 2952) granting an increase of pension to William J. P. Buck;
An act (S. 2959) granting an increase of pension to Ada Johnson;
An act (S. 2960) granting an increase of pension to Jacob Horning;
An act (S. 3201) granting an increase of pension to James I. Shafer;
An act (S. 3377) granting an increase of pension to John M. Tyree;
An act (S. 3394) granting an increase of pension to Joseph B. Crawford;
An act (S. 3457) granting an increase of pension to Marcellus M. Parker;
An act (S. 3491) granting an increase of pension to Andrew J. Howe;
An act (S. 3499) granting an increase of pension to Samuel E. Lookingbill;
An act (S. 3500) granting an increase of pension to Orrin L. Mann;
An act (S. 3523) granting an increase of pension to Joseph W. Butz;
An act (S. 3535) granting an increase of pension to John Walton;
An act (S. 3544) granting an increase of pension to George W. Phillips;
An act (S. 3573) granting an increase of pension to Calvin E. Myers;
An act (S. 3651) granting an increase of pension to Mildred S. Ogden;
An act (S. 3690) granting an increase of pension to George W. Gregory;
An act (S. 3727) granting an increase of pension to Eli Headley;
An act (S. 3771) granting an increase of pension to Virginia C. Spencer;
An act (S. 3827) granting an increase of pension to Norman B. Davenport; and
An act (S. 3833) granting an increase of pension to George T. Edwards.

CAPT. SETH MITCHELL ACKLEY.

Mr. LODGE. I ask unanimous consent to call up the bill (S. 2650) to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The Committee on Naval Affairs reports to strike out all after the enacting clause of the bill and to insert:

That the President be, and he is hereby, authorized to restore Seth Mitchell Ackley, now a captain on the retired list, to the active list of the Navy: *Provided*, That the said Ackley shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of five members, of whom three shall be line officers his senior in rank, and the remaining two medical members, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service, the place to which he shall be restored to be determined by the Secretary of the Navy after recommendation with regard thereto by said board: *And provided further*, That the said Ackley shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. COCKRELL. From what committee does it come?

The PRESIDENT pro tempore. The Committee on Naval Affairs.

Mr. COCKRELL. Is there any report with it?

The PRESIDENT pro tempore. There is a report.

Mr. COCKRELL. I should like to hear the report read. It is rather an uncommon bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report submitted by Mr. GALLINGER February 2, 1904, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 2650) to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy, having considered the same, report thereon with a recommendation that it pass with an amendment as follows:

Strike out all after the enacting clause and insert the following:

"That the President be, and he is hereby, authorized to restore Seth Mitchell Ackley, now a captain on the retired list, to the active list of the Navy: *Provided*, That the said Ackley shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of five members, of whom three shall be line officers his senior in rank, and the remaining two medical members, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service, the place to which he shall be restored to be determined by the Secretary of the Navy after recommendation with regard thereto by said board: *And provided further*, That the said Ackley shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted."

The above amendment is in conformity with the views of the Navy Department, as will be shown by the following letter:

NAVY DEPARTMENT,
Washington, December 24, 1903.

SIR: The Department has received the committee's letter of the 17th instant, inclosing a copy of the bill (S. 2650) to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy, and in response to the request for an expression of its views with respect to the measure has the honor to submit the following:

A vacancy for the promotion of Commander Ackley to the grade of captain occurred September 2, 1901. He failed to qualify physically for such promotion, however, and on October 25, 1901, after examination by a retiring board, he was placed upon the retired list for disability incident to the service, pursuant to section 1453 of the Revised Statutes, and in view of his creditable record and of his civil-war service, with the rank of the next higher grade, that of captain, in accordance with the provisions of section 11 of the "personnel act," approved March 3, 1899. The pending bill provides for his restoration to the active list to take place next after Capt. Charles T. Hutchins, who immediately preceded him on said list at the date of his retirement, and who now stands No. 35 in his grade.

The Department believes that when an officer who has been retired for disability incurred in the line of duty recovers his health he should, if in other respects desirable, be restored to the active list, in order that the Government may receive the benefit of his services. The difficulty is to determine the position to which he should be restored, as to put him in the place which he would have occupied had he remained in active service would appear to be an injustice to officers who have performed their duty and acquired experience in their profession during the period of his absence, while, on the other hand, to give him the actual place which he held when he left the service would make him in some cases much junior to officers whom he ranked when he was retired. This difficulty may in large measure be met, however, by making the officer an additional number in any grade to which he may be restored or at any time thereafter promoted.

In the opinion of the Department the matter of transfer from the retired to the active list should be passed upon by a board composed like a retiring board of three officers of the corps to which the applicant belongs senior to him in rank and two medical officers. It should be the duty of this board to determine the mental, moral, professional, and physical qualifications of the

applicant (the medical members participating in the mental and physical examination only), and, further, to make recommendation as to the place to which the officer, if found qualified, should be restored, taking into consideration in reaching a conclusion on this point the circumstances of each particular case, including the reasons for retirement and the length of time the officer has been on the retired list, the place to which he shall be assigned, however, to be definitely determined by the Secretary of the Navy in his discretion after consideration of the recommendation of the board. The result which it is desired to attain is the restoration of the officer concerned to a place between that which he occupied when he was retired and that which he would have reached had he remained in active service, higher or lower on the list, according to the equitable circumstances of each case.

I submit herewith the draft of a bill prepared in accordance with the foregoing views, applicable to the case of Captain Ackley, and suggest that, if it meet the committee's approval, it be substituted for the pending measure. It has not been deemed necessary to embody in this bill the details above mentioned with regard to the procedure of the examining board, such matters being sufficiently covered by the general provision for an examination in accordance with regulations to be prescribed by the Secretary of the Navy. The proviso in the pending measure (S. 2650) that the beneficiary "shall not receive any extra pay for the time he was on the retired list and not on active duty" is omitted in the draft herewith because regarded as unnecessary; but there can be no objection to adding it if the committee so desires.

Very respectfully,

W. H. MOODY, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

Mr. COCKRELL. I should like to ask the Senator who reported the bill if the substitute recommended by the Secretary of the Navy is the one reported?

Mr. GALLINGER. It is, precisely.

Mr. COCKRELL. It takes a man who was placed upon the retired list for disability incurred in service in the line of duty from that list and puts him back on the active list, provided he can stand the necessary physical examination?

Mr. GALLINGER. That is exactly what it does.

Mr. COCKRELL. And it is based on the ground that he has recovered from those injuries and is now fit for active service?

Mr. GALLINGER. That is the situation, I will say to the Senator.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that the formal reading of the bill be dispensed with, and that the committee amendments be acted upon as they are reached in the reading.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with; that it be read for amendment, and that the amendments of the committee shall first receive consideration. The Chair hears no objection, and that order is made.

Mr. HANSBROUGH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. ALLISON. I will yield to the Senator.

Mr. HANSBROUGH. I thank the Senator from Iowa.

Mr. President, I addressed the Chair this morning when the Chair asked if there was further morning business, but I was not recognized, and the Senator from Massachusetts was recognized for the passage of a bill. I did not complain. I believe the Chair did not announce that the morning business had closed. It was my desire to call up the bill introduced by the Senator from Montana [Mr. GIBSON], with a view of submitting a few remarks thereon. Of course the Senate understands that I can speak on the District of Columbia appropriation bill, but I do not desire to do that. I simply submit that I should have been recognized at the time I addressed the Chair, so that I might have called up the bill.

The PRESIDENT pro tempore. The Chair recognizes the first Senator he sees rise in his place, which it is his duty to do.

Mr. ALLISON. I yield to the Senator from North Dakota.

Mr. HANSBROUGH. Of course, the Senator from Iowa is very courteous. I do not like to talk upon a public-land question when the District of Columbia appropriation bill is up. I wanted to get the bill before the Senate in regular order, and now that the appropriation bill is up I desire to give notice that to-morrow morning when the Chair announces that the morning business has closed, or if he asks whether there is further morning business, I shall request that the bill introduced by the Senator from Montana be laid before the Senate.

Mr. LODGE. It is in order now.

Mr. HANSBROUGH. It is not in order now, because the morning business is closed, as I understand it.

Mr. COCKRELL (to Mr. HANSBROUGH). Ask unanimous consent.

Mr. HANSBROUGH. I am willing that the Senator from Iowa shall go on with the appropriation bill, and I will offer the observations I have to submit to-morrow morning.

Mr. ALLISON. I shall be glad to yield to the Senator now, or to-morrow morning if the appropriation bill is not concluded to-day. I mean to say that as far as I am concerned, I will not press the appropriation bill so as to exclude the Senator.

Mr. HANSBROUGH. To-morrow morning I will take the floor in my own right.

Mr. COCKRELL (to Mr. HANSBROUGH). Take it now in your own right.

Mr. HANSBROUGH. I will not take it now because the morning business is closed.

Mr. COCKRELL. No one will object if you ask unanimous consent.

Mr. HANSBROUGH. It has been suggested to me that I ask unanimous consent that the bill introduced by the Senator from Montana [Mr. GIBSON] be laid before the Senate.

Mr. STEWART. The appropriation bill to be temporarily laid aside?

Mr. HANSBROUGH. Yes.

Mr. BEVERIDGE. For the purpose of addressing the Senate?

Mr. HANSBROUGH. For the purpose of addressing the Senate.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act be laid before the Senate, and that the District of Columbia appropriation bill be temporarily laid aside for that purpose. Is there objection?

Mr. TELLER. I suppose Senate bill 5168 is to be laid before the Senate so that the Senator from North Dakota may make some remarks.

Mr. HANSBROUGH. Yes; that is the purpose.

The PRESIDENT pro tempore. The Chair so understands.

REPEAL OF DESERT-LAND ACT, ETC.

The PRESIDENT pro tempore. The bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act is before the Senate.

Mr. HANSBROUGH. Mr. President, representing, as I do in part, a public-land State—one of the largest public-land States in the Union—I do not feel that I should allow the statement, or some of the statements at least, made yesterday by the Senator from Montana [Mr. GIBSON] to pass unchallenged.

There is no disagreement between the Senator from Montana and those who believe with him and myself as to the necessity for the repeal of the timber and stone act. There has been no disagreement between us on that point, except that the Senator proposed to repeal the timber and stone act without substituting anything for it or without putting in its stead some provision under which the timber on Government land might be disposed of.

Finally, the Committee on Public Lands reached an agreement as to this particular phase of the question, and reported a bill to the Senate providing for the repeal of the timber-and-stone act and inserting a provision under which the Secretary of the Interior has the authority to sell the right to cut and dispose of the timber on Government lands. That bill passed the Senate by unanimous consent one morning recently, without any debate whatever. So, as respects the question of the timber-and-stone act, I am in accord with the Senator from Montana. I think the act should be repealed.

Nor is there any dispute between the Senator and myself in regard to the desirability of doing away with what are known as the forest-reserve selection rights, sometimes called forest-reserve script. We are in accord on that question. For my part, I think it was a great mistake to have put on the statute books a provision under which an entryman within a forest reserve could take a selection outside of a forest reserve after he had denuded the land he had originally occupied within the reserve of its timber, thus allowing him to go outside of the reserve and take a piece of land that was heavily timbered.

Thus far, Mr. President, the Senator from Montana and myself are in agreement, or in practical agreement. But, Mr. President, on the question of the repeal of the desert-land act and the commutation clause of the homestead law the Senator and myself are apparently wide apart. I can not speak particularly in regard

to the desert-land act, because that law is but little used in the State I have the honor in part to represent here. The land law which is most in use in North Dakota is the commutation clause of the homestead law.

But, Mr. President, before referring especially to the commutation law, I wish to say that in my judgment, whatever may have been the history of the entries made under the desert-land act in the earlier years, at the present time in Wyoming, parts of Colorado, the southern part of Idaho, and in other arid sections the desert-land act is the only law under which irrigation by private enterprise can be successfully pursued.

The Senate will understand at once that it would be almost impossible for a homesteader, who is required under the homestead law to reside five years upon his land, to take 160 acres under that law and be required to put water upon it, because he must be allowed to live on his land for the purpose of earning money with which to pay the expense of conducting the water to the land. But under the homestead law he can not go away from the land. He must be a constant resident there for five years. So that I say in my judgment the desert-land act is absolutely necessary for irrigation through private enterprise.

Mr. STEWART. If the Senator will allow me, I wish to ask him a question.

Mr. HANSBROUGH. I yield.

Mr. STEWART. Is it possible for him to go on under the homestead law and stay there with no water on the land?

Mr. HANSBROUGH. No; it is not.

Mr. STEWART. It is impossible; he could not live there.

Mr. HANSBROUGH. Certainly not; there would be nothing there for him to live upon.

Mr. STEWART. He would probably have no water to drink.

Mr. HANSBROUGH. So much for the desert-land act.

Mr. BACON. I hope the Senator will explain to those of us who do not understand the situation his response to the inquiry of the Senator from Nevada as to why that is true.

Mr. HANSBROUGH. The Senator from Nevada asked me if it was possible for a man to reside upon 160 acres of land constantly in the arid region without irrigation. I answered the Senator that it was not, of course.

Mr. BACON. I did not understand the inquiry, or I would have known the reason of the reply.

Mr. HANSBROUGH. Now, Mr. President, the Senator from Montana, for whom I have very great admiration on account of his very sturdy qualities and his great persistency, desires to repeal all the land laws except the original homestead law. There was a time when the original homestead law afforded ample opportunity for the then very small number of settlers who desired to go upon the public domain—to go there and make homes under that statute. Forty or fifty years ago a settler would take 160 acres of land, and about all he wanted was a comfortable log house, a good coon dog, and a squirrel rifle, and he was willing to stay there five or any number of years before securing title. But, Mr. President, times have changed; conditions are different. The man who goes upon the public domain to-day wants a white frame house and a big red barn, four horses and a gang plow. That is the difference.

If the settler is required to reside upon the land five years without having the opportunity of borrowing a cent of money, because he has no title to his land and therefore he can give no security, and should meet with misfortunes, as most of the settlers do, such as fire, sickness, loss of crops, etc., what would become of the five-year settler? Why, Mr. President, he would be obliged to abandon his land. That has been the history of public land settlements in the West.

So Congress in its wisdom many years ago enacted what is known as the commutation clause, which permits a settler at the end of fourteen months' residence upon his land to make final proof, pay the Government $200 for the 160 acres, secure title, and thus he is at liberty to do as he pleases with his property.

Mr. GIBSON. Will the Senator from North Dakota allow me to interrupt him?

Mr. HANSBROUGH. Certainly.

Mr. GIBSON. I should like to ask the Senator if he is aware of the fact that for ten years after North Dakota became an independent State the commutations there amounted to only 7½ per cent every year? For ten years from 1889 up to 1900 the commutations of homesteads in North Dakota were only 7½ per cent.

Mr. HANSBROUGH. Seven and one-half per cent of the total homestead entries?

Mr. GIBSON. Of the total homestead entries during that time.

Mr. HANSBROUGH. Very well.

Mr. GIBSON. Now, if the Senator will allow me a little further——

Mr HANSBROUGH. Certainly.

Mr. GIBSON. From 1900 up to the end of the fiscal year 1903 the commutations increased very rapidly. Last year they amounted to 60 per cent of the homestead final proofs. Sixty per cent were commuted. I wish to submit that those entries were made in the western portion of North Dakota upon lands similar in character to the lands of eastern Montana; that it is my belief that those lands have been entered largely in the interest of stock growers, and that this extraordinary increase of commutation has been in the interest of men who are taking up and getting control of large bodies of land. I can account for it on no other ground, and I should like to have the Senator explain it.

Mr. HANSBROUGH. I shall be very glad to do so.

Mr. President, I have not looked up the percentages to which the Senator from Montana refers. I went to what is now North Dakota in 1881. I have lived there ever since, and I think I know something about that State. I think I know something about the methods of settlement upon the public lands of that State. Whatever the Senator has evolved from the record in regard to percentages I do not think will outweigh the fact that the section of country to which he refers in the western part of North Dakota as being very similar to that in Montana is to-day covered by a very large population who have gone in there in the last four or five years to remain permanently.

I will say to the Senator that there is but very little stock raising in North Dakota as compared with Montana. In the extreme western edge of North Dakota there are a few stock ranges, but the settlement of public lands to which the Senator refers, lands on which the commutation privilege has been exercised, is not in the very extreme western portion of North Dakota, and those lands are unlike the lands in the Senator's State.

Mr. President, last spring, less than one year ago, I was in the section of country to which I allude, in what is known as the "Minot land district." I traveled over the railroads in that section for two or three days, and I saw for myself the exact situation. I found the country thickly populated, with a settler upon almost every quarter section of land.

I found, furthermore, Mr. President—and this is the essential point of this argument—that a quarter section of land in that region is worth from $1,500 to $2,000 the moment a man makes entry upon it; and if he does not comply with the law and make strict compliance therewith there will be some one there to contest his right; in other words, the land will be claimed, will be "jumped," to use a local expression. The Senator understands that.

The lands in Montana, which the Senator here claims have been pilfered from the Government, are not the class of lands to which I refer.

Mr. McCUMBER. Mr. President, will the Senator from North Dakota yield to me to state just one proposition, which, I think, will also answer the inquiry of the Senator from Montana [Mr. GIBSON]?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to his colleague?

Mr. HANSBROUGH. I yield to my colleague.

Mr. McCUMBER. I wish to state, in addition to what my colleague has just said, that from 1880 until the repeal of the timber-culture act and the preemption act there were three entries allowed to every man. So the system in our State was for a man to first take a preemption. He could commute that in six months, he could borrow enough money upon that and transfer it, and then take his homestead. The money that he got out of his preemption was sufficient to enable him to erect his buildings upon his homestead, and to open it. As soon as we repealed that law that took away the opportunity of borrowing money upon preempted land, and compelled the preemptor, if he wanted to improve his homestead, to borrow upon the homestead.

I think that accounts to a great extent for the fact that, since the repeal of the preemption law, there have been double or treble the amount of commuted homestead entries, and upon the same line that has been argued by my colleague.

Mr. HANSBROUGH. Undoubtedly; because it was not necessary to use the commutation law while the preemption law was in force.

But, Mr. President, to revert again to the question of entries, my friend from Montana throughout his speech has not been very particular to exhaust the subject, unless he could make his point so as to convince those who listened to him that the repeal of these laws was absolutely necessary. The Senator's speech was very much like a lot of material which I have been reading in a publication coming to me, purporting to be the organ of what is known as the National Irrigation Association; but I will refer to that a litte later.

Mr. President, I say that the conditions have changed to such an extent as to make it absolutely necessary that we should have something upon the statute book similar to the commutation law, because a man does not at this time desire to live upon a piece of land for five years when his neighbor, who has preceded him and been able to make proof on that land and secure a patent, has had the opportunity of borrowing money to construct houses, to buy teams and farming implements, to clothe his children, to pay his

bills, and to live as an American citizen ought to live—the difference, it seems to me, must be very apparent to all those who have studied the question.

Again, the average settler who goes upon a homestead is a poor man. It is a very rare thing that a man who goes upon the public domain has any money; otherwise he probably would not go there. It is a kind of last resort for him. When he goes there, if he is without means, what sort of a situation is it for him if he is required to live five years there without having the opportunity of borrowing money? Suppose the first year he has sickness in his family, which is very likely to happen, or the second year there is a loss of crop, or some of his stock is lost, is either burned by prairie fires or dies from disease—there is a whole train of misfortunes, Mr. President, that may overtake the homesteader, and generally they do overtake him.

It was for that reason, Mr. President, that Congress enacted the commutation law. In my judgment, it was not only a very wise enactment, but it was an act of mercy to the western settlers. It is that law which my friend from Montana would wipe from the statute book at the present time. What object has a man in paying $200 for 160 acres of land if he can get land for nothing? Why would he go in debt? Why would he borrow money? His purpose is, Mr. President, not only to borrow the $200 to pay the Government, but to borrow four or five or six hundred dollars additional with which to improve his farm and start in business. That is his purpose. He does not commute his land in order to defraud the Government; he commutes it because he wants to build up his home, and he pays a premium of $200 to the Government for that privilege, and the receipts in the General Land Office here from the sales of land will show to what extent the commutation law has been availed of.

Mr. FULTON. Will the Senator allow me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. FULTON. I ask the Senator if he recalls what is the percentage throughout all the public-land States where the commutation clause has been taken advantage of? Before I conclude my question I will say that, as I myself recall, the Commissioner of the General Land Office states that it is about 15 per cent—not to exceed 15 per cent. I am not quite certain about it, however.

Mr. HANSBROUGH. Mr. President, I think it will fall very far below that figure. I have been myself making some calculations on that branch of the question, and I think it is much less than 15 per cent, taking all the public-land States and Territories into consideration.

Mr. President, one would suppose in listening to the Senator from Montana when he gave us, as he did yesterday, those large volumes of figures, in blocks of hundreds of millions, that all the public domain had been taken under the commutation clause of the homestead law, the desert-land act, and the timber and stone act. It seems to me that the Senate ought to be advised as to what amount of lands have been filed upon or have been proved up under these several laws. I have before me here a table, compiled in the General Land Office at my special request some time ago, and from that table I find that in the last twenty-two years over 200,000,000 acres of the public domain have passed to private ownership; that is, up to June 30, 1903. I have the figures here before me, and will later ask to insert them in my remarks.

Of that 200,000,000 acres only 30,000,000 acres have passed to private ownership under the three laws which the Senator from Montana would repeal. It seems to me that this is a very important matter to be considered.

Mr. TELLER. How much did the Senator say?

Mr. HANSBROUGH. About 30,000,000 acres have passed to private ownership under the commutation law, the desert-land act, and the timber and stone act in twenty-two years up to the 30th of last June.

Mr. FOSTER of Washington. What did the Senator say was the total amount that passed into private ownership?

Mr. HANSBROUGH. About 200,000,000 acres of land have passed into private ownership under all the land laws. Now, let us see. The total amount under the timber and stone act in twenty-two years was about 8,000,000 acres; under the desert-land act in twenty-two years about three and three-fourths million acres; in twenty-two years, under the commutation clause of the homestead law, about 19,000,000 acres; under the final or the five-year homestead law, where the settler resides on his land for five years and secures title without paying anything to the Government, about 77,000,000 acres in twenty-two years. These are the principal land laws that are under consideration here and that are involved in this controversy.

Mr. President, during the same period patents have been issued to the several States under laws providing for State selections and providing for educational and public purposes about 13,000,000 acres in twenty-two years, and in the same period 67,000,000 acres have been patented to land-grant railroads; wagon-road grants patented, about one and one-half million acres, and under the swamp-land improvement act, about 14,000,000 acres.

So, Mr. President, we have almost as much public land passing into private hands and passing to the States under the swamp-land act as we have under the commutation law, but we hear nothing about frauds under the swamp-land act. I will ask to have the table to which I have referred inserted in my remarks.

The PRESIDENT pro tempore. The Chair hears no objection. The table referred to is as follows:

Statement showing the acreage of public lands of the various classes specified below disposed of between July 1, 1881, and June 30, 1903, inclusive, in the several States and Territories.

State or Territory	Timber and stone lands.	Final desert entries.	Commuted homesteads under sec. 2301, Revised Statutes.	Final homesteads.	State selections approved for educational and public purposes.	Railroad grants patented.	Wagon-road grants patented.	Swamp lands approved.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama			211,963.00	3,424,593.55	136,958.29	107,140.63		17,722.96
Alaska				1,960.45				
Arizona	200.00	221,906.29	72,187.39	286,469.31	36,890.14	1,533,429.67		
Arkansas	29,998.92		123,695.29	4,015,708.18		204,717.66		62,086.43
California	1,951,412.04	262,417.66	829,732.69	3,861,639.60	532,8[illegible].94	4,574,464.48		410,618.00
Colorado	134,796.36	84,385.54	831,296.21	2,690,844.46	983,587.33	2,539,113.82		
Dakota Territory			3,279,172.08	4,447,599.70				
Florida	247.51		196,507.89	1,873,128.95	121,562.09	436,383.71		8,533,573.55
Idaho	329,512.37	446,048.83	206,462.27	1,675,628.41	585,743.20	656,269.70		
Illinois			160.00	831.01				3,758.62
Indiana				509.35				1,122.62
Iowa	39.46		6,449.24	69,621.35		80,184.32		15,407.23
Kansas			2,246,315.82	7,232,154.72	-31,455.89	3,503,002.72		
Louisiana	34,635.57		164,828.28	1,769,611.15	127,408.32	1,083,989.47		693,932.95
Michigan	50,440.40		211,145.12	911,903.72		30,699.55		10,427.65
Minnesota	557,358.73		722,732.13	4,962,212.99	272,073.02	2,455,309.50		2,070,517.39
Mississippi			127,691.62	1,922,739.14	100,791.23	136,643.78		270,207.73
Missouri			28,408.11	2,190,434.37	12,348.00	4,228.64		44,344.35
Montana	171,976.83	1,284,431.26	383,120.77	1,573,776.74	961,621.16	6,611,082.73		
Nebraska			2,232,663.46	7,009,201.02	96,868.65	3,538,046.49		
Nevada	1,881.11	22,525.28	1,823.02	33,938.24	2,020,797.43	1,708,077.57		
New Mexico		175,251.55	109,831.01	936,136.18	831,164.31	409,819.69		
North Dakota	2,595.86	1,878.74	1,668,598.74	3,674,955.43	751,202.77	9,054,015.28		
Ohio			139.41	274.89				611.24
Oklahoma			1,074,465.73	6,070,949.00	292,371.03			
Oregon	1,447,472.27	90,256.25	529,695.00	2,940,670.73	456,928.35	2,964,710.89	1,179,139.96	340,536.55
South Dakota	8,313.16	400.00	396,450.63	3,553,931.91	810,449.73			
Utah	240.00	258,394.47	42,528.79	904,869.16	1,062,913.21	2,036,217.38		
Washington	1,295,041.55	33,642.21	777,618.99	3,737,278.51	767,243.73	7,970,101.93		
Wisconsin	51,483.27		204,180.60	1,496,143.60		964,777.61		213,098.62
Wyoming	101,637.76	811,669.68	142,455.28	745,983.94	1,015,646.70	5,436,478.32		
	6,169,044.17	3,693,307.76	16,882,488.57	73,910,849.76	12,008,833.52	58,040,909.34	1,179,139.96	12,657,359.79
July 1, 1902, to June 30, 1903	1,766,000.00	265,000.00	2,195,000.00	3,577,000.00	644,000.00	5,760,000.00	57,000.00	2,910,000.00
Total	7,935,044.17	3,958,307.76	19,077,488.57	77,487,849.76	12,652,833.52	63,800,909.34	1,236,139.96	15,567,359.79

Mr. HANSBROUGH. Mr. President, I do not want to delay the Senate on this question. There are other Senators who intend to make remarks on the bill, and I suppose the Senate will be prepared to discuss it. I want, however, before concluding, to call attention to the fact that for the past two or three years there has been an organization, with headquarters in the city of Washington, the purpose of that organization being to secure the repeal of these laws. I have been at some pains to inform myself in regard to the motives of the individuals who are connected with that organization. While it is very difficult, of course, to get accurate knowledge on the subject, I am satisfied that the purpose of their propaganda, their campaign for repeal, is to enhance the value of lands in private holdings and to advance the value of land scrip that is now held by a few people. I have not any doubt but that is their purpose.

Mr. President, I do not charge any member of this body with being interested in any manner whatever in that movement. On the contrary——

Mr. GIBSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. HANSBROUGH. I will yield in a moment. On the contrary, I do not believe that any Senator or any Member of the other House has any interest whatever in repealing these laws in that behalf for the purpose of putting up the value of the lands in private holdings and enhancing the value of land scrip; but it is carried on by people who are outside of the two Houses of Congress. I will say further that they have no connection whatever with any Senator or Member of the other House.

Now I will yield to the Senator.

Mr. GIBSON. Mr. President, I wish to ask the Senator if he is not aware that this effort to repeal the commutation clause of the homestead act and the desert-land act has been before the people for nearly twenty years; and is he not aware that the officials at the head of the Government, whose opportunities were of the very best to investigate land commutation, have recommended to Congress repeatedly and repeatedly the repeal of these land acts in the interest of the settlers?

Mr. HANSBROUGH. I am very glad the Senator has called my attention to that phase of the question. It is true, as the Senator says, that several Secretaries of the Interior and several Commissioners of the General Land Office have, in their annual reports, made recommendations in the direction of the repeal of some of these laws. There is no doubt about that. But, Mr. President, here is the important point in that connection: If we except the senior Senator from Colorado [Mr. TELLER], who was once Secretary of the Interior, we have not had a man in that office for a great many years—covering the entire period to which the Senator from Montana referred—who knew anything about the public-land system from practical experience. I make exception of the Senator from Colorado, because we all know here that he does understand the public-land question. He has lived in a public-land State for many years.

Mr. CLARK of Wyoming. Will the Senator from North Dakota yield to me to make a statement?

Mr. HANSBROUGH. Certainly.

Mr. CLARK of Wyoming. Calling attention to the query of the Senator from Montana [Mr. GIBSON], it is true that various Administrations at different times have recommended repeals or modifications of these laws. The Senator, however, is not ignorant of the fact that the last utterance upon this question of repeal has come within the last three or four weeks from the hands of a commission appointed especially for the purpose of investigating the land laws and their operation and to make report to the President. The President and the Secretary of the Interior have sent that report to Congress, and it does not follow out the lines of repeal theretofore recommended. It does suggest some modifications.

I hope that every Senator interested in this matter will send to the document room and get a copy of the report made by the commission to investigate the operation of the land laws under the present Administration within the last thirty days. I will say that this report, to my knowledge, was made after a careful examination not only of the laws, but of the conditions upon the ground and in the States where the land laws apply.

Mr. HANSBROUGH. Mr. President, I believe that the Secretary of the Interior should be not only a good lawyer, but that an additional requirement should be that he should have had some practical experience in the public-land States. Whenever we have had a man in the office of Secretary of the Interior of that character there has been no trouble, or very little trouble, about public-land matters.

Take, for instance, a Secretary of the Interior who comes to that office without such knowledge as I have suggested. He is absolutely without the practical experience or knowledge that he should have with respect to public lands. On whom does he rely for that knowledge? On his inspectors and his general agents, who in many instances themselves know but little about the public lands in question. They go into a community; they are met in the little villages, hamlets, and cities; they are entertained and, to a considerable extent, are made much of.

I have known of my own personal knowledge cases where special agents and inspectors have reported upon land cases upon hearsay, the evidence—if you can call it evidence—being secured in the village or city where they stopped. They did not go upon the land at all; they did not consult the people who lived near the land.

It is upon such evidence that most of the Secretaries of the Interior since I have been in Congress have made their reports, which have been quoted so copiously here by the Senator from Montana [Mr. GIBSON] as an argument in favor of the repeal of these laws.

Mr. GIBSON. Mr. President——

The PRESIDING OFFICER (Mr. QUARLES in the chair). Does the Senator from North Dakota yield to the Senator from Montana?

Mr. HANSBROUGH. I yield.

Mr. GIBSON. I rise to answer briefly the remarks of the Senator from Wyoming [Mr. CLARK]. He calls the attention of the Senate——

Mr. HANSBROUGH. I hope the Senator will not undertake to inject a speech in the midst of what I am trying to say.

Mr. GIBSON. Just one word.

Mr. HANSBROUGH. The Senator was heard yesterday at great length and made a very interesting speech; but I will yield to the Senator for a question.

Mr. GIBSON. I will cut it down to a very few words.

Mr. HANSBROUGH. I yield to the Senator for a question.

Mr. GIBSON. I hope the Senator will read the report that has been prepared by the commission appointed by the President. I wish every Senator would read it, and read it carefully. I hold in my hand the report of the Secretary of the Interior delivered to the Senate at the commencement of this session of Congress, and if the Senator from North Dakota will allow me I will read about five lines of it and then stop.

Mr. HANSBROUGH. I yield for that purpose.

Mr. GIBSON. Here is what the Secretary of the Interior says:

> The Commissioner of the General Land Office in his report calls attention to the fact that it is only in exceptional cases that the homesteader who has settled upon a tract of public land with the bona fide intention of making it his actual and permanent home finds it necessary to abandon it before the expiration of five years from the date of his settlement, and he recommends—

That is, the Commissioner of the Land Office recommends—

> for reasons stated, the repeal of the timber and stone act and the commutation clause of the homestead act.

That is his last report.

Mr. HANSBROUGH. I am familiar with that recommendation, Mr. President.

Mr. GIBSON. But the Senate may not be.

Mr. SPOONER. Mr. President, will the Senator from North Dakota permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. HANSBROUGH. I yield.

Mr. SPOONER. Of course I heard what the Senator said about what should be the qualifications of the Secretary of the Interior——

Mr. HANSBROUGH. That is only my individual opinion.

Mr. SPOONER. Well, I used to be very strongly of that opinion myself; but I think we have never had a more efficient Secretary of the Interior than Cornelius N. Bliss.

Mr. HANSBROUGH. That is very true. He was a very efficient man, and had an unusual amount of good common sense.

Mr. SPOONER. He came from the city of New York, and he had no experience whatever in dealing with the public lands. I suppose it will hardly be challenged that Secretary Chandler was also a very efficient Secretary.

Mr. HANSBROUGH. That was before my time, and before the time of this agitation.

Mr. SPOONER. Well, the record is open and his reputation will settle that. He made an admirable Secretary of the Interior.

Mr. HOAR. If I may be allowed to say one word, the late Secretary Chandler, in my opinion, was one of the greatest executive officers we have had since the organization of the Government.

Mr. HANSBROUGH. That is true also in regard to Secretary Bliss. He was a great executive officer, and he could weigh with expert skill the conflicting reports that came to him. He never became hysterical over alleged land frauds.

Mr. SPOONER. I agree with the Senator. By referring to these two gentlemen I do not wish to be considered as agreeing that the present Secretary of the Interior is their inferior. But

what I rose to ask the Senator was this: The Commissioner of the General Land Office, it seems, recommends——

Mr. CLARK of Wyoming. If the Senator will allow me, I call the attention of the Senator from Montana [Mr. GIBSON] to the statement which I am about to make. The Secretary of the Interior, as I understand it, in his report which was read here, says that the Commissioner of the General Land Office approves this repeal. I have hunted in vain, page by page and line by line, through the report made by the Commissioner of the General Land Office to the Secretary of the Interior to find any such recommendation as the Secretary says was made by the Commissioner of the General Land Office. I suppose it must be a mistake in the printing or a mistake in the reference. At any rate, I have been unable to find in the report of the Commissioner of the General Land Office to the Secretary of the Interior any such recommendation, and if any such report can be pointed to I should be very glad to hear it for my own information.

Mr. HANSBROUGH. Not only that, Mr. President, but I have in my hand here the most recent utterance on the public-land question from an executive officer, or rather from three executive officers, who form the Commission appointed by the President of the United States. The Commission was appointed by the President and was headed by the Commissoner of the General Land Office, Governor Richards, who is a most practical man, having a wide range of knowledge on these questions. The Commission has this to say on the subject of the commutation law:

> Much evidence has been submitted tending to show that in the prairie States, where it has been most used, the commutation clause of the homestead act has been of advantage to the settler without causing serious loss to the Government. On the contrary, the Government has been pecuniarily benefited by it, because under this act the land is paid for in cash after fourteen months' residence, while without commutation the entryman would receive a patent after five years' residence without paying for the land. It is no doubt true that the great majority of commutations are made in order to get a title to the land upon which money could be borrowed for its improvement.

That is the most recent utterance on the commutation law by any executive officer or body, and, to my mind, it is the most sensible utterance for many years.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. HANSBROUGH. I yield to the Senator.

Mr. GAMBLE. I have in my hand Document No. 130, Fifty-seventh Congress, second session. It is a communication from the Secretary of the Interior, dated January 5, 1903, to the chairman of the Committee on Public Lands of the Senate in response to an inquiry concerning this legislation. I observe on page 10 in that document a table headed:

> Commuted homestead and desert-land entries investigated by special agents and canceled on their reports between June 30, 1892, and June 30, 1902, on grounds of entrymen's fraudulent speculative intent.

The table covers a period of ten years, and it appears from it that the number of cases investigated was 132.

Mr. HANSBROUGH. In all the public-land States.

Mr. GAMBLE. In all the public-land States on commutations.

Mr. HANSBROUGH. And that covers a period of ten years.

Mr. GAMBLE. Only thirty-one of those investigated were canceled. So it seems to me that the wholesale charge made is not borne out by the facts, if we are to rely upon the statement that is submitted. And I would call the attention of the Senator from North Dakota to the further recital in the same communication:

> These tables—
>
> After a number of them have been given in this report—
>
> These tables will show that the number of commuted homestead entries attacked during that period was less than seven-tenths of 1 per cent of the number of entries made during that period; that of the 210 attacks on entries of this class, only forty, or about 19 per cent thereof, resulted in the cancellation of the entries; while the entries canceled were about one-tenth of 1 per cent of the number of entries of that class made during that period.

A period which covers ten years. I am sorry to have interrupted the distinguished Senator. I do not pretend to be familiar with the land laws, the timber and stone act, or the desert-land law, but I do pretend to have some knowledge of the situation so far as my State is concerned, and I think, from my experience in the State on the commutation feature of the homestead law, that the charges made have been very much exaggerated.

Mr. GIBSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. HANSBROUGH. I prefer not to yield. I should like to go on.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. HANSBROUGH. Mr. President, I was aware of the document to which the Senator from South Dakota has called my attention and proposed to refer to it later on. However, I am very glad the Senator called my attention to it, as it will save me the trouble, because he has stated it much better than I could. It is a communication addressed to me as chairman of the Committee on Public Lands in answer to a letter of inquiry.

Before leaving the question to which the Senator from Montana called my attention, in regard to reports by various Secretaries of the Interior, I desire to say that I do not wish to be understood as reflecting in the slightest particular upon any gentleman who has held that position at any time. I am very particular about matters of this kind, and I especially do not wish to be understood as reflecting upon the present incumbent, against whom we have all heard a great many complaints. But as to these complaints, as in cases of complaints in other directions, I have reached the conclusion that perhaps a great many of them are unfounded.

Mr. STEWART. Most of them.

Mr. HANSBROUGH. Most of them; and the same rule will apply, I think, to the outcry in certain quarters against the commutation clause of the homestead law.

But I want to say on this subject—and I insist upon the position I have taken with respect to the qualification of a man to fill that office—that he should be not only a good lawyer, but should also have had some practical experience as respects the public domain. You might as well expect a judge sitting on the bench to decide a case upon the arguments of the attorneys who come before him, being himself deficient in the knowledge of the law or not having any knowledge of the law, as to expect a Secretary of the Interior or any other Secretary to decide a question without some practical knowledge of the facts.

Mr. President, referring briefly, if I may be allowed, to this propaganda, if I may call it such, which has been inaugurated here within the last few years for the repeal of these land laws, on investigation it seems to me I have found that the motive of the men behind the movement is to increase the value of lands in private holding. I found on investigation that one of the individuals chiefly responsible for the agitation in favor of the repeal of these laws has been receiving what might be termed a "princely salary" for the last six years from the land-grant railroads of this country. I find on further investigation that a great syndicate, out on the Union Pacific road, has purchased a large body of land in recent years at about 70 cents an acre.

Mr. TELLER. How much?

Mr. HANSBROUGH. About 70 cents an acre.

Mr. TELLER. That is right.

Mr. HANSBROUGH. And the managers of that syndicate have been here in the city of Washington conferring with gentlemen outside of this Chamber who are interested in repealing these laws, with a view to having them repealed.

I find further, Mr. President, that some of the great lumber-manufacturing establishments of the country—corporations, syndicates, and individuals—who own large tracts of land, however they may have been acquired, have been in favor of the repeal of the timber and stone act and did not want anything put in in its place. What they wanted to do was to stop these little private sawmill enterprises, and they are very numerous in three or four of the Western timber States, with a view, of course, of putting up the price of the lumber and of timber in their hands.

So, Mr. President, when Senators come here and talk about syndicates, and cattle thieves, and land barons, and corporations, and when the people responsible for this agitation outside of this body talk about Senators and Members being the agents of these institutions—these land barons and cattle thieves, etc.—I think it is no more than fair that attention should be called to other syndicates in other directions, which are interested in the repeal of these laws. I make no reflection upon any member of this body nor upon any Member of the House of Representatives.

Mr. MCCUMBER. I should like to ask my colleague one question, and that is if he knows of any syndicate which has been formed in the United States to take up agricultural lands for the purpose of farming them? Is it not a fact that the agricultural interest is the only interest that is not under or inviting the attention of any syndicate?

Mr. HANSBROUGH. My colleague is absolutely correct in that statement.

Mr. President, if the syndicates referred to by my friend the Senator from Montana existed at all, I think I would know something about them so far as concerns the State of North Dakota. There are no such syndicates there. There are no corporations there acquiring land in large bodies, as the Senator suggested. If it were true that syndicates and corporations are acquiring those lands under the commutation clause of the homestead law, I ask the Senator how it is that the population of the State of North Dakota has increased from about 40,000 in 1882 to over a half million people at the present time?

I will tell you, Mr. President, how the population of North

Dakota increases and how it has increased. Every man who goes there, or nearly so, does so with the view of making a home on the public domain, and he remains there. He makes that his home. That is why the population of North Dakota has increased from 40,000 to 500,000 in a little more than twenty years, and that answers, it seems to me, the contention of the Senator from Montana as respects any of the States that have increased rapidly in population and which are in what is known as the "humid belt" of the country.

Mr. President, I have not any doubt that out in the State of Montana on some of the arid lands there—and most of the State is arid—the cattle rangers have taken advantage of these laws to secure additional quarter sections in order to round out their grazing lands or to acquire a piece of land on a stream in order to secure water for their stock. I have not any doubt that something of that kind has occurred there. But if the land so acquired was worth anything, there is not any doubt that there would be somebody to contest the right of any man who took the land in that way and had failed to comply with the law.

I can understand that as to the arid lands in Montana and in other States, lands that lie up far above the water line, where they never can put water upon them and convert them to agricultural uses, where there is no population, there is no one to contest the entry of a man who goes upon the public domain or of a man who takes 160 acres of land in that locality. And I say further to the Senator, it is just as easy for the stockmen under these circumstances to violate the original five-year homestead law as it is for him to violate the commutation law. Indeed, it is a little easier for him to do it, and it costs him far less, And I can very well understand how a big ranger, in order to get a few quarter sections of land, could locate his cowboys upon different quarters and let them make a filing and make their homes or assume to make their homes there—and who would know whether they complied with the law or not? They are about the only people in that community. The land is worthless. There is nobody to contest it or to see that they comply with the law. A special agent never goes there to inquire into the situation. I can well understand how that might occur, but it will occur under the original five-year homestead law just as easily as it will occur under the commutation law.

So far as residence and cultivation are concerned, there would be no question about residence and cultivation in a locality of that kind where the land is worthless, because there will be no one there to contest the right of the settler. Indeed, I doubt if he would be required to live on the land. I doubt if he would live on the land five years. I doubt if he would live there five days. He would build a little cabin and say, "That is my home," but he would live at the headquarters of the ranch. There is no one there to say nay; no one to contest. He gets his title at the end of five years, and then sells to the stockman if he chooses to do so. I can understand that such things may happen in Montana and other States in the arid section, but they could happen under the original five-year law just as easily as under the commutation law.

I do not know that I have anything further to say on this question at the present time. I assume that the bill will lie on the table and will be called up by other Senators, and that there will be further discussion upon it, and I also assume that it is the intention of the Senator from Montana at the proper time to have the bill go to the Committee on Public Lands, and if it should come back here it would again come up for discussion.

I wish to say, Mr. President, that in my judgment it would be utterly impossible to pass such an act at this session. Indeed, I doubt if any session of Congress in the next half a dozen years would consent to so sweeping a measure. The effect of the repeal of these laws would be to deprive a vast number of the people who are coming into this country now seeking homes of the opportunity of acquiring a home on the public domain except under the five-year homestead law, which, as I have undertaken to show, is somewhat antiquated and which is not calculated to serve the purpose of the class of people who are seeking to better their condition.

Another effect of the repeal of this law would be that the tide of immigration which is coming to this country would be turned into Canada—into the Northwest Territory—where the most flattering inducements are being offered to people to settle on public lands; and to-day the agents of the Canadian government are in this country soliciting such immigration. I met one of these agents about a year ago in St. Paul, and he asked me particularly about the repeal of these laws. He did not say he was hopeful they would be repealed, but what are we to infer from his question? Of course he would like to have the land laws of the United States repealed, because he would be glad to see it made more difficult for the settler to acquire a home in the United States, inasmuch as that would turn him to Canadian territory, along the proposed new line of road which is to be built in that section by the Dominion government.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota that this bill may still lie on the table? The Chair hears no objection, and it is so ordered.

Mr. ALLISON, Mr. NEWLANDS, and Mr. DUBOIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. NEWLANDS. I wish to obtain recognition for a few minutes to address myself to the pending bill.

Mr. ALLISON. The Senator from Nevada desires to speak for a few moments upon the question which has been under discussion by the Senator from North Dakota. Of course I do not wish to interfere with a brief discussion of that matter, but I do not want to yield to many this morning upon the subject. I yield for a few moments to the Senator from Nevada, and then I hope Senators will allow the District of Columbia appropriation bill to be proceeded with. I will yield later and at some other time to the Senator from Idaho if he wishes to speak upon the subject, but I should like to make a little progress with the appropriation bill this morning.

Mr. NEWLANDS. I thank the Senator from Iowa for his courtesy, and I shall certainly be very brief.

Mr. President, I am very solicitous that nothing shall be done regarding our land laws that will retard the development of the West, and I am also solicitous that there should be no such administration of those laws as will result in the concentration of large areas of land in single ownership, for I can imagine nothing that will retard the development of the West so effectively as such a condition of things.

I realize the fact that the United States has, to say the least, been careless in its administration of this great asset, the public domain. This has been due to the fact that we had but few people and a very large area of land, and hence the care has not been exercised in the past which should have been observed in the preservation of this domain for home builders.

We have been careless in our grants of land—in our grants of land to the States—without proper restraints and limitations as to home building. We have been careless in our grants to the great railroad systems of the country. We have allowed, as the result of our carelessness, in certain States of the West a system of land monopoly to grow up, which has been effectually retarding the development of the West.

Mr. DUBOIS. May I interrupt the Senator from Nevada?

Mr. NEWLANDS. Certainly.

Mr. DUBOIS. We may possibly have been careless in regard to land grants to the States in the early days, but that, certainly, does not apply to the new States, because no land was granted to any of our new States without the express condition that not an acre should be sold for less than $10 an acre.

Mr. NEWLANDS. I will say to the Senator from Idaho that I was simply referring generally to the history of our legislation. I have no charges of fraud to make regarding the administration of the land laws. I simply assert that in the past our administration of them has been a careless one. It has only been of late years that the attention of this country has been called to the subject and a propaganda has been made which has resulted already in very efficient revision of the land laws, and which, I trust, will result in more.

Mr. TELLER. I should like to ask the Senator when this efficient revision took place—how recently? I am not aware, as a member of this body, that there has been any material change in the land laws for a good many years.

Mr. NEWLANDS. I will state to the Senator from Colorado that I hold the floor by the indulgence of the Senator from Iowa, and I do not wish to extend the period of my remarks. But if the Senator will hear me through I think I will cover that question.

Mr. TELLER. I will give the Senator a week in which to get ready to tell me.

Mr. NEWLANDS. I will cover that question now. I will state briefly in reply to the Senator from Colorado that I regard the irrigation act as a distinct step in the line of the revision of the land laws, for under the irrigation act the commutation clause does not apply, and the very purpose of that act is to promote and secure home building in this country.

I will also state, in reply to the Senator from Colorado, since he challenges me to give him the information, that we have recently reported from the Public Lands Committee of the Senate a bill absolutely withdrawing timber lands from sale.

Mr. TELLER. I did not ask the Senator what he had done or what the committee had done. I asked what Congress had done.

Mr. NEWLANDS. I simply say that in addition to the irriga-

tion act steps are being taken in the line of the revision of these land laws, and I think that important action has already been taken in the line of reform, and I have no doubt that other reforms are in progress.

Mr. FULTON. Did I understand the Senator from Nevada to say that a bill had been reported which absolutely withdrew timber lands from entry; that is, doing away with any provision for entering timber lands?

Mr. NEWLANDS. Not at all. I was about to complete that statement when I was interrupted by the Senator from Colorado. The bill reported repeals the law providing for the sale of timber lands, and as a substitute for it the timber is to be sold by the Government of the United States, the proceeds being paid into the irrigation fund, and the land itself is to be subject to homestead entry without commutation, and I call that a step in the line of reform, for the——

Mr. FULTON. I think the Senator is mistaken about the commutation clause.

Mr. NEWLANDS. That is my recollection.

Mr. FULTON. That only applies, as I recall the bill which was reported, to lands which are homesteaded within forest reserves. There is a bill pending, but whether it has been reported or not I do not know, which authorizes agricultural land in forest reserves to be entered under the homestead act, and to such entries the commutation clause does not apply. If the commutation clause does not apply to the bill which was reported and passed the Senate, I was mistaken in regard to its terms.

Mr. NEWLANDS. The bill to which the Senator refers was not only reported to but was passed by the Senate a few days since, and it contains the provisions to which I have referred. The effect of this bill will be to stop the concentration of our timber lands in the great syndicates and corporations that have acquired such vast areas during the past.

Now, Mr. President, I have stated that we have been careless in the administration of this great asset of the Government and that of recent years an agitation has arisen for reform upon the subject, and steps have already been taken in the line of reform. That carelessness has all arisen from the fact, as I have stated, that the population of the country was small and that the area of its lands was very large, and hence under the existing conditions it was not a matter that aroused very serious attention.

But if we look back to history we find that monopoly of land has been the cause of many of the serious wars and revolutions of the world. We all know that in France prior to the Revolution one-third of the land was held by the nobility, one-third by the church, and another third, the poorer third, was held by the common people, and that the taxes of the entire country were imposed upon the poorer third. The result was the French Revolution, and one of the consequences of that upheaval was a readjustment of the landed system of France. So to-day they have peasant proprietorship, the ownership of the land in small tracts, which are constantly being divided and subdivided, and we find in that country the most important economic development since that period which has occurred on the continent of Europe.

We also know that the long protracted agitation in Ireland arose from the land system. The land in Ireland has been held by English landlords in large tracts, and the people of Ireland have been tenants. The country became overpopulated, the price of farm products fell, and the result has been a land agitation which has lasted for years, and which has cost England millions of money and many lives, and finally England has been compelled to practically take away the land from the landlords and turn it over to the tenants under the purchase act which was recently passed. And there a system of peasant proprietorship is gradually being inaugurated under this law which is the outcome of persistent agitation and revolt, varied occasionally by bloody strife, for a long period.

So also in the Philippine Islands. The contest there was not so much against the dominion of Spain as it was for a reform of the land system. The rich and fertile lands in Luzon had fallen into the possession of the church, and the Tagals were simply tenants of the church, and the agitation and revolution which existed there had its source in the monopoly of the best lands by the friars. Our Government has been compelled to correct this by providing for the purchase of those lands for the sum of $7,000,000 and for their division amongst the Philippine people.

So it was in the countries of South America and Central America and in Mexico under Spanish dominion. The church came into possession of large areas of land, and the agitation against the church arose in almost all those countries. The church is no longer a state institution in many of them. Why? Not because those people were not devoted to the Catholic Church, for they remained its adherents, but they simply made war against this land system, the system of land monopoly which had gradually concentrated the lands of these countries in the hands of the church, and they broke it up and took away the lands from the church.

Now, in this country land monopoly has not become a serious evil simply because we have such a large area of country over which our people can spread. But when population increases it will be a serious question unless we carefully guard the future. As the result of loose laws and careless administration, large areas of timber land, large areas of agricultural land, in the Pacific coast and mountain States have fallen into the hands of individual proprietors.

In California itself, as a result of the old land-grant system of Mexico, all the best lands of the State were concentrated in such ownership in ranches of from 50,000 to 500,000 acres. I do not think there is a man who has lived in California for years who has not realized that that concentration of land has prevented the proper development of the State.

In addition to that concentration, there has been another form of concentration going on in the great San Joaquin and Sacramento valleys of that State. Under the early land laws of this country, which provided for the sales of land in large quantities and under grants made by Congress to the State, the State being eager to sell the lands in order to provide for its school fund, a concentration has taken place in the San Joaquin and Sacramento valleys similar to these Spanish land grants, and the same thing has happened in the mountain States generally.

As it was essential in the early stages of the development of the cattle industry that the owners of cattle should conduct their operations upon a large scale, should have large areas of land over which to graze their cattle, large concentrations of land have taken place there, and under existing conditions, as there was no law permitting the acquisition of lands directly from the Government in large tracts or permitting the leasing of these lands, they have been compelled for the protection of their interests to go along the streams and the tributary streams and take up the lands which control the water, and in doing this they have made use not only of the railroad grants and the State grants but also of the desert-land act and the homestead law, parties in their interest making the entries and thus securing title. The commutation clause of the homestead act has been serviceable to them, for under it the entryman, instead of living on his entry for five years and thus acquiring title without cost, can secure title after living on the land for fourteen months by paying $1.25 per acre, and then he can make title immediately to the man in whose interest he has made the entry.

Now, I have always had a tolerant view of the action of these men, who have yielded simply to the necessities of the conditions in the development of an industry that necessarily was conducted upon a large scale. All I can say is that the concentration of these large areas of land necessarily retard the population development of a State. They constitute simply one era in the development of a State; but a subsequent era is desirable and which ought to be marked by an increase of small homes.

Unfortunately, many of them do not realize this fact. They yield very reluctantly to this movement of the settlers; they embarrass it and retard it in every way possible, for they fear the breaking up of their large cattle and sheep ranges.

So when we came to the national irrigation act we not only provided for the reclamation of Government lands but we also realized that intermingling with the Government lands and adjacent to them were large areas of land held in private ownership, and that the development of the country required that those lands should have water just as much as the lands in Government ownership. What we wished to avoid was storing water and distributing it for the advantage of large land owners, and what did we provide? We provided in that act that wherever land was in private ownership the owner of the land could obtain water for only 160 acres.

The result is, that when the distributive system of water is brought in reach of a great area of land the very fact that the water can be secured adds value to the land. The owner of the land finds that he can not water the land himself, because he can only secure a water right for 160 acres. He is therefore induced by self-interest to divide up his land and sell it to actual settlers; and the Government in those instances will grant to each settler a water right for only 160 acres, and compel the gradual repayment of its cost. So the very policy of the Government, as shown in that act, is in the line of breaking up the existing system of land monopoly and of land concentration in that region. Then we guard against future monopoly of Government lands under the irrigation act by allowing entry only under the homestead act, without commutation, thus compelling five years' bona fide residence and cultivation before title can be secured. The land monopolist can not easily twist such an act to his purpose.

Now, we have made another step in the line of progress by the report to and passage in the Senate of the bill to which I have re-

ferred—repealing the timber act—and I trust that that act will be passed by the House. There are two acts which remain—the desert-land act and the homestead law. I am of the opinion that so far as the settlement of the future is concerned the homestead law is sufficient. Its very purpose is to create homes. The man who enters land under the homestead law must live upon it for five years and create a home before he can get title: and whilst in many cases it is very convenient for the homesteader to commute at the end of fourteen months by paying a dollar and a quarter an acre for his land, $200 for a quarter section, and getting title, yet in many cases that commutation clause furnishes the machinery by which the man who desires either to maintain an existing concentration of land or who wishes to create one by selecting land upon the various streams and tributaries and thus controlling the public domain around it can carry out his purpose.

So far as I am concerned, I do not wish to take from the home builder any existing method of acquiring a home, but I do wish to prevent men, under the guise of home building, from securing lands which they can turn over to those who desire to concentrate lands in large holdings, when those large holdings practically retard the development of the West and will create an agitation for land reform, such as other countries have witnessed. And so I favor the repeal or the modification of the commutation clause of the homestead act.

So it is with the desert-land act. We originally allowed 640 acres to be entered under the desert-land act, and we have cut that down now to 320 acres, and we require strict proof as to reclamation, etc. I am told by those who seem to be informed on the subject, though I have no personal information myself, that that law has been often evaded, that title has been secured where no actual reclamation has been made, that you will now find large areas of land to which title has been secured under the desert-land act over which ditches have been run ostensibly for the purpose of reclaiming the land, and the ditches are absolutely empty.

Mr. TELLER. I wish the Senator would give us the details where that occurs, so that we might investigate if we should so desire.

Mr. NEWLANDS. I stated that I had no personal knowledge on the subject, but I have heard this statement from many who had the sources of information, and I believe it to be the fact in a great many cases. I doubt whether it is a fact in a very great degree in the State of Colorado, and I do not believe that so far as the State of North Dakota is concerned there has been much evasion of the homestead law. But I believe there has been in the mountain regions, wherever there has been a temptation or an inducement to concentrate these lands in very large holdings for the cattle industry.

Now, so far as the desert-land act is concerned, remember it was passed before the national irrigation act had been passed. It covers practically the same ground. Its purpose was to enable private parties to reclaim desert land.

Under the national irrigation act the Government is going to do that work, and it is going to do it on a very large and comprehensive scale, and where private enterprise will take hold simply of the smaller project, the execution of which might afterwards block the greater project, the Government proposes to inaugurate the greater project and thus include smaller projects.

It seems to me that a comprehensive system of reclaiming the desert lands requires that the United States should be untrammeled in its efforts in this direction, and an intelligent execution of the irrigation act will result in the absolute prevention of land monopoly.

The Geological Survey is proceeding with a very large force of men in all the arid and semiarid States and is working out these engineering problems with a view to the greatest possible development of the West, and I fear that private enterprise under the desert act will simply retard that development instead of advancing it. The fund provided for by that act is ample and is growing every day; and I have no doubt that without further legislation that act will accomplish all that was intended in aiding home building.

I see that the Senator from Iowa is impatient to go on with the appropriation bill. I believe I have already taken up much more time than I ought, so I will yield the floor.

Mr. NEWLANDS subsequently said: I wish to ask unanimous consent to insert in my remarks of to-day on the public-land laws certain remarks made in the recent Utah irrigation congress upon State cooperation in national irrigation.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that he may insert in his speech of to-day certain remarks made at the Utah irrigation congress upon State cooperation in irrigation.

Mr. WARREN. May I ask what portion of the remarks made before the Utah convention the Senator proposes to insert—those made by himself?

Mr. NEWLANDS. Simply those made by myself in reference to a statute that is intended to secure cooperation between the States and the National Government on the subject of irrigation. I will say to the Senator that there has been a great deal of inquiry for those remarks and for the Nevada statute passed in aid of such cooperation, which is an appendix thereto. It is intended to be suggestive to other State legislatures in the arid and semiarid region.

Mr. WARREN. I have no objection to the insertion of such remarks as the Senator desires from those he made at the Utah convention, and I presume at a later date others may wish to draw from remarks made by others in the same way as the Senator now proposes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada?

Mr. ALLISON. I think, as a rule, we are inserting in the RECORD too many things that are said elsewhere. But I have no objection, of course, to the suggestion of the Senator that a portion of his own remarks made in another place be inserted in the RECORD.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

The matter referred to is as follows:

STATE COOPERATION IN NATIONAL IRRIGATION.

[Address of Hon. FRANCIS G. NEWLANDS, of Nevada, at National Irrigation Congress, Ogden, Utah, September 18, 1903.]

MR. PRESIDENT AND GENTLEMEN OF THE ELEVENTH NATIONAL IRRIGATION CONGRESS: It gives me great pleasure to attend a meeting of the irrigation congress in the State of Utah. Eleven years ago, in common with many whose faces I see about me, I attended the first session of the irrigation congress in the Territory of Utah; and we there received the inspiration which through ten years of temporary discouragement and continuous effort sustained us, until we finally placed upon the statute book of the United States an act, not simply providing an appropriation for an individual project, the whole force and strength of the movement to be stayed until the success of that project was demonstrated, but a general and comprehensive law, operating through all time, so long as an acre of land capable of irrigation remained unreclaimed; providing an ample fund for the present and the future, depending in the future upon none of the accidents of legislation or caprice of public policy—a statute which had as its essential spirit and motive home-building, limitation of entry to the amount of land necessary for and capable of supporting a family, and the protection of every irrigation project against the schemes of speculation and monopoly.

It is fitting, therefore, as the first irrigation congress was held in the State which, under the guidance of Brigham Young, gave to the country an illustration of the beneficial effects of irrigation, that this congress, called together after the passage of that triumphant act, should meet here for the purpose of deliberation and counsel as to the best method of carrying it into effect and of securing its comprehensive and beneficent administration. That the Government of the United States, representing the entire people, has done everything that statute can do to forward this great work is evident by a review of its provisions. It provides a perpetual reclamation fund in the Treasury, derived from the sale of public lands in thirteen States and three Territories. These receipts are forever dedicated to irrigation. The receipts of this year, of next year, of all the future years, are appropriated now to the construction of irrigation works. We have the unit of entry fixed at the number of acres capable of supporting a family—from 40 to 160, according to the discretion of the Secretary of the Interior. We have provided that only those can obtain title who live upon the land for five years and reclaim the land. The commutation clause of the homestead act, which has been the means of fraud in the securing of land titles throughout this entire region, is repealed, so far as the lands coming under this act are concerned; and residence for five years—honest work for five years—is required as the condition of title. Thus this work is dedicated forever to the home builders.

Then as to the water rights. The Government stores the water, accumulates it in vast reservoirs, leads it out from the reservoirs in great ditches, brings it within the reach of the settler, and then grants him a water right, payable in ten years without interest, in annual installments of one-tenth each. Then the Government for all time will administer these great reservoirs, surrendering, however, final control of individual projects to a government of home rule, created by the settlers themselves, with the approval of the Secretary of the Interior. The existing landowner, also, is not neglected. The sentiment which at first prevailed that this act should be applied only to Government lands was overcome, and we have a provision, ample and comprehensive in its character, which permits the Interior Department to grant water rights as to land now in private ownership.

But even there it secures the country against the evils of concentration of land in single ownership and of land monopoly; for instead of selling the large landowner a water right covering his entire tract, the act provides that the right can be granted for 160 acres only. But whilst the large landowner can secure a water right for only 160 acres, he can divide his tract into 160-acre farms, and each grantee can buy from the Government a water right, payable in ten annual installments, and thus large tracts of land in private ownership to-day, lacking the water sufficient to give them value, and for that reason lacking a market, will be brought into the market. The owners will be able to dispose of them by subdivision into 160-acre farms, for the Government stands behind ready to sell each grantee of the large landowner a right for water which will be perpetually appurtenant to his farm. We have given those who now own large tracts of land and are land poor a chance to realize money for land, and at the same time we have created, in this very act, by these provisions appealing to the self-interest of these large land proprietors, the machinery that will force and compel the subdivision of these great areas of land now standing in single ownership and constituting a menace to the development of our States and Territories.

The National Government has done everything. The National Government stands as the benefactor. We stand as the beneficiaries, present and prospective. What can we, the beneficiaries, do, then, to sustain and support the Government in its great work? This involves the question of State cooperation in national irrigation. I take it that it is the sense of every man in this Congress that no means should be neglected of securing the friendly aid of the Government in each State and Territory. I take it for granted that the spirit of cooperation exists everywhere. The only question is, How can that spirit be shown and demonstrated? Let me say a few words upon that subject and give you from time to time illustrations derived from the experience of my own State.

In the first place, I contend that we can do much in the shape of friendly legislation. What does the Government propose to do? It proposes, upon every river in this region where the water supply is insufficient during the period of cultivation, and where that water supply can be increased during the period of cultivation, by storage, to construct reservoir and irrigation works for the purpose not only of filling out and completing existing rights which are insufficient, but to aid in the building up and development of the State by bringing new areas now arid and unproductive into cultivation and productiveness. In doing this work it finds that land is already under cultivation, that water has already been appropriated, that water rights already exist, and it becomes a matter of importance for the Federal Government to ascertain the area of that cultivation, the nature of those rights, the extent of those appropriations, and the economy exercised in the use of water, and it is called upon to determine these problems, first, in order to determine the financial problem as to how extensive the contemplated work should be, how large the area of new land which it shall cover, and the extent of the available water supply.

To reduce these to mathematical exactness, inquiry into existing water rights, their extent and nature, is an essential part of the great irrigation work. These water rights exist under State laws, under domestic laws relating to appropriation of water; and the question of beneficial use largely depends upon State laws, whether that use shall be in the highest degree economic, enabling the utilization of the largest area of lands, or extravagant and wasteful, minimizing the beneficent action of this law. Therefore the State should cooperate with the Federal Government in the ascertainment of these facts and aid it in that work in every way possible. Such is the spirit in my own State. Fortunately we have there no code of laws relating to stream control. We have no board of control, no board of engineers, no officials likely to antagonize the Federal work. We have no system to which the people themselves are wedded by custom. We therefore determined to do the best thing we could to welcome the National Government into the domain of that State and to show in every way by our legislation that we cooperated with it in the great work.

At the last session of the Nevada legislature committees on irrigation were appointed by the senate and assembly, which met in joint conference. They did me the honor to invite me to take part in their deliberations, and, with the water laws of neighboring States before us, we started upon our work. Before closing it we had a joint conference of both houses of the legislature, at which Governor Sparks presided, and many of us presented our views in a tentative way, inviting suggestion and opinion. It was pointed out that the National Government stood in the position of a projector not of an enterprise intended for its profit, but of a great scheme of internal improvement, intended to develop the arid West on broad and comprehensive lines, and in such a way as to avert the evils of land monopoly and to promote the division of the public domain into homes for the advancing army of settlers; that it intended no injury to existing users of water, but, on the contrary, to recognize and secure them, whilst at the same time saving the torrential waters and holding them for use, both in the old and the new settlements, until the time when they would be most needed. The result of this conference was a general expression to the effect that the National Government should receive the cooperation of the State in its work, and that everything possible should be done by helpful State legislation to avoid unnecessary friction between State and Federal officials; to adopt some system by which existing rights could be ascertained and regulated; to institute some degree of stream control, so that the Government could know what water belonged to private users and what was necessary to make their existing rights full and sufficient and what would be available by proper storage and stream control and economical use for new projects, and thus to weld the State and Federal officials into one cooperative machine, working for the common good. And so we drew and the legislature passed an act on these lines, in the preamble of which we put the entire national irrigation act, section by section, and declared that it was the purpose of the State of Nevada to cooperate with the Federal Government in every way; that while the work of construction was going on unity of stream control was essential.

It is just and proper that the Federal Government should have some degree of supervision over the stream whose flow it is largely augmenting, and public policy requires that the State should advance in every way the efforts of the Federal Government. And so under this act the State of Nevada, through its governor, appoints the State engineer, upon the recommendation of the Secretary of the Interior. The governor can reject the nomination of the Secretary of the Interior and compel another nomination, but the man when finally appointed must be recommended by the Secretary of the Interior. We thus obtain a man upon whom the judgment of both the National Government and the highest State official has united as the man best fitted for the place. We also provide for the organization of the State board of irrigation, consisting of the governor, attorney-general, and surveyor-general, with the State engineer as a fourth member. I was recently present at a meeting of the State board of irrigation in which these four officials sat—three of them officials of the State, the other an official of the State recommended by the National Government—all engaged in harmonious discussion regarding these projects for the development and advancement of the State.

Under this law the State engineer is charged with the duty of making a list of priorities. That is not a judicial action. It is simply executive and administrative. Some one must make a list of these water claims; some one must write them down in the order of priority. We assigned that duty to the State engineer; but we provided that any water user taking exception to the list prepared could go into court, make all other water users and the State engineer party to the action, and determine his right, the purpose of this being to secure every man his existing vested rights.

The State engineer is permitted to appoint as assistant engineers men who shall be recommended to him by the Secretary of the Interior, and he is now availing himself of the services of a number of hydrographers, scientific skilled men in the employ of the United States Geological Survey, acting as assistants to the State engineer. These Federal engineers act for the State, though it involves no expense to the State. The State thus has a corps consisting of a chief engineer and assistant engineers, the chief and the first assistant paid by the State, the others paid by the Federal Government, all commissioned by the State to inquire into this question of existing water rights and map the claims of the different users. In our State we found that whenever we attempted to pass a bill providing for the ascertainment of water rights, it was a matter of great vexation to the farmers.

The man who cultivates the soil, as a rule, stands in dread of a statute. If he finds he is compelled by that statute to make a statement of his claim, to have a survey made of the area of land covered by it, to have a map made of his ditch and land, he stands aghast. It involves with him the employment of a lawyer, an engineer, and much vexation of spirit. We have passed one or two laws in the history of the State and have been compelled by the popular clamor to repeal them before they went into effect. In this case the purpose of the act was to make that work easy for the settlers themselves, to give them the friendly aid and cooperation of the Federal Government, and as the result of this act the Government hydrographers, acting as assistant State engineers, move about among the farmers, ascertain their rights, explain the law, do away with the misapprehension that existed in their minds, and perform a real service to the farmers without expense to them. The result is that when the work is done each settler will simply sign his name to the record made by the Gov-

ernment engineers—a record made in all honesty. And while there may be some contention, my judgment is that in this process of personal instruction and personal presentation that is going on throughout the entire State, all difficulties in this matter will entirely disappear.

Then we have provided for district commissioners. These are to act after the rights are ascertained; to act on each stream according to this list of priorities, and to serve each man his water according to his right, and to serve the Government and its grantees their water according to their rights. We think that it would be grossly impudent in us to claim that State officials alone should undertake to carry out this work. Take the Truckee River, for instance, upon which one of the projects recommended by the Interior Department is now being constructed. There we have only 40,000 acres under cultivation. The crystal waters of that stream, issuing from the mountains, rush through our valley in a turbulent stream when the waters are not needed, and the stream is reduced to a thread when the waters are most needed. Mathematical computation has shown that if these waters are properly stored and conserved, this area of reclamation of 40,000 acres now existing, and which has reached its limit under present conditions, will be extended to seven or eight hundred thousand acres; and the project now under contemplation involves the actual watering of over 300,000 acres.

Think of that! The existing settlers have water for the use of 40,000 acres: the Government is about to create water there that will supply seven or eight hundred thousand acres. Would it not be colossal effrontery upon the part of the owners of that 40,000 acres to demand that they should have the absolute control over the stream: that Uncle Sam should be compelled to spend millions of dollars in storing water and absolutely lose all control of it as soon as it disappears from the reservoirs? It was in the spirit of amity and cooperation that we provided that the water commissioners under that statute should be recommended by the Secretary of the Interior, and we had two purposes in view: One was that it was but just to give the creator of the majority of the water something to say regarding the administration of it, and the other was we felt assured it would be for the benefit of our own people to have such men as are in the geological service—trained engineers, experienced men, and, above all, impartial men—administer the control of the stream.

I remember when we were framing this act I felt there would be some hesitation on the part of the people with reference to this matter: that a provision that I thought just might appear to them to be, as it was termed by some one, a surrender of the sovereignty of the State, and I questioned a farmer who was on the committee as to what system of water administration he would prefer; whether he preferred a system of home rule, in which the voters of the community would select the water commissioners, or that they should be appointed by the governor, or be appointed by the governor upon the recommendation of the Secretary of the Interior, thus utilizing the great national forces in this work. He was puzzled for a moment, and then said: "Well, if the governor appoints, that may be politics; and if we appoint, it will be a fight between the upper stream and the lower stream, between ditch A and ditch B, as to who shall select the water commission. We can't trust each other, but we can all trust Uncle Sam."

Now, this act is upon our statute books. It is now being administered without friction. While I can not expect all States of this region, which have, through much toil and trouble, worked out a system of legislation regarding stream control, to abandon their chosen method and adopt ours, I yet take the liberty of suggesting that there are many things in this act, and particularly in the spirit of this act, that can be emulated by our sister States and Territories. I was glad to see that President Roosevelt, when recently in Nevada, referred to this act as a model of legislation for other States.

I wish to say a word to the State of California, in which I lived for many years and with whose prosperity that of Nevada is strongly identified. I observed that during the last session of the legislature they were in contention there regarding a State irrigation law intended to determine existing rights and to secure the proper administration of stream control: and that there the south was against the north: the north was against the south; the large interests against the smaller; and the interests which now controlled the scanty water supply were fearful that the enlarged water supply of the future might not be administered to their advantage, and the result was that the bill failed. I have nothing to say either in defense or criticism of that bill. All I can say is that it is a pity that some bill for the ascertainment of existing rights and for the administration of stream control for regulation and economical use of water was not passed. The people of California can not expect the Government of the United States to have no authority in this matter.

As an individual, I say they have no right to expect the Federal Government to come within their boundaries and do this great work for the development of their State and the increase of its population unless that State is at peace with itself. California is to-day struggling with extraordinary difficulties. The streams which flow from the Sierra Nevada Mountains to the ocean have been appropriated over and over again. The utmost limit, I believe, of cultivation under existing conditions has been reached. Hundreds and thousands of acres of land have been sold in that State, with supposed water rights attached, which under existing conditions do not furnish sufficient water to permit of cultivation. The forests of that State have been largely cut down. The snows in the mountains, which, protected by the forests, once constituted natural storage reservoirs of water, now melt rapidly. Torrential streams come now where the water used to flow equally and gradually, and the development of the State of California absolutely depends upon the conservation of these waste waters, vast in quantity, that now make their way to the ocean.

These projects are all expensive. Two or three of them involve more than $2,000,000 each. So the problem is a difficult one; and in addition to that is the fact that in that State there is little public land left. The very primary purpose of this act was to irrigate public land, and connected with that was the power to irrigate private lands; the purpose of the act was to protect existing settlements, as well as to create new ones. But as long as the private land owners are in contention as to the method of stream administration, how can the Government of the United States, without any public lands to which it can apply its waters, be safe in expending millions of dollars, unless the State of California shows the spirit of cooperation that has been shown by this Nevada statute and invites the Federal Government within its boundaries, and by State law protects it in the administration of stream control?

The reasoning which I have applied to that State would apply to others. It applies to every community, particularly where existing water rights are insufficient and where Government aid is required to complete them; and I urge upon all of you when you go back to your homes to raise this question as to harmonizing your State laws with the Federal purpose and of extending to the Federal Government a cordial invitation and cooperation. We can also aid in other matters in the public sentiment prevailing regarding our land laws. Unfortunately the land laws of this country have been maladministered in many cases. The purpose of the Government was always beneficent, but the laws have been so maladministered in some cases as to tend to land monopoly. Every movement for the reform of these land laws is met with opposition from our region; opposition many times honest and often interested. Let us see to it that the reform legislation of the future regarding these lands is not aimed against us by an indignant East, but is framed by a candid West.

I have nothing particular to say regarding the discussion now going on as to the propriety of repealing some of these laws. My mind is not fully made up, because I have not thoroughly investigated; but I apprehend, from all I have heard, that there must be faults both in the law itself and in the administration which must be corrected, otherwise I can not understand the difference in opinion between the Congressman from Wyoming, who stands up for the present system, and the Senator from Montana, who insists that the system is iniquitous and that our lands are being absorbed by speculators and monopolists. The same laws exist in both States. Are we to infer, then, that the law is well administered in Wyoming and badly administered in Montana. But how can we assume that when the law is administered by the same officials, the same land department of the United States. I assume, therefore, when Mr. MONDELL says no such cases of fraud have been brought to his attention that he is entirely sincere in his statement, and I assume when Senator GIBSON says that numerous cases of fraud and monopoly have been brought to his attention that he knows what he is talking about. And so I must assume that there are abuses to be corrected, and all I can say now is that the people of this region should enter upon that inquiry with impartial and candid minds and with the determination to guard well the development of the future.

Now, my friends, we all listened with delight to Commander Booth-Tucker, of the Salvation Army, when he presented that magnificent address, so business-like in character, and yet adorned by humor, wit, and fancy in the highest degree. I think there was not one of us who did not feel his pulse stir. I think there was not one who did not feel that Utopia was almost within realization. We have a vast domain here, aggregating more than one-third of the entire area of the United States, that is capable of sustaining a vast population. We have passed through an era of development which in itself is educational. We know, or ought to know, the evils we are to avoid. We ought to know that this place should be made the home not of concentrated

wealth but of distributed wealth. We know we have to do with the making of a policy that will create individual homes throughout this entire region, that will make the home the very basis of our educational, social, and business life. This act is a step in that direction. Through the beneficent operation of that act, under a beneficent government, we may well expect to reach out for and accomplish all that the imagination and the logic and the reasoning power of Commander Booth-Tucker have depicted; but this work rests with us. We are the people who are to instruct the East as to legislation relating to the West. We are the people who are to see to it that this law is wisely administered. We are the people who are to extend the hand of welcome and fellowship to the Federal Government; and if we simply pursue the spirit of cooperation, and permit that spirit to take possession of us, animating us everywhere in the development and upbuilding of this great region, the future will have no word of reproach against this generation.

APPENDIX.

THE NEVADA STATUTE.

An act providing for the cooperation of the State of Nevada with the Secretary of the Interior of the United States in the construction and administration of irrigation works for the reclamation of arid lands in the State of Nevada, for the measurement, appropriation, and distribution of water, determination of water rights, preserving and certifying records thereof, creating offices for the enforcement hereof, defining the tenure of office, powers, and duties, and fixing their compensation; providing for penalties for infringements hereof, and enacting a standard measure of water, and conferring upon the Secretary of the Interior such rights and powers under the laws of Nevada as are necessary to enable him to carry out and execute an act of the Congress of the United States, approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved February 16, 1903.

Whereas the Congress of the United States did, by an act approved June 17, 1902, enact the following law:

"*Be it enacted, etc.*, That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June 30, 1901, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in the above States set aside by the law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the 'reclamation fund,' to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act: *Provided*, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the act of August 30, 1890, entitled 'An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862,' the deficiency, if any, in the sum necessary for the support of said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

"SEC. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all tracts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as of those which have been completed.

"SEC. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section 4 of this act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purpose of this act; and the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this act; that said surveys shall be prosecuted diligently to completion, and upon completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable or advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than 40 or more than 160 acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, that the commutation provisions of the homestead laws shall not apply to entries made under this act.

"SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same, in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which said charges shall be paid, and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

"SEC. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the land covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section 4. No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner, unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

"SEC. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: *Provided*, That when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

"SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States, upon every application of the Secretary of the Interior under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

"SEC. 8. That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream of the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

"SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

"SEC. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

And

Whereas the Secretary of the Interior of the United States, acting by and through the United States Geological Survey, has entered upon the examination, survey, and location of irrigation works on the Truckee, Carson, Walker, and Humboldt rivers, in the State of Nevada, as provided for in section 2 of said act, and is or soon will be prepared to let contracts for the same as provided in section 4 of said act; and

Whereas a sum approximating $10,000,000 is now collected in a special fund in the Treasury of the United States, known as the "reclamation fund" referred to in section 1 of said act, and is applicable to the construction and maintenance of irrigation works for the reclamation of arid and semiarid lands in the arid and semiarid States and Territories, and it is desirable that a portion thereof be immediately applied to the construction, maintenance, and operation of irrigation works in and for the State of Nevada; and

Whereas it is estimated by the United States Geological Survey that the waters of the Truckee River, now irrigating only 42,000 acres of land in Nevada, can, by conservation and economical use, be made to supply 280,000 acres; and the Carson River, now irrigating in Nevada only 50,000 acres, can, by conservation and economical use, be made to supply 175,000 acres; and that the waters of the Walker River, now irrigating 40,000 acres in Nevada, can, by conservation and economical use, be made to supply 200,000 acres; and that the waters of the Humboldt River, now irrigating in whole or in part 300,000 acres, can, by conservation and economical use, be made to supply 750,000 acres; thus increasing the total irrigated area of the aforesaid rivers from 432,000 acres to 1,405,000 acres of land in the State of Nevada, thus vastly increasing its population and wealth; and

Whereas similar work of examination, survey, and location is being done in other arid and semiarid States and Territories, and each and every of said States and Territories is applying to the Secretary of the Interior for the immediate commencement of work and construction; and

Whereas it is within the discretion of the Secretary of the Interior to expend the whole or any part of said fund in any arid or semiarid State or Territory; and

Whereas it is understood to be the disposition of the Secretary of the Interior to commence work immediately upon such irrigation projects as are feasible and along the lines of least resistance, and which are located in such States and Territories as indicate by their laws and the action of their public officers the best spirit of cooperation and helpfulness; and

Whereas in section 6 of said act the Secretary of the Interior is authorized to use the said reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of said act: *Provided*, That when the payments required thereby are made for the major

portion of the lands irrigated from the waters of any of the works therein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government of the United States until otherwise provided by Congress; and

Whereas it is deemed advisable by the State of Nevada that during the period of the construction of such works in or for the State of Nevada by the Federal Government, and during the operation, management, and maintenance thereof by the Federal Government, unity of control of the river on which such works are constructed is essential, and it is desirable that such unity of control be exercised by the Secretary of the Interior until the management, operation, and maintenance of such works shall pass to the owners of the lands irrigated thereby, as provided in section 6 of said act; and

Whereas it may become necessary for the Secretary of the Interior in carrying out the provisions of said act to proceed to condemn rights or property in the State of Nevada, and it is desirable that every facility should be given to the Secretary of the Interior for the speedy adjudication of such proceedings in the courts of Nevada; and

Whereas it is expressly declared by section 8 of said act that nothing therein shall be construed as in any way interfering with the laws of any State or Territory relating to control, appropriation, use, distribution of water used in irrigation, or any vested right acquired thereunder; and

Whereas it is the purpose of the Secretary of the Interior not to impair or injure vested rights, but on the contrary to confirm the same, and to provide by storage such an abundance of water as to make such vested rights more full, certain, and assured in their beneficial operation than at present; and

Whereas it is essential that the Secretary of the Interior, before proceeding to actual construction on any river in Nevada, shall be informed as to the extent of the present actual appropriation and beneficial use of water by existing communities, in order that the Secretary of the Interior may be informed as to what quantity of water will be necessary to fully supply existing uses, and what quantity of water will be available for the supply of new lands and new uses; and

Whereas it is the desire of the State of Nevada to cooperate in every way with the Secretary of the Interior in the construction, operation, management, and maintenance of irrigation works in the State of Nevada under said act, and it is to the interest of the State of Nevada that every inducement should be held out to the Secretary of the Interior by cooperation and helpful State legislation to enter upon the work of construction, operation, management, and maintenance as aforesaid: Now, therefore,

The people of the State of Nevada, represented in senate and assembly, do enact as follows:

SECTION 1. All natural water courses and natural lakes and the waters thereof which are not held in private ownership belong to the public and are subject to appropriation for a beneficial use, and the right to the use of water so appropriated for irrigation shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right. The use of all water now appropriated, or that may hereafter be appropriated, is hereby declared to be a public use.

SEC. 2. The maximum quantity of water which may be appropriated or used for irrigation purposes in the State of Nevada shall not exceed 3 acre-feet per year for each acre of land supplied.

SEC. 3. The office of State engineer is hereby created. He shall be appointed by the governor, and shall receive a salary not exceeding $2,400 per annum, payable in equal monthly installments by the State treasurer upon warrants drawn by the State controller. He shall keep his office at the State capitol. No person shall be appointed as such State engineer who does not have such training in hydraulic engineering and such practical skill and experience as shall fit him for the position; nor shall any person be so appointed save upon the recommendation of the Secretary of the Interior or the Director of the United States Geological Survey, unless after thirty days' notice to such officials they shall fail to make such recommendation. He shall hold his office at the pleasure of the governor, but his successor shall, in all cases, have the foregoing qualifications and recommendations. He shall not be permitted to accept any private employment.

SEC. 4. Before entering upon the duties of his office the State engineer shall take and subscribe an official oath such as is provided by law for said officers before some officer authorized by the law of the State to administer oaths, and shall file with the secretary of state said oath and his official bond in the penal sum of $5,000, with not less than two sureties, to be approved by the governor of the State, and conditioned for the faithful discharge of his official duties, and for the delivery to his successor, or other person appointed by the governor to receive the same, all moneys, books, and other property belonging to the State then in his hands and under his control or with which he may be chargeable as such officer.

SEC. 5. The State engineer shall perform such duties as are prescribed herein. He shall become conversant with the State and the needs of the State as to irrigation matters, and in his reports to the governor he shall make such suggestions as to the amendment of existing laws or the enactment of new laws as his information and experience shall suggest, and he shall keep in his office full and proper records of his work, observations, and calculations, all of which shall be the property of the State. He shall cooperate with the Secretary of the Interior in all work of construction, operation, maintenance, and management of irrigation works constructed by the Secretary of the Interior in and for the benefit of Nevada, under an act of Congress of the United States approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and shall in every way facilitate the work of the Secretary of the Interior in carrying out the provisions of said act in the State of Nevada.

SEC. 6. The State engineer shall have the power to employ an assistant engineer at an expense not to exceed $1,200 per annum, and to employ other assistants at a total additional expense not to exceed $500 per annum; such assistant engineer and such additional assistants to be paid out of any money appropriated for that purpose, on the certificate of the State engineer and the approval of the State board of examiners. He may also appoint as assistant engineers and as additional assistants such persons in the service of the United States Geological Survey as may be designated by the Secretary of the Interior or the Director of the United States Geological Survey; but such assistant engineers and such additional assistants shall be entitled to no pay from the State of Nevada.

SEC. 7. When the State engineer or his assistant engineer is called away from his office he shall be entitled to his actual traveling expenses, which shall be paid out of any money appropriated for that purpose, on the certificate of said State engineer approved by the State board of examiners.

SEC. 8. The State engineer shall prepare and render to the governor biennially, and oftener if required, full and true reports of his work touching all the matters and duties devolving upon him by virtue of his office, which report shall be delivered to the governor on or before the 31st day of December of the year preceding the regular session of the legislature.

SEC. 9. Such State engineer shall prepare for each stream in the State of Nevada a list of the appropriations of water according to priority, and in order to make such list he shall inclose to each person having a claim to the waters of such stream a blank form on which said claimant shall present in writing all the particulars showing the amounts and dates of appropriations to the use of water of said stream to which he lays claim, the said statement to include the following:

The name and address of the claimant.

The nature of the use on which the claim for an appropriation is based.

The time of the commencement of such use, and if distributing works are required.

The date of beginning of survey.

The date of beginning of construction.

The date when completed.

The date of beginning and completion of enlargements.

The dimensions of the ditch as originally constructed and as enlarged.

The date when water was first used for irrigation or other beneficial purposes and, if used for irrigation, the amount of land regained or irrigated the first year; the amount in subsequent years, with the dates of reclamation, and the amount of land such ditch is capable of irrigating. The character of the soil and the kind of crops cultivated, and such other facts as will show a compliance with the law in acquiring the appropriation and the rank of priority claimed.

SEC. 10. Each of said claimants shall be required to certify to his statements under oath, and any officer authorized to administer oaths is hereby authorized to administer such oath.

SEC. 11. The failure of any claimant to make such a sworn statement within sixty days after notice that such statement is required by the State engineer shall be punishable as a misdemeanor on the complaint of the State engineer or any of his assistants.

SEC. 12. It shall be the duty of the State engineer or some qualified assistant as soon as practicable to make an examination of such stream and the works diverting therefrom, said examination to include the measurement of the discharge of said stream unless adequate proof is available from the measurements made by the United States Government, and of the carrying capacity of the various ditches and canals diverting water therefrom; an examination of the irrigated lands, and an approximate measurement of the lands irrigated or susceptible of irrigation from the various ditches and canals, which said observations and measurements shall be reduced to writing and made a matter of record in his office, and it shall be the duty of the State engineer to make or cause to be made a map or plat on a scale of not less than 1 inch to the mile, showing with substantial accuracy the course of said stream, the location of each ditch or canal diverting water therefrom, and the legal subdivisions of lands which have been irrigated or which are susceptible of irrigation from the ditches and canals already constructed. In performing such work the State engineer or his assistant may avail himself of the works, records, and information of the United States Geological Survey.

SEC. 13. Within thirty days after the preparation of the list of priorities of appropriation of the use of waters of any stream it shall be the duty of the State engineer to issue to each person, association, or corporation represented in such list a certificate, to be signed by said State engineer, setting forth the name and post-office address of the appropriator, the priority number of such appropriation, the amount of water appropriated, and amount of prior appropriations, and, if such appropriations be for irrigation, a description of the legal subdivisions of the lands to which said water is to be applied. And he shall also send such certified list, by registered mail, to the county recorder of the county in which such appropriations shall have been made, as well as to the county recorder of the county in which the waters appropriated are used, and it shall be the duty of said county recorder, within ten days after the receipt of such certificate, to record the same in a book specially prepared and kept for that purpose, and the fee for such record shall be fixed by the governor and shall be allowed and paid by the board of examiners out of funds in the treasury applicable thereto.

SEC. 14. Any party, or number of parties, acting jointly, who may feel themselves aggrieved by the determination of the State engineer, may bring an action in any court having jurisdiction against such State engineer and all persons having interests adverse to the party or parties bringing the action to have their respective rights determined. Such action must be brought within two years after the record of such list of priorities of appropriation has been recorded. Such action shall be tried as speedily as possible, and the court is hereby authorized to employ a hydraulic engineer or other expert to examine and make report under oath upon any subject-matter in controversy, the cost of such employment to be equitably apportioned by the court and charged against the parties to the suit as costs.

SEC. 15. The water commissioners hereafter provided shall make apportionment of the waters of such stream according to the list of priorities recorded as aforesaid, unless such list be corrected by the judgment of some court having jurisdiction of the subject-matter.

SEC. 16. Within sixty days from the passage of this act it shall be the duty of the county recorder in each of the counties of this State to prepare a full and complete transcript of all the claims and appropriations of water now on file in their respective offices, and to transmit the same, without delay, to the State engineer by express or registered mail. It shall also be the duty of the clerk of each district court in the State, within thirty days of the passage of this act, to transmit to the State engineer, in like manner, certified copies of all decrees of said district courts affecting water rights on file in the offices of the said clerks of the said district courts of the State. The State engineer shall also obtain copies of all decrees of the United States court for the district of Nevada affecting water rights. Said recorders and said clerks of the said State district courts shall receive, in compensations for their services in the preparation of said transcripts and copies, 12½ cents per folio, which shall be paid by the county in which such court is situated; and the same allowance shall be made for certified copies of decrees of the United States court for the district of Nevada, and shall be paid out of the State treasury.

SEC. 17. The State engineer shall be a member of the State board of irrigation created by an act of the legislature of the State of Nevada approved March 16, 1901, entitled "An act to provide for the measurement of streams, the survey of reservoir sites, the determination of irrigation possibilities, and for the best methods of controlling and utilizing the water resources of the State of Nevada in cooperation with the United States Geological Survey and the United States Department of Agriculture and the Nevada Experiment Station." The said State engineer shall be the secretary of said board of irrigation and shall keep the records thereof in his office.

SEC. 18. The said board of irrigation shall divide the State of Nevada into such water divisions or water districts as seem to it advisable, and may change the same from time to time. It may appoint water commissioners whose duty it shall be to measure and divide amongst the appropriators the water of such streams according to priority of right and the amount to which each is entitled. It may make such rules and regulations as to it shall seem advisable for the proper and economical administration of the waters of such

streams, and may fix penalties for the violation of such rules and regulations. Such appointment as water commissioners shall be made upon the recommendation of the Secretary of the Interior or the United States Geological Survey, and may include persons in the service of the United States Geological Survey; but if after thirty days' notice the Secretary of the Interior or the said Geological Survey shall fail to make such recommendation, it shall have the power to appoint such commissioners without such recommendation.

SEC. 19. The board of irrigation shall determine the number and compensation of the water commissioners appointed under this act, and said water commissioners shall be and act under the direction of the State engineer. The compensation of said water commissioners shall be paid, upon the approval of the board of irrigation, by the county in which the work of such commissioners is performed, in the same manner as other county bills are presented and allowed.

SEC. 20. Any person interfering with, obstructing, or resisting the State engineer, assistant State engineer, or any water commissioner in the performance of his duty or duties, as prescribed by this act, or by the rules or regulations adopted by the board of irrigation, shall be deemed guilty of a misdemeanor.

SEC. 21. The Secretary of the Interior is hereby authorized and empowered to institute proceedings in any of the courts of the State of Nevada for the condemnation of any rights of property deemed by him to be necessary for any of the works to be constructed by him or under his direction, under the said act of Congress of June 17, 1902, or necessary to carry out the provisions of said act. Such proceedings shall be expedited by said courts as rapidly as possible.

SEC. 22. The sum of $15,000 is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 23. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the appropriation bill.

Mr. ALLISON. Mr. President——

Mr. TELLER. Is that bill before the Senate?

The PRESIDENT pro tempore. It is before the Senate.

Mr. DUBOIS. Mr. President, I do not care to make an extended speech, but I wish simply——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. TELLER. I wish to say that the bill is before the Senate, and I suppose it is in order for the Senator from Idaho to discuss it.

The PRESIDENT pro tempore. It was only temporarily laid aside in order that the Senator from North Dakota might speak, and then it was temporarily laid aside in order that the Senator from Nevada might speak.

Mr. TELLER. The bill is now regularly before the Senate, is it not?

The PRESIDENT pro tempore. The bill before the Senate is the District of Columbia appropriation bill.

Mr. TELLER. That is what I meant.

The PRESIDENT pro tempore. It was temporarily laid aside.

Mr. TELLER. On that the Senator from Idaho has a right to address the Senate. If he has not, I have.

Mr. ALLISON. Mr. President——

The PRESIDENT pro tempore. The Chair recognized the Senator from Iowa——

Mr. DUBOIS. Very well.

The PRESIDENT pro tempore. Because the appropriation bill was only temporarily laid aside, and the Chair asks the Senator from Iowa if he yields to the Senator from Idaho.

Mr. ALLISON. I will yield to the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. TELLER. Mr. President, I want to say that it is not necessary to have any yielding at all. The bill is now before the Senate.

Mr. CULLOM. No, I think the Senator is mistaken. Or does the Senator refer to the appropriation bill?

Mr. TELLER. I refer to the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The District of Columbia appropriation bill is the bill before the Senate.

Mr. TELLER. It is the right of the Senator from Idaho to discuss the question, and it is my right to discuss it, and I shall proceed to do so.

The PRESIDENT pro tempore. The Senator from Colorado need not raise any question with the Chair on that point. The Chair simply asserted that the District of Columbia appropriation bill is before the Senate. Of course the Chair understands that the Senator can discuss anything he pleases on any bill, it makes no difference what the bill is.

Mr. TELLER. I want to assert that right, and I do not want the Senator from Idaho to establish a precedent by asking permission to make a speech on this bill.

Mr. ALLISON. The Senator from Colorado will recollect that I have the floor. I would be very glad to make a few observations myself on the District of Columbia appropriation bill, but I take pleasure in yielding to the Senator from Idaho, and I will take pleasure in yielding to the Senator from Colorado, who says he also wants to speak on this bill.

Mr. TELLER. I will wait until the Senator finishes his speech, and then I will make mine.

Mr. ALLISON. After the Senators have concluded, I myself wish to say a few words on the District of Columbia appropriation bill before proceeding to consider the amendments of the committee.

Mr. DUBOIS. Mr. President, I feel that I am conferring a distinct favor on the Senate by making a few remarks now, because if I waited until to-morrow I might make a long speech.

I am reminded by the remarks made by the Senator from Montana [Mr. GIBSON] and the Senator from Nevada [Mr. NEWLANDS] of the "milk sick" which they used to have in Indiana. In the early days we heard a good deal about the "milk sick." It was supposed to be a very deadly malady, and people were warned about running against the "milk sick" in some county in Indiana. Dubois County, they said, was one of the counties, but when you got to Dubois County you found the "milk sick" was in the next county, and on going into that county the "milk sick" was in the next county, and finally chased it clear out of the State, and could not locate it at all. The frauds can not be located. They are always somewhere else.

Now, if these sweeping assertions which the Senators make in regard to the abuse of all our general land laws are true, if all these fraudulent entries have been going on so long, it proves conclusively that our land laws have been very badly administered.

The PRESIDENT pro tempore. The Senator will suspend one moment. The Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. FAIRBANKS. I ask that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent that the unfinished business may be temporarily laid aside in order that the Senate may proceed with the consideration of the appropriation bill. Is there objection? The Chair hears none, and it is so ordered.

Mr. DUBOIS. I regard this assertion as a sweeping indictment not only of the present officers who have charge of the administration of the general land laws, but of previous administrations since these laws were enacted, and I want to resent the truthfulness of these charges. The conditions are different in Nevada from the other arid States. The Government gave to Nevada a great deal of land which they leased out, and the lands are now under lease to large cattle owners and others, and in that way the State derives a rental from the lands.

Mr. STEWART. The State sold them at $1.25 an acre and gave twenty-five years to pay for them, paying interest, and the State derives a profit from the income.

Mr. DUBOIS. I thank the Senator for the correction. But with that exception I think the United States Government has not turned over to any of these States lands which the States could dispose of as they saw fit. On the contrary, when the Dakotas, and Washington, and Montana, and Idaho, and Wyoming came into the Union, Congress provided that none of these States shall sell any of their lands given them by the General Government at less than $10 an acre, and in my State these lands are readily being sold for $10 and more an acre.

Now, so far as the desert-land act is concerned, the arid States of Colorado, Idaho, and Utah have been built up practically under that act.

Mr. STEWART. And Wyoming.

Mr. DUBOIS. And Wyoming. Ten years ago Idaho had 86,000 people. To-day it has easily a quarter of a million. There is not a town in our State of 15,000. From that you drop to another one of five or six thousand, and then down to the villages.

Our people have gone on the public domain and taken up farms. They have taken them mostly under the desert-land act, and I have never known of a case of fraud in Idaho under the desert-land act. It is very easy to see why there could not be any fraud. If a man takes up desert land which is valuable and is undertaking to evade the law, he is contested at once by some one who wants that land. Contests are going on constantly, men charging that those who took up the land originally are not complying with the law. The neighbors themselves protest. They are looking after their own interest, and unless they observe the requirements of the law in making their entries and in keeping them up they are contested by others who want their land.

I think no one was more earnestly in favor of the irrigation law than myself. I had the honor of presiding over almost all the deliberations of the members who framed that bill, but we do not know whether it is a good law or not. There has not been a single enterprise yet inaugurated and pushed to a conclusion under

that law. If you repeal the desert-land act, we can only hope, in the arid States, for settlement under this reclamation law, which is in an embryo state. We can not tell whether it is going to work satisfactorily or not, and there would be no other way for our people in the arid section to get their land except under this act, which will not be pushed to sufficient completion for land to be taken under any of the provisions for reservoirs or ditches for several years to come.

The repeal of the desert-land act now would be a complete estoppel for the present of entries of land in almost all the arid-land States. You can not go on a desert tract of land and make a homestead, because you have to put water on the land before you can use the land at all. It requires considerable time. In my State, as in many others, ditches are built through cooperation, and men must go out and make money in order to build their ditches and get water on the land. They absolutely can not raise anything on the land until they get the water on it, clearing it first of sage brush and putting water on it, and then having crops grow, which takes three or four years before they can derive any pecuniary benefit from the land at all.

In addition to that, if you are going to restrict people who want to go to that western country and make homes, why did you not commence when the rich lands of Illinois and Iowa and all our western country were open?

Now, almost all of the desirable lands have been taken, and we ought to encourage in every way by lenient laws those who will go there now and take this remnant of land for homes. It is hard enough under any conditions, no matter how favorable you may make them, for the settlers. This is not a good time to make it harder for the home seekers in the West, because, as I said, the best lands have been parted with by the Government.

Senators talk about large ownerships of land under the present laws, of large tracts of land getting into the hands of corporations and syndicates. The Senator from Nevada [Mr. NEWLANDS] located them in Ireland, and also in California under the old Spanish grants, where they took 50,000 and 100,000 acres of land. None located these large holdings under the present land laws. So far as Idaho is concerned, it has grown faster in percentage in the last ten years than any State or Territory in the Union, and the growth has been all on the farms.

So far as that State is concerned, I can not recall a single individual or corporation in the whole State owning as much as 1,500 acres of land. There are no corporations or syndicates there getting lands, and these gentlemen have not pointed out any place where they have gotten agricultural lands. They may have taken land along the streams to save the water supply, and in that way get a range back for their cattle; but the progress of settlement stops that. Men can go in there and stay on these lands if they want, if they can get water on them. The days of large holdings of cattle also have passed away, because people are fencing in the country and making farms, and the cattle must be fed in the winter months.

I can not understand why this agitation for the repeal of these land laws is being pressed so constantly. The great trouble with us in the West is not the land laws. The great difficulty that we encounter now is the scripping of land. The Government gave to railroad corporations large tracts of land in alternate sections. Some of those lands were found to be mineral; others were put in Indian reservations; some were put in forest reserves.

The owners of the land grants were allowed to take lands in lieu of those lands, and they got scrip, which they sell for five or six dollars an acre. Almost all of this scrip is owned by the railroad corporations. The difficulty that we encounter is the danger from the scripping of these lands by the railroad corporations or by people who buy the scrip from them. I should like to have these reformers—and I will gladly join with them—direct their attention to the scripping of land, which is the hardest thing we have to contend against in our country, and is the only possible way I can think of by which large tracts of land can be secured by corporations or individuals.

I am suspicious sometimes that the owners of this scrip are pressing for the repeal of these beneficent land laws. It is apparent that if all the land laws, excepting the homestead, were repealed and the commutation clause of the homestead act done away with, the scrip would become vastly much more valuable. With this scrip you can locate any kind of public land in any part of the country.

Mr. ALLISON. I will yield to the Senator from Colorado.

Mr. TELLER. I do not desire to make a speech on this subject now. It is a subject of so much importance to the people whom I in part represent that I mean to take occasion to enter a very positive protest against some of the statements which were made with reference to the execution of land laws in this country during the last fifteen or twenty years. I will not do it on the appropriation bill, but I will endeavor to do it some time next week.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

Mr. ALLISON. Mr. President, before the Secretary begins the reading of the bill, I wish to make a brief statement as respects the general character of the measure.

Senators will observe that the bill as it came to the Senate from the House appropriated $1,589,155 in excess of the act for the current year. That seems like a large increase over the appropriations of the current year, but when this increase is analyzed it will be found that the principal items in it are absolutely necessary for the conduct of the administration of this District and for the purpose of carrying on the necessary improvements that are being made in the District. These items I wish to state briefly, in order that it may be seen how few of them there are.

Two years ago we provided for a municipal building in this District, the limit of cost being placed at a million and a half dollars, including the site. Last year the limit of cost was increased to $2,000,000, including the site, its construction being provided for under a plan made by the architect selected for that purpose. The appropriation for this year over last for this purpose is $50,000, being $250,000 for the current year and $300,000 for the fiscal year 1905.

It is well known that two years ago there was provision made for a new railway station in this District which will cost when completed a very large sum of money. The object had in view by those who prepared the legislation for it was to get rid of the grade crossings in this District and to provide whatever ought to be provided for by the District as respects the surroundings of the new station. This year the House increased the appropriation for that purpose $300,000 over last year.

The House also made an increase in the bill of $100,000 over the amount appropriated for the current year for the construction of the Connecticut avenue bridge, a bridge being provided for in former appropriation acts.

The House of Representatives also increased the bill over the act for the current year by providing for the reconstruction of the bridge across the Anacostia River, the present bridge having been declared unsafe.

The House also provided an appropriation for the filtration plant, increasing the appropriation for the current year $968,155; this appropriation being the final appropriation to secure the completion of that important project.

There are some other small appropriations which perhaps might be noticed, but I shall not now stop to consider them. The increases which I have named amount to $1,500,000, in round numbers, over the appropriations for the current year. These are increases made by the House of Representatives over the law for the current year. I think there can be no doubt but that all these appropriations are essential and proper to be made.

The Senate committee has increased the bill as it came to us from the other House $1,168,727. These increases the Senate committee believe to be necessary and important in the conduct of the administration of the District.

The most important of these increases is an item of $428,000 for what is known as the "highway bridge," a bridge which is being constructed immediately north of the new railway bridge across the Potomac River. This bridge is turning out to be an expensive project. When it was originally provided for the limit of cost was fixed at $568,000, and an appropriation was made in the act for the whole amount. Two years later it was discovered that this limit of cost was wholly inadequate to construct a proper bridge there, including the approaches, and the limit of cost was increased to $996,000; but no appropriation was made in addition to that found in the original act. Finding that this bridge is already under construction and that it will probably be completed within a year, or, at most, two years, the Senator from New Hampshire [Mr. GALLINGER] yesterday asked for an extension of time for the completion of this bridge one year, and it is, I think, absolutely necessary that the bill for that purpose should become a law. But those in charge of the construction of this bridge estimate that within the next fiscal year they can expend upon it $428,000, which we have provided for in addition to the first appropriation made for it.

I might add, also, that it now appears that this $996,000 will be inadequate for the completion of this structure on the plans adopted by the Engineer Department and approved by the Secretary of War. So a further appropriation of $200,000 will probably be required, but we have not proposed that appropriation in this bill.

We found it necessary to increase the appropriation for country roads and suburban streets $103,200 over the amount appro-

priated by the other House. We also increase the very large appropriation made by the House for sewerage in this District by $110,000. I will say that the amount appropriated by the House and the amount recommended to be added by the Senate Committee on Appropriations will provide for the early completion of the sewerage system in this District. Probably one more additional series of appropriations will be required for the fiscal year beginning on the 1st day of July, 1905, which will complete the entire sewerage system in this District. So within the next two years the District will be fully provided with a practical, general sewerage system; and it will have on the 1st of December next, I hope—we are promised that we shall have it on the 1st of December next—the completion of the filtration plant, which will enable us to use water fit to be used in this District for all legitimate purposes.

We have also increased the appropriation for schools and school buildings $81,872. We have added $99,800 to the House provision relating to the fire department of the District. I might say the committee was very strongly pressed to begin the construction of what is known as the high-pressure fire-plant system in the District. The recent fire in the city of Baltimore seems to have alarmed the people here very greatly as respects their fire protection, and there seems to be a general concurrence of opinion among the citizens that this new plan of a high-pressure plant, costing $750,000, should be entered upon.

Mr. PLATT of Connecticut. What is the nature of that plan?

Mr. ALLISON. That plan is intended to provide for a pumping station at or near the reservoir on the north side of the city, which shall pump water into what is known as the "high reservoir" at Fort Reno.

Mr. GALLINGER. If the Senator will permit me, the pumping station is already provided for. That will not have to be constructed.

Mr. ALLISON. But the water will have to be pumped. The pumping station is provided for in the general plan which we now have. It is intended that the water shall be pumped from that station into a reservoir at Fort Reno, which is 450 feet, more or less, higher than the ordinary level in the District of Columbia below the hills.

It is the intention to provide a new set of pipes for fire purposes, that the water shall be thrown into those pipes by means of gravity only; and it is believed that when that system is completed water can easily be thrown upon the highest buildings in the lower part of this city. Its principal use will be for the business portions of the city between Second street and Eighteenth street, and between K street and Pennsylvania avenue; but we did not feel that we could enter upon that project at this time. In lieu of it, however, the committee propose to increase the appropriation for the fire department beyond that provided by the House $100,000 in round numbers, the chief expense of which will be for a fire boat, to move up and down the river front, which, when a fire occurs, will be equivalent in its results to probably eight or ten ordinary fire engines. That was strongly pressed upon us.

These are the principal increases proposed to be made to the bill by the Senate committee, amounting, in round numbers, to $860,000 on these items.

We have also provided for the purchase of some ground for a police court.

The bill as reported to the Senate, therefore, by the Committee on Appropriations, increases the appropriations over those for last year $2,725,107 in all. One-half of the amount of these appropriations, as Senators know, is paid by the General Government out of the Treasury of the United States, and the other half is paid from the revenue derived from the taxation upon property in the District.

It is estimated that the amount of the District revenues for the next fiscal year, exclusive of those derived from the water department, will be $4,730,935, leaving, in round numbers, if the appropriations as recommended by our committee are finally made by Congress, a deficit of $884,214. Including other items of necessary appropriation in the sundry civil appropriation bill, etc., the increases will probably be greater. We have provided, however, for this deficit in the last section of the bill, which authorizes the Secretary of the Treasury to advance, from time to time, this sum to the District, which shall be accounted for and repaid to the Treasury within five years, with interest at the rate of 2 per cent per annum.

It will be noted that this large increase arises chiefly from two or three projects, the principal of which are the filtration plant, the sewage project, and the bridge across the Potomac.

I make this explanation, Mr. President, in order that Senators may see, if they make these comparisons, that although we have made a large increase over the appropriations for the current year it is all for necessary projects that ought to be immediately completed. Unless some Senator desires further information as to its general character, I will ask that the reading of the bill may be begun.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, on page 1, line 6, before the word "for," to insert "in full;" so as to read:

That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, etc.

Mr. PLATT of Connecticut. I suppose it may be considered a question showing my ignorance, but I should like to know the necessity for those two words "in full," which have been inserted. What is the meaning of them?

Mr. ALLISON. They do appear a little odd, I will say to the Senator, but the only object of their use is that in case it should appear somewhere that we have appropriated a less sum for salaries than the statutory sum, the amounts appropriated shall be received in full for the salaries, whatever the compensation may be, and for the time being must be the statutory compensation of those who are paid by salary under this bill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 24, after the word "dollars," to insert "permit clerk, $1,200;" so as to read:

Clerk, who shall be a stenographer and typewriter, $900; messenger, $480; permit clerk, $1,200, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the word "clerk," to strike out "who shall give bond in such sum as the Commissioners may determine, and who shall, under the direction of the Commissioners, supervise the purchase and distribution and have custody of all supplies and stores for the use of the government of the District of Columbia;" in line 13, before the word "hundred," to strike out "eight" and insert "six;" in line 14, before the word "hundred," to strike out "six" and insert "four;" and in line 15, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" so as to read:

Property clerk, $1,600; deputy property clerk, $1,400; clerk, $900.

The amendment was agreed to.

The next amendment was, on page 3, line 21, to increase the total appropriation for the maintenance of the executive office from $75,064 to $76,044.

The amendment was agreed to.

The next amendment was, on page 3, line 24, after the word "dollars," to insert "and $500 additional as chairman of the excise and personal tax boards;" and on page 4, line 3, before the word "two," to strike out "assistant assessor, $2,000; assistant assessor, $1,600" and insert "two assistant assessors, at $2,000 each;" so as to read:

For assessor's office: For assessor, $3,500, and $500 additional as chairman of the excise and personal tax boards; two assistant assessors, at $2,000 each, etc.

The amendment was agreed to.

The next amendment was, on page 4, line 18, to increase the total appropriation for maintenance of the assessor's office from $42,600 to $43,500.

The amendment was agreed to.

Mr. GALLINGER. I will ask the Senator having in charge this bill if it will be agreeable to him, as the bill is being read, to have one or two little amendments made that the subcommittee overlooked?

Mr. ALLISON. It will be perfectly agreeable.

Mr. GALLINGER. On page 5, under the subhead "For collector's office," in line 5, after the words "deputy collector," I move to strike out "one thousand eight hundred" and insert "two thousand;" so that the salary of the deputy collector will be $2,000, instead of $1,800.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New Hampshire.

The amendment was agreed to.

Mr. ALLISON. Because of that amendment the total in line 13 on page 5 should be changed from $19,400 to $19,600.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, line 13, it is proposed to increase the total appropriation for the collector's office from $19,400 to $19,600.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 23, after the word "each," to strike out "clerk, $1,000" and insert "two clerks, at $1,000 each; two clerks, at $900 each;" and on page 6, line 3, before the word "hundred," to strike out "twenty-two

thousand eight" and insert "twenty-five thousand six;" so as to make the clause read:

For auditor's office: For auditor, $3,600; chief clerk, $2,250; bookkeeper, $1,800; two clerks, at $1,600 each; two clerks, at $1,400 each; three clerks, at $1,200 each; two clerks, at $1,000 each; two clerks, at $900 each; messenger, $900; disbursing officer, $2,500; deputy disbursing officer, $1,500; in all, $25,650.

The amendment was agreed to.

The next amendment was, on page 6, line 9, after the word "dollars," to strike out "law clerk" and insert "fourth assistant corporation counsel;" in line 11, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" and in line 13, before the word "dollars," to strike out "seven hundred and twenty" and insert "nine hundred;" so as to make the clause read:

For office of corporation counsel: For corporation counsel, $4,500; first assistant corporation counsel, $2,500; second assistant corporation counsel, $1,600; third assistant corporation counsel, $1,600; fourth assistant corporation counsel, $1,200; stenographer, $900; messenger, $900; in all, $12,900.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the word "dollars," to insert "assistant morgue master, $480; morgue janitor, $400," and in line 23, before the word "dollars," to strike out "two thousand five hundred and twenty" and insert "three thousand four hundred and sixty;" so as to make the clause read:

For coroner's office: For coroner, $1,800; morgue master, $720; assistant morgue master, $480; morgue janitor, $400; in all, $3,460.

The amendment was agreed to.

The next amendment was, on page 8, line 1, to increase the appropriation for the salary of superintendent of county roads from $1,500 to $1,800.

The amendment was agreed to.

The next amendment was, on page 8, line 8, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" and in line 9, before the word "messenger," to insert "clerk, $900;" so as to read:

Assistant inspector of gas and meters, $840; clerk, $900, etc.

The amendment was agreed to.

The next amendment was, on page 8, line 17, after the word "dollars," to insert "draftsman, $1,200; stenographer and typewriter, $900;" and in line 25, before the word "dollars," to strike out "sixty-five thousand five hundred and twelve" and insert "sixty-eight thousand nine hundred and thirty-two;" so as to read:

Clerk, $1,400; draftsman, $1,200; stenographer and typewriter, $900; two clerks, at $1,000 each; two inspectors of property, at $936 each; permit clerk, $1,400; assistant permit clerk, $840; index clerk and typewriter, $720; in all, $68,932.

Mr. ALLISON. I move to amend the amendment of the committee, in line 19, by striking out the words "nine hundred" and inserting "one thousand;" so that the salary of the stenographer and typewriter in the engineer's office will be $1,000 instead of $900.

The amendment to the amendment was agreed to.

Mr. ALLISON. I also move to change the total, in line 24, page 8, from $68,932, as proposed by the committee, to $69,032.

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued down to line 14, on page 9.

Mr. PLATT of Connecticut. We have just passed the paragraph appropriating $25,100 for the street-sweeping office. I suppose that does not include the expense of sweeping the streets, but I should like to inquire whether any addition has been anywhere made to this bill, so that we can have the streets here a little cleaner than we have been in the habit of having them.

Mr. ALLISON. That matter is taken care of in another part of the bill.

Mr. PLATT of Connecticut. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 10, line 12, after the word "District," to insert the following proviso:

Provided, That the Commissioners of the District of Columbia are authorized hereafter, in their discretion, to grant leave of absence with pay, not to exceed thirty days to any individual in any one year, to regular employees appointed directly by the Commissioners, whose services are continuous, but who receive per diem compensation, and have been in the continuous service of the District for one year.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the word "thousand," to strike out "two" and insert "three;" in line 24, after the word "dollars," to insert "laborer, $600," and in line 25, before the word "dollars," to strike out "seven thousand" and insert "eight thousand six hundred;" so as to make the clause read:

Department of Insurance: For superintendent of insurance, $3,500; examiner, $1,500; clerk, $1,000; statistician, $1,400; temporary clerk hire, $600; laborer, $600; in all, $8,600.

The amendment was agreed to.

The next amendment was, on page 11, line 6, before the word "thousand," to strike out "fifteen" and insert "eighteen:" and in line 7, before the word "thousand," to strike out "twenty" and insert "twenty-three;" so as to make the clause read:

For surveyor's office: For surveyor, $3,000; assistant surveyor, $1,800; for such additional employees as may be required, in accordance with the provisions of the act of Congress making the surveyor of the District of Columbia a salaried officer, $18,200; in all, $23,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 7, to strike out:

For resurvey of certain squares in the eastern part of the city of Washington, and placing monuments at corners of same, to replace original monuments destroyed during the civil war, $1,200.

The amendment was agreed to.

The next amendment was, on page 11, line 14, after the word "dollars," to insert "assistant librarian, $900;" in line 19, before the word "cataloguers," to strike out "temporary;" in line 21, before the word "attendants," to strike out "two" and insert "three;" in line 22, before the word "attendants," to strike out "three" and insert "four;" on page 12, line 4, after the word "each," to insert "watchman, $480;" and in line 6, before the word "dollars," to strike out "twenty thousand three hundred and sixty" and insert "twenty-two thousand five hundred and eighty;" so as to make the clause read:

Free public library: For librarian, $2,500; assistant librarian, $1,000; assistant librarian, $900; three assistants, at $720 each; two assistants, at $900 each; three assistants, at $540 each; cataloguer, $900; cataloguer, $720; cataloguer, $900; three cataloguers, at $540 each; stenographer and typewriter, $720; three attendants, at $480 each; four attendants, at $360 each; two messengers, at $360 each; four pages, at $240 each; two janitors, at $480 each; engineer, $900; fireman, $540; workman, $480; four charwomen, at $180 each; watchman, $480; in all, $22,580.

The amendment was agreed to.

Mr. ALLISON. On page 11, line 15, after the word "each," I move to strike out "two" and insert "three;" so that it will provide for three assistants at the free public library at $600 each, instead of two.

The amendment was agreed to.

Mr. ALLISON. The amendment just adopted will necessitate a change of the total; and I move that the total on page 12, line 5, be increased from $22,580 to $23,180.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Contingent and miscellaneous expenses," on page 13, line 5, to increase the appropriation for contingent expenses of the government of the District of Columbia from $38,200 to $40,500.

Mr. PLATT of Connecticut. I do not see that any amendment has been made in the paragraph for contingent and miscellaneous expenses, and I inquire why the total should be increased.

Mr. ALLISON. It is a lump sum.

Mr. PLATT of Connecticut. Oh, that is it.

Mr. ALLISON. The appropriation for contingent and miscellaneous expenses is increased from $38,200 to $40,500.

Mr. PLATT of Connecticut. Very well.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 14, after line 4, to insert:

For postage for strictly official mail matter, $5,000.

The amendment was agreed to.

The next amendment was, on page 14, line 21, before the word "coroner's," to insert "livery of horse or horse hire for;" in line 22, before the word "removal," to insert "witness fees;" in the same line, after the word "persons," to insert "including the purchase and maintenance of horse and wagon for that purpose;" in line 25, before the word "and," to insert "telephone service;" and on page 15, line 3, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For livery of horse or horse hire for coroner's office, jurors' fees, witness fees, removal of deceased persons, including the purchase and maintenance of horse and wagon for that purpose, making autopsies, ice, disinfectants, telephone service, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking of testimony, and photographing unidentified bodies, $2,500.

The amendment was agreed to.

The next amendment was, on page 15, after line 16, to insert:

For resurvey of certain squares in the eastern part of the city of Washington, and placing monuments at corners of same, to replace original monuments destroyed during the civil war, $1,200.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert:

For purchase of the plats and field notes of Mr. William J. Latimer, private surveyor, containing survey data of that part of the District of Columbia lying southeast of the Anacostia River, $7,500.

The amendment was agreed to.

The next amendment was, on page 16, line 1, after the word "dollars," to strike out:

Which sum shall not be available except for constructing said building on plans that will provide for a building six stories high on all sides, with suit-

able accommodations therein for the offices of the register of wills, recorder of deeds, and the police court, in addition to the offices and departments now designed to be accommodated therein, and with a sub-basement story of sufficient height of ceiling to afford suitable accommodations for heating and lighting plant and for a repair shop for the District of Columbia.

So as to make the clause read:

For continuing work on the municipal building, $300,000.

Mr. PLATT of Connecticut. May I be indulged to ask the chairman why this is stricken out? I suppose it is entirely proper, but I should like some explanation of it.

Mr. ALLISON. It will be seen by the reading of the amendment——

Mr. PLATT of Connecticut. It changes the original plan?

Mr. ALLISON. That the House proposed to change the original plan by providing for placing in the new municipal building the office of the register of wills, which is now in the court-house on Judiciary square, and that of the recorder of deeds, which is also in the court-house on Judiciary square.

Mr. PLATT of Connecticut. And the police court.

Mr. GALLINGER. And the police court.

Mr. ALLISON. And the police court, which is now near Judiciary Square, and also to alter the basement as to allow plans for a repair shop in the basement of this new building.

Mr. PLATT of Connecticut. So the House changed the original plan.

Mr. ALLISON. The House changed the original plan, and provided that the appropriation should not be available until the plan was so changed as to provide for these additional accommodations.

Mr. PLATT of Connecticut. I think the committee is quite right, especially do I think that we ought not to have a repair shop in the basement of the municipal building, whatever the other items may be.

Mr. ALLISON. There was great objection by the lawyers of the District to the removal of the offices of the register of wills and the recorder of deeds, these offices being now convenient to where the courts are held. There was also very great objection to placing the police court in the municipal building, and the carpenter shop was considered wholly inadmissible by the committee, after making full examination of the subject.

In addition to that the necessary changes and alterations would cost from three hundred and fifty to four hundred thousand dollars in the construction of the building. Therefore, after very full consideration, the committee recommend that this provision be stricken out.

Mr. PLATT of Connecticut. And very properly.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 16, after line 9, to insert:

For metal shelving, bookcases, and racks in the office of the recorder of deeds of the District of Columbia, $10,000, or so much thereof as may be necessary, to be expended by the Superintendent of the Capitol.

The amendment was agreed to.

The next amendment was, on page 16, after line 13, to insert:

For metallic cases for card index for office of register of wills of the District of Columbia, $750.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert:

For carrying out the provisions of the act approved March 1, 1899, entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," to pay the members of the board of survey provided for therein, other than the inspector of buildings, at a compensation of $10 each survey, and to pay the cost of making safe or removing such buildings upon the refusal or neglect of the owners so to do, $2,000.

The amendment was agreed to.

The next amendment was, on page 17, line 21, before the word "grade," to strike out "of" and insert "or;" so as to read:

For purchase or condemnation of the land necessary for the plaza and new streets, and for reconstructing, grading, and paving, together with the necessary incidental work in connection therewith, the streets, avenues, and ways changed in line or grade or newly created under the provisions of said acts, etc.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

For paving roadways under the permit system, $10,000.

The amendment was agreed to.

The next amendment was, on page 19, line 15, to increase the appropriation for work on streets and avenues named in Appendix Cc, Book of Estimates, 1905, from $60,000 to $100,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, to increase the appropriation for the Georgetown schedule from $4,000 to $6,800.

The amendment was agreed to.

The next amendment was, on page 19, line 23, to increase the appropriation for the northwest section schedule from $13,000 to $21,600.

The amendment was agreed to.

The next amendment was, on page 19, line 24, to increase the appropriation for the southwest section schedule from $6,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 20, line 2, to increase the appropriation for the southeast section schedule from $22,000 to $36,000.

The amendment was agreed to.

The next amendment was, on page 20, line 30, to increase the appropriation for the northeast section schedule from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to insert:

For repaving Fourteenth street between Pennsylvania avenue and F street NW., $4,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 5, to insert:

For repaving with asphalt Tenth street between G and Water streets SW., $2,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

For paving with asphalt Seventh street NW. from Pennsylvania avenue to E street and from G street to north side of New York avenue, $24,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to insert:

For Columbia road between Fourteenth and Sixteenth streets, pave, $5,300.

The amendment was agreed to.

The next amendment was, on page 23, after line 6, to insert:

For Yale street between Thirteenth and Fourteenth streets, pave, $6,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

For Clifton street between Eleventh and Thirteenth streets, grade, $7,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 10, to insert:

For Lanier avenue, grade and improve, $5,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 12, to insert:

For Twentieth street from Brentwood road to Queen's Chapel road, grade and improve, $4,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 14, to insert:

For Pennsylvania avenue extended, grade, $5,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 16, to insert:

For California avenue from Phelps place to Massachusetts avenue, grade and improve, $6,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 19, to insert:

For Connecticut avenue extended, grade and improve, $10,000.

Mr. ALLISON. I move to amend the amendment by striking out "ten" and inserting "twenty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 23, after line 21, to insert:

For Woodley road from Wisconsin avenue to Idaho avenue, grade and improve, $2,500.

The amendment was agreed to.

The next amendment was, on page 23, after line 23, to insert:

For Albemarle street east of Connecticut avenue, grade and improve, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 24, to insert:

For Twenty-second street from Decatur place to S street NW., improvement, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

For S street, North Capitol to First street west, grade and pave, $7,200.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

For Quincy street from North Capitol street to Florida avenue, pave, $6,300.

The amendment was agreed to.

The next amendment was, on page 24, after line 6, to insert:

For Sherman avenue from Florida avenue to Irving street, grade and improve, $7,500.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

For Dover street, Brookland, from Twelfth to Thirteenth streets, grade and improve, $2,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 11, to insert:

For Eighth street, Petworth, from Richmond to Trenton streets, grade and improve, $4,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 13, to insert:

For Grant street NW., between Eighteenth street and Nineteenth street, grade and improve, $7,500.

The amendment was agreed to.

The next amendment was, on page 24, after line 16, to insert:

For Q street, between Twenty-second and Twenty-third streets NW., pave, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 18, to insert:

For Shepherd street NW., from Connecticut avenue extended to Idaho avenue, grade and macadamize, $6,000: *Provided*, That all the land necessary therefor shall be conveyed to the District of Columbia and dedicated to public use.

The amendment was agreed to.

Mr. ALLISON. After line 23, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment which will be stated.

The SECRETARY. On page 24, after line 23, it is proposed to insert:

For Seventh street NE., from Bunker Hill road to Rhode Island avenue, grade and improve, $5,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 25, line 6, before the word "thousand," to strike out "nine" and insert "five;" and in the same line after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For Rhode Island avenue NW., from First to Second streets, pave, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 25, line 19, to increase the appropriation for construction of county roads and suburban streets from $44,000 to $146,200.

Mr. ALLISON. That total should be $161,200.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 25, after line 20, to insert:

For grading and macadamizing according to the plans of the first section permanent system of highways, Fourteenth street from its present terminus at Lydecker avenue, with the same width of roadway now open immediately south of said avenue to the junction, near Brightwood, of said street extended with Piney Branch road, including connecting line of avenue where Fourteenth street is shifted from its direct extension, and for the removal, with the assent of owners, of houses and barns or other improvements which may be within the lines of said street to adjacent sites of present owners, $20,000, the whole cost of said work under a contract which is hereby authorized therefor, not to exceed $59,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to insert:

To enable the Commissioners of the District of Columbia to purchase the pieces or parcels of ground necessary for the right of way of said street, which they are hereby authorized to do, or for paying in condemnation proceedings hereby authorized pursuant to sections 483 to 491, inclusive, of the Code of Law for the District of Columbia, any damages or excess of damages over benefits that may be allowed to the owner or owners of land to be taken, should there be any damages found in such proceedings or any damages found in excess of benefits, $7,500: *And provided further*, That if the Commissioners of the District of Columbia, in their discretion, pursuant to said section 491, reject the award or awards in such condemnation proceedings, or if the benefits exceed the damages to an amount over $7,000, the appropriations aforesaid of $20,000 and $7,500 shall revert to the Treasury of the United States, except $500 of the latter appropriation, which shall be chargeable with the costs of the proceedings in respect to said condemnations.

The amendment was agreed to.

The next amendment was, on page 27, line 22, before the word "dollars," to strike out "including not exceeding $5,500 for sidewalks and curbs around Lincoln Park, ten thousand" and insert "twelve thousand five hundred:" so as to make the clause read:

For replacing and repairing sidewalks and curbs around, public reservations and municipal buildings, $12,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

For completing construction, including approaches, of the highway bridge across the Potomac River at Washington, D. C., and for any and all purposes connected therewith, $428,000.

Mr. ALLISON. On page 28, line 12, after the word "dollars," I move to insert what I send to the desk.

The SECRETARY. On page 28, after the word "dollars," in line 12, it is proposed to insert:

And the total cost of said bridge and approaches shall not exceed $1,198,000.

The amendment to the amendment was agreed to.

Mr. ALLISON. I also wish to modify the amendment in line 8 by striking out the word "completing" and inserting the word "continuing."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 12, to insert:

For construction of a concrete bridge across Piney Branch on the line of Sixteenth street extended, $20,000; and the Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of said bridge at a total cost not to exceed $50,000, to be paid from time to time as appropriations therefor may be made by law.

The amendment was agreed to.

The next amendment was, on page 28, line 20, before the word "of," to strike out "repair" and insert "reconstruction;" and in line 24, before the word "of," to strike out "repair" and insert "reconstruction;" so as to read:

For the reconstruction of the Anacostia bridge, under direction of the Commissioners of the District of Columbia, $100,000, and the said Commissioners are authorized to enter into a contract or contracts for the reconstruction of said bridge, to be completed within two years from July 1, 1904, at a cost not to exceed $250,000, to be paid from time to time as appropriations therefor may be made by law.

The amendment was agreed to.

The next amendment was, on page 29, line 3, after the word "law," to strike out the following proviso:

Provided, however, That before any part of this sum shall be used the Anacostia and Potomac River Railroad Company shall pay to the collector of taxes of the District of Columbia the entire cost of the pavement lying between the exterior rails of the tracks and for a distance of 2 feet from the said exterior rails of said tracks on each side thereof and the entire floor system supporting said pavement, and said collector shall deposit one-half of same in the United States Treasury to the credit of the District of Columbia and one-half to the credit of the United States, nor shall said appropriation be available until said railroad company shall agree to assume one-half the cost of maintenance and repair of said new bridge, to be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878: *Provided further*, That this appropriation shall not be available until the Anacostia and Potomac River Railroad Company shall agree that any other railroad company, now or hereafter authorized by Congress to use said bridge, shall have the right to use the tracks of the Anacostia and Potomac River Railroad Company thereon upon such reciprocal trackage and such compensation as may be mutually agreed upon, and in case of failure to reach such an agreement that the supreme court of the District of Columbia shall, upon petition filed by either party, fix and determine the same.

And insert:

Provided, That the Anacostia and Potomac River Railroad Company shall pay the entire cost of the pavement between the exterior rails of its tracks on said bridge and for a distance of 2 feet from the said exterior rails of said tracks on each side thereof and the cost of the entire floor system supporting said pavement, to be collected and reimbursed to this appropriation in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878: *Provided further*, That any other railroad company now or hereafter authorized by Congress to use said bridge shall have the right to use the tracks of the Anacostia and Potomac River Railroad Company thereon upon such reciprocal trackage and such compensation as may be mutually agreed upon, and in case of failure to reach such an agreement that the supreme court of the District of Columbia shall, upon petition filed by either party, fix and determine the same. And hereafter one-half of the cost of the maintenance and repairs of this bridge shall be borne by the said railway company or companies, and shall be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways as provided for above. The amounts thus collected shall be deposited to the credit of the appropriation from which such maintenance and repairs shall be paid for the fiscal year in which they are collected.

Mr. TELLER. I should like to inquire of the chairman of the committee who owns the bridge referred to?

Mr. ALLISON. It is owned by the Government of the United States, as I understand, and the railroad has the right to cross it. These provisions simply continue and perfect the arrangement.

Mr. TELLER. Was this bridge originally constructed with some such agreement?

Mr. ALLISON. It was not; but I think the railroad tracks were put upon the bridge under some agreement of this character.

Mr. TELLER. It strikes me that if the Government owns the bridge the Government is hardly keeping such a control over it under this arrangement as it ought to have. However, I do not want to interfere with the committee which considered this matter.

Mr. ALLISON. I think this whole provision is well guarded for the protection of the Government in every way. It was desired by the Commissioners that the interchangeable arrangement should be made. But the substance of the two provisions is the same.

Mr. TELLER. It seems to me from a hasty examination that I should prefer the House provision to the Senate provision. But I will not interfere with it.

Mr. ALLISON. I will call attention to one idea. The House provision required the railroad company to pay the entire cost of the pavement between the rails, etc., before any of this appropriation should be available. That is practically impossible.

And the last clause in the amendment proposed by the Senate committee is for the protection of the Government as respects these various sums of money that are provided for.

Mr. TELLER. All I care to say is that it seems to me we ought to retain for the Government the right to determine when and what other railroads shall come over the bridge. But I was not in the committee when this matter was considered, and as the committee has considered it I do not wish to make any suggestions about it. The question will be in conference anyway.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 32, after line 23, to insert:

For completion of the Arizona avenue sewer, $35,000. And the Commissioners of the District of Columbia are authorized to enter into contract for the completion of said sewer at a cost not to exceed $178,000, exclusive of appropriations heretofore made therefor.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

For Ivy City trunk sewer, $25,000. And the Commissioners of the District of Columbia are authorized to enter into contract for the whole work, at a cost not to exceed $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Streets," on page 33, line 23, before the word "storage," to insert "stable and;" and on page 34, line 2, after the word "expenses," to insert "not properly chargeable to the general appropriation for contingent expenses of the government of the District of Columbia;" so as to read:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including rent of stable and storage rooms; purchase, maintenance, and livery of horses; purchase, maintenance, and repair of wagons and harness, and necessary incidental expenses not properly chargeable to the general appropriation for contingent expenses of the government of the District of Columbia, and work done under existing contracts, as well as hand work done under the immediate direction of the Commissioners without contract, etc.

The amendment was agreed to.

The next amendment was in the appropriation for sprinkling, sweeping, and cleaning streets, on page 34, line 17, before the word "thousand," to strike out "one hundred and ninety" and insert "two hundred;" so as to make the proviso read:

Provided, That whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at 19 cents or less per 1,000 square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per 1,000 square yards, they may continue to do said work under their immediate direction, in accordance with said specifications; $200,000, and the Commissioners shall so apportion this appropriation as to prevent a deficiency therein.

Mr. PLATT of Connecticut. I suppose this is the item which relates to the work of cleaning the streets?

Mr. ALLISON. It is.

Mr. PLATT of Connecticut. I see that the amount has been increased from $190,000 to $200,000, but I do not see that any change is contemplated in the method of cleaning the streets.

I wish to say that I think there ought to be something done in that direction. I do not know that it can be done in this bill, but it is observed by those who reside here, and more particularly observed, I think, by all persons who come here from all portions of the United States, that the streets here are unusually and indefensibly dirty. I really feel that it is a matter which somebody ought to look after.

I have no plan; I do not know but that the present plan of sweeping and cleaning the streets is as good as any, but I suppose the plan has been changed from the old system of flushing the streets and sweeping them with brooms drawn by horses to this plan, which is called the employment of "white-winged" people, laborers dressed at some time in white.

Mr. ALLISON. In the morning.

Mr. TELLER. Some mornings.

Mr. PLATT of Connecticut. I would say dressed some weeks in white, no change of their garments having been made until they are no longer white when they are in service.

I have observed another thing, that they have a pretty good time apparently. I suppose they are called workmen, but from my observation I should think they were having a pretty easy time and not working very hard.

The result of it all is that the streets are in a deplorable condition. It has its amusing side, but at the same time it has its serious side. I think there should be some change in the way in which this work is done, that it should be thoroughly done, and that the streets should be kept clean.

Mr. TELLER. Cleaner than they are.

Mr. ALLISON. I am glad that this monition, instructive as it will be——

Mr. PLATT of Connecticut. I beg the Senator's pardon. I was not criticising the committee or attempting to do so.

Mr. ALLISON. I understand. I was about to say that the little criticism, kindly and gently administered by the Senator, of course, will apply to the Commissioners of the District of Columbia——

Mr. PLATT of Connecticut. More properly, I think.

Mr. ALLISON. And more correctly, perhaps, to the superintendent of street sweeping. The Commissioners are aware of the defective situation as respects street sweeping; and they said to the committee that they are studying carefully the problem of economical and at the same time effective street sweeping. This provision gives them a large discretion in that matter, and I have no doubt they will utilize this appropriation in doing the very best possible to keep the streets clean. Of course it has not been possible to keep them clean on a good many days during the last winter.

Mr. GALLINGER. On this point, Mr. President, I wish to say, as chairman of the Committee on the District of Columbia, that a great many complaints have come to that committee from residents and from people who have traveled abroad, calling the attention of the committee to the fact that the streets are in a much worse condition, so far as cleanliness is concerned, than they formerly were.

The Senator from Iowa has explained that this matter was called to the attention of the Commissioners. The amount appropriated by the House is increased $10,000, and the Commissioners have promised to give very careful consideration to the question, saying to the committee that they have in contemplation, to some extent at least, a return to the former method, to which the Senator from Connecticut has called attention—the flushing of the streets and the sweeping of them with machines drawn by horses.

I think, Mr. President, the mistake made was that in the city of New York, under the administration of a very competent man, where the streets are narrow, they adopted the system of hand-sweeping and it proved there very efficient. It was transplanted to the city of Washington, where we have very wide streets and avenues, and it has proved not to be a good system; at least it so occurs to me. Men with their hand brooms have swept up the dirt in a heap at one side of a broad avenue, and before they had time to take it away a gust of wind has come and swept it across to the other side. That is precisely what has been going on in this city to my personal knowledge. I am glad that the Senator from Connecticut has called attention to it. I think something ought to be done in that regard.

Mr. TELLER. I should like to inquire whether the present system is one of contract?

Mr. GALLINGER. It is a contract.

Mr. ALLISON. It is also a matter in the discretion of the Commissioners. They make contracts or they hire men to clean the streets in their own discretion.

Mr. TELLER. I do not believe it is wise for the Commissioners of the capital of the nation to hire anyone to clean the streets by contract. They lose practical control of it. We all know that on the main avenue of this city in the last winter it was not unusual to see the dirt piled up along the street, where it had been sometimes for three or four days. I do not believe that ought to be allowed.

Mr. ALLISON. If the Senator will look at the proviso on page 34 of the bill, he will see that it provides that "whenever it shall appear to the Commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids"—that is, if the bids are not satisfactory—they are required to go on with the work under their own immediate supervision.

Mr. TELLER. I understand that; and if the Commissioners find it is costing a certain sum, then they are to try and see whether they can not get it done cheaper by bids.

Mr. President, I think, while we want to have the work done as cheaply as possible, what we want to do in this capital city is to see that we have clean streets, and if they can be made cleaner by the Commissioners taking charge of the work, even if they spend a little more money, I think the public would be better satisfied and it would be more in accordance with the dignity and character of the General Government to have it done in that way.

Mr. NEWLANDS. Mr. President, I should like to inquire of the Senator from Iowa whether the full amount of the estimate of the Commissioners was allowed in this item of street cleaning?

Mr. ALLISON. The estimate was $220,000.

Mr. NEWLANDS. And what is the amount allowed?

Mr. ALLISON. The House appropriated the amount allowed for this year, and the Senate committee recommend an increase of $10,000.

Mr. NEWLANDS. What is the total amount of the allowance?

Mr. ALLISON. The total amount of the allowance is $200,000. The Commissioners estimated for $220,000.

Mr. NEWLANDS. That is $20,000 under the estimate?

Mr. ALLISON. It is.

Mr. NEWLANDS. I made inquiry of the Commissioners several times regarding this matter, and I think it has been called to the attention of almost everybody. They tell me that owing to the extraordinary expenditures for capital projects, such as bridges, etc., and permanent improvements, sufficient money has not been allowed for the current expenditures of the District, and particularly those expenditures covering street cleaning, street paving, and the repair of county roads.

It seems to me, as they have made an estimate of $220,000, and the difference between an inefficient service and a perfect service

(for I presume their estimate covers a perfect service) is only $20,000, it would be wise to increase the amount of the appropriation. I ask the Senator from Iowa whether that can not be done?

Mr. ALLISON. It could be done, Mr. President, if we want to expend that amount of money. The number of streets to be cleaned and to be swept is wholly in the discretion of the Commissioners of the District of Columbia. They ask, as I understand it, for this additional sum of money, $10,000, in order to enlarge the number of streets to be swept. I think in the committee, although there was very little expressed on the subject, there was a general opinion that they ought to do well what they are now doing before we enlarge the number of streets. There is no limit to the number of streets the Commissioners may authorize to be swept. Whatever they authorize to be swept ought to be well done. That was the view we had, and we increased the amount $10,000 over the appropriation made by the House, which we supposed to be about all we could fairly expect to finally pass the two Houses. This service costs $190,000 this year.

The amendment was agreed to.

The next amendment was, on page 34, line 26, to increase the appropriation for cleaning snow and ice from cross walks and gutters, under the act approved March 2, 1895, from $1,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 35, line 12, to increase the appropriation for the parking commission from $25,000 to $30,000.

The amendment was agreed to.

The next amendment was, on page 35, line 17, to increase the appropriation for the improvement and protection of the harbor and river front from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, under the head of "Electrical department," on page 36, line 7, before the word "repair," to strike out "three" and insert "four;" and in line 11, before the word "dollars," to strike out "two hundred and twenty" and insert "nine hundred and forty;" so as to make the clause read:

For superintendent, $1,600; inspector of lamps, $1,000; electrician, $1,200; draftsman, $1,000; three telegraph operators, at $1,000 each; three inspectors, at $900 each; expert repair man, $960; four repair men, at $720 each; three telephone operators, at $600 each; two laborers, at $400 each; in all, $16,940.

The amendment was agreed to.

The next amendment was, on page 36, line 19, to increase the appropriation for general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, etc., from $15,000 to $18,000.

The amendment was agreed to.

Mr. ALLISON. Before proceeding to the consideration of the next amendment, which is one perhaps that will lead to some little debate, I ask leave to go back to page 8, line 5. After the word "dollars" I move to insert what I sent to the desk. It is a proviso.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, line 5, after the word "dollars," insert:

Provided, That said inspector of asphalt and cements shall not render expert advice to or perform service for or receive or accept compensation of any kind from any person, firm, corporation, or municipality, other than the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 36, line 19, after the word "dollars," to strike out the following proviso:

Provided, however, That no part of the money herein appropriated shall be used for the payment to any person or telephone company doing business in the District of Columbia for the hire of or use of any telephone or for any telephone service, except at the following rates: Fifty dollars per annum for the use of a telephone on a single wire; $40 per annum for each telephone, there being not more than two on a wire; $30 per annum for each telephone, there being not more than three on a wire; $25 per annum for each telephone, there being four or more on the same wire; and no contract shall be made with any person or telephone company in excess of the charges herein specified: *Provided*, That the above rates and no more may be charged by the telephone companies doing business in the District of Columbia to their patrons receiving service in private residences; and any violation of the above provision is hereby declared to work a forfeiture of all rights to conduct a telephone business within the District of Columbia.

And to insert in lieu thereof the following:

Provided, That no part of the money herein appropriated shall be used for payment to any telephone company doing business in the District of Columbia for the use of any telephone within said District for communicating therefrom to any other telephone connected to a central office of such company in the District of Columbia except at the following rates: Sixty dollars per annum for a telephone on an individual metallic circuit, $48 per annum for each telephone on the same premises, there being not more than two on the same metallic circuit, and no contract shall be made with any telephone company for such use of such telephones in excess of the rates herein specified: *Provided*, That until the population of the city of Washington shall be 350,000 or over no more than the above specified rates shall be charged by any telephone company doing business in the District of Columbia for such use of such telephones at private residences within the District of Columbia, and any acts or parts of acts heretofore enacted fixing telephone rates for grounded circuits in the District of Columbia are hereby repealed: *Provided further*, That the refusal of the company to comply with the provisions of this act shall be a misdemeanor, and such refusal shall subject the company to a fine of not less than one nor more than five hundred dollars for each and every offense.

Mr. STEWART. Mr. President, this subject of telephone service came before the Committee on the District of Columbia some two or three years ago, and the committee gave parties a several days' hearing. It arose on an application to incorporate another company. The old company made wonderfully good promises, and on their good promises the committee failed to indorse the project that had come from the House. The committee gave them another trial. I fear we adopted the wrong policy. The service is not good. I think it is worse than it is in almost any other city. The charges are certainly sufficiently high to furnish good service. They said they could do it and they have not done it.

I rather think that the House has done about right. The telephone company ought to be brought up and made to comply. We ought to have good telephone service here. The theory is that Congress can control them, but this particular company has been out from under the control of Congress all the time. They go to the Supreme Court on the question whether they are bound to pay the rates fixed by Congress, and they continue in that way. I am inclined to think that we had better follow the House provision. I do not think it is too severe under the circumstances. They will not comply with that provision, and they will not comply with the Senate amendment if it is passed. They are not going to comply if they are not compelled to do so, and I do not know any way to compel them.

I am sorry we did not organize an independent company. I am sorry now that I did not vote to organize an independent company. But the injury to the streets by tearing them up was obvious, and the promises of this company were very fine. But they have gone on in the same way, and I think every Senator here and every Member of the House and the whole community knows that the service is not good.

Mr. CLAY. I see the Senate amendment reduces the amount fixed by the House. The House provision reads as follows:

Fifty dollars per annum for the use of a telephone on a single wire; $40 per annum for each telephone, there being not more than two on a wire; $30 per annum for each telephone, there being not more than three on a wire, etc.

What rates are we paying now?

Mr. GALLINGER. I will say to the Senator from Georgia that the rate is $72 now where the Senate committee makes the rate $60, and $60 where the Senate committee makes it $48, and for good and sufficient reasons, which the Senator from Iowa will explain, I have no doubt.

Mr. STEWART. I should like to hear some explanation.

Mr. CLAY. The House reduced the rate from $72?

Mr. GALLINGER. From $72 to $50.

Mr. CLAY. The Senate committee proposes to reduce it from $72 to $60?

Mr. GALLINGER. Precisely. The House reduced another rate from $60 to $40, and the Senate committee proposes to reduce it from $60 to $48.

Mr. STEWART. I should like to hear from the chairman what the prospect is, if this amendment is adopted, of inducing or compelling the company to observe these rates.

Mr. GALLINGER. The Senator will observe that there is a penalty attached to the clause.

Mr. STEWART. I do not know whether we can do anything with them. It is a most tremendous company, a most annoying company, a most aggravating company. I do not know whether anything can be done with them or not; but if the chairman of the committee has got a wayout to suggest, I should like to hear it.

Mr. ALLISON. Mr. President, this has been somewhat of a difficult question, which I had hoped the Committee on Appropriations would escape and the Committee on the District of Columbia, which seems to be the proper committee to deal with this question, would be able to solve by means of some legislation upon the subject. But the House of Representatives dealt with this question on the pending bill, and, of course, we were obliged to take it up and consider it as best we could in the limited time we had for its consideration. We found, however, at the threshold of the consideration of the provision inserted by the House that it is not an adequate provision to deal with the question. It is in substance a reenactment of the law of 1898; in fact, I am not quite sure but that it is the same provision exactly.

Mr. STEWART. Let me ask the Senator if there would be any difficulty in inserting rates fixed by the House in the provision reported by the Senate committee?

Mr. ALLISON. Of course we can insert the same rates under different conditions. The House provision is as follows, reading only the first clause: "That no part of the money," etc., shall be paid "for any telephone service, except at the following rates: Fifty dollars per annum for the use of a telephone on a single wire."

That is the clause which was inserted in the appropriation act of 1898, and under it the supreme court of the District of Columbia decided that it was an unreasonable rate. The matter went

to the appellate court of the District of Columbia, and I believe they reversed that decision. The matter was then appealed to the Supreme Court of the United States, and they decided that under the provisions of the law it was manifest that only one kind of telephone was to be under consideration and they were not able to judge which was intended, whether it was a telephone upon what is known as a grounded circuit or upon a telephone with a metallic circuit.

Thereupon they returned the case to the appellate court of the District of Columbia to take testimony upon that subject. Testimony was taken, when it appeared from the testimony that the provision of the law of 1898 provided for only a grounded-circuit telephone, and, as a matter of fact, now, with some eight or ten thousand telephones, I believe there are only about one hundred belonging to the system known as the "grounded-wire service," which is the provision of the House in the pending bill. Therefore, we were called upon to deal with the whole question.

Mr. MALLORY. If the Senator will permit me, I will say, in reference to his statement, that the Committee on the District of Columbia at the last session gave a hearing to the representatives of the telephone company and also to those who were contesting the rates charged by the telephone company. There was an association here in Washington formed to contest those rates, and under the auspices of that association the suits to which the Senator has referred were instituted. The Committee on the District of Columbia appointed a subcommittee to give this hearing.

Mr. ALLISON. I hope the Senator from Florida will state that matter in detail, as he is very familiar with it.

Mr. MALLORY. I am only going to fill up what the Senator has omitted.

That subcommittee consisted of the Senator from New Hampshire and myself. This hearing revealed the fact that the association in Washington had come to the conclusion that it was better probably not to push the suit any further. Their representatives before the subcommittee stated that they were perfectly willing to have the contention laid aside for the present and the rates which had been contended for abandoned. In other words, it was admitted practically before the subcommittee that the rates which were then charged under the act of 1898 were too low for the existing conditions. That is my present impression. This year the committee has had no evidence bearing on the subject at all; but I do not think there is any doubt of the fact that up to this time last year those who had been most prominent in contesting these rates concluded the rates were not too high.

Mr. ALLISON. On further examination of this question, we ascertained that although the former management of the telephone company had been subjected, as I think very reasonably and properly, to severe criticism on account of the method of service which they adopted, the present management were making an earnest and honest endeavor to greatly improve the service in this District. They stated to the committee that they had been expending, within the last year or eighteen months, more than a million and a half dollars; that they would expend this year $750,000, and next year perhaps a half million dollars more to perfect the service in this District. That expenditure is being made by the establishment of three or four central stations, thoroughly equipped to render efficient and effective service. The Senator from New Hampshire [Mr. GALLINGER] calls my attention to the fact that they stated that the whole of the money that they were expending here was borrowed money and that the company itself for the last three years has paid no dividends upon its stock.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair.) Does the Senator from Iowa yield to the Senator from Nevada?

Mr. ALLISON. Certainly.

Mr. NEWLANDS. I wish to ask the Senator from Iowa whether any report is made annually by this company of its receipts and expenditures on account of capital and income and operation, as is required in the case of other quasi public corporations?

Mr. ALLISON. I think so, though I am not sure. If there is no such report made, there ought to be one. The Senator from New Hampshire [Mr. GALLINGER] will know whether the company make an annual report.

Mr. GALLINGER. I think they do not.

Mr. NEWLANDS. Then, if the Senator from Iowa will pardon me, I have drafted an amendment to this section——

Mr. ALLISON. I shall be glad, of course, to hear the Senator make any statement.

Mr. BLACKBURN. I should like to ask the Senator a question for information.

Mr. ALLISON. I hope the Senator will make it brief.

Mr. BLACKBURN. I will make it as brief as possible. Has the Senator the data before him which will enable him to answer and tell the Senate whether or not this company has been declaring unusually large dividends upon its capital stock?

Mr. ALLISON. I am prepared to give the Senator such information as the committee has on that subject.

Mr. BLACKBURN. That is all I ask.

Mr. ALLISON. It was stated to us that for three years the company had paid no dividends at all, and for several years only 2 or 3 per cent. I think the highest dividend paid upon the capital stock of the company was 5 per cent.

Mr. STEWART. I should like to ask a question. Has the telephone company assented to the rate fixed by the amendment of the committee?

Mr. ALLISON. I understand they have—that is to say, they are willing to carry out in good faith in every way the provision of the clause which we have inserted in the bill; and I have no doubt they will do so.

Mr. STEWART. If they will, I shall be content.

Mr. GALLINGER. I will say to the Senator from Nevada that they voluntarily came before the committee and assented to it. They suggested that they were willing that a penalty clause should be attached; that they proposed to observe the law, and that they wanted to give this city a first-class telephone service at a living rate; and we were assured——

Mr. STEWART. We have had so many assurances in the past that have not been lived up to that I am always somewhat doubtful about them; but, under all the circumstances, if there is a reasonable probability that the company will live up to their assurances, I shall be content.

Mr. GALLINGER. Perhaps the Senator has not had many assurances from the present management. Mr. Bethell has been at the head of the company only two years.

Mr. STEWART. I was not referring to the present management, but to the former management.

Mr. ALLISON. In answer to the Senator from Kentucky [Mr. BLACKBURN], I will say that we took testimony upon that subject. If the Senator will look at the hearings before the committee, he will see that this whole question was very thoroughly inquired into. The average dividend for the last twenty-one years has been $2\frac{1}{10}$ per cent per annum. I think it was stated that for the last two and a half or three years the company had paid no dividends whatever and that they have been and are making, as we know they are making, very large improvements here.

Mr. GALLINGER. I will say that for the last four years no dividends have been paid. I have in my possession letters from two citizens of the District of Columbia, saying that they own stock in this company, that they have received no dividends for four years, and protesting that Congress ought to deal justly with this corporation and with the citizens of the District who chance to own a little stock in the company.

Mr. ALLISON. The committee did the best they could in this matter. They fixed the rate at $60 per annum for a telephone on an individual metallic circuit, and $48 per annum for each telephone on the same premises, there being not more than two on the same metallic circuit. So, under all the circumstances, Senators will see that the rates are not unreasonable.

The statements made to us convinced us that the rates we have provided for in the bill are reasonable for the present, but we are not restricted from changing those rates at any time when we think they have become oppressive to the people. The amendment is so guarded that Congress maintains control of the whole subject so far as the rates are concerned, as I think it ought to retain the power of changing rates as long as there is but one telephone company in this District.

Mr. GALLINGER. Mr. President——

Mr. NEWLANDS. With the permission of the Senator, I wish to offer an amendment.

Mr. GALLINGER. I yield for that purpose.

Mr. NEWLANDS. I offer an amendment to come in after line 9 on page 38; and as it is very much interlined, perhaps I had better read it myself. It is to add to the amendment of the committee the following:

That every telephone company doing business in the District of Columbia shall annually, on or before the 15th of January of each year, report under oath to the Congress a classified statement of its receipts and expenditures for the previous calendar year, dividing them into receipts and expenditures on account of capital as well as income and operation in the District of Columbia, and that such report for the first year shall state the actual cost of their works in the District of Columbia.

Mr. GALLINGER. Mr. President, I do not care to occupy much time on this matter, but it is a subject to which I have given a good deal of thought; and I have endeavored to do my duty in regard to it as chairman of the Committee on the District of Columbia.

Some three years ago, if I remember correctly, a company of gentlemen came to Washington, men of standing, and I have no doubt of integrity, who insisted that we should charter a new telephone company in the District of Columbia. We gave a patient

hearing to those gentlemen. They made a proposition that they would furnish telephone service very much cheaper than we were getting. After a patient hearing we concluded that we could regulate the existing company and that it was not wise to have the streets of Washington torn up by a new corporation. Some of us had in mind the fact that an electric-light company had come here a little while before, and by rather sharp practice had been chartered, and had torn up our streets to furnish electric light in competition with the existing company. After a little time they sold out at a very large profit and left the city. So we did not conclude to incorporate this new telephone company.

They went to Baltimore, got a permit from the city council, established a telephone company there, and furnished service a little cheaper than the existing company for a time; but after a little while they sent a petition to the city government saying they were unable to continue to furnish that service as cheaply as they thought they could do it, and asking that their rates should be largely enhanced, to a point, as I remember, somewhat in excess of the provision in the Senate bill. I have been told that the city council did not give them that right, but notwithstanding that they proceeded to increase their rates, and they are charging those rates now. How long they will continue in operation, of course, is problematical. The rule is that such companies go out of existence by consolidation with the existing companies.

Mr. President, the Committee on Appropriations of the Senate has tried with great earnestness and sincerity to deal justly as between the citizens of this District and this telephone company. The committee appreciate the fact that this company has large privileges and that it ought to give good service to this people at a reasonable rate.

There has been poor service in the District of Columbia, but there is reason for it. The company is now in the hands of progressive men; men who assert—and we have every reason to believe them, because their integrity is unquestioned—that they propose to give this city a model telephone system and that they do not expect or desire to secure profits beyond those that ought reasonably to be given to them.

The inadequacy of the service, however, has been from causes that I feel could not have been avoided. Mr. Bethell, the president of the company, gave those reasons, and I think they are absolutely just and fair reasons. I want to read something that Mr. Bethell has said. He said:

> In 1901 the company entered upon a general plan of improvement. In the following year Congress passed a law authorizing the extension of the underground conduit system in Washington, and in that year 75 miles and in 1903 57 miles of underground ducts were constructed.

I want here to say that those underground ducts have been constructed, and the old unsightly poles and overhead wires have been removed, so that we are rapidly approaching the time when there will not be an overhead telephone wire in the District of Columbia, a consummation very much to be desired.

> In all subways (old and new) space for the fire and police wires of the District of Columbia is provided free of charge. (The telephones used by the District in its fire and police systems are furnished by this company at the rate of $5 per year.)—

That is, they have independent switchboards, and they get this cheap service, as do the apartment houses and hotels in the District.

> A building costing, including site, about $200,000 was erected at Fourteenth and R streets NW., and upon its completion a modern central office equipment was installed therein. Another new building, to cost about $225,000, on Twelfth street, near G NW., is nearing completion, in which a new and complete exchange equipment will be installed at an early date. The work is now under way and will be completed in the early part of this summer.

It might be said, in addition to that, that the company has erected an exchange on B street, just opposite the Capitol, which they propose to abandon in a little time, erecting a very fine central exchange on East Capitol street for serving the eastern portion of the city. So that they will have three magnificent central stations, entirely new, in the near future.

> On the whole, in enlarging and improving the telephone plant in Washington, approximately $1,500,000 of new money has already been invested. The plans for construction and reconstruction work in 1904 alone call for an outlay of approximately $750,000.
>
> The purpose of the management has been and is to provide in Washington a telephone system that for comprehensiveness and completeness shall not be surpassed. In January of this year the plant now under construction was inspected by the general manager and chief engineer of the National Telephone Company of Great Britain. They had visited the principal cities of Europe and America, and upon the completion of their inspection declared that nowhere had they seen provision for the future made on such an adequate scale as in the city of Washington.
>
> We appreciate that during the general reconstruction work that has been going on our service has not been up to the high standard of efficiency which we hope soon to be able to maintain. We practically have been replacing an old telephone plant with a new one, at the same time being compelled to keep the old one in constant operation.

Mr. President, I suggest that that is a very reasonable explanation of the inadequate service we have had here. The company have been constructing a new plant, and while they have been doing so they have been endeavoring to supply an increased service, extending their lines miles and miles in this territory under the legislation of a year ago, and of course their means have been inadequate to meet the demands that have been made upon them.

I have sometimes thought that their operators were not trained as well as are the operators in other cities. I have called the attention of the managers of this telephone company to that fact, and they have given me the assurance that if there is any lack in that respect they will see that it is overcome in some reasonable and proper way.

One of those gentlemen made an observation to me that impressed me quite profoundly as one reason, perhaps, why some people do not get good service in Washington. He said that people come here from all parts of the United States, from city and country alike, and that while the telephone company here, as in all other cities, required the number to be called to the operator, those people were in the habit, when they were at home, especially in the smaller places, of asking for "John Smith" or "John Doe" or somebody else. Of course in the country towns and smaller places the operator could turn to the book and ascertain the number of that particular patron. They do the same thing, it is said, in Washington, coming as they do from all over the country, and they get into a controversy with the operator. The operator says, petulantly, "What is the number?" and the reply comes back, "Find it yourself; you can do that." So there is interruption not only to that patron but to the service as a whole. I think that is really worth taking into consideration.

Mr. President, for one, I want this company to observe the provisions of this bill if they become a law, and I should have no patience with the company if it did not observe these provisions. The penalty is adequate if they do not observe the law. We do not think we ought to go to the extent the House of Representatives did, and upon some offense on the part of this company revoke their right to do business in the District of Columbia. That did not seem to be a reasonable penalty; but we put a penalty in the bill for each and every offense, which I think is fully adequate.

The rates that we place in this bill seem to the committee just rates. They are a large reduction from the existing rates, and if the reduction is not found to be sufficient, at the next session of Congress we can reduce them further.

Mr. CLAY. The Senator says this bill makes a large reduction over the existing rates. I will ask the Senator how long we have been paying the existing rates and if at any time in the past the rates have been lower than the rates named here?

Mr. GALLINGER. It was not very many years ago that this company was charging from $95 to $100 for what we now require them to furnish for $60.

Mr. CLAY. The Senator means the Senate amendment fixes the rates lower than they have ever been heretofore?

Mr. GALLINGER. Undoubtedly, and very much lower. As compared with other places, a good many people have said to me that telephone rates in Washington were exorbitant. It was only two months ago that an effort was made in the legislature of Massachusetts to get lower telephone rates. In that discussion, a report of which I have in my desk somewhere, the promoter of that proposition—a very wise measure—pointed to Washington as the model city so far as rates were concerned, comparing the rates here with the rates that were paid in Massachusetts.

Mr. COCKRELL. And the rates were then $72 instead of $60, as now proposed.

Mr. GALLINGER. Yes. There was another point to be considered that was brought out in that discussion—that while they pay in Boston, in New York, and, I think, in every other large city or city of considerable size in the country, 10 cents for a call message, the company in this city last year voluntarily reduced their charge for a call message from 10 cents to 5 cents. So that, not having a telephone, I may call up a number for 5 cents, while if I go to Boston I pay 10 cents, and I think if I go to any city of considerable size in the country I pay 10 cents for that service. The company in the District did that voluntarily. We did not require it of them.

I am not appearing here by any means as the champion of this corporation, but I want to say I am so fully persuaded in my own mind that this company means to do the right thing in this community and to give good service for reasonable rates that I trust the amendment, which the Committee on Appropriations has worked out after a good deal of thought and care, may be incorporated in this bill.

Mr. MALLORY. Mr. President, with reference to the rates which are proposed by this bill, I would call the attention of the Senate to a statement made before the subcommittee of the Committee on the District of Columbia in February of last year on the subject by the representatives of the Telephone Subscribers' Association. That association was organized for the purpose of compelling this telephone company to comply with the statute of

1898, and the subcommittee had before it the statement of the manager or the president of the telephone company to the effect that it had not observed the statutory rate; in other words, the telephone company up to that time had claimed that Congress had no right to impose these specific rates, that these rates were ruinously low, and they ignored them and paid no attention to them.

Mr. GALLINGER. If the Senator will permit me, I think he falls into a slight error. I think the company has always admitted that Congress had a right to deal with this question, but that the company, on the other hand, if the legislation was in the nature of confiscation, had a right to go to the courts and test the matter there.

Mr. MALLORY. That practically is about it. They contended that these rates were ruinous, and that they had a right to contest them in the courts. I drew that out myself by a question which I asked Mr. Bethell—if he had been observing the statutory rates, and he told me emphatically, "We have not." I asked:

> Have you been observing the statutory rates?
> Mr. BETHELL. No, sir; that is what all this litigation has been about.

That was at a hearing with reference to the repeal of the act of 1898. The telephone company desired it repealed. The Subscribers' Association, through three attorneys representing them—Messrs. Arthur A. Birney, Henry F. Woodard, and John J. Hemphill—appeared before the subcommittee and submitted a statement as to the attitude of this association on the subject of the repeal of the act of 1898. I will say in passing that I believe the Senator from Iowa [Mr. ALLISON] is correct in saying that the rates proposed by the House proposition this year are about the same as they were under the act of 1898.

Mr. GALLINGER. Just the same.

Mr. MALLORY. That company, after having had this contest for several years and taken it up to the Supreme Court of the United States, made this statement to the subcommittee:

> The act of 1898 was never satisfactory to anyone. Its author did not intend that it should become a law in the form in which it was presented by him to the House of Representatives, and it has been always regarded by the association as wholly inadequate to the situation. It does not at all cover the ground, and if it is to stand it should be added to by further provisions.
>
> The association also recognizes that since the passage of this act of 1898 local conditions have greatly changed. Improvements in methods have been introduced and average rates of charges have been lessened. In view of these changes the act of 1898 is yet more unsatisfactory, and in the light of information not accessible in 1898 the justice of the act has become more doubtful. The association also finds that many of its supporters in 1898 are now apparently satisfied with the treatment accorded them by the telephone company and are unwilling to give further financial or moral support to the continuance of litigation.
>
> The association has never wished to do injustice to this company, and under existing circumstances is willing to withdraw its opposition to the proposed act of repeal and rely upon the sense of justice of Congress to see to it hereafter that a proper inquiry be made into what are fair rates and to compel them.
>
> ARTHUR A. BIRNEY,
> HENRY F. WOODARD,
> JOHN J. HEMPHILL,
> *Attorneys for the Association.*

I will state that that association was the only body of men in the District of Columbia that made any united effort to require this telephone company to comply with the law, and in the statement, as I have read it, they expressed the opinion that further agitation of the subject was unnecessary.

I am inclined to think, Mr. President, that the Committee on Appropriations of the Senate has done very wisely. From the testimony that we have had it is very apparent to me that under the new conditions, under the improvements instituted, and the additional expenses incurred by the telephone company, the rates fixed arbitrarily by the act of 1898 are insufficient to give a paying compensation for the service, and while the rates are reduced by the proposition of the Committee on Appropriations of the Senate, they are not reduced so low as to make them nonpaying, as I believe would be the case if we adhered to the House proposition.

Mr. GALLINGER. I desire simply to add that while the distinguished legal gentlemen who were attorneys for the organization that was contesting this matter agreed to drop it, saying that they were satisfied that the citizens generally did not object to the existing rates, nevertheless the Committee on Appropriations has taken this matter up, and has made a reduction of some 15 per cent, I think—I have not accurately estimated it; but I think it amounts to about 15 per cent upon the existing rates.

As an illustration of how the matter stands at the present time, I want simply to add that while I have had two letters from citizens of the District, who happened to hold a little of the stock of this telephone company, saying that we ought to deal generously with this corporation—I think naturally stockholders would say that—they tell me that they have not been paid any dividends.

I have received several letters from citizens of the District who do not own any stock expressing the same view, and there has been just one gentleman who appeared either in the committee room of the Committee on the District of Columbia or in the committee room of the Committee on Appropriations asking for a further reduction than we have proposed in this bill. There is not at the present time any stir in the city of Washington or the District of Columbia over this matter, and if we make this large reduction in the rates and attach the penalty which was in the law of 1898, so that this company will have to observe the law whether they want to or not, it seems to me that everybody ought to feel that we have made a very wise adjudication of a controverted matter that is always troublesome in legislation.

Mr. STEWART. Will the Senator from New Hampshire allow me to interrupt him?

Mr. GALLINGER. Certainly.

Mr. STEWART. I understood the Senator to say there was no general sentiment about this matter. I do not know so much about the rates as I do about the bad service—that has been explained—but I think the Senator could hardly go to a place where a telephone is used very much that he would not see excitement and hear talk about it all the while. I imagine he would hear language used in almost every telephone station that we would not use here.

Mr. GALLINGER. I think I will agree with the Senator about the service. It has not been good.

Now, Mr. President, I want to say further that a gentleman connected with the Business Men's Association, a prominent citizen of the District, who was very active in the litigation that went on here for several years against the telephone corporation, came into the committee room the other day and said that he did not think anything need to be done, that he thought the existing conditions well enough. But we did not take his word for it. We proceeded to do something.

Mr. GORMAN obtained the floor.

Mr. HOAR. I shall be obliged to leave the Senate Chamber for the rest of the day, and I have the consent of the chairman of the committee to offer an amendment, which will be adopted as a matter of course without taking any time, if the Senator from Maryland will permit me.

Mr. GORMAN. I yield to the Senator from Massachusetts.

Mr. HOAR. I desire to offer an amendment, to insert at the end of the bill the following:

> That the Commissioners of the District of Columbia are hereby directed to report to Congress at its next session a plan for the removal to a certain suitable place within the city of Washington of the remains of Pierre Charles L'Enfant and erecting a proper monument or gravestone over them, or erecting such monument or stone where they are now buried, as may seem to them most desirable.

It is merely a direction to the Commissioners to report. This is the engineer who laid out the city of Washington.

Mr. ALLISON. I suggest to the Senator that the amendment be inserted on page 81, after line 21.

Mr. HOAR. Very well; I will ask that it be inserted on page 81, after line 21.

The PRESIDENT pro tempore. Does the Senator offer it for present consideration?

Mr. HOAR. Yes.

Mr. ALLISON. I do not object to the amendment. It should be marked section 2, as it does not relate to anything else. The Senator asks unanimous consent for its present consideration.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. GALLINGER. Will the Senator from Maryland permit me to make one remark?

Mr. GORMAN. With great pleasure.

Mr. GALLINGER. Before I sat down I meant to say that, so far as I am individually concerned as a member of the two committees that have had to deal with this matter first and last, I see no objection to the amendment offered by the Senator from Nevada.

Mr. GORMAN. Mr. President, only a word. I did not hear very distinctly what the Senator from New Hampshire said, or all that he said, in relation to the attempt of another company to enter the District for the purpose of establishing a telephone system here. But I did understand him to intimate that it was one of the usual attempts to come into the city, possibly for speculative purposes.

I desire to say that that company, the headquarters of which is in Baltimore, has in its organization as reputable men as there are in the United States, and they are engaged in a very great enterprise. They have a great many thousand telephones in that city. Their lines extend to the west and north of that city. They were anxious to reach the capital city. They believed at that time that they could make a very great profit at rates much lower than the rates named in this bill. They did obtain from the mayor and city council of Baltimore the right not only to lay conduits of their own, but to use, greatly to their advantage, the whole system of conduits constructed by the city of Baltimore, whereas we all know that in this city the companies are required to make that expenditure, which is one of a very great amount.

After a perfectly legitimate and well-managed effort for several

years they were compelled to acknowledge that it was utterly impossible, with the advanced prices of all the materials and of the labor that enter into the conduct of the telephone business, to fix as low a rate as that prescribed in this bill now for the city of Washington. My only criticism of the amendment of the Committee on Appropriations is that it looks to me, in view of the experience elsewhere, where there are five or six hundred thousand people to serve, that you have the rates too low.

Now, as to the service, I wish to make one other observation. Under your legislation requiring this company to place all of its wires underground, with the construction of these miles and miles of conduits in the last year or two, the work of the distribution of the wires has been one of magnitude. In addition to that, I want to say, in justice to the company, which also operates in the State of Maryland, and even goes through to the North, that during the last two months I think much of the trouble in operation has come from the fact that the great switchboard, costing thousands and thousands of dollars, which was constructed to improve the service in this city, they were compelled, on account of the great conflagration in the adjoining city, to move from this point to Baltimore, so that there might be some service there.

Our people feel that the present organization of the Potomac Telephone Company has responded nobly to an extraordinary degree in our State; and I, for one, if it were not for the fact, as I am informed, that the company has agreed to these rates, would suggest that instead of the $60 rate you give them the $72 rate, the same as is charged by both companies in the city of Baltimore, where, as I say, there are 600,000 inhabitants. It was fixed there after the most thorough examination by a commission; and, if I recollect aright, one of its members belonged to Johns Hopkins University, and there were other gentlemen of that class. They took up the matter in detail—the cost of the construction of the plant, the cost of operating it—and they found that that rate was not excessive.

I wish to assure the Senator and the Senate that the effort on the part of the former company, known as the Maryland Company, was a perfectly legitimate one; and I have no doubt that if they had been admitted to this city the rates would not have been as low as you have fixed them in this bill.

Mr. GALLINGER. Mr. President, lest an impression should go out that I criticised these gentlemen, I will say to the Senator from Maryland that possibly he did not hear my observation that they were gentlemen of high standing and integrity. They simply thought they could do the thing they contemplated both here and in Baltimore, but after an experiment in Baltimore they found that it was utterly impossible for them to do it. I never questioned the integrity or the high standing of the men connected with that company.

Mr. GORMAN. I am assured by Senators sitting around me that I misunderstood the Senator. I came in late.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. NEWLANDS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 39, line 4, to increase the appropriation for illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys, etc., from $209,000 to $219,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 25 on page 39.

Mr. McCUMBER. I wish to ask the Senator in charge of the bill if he is willing now to have the pension Calendar taken up for the rest of the day?

Mr. ALLISON. If the Senator will wait a moment or two until we reach the Washington Aqueduct I will yield to him for an hour on pensions.

Mr. McCUMBER. That will be perfectly satisfactory.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, line 7, after the word "paragraph," to insert the following proviso:

And provided further, That during the fiscal year 1905 the illuminating power of the gas furnished by any gas-lighting company, person, or persons in the District of Columbia shall be equal to 22 candles, notwithstanding the requirements as to candlepower prescribed by section 3 of the act regulating the sale of gas in the District of Columbia approved June 6, 1896.

The amendment was agreed to.

The next amendment was, on page 40, line 18, before the word "thousand," to strike out "eighty-three" and insert "eighty-eight;" so as to read:

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding $88,700.

The amendment was agreed to.

The next amendment was, on page 40, line 19, before the word "dollars," to strike out "eighty" and insert "eighty-five;" so as to make the proviso read:

Provided, That not more than $85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise and operated wholly by means of underground wire.

The amendment was agreed to.

The next amendment was, on page 41, line 1, after the word "Washington," to insert the following proviso:

Provided, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to permit the Potomac Electric Power Company to make connections between its conduits and the conduits of the Washington Railway and Electric Company and all other companies controlled by the Washington Railway and Electric Company for the purpose of furnishing electric current through the said conduits for public and private uses, the use of said railway companies' conduits to be upon such terms as may be agreed upon between the said companies.

The amendment was agreed to.

CONSIDERATION OF UNOBJECTED PENSION CASES.

Mr. ALLISON. I now yield to the Senator from North Dakota, chairman of the Committee on Pensions, who wishes to occupy an hour on pension cases.

Mr. McCUMBER. I would ask the Senator, if there is nothing else to be done this afternoon, whether he would have any objection to our running possibly a little over an hour?

Mr. ALLISON. I will not object to the Senator running a little over an hour, although I think we ought to adjourn at half past 5, or soon after that hour.

Mr. PLATT of Connecticut. This is for the consideration of unobjected pension cases?

Mr. ALLISON. Unobjected cases.

Mr. McCUMBER. Unobjected cases.

Mr. McCREARY. Will the District of Columbia appropriation bill be called up again during the day?

Mr. ALLISON. Not during the day.

Mr. McCUMBER. I ask unanimous consent that the appropriation bill be laid aside temporarily, and that the Senate proceed to the consideration of unobjected pension cases on the Calendar.

Mr. QUAY. I suppose the understanding is that nothing but pension business shall be transacted this afternoon.

Mr. McCUMBER. That is all.

Mr. ALLISON. That is the understanding.

Mr. McCUMBER. That is the request.

Mr. ALLISON. I hope the Chair will put that in the request.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the remainder of the day be devoted to the consideration of unobjected pension cases.

Mr. SCOTT. And where there are on the Calendar unobjected bills to remove the charge of desertion, let them be considered, too.

The PRESIDENT pro tempore. Those have not been selected out by the clerks, and it would take some time to do it.

Mr. QUAY. I think it had better be confined to pension bills.

Mr. WARREN. I do not think there are many military bills.

Mr. SCOTT. Let it go.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The first case on the Calendar will be stated.

JANE E. FULLER.

The bill (S. 4480) granting an increase of pension to Jane E. Fuller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 9, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane E. Fuller, widow of Amzi S. Fuller, late captain Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHŒBE BUCH.

The bill (S. 2194) granting an increase of pension to Phœbe Buch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, after the word "Pennsylvania," to strike out "Volunteers" and insert "Volunteer Infantry;" and in line 11, before the word "dollars," to strike out "twenty" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Phœbe Buch, widow of John

A. Buch, late of Company E, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company B, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. TANNER.

The bill (S. 4727) granting an increase of pension to W. M. Tanner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Tanner, late of Company D, Second Regiment Mississippi Rifles, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William M. Tanner."

MORRIS H. JONES.

The bill (S. 2508) granting an increase of pension to Morris H. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris H. Jones, late of Company K, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LARKIN MAYNARD.

The bill (H. R. 2491) granting a pension to Larkin Maynard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Larkin Maynard, late of Capt. Thomas Dameron's independent company, West Virginia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. PLATTENBURG.

The bill (H. R. 6848) granting an increase of pension to John W. Plattenburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Plattenburg, late second lieutenant Company K, First Regiment West Virginia Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED D. BURTON.

The bill (H. R. 11557) granting a pension to Alfred D. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred D. Burton, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA MAYO.

The bill (H. R. 10935) granting an increase of pension to Rebecca Mayo was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca Mayo, widow of Stephen Mayo, late of the Virginia Line, war of the Revolution, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LULU E. M'KEE.

The bill (H. R. 10576) granting a pension to Lulu E. McKee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lulu E. McKee, helpless and dependent daughter of John R. McKee, late of Company C, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MAYNARD.

The bill (H. R. 2490) granting a pension to John Maynard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Maynard, late of Capt. Thomas Dameron's independent company West Virginia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. HART.

The bill (H. R. 1268) granting an increase of pension to John B. Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Hart, late of Company I, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company D, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER A. FILMAN.

The bill (H. R. 790) granting an increase of pension to Oliver A. Filman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver A. Filman, late of Company C, Fifty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET HEROLD.

The bill (H. R. 5648) granting an increase of pension to Margaret Herold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Herold, widow of John B. Herold, late captain Company E, Ninth Regiment Maryland Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. FOOS.

The bill (H. R. 8482) granting an increase of pension to John C. Foos was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Foos, late of Company B, Purnell Legion, Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTIE ATEN.

The bill (H. R. 5395) granting a pensien to Mattie Aten was was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mattie Aten, helpless and dependent daughter of Peter Aten, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SMITH.

The bill (H. R. 8180) granting an increase of pension to William Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Smith, late of Company E, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. SMITH.

The bill (H. R. 133) granting an increase of pension to James W. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Smith, late second lieutenant Company B, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY BRACKLIN.

The bill (H. R. 6087) granting an increase of pension to Anthony Bracklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Bracklin, late of Company H, First Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT S. CARNS.

The bill (H. R. 4114) granting an increase of pension to Robert S. Carns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert S. Carns, late first lieutenant Company K, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS P. MOORE.

The bill (H. R. 1519) granting a pension to Thomas P. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas P. Moore, late of Capt. Thomas Dameron's independent company, West Virginia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. HERMAN.

The bill (H. R. 2371) granting a pension to Sarah J. Herman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Herman, widow of Martin Herman, alias John Brooke, late of Company C, Second Regiment United States Artillery, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. FLEMING.

The bill (H. R. 7079) granting an increase of pension to John J. Fleming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Fleming, late of Company D, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD B. NUGENT.

The bill (H. R. 8220) granting in increase of pension to Edward B. Nugent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward B. Nugent, late first lieutenant Company M, and major, Third Regiment Michigan Volunteer Cavalry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE R. RUSSELL.

The bill (H. R. 10267) granting a pension to Florence R. Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence R. Russell, widow of Daniel A. Russell, late major, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH LONGBERRY.

The bill (H. R. 10580) granting an increase of pension to Joseph Longberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Longberry, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH MYERS.

The bill (H. R. 7754) granting an increase of pension to Jeremiah Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Myers, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. NEARY.

The bill (H. R. 2767) granting an increase of pension to John E. Neary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Neary, late of Company I, Thirty-third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. KELLER.

The bill (H. R. 11141) granting an increase of pension to John B. Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Keller, late of Company I, Twenty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM KENNEDY, ALIAS LEONARD.

The bill (H. R. 5091) granting an increase of pension to William Kennedy, alias Leonard, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Kennedy, alias Leonard, late first lieutenant Company G, One hundred and tenth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CARR.

The bill (H. R. 2457) granting an increase of pension to James Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Carr, late of Company L, Twelfth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL M'CLURE.

The bill (H. R. 1352) granting an increase of pension to Samuel McClure was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel McClure, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS C. AMBERG.

The bill (H. R. 10264) granting an increase of pension to Lewis C. Amberg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis C. Amberg, late first lieutenant Company F, One hundred and forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB WETZEL.

The bill (H. R. 12036) granting an increase of pension to Jacob Wetzel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Wetzel, late of Company D, Fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES B. HUNT.

The bill (H. R. 5682) granting an increase of pension to Charles B. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles B. Hunt, late of Company C, First Regiment Michigan Volunteer Infantry, war with Mexico, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASON ROBINSON.

The bill (H. R. 8742) granting an increase of pension to Jason Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason Robinson, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE C. PUTNAM.

The bill (H. R. 6258) granting an increase of pension to Theodore C. Putnam was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore C. Putnam, late of Company A, Thirty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH B. DEETER.

The bill (H. R. 8010) granting an increase of pension to Josiah B. Deeter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah B. Deeter, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LINDSEY.

The bill (H. R. 9398) granting a pension to John Lindsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Lindsey, late of Fourth Company, United States Coast Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK J. FAIRBRASS.

The bill (H. R. 6249) granting an increase of pension to Frederick J. Fairbrass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick J. Fairbrass, late of Company I, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID MISENER.

The bill (S. 4635) granting an increase of pension to David Misener was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Misener, late captain Company H, Third Regiment Minnesota Volunteer Infantry, and major First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LA ROY B. CHURCH.

The bill (S. 2645) granting an increase of pension to La Roy B. Church was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of La Roy B. Church, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE SMITH.

The bill (S. 2380) granting a pension to Jane Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jane Smith, widow of Zemro A. Smith, late lieutenant-colonel Eighteenth Regiment Maine Volunteer Infantry (First Maine Heavy Artillery), and pay her a pension at the rate of $12 per month.

Mr. FAIRBANKS. I move to amend the committee amendment in line 4, page 2, by striking out "twelve" and inserting "twenty-four."

Mr. McCUMBER. We consent to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REBECCA C. SHURLOCK.

The bill (H. R. 691) granting an increase of pension to Rebecca C. Shurlock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rebecca C. Shurlock, widow of William C. Shurlock, late captain Company D, One hundredth Regiment, and surgeon Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN C. VAN CAMPEN.

The bill (S. 3493) granting an increase of pension to John C. Van Campen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the words "New York," to insert "Regiment;" in the same line, before the word "Engineers," to insert "Volunteer;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Van Campen, late of Company E, Ninety-third Regiment New York Volunteer Infantry, and Company K, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAUDE C. SWAFFORD.

The bill (S. 2975) granting a pension to Claude C. Swafford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "war with Spain;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Claude C. Swafford, late of Company E, First Regiment South Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUCKLIN H. WOOD.

The bill (S. 3490) granting an increase of pension to Bucklin H. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Cavalry," to insert "Volunteer," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bucklin H. Wood, late of Company A, First Regiment Dakota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. VICKERS.

The bill (H. R. 3027) granting an increase of pension to William H. Vickers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilham H. Vickers, late of Company I, Nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH ROBINSON, JR.

The bill (H. R. 6501) granting an increase of pension to Isaiah Robinson, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Robinson, jr., late of Company A, Fourth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLO H. LYON.

The bill (H. R. 2122) granting a pension to Orlo H. Lyon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlo H. Lyon, late captain Third

Independent Battery Iowa Volunteer Light Artillery, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. BRADLEY.

The bill (H. R. 194) granting a pension to Mary J. Bradley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Bradley, dependent mother of Charles W. Simmons, late of Company H, Fifty-seventh Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SPINDLER.

The bill (H. R. 2189) granting an increase of pension to Henry Spindler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Spindler, late of Company B, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADAM GOSAGE.

The bill (H. R. 1285) granting an increase of pension to Adam Gosage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Gosage, late of Company C, Twenty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALEB J. MAY.

The bill (H. R. 11606) granting an increase of pension to Caleb J. May was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caleb J. May, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET SNYDER.

The bill (H. R. 153) granting a pension to Harriet Snyder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Snyder, widow of Clinton Snyder, late of Company G, Second Regiment Michigan Volunteer Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH H. TYACK.

The bill (H. R. 10171) granting an increase of pension to Josiah H. Tyack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah H. Tyack, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUSTIN MURPHY.

The bill (H. R. 6611) granting an increase of pension to Austin Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Austin Murphy, late of Company H, Eighteenth Regiment United States Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES O. KNOWLES.

The bill (H. R. 10847) granting an increase of pension to James O. Knowles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James O. Knowles, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KIMBLE.

The bill (H. R. 1176) granting an increase of pension to George W. Kimble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Kimble, late first lieutenant Company F, Eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS GRUBER.

The bill (H. R. 967) granting an increase of pension to Nicholas Gruber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Gruber, late of Company G, Tenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. M'CONKEY.

The bill (H. R. 805) granting an increase of pension to George W. McConkey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. McConkey, late major, Fifth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA D. GRIFFITH.

The bill (H. R. 11066) granting an increase of pension to Joshua D. Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua D. Griffith, late of Company H, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving, the same to be paid to his legally appointed guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL M. STREET.

The bill (H. R. 5693) granting an increase of pension to Joel M. Street was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel M. Street, late of Company K, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. PARKER.

The bill (H. R. 8725) granting an increase of pension to John A. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Parker, late of Company F, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA R. WALLACE.

The bill (H. R. 8387) granting an increase of pension to Emma R. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma R. Wallace, widow of Martin R. M. Wallace, late colonel Fourth Regiment Illinois Volunteer Cavalry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM T. CARNEY.

The bill (H. R. 8287) granting an increase of pension to Abram T. Carney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram T. Carney, late of the Twelfth Independent Battery Ohio Volunteer Light Artillery, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIRBRINA PALMER.

The bill (H. R. 5873) granting an increase of pension to Sirbrina Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sirbrina Palmer, widow of Francis M. Palmer, late of Company I, Fifth Regiment Indiana Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving. But in the event of the death of William E. Palmer, helpless and dependent child of said Francis M. Palmer, the additional pension herein granted shall cease and determine. In the event of the death of Sirbrina Palmer the name of William E. Palmer shall be placed on the pension roll at the rate of $12 per month from and after the date of death of Sirbrina Palmer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHRISTOPHER C. RICHARDS.

The bill (H. R. 5700) granting an increase of pension to Christopher C. Richards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christopher C. Richards, late of Company B, Seventy-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASPER J. SCHOER.

The bill (H. R. 5824) granting an increase of pension to Casper J. Schoer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Casper J. Schoer, late of Company G, Fifth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANDA M. HAND.

The bill (S. 4528) granting an increase of pension to Amanda M. Hand was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda M. Hand, widow of James H. Hand, late of Capt. W. H. Kendrick's company, Florida Mounted Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE N. JONES.

The bill (S. 4529) granting an increase of pension to Jesse N. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse N. Jones, late of Captains Whitehead and Hill's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA C. VANZANT.

The bill (S. 4531) granting an increase of pension to Julia C. Vanzant was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia C. Vanzant, widow of Garrett Vanzant, late of Captains Dell, Haddock, and Chamberlain's companies, Florida Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID INCHES.

The bill (S. 2252) granting an increase of pension to David Inches was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Inches, late of Company C, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK SOMMERS.

The bill (S. 2248) granting an increase of pension to Frederick Sommers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to insert the letter "F;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Sommers, late of Company F, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC S. DRUMMOND.

The bill (H. R. 11175) granting an increase of pension to Isaac S. Drummond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac S. Drummond, late second lieutenant Company E, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES C. JORALEMON.

The bill (H. R. 1528) granting an increase of pension to Charles C. Joralemon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles C. Joralemon, late of Company K, Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. HUGHES.

The bill (S. 3988) granting an increase of pension to John L. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Hughes, late captain of Company E, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. NASH.

The bill (S. 3352) granting an increase of pension to Mary M. Nash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "brigadier-general," to insert "and Commissary-General of Subsistence;" and in line 8, after the word "Army," to strike out "retired;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Nash, widow of William H. Nash, late brigadier-general and Commissary-General of Subsistence, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK FLEMING.

The bill (S. 3956) granting an increase of pension to Patrick Fleming was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "ordinary seaman" and insert "United States Navy;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Patrick Fleming, late of United States steamship Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. ONEY.

The bill (S. 2458) granting a pension to J. H. Oney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Oney, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $20 per month.

Mr. CARMACK. I move to amend the committee amendment by striking out "twenty" and inserting "twenty-four" before the word "dollars," in line 1, page 2.

Mr. KEAN. The beneficiary is 71 years old.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John H. Oney."

SAMUEL BAILY.

The bill (S. 4708) granting an increase of pension to Samuel Bailey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Samuel," to strike out "Bailey" and insert "Baily;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Baily, late of Company I, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel Baily."

MARY E. PILLOW.

The bill (S. 4308) granting an increase of pension to Mary E. Pillow was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Pillow, widow of Gideon J. Pillow, late major-general, United States Army, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM DAVIS.

The bill (H. R. 5476) granting an increase of pension to William Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Davis, late of Company A, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER ROBINSON.

The bill (S. 1570) granting an increase of pension to Jasper Robinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jasper Robinson, late of Company A, Denver City Home Guards, Colorado Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIAS L. FIDLER.

The bill (S. 2030) granting an increase of pension to Elias L. Fidler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "private;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias L. Fidler, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. BELL.

The bill (H. R. 10179) granting an increase of pension to William H. Bell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Bell, late of Company E, Second Regiment Wisconsin Volunteer Cavalry, and Company E, Tenth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW SMITH.

The bill (H. R. 10822) granting an increase of pension to Andrew Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Smith, late of Company H, Ninth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES RECK.

The bill (H. R. 5527) granting a pension to Frances Reck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Reck, widow of Jacob Reck, late of Company B, Second Regiment United States Reserve Corps Missouri Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA S. DUNN.

The bill (H. R. 6416) granting an increase of pension to Anna S. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna S. Dunn, widow of Rhadamanthus H. Dunn, late major, Third Regiment Tennessee Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MILLIAN.

The bill (H. R. 936) granting an increase of pension to William Millian was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Millian, late of Company E, Fourth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONARD J. WHITNEY.

The bill (H. R. 10912) granting an increase of pension to Leonard J. Whitney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leonard J. Whitney, late first lieutenant Company F, First Regiment Nevada Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW CALDWELL.

The bill (H. R. 7411) granting an increase of pension to Matthew Caldwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew Caldwell, late of Company E, Mormon Battalion Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI VEAZIE.

The bill (S. 4363) granting an increase of pension to Eli Veazie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli Veazie, late of Company H, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. WHITEHOUSE.

The bill (S. 4514) granting an increase of pension to John P. Whitehouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Whitehouse, late of Company C, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY M. SHERMAN.

The bill (S. 2582) granting an increase of pension to Harry M. Sherman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harry M. Sherman, late of Company G, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. MEARS.

The bill (S. 3227) granting a pension to James F. Mears was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Mears, late of Company B, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James F. Mears."

HELEN F. NICHOLS.

The bill (S. 3084) granting an increase of pension to Helen F. Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen F. Nichols, widow of George W. Nichols, late of Company K, Forty-third Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JULIETTE NUNEZ.

The bill (S. 4773) granting a pension to Juliette Nunez was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Juliette Nunez, widow of Joseph A. Nunez, late major and additional paymaster, United States Volunteers, and to pay her a pension of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARA E. DANIELS.

The bill (S. 2361) granting an increase of pension to Clara E. Daniels was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara E. Daniels, widow of David Daniels, late lieutenant, United States Navy, and to pay her a pension of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said David Daniels until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES T. PRESTON.

The bill (H. R. 6880) granting an increase of pension to Charles T. Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles T. Preston, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN I. LOSE.

The bill (H. R. 8050) granting an increase of pension to John I. Lose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John I. Lose, late of Company M, First Regiment Pennsylvania Volunteer Cavalry, and Company I, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERBERT M. BLACKWELL, ALIAS LEVI W. MOAR.

The bill (H. R. 5855) granting an increase of pension to Herbert M. Blackwell, alias Levi W. Moar, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herbert M. Blackwell, alias Levi W. Moar, late of Company G, Second Regiment Maine Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CORINNE TOLMAN.

The bill (H. R. 7438) granting an increase of pension to Corinne Tolman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Corinne Tolman, widow of Thomas M. Tolman, late captain, First Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY WARREN.

The bill (H. R. 1515) granting a pension to Lucy Warren was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy Warren, widow of Lewis Warren, late of Company H, First Regiment District of Columbia Volunteer Cavalry, and Company M, First Regiment Maine Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY FARRELL.

The bill (H. R. 2110) granting a pension to Mary Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Farrell, widow of James Farrell, late of Company K, Third Regiment Vermont Volunteer Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is still living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREEMAN O. HODGE.

The bill (H. R. 729) granting an increase of pension to Freeman O. Hodge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Freeman O. Hodge, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. DARRAH.

The bill (H. R. 742) granting an increase of pension to George W. Darrah was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Darrah, late of Company K, Seventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEYMOUR F. BURLINGAME.

The bill (H. R. 8044) granting an increase of pension to Seymour F. Burlingame was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seymour F. Burlingame, late of Company I, Ninth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN E. OLIVER.

The bill (H. R. 10919) granting an increase of pension to Susan E. Oliver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan E. Oliver, widow of Theodore Oliver, late captain Company L, Second Regiment Arkansas Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS L. BEAN.

The bill (H. R. 1170) granting an increase of pension to Lewis L. Bean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis L. Bean, late of Company B, Twenty-seventh Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS MARSHALL.

The bill (H. R. 10399) granting an increase of pension to Francis Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Marshall, late of Company F, First Regiment United States Colored Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM IMUS.

The bill (S. 4602) granting an increase of pension to Hiram Imus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Imus, late of Company M, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. MOORE.

The bill (S. 3327) granting an increase of pension to Isaac N. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Moore, late of Company A, Tenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN W. FORD.

The bill (S. 4428) granting an increase of pension to Edwin W. Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin W. Ford, late captain Company C, Ninth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. FARR.

The bill (H. R. 10531) granting an increase of pension to George W. Farr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Farr, late of Companies C and B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS FELLOWS.

The bill (H. R. 11428) granting an increase of pension to Augustus Fellows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Fellows, late of Company M, First Regiment California Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. GOOD.

The bill (H. R. 11229) granting a pension to Francis M. Good was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Good, late of Captain Gardner's company, Ninth Regiment Oregon Mounted Volunteers, Oregon Indian war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE K. KNOWLTON.

The bill (H. R. 8789) granting an increase of pension to George K. Knowlton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George K. Knowlton, late acting master's mate, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. KENT.

The bill (H. R. 5952) granting an increase of pension to William H. Kent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Kent, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. DE MOTTE.

The bill (H. R. 8611) granting an increase of pension to Charles W. De Motte was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. De Motte, late of Company F, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY NOXON.

The bill (S. 4275) granting a pension to Nancy Noxon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy Noxon, dependent mother of Smith M. Noxon, late second lieutenant Company C, Tenth Regiment Wisconsin Volunteer Infantry, and Alfred G. Noxon, late captain Company G, One hundred and ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA E. DRAPER.

The bill (S. 3561) granting an increase of pension to Anna E. Draper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna E. Draper, widow of Thomas Draper, late captain Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REUBEN GRIFFITH PORTER.

The bill (H. R. 11169) granting an increase of pension to Reuben Griffith Porter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Reuben Griffith Porter, late captain and commissary of subsistence, United States Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN M. MANLOVE.

The bill (S. 4759) granting a pension to John M. Manlove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Manlove, late of Company I, Sixth Regiment Delaware Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSANNA COSGROVE.

The bill (H. R. 2589) granting a pension to Susanna Cosgrove was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susanna Cosgrove, widow of James Cosgrove, late of Company I, One hundred and thirty-third Regiment New York Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET DELANEY.

The bill (H. R. 10209) granting an increase of pension to Margaret Delaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Delaney, widow of Patrick K. Delaney, late first lieutenant and regimental quartermaster, One hundred and eighteenth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN QUINN.

The bill (H. R. 10901) granting an increase of pension to John Quinn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Quinn, late captain Company G, Forty-second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES PAYTON.

The bill (H. R. 8025) granting an increase of pension to James Payton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Payton, late of Company K, Fourth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. MOSIER.

The bill (H. R. 8078) granting an increase of pension to William J. Mosier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Mosier, late of Battery H, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. SWEET.

The bill (H. R. 3806) granting an increase of pension to George H. Sweet was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Sweet, late of Company H, First Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE M. WONDERLY.

The bill (H. R. 6271) granting an increase of pension to Catharine M. Wonderly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catharine M. Wonderly, widow of John D. Wonderly, late of the United States Marine Corps, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALISTO CASTRO.

The bill (H. R. 6024) granting an increase of pension to Calisto Castro was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calisto Castro, late of Company C, Fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BARRAGAR.

The bill (H. R. 6563) granting an increase of pension to John Barragar was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Barragar, late of Company F, One hundred and forty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERIC LOCKLEY.

The bill (H. R. 10792) granting an increase of pension to Frederic Lockley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederic Lockley, late of Company I, Seventh Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM J. YEOMANS.

The bill (H. R. 2852) granting an increase of pension to Abraham J. Yeomans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham J. Yeomans, late second lieutenant Company I, One hundred and thirty-second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HILL.

The bill (H. R. 2855) granting an increase of pension to John W. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hill, late of Company H, First Regiment North Carolina Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLENDER C. MILLER.

The bill (H. R. 6432) granting a pension to Ellender C. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellender C. Miller, widow of Basil Miller, late of Captain Norman McDuffie's company, Georgia Volunteers, Creek Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT T. WOOD.

The bill (S. 2657) granting an increase of pension to Robert T. Wood was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" in line 7, before the word "Cavalry," to insert "Volunteer;" in the same line, before the word "Company," to strike out "captain;" and in line 10, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert T. Wood, late captain Company L, Second Regiment Pennsylvania Volunteer Cavalry, and Company H, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN D. HENDERSON.

The bill (S. 4139) granting a pension to John D. Henderson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Henderson, late first lieutenant and regimental quartermaster Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John D. Henderson."

JOHN F. BURKOLDER.

The bill (S. 4827) granting an increase of pension to John S. Burkholder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "John," to strike out "S. Burkholder" and insert "F. Burkolder;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. Burkolder, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John F. Burkolder."

GEORGE M. GIBBONS.

The bill (H. R. 4252) granting an increase of pension to George M. Gibbons was announced as next in order.

Mr. McCUMBER. Owing to the absence of the junior Senator from West Virginia [Mr. SCOTT], who desires to move an amendment to the bill, I ask that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

MARY P. SHEETS.

The bill (H. R. 4994) granting an increase of pension to Mary P. Sheets was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary P. Sheets, widow of William T. Sheets, late of Company A, Second Regiment Pennsylvania Reserve Volunteer Infantry, and Company E, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN B. LIPPINCOTT.

The bill (H. R. 4997) granting a pension to Franklin B. Lippincott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin B. Lippincott, late acting medical cadet, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHESTER F. KIMBALL.

The bill (H. R. 9082) granting an increase of pension to Chester F. Kimball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chester F. Kimball, late of Company E, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EPHRAIM O. GILBERT.

The bill (H. R. 9815) granting an increase of pension to Ephraim O. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim O. Gilbert, late of Company E, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. STEINMANN.

The bill (H. R. 9592) granting an increase of pension to William H. Steinmann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Steinmann, late of Company A, Sixteenth Regiment United States Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. MILLER.

The bill (H. R. 9081) granting an increase of pension to Benjamin F. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Miller, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'ELIECE.

The bill (H. R. 9726) granting an increase of pension to John McEliece was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McEliece, late of Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE T. YOUNG.

The bill (H. R. 9117) granting a pension to George T. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George T. Young, late of Company D, Forty-first Regiment Pennsylvania Emergency Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. SCHREINER.

The bill (H. R. 7353) granting an increase of pension to William H. Schreiner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Schreiner, late of Company E, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAMINA R. ALLENBAUGH.

The bill (H. R. 7344) granting an increase of pension to Williamina R. Allenbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Williamina R. Allenbaugh, widow of Charles T. Allenbaugh, late first lieutenant Company A, Second Regiment Maryland Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE C. LOTT.

The bill (S. 3308) granting an increase of pension to Jesse C. Lott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse C. Lott, late of Company C, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANGELINE P. ROOT.

The bill (S. 4815) granting an increase of pension to Angeline P. Root was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Angeline P. Root, widow of Richard Root, late major, Eighth Regiment Iowa Volunteer Cavalry, and colonel One hundred and thirty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE MAURER.

The bill (S. 4776) granting an increase of pension to Jesse Maurer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Maurer, late of Company B, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY FLETCHER.

The bill (S. 4496) granting an increase of pension to Harvey Fletcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey Fletcher, late of Company E, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. NICHOLSON.

The bill (S. 460) granting an increase of pension to Mary C. Nicholson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Nicholson, widow of John Nicholson, late captain Company C, One hundredth Regiment New York Volunteer Infantry, and major, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL D. REYNOLDS.

The bill (S. 3198) granting an increase of pension to Samuel D. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel D. Reynolds, late of Company B, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AARON M. MASON.

The bill (S. 4487) granting an increase of pension to Aaron M. Mason was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Andrew Cowan's battery" and insert "First Independent Battery;" and in line 7, after the words "New York," to strike out "Independent" and insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron M. Mason, late of First Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M'CORMICK.

The bill (S. 4777) granting an increase of pension to Thomas McCormick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out "musician;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McCormick, late of Company C, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN A. PROVOOST.

The bill (S. 4001) granting a pension to Benjamin A. Proovost was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Proovost" and insert "Provoost;" in line 7, before the word "National," to insert "State;" and in line 9, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin A. Provoost, late of Company B, Seventy-fourth Regiment New York State National Guard Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Benjamin A. Provoost."

ANDREW FISHER.

The bill (S. 4242) granting an increase of pension to Andrew Fisher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Fisher, late second lieutenant Company I, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY P. WILSON.

The bill (S. 4381) granting a pension to Mary P. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "surgeon," to strike out "acting assistant" and insert "volunteer;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Wilson, widow of Samuel Wilson, late volunteer surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA J. SMITH.

The bill (S. 4936) granting an increase of pension to Emma J. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma J. Smith, widow of James E. Smith, late captain Fourth Independent Battery, New York Volunteer Light Artillery, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. ALLEN.

The bill (S. 2569) granting an increase of pension to John W. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Allen, late of Company D, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GERTRUDE MERRILL.

The bill (H. R. 2121) granting a pension to Gertrude Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gertrude Merrill, widow of Charles F. Merrill, late unassigned, Fourteenth Regiment Maine Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS MORGAN.

The bill (H. R. 4943) granting an increase of pension to Thomas Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Morgan, late lieutenant-colonel Seventy-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH B. CONSTANT.

The bill (H. R. 7066) granting a pension to Elizabeth B. Constant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth B. Constant, widow of Francis M. Constant, late captain Company G, Fifty-first Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZRA NICHOLS.

The bill (H. R. 9979) granting an increase of pension to Ezra Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezra Nichols, late of Company B, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS DE WITT.

The bill (H. R. 9709) granting a pension to Louis De Witt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis De Witt, late sergeant detachment of Indian scouts, United States Army, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VINCENT ANDERSON.

The bill (H. R. 9820) granting an increase of pension to Vincent Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vincent Anderson, late of Company B, Twenty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET J. ROBBINS.

The bill (H. R. 9392) granting an increase of pension to Margaret J. Robbins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret J. Robbins, widow of Charles G. Robbins, late first lieutenant Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. M'VICKER.

The bill (H. R. 11845) granting an increase of pension to David C. McVicker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. McVicker, late of Company I, Thirty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. WILSON.

The bill (H. R. 4941) granting a pension to Mary J. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Wilson, widow of Andrew Wilson, late a gunner, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY M'CORD.

The bill (H. R. 5008) granting an increase of pension to Henry McCord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry McCord, late of Company I, Eighty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES V. BILLIG.

The bill (H. R. 4874) granting a pension to Charles V. Billig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles V. Billig, late of Company G, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL BUSHMAN.

The bill (H. R. 2928) granting an increase of pension to Daniel Bushman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Bushman, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. DAY.

The bill (H. R. 4355) granting a pension to Martha A. Day was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha A. Day, widow of James H. Day, late of Company G, Fifty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. DALE.

The bill (H. R. 9741) granting an increase of pension to Sarah E. Dale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Dale, widow of James Dale, late of Company I, First Regiment Illinois Volunteer Light Artillery, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER RICHEY.

The bill (H. R. 1179) granting an increase of pension to Jasper Richey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper Richey, late of Company K, Thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL LOUIS TYNER.

The bill (H. R. 9390) granting an increase of pension to Samuel Louis Tyner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Louis Tyner, late of Company K, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLIS HOUSE.

The bill (H. R. 6956) granting an increase of pension to Ellis House was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellis House, late private and first lieutenant Company E, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH STANDLEY.

The bill (H. R. 6653) granting an increase of pension to Josiah Standley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah Standley, late second lieutenant Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA R. LAMB.

The bill (H. R. 12550) granting an increase of pension to Emma R. Lamb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma R. Lamb, widow of Derrick Lamb, late captain Company F, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENECA R. POLLARD.

The bill (H. R. 6823) granting an increase of pension to Seneca R. Pollard was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Seneca R. Pollard, late of the Sixteenth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DURKEE.

The bill (H. R. 1882) granting an increase of pension to James Durkee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Durkee, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE DRAPER.

The bill (S. 4621) granting an increase of pension to George Draper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Draper, late of Company E, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY W. LLOYD.

The bill (H. R. 9581) granting an increase of pension to Henry W. Lloyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Lloyd, late of Company I, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KEZIA CHERRY.

The bill (H. R. 12056) granting an increase of pension to Kezia Cherry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kezia Cherry, widow of Peterson Cherry, late of Captain Nowlen's company, Illinois Volunteers, Black Hawk Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI M. M'ELWAIN.

The bill (H. R. 9576) granting an increase of pension to Eli M. McElwain was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli M. McElwain, late of Company F, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET F. HARRIS.

The bill (H. R. 4798) granting an increase of pension to Margaret F. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret F. Harris, widow of James C. Harris, late of Captain Morrow's company, Tennessee Volunteer Infantry, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER N. W. ROGERS.

The bill (H. R. 7726) granting a pension to Jasper N. W. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper N. W. Rogers, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANNIE J. M'GUCKIN.

The bill (H. R. 12457) granting an increase of pension to Nannie J. McGuckin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nannie J. McGuckin, widow of Charles McGuckin, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE P. MALLOCH.

The bill (H. R. 7664) granting an increase of pension to George P. Malloch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George P. Malloch, late of Company B, Thirty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT R. SIMPSON.

The bill (H. R. 11074) granting an increase of pension to Merritt R. Simpson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Merritt R. Simpson, late of Company I, Sixth Regiment United States Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. BROWN.

The bill (S. 4731) granting an increase of pension to John A. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Brown, late of Company B, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALVIN D. LANE.

The bill (S. 2636) granting an increase of pension to Alvin D. Lane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin D. Lane, late of Company K, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORATIO P. ABBOTT.

The bill (S. 4695) granting an increase of pension to Horatio P. Abbott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Regiment," to strike out "Fourteenth" and insert "Thirteenth;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horatio P. Abbott, late of Company E, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M. DAVIS.

The bill (S. 2372) granting an increase of pension to David M. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Davis, late of Company C, Maine Volunteer Coast Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. WALLS.

The bill (H. R. 11227) granting an increase of pension to George W. Walls was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Walls, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN PITMAN.

The bill (H. R. 8836) granting an increase of pension to Benjamin Pitman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Pitman, late second lieutenant Twenty-seventh Unattached Company Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY F. DAVIS.

The bill (H. R. 1575) granting an increase of pension to Henry F. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry F. Davis, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS WAGNER.

The bill (H. R. 11654) granting an increase of pension to Augustus Wagner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT E. CLARY.

The bill (H. R. 4968) granting an increase of pension to Robert E. Clary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert E. Clary, late of Company F, Forty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN L. MEANDS.

The bill (H. R. 3288) granting an increase of pension to Nathan L. Meands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan L. Meands, late captain Company I, Twenty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL N. BUTTON.

The bill (H. R. 11575) granting a pension to Abel N. Button was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel N. Button, late of Company A, Sixty-seventh Regiment New York National Guard Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN RYAN.

The bill (H. R. 7221) granting an increase of pension to John Ryan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Ryan, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORATIO M. PRICE.

The bill (H. R. 5296) granting an increase of pension to Horatio M. Price was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horatio M. Price, late of Seventh Battery Wisconsin Volunteer Light Artillery, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA SPEAKS.

The bill (S. 3986) granting a pension to Cynthia Speaks was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cynthia Speaks, widow of George Speaks, late of Company F, Fifth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID W. JOHNS.

The bill (S. 2124) granting an increase of pension to David W. Johns was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the second time, to strike out "the" and insert "U. S. S. *Elk;*" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Johns, late of U. S. S. Elk, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. SCOTT.

The bill (S. 2046) granting an increase of pension to William G. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Sixteenth," to insert "Regiment;" in line 8, before the word "and," to insert "United States Army;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William G. Scott, late of Company A, First Battalion, Sixteenth Regiment United States Infantry, and hospital steward, United States Army, and pay him a pension at the rate of $24 a month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM PARKER.

The bill (H. R. 12417) granting a pension to Hiram Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Parker, late of Company F, First Regiment Iowa Volunteer Infantry, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB B. MOCK.

The bill (H. R. 6589) granting a pension to Jacob B. Mock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob B. Mock, late of Company D, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT COSTIGAN.

The bill (H. R. 7568) granting an increase of pension to Albert Costigan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Costigan, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY CATLIN.

The bill (H. R. 7501) granting an increase of pension to Emily Catlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily Catlin, widow of Robert W. Catlin, late first lieutenant Company I, Twenty-eighth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DASSON.

The bill (H. R. 11660) granting an increase of pension to James Dasson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Dasson, late of Company H, Seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MALINDA A. MYERS.

The bill (H. R. 11649) granting an increase of pension to Malinda A. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Malinda A. Myers, widow of Samuel F. Myers, late of Company K, Eleventh Regiment Ohio Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LITTLETON.

The bill (H. R. 3167) granting an increase of pension to James Littleton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Littleton, late of Company E, Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE M'NEIL.

The bill (H. R. 9801) granting a pension to Jane McNeil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane McNeil, widow of William G. McNeil, late of Company F, Fifteenth Regiment Missouri Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. LUCKEY.

The bill (H. R. 11558) granting an increase of pension to James B. Luckey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Luckey, late captain Company L, Third Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. STEFFEY.

The bill (H. R. 2572) granting an increase of pension to George W. Steffey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Steffey, late of Company F, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS E. MILLS.

The bill (H. R. 7308) granting an increase of pension to Lucius E. Mills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius E. Mills, late of Company K, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK H. CLARK.

The bill (H. R. 7778) granting a pension to Frank H. Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank H. Clark, helpless and dependent son of Daniel Clark, late of Company B, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE T. BENNETT.

The bill (H. R. 9756) granting an increase of pension to Jesse T. Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse T. Bennett, late of Company G, Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. HALL.

The bill (H. R. 3035) granting an increase of pension to William D. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Hall, late sergeant Company G, second lieutenant Company D, and first lieutenant Company E, Seventy-second Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA A. PRYCE.

The bill (H. R. 2862) granting an increase of pension to Henrietta A. Pryce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta A. Pryce, widow of Thomas Pryce, late captain Company I, Thirty-fifth Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH S. SMITH.

The bill (H. R. 9807) granting an increase of pension to Hugh S. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh S. Smith, late of Battery D, First Regiment West Virginia Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. PORTER.

The bill (S. 4511) granting an increase of pension to James L. Porter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James L. Porter, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and Company B, Second Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS G. HOFFMIRE.

The bill (S. 4507) granting an increase of pension to Francis G. Hoffmire was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis G. Hoffmire, late of Company K, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. SPRINGER.

The bill (H. R. 7500) granting an increase of pension to Mary E. Springer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Springer, widow of Peter B. Springer, late first engineer ram *Lioness*, Mississippi Marine Brigade, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC B. GOFORTH, ALIAS NAPOLEON B. GORDON.

The bill (H. R. 7470) granting an increase of pension to Isaac B. Goforth, alias Napoleon B. Gordon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac B. Goforth, alias Napoleon B. Gordon, late of Company K, Seventh Regiment Kansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'DERMID.

The bill (S. 3236) granting a pension to John McDermid was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of

the pension laws, the name of John McDermid, late of Captain McCranie's company, Georgia Militia, Creek Indian war, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. SHERIDAN.

The bill (H. R. 6859) granting an increase of pension to William A. Sheridan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Sheridan, late of Company C, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY GILROY.

The bill (S. 4249) granting an increase of pension to Mary Gilroy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "New Jersey," to strike out "First Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Gilroy, widow of Edward Gilroy, late of Battery B, New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. SULLIVAN.

The bill (S. 3018) granting an increase of pension to George W. Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Sullivan, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MOTEN M. PITTS.

The bill (H. R. 5373) granting an increase of pension to Moten M. Pitts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moten M. Pitts, late of Company C, Third Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY C. BELTZ.

The bill (H. R. 4889) granting an increase of pension to Henry C. Beltz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry C. Beltz, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. DERRINGTON.

The bill (H. R. 3902) granting a pension to Martha J. Derrington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Derrington, widow of Riley Derrington, late of Company I, Sixth Regiment Provisional Enrolled Missouri Militia, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID R. LUTTRELL.

The bill (H. R. 12050) granting an increase of pension to David R. Luttrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David R. Luttrell, late of Company D, Forty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MASON.

The bill (H. R. 9996) granting a pension to Henry Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Mason, late of Company E, Twenty-First Regiment Missouri Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BARTMANN.

The bill (H. R. 9990) granting a pension to John Bartmann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bartmann, late of Company D, Cape Girardeau Battalion Missouri Home Guards, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK MEHRING.

The bill (H. R. 6420) granting an increase of pension to Frederick Mehring was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Mehring, late of Company C, Sixteenth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. WHALEY.

The bill (S. 4192) granting an increase of pension to James H. Whaley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Whaley, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY H. CORNELL.

The bill (S. 76) granting a pension to Mary H. Cornell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Cornell, widow of Horatio N. Cornell, late of United States steamship Michigan, United States Navy, and pay her a pension at the rate of $8 per month.

Mr. COCKRELL. I notice in that case—and I call the attention of the Senator from North Dakota [Mr. McCUMBER] to it—that in the last Congress this lady was allowed $12 per month. The bill was introduced for that amount, and I hope the committee will allow the amendment to be amended in that way.

Mr. McCUMBER. At what amount?

Mr. COCKRELL. At $12 per month, instead of at $8, as the committee have reported.

Mr. McCUMBER. I have no objection to the amendment of the committee being amended as suggested by the Senator from Missouri.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in line 8, before the word "dollars," by striking out the word "eight" and inserting "twelve;" so as to read "at the rate of $12 per month."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. PARIS.

The bill (S. 4678) granting an increase of pension to John W. Paris was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Paris, late second lieutenant Com-

pany H, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. BLAIR.

The bill (S. 3385) granting an increase of pension to John A. Blair was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Blair, late of Company I, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH BEDFORD.

The bill (S. 3485) granting an increase of pension to Elizabeth Bedford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Heavy," to insert "Volunteer;" in line 8, after the word "Artillery," to strike out "Volunteers;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Bedford, widow of John H. Bedford, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY D. FILKINS.

The bill (H. R. 12191) granting an increase of pension to Henry D. Filkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Filkins, late of Company K, Sixteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. GARDNER.

The bill (H. R. 12073) granting an increase of pension to Eliza J. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Gardner, widow of Hezekiah Gardner, late captain Company I, One hundredth Regiment Illinois Volunteer Infantry, and captain Company B, Third Regiment Veteran Reserve Corps, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LARGE.

The bill (H. R. 12053) granting an increase of pension to James Large was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Large, late of Company G, Eleventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH SHELDON.

The bill (H. R. 11894) granting an increase of pension to Jeremiah Sheldon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Sheldon, late of Company C, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LYNCH.

The bill (H. R. 11655) granting an increase of pension to James Lynch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Lynch, late of Company E, One hundred and fifty-third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RANDOLPH T. STOOPS.

The bill (H. R. 4634) granting an increase of pension to Randolph T. Stoops was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Randolph T. Stoops, late captain Company C, Eleventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRVING HOLCOMB.

The bill (H. R. 5262) granting an increase of pension to Irving Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Irving Holcomb, late captain Company B, One hundred and twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN MANNING.

The bill (H. R. 6824) granting an increase of pension to Benjamin Manning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Manning, late of Company C, Ninth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. MORRISON.

The bill (H. R. 9789) granting an increase of pension to Charles M. Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Morrison, late of Company H, Ninety-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA HUTCHINS.

The bill (H. R. 7394) granting an increase of pension to Amelia Hutchins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amelia Hutchins, widow of Chauncey B. Hutchins, late surgeon One hundred and sixteenth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN R. W. MOCKABEE.

The bill (H. R. 7698) granting an increase of pension to Benjamin R. W. Mockabee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin R. W. Mockabee, late of Company C, First Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE D. BOYD.

The bill (H. R. 620) granting an increase of pension to George D. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George D. Boyd, late of Company A, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARITY M. FARMER.

The bill (H. R. 2914) granting an increase of pension to Charity M. Farmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charity M. Farmer, widow of Bryan Farmer, late of Captain Calhoun's company, First Regiment Georgia Light Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. SIMMS.

The bill (H. R. 3266) granting a pension to James M. Simms was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Simms, late acting chaplain Second Regiment United States Colored Volunteer Infantry, and to pay him a pension of $ 2 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASPER M. GRIGGS.

The bill (H. R. 4230) granting an increase of pension to Jasper M. Griggs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jasper M. Griggs, late sergeant and second lieutenant Company C, One hundred and fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANNIE J. M'DOWELL.

The bill (H. R. 11629) granting an increase of pension to Nannie J. McDowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nannie J. McDowell, widow of James H. McDowell, late first lieutenant Company B, Seventeenth Regiment Indiana Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. ALLISON.

The bill (H. R. 11563) granting a pension to Julia A. Allison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Allison, widow of William Allison, late of Captain King's company, Georgia Volunteers, Cherokee Indian disturbances, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES HARMON.

The bill (S. 5077) granting an increase of pension to Agnes Harmon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Agnes Harmon, widow of George W. Harmon, late first lieutenant Company F, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said George W. Harmon until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH S. SMITH.

The bill (S. 3777) granting a pension to Sarah S. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah S. Smith, widow of David Smith, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSHUA M'CORMICK.

The bill (S. 4364) granting an increase of pension to Joshua McCormick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to insert "payable to his duly constituted guardian;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua McCormick, late of Company A, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving, payable to his duly constituted guardian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA J. FRYBARGER.

The bill (S. 25) granting an increase of pension to Amanda J. Frybarger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda J. Frybarger, widow of William W. Frybarger, late colonel First Regiment Indiana Volunteer Light Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE M. STAFFORD.

The bill (S. 2727) granting an increase of pension to Alice M. Stafford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice M. Stafford, widow of Stephen R. Stafford, late captain, Fifteenth Regiment United States Infantry, and major, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Stephen R. Stafford until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS H. DEVINE.

The bill (S. 4670) granting an increase of pension to Thomas H. Devine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Devine, late of Company C, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA K. SMITH.

The bill (S. 5110) granting a pension to Cornelia K. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "widow of," to strike out "Captain:" in the same line, after the word "late," to strike out "of" and insert "captain:" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia K. Smith, widow of Henry J. Smith, late captain Company C, Fifty third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES K. DEYO.

The bill (S. 3305) granting an increase of pension to James K. Deyo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and Company D, One hundred and eighty-ninth Regiment New York Volunteer Infantry;" and in line 10, before the word "dollars," to strike out "seventy-five" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James K. Deyo, late of Company C, Sixty-first Regiment New York Volunteer Infantry, and Company D, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH L. COTEY.

The bill (S. 3778) granting an increase of pension to Joseph L. Cotey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "captain," to strike out "of;" and in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph L. Cotey, late captain Company G, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA L. MARDIN.

The bill (S. 725) granting a pension to Amanda L. Mardin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda L. Mardin, widow of Riley H. Mardin, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and second lieutenant Company A, One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Amanda L. Mardin."

DANIEL TAYLOR.

The bill (S. 4915) granting an increase of pension to Daniel Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Taylor, late of Company G, Fifth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES H. EDICK.

The bill (S. 5032) granting an increase of pension to Charles H. Edick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Edick, late of Company H, One hundred and forty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WAARSTESON.

The bill (S. 4935) granting a pension to John Waarsteson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Waarsteson, late of Company B, First Regiment North Dakota Volunteer Infantry, war with Spain, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET J. SNOOK.

The bill (H. R. 12805) granting a pension to Margaret J. Snook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret J. Snook, widow of John N. Snook, late of Company H, First Regiment Iowa Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE BROWN.

The bill (H. R. 4353) granting an increase of pension to George Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Brown, late of Company G, Ninety-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the time, and passed.

ELIAS HOLLIDAY.

The bill (H. R. 1905) granting an increase of pension to Elias Holliday was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Holliday, late of Company I, Thirty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. SUITS.

The bill (H. R. 1877) granting an increase of pension to George H. Suits was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Suits, late of Company H, Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WILKINSON.

The bill (H. R. 1861) granting an increase of pension to James Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Wilkinson, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGIA R. DEMAREST.

The bill (H. R. 4990) granting a pension to Georgia R. Demarest was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Georgia R. Demarest, widow of Sidney B. Demarest, late of Company B, Eighty-fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MCCUMBER. Mr. President, inasmuch as it will be impossible to complete the Pension Calendar without prolonging the session to an unusually late hour, I will move that the Senate adjourn.

Mr. KEAN. I suggest that the Senator withdraw that motion, so that we may have an executive session for a few minutes.

Mr. MCCUMBER. I will withdraw the motion for that purpose.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 26, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 25, 1904.

UNITED STATES ATTORNEY.

George B. Curtiss, of New York, to be United States attorney for the northern district of New York. A reappointment, his term expiring June 4, 1904.

SECRETARY OF LEGATION.

Charles Dunning White, of New Jersey, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic, vice Edward Winslow Ames, nominated to be secretary of the legation at Santiago, Chile.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Chalmers G. Hall, Fifth Cavalry, to be captain, September 19, 1903, vice Fenton, Thirteenth Cavalry, detailed as paymaster.

NOTE.—The above-named officer was nominated to the Senate December 8, 1903, and confirmed on the 22d instant, under the name of "Chalmers C. Hall." This message is to correct error in the name of the nominee.

INFANTRY ARM.

To be majors.

Capt. Francis J. Kernan, Second Infantry, January 20, 1904, vice Paulding, Eighteenth Infantry, promoted.

Capt. Chase W. Kennedy, Eighth Infantry, January 24, 1904, vice Cooke, Twenty-sixth Infantry, promoted.

To be captain.

First Lieut. Carl A. Martin, Twenty-fifth Infantry, January 20, 1904, vice Dapray, Twenty-sixth Infantry, retired from active service.

To be first lieutenant.

Second Lieut. Ira F. Fravel, Twenty-fourth Infantry, January 20, 1904, vice Martin, Twenty-fifth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Andrew T. Graham to be a lieutenant in the Navy from the 1st day of January, 1904, vice Lieut. Harry George, promoted.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 28th day of January, 1904, having completed three years' service in their present grade:

Victor A. Kimberly.
Hilary H. Royall.
Charles E. Courtney.
Harry L. Brinser.
John T. Bowers.

POSTMASTERS.

CALIFORNIA.

C. H. Anson to be postmaster at Monrovia, in the county of Los Angeles and State of California, in place of James W. Harvey. Incumbent's commission expires March 31, 1904.

Franklin L. Glass to be postmaster at Martinez, in the county of Contra Costa and State of California, in place of Franklin L. Glass. Incumbent's commission expired March 20, 1904.

John Lemasters to be postmaster at Kern, in the county of Kern and State of California, in place of John Lemasters. Incumbent's commission expires April 12, 1904.

COLORADO.

Ella New to be postmaster at Delta, in the county of Delta and State of Colorado, in place of Charles B. Chrysler, resigned.

CONNECTICUT.

George W. Randall to be postmaster at Rockville, in the county of Tolland and State of Connecticut, in place of George W. Randall. Incumbent's commission expired March 2, 1903.

Charles T. Welch to be postmaster at Windsor, in the county of Hartford and State of Connecticut, in place of Charles T. Welch. Incumbent's commission expires April 12, 1904.

ILLINOIS.

Frank E. Davis to be postmaster at Arlington Heights, in the county of Cook and State of Illinois. Office became Presidential January 1, 1904.

John Grierson to be postmaster at Morrison, in the county of Whiteside and State of Illinois, in place of John Grierson. Incumbent's commission expires March 30, 1904.

Elmer E. Smith to be postmaster at Clayton, in the county of Adams and State of Illinois, in place of Elmer E. Smith. Incumbent's commission expires April 12, 1904.

KANSAS.

Henry C. Abbott to be postmaster at Le Roy, in the county of Coffey and State of Kansas. Office became Presidential January 1, 1904.

MASSACHUSETTS.

Oliver P. Kendrick to be postmaster at West Brookfield, in the county of Worcester and State of Massachusetts, in place of Oliver P. Kendrick. Incumbent's commission expires March 31, 1904.

MICHIGAN.

Edmund O. Dewey to be postmaster at Owosso, in the county of Shiawassee and State of Michigan, in place of Edmund O. Dewey. Incumbent's commission expires March 31, 1904.

William J. Ingersoll to be postmaster at Mayville, in the county of Tuscola and State of Michigan, in place of William J. Ingersoll. Incumbent's commission expires April 12, 1904.

MINNESOTA.

Frank M. Shook to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota, in place of Carlton Graves. Incumbent's commission expires April 12, 1904.

NEBRASKA.

A. D. McNeer to be postmaster at Blue Hill, in the county of Webster and State of Nebraska, in place of John S. Hoover. Incumbent's commission expired January 23, 1904.

L. V. Styles to be postmaster at St. Edward, in the county of Boone and State of Nebraska, in place of Richard F. Williams. Incumbent's commission expired January 20, 1904.

NEW YORK.

Charles P. Barnes to be postmaster at Brighton, in the county of Monroe and State of New York, in place of Charles P. Barnes. Incumbent's commission expires April 14, 1904.

OHIO.

Samuel F. Smith to be postmaster at Pomeroy, in the county of Meigs and State of Ohio, in place of Charles A. Hartley. Incumbent's commission expires March 31, 1904.

William C. Hughes to be postmaster at New Straitsville, in the county of Perry and State of Ohio. Office became Presidential January 1, 1904.

OKLAHOMA.

Jacob Puckett to be postmaster at Cushing, in the county of Payne and Territory of Oklahoma. Office became Presidential October 1, 1903.

VERMONT.

Walter G. Shaw to be postmaster at North Bennington, in the county of Bennington and State of Vermont, in place of Walter G. Shaw. Incumbent's commission expires April 12, 1904.

Herbert E. Taylor to be postmaster at Brattleboro, in the county of Windham and State of Vermont, in place of Dan P. Webster, deceased.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 25, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order for to-day under the rule may be in order to-morrow; that to-morrow be substituted for to-day.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that to-morrow may be substituted for to-day in considering bills on the Private Calendar.

Mr. OVERSTREET. Mr. Speaker——

Mr. WILLIAMS of Mississippi. One moment. Mr. Speaker, I wish to inquire if the report in the Swayne impeachment case has been filed in the House?

The SPEAKER. It has not.

Mr. OVERSTREET. Mr. Speaker, I wish to inquire if the gentleman from New Hampshire will not so modify his request that to-morrow shall be given over to the Pension Committee, subject to the appropriation bill for the post-office service, as it is possible that bill may not be concluded to-day?

Mr. SULLOWAY. If that should happen, I should ask unanimous consent in the morning for some other day.

Mr. CUSHMAN. Mr. Speaker, a parliamentary inquiry. Do I understand if the motion of the gentleman shall carry and to-morrow be substituted for to-day for the consideration of pension matters, that the order will carry with it the order in reference to an Alaskan Delegate?

The SPEAKER. The gentleman has a continuing order, as the Chair recollects. Is there objection? [After a pause.] The Chair hears none.

REPORT FROM COMMITTEE ON RULES.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution No. 269: "*Resolved*, That it shall be in order for the House in Committee of the Whole to consider so much of H. R. 13521 as is embraced between the word 'substation,' in line 25 of page 25, and the word 'For,' in line 13 on page 26, as if the same were not subject to a point of order"—
have had the same under consideration, and beg leave to report the same with the recommendation that it be agreed to by the House.

Mr. DALZELL. Mr. Speaker, one word in explanation of the rule. The rule provides that the text of the post-office appropriation bill contained between the word "substations," page 25, and the word "for," in line 13, page 26, shall be in order for consideration. I will read to the House what the text of the post-office bill is as described in the rule:

On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

In other words, the effect of the rule is to put back again into the bill that which was taken out of it yesterday upon points of order, and to afford the Committee of the Whole a chance to consider that portion of the post-office appropriation bill as if the points of order had not been made.

Mr. MANN. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. MANN. The rule is "to consider so much of the bill" as is embraced between certain words. There is nothing in the bill now that was stricken out yesterday. There is nothing left in the bill pertaining to the matter that was stricken out yesterday.

Mr. DALZELL. There is the language that I have read between the words I have referred to.

Mr. MANN. That language has been stricken out of the bill.

Mr. LACEY. It has been stricken out in the committee, but not in the House.

Mr. OVERSTREET. When the rule refers to "the bill," it refers to the bill as it was in the House. I think that is a technical objection on the part of the gentleman from Illinois.

Mr. MANN. I think it refers to the bill as it now stands.

Mr. DALZELL. It refers to House bill 13521, to so much of the language as is contained between the word "substations," on page 25, and the word "for," in line 13, page 26. I do not see how anything could be any more explicit and definite.

Mr. MANN But the committee has stricken that out.

Mr. DALZELL. And the Committee on Rules has put it back.

Mr. TOWNSEND. Will the gentleman yield to me?

Mr. DALZELL. Certainly.

Mr. TOWNSEND. If this rule carries and there was an amendment to increase the salaries above $720, would it be in order to amend the first part of the section to provide for the appropriation?

Mr. DALZELL. Undoubtedly.

Mr. OVERSTREET. That part of the section has been passed without prejudice.

Mr. DALZELL. Now, Mr. Speaker, I will yield to the gentleman from Mississippi. How much time does the gentleman want?

Mr. WILLIAMS of Mississippi. Twenty minutes, although I may not use it. I may want to yield some time to gentlemen on this side.

Mr. DALZELL. I will yield to the gentleman from Mississippi twenty minutes.

Mr. WILLIAMS of Mississippi. Mr. Speaker, this rule is illustrative of the fact that the majority in this House can do things whenever the majority want to do it. I mean by that the partisan majority. I want to say this in explanation of the rule, so that the House may understand the rule. What the rule does in this case, Mr. Speaker, is simply to declare that the provisions of the bill concerning rural free-delivery carriers which were stricken out on a point of order shall not, after the adoption of the rule, be subject to the point of order. In other words, the language of the bill as reported by the Committee on Post-Office and Post-Roads which was stricken out upon a point of order yesterday is replaced in the bill, and, being replaced there, becomes subject to amendment by the House under the ordinary parliamentary rules which govern the House while sitting in Committee of the Whole.

The report from the Committee on Rules is a unanimous report. It merely gives the House the right to pass upon and consider and amend, if it chooses, these provisions of the bill as if they had never been subject to a point of order. In other words, it puts things in the same attitude as they would have been in if the point of order had never been made, or, if having been made, it had been withdrawn, leaving the House the fullest liberty to adopt, reject, or amend the proposed provision.

Now, Mr. Speaker, I will ask if there is anyone on this side of the Chamber who would like to be heard?

Mr. FITZGERALD. I would like to have some time in opposition to the rule.

Mr. WILLIAMS of Mississippi. I will yield the balance of my time, with the exception of three minutes, to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I shall not want the whole time, but some one else may want it. I think five minutes will do.

Mr. WILLIAMS of Mississippi. I will yield five minutes to the gentleman.

Mr. FITZGERALD. Mr. Speaker, I have had some experience with machines, and I think I understand the futility of attempting to stop the onward progress of a machine that is well geared. I understand that this House will adopt this rule so as to permit the consideration, out of order under the rules of the House, of legislation for the benefit of rural free-delivery carriers. I am not opposed to the rural free-delivery carriers having such compensation as may be fair, but I wish to protest against that system of legislation which permits the rural free-delivery carriers to be taken care of upon a post-office appropriation bill, when it is utterly impossible to have any consideration whatever given to the claims of the letter carriers in the great cities. For ten years the city carriers have been advocating some legislation from Congress. The result of ten years' agitation is that when this bill is disposed of, when there will be no possible chance of securing favorable action upon any legislation whatever, the city carriers will be given, before the Committee on Post-Offices and Post-Roads, a hearing upon the various matters in which they are interested.

Mr. TOWNSEND. Has the gentleman asked for a rule in regard to that?

Mr. FITZGERALD. Some four or five years ago, Mr. Speaker, the Postmaster-General called attention to the fact that the letter carriers were willing to permit 2 per cent of their salaries to be retained in order to establish a retirement fund. No consideration could be had of such a provision in the Committee on the Post-Office and Post-Roads or in this House. I read the other day of a letter carrier who had retired after fifty years' service, and no provision whatever made for his keep or sustenance during the rest of his life. In the report of the Postmaster-General last year the attention of Congress was called to the fact that in the great cities carriers are first appointed as substitutes and must serve for two or four years in that capacity before they can get a regular appointment. They must report every day at the post-office in the locality in which they are on the list for appointment. Their earnings do not exceed, except in rare cases, $200 a year. After three or four years' service as substitutes they get a regular appointment at $600 a year, and the maximum salary is $1,000.

The Postmaster-General urged upon Congress the necessity of making some provision so that these substitutes could earn at least $360 a year, and yet it is impossible in this House to secure the consideration of such legislation. In the city of New York the letter carriers are considered to be engaged in an occupation similar to that of firemen and policemen. The maximum salary of firemen and policemen is $1,400 a year. After twenty years' service they can retire upon half pay. If they die, their widows or minor children are pensioned from a pension fund which is created by taxing the salaries of those in the service of the city and by contributions from the excise and other funds. We should be in a position to obtain men under as favorable conditions for service in the Post-Office Department as the city is for the fire and police departments. It is not possible under the rules of this House to get consideration of any measure for the benefit of the carriers. They have not made exorbitant requests of Congress. In those cities in which the maximum salary is now $1,000 a year they ask that after four years' service as regulars they be given $1,200, and in those cities where the maximum salary is now $850 a year they ask that the maximum salary after four years' service be $1,000.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, I would like about two minutes more.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from New York?

Mr. WILLIAMS of Mississippi. Mr. Speaker, I yield the gentleman two minutes more.

Mr. FITZGERALD. All that they ask is the same opportunity to have legislation in which they are interested considered as those who are engaged in the rural service will get from this House.

Mr. COWHERD. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. COWHERD. The gentleman has spoken of the carriers' proposition to reserve a part of their salaries for a civil pension or retiring pension. The same proposition is up in all of the Departments of this Government. I would like to ask the gentleman if he favors creating a fund from which to have a civil pension list in the Departments of this Government, whether the postal service or elswhere?

Mr. FITZGERALD. Not generally.

Mr. COWHERD. Does the gentleman favor it in any branch of the Government?

Mr. FITZGERALD. Perhaps. We are not considering that. We are simply attempting now to get in some way before Congress or the committees of Congress an opportunity to discuss and consider the various measures urged in behalf of these men and then let the measures be decided upon their merits. I am not prepared to say that I am in favor of a pension fund for any class of Federal employees, to be very frank.

In fact, I am inclined to be against it, but I do believe that we should have some opportunity to consider measures in which a vast number of men are interested. Under the Executive order issued by the President the letter carriers have submitted their claims to the Department. As was shown in this House last week, the rural free-delivery carriers have sent broadcast throughout the country a statement that the Department would ignore their action in attempting to influence Congress.

The SPEAKER. The gentleman's time has again expired.

Mr. WILLIAMS of Mississippi. I yield one more minute to the gentleman from New York.

Mr. FITZGERALD. I simply wish now to enter my protest against this system of favoritism in legislation for any branch of the Government employees. Why not give all fair play? Why not permit us to present the claims of the carriers to this House, and if you are opposed to them, you have the votes here to defeat the measures that would be presented. I know it is futile to attempt to defeat this rule, because those interested in the rural carriers are in the majority; but I shall live to see the day when the men who are now so active in behalf of the rural carriers will be relegated to private life, because they will not dare to stand up in advocacy of the measures those same rural carriers will demand, and, in all probability, I will be here when you gentlemen will be out. [Applause and laughter.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. WILLIAMS of Mississippi. I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, under the rules, this paragraph stricken out yesterday comes back to the House for consideration, subject to amendment. I want to give notice to the House that when an opportunity is afforded I shall move to strike out from line 15, beginning with the word "and," down to and including the word "hire," in line 19. Under the present law carriers may carry merchandise. This bill prohibits that, unless called for by a patron of the office. The provisions of this bill, taken together, practically make the whole thing nugatory. Take my town or your town; a druggist or merchant wants a package sent out. He writes to a patron of the route and asks him to ask permission that this package may be carried and delivered. As the bill stands, every patron on the line everywhere will be worried to death with requests to have the carrier carry out merchandise. Now, then, if, after striking out that provision, we strike out also the proviso, the law will be left just as it now stands.

Mr. BUTLER of Pennsylvania. Will the gentleman answer me a question?

Mr. LIVINGSTON. Yes; if I can.

Mr. BUTLER of Pennsylvania. I will try to put the question in such a way that the gentleman will have no difficulty in answering it. Will he be satisfied to allow the regulations of the Post-Office Department upon the subject to which he now refers to remain as they now are?

Mr. LIVINGSTON. That is just what I have said I am in favor of.

Mr. BUTLER of Pennsylvania. And do the gentleman's remarks apply also to the provision relating to the carriage of newspapers?

Mr. LIVINGSTON. Yes; that is just what I want. As I have said, the one provision now negatives the other, so that this portion of the bill becomes void.

I yield back the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. I yield two minutes to the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Speaker, I simply want to call the attention of the House and the country to the condition in which we found ourselves yesterday afternoon and the condition in which we find ourselves this morning. But for the grace and special favor of the Committee on Rules, this House would have been powerless to consider a matter of vital importance to every school district in all this land. If the Committee on Rules had not graciously brought in this rule, we would have been absolutely unable to consider a proposition in which more people in this country are directly interested than in any matter that has come before Congress during this session or any other.

I understood the gentleman from Ohio [Mr. GROSVENOR] to state yesterday that he felt it as binding upon him to sustain the rules of the Chairman as to obey the law of the land, and that he would hesitate as much to violate one as the other. Sir, if we find ourselves in such position that we can not vote directly or indirectly on a question of this kind, to bring before us for consideration a matter we all wanted to consider, such as was the case last night, we are to be pitied. If we had sustained the appeal from the Chair last night, we would have had the whole matter right before us for consideration. If we are in such a condition that we can not change our rules, and by changing them get an opportunity to vote upon matters of vital importance to the country, I think it is high time that some elasticity should be given to the rules or new ones made in their stead. And I think some elasticity ought to be given to the consciences of the different Members of this House. I do not know that there is any particular necessity that any special elasticity should be given to the conscience of the gentleman from Ohio, because sometimes I have thought that he had a sort of gutta-percha conscience, that could be stretched on certain occasions to meet his requirements and contracted correspondingly on others; but if our consciences stand in the way of our legislating what we wish and ought to legislate about, we ought to have our consciences repaired.

I simply rose for the purpose of calling the attention of the House and the country to the fact that we are bound down here by such rules as the majority sees fit to enforce and are thereby disqualified from legislating as otherwise we would be glad to.

Mr. WILLIAMS of Mississippi. I yield one minute to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Speaker, in the sixty seconds allowed me it will of course be impossible to cover the question of the infamy of these rules. I simply want to indorse the language in favor of the city letter carriers that has been used here by my colleague [Mr. FITZGERALD], and to say that these rules demonstrate that the Republican party, which pretends to be the friend of labor—which for forty years has made that claim—comes into this House and deliberately makes rules which will prevent them, without the consent of half a dozen leaders on this floor, from enacting any legislation in favor of labor—any class of labor—letter carriers or any other class; and then they shield themselves behind that situation. And when the letter carriers, rural or city, bring in a petition to Congress, their Members write back: "We are in favor of this legislation. We are in favor of giving to the letter carriers this increased pay." Yet, in response to the party whip, these very Members stultify themselves by voting for rules that prevent those men from having an opportunity to have their bill voted upon on this floor. [Applause on the Democratic side.]

Mr. WILLIAMS of Mississippi. Mr. Speaker, I sympathize now, as I have sympathized in the past, with any effort to obtain justice for city carriers or anybody else. I do not, however, sympathize with any idea of a civil-service pension list for the benefit of everybody; but I do not wish to use the four minutes that I have in discussing matters that are not germane to this rule.

I wish merely to say to the gentleman from New York that, while I sympathize with him in his effort to get what is right for city letter carriers, I beg him to remember two things: First, that city letter carriers are now getting twice as much as rural carriers and are doing much easier work. They are not furnishing horses nor wagons while they are doing it; and I beg him——

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. No; I can not be interrupted.

Mr. GOLDFOGLE. Only one question.

Mr. WILLIAMS of Mississippi. I can not be interrupted. And I beg him to remember this, too, that the very worst way in the world to travel, in getting good things for the city carriers, is to antagonize measures that merely tend to equalize or approximately equalize the rural carriers with the city carriers. [Applause.]

Now, Mr. Speaker, I voted for this rule in the committee because it gives the House an opportunity to consider this subject-matter of this legislation and to do with it what the House chooses—to amend it, to adopt it, or to reject it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WILLIAMS of Mississippi. Yes.

Mr. FITZGERALD. The gentleman misstates when he says that the city carriers get double what the rural carriers get.

Mr. WILLIAMS of Mississippi. What is the maximum that the city carriers get? It is $1,200, is it not?

Mr. FITZGERALD. No. In some cities they get a maximum of $1,000 and in other cities a maximum of $850.

Mr. WILLIAMS of Mississippi. There is not much difference between the maximum of a thousand and double the maximum of $600.

Mr. FITZGERALD. Eight hundred and fifty in some cities.

Mr. WILLIAMS of Mississippi. You said a maximum of a thousand.

Mr. FITZGERALD. In some cities, and $850 in others.

Mr. WILLIAMS of Mississippi. And they are allowed for car fare; they are allowed for bicycles; they are allowed for automobiles.

Mr. CANDLER. And for horses and wagons.

Mr. OVERSTREET. Will the gentleman yield for a question?

Mr. WILLIAMS of Mississippi. Yes. I do not want to get off the rule, though.

Mr. OVERSTREET. Does not the gentleman believe that under all the circumstances the city letter carriers are now pretty fairly paid?

Mr. WILLIAMS of Mississippi. I am not prepared to make that statement as to all grades of the service. I am in favor of raising their pay in some grades, and their reclassification; but I am talking about this rule now. I hope there will be no opposition to the adoption of the rule, and let gentlemen understand what the rule is. It is merely to give this House an opportunity to consider this subject-matter of legislation, to amend it, if it

chooses, to adopt it as it is in the bill, to reject it if they choose to, with the fullest power of amendment under the ordinary rules of the House when in Committee of the Whole under the five-minute rule. That is all.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker——

Mr. SULZER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Mr. Speaker, this proposed rule applies, as I understand it, only to rural carriers——

Mr. DALZELL. Mr. Speaker——

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. SULZER. I wish to know whether the rule can be amended? That is my parliamentary inquiry.

The SPEAKER. Well, it would depend upon the action of the House whether the rule could be amended.

Mr. SULZER. Very well; then I move to amend the rule.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. SULZER. Mr. Speaker, I ask now to be recognized to move to amend this rule, so that the provision to increase the pay of the letter carriers in the cities may be considered, as well as the rural letter carriers.

The SPEAKER. The Chair will answer the gentleman's parliamentary inquiry. If the previous question is ordered, the rule can not be amended. If the previous question is voted down, the rule can only be amended by amendments that are in order—namely, amendments that are germane.

Mr. SULZER. My amendment will be germane.

Mr. DALZELL. I call for the regular order, Mr. Speaker.

Mr SULZER. I trust my proposed amendment will be adopted.

The SPEAKER. The gentleman from Pennsylvania calls for the previous question.

Mr. DALZELL. No; I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if it shall be in order, at the proper time I shall move to recommit the resolution, and I ask to have read in my time the motion which I will make.

The SPEAKER. The gentleman asks to have the motion read in his time. The Clerk will report it.

The Clerk read as follows:

Recommit House resolution 289 to the Committee on Rules with instructions to report in lieu thereof a resolution providing that it shall be in order for the House in Committee of the Whole, in consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, to offer an amendment after the word "substations," in line 25 on page 25 of said bill, in the following language: "On and after June 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers;" which said amendment shall be considered and be subject to amendment the same as though it had not been subject to a point of order as inserted in said bill H. R. 13521.

Mr. MANN. Mr. Speaker, that proposition is simply to bring before the House the original proposition in the bill, to increase the pay of the rural carriers, leaving that not subject to the point of order, leaving it open to amendment, and striking out that part of the present provision of the bill that is covered by the rule presented, which provides against permitting letter carriers to circulate daily papers. The House might as well vote upon the proposition now as vote upon it in the committee. It simply strikes out that part of the bill which went out upon a point of order, forbidding the letter carriers to carry the newspapers, etc., and leaves to the House the consideration of the salary of the letter carrier.

Now, Mr. Speaker, the gentleman from Indiana [Mr. OVERSTREET], because he entertains personal opinions upon this proposition, has insisted that the pay of the rural carriers be considered in connection with the privileges of the rural letter carriers. I say there is no occasion for that. Whatever occasion there may be for a violation of the ordinary rules of the House by bringing in a new rule in order to raise the pay of rural carriers, it does not apply to the provision of the bill which cuts of the privileges that they now have. Why not amend the rule, or recommit with instructions to bring in a rule providing that the House shall have the right to consider the question as to the pay of the carriers and leave it confined to that one subject, without opening up the whole question as to cutting off their privileges? The House might as well vote upon that proposition in the House as in any other way. Why, no doubt the gentleman from Pennsylvania [Mr. DALZELL], whom I am usually most proud to follow, will raise the point of order—always willing to strike anybody else with a point of order, but never willing to accept the consequences of a point of order himself.

Mr. OVERSTREET rose.

Mr. MANN. The gentleman from Indiana who now rises never fails to invoke the point of order when he thinks it to his interest and never fails to yield it when it is on the other side.

Mr. OVERSTREET. Will the gentleman permit me to ask him a question?

Mr. MANN. Yes.

Mr. OVERSTREET. Have I not asked, by this rule, to let this House have a thorough debate of the entire subject? Is not that true?

Mr. MANN. If the gentleman had not objected, the House yesterday would have had a thorough debate on many other questions.

Mr. OVERSTREET. Oh——

Mr. MANN. Among other questions a resolution of inquiry. Why is it my friend did not wish action on the resolution of inquiry as proposed then? I do not think the gentleman's position asking a question and answering questions is correct, although I am always glad to yield to him for a question.

Mr. OVERSTREET. You do not seem to be ready to yield.

Mr. MANN. I am always glad to yield to the gentleman.

Mr. OVERSTREET. Do you yield to me now? You declined to yield.

Mr. MANN. I beg the gentleman's pardon. I did not decline to yield.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. When you have been asked a question, you decline to answer.

Mr. OVERSTREET. Oh, no; the gentleman knows better than that. That is not fair.

Mr. MANN. Then why did you ask that your part be stricken out and then take this course. Are you afraid? [Laughter and applause on the Democratic side.]

Mr. OVERSTREET. Because it gives the House an opportunity to have a full debate and action on the matter. Why, so far from being afraid, I am inviting a vote.

Mr. MANN. Let us have a vote on the motion to recommit. You are afraid to vote upon the motion to recommit. [Laughter and applause on the Democratic side.]

Mr. DALZELL. I yield five minutes to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, on yesterday afternoon a point of order was made by the gentleman from Illinois which eliminated from this bill the regulation in regard to the rural free-delivery carriers; and in order, I assume, that the whole question might come before the committee, without restriction or limitation, the gentleman from Indiana made the point of order against the pay, and the whole subject went out of the bill. Thereupon a very energetic debate took place upon a question of order, and an appeal having been made by the gentleman from Minnesota against the ruling of the Chair on that occasion, the gentleman from Illinois [Mr. MANN] seemed to object, as I construed his language—and I would not do him any injustice—to the supposed tyranny of the chairman of the committee or else the Committee on Rules if it attempted to have the point nailed down——

Mr. MANN. Will the gentleman pardon me? Far from that. I did not even squirm. I simply asked whether I was to be crucified or not, knowing that was the usual custom.

Mr. GROSVENOR. Very well. I thought the gentleman objected to being nailed down, but now he says he objected to being nailed up—a crucifixion. Thereupon the chairman of the committee said to the House that he would ask of the Committee on Rules a rule that would give the widest possible debate and the widest possible opportunity to amend these provisions and make them accord with the majority view of the committee, and I committed myself as an individual Member that I would support a rule of that character. I was trying to disabuse the mind of my friend from Illinois that he would be nailed down by the Committee on Rules. Now, this morning the rule comes here——

Mr. MANN. And I have not recovered from my surprise yet.

Mr. GROSVENOR (continuing). The rule comes here, which you are asked to adopt, giving to this committee absolute power to adopt, such legislation upon this topic as you may see fit to adopt, and to my utter surprise the gentleman from Illinois now proposes to nail down the men who want to have some liberty of amendment by proposing a restriction upon the action of the committee by a motion, which he knows not to be in order, to commit the rule back with instructions to report a substitute for this rule to suit his views. It shows how quickly and with what wonderful adaptation to our conditions in life we can all change our opinions when necessity seems to present itself. Now, Mr. Speaker, this rule, if adopted, submits to this committee all power and all authority upon this great question. It seems to me that we could not have expressed our opinion of confidence in the wisdom and judgment of the committee by any act or declaration of ours that would have been more eloquent and more clearly defined than does this rule bring to the attention of the House. With-

out any restriction, without any attempt, except the rules of the House in regard to the question of germane, we turn over to the committee, irrespective of any limitation of the rules hitherto, all power to decide these questions by a majority vote of this committee. It seems to me that there ought to be no objection to this rule, and I trust there will not be.

Mr. DALZELL. Mr. Speaker, I think there shou'd be no misunderstanding about the character of this rule, after the explanation of it made by the gentleman from Mississippi on that side of the Chamber and the gentleman from Ohio on this, but I will repeat, lest there should be any misunderstanding. This rule simply puts back into this bill the paragraph that went out yesterday on the point of order and allows the Committee of the Whole all the advantages that belong to the Committee of the Whole in the discussion of paragraphs on an appropriation bill, as to amendments and all that sort of thing. Now, that paragraph contains two propositions. The first relates to the salaries of rural carriers. The second relates to the privileges to be granted to rural carriers. Under this rule the gentlemen who are in favor of the first proposition and opposed to the second, and the gentlemen who are in favor of the second and opposed to the first, all of them have an opportunity to exercise their judgment, and the Committee of the Whole has a right to determine in its wisdom whether either one shall be voted up or voted down.

Now, the proposition of the gentleman from Illinois, who is in favor of increasing the salary but opposed to the privileges, is that the Committee of the Whole shall have no right to pass on the question of privileges, but shall be confined to pass on the question of salary. It needs no argument upon my part, or upon anybody's part, to say that would be grossly unfair.

Mr. MANN. Would it not be just as easy for the House to pass upon the question of privileges on this motion as it would be for the Committee of the Whole to pass upon it? Is the Committee of the Whole any higher than the House?

Mr. DALZELL. The gentleman has been here long enough to know there is no privilege of debate on a motion to recommit.

Mr. MANN. I know there is all the privilege possible on the pending motion if the gentleman does not cut it off by the previous question, and he knows that, too.

Mr. DALZELL. The gentleman knows that it is subject to a point of order, and the gentleman also knows I will make the point of order.

Mr. MANN. I fully believe the gentleman will make the point of order in order to prevent the House having a chance to consider the question which he is so anxious to have the committee consider.

Mr. DALZELL. And I want to say just a word for the benefit of my friend from Massachusetts, who complains of these rules, who simply repeats the complaint made from time to time. It is always in order when nothing else is in order to complain of the rules. These rules were not made by any one man or by any one set of men nor by any one Congress or two Congresses. They are the evolution of a hundred years of experience in parliamentary procedure. They are the rules that have been adopted since the Fiftieth Congress by every Congress that has sat in this Hall. When the Fifty-second Congress came in, a Democratic Congress, it proceeded to adopt the rules of the Fifty-first Congress with a single exception, and that was the rule as to the counting of a quorum. It was not very long after the convening of that Congress, however, before the Speaker and the Committee on Rules slipped out of that door one day and in about five minutes after came back and adopted the counting of a quorum rule.

I am justified in saying that these rules are the result of the experience of former bodies for a hundred years.

Mr. THAYER. Does not the fact still remain that unless you five gentlemen, constituting the Committee on Rules, had come in here and granted us this favor the House would have been powerless to consider this matter?

Mr. DALZELL. Not at all. I know the gentleman from Massachusetts does not understand the situation. The gentleman, I think, would approve of the rule that prevents legislation on appropriation bills. All that these gentlemen constituting the Committee on Post-Offices and Post-Roads had to do was to bring in the two paragraphs in question as an independent piece of legislasion and the House would have the opportunity to pass upon it. We vindicated the wisdom yesterday of that rule which says that the Committee on Appropriations shall confine itself to appropriations on appropriation bills and shall bring in its legislation independent of appropriation bills. So the rules are not at fault. If anybody is at fault it is the Committee on Post-Offices and Post-Roads, and I make no accusation against anybody.

Mr. COWHERD. Before the gentleman yields the floor, I want to say that there are gentlemen on this side who are in doubt about his statement, whether the gentleman said that the rules were an evolution of a hundred years or a revolution of a hundred years. [Laughter.]

Mr. OLMSTED. Will the gentleman from Pennsylvania yield?

Mr. DALZELL. Certainly.

Mr. OLMSTED. I would like to ask the gentleman if he does not know, and if gentlemen on the other side ought not to know, that this particular Rule XXI, under which these paragraphs went out and which has been subjected to so much discussion and so much of criticism during the past week, was adopted in 1835 by a Democratic Congress, amended in 1876 at the suggestion of Mr. Holman, a prominent Democrat, and in 1880 by William R. Morrison, another prominent Democrat, so that the rule as it now stands and has stood for nearly three-quarters of a century is the work of Democratic statesmen, concurred in by Republicans?

Mr. MANN. I suppose that is the reason that we violated it this morning. [Laughter.]

Mr. DALZELL. The statement of the gentleman from Pennsylvania is strictly accurate. Now, Mr. Speaker, I ask for the previous question.

Mr. MANN. Pending that, Mr. Speaker, under the rule I desire to submit a motion to recommit.

Mr. DALZELL. I make the point of order that it is not in order.

The SPEAKER. The Chair can not rule unless something is offered.

Mr. MANN. I offer a resolution which is on the Clerk's desk.

The SPEAKER. The one read a few moments ago?

Mr. MANN. Yes; I offer that motion.

The SPEAKER. The Chair sustains the point of order. After the previous question is ordered on a report from the Committee on Rules the motion to recommit is not admitted under the more recent practice of the House.

That ruling was made twice by Speaker Crisp, was followed by Speaker Henderson, and has been followed by the present occupant of the chair.

Mr. MANN. May I not ask the gentleman from Pennsylvania to withdraw his point of order, so that the House may vote on the question?

Mr. PAYNE. Regular order, Mr. Speaker.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. I desire to be informed by the Chair if the resolution is subject to amendment.

The SPEAKER. It is not.

Mr. SULZER. Another parliamentary inquiry, Mr. Speaker. If the motion for the previous question is voted down, will the resolution then be open to amendment?

The SPEAKER. The Chair can not tell until it is up.

Mr. SULZER. The Chair ought to know that. [Laughter.]

The SPEAKER. It is perfectly patent that the Chair can not know what would happen touching any gentleman on the floor, and that is doubly the case with the gentleman from New York. [Laughter.]

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 199, noes 12.

So the previous question was ordered.

The resolution was then agreed to.

Mr. GROSVENOR. Mr. Speaker, I offer the following report from the Committee on Rules.

The Clerk read as follows:

Resolved, That it shall be in order for the House to consider in Committee of the Whole section 2, as contained on page 26 of the bill H. R. 13521, as if the same were not subject to a point of order.

Mr. GROSVENOR. Mr. Speaker, if the gentlemen of the committee will turn to section 2 of the bill, they will discover that section 2, as originally printed, went out yesterday on a point of order; that the section was new legislation. The ruling of the Chair was, of course, correct. Now, I shall take but a very few words to present this question to the consideration of the committee. I think I may assume, without fear of contradiction, that one of the sources of the greatest trouble and scandal that has come to the Post-Office Department as is charged—I by no means hold myself responsible for making the charge or denying it—but one of the greatest sources of the scandal has come from the fact that the purchase of supplies for the Post-Office Department has been distributed to the various bureaus and divisions of the Department.

I call the attention of the House to the fact that this section as it appeared in the original bill is on page 29 of the new print and page 26 of the original bill. I was proceeding to call attention to the distribution of responsibility, if you please, by which the chief of a single division of the Post-Office Department was charged with the duty of large purchases, while the chief of another division was charged with like responsibility and duty in regard to another commodity, and so on through the whole line of purchases for the Department. So the Committee on the Post-Office and Post-Roads very wisely brought in this provision which provides for the appointment of an officer of the Department, to be

appointed by the President, with a salary adequate to the necessities of the case, large enough so that it will be possible to secure a competent man, who will be placed under the direction of the Postmaster-General and in charge of the entire purchasing of the supplies of the Post-Office Department.

Speaking to a committee of business men and men of knowledge of affairs of this character, I do not think I need to urge the importance of some reformation in the Department that can be reached in this way, and apparently in this way alone. I might add that we have not considered this section. It comes to us clothed with the recommendation of the Committee on the Post-Office and Post-Roads, and yet it went out of the bill without any consideration whatever as to its merits, and I have no doubt that the committee is abundantly able to present the reasons that actuated it in bringing in legislation of this character. Therefore the Committee on Rules has presented this rule, which simply opens up to the committee here the full power to investigate the propriety of this section, and its adoption, its amendment, or its rejection, as the wisdom of the committee may see fit.

Mr. Speaker, I reserve the remainder of my time.

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. I yield to the gentleman from Mississippi such time as he may require.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I would like this side of the House to understand this report from the Committee on Rules. Section 2, on page 26 of the pending appropriation bill, was stricken out on a point of order. That section centralizes the responsiblity, and makes one purchasing agent under a bond responsible to the Department and to the country, whose duty it shall be to purchase all supplies, and who shall be responsible for the honesty and propriety with which it is all done. This rule merely declares that the point of order shall not apply to that particular section of the bill, and gives the House the right to vote the provision up or down or to amend it as the House may choose. It is a unanimous report from the Committee on Rules.

Mr. Speaker, I yield such time as he may desire to the gentleman from Missouri [Mr. COWHERD.]

Mr. COWHERD. Mr. Speaker, I merely wish to say that I hope there will be no votes on this side of the Chamber against this rule or against this provision. I believe that if that provision becomes law there will be saved to the Government hundreds of thousands of dollars every year in the purchase of the millions of dollars' worth of supplies that are demanded by the Post-Office Department. It gives a responsible head to what is now carried out through many different bureaus and brings, practically, an up-to-date business management into the antiquated methods now in vogue in the Post-Office Department respecting the purchase of supplies.

The SPEAKER. The question is on agreeing to the resolution.

Mr. LIVERNASH. Mr. Speaker——

Mr. GROSVENOR. Mr. Speaker, I demand the previous question.

Mr. LIVERNASH. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. GROSVENOR. I decline to yield.

The SPEAKER. The gentleman demands the previous question.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the resolution.

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY, from the Committee on Appropriations, reported back with amendments the bill (H. R. 14416) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes; which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BENTON reserved all points of order as to the bill.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13521, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. BOUTELL in the chair.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent to recur to page 19 of the original bill for the purpose of making a correction.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to recur to page 19 of the bill for the purpose of making a correction. Is there objection?

There was no objection.

Mr. OVERSTREET. Mr. Chairman, the amendment striking out of the bill what is known as the "appropriation for the Tahitian mail service," I am satisfied, did not carry as much from the bill as should go out, if the appropriation is not to be continued. I recall to the committee the fact that the amendment offered—which was subsequently agreed to by the committee—stopped with the word "dollars," in line 11. I ask unanimous consent that there be stricken from that section all of the language beginning with the word "*Provided*," in line 11, down to and including the word "*further*," in line 16 on the same page.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the language referred to by him be stricken from the bill. Is there objection?

Mr. ROBINSON of Indiana. Mr. Chairman, I have no objection to that.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

The gentleman from New Jersey [Mr. HUGHES] has made point of order against section 3.

Mr. HUGHES of New Jersey. I reserve the point of order and will offer the following amendment——

The CHAIRMAN. The gentleman can not offer an amendment except by withdrawing the point of order.

Mr. HUGHES of New Jersey. Very well, I withdraw it.

The CHAIRMAN. The point of order is withdrawn; and the gentleman from New Jersey offers the amendment which the Clerk will read.

The Clerk read as follows:

On page 27, at the end of line 9, insert a comma and add the following: "at the rate required by law for a single piece of such matter."

Mr. OVERSTREET. I have no objection to that amendment.

The amendment was agreed to.

Mr. OVERSTREET. I ask unanimous consent that section 3, just passed, be numbered as section 2, because section 2 has gone out.

The CHAIRMAN. Without objection, the Clerk will renumber the paragraph.

There was no objection.

Mr. OLMSTED. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "affixed," in line 9, page 27, insert the following:
"And carriers in the rural free-delivery service shall not be prohibited from distributing or soliciting orders or collecting subscriptions for newspapers and periodicals thus transmitted or to be transmitted as third or fourth class matter."

Mr. OVERSTREET. I make the point of order that this amendment is not germane and is in conflict with existing law.

Mr. OLMSTED. I should like to be heard on that point. Mr. Chairman, this section—section 3—itself changes existing law, and would have been subject to a point of order, but none was made. Under repeated rulings an amendment which would otherwise be out of order as changing existing law is in order if germane to a paragraph which itself changes existing law. I maintain that this amendment is germane to the paragraph. The paragraph itself provides that—

Under such regulations as the Postmaster-General may establish for the collection of the lawful revenue, and for facilitating the handling of such matter in the mails, it shall be lawful to accept for transmission in the mails quantities of not less than 2,000 identical pieces of third or fourth class matter without postage stamps affixed.

That language, of course, includes newspapers and other periodicals. My amendment is certainly germane to that provision. The paragraph itself provides for regulations; my amendment is a definition of those regulations.

Mr. PAYNE. The gentleman will allow me to say that if his amendment goes in at this point it applies only to this particular provision allowing packages of not less than 2,000 pieces to go through the mails without being provided with stamps. That, it seems to me, would not accomplish the object which the gentleman has in view. The gentleman's amendment would be germane to the language which is to be put into the bill under the rule just adopted.

Mr. OLMSTED. Well, it will not do any harm to put it in here.

Mr. OVERSTREET. Mr. Chairman, I call the attention of the Chair to the fact that this item refers to "2,000 identical pieces of third or fourth class matter." The gentleman's amendment refers to individual, single, pieces of second-class mail matter.

Mr. OLMSTED. My amendment applies to such matter as is referred to in the paragraph itself and is germane.

The CHAIRMAN. The Chair thinks that on the question of germaneness, the question of comparison as arising in the arrangement of a bill comes in; that if an amendment is more appropriate

to one paragraph than to another, it is not to be considered germane to the paragraph to which it is less appropriate. Section 3 relates to securing revenue from the rural delivery service. The amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] refers to soliciting which may be done by the carrier. The Chair feels quite clear that this amendment would more properly come in as an amendment to the paragraph relating to the privileges of free-delivery carriers. Therefore the point of order is sustained.

Mr. OVERSTREET. Mr. Chairman, I offer the following as an independent paragraph.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a purchasing agent for the Post-Office Department, who shall hold office for four years unless sooner removed by the President, and who shall receive an annual salary of $5,000, give bond to the United States in such sum as the Postmaster-General may determine, and report direct to the Postmaster-General; and who shall, under such regulations as the Postmaster-General shall prescribe, and subject to his direction and control, have supervision of the purchase of all supplies for the postal service.

Mr. MANN. I reserve the point of order on that.

Mr. OVERSTREET. We had just as well dispose of the point of order.

Mr. MANN. It is subject to the point of order as a new section, I think. Undoubtedly if the gent eman wanted to leave it in the bill under section 2 it would not be subject to the point of order; but, then, in that case we will have to recur to section 2.

Mr. OVERSTREET. Then I ask the Clerk to strike out the figure "3" and make it a figure "2."

Mr. LIVINGSTON. What do you do with section 2, then?

Mr. OVERSTREET. Mr. Chairman, the mere numbering of the sections can afterwards be arranged under the usual methods. I offer that, without any number as to the section.

The CHAIRMAN. The Chair will state that the numbering of the sections will be made by the Clerk after the bill has been completed. The Chair thinks the amendment to be in order at this point.

Mr. MANN. The rule does not recite the language at all. The rule that was adopted refers to section 2. It does not provide for offering a new section in the bill. It does not recite the language of section 2. It only refers to it by number.

Mr. OVERSTREET. Mr. Chairman, the parliamentary situation when the House entered the Committee of the Whole was this: A section of the bill had been under consideration on yesterday against which a point of order had been reserved. Necessarily the committee entered upon the consideration of the bill with that point of order pending as to that section. I followed the usual course of disposing of that section before offering the language that was referred to in the special rule adopted this morning. Now, I do not know how technical the gentleman from Illinois [Mr. MANN] is going to be. I offered this language in this way, authorized by the rule, and in order to meet his refined sensibilities I withdraw that and offer the language of the section.

The CHAIRMAN. The Chair will read the rule that was adopted:

Resolved, That it shall be in order for the House to consider in Committee of the Whole section 2, as contained on page 26 of the bill H. R. 13521, as if the same were not subject to a point of order.

The Chair holds that this rule gives the committee authority to consider the substance of what was contained in section 2 of the bill.

Mr. OVERSTREET. The language contained in section 2 of the bill was what was referred to in the rule, and not the figure "2."

Mr. MANN. That is not what it says at all; it says section 2.

Mr. OVERSTREET. I understand that the Chair overrules the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. OVERSTREET. Now, Mr. Chairman, just briefly on this point. The gentleman from Ohio [Mr. GROSVENOR] very completely suggested the motive of this amendment when he brought this rule to the attention of the House this morning.

There are now in the Post-Office Department at least four separate supply divisions. Necessarily in the administration of that Department, under the four Assistant Postmasters-General, they duplicate purchases. There is duplication in the purchase of stationery, duplication in the purchase of the usual supplies of pens, inks, etc. There are additional purchases peculiar to each particular department of the service, like the office of the First or the Third Assistant; but the committee believe, as the gentleman from Ohio [Mr. GROSVENOR] very pointedly suggested, that a consolidation of all these supply divisions, putting them into one division or bureau, under direction and control of one man, would result in economy of administration, and that that effort to segregate authority and responsibility, under direction and control of one man, would result in economy of administration, and that is in line with the effort to segregate the authority and responsibility which has been endeavored throughout the framing and adoption of this supply bill.

Mr. CROMER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to his colleague?

Mr. OVERSTREET. Yes.

Mr. CROMER. Is there any objection to adding the words "and distributing" after the word "purchase?"

Mr. OVERSTREET. I will state to my colleague that the matter of distribution was considered very fully when this item was prepared in the committee. It was even thought advisable, if not essential, to provide for a distributing agent as well as a purchasing agent; but, under suggestions which were offered to the committee by officials of the Department, the committee believed that a distributing officer could be made out of one of the officers already in the service, and it would not be essential, therefore, to create a new office to that extent.

Mr. CROMER. Another question——

Mr. MADDOX. Will the gentleman yield to me for a question?

Mr. OVERSTREET. I yield to the gentleman from Georgia.

Mr. MADDOX. I will ask the gentleman if it is not true that all the other Departments have purchasing agents?

Mr. OVERSTREET. I have understood so, or purchasing boards.

Mr. MADDOX. Do you know what the salary is?

Mr. OVERSTREET. I do not know.

Mr. MADDOX. Do you know whether it exceeds $3,000?

Mr. OVERSTREET. I do not know. It may be possible a larger salary is provided in this section than the committee might feel warranted in authorizing. The committee, however, thought—and I state very frankly what was in the minds of the members—in view of the importance of this situation, to solidify all supply purchases in that Department would warrant the appointment of some good business man at the head of it who would be entitled to a larger salary than $3,000 or $3,500.

Mr. BARTLETT. Will the gentleman yield to me?

Mr. OVERSTREET. Certainly.

Mr. BARTLETT. I notice that this provision proposes that this agent shall be appointed by the President, with the advice and consent of the Senate. He is to be a purcha ing agent for the entire Post-Office Department. That purchasing agent, as I understand, takes the place of the chief of the division of supplies, and is to take the place of the various committees appointed by the Post-Office Department to examine bids of those proposing to furnish supplies as they are now purchased. Is that the fact?

Mr. OVERSTREET. I understand that each separate Assistant Postmaster-General has his own method of purchasing supplies. One of them may have a board composed of certain clerks or individuals who consider what shall be purchased and how. Another may do it directly, taking the position that he himself has that authority.

Now, the purpose of this provision is to concentrate not only the work of the purchasing and the administration of the purchase, but as well to concentrate the responsibility of the purchases and their proper distribution.

Mr. BARTLETT. I will ask the gentleman if, under the amendment which is now proposed to be adopted, the effect would be to dispense with the law as now prevailing in the Department, which requires the purchase of supplies by competitive bids?

Mr. OVERSTREET. Oh, by no means. The idea and intent of this provision is rather to make those methods even more strict than now. By it you will have solidified and consolidated all the supply divisions in the various branches of the postal service into one bureau and put it under the charge of some practical business man, who will ask for bids and will see that the bids are properly let.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask unanimous consent that the time of the gentleman may be extended.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Indiana may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. The idea is that under a business man the bids when made would be more carefully scrutinized. I would also suggest to my friend from Georgia that there is a law now which requires advertising. This does not in any way do away with that, and ought not to.

Mr. BARTLETT. That is what I was coming to. I wanted to know if it undertook to do away with that. I thought it ought to be so guarded as to protect that; so that there would be competitive bids.

Mr. OVERSTREET. The gentleman is quite right about that.

Mr. LIVINGSTON. That is a law that applies to all Departments.

Mr. OVERSTREET. All of them. I know it applies to all the Departments, and there has been no suggestion that that should not apply in this instance.

Mr. BARTLETT. And the gentleman does not want it limited in any way by this proposition?

Mr. OVERSTREET. No.

Mr. BARTLETT. I want it to be safeguarded with great care. A law already exists applying to all Departments requiring bids to be submitted, and, as I understand the gentleman, the effect of this amendment will not be to prevent competitive bidding which now exists.

Mr. OVERSTREET. Just in order to make a record of it, I suggest that section 3709 of the Revised Statutes is the law relating to advertising for bids, and applies also to the postal service.

Mr. BARTLETT. Is not the gentleman aware of the fact that there are cases even in the Post-Office where the statutes already in existence have been construed away and regarded as of no value by provisions put on appropriation bills?

Mr. OVERSTREET. And we believe under the authority that is here given over the supply division that there will be a better method of purchasing supplies; that it will permit of a more thorough scrutiny when we centralize the responsibility as well as the duty.

Mr. BARTLETT. I want to say to the gentleman that I think this is a very wholesome provision. I have no disposition to antagonize it; but I want to prevent a repetition of some very outrageous performances that have taken place in the division of purchasing supplies, and I wanted to know whether it would conform to the present existing law, which provides for the proper safeguarding of the purchase of supplies.

Mr. SNAPP. I would like to ask the chairman of the committee if in bringing in this clause it was the intention of the committee to insert it for the purpose that a business man of experience might be appointed to this place, and not with the intention that the appointment should go to a bureau clerk now getting a small salary?

Mr. OVERSTREET. I will say decidedly in the affirmative that is precisely what the intention of the committee was.

Mr. BARTLETT. I want to call the attention of the gentleman to this wording on page 26 of the original bill:

> And who shall, under such regulations as the Postmaster-General shall prescribe and subject to his direction and control, have supervision of the purchase of all supplies for the postal service.

Mr. OVERSTREET. The idea is——

Mr. BARTLETT. Let me ask the gentleman this question: Now, does the gentleman think that the words "who shall, under such regulations as the Postmaster-General shall prescribe and subject to his direction and control, have supervision of the purchase of all supplies for the postal service" do away with the power vested in the Postmaster-General, and that the Postmaster-General would not have authority to provide by regulation that these supplies might be bought by this man without having bids submitted?

Mr. OVERSTREET. I think certainly not. The regulations would refer almost exclusively to the manner of making requisitions for supplies from one bureau to another and not in any way interfere with the law of to-day relative to the necessity of advertisement.

Mr. BARTLETT. Then would this be objectionable to the gentleman, to put in the proper form this suggestion: "*Provided*, That nothing herein shall be so construed as to affect existing law as to advertising?"

Mr. OVERSTREET. Let me suggest to the gentleman, suppose we say "not inconsistent with existing law."

Mr. BARTLETT. Certainly.

Mr. OVERSTREET. After the word "regulations," in line 24, insert——

Mr. BARTLETT. "Not inconsistent with existing law;" yes.

Mr. OVERSTREET. Mr. Chairman, I offer an amendment, to insert, after the word "regulations," in line 24, page 26, the following: "not inconsistent with existing law."

Mr. BARTLETT. I think that covers the difficulty.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Insert, after the word "regulations," in line 24, page 26, the words "not inconsistent with existing law."

The amendment was agreed to.

Mr. CROMER. I would like to ask the gentleman whether or not the man who distributes this material under this provision ought not to be under bond, just the same as the man who purchases it, and if it would not be well to make the purchasing agent the distributing agent as well?

Mr. OVERSTREET. Well, that proposition was considered and it was commented upon with the post-office officials, who were inquired of concerning this proposition. There was a consensus of opinion both as to the officials and the members of the committee that if we made the purchasing agent also the distributing agent it might be held to prohibit the Postmaster-General from assigning to duty to aid in the distribution another man, and the work of distribution as well as purchasing might be too large for one individual. We felt, however, and the post-office officials who were before the committee believe, that such a man as contemplated by this provision should be more than a mere clerk in a Department, a better man than is usually appointed for one of the minor official positions there, even a better man of better experience and greater responsibilities than the past chiefs of all supply divisions of the Department; that he ought to be, in other words, a man of affairs, a business man of practical ideas, and that the matter of the distribution of supplies could well afford to be left under his direction and the direction of the Postmaster-General to some lesser officials of the Department, and under those circumstances they did not recommend a separate officer of that character.

Mr. CROMER. Now, will the gentleman accept an amendment to his amendment, making it $4,000 a year instead of $5,000 a year?

Mr. OVERSTREET. I have no objection to that, although I think we ought to have a good man at a good salary. There is just this about it——

Mr. MANN rose.

Mr. OVERSTREET. Just a moment. The lower you put the salary the greater the danger of getting a less efficient man.

Mr. MANN. Will the gentleman tell us what are the salaries of the Second, Third, and Fourth Assistant Postmasters-General?

Mr. OVERSTREET. The salary of the First Assistant is $5,000 and $4,500 for the others. Personally I have no objection——

Mr. MANN. Yet you propose to make a subordinate official of a Department have a higher salary than the chief of that Department.

Mr. OVERSTREET. I say I have no objection to putting it at $4,000.

Mr. MANN. Otherwise it will be subject to criticism for that reason, I think.

Mr. OVERSTREET. I am quite willing to accept an amendment to make the salary $4,000.

Mr. SIBLEY. Mr. Chairman, I should oppose that.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

> Line 21, page 26, strike out the word "five" and insert the word "four;" so as to read "$4,000."

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CROMER].

Mr. CROMER. Mr. Chairman, I hope this amendment will prevail. I do not think it would be wise to fix the salary of this purchasing agent above that of the head of the department, which salary I understand is $4,500 for several of the assistants—I think at least three of them—and they were all that way until last year. Therefore I think it would be well to fix the salary at $4,000 instead of $5,000.

Mr. SIBLEY. Mr. Chairman, I am opposed to this amendment. I think with $5,000 the President can go outside of the Department and select a man qualified by business training and experience to discharge the duties of that position. I think we want the best business talent in that position that we can get, coupled with a high degree of honesty and courage.

It has been intimated to me within the last few moments that if we fix the salary at $5,000 or $4,000, the Department would promote some bureau clerk at present in the Department. If that was the design I should like to see the whole provision go out, or at least the salary limited to $2,500. I want a man to be paid enough so that he can bring ability and integrity to the discharge of these duties, and if we limit it to $4,000 or $3,000 it is merely going to mean the promotion of some man already in that Department.

Mr. WILLIAMS of Mississippi. If the gentleman from Pennsylvania will allow me, is he not afraid that if he gives $5,000 to this man he will imagine that he is a Member of Congress and forthwith go to legislating by executive construction? [Laughter.]

Mr. SIBLEY. No, I should hope not.

Mr. WILLIAMS of Mississippi. I wanted to be certain that we should have no more executive legislation.

Mr. SIBLEY. I think we all agree that we do not need any more legislation on the part of bureau officials. I would like to have it put where the Postmaster-General could go outside—I wouldn't care whether he was a Democrat or a Republican, if he had the talent and the administrative ability—where the Postmaster-General could go outside and get the best man for the place. I am quite sure that whatever other provisions you may strike

from this bill, you will make a mistake if this provision is stricken from the bill. I think the abuses that have grown up in that Department have arisen from the divided responsibility—the lack of an official head—in connection with the purchase of supplies.

Mr. THAYER. I notice that the gentleman emphasized the fact that he wanted a man of integrity and that he ought to be paid $5,000. Is there a line where a man getting less than $5,000 is wanting in integrity as we have seen it?

Mr. SIBLEY. My good friend from Massachusetts knows that I would not draw such a line as that; he and I have too much faith in our fellow-men.

Mr. THAYER. Is it because they do not get salary enough that they are wanting in integrity?

Mr. SIBLEY. The gentleman will recollect that I said "ability and integrity."

Mr. THAYER. It is hard to get the two combined in one man.

Mr. SIBLEY. I want a man for this position that has had business experience.

I think my friend will see that a man who is capable of purchasing millions of dollars' worth of supplies annually for this great Department is a man who in the outside world could command a $5,000 salary. If we are going to cut it down, cut it down to twenty-five hundred dollars and let a bureau clerk, some man that is there to-day, discharge the duties of the position. But if we are going to make it a position where we can have the best ability and best service, let us pay him a fair compensation.

Mr. MURDOCK. Will the gentleman from Pennsylvania yield to me?

Mr. SIBLEY. Certainly.

Mr. MURDOCK. I would like to call the attention of this House to the present state of the postage stamps. I want to call attention to the fact that they are deteriorating in paper and material.

Mr. SIBLEY. While we are not on that topic, I think that would come within this official's duties in purchasing supplies. I know a little while ago that one of the gentlemen of the House took a postage stamp and doubled it up and it broke in two. You can not bend one over and fold it twice without its breaking in two pieces.

Mr. MANN. Who wants to bend it over twice? [Laughter.]

Mr. SIBLEY. Well, you are liable to bend a stamp.

Mr. MANN. The man that does not know any better than that ought to be educated. [Laughter.]

Mr. SIBLEY. I think if there was a purchasing agent and we were to hold him responsible and accountable, he would see that the paper and material were of the best quality, and also the ink and pads and all other supplies.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARDNER of New Jersey. Mr. Chairman, it seems to me first that there ought to be some regard paid to consistency in legislation of this kind. Now, gentlemen may talk about the responsibility of this official and the high order of ability required, and still I want to say in parentheses that until recently, without scandal, it has been done in a divided way and without men of such known great business responsibility; but aside from that, treat this agent as you may, he will be the subordinate of the Post-Office Department. He is not your agent directly; he is the subordinate of the Post-Office Department.

Now, if you want to pay this man $5,000, get a rule and raise the salary of the Assistant Postmasters-General to the figure to which this suggestion would indicate that they ought to be. But to pay three assistants $4,500 each and a subordinate $5,000 may be good business as to this item, but it is incongruous with the salary list of the Post-Office Department.

Mr. SIBLEY. I would suggest to the gentleman that he offer an amendment fixing the salary of the Assistant Postmasters-General at $5,000. I believe he was a member of the subcommittee that prepared this bill, and I hope he is not criticising his action in preparing the bill.

Mr. GARDNER of New Jersey. Mr. Chairman, if I entertained the views of a great many other gentlemen on this floor, I should have had a bill here fixing their salaries at $8,000 or $10,000.

I, somehow or other, am not in harmony with those who think that the acme of public service, or great service to labor, in the country is in raising the salary of some official, some man who lives out of the Treasury. I have observed, whether this is the place to say it or not, that when you bring in here a proposition to increase the salary of an official, whether it is a purchasing agent or most anybody else, gentlemen at once jump to the assault on the Treasury as if they were saving the country, but if one comes in here with a proposition as to prison labor, the question is asked, in broad sympathy, "What are you going to do with the poor prisoner?" If one wants some legislation for labor, we are told that it is interfering with the business of the country. Are all the sympathy and favors to go to convicts and those who live by public salary, and is there no consideration anywhere for the millions of farmers, mechanics, laborers, and people who generate the wealth that pays those salaries and who are unthought of in the legislation of this House? [Applause.]

Now, I hope this salary will be reduced in the interests of congruity and decent economy. I believe that there are all over this country men who are as honest as daylight—and it may be because they are so honest they have not succeeded under the methods of modern business—who could do the work provided for in this bill as well as it is possible for human ingenuity to do it and for whom a place in the Government service at a salary of $4,000 would be so near paradise that they would never want to cross over while they could hold it down.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the amendment and paragraph be closed.

The CHAIRMAN. The gentleman moves that all debate on the pending amendment and paragraph be closed.

Mr. COOPER of Wisconsin rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the chairman of the committee if there will not be a possible contradiction in the bill if the amendment is adopted. This amendment, as I understand it, leaves the supervision of the purchase of all supplies for the Post-Office Department to a special agent, and on page 12 of the original bill there is an appropriation of $225,000 to be expended for miscellaneous items, including furniture, etc., and that is to be expended in the discretion of the Postmaster-General, who can turn that quarter of a million of dollars over to postmasters.

Mr. OVERSTREET. No; this carries authority to the Postmaster-General to consolidate these various branches, and of course if a supply division under either one of the four Assistant Postmasters-General should, under the authority carried in this item, be consolidated into one division, the clerks and books and all that of the various divisions would go into the new division, for the reason that you can not very well on a bill set forth the method and arrangement of consolidation and administration. We thought the better plan was to give authority to the Postmaster-General to consolidate, and naturally the various appropriations through this present bill for the purchase of supplies would go into this consolidated division if the Postmaster-General during the next fiscal year should be able to consolidate. Now, Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana that all debate on the pending amendment and paragraph close.

The question was taken; and the motion was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Indiana [Mr. CROMER].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment offered by the gentleman from Indiana [Mr. OVERSTREET].

The question was taken, and the amendment was agreed to.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the section just agreed to be numbered "3."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the number of the section be corrected by the Clerk. Without objection, that correction will be made.

There was no objection.

Mr. BAKER. Mr. Chairman, I offer the following amendment to the pending paragraph, to follow the amendment which has just been adopted.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

Insert, after the amendment just adopted, the following:

"To reimburse the great railroads for the cost of supplying the President of the United States with special trains, cars, and the food, wines, cigars——"

Mr. MANN. Mr. Chairman, I make the point of order. I think that what has been thus far read shows that it is not in order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service, is hereby prohibited.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting after the word "service," in line 2, page 28, the following:

"Or the making or enforcing of any regulation preventing carriers in the rural free-delivery service from collecting subscriptions and distributing newspapers and periodicals along their routes."

Mr. OVERSTREET. Mr. Chairman, I make a point of order against that amendment, that it is not germane——

The CHAIRMAN. The Chair sustains the point of order.

Mr. POU. Mr. Chairman, I move to amend by striking out the last word. Yesterday there was some discussion in this body with respect to the refusal of the majority side of this Chamber to allow rural free-delivery service over bad roads. Since yesterday I have investigated, and I find that there are about twelve to fifteen of these routes that have been turned down in my district on account of the condition of the roads. In every instance there was a man competent to do the work who was ready to take the position of carrier at the amount of pay which the Government allowed. So I began to look around to find out the meaning of the refusal of the majority to allow rural free delivery unless the people provide fine roads. I turned to page 1848 of the RECORD of last Congress, and I find there, in the list of trusts published by the gentleman from Maine [Mr. LITTLEFIELD], a corporation known as the "automobile trust," with a capital of $5,000,000.

Upon further investigation I find that this automobile trust has been flooding the whole country with "literature" in the interest of good roads. Now, I would not charge our friends on the other side with legislating in the interest of the trusts. They have never been known to do anything like that. They have never been known to accept any money from the trusts in order to carry elections. They would not think of doing anything like that. But it appears as a remarkable coincidence that here is a trust which is endeavoring to induce the people to build fine roads so it can sell machines, and here is the Republican party forcing the people, no matter how poor they may be, to do the very thing the trust wants. Mr. Chairman, it looks as if we have discovered the colored gentleman in the wood pile. [Laughter.]

Here are twelve or fifteen men in my district ready, willing, and anxious to take these positions of rural carriers. It matters not to the Government whether the roads there are good or bad. What difference does it make? Of course good roads are desirable, but should this Government force the building of them? These men are anxious to do the work; and they will do it as faithfully and as honestly as the carrier in Pennsylvania or Indiana or any other State which can boast of good roads. The people of my State are doing the best they can. They are improving our roads as rapidly as their financial condition will permit, but in the meantime they want rural free delivery. But we find the Republican party occupying the same position that it has occupied for some years past, and that is, helping the trusts to carry out the purposes they have in view.

We find the Republican party here helping the automobile trust to force the people to build fine roads, so that that trust may have a market for its machines, upon which it makes, I am told, from 300 to 600 per cent profit. My young friend from South Carolina [Mr. LEVER], in a strong speech the other day, pointed out many instances of discrimination in the administration of this service. This is but another instance which must be added to the list. But the Republican party is a party of discrimination. Watch, Mr. Chairman, for a contribution to the Republican campaign fund from the automobile trust. In a few weeks that party will be begging pitifully for money, for without money it can not win. It derives its very existence from big campaign funds. Without money to buy votes it is in a hopeless minority.

The average trust is void of soul or conscience, but it has money, and the Republican party must help the trusts in order to get money. This is the reason of the friendship which exists between the trusts and the Republican party. This is about all I care to say. I merely wish the people, discriminated against, to know that there is something behind this refusal of the Republican majority to allow them to have the rural free-delivery service. [Applause.]

Mr. OVERSTREET. I move to close debate on this paragraph.

The motion was agreed to.

The Clerk read as follows:

SEC. 6. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June 30, 1905.

Mr. OVERSTREET. I move that debate on this paragraph be closed.

Mr. GUDGER. I hope that the gentleman will allow me to offer one amendment.

The CHAIRMAN. The Chair will state that the motion of the gentleman from Indiana was simply to close debate. Amendments will be in order.

Mr. BAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana.

Mr. BAKER. A parliamentary inquiry.

The CHAIRMAN (having put the question on the motion to close debate). The motion is agreed to, and it is so ordered.

Mr. BAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. GUDGER] yield?

Mr. BAKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from New York to make a parliamentary inquiry?

Mr. BAKER (to Mr. GUDGER). Will not the gentleman yield a moment?

Mr. GUDGER. Yes, sir; I yield.

The CHAIRMAN. The gentleman from New York will submit his parliamentary inquiry.

Mr. BAKER. I understand that the motion of the chairman of the committee [Mr. OVERSTREET] was that debate upon this paragraph be closed. I call the attention of the Chair to the fact that there has been no debate upon the paragraph, and therefore that motion is obviously out of order.

The CHAIRMAN. The Chair will state that the motion has been adopted, and the gentleman from North Carolina has sent to the Clerk an amendment, which will be read.

The Clerk read as follows:

Add at the end of line 10, page 28, the following:

"That from and after May 1, 1904, no rural free-delivery route shall be refused on account of the condition of the roads, provided a competent carrier can be obtained at the regular compensation prescribed by law."

Mr. OVERSTREET. Mr. Chairman, I make the point of order against that that it is not germane.

The CHAIRMAN. The Chair sustains the point of order.

Mr. OVERSTREET. Now, Mr. Chairman, I ask that the committee recur to page 25 of the bill, line 10, and I offer the amendment authorized by the rule adopted this morning.

Mr. BAKER. I object, Mr. Chairman. The Chairman did not put the motion.

The CHAIRMAN. Under the rule adopted by the House, the committee will now recur to the paragraph on page 25.

Mr. OLMSTED. To that I have an amendment.

Mr. WILLIAMS of Mississippi. Is that page 25 of the old bill or the reprinted bill?

Mr. OVERSTREET. Of the original bill.

The Clerk read as follows:

On page 25, line 25, insert:

"On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe."

Mr. OVERSTREET. Mr. Chairman, first I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Indiana will state it.

Mr. OVERSTREET. I desire to ask the Chair whether, under the special rule, this language which I have just had read by the Clerk is offered as an amendment? That is my understanding of the situation, but I want it to be clear that this now appears as an amendment to the bill.

The CHAIRMAN. The Chair, subject to correction, would be inclined to think not, but that under the rule this is read as a part of the original bill and is now open to amendment.

Mr. WILLIAMS of Mississippi. Just as if it had never been stricken out by the point of order at all.

The CHAIRMAN. As the gentleman from Mississippi suggests, just as if it had never been stricken out.

Mr. OVERSTREET. Mr. Chairman, if I may have order I will say——

Mr. MANN. I make the point of order that there is nothing before the committee. No amendment is offered, and I wish to offer an amendment.

Mr. OVERSTREET. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word, and is recognized.

Mr. OVERSTREET. If the twenty or thirty gentlemen with proposed amendments in their hands will content themselves, I think there will be opportunity for them to be heard.

Mr. Chairman, the committee have brought to the House a provision for some relief to a class of officials of the Post-Office Department who, all have agreed, are entitled to some relief.

The law to-day is a growth that has been simultaneous with the growth of the rural service. The first authority for salary was

$300. It was later increased by steps of $100 at a time until it reached the amount of $600. It was experimental until within the last two years, and was so regarded officially. We are now engaged in the operation of the rural service in the second year of its permanency. The salaries of the carriers, gauged during the experimental period of the development of the service, were thought inadequate, and therefore a law was passed permitting that privilege to rural-delivery carriers.

It was thought that the salary might not be entirely sufficient, all things considered, and that the privilege which would be granted to the carriers by the passage of such a law would afford them an additional method of compensation. The committee believe the time has arrived, especially since the permanency of the service has been officially recognized, when in fixing an additional compensation or salary for these carriers it is proper and feasible and practicable to consider, together with that increased compensation, whether or not they are to continue all of the practices and privileges which they have enjoyed during the period of the experimental operation of the service.

Therefore, the committee recommend restrictions as to those privileges—restrictions which will deny them the right of being agents for Tom, Dick, and Harry; deny them the dual capacity of hucksters and Federal employees; which will prohibit them from selling anything and everything for departmental stores, mail-order houses, and other persons, which will, necessarily, in our judgment, in the near future ripen into a parcels post, and at the same time deny them the privilege of being agents for any of these various concerns. We believe that if you deny to them the privilege of being agents for mail-order houses, for grocery stores, or for farm-implement houses, that they should equally be denied the right to be agents for newspapers, periodicals, news agencies, and publishing houses.

I think, however, Mr. Chairman, that inasmuch as the rural service was primarily intended for the benefit of the rural communities that these carriers should be permitted by law to do messenger service within proper limits for the patrons along their various routes. Therefore, under the terms of this provision, authority is given them to render such service to the patrons residing on their routes so long as it shall not interfere with the proper management of their official duties. I desire to explain that briefly, and outside of that——

Mr. LIVINGSTON. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. Certainly.

Mr. LIVINGSTON. I want to ask you this question: You prohibit them in one place from carrying merchandise?

Mr. OVERSTREET. Yes.

Mr. LIVINGSTON. Then you provide that they may do it at the request of the patrons?

Mr. OVERSTREET. Yes.

Mr. LIVINGSTON. Now, then, the only thing that the merchant will have to do will be to write a note out into the country to one of his patrons directing him to make this request, and you are going to bother the patrons all along the line.

Mr. OVERSTREET. Let me call the gentleman's attention to the fact that this must be done under regulations of the Post-Office Department. It is utterly impossible to express all those regulations in a statute. I have no doubt and I believe that such regulations would be proper as shall confine the carriers to the ordinary messenger services which are usually practiced around in country districts, authorizing them to stop at a drug store or bring out something from the blacksmith shop, or some quinine pills, or any of those little things which, while apparently trivial, are of a great deal of importance to the farmers. I withdraw my pro forma amendment.

Mr. MANN. Mr. Chairman, I move to amend by striking out of the paragraph all after the word "and," in line 4, page 26, down to and including line 12 of the same page.

Mr. THAYER. You mean before the word "and."

Mr. MANN. All after the word "carriers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 4, after the word "carriers," strike out the remainder of lines 5, 6, 7, 8, 9, 10, 11, and 12.

Mr. MANN. Now, Mr. Chairman, if this provision remains in this bill, practically the only effect of it is to prohibit the carriers from handling the daily papers. The provision already in the bill covers the so-called "mail-order house" business, because under the terms of the bill as reported any "mail-order house" can sell if the patron who desires to make the purchase makes a request of the carrier. But the carriers are handling the daily newspapers not only of the larger cities but the smaller cities when the patrons make special requests, and many of them carry the newspapers in their wagons along with them; and the effect of the provision in the bill is simply to stop the carriers from furnishing the newspapers to their patrons.

Why, Mr. Chairman, one of the principal arguments that has been made in favor of rural free delivery has been that the farmers of the country might receive their daily newspapers. It is the strongest argument for daily delivery in the rural districts that can be made. Here is a provision made to prevent the very purpose for which rural free delivery was largely instituted, and it does not seem to me that it ought to be done.

I have no doubt that the pay of the rural carrier ought to be increased. I am speaking candidly and not merely as one who has been run over by the majority of the House because they do not represent large city constituencies. I do not think the salary provided in the bill is enough. [Applause.]

I have no doubt that the pay of the rural carriers, either to-day in this committee or soon by act of Congress, will be made commensurate with the salaries of the letter carriers in the small cities, salaries themselves which probably ought to be increased; but the first thing is to prevent this law taking away the privileges which the carriers now have of handling daily papers. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, when I first read this provision in this bill I was opposed to it, so far as the restriction upon soliciting for newspapers was concerned. But since then I have thought about it from every standpoint, so far as I could, and there has come to my knowledge also some abuses in the manner in which the right to solicit has been carried on.

Furthermore, Mr. Chairman, I want to say that I have told some gentlemen who talked to me about it that I would vote to amend the bill substantially as in the proposed amendment; but I have changed my views, and I am going to tell the House why.

I thought at that time that the right to solicit for and distribute newspapers could be granted in some way so as to make it harmless and that it might be practical to make the rural carrier solicit for all papers impartially and charge the same commission for each. I have not been able to draw up an amendment to the amendment that would make it possible to see to it that the carrier did execute such a law as I had contemplated. In other words, it is impracticable to restrain him from acts of partiality or partisanship either, if this right is left to him. Now, I want to especially call the attention of this side of the House to this one fact, that if these carriers are left here as solicitors for newspapers, let us say in the State of Missouri, for example, in a close district, or in Indiana or Illinois or Ohio, in close Congressional districts, they will assuredly find it very much to their interest to solicit for Republican papers, while declining to solicit for Democratic papers.

Of course in my district it would make no difference, but it would be a very serious thing to have men going around at the expense of the Government trundling Republican literature in the shape of Globe-Democrats in the district of the gentleman from Missouri who is just before me. Now, I want to read you a copy of a letter written by a rural free-delivery carrier to a newspaper. I am for obvious reasons not going to read to you the place whence the letter was written nor the name of the newspaper nor the name of the writer to the newspaper, because my object is not to punish him, but merely inform the House and illustrate the abuse. I will state first it appears this paper had sent to this gentleman who was carrying the mail a bill for six months' subscription to the paper, and this is his answer. Mark it:

GENTLEMEN: Yours of the 11th instant at hand, and will say in reply I lost the card you sent me. I was somewhat surprised to get such a letter from the [naming the newspaper] without any warning. Being rural free-delivery carrier on route —— at this place, I am placed in a position where I can do the [naming the newspaper] much good, which in the past I have done, the latter in the way of getting people in my route to take [naming the paper] in preference to any other paper. I am in receipt from the [naming a rival paper in the same town] of a letter appointing me correspondent and agent at this place, and in the future shall devote my extra time to the interests of that paper. Only to-day I got three subscribers for them, and two people ordered me to stop the [naming paper to which he is writing], which I said I would do with pleasure, so from hereon discontinue [naming the two men's] papers. As far as sending me the paper free for six months is concerned, I care nothing. I have access to eighty-four daily papers, and will send you pay for your paper at once, if so desired, with pleasure.

[Applause on the Democratic side.]

I copied this letter from a letter which was written to that newspaper, and I do not care about giving the name of the rural free-delivery carrier, because I do not care to prosecute him.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Mississippi be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Mississippi be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS of Mississippi. I vouch for the fact that this letter is from a rural free-delivery carrier, and was written to a newspaper.

Now, then, Mr. Chairman, let us read the provision in this bill about carrying packages and merchandise. I think it is out of the question to have an employee of the Government put in a position where he can discriminate as a solicitor for subscriptions for newspapers against a given party or against a given newspaper, whether actuated by partisanship or regardless of partisanship; and it would be as great an abuse against you Republicans were we in power (which we doubtless will be after the next election) as it is against us now when you are in power. Now, I think, moreover, that it is a meaner and a still greater abuse to have a man put in a position where he can wreak his private vengeance against a newspaper or a merchant by going aronnd and saying good things about one paper or merchant and bad things about another for pay.

As this man says: "I have hitherto got them to subscribe for your paper *in preference to all others*, and," he says, "when two wanted to quit," as he stated, I communicate the fact "with pleasure," and six months' subscription makes no difference to him. That was not, he says, what he was mad about, but I suppose it was because he was written the letter "without any previous warning" that he was going to be discharged. Now, the argument ex abusa is not always a good one, but sometimes it is, and in this case I think it is. Now, as to the merchandise part of this, which is, "provided that said carriers may carry merchandise for hire for and upon the request of patrons, etc;" I do not think this cuts off any merchandise carrying that anybody wants to conserve. I do not know how it is in the districts of gentlemen here, but I represent a rural district, and taking my own country for illustration, we have telephones running to every plantation and to every farmer's house. We have a local telephone service, by the way, for about one-fifth of the price paid in Washington, with a sparse population. These people can phone the postmaster, they can phone the carrier, they can phone to the merchant, saying, "Please send out by letter carrier one box of shoes, two dozen 2-grain quinine pills, or a dozen bolts of a certain size for my cotton gin," or for whatever they want.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILLIAMS of Mississippi. Yes.

Mr. MANN. Under this provision some regulations would have to be made by the Department?

Mr. WILLIAMS of Mississippi. Yes.

Mr. MANN. If you carried out the purpose provided in the paragraph, would it not be necessary to have a written request by a patron, or would it be left to the carrier to say whether a request had been made on him to do this or not?

Mr. WILLIAMS of Mississippi. The Department would have to fix it by regulation.

Mr. MANN. Can the gentleman see any way by which a regulation can be made that either does not require a written request upon the carrier by the patrons or else leave it to the carrier to determine whether a request has been made?

Mr. WILLIAMS of Mississippi. Of course the fact of being requested would have to be determined like all other facts, if it was ever questioned. There would be no reason why an oral direction could not be proved as a fact as well as a written direction. If the Department found out that the carrier was acting in such a wholesale way as to excite suspicion that he was violating the rules, they would inquire into it as other seeming abuses are inquired into; and if they found that he was carrying packages without request being made in writing or otherwise, they could discharge him.

Mr. MANN. If the gentleman will pardon me, so that it may appear in debate on this provision, I would like to ask the gentleman, although I think he partly answered the question, whether he thinks, under this provision, a request made by the patron over a telephone to a storekeeper in the village would be sufficient authority to the carrier?

Mr. WILLIAMS of Mississippi. I think so, and I think it would be susceptible of proof if the fact was questioned that there had been a request.

Now, Mr. Chairman, as to another part of the argument, which is that these carriers will be insufficiently paid if paid $720 and deprived of this privilege out of which they have been making money. The answer to that is, if the House thinks they are insufficiently paid, then it ought to increase the amount from $720 to whatever is thought an adequate compensation for the service. It is a very good rule, anyhow, to let the public servant, as far as possible, be paid by the public alone.

It is always true that no man can serve two masters with equal faithfulness. There is opportunity left for abuse; and a man might become a drummer for one merchant, a drummer traveling at the expense of the Government and being paid by the Government to do his traveling. Now, the Department will, I think—I hope, at any rate, and believe—fix such regulations as will meet the uncertainties of general legislation. There must be some uncertainties in general legislation of all character, and that is why it is said in here that this shall be subject to such regulations, not inconsistent with existing law, as shall be established by the Postmaster-General.

Mr. MANN. May I ask the gentleman from Mississippi one more question?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. I ask for one minute more in order to answer the gentleman from Illinois.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I would like to ask the gentleman how he differentiates, so far as being a partisan is concerned and preferring one paper to another, between the rural carriers and the fourth-class postmasters?

Mr. WILLIAMS of Mississippi. I do not differentiate at all. I think the fourth-class postmasters making themselves solicitors for newspapers has been a great abuse in many places.

Mr. MANN. Does the gentleman think it has been abuse enough to warrant paying fourth-class postmasters for all of their time, instead of allowing them to do business on the side?

Mr. WILLIAMS of Mississippi. There would be no objection to their "doing business on the side" if they did not do partisan "business on the side."

Mr. STAFFORD. Does not the fourth-class postmaster have the opportunity and the privilege of establishing an office in his store and running a store besides, while the other postmasters do not have that privilege?

Mr. WILLIAMS of Mississippi. That is true.

Mr. THAYER. Will the gentleman from Mississippi yield to me?

Mr. WILLIAMS of Mississippi. My time has expired.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment to the paragraph.

The Clerk read as follows:

Add at the end of line 12, page 26, the following: "and shall be permitted to collect subscriptions for and distribute newspapers and periodicals along their respective routes upon which postage has been prepaid at the pound rate."

Mr. MANN. Mr. Chairman, I don't know as I want to make the point of order at this time, but that amendment is not an amendment to my amendment.

Mr. OLMSTED. I did not offer it as an amendment to the gentleman's amendment. I take it that we have the right to perfect the original paragraph before the gentleman's amendment to strike out will be in order. My amendment is by way of perfecting the paragraph.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order?

Mr. MANN. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Chairman, I desire to be heard on the amendment. One of the great objects of the establishment of the rural free-delivery service was the dissemination of information and intelligence among those living more distant from the centers of population: in other words, the dissemination of newspapers and periodicals. Now, in my district we have both Democratic and Republican carriers, and, so far as I know, they act with entire impartiality in the discharge of the duties of their office and in the collection of subscriptions and the distribution of newspapers, whatever may be the case in the district of the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman will pardon me, I did not make the point that it was because the carrier was a Republican or a Democrat, and the gentleman will recognize this: Suppose we were in power, so as to make it impersonal altogether, and suppose there was a Republican carrier in one place and that here was a Democrat. The Democratic carrier would be emboldened to solicit for a Democratic newspaper and a Republican carrier would feel discouraged in soliciting for a Republican newspaper—not because of their politics, but because of the power above them which they might fear.

Mr. OLMSTED. Mr. Chairman, even though a paper might be of the opposite political faith from mine, I believe the public would be benefited by the dissemination of the information and the news which might be printed therein. I will offer as part of my remarks, to be read in my time, some resolutions adopted by the Philadelphia Newspaper Publishers' Association, composed of proprietors of both Democratic and Republican newspapers. I can see no earthly objection to this service being performed by the letter carriers. It is in line with the purpose for which the system was established.

The CHAIRMAN. The Clerk will read in the time of the gentleman from Pennsylvania.

The Clerk read as follows:

At a meeting of the Philadelphia Newspaper Publishers' Association, held Friday, March 11, 1904, the following resolutions were unanimously adopted and signed, copy of which goes forward by mail:

"Whereas the policy of permitting free rural-delivery carriers to collect subscriptions and distribute newspapers and periodicals, upon which postage has been prepaid at pound rates, along their routes has been a great public convenience; and

"Whereas the residents along routes of such carriers, as well as the newspapers, confidently look to the Post-Office Department to encourage a continuance of this system; and

"Whereas there has been inserted a provision in the bill now pending in the House of Representatives, making appropriations to the Postal Department, which would deprive many citizens of the privilege now enjoyed and restrict the circulation of such newspapers and periodicals and practically prohibit the dissemination of daily news in outlying districts; and

"Whereas the said discontinuance of such free rural-delivery service will not add to the Federal revenue: Therefore, be it

"*Resolved*, That the Philadelphia Newspaper Publishers' Association respectfully urges the Postmaster-General and Members of Congress to oppose any legislation which would prohibit carriers of the free rural-delivery service exercising the rights which they now have in the matter of distribution of newspapers and other periodicals."

THE PHILADELPHIA INQUIRER,
JAMES ELVERSON, JR., *General Manager.*
THE PHILADELPHIA RECORD,
W. S. STENGER, *Executive Director.*
THE NORTH AMERICAN,
E. A. VAN VALKENBURG, *President.*
THE PRESS COMPANY,
JOHN B. TOWNSEND, *Manager.*

Mr. OLMSTED. Mr. Chairman, I will add that I have been handed by my colleague [Mr. COOPER of Pennsylvania] a resolution adopted by the Pittsburg Newspaper Publishers' Association, irrespective of party. It is as follows:

PITTSBURG, *March 17, 1904.*

DEAR SIR: The Pittsburg Newspaper Publishers' Association on March 12, 1904, unanimously adopted the following resolution:

"Whereas the policy of permitting free rural-delivery carriers to collect subscriptions and distribute newspapers and periodicals, upon which postage has been prepaid at pound rates, along their routes has been a great public convenience; and

"Whereas the residents along routes of such carriers, as well as the newspapers, confidently look to the Post-Office Department to encourage a continuance of this system; and

"Whereas there has been inserted a provision in the bill now pending in the House of Representatives making appropriations to Postal Department which would deprive many citizens of the privilege now enjoyed, and restrict the circulation of such newspapers and periodicals and practically prohibit the dissemination of daily news in outlying districts; and

"Whereas the said discontinuance of such free rural-delivery service will not add to the Federal revenue: Therefore, be it

"*Resolved*, That the Pittsburg Newspaper Publishers' Association respectfully urges the Postmaster-General and Members of Congress to oppose any legislation which would prohibit carriers of the free rural-delivery service exercising the rights which they now have in the matter of distribution of newspapers and other periodicals."

FRANCIS X. BARR, *Secretary.*

Mr. Barr is a Democrat connected with a Democratic newspaper. There is no question of politics in this matter, or at least was not until this morning. Last evening gentlemen upon the other side of the Chamber seemed to be opposed to cutting off this privilege, as would be done by the passage of the bill in its present form. My amendment is in entire harmony with and intended to carry out the purpose of the resolutions of the newspaper associations, but it is offered not so much in the interest of the newspapers as in the interest of farmers and others living outside of the cities and off from the railroads, and who, if this bill shall pass without such amendment, will be deprived of the opportunity of receiving their newspapers upon the day of their publication.

In the formative stages of this rural free-delivery service, in earlier years, there echoed through this Chamber the voices of eloquent gentlemen upon either side of the Hall—prophesies of its great value to the rural districts in this very way, and it has resulted and is resulting as prophesied. But a large part of that result has been derived from the privilege not heretofore denied to carriers of distributing newspapers along their routes. The great object of this branch of the service is to facilitate the communication of information from one persen to another, and from one city or town or part of the country to another. In what way can the communication of information and intelligence be more facilitated than by retaining this means of the quick and early distribution of newspapers?

Whether we speak of the dailies containing the news of the world or the country, weekly or semiweekly papers' columns are devoted more to matters of local interest; these are the great instrumentalities for the dissemination of information upon current events. They convey to their readers the thoughts of many minds upon many subjects in foreign countries, throughout our own country, in the State, in the county, the city, the borough, and the town. They are great educators. No man can be considered well informed or well educated who does not daily read some of them. To deny to the millions of people living outside of cities the right to receive the earliest possible information in this way is to deny to them a privilege which many are now enjoying and to which all are entitled. These carriers are selected by competitive examination under civil-service rules. Some of them in my district, and undoubtedly in the districts of other gentlemen, are Republicans and some of them are Democrats.

The case cited by the gentleman from Mississippi is the first of which I have ever heard where any carrier showed any partisan spirit in the matter. I have no objection to increasing the circulation of Democratic newspapers in my district nor of Republican newspapers. I shall be glad if every citizen reads both. If false doctrine or misstatements of fact creep into one, it is sure to be corrected by the same paper or another, and the people will ultimately get the exact facts and the exact truth. The more newspapers are read in a community the greater will be the intelligence of that community. There is as great hungering and thirst for news among those who live along these rural routes as there is among those who live in cities and towns, and they are entitled to similar privileges. The Government will not lose any revenue by the continuation of this privilege to these carriers.

The Post-Office Department fixes its time schedules for each route. The carrier must be on time or he will be docked in his pay. If he is on time and performs his services to the Government faithfully, what harm can there be in allowing him to serve his patrons by distributing to them their daily papers as he goes along his route, or by receiving from them the amount of their subscriptions to pay for the paper? This practice has never yet resulted in any detriment to the postal service. On the other hand, it benefits it by increasing the revenues. Every newspaper contains hundreds of advertisements. Every advertisement results in correspondence which pays letter postage—first-class postage—the most profitable of any to the Government. I do not see how there can be any reasonable objection to this amendment, and I hope that it will pass.

Mr. OVERSTREET. Mr. Chairman, there has been a decidedly unusual effort made in the past few weeks to create and perpetuate an impression that this provision is made to interfere with a proper dissemination of newspapers. The contrary is quite true. We do not seek in any way by these restrictions as to the privilege of the carriers to limit at all the distribution of newspapers. I propose at a proper time in this morning's debate to offer an amendment to this bill which will facilitate that situation by permitting newspapers to arrange with the carrier so that they may give to him a list of their subscribers upon his route and send to the carriers the papers for those subscribers, to be delivered without the necessity of singly wrapping each individual paper and placing upon each a single individual stamp, provided, of course, that the postage has been paid before depositing in the mail.

We seek, however, to do away with the abominable practice of the peddler engaged in the Government service. We can not deny this to the rural agent and grant him the privilege of acting as the agent of a newspaper. We do seek to so change the regulations as to largely facilitate the distribution of the papers, but without permitting the rural carrier to continue under pay of the Government to perform the Government work and at the same time solicit for the favorite newspaper with which he may be, perhaps, under contract. I ask that there be read in my time an extract from the New York Sun of March 16, 1904, which clearly shows the condition which prevails in a large number of districts throughout the country and which is an illustration of the situation we seek to avoid.

The CHAIRMAN. The Clerk will read in the time of the gentleman from Indiana.

The Clerk read as follows:

RURAL CARRIERS' SIDE LINES—SELL ANYTHING FROM CANDY TO DRIVEN WELLS—COUNTRY STOREKEEPERS AND MAIL-ORDER HOUSES COMPLAIN—CARRIERS DOING A BIG PEDDLING BUSINESS—ONE IOWA MAN HAS THREE LARGE WAGONS IN HIS TRAIN.

WASHINGTON, *March 15.*

As soon as Postmaster-General Payne is able to resume his duties at the Post-Office Department he intends to take active steps toward securing much-needed legislation for the rural free-delivery service.

Hundreds of complaints are pouring into the Department protesting against rural free-delivery carriers being permitted to act as agents for everything under the sun. Ever since Congress authorized the carriers on rural routes to do a general express business the complaints have poured in.

There has been a change in the tone of the complaints. Formerly all the protests came from the country storekeepers, who said that the rural carriers were acting as agents for big mail-order concerns of the country and that their business was being ruined in consequence. Lately complaints have been received from the mail-order concerns themselves, because the carriers have gone into business on their own hook, leaving both the country storekeeper and the mail-order houses in the lurch.

In his annual report Mr. Payne made a radical recommendation that escaped general notice. He said that if rural carriers "are to be permitted to do an express-package business, then the entire system of compensation should be changed to the contract system, the same as the star-route service."

The fact that Mr. Payne recommended that a large proportion of 15,000 men be thrown out of employment, technically at least, shows just how serious he considers the situation to be. At present carriers all over the country are acting as agents for every known article and commodity. They sell provisions, dry goods, furniture, horseshoes, farming implements, fertilizer, chocolate caramels, and tar roofing; take subscriptions for newspapers, magazines, and turf investment bureaus; insure lives and houses, erect lightning rods, and put down driven wells.

One storekeeper in Iowa, where the rural routes are so thick that a map

of them makes the State look like a huge spider's web, wrote to inform the Postmaster-General that the rural carrier in his neighborhood had made him close up because he could not compete with "a general store on wheels and moving in three sections."

According to his letter the carrier in question went out on his route followed by three wagons, containing everything that would likely be needed in a farmhouse on short notice. "Sometimes he even forgets to take the mail along, he's so busy," the storekeeper complained, "and I am thinking about moving into another county and getting a route myself, so as to make a living."

Postmaster-General Payne would like to see legislation at the present session of Congress increasing the pay of rural carriers from $600 to $750 a year and prohibiting them from acting as express agents or doing anything else not in line with the duties now prescribed for regular city mail carriers. At present it looks very much as if Congress would not pay much attention to the Postmaster-General's desires and that the rural carriers would be permitted to sell everything from beef on the hoof to rye in the bottle.

Mr. FOSTER of Vermont. Mr. Chairman, it does not seem to me that this committee should act upon any such information as is contained in that article. We all like to read the New York Sun. It is one of the best edited papers in the United States, and, as a general proposition, "When you see it in the Sun, it's so;" but this is an exception to the rule. Apparently this information was furnished by some 10-cent store in some remote part of the wild and woolly West. I venture to say that there is not a Member here who will acknowledge that any such condition exists in his district, either in Iowa or in any other State. Now, what is the fact with reference to these country merchants? Why, they have been from the start opposed to free delivery of any kind. You all know how it is. There are places in the United States to-day entitled to city free delivery, but which do not enjoy that privilege because the proposition is opposed by the little storekeepers there. They say that if the people get their mail delivered at their doors they will not come down to the post-office, and thus will not pass their stores and see their goods in their windows, and that in consequence they will not buy so many goods.

So the country merchants have been opposed to rural free delivery. They wanted the country people to come to town for their mails; they said they would spend more money if they came to town, and in that way the country storekeeper would sell more goods. They have been opposed to the whole proposition, and they now complain because, forsooth, sometimes a patron of the line sends in by the letter carrier for 5 pounds of sugar, and he goes to the neighboring storekeeper for it rather than to the one who makes the complaint.

For my part, I have 130 of these routes in my district. I have never heard one word of complaint with respect to any of the matters involved in this section. One hundred and thirty routes may not be considered a large number. Some of the Members here may have more routes in their districts. But when these rural routes were established, it was not for the sake of the merchants, not for the benefit of the newspapers, but for the patrons, the residents on the routes. I ask the members of this committee how many of them have received any complaint from the patrons of these routes touching the matter now under consideration?

Mr. SAMUEL W. SMITH. The gentleman will allow me to ask whether his remarks are intended to apply to the question of the increase of salary?

Mr. FOSTER of Vermont. No; I understand that the question of salary is not now under consideration. That will come later on. I am in favor of paying these carriers $600 the first year, $720 the second year, and $850 each year thereafter. To-day they are the most poorly paid class of officials in the Government service. But now we are considering the question whether these carriers should be allowed the privileges they now enjoy of carrying parcels and delivering papers to the patrons of these routes. And I insist that up to this time no valid reason has been given for depriving them of this privilege.

Mr. HINSHAW. Mr. Chairman, I quite agree with the gentleman from Vermont. I want to ask him whether he does not believe that any serious abuse on the part of the carrier in reference to carrying merchandise in excessive quantities can be restricted and prevented by the regulations of the Post-Office Department in respect to the time that shall be occupied in the trip?

Mr. FOSTER of Vermont. Certainly. I am glad the gentleman from Nebraska [Mr. HINSHAW] has called my attention to that point. These men are under the civil service. What is the civil service for? It is one of the means of compelling public officials like these to perform their duties faithfully and efficiently.

The Post-Office Department makes its rules and regulations for the guidance of these carriers. The time schedule is prescribed in which they must cover their routes. And if any such conditions existed as indicated by the article read from the Clerk's desk it would be the duty of the Postmaster-General to see that the carrier who neglected his official duties in order to carry on his private business was promptly removed. I repeat that no complaints have been made by the patrons of these routes as to the kind of service that has been rendered. Under all the circumstances, the method now in vogue should be given another year's trial. During that time the Post-Office Department can make further investigation and be better prepared to recommend changes in the existing law.

Mr. OLMSTED. The gentleman will allow me to suggest that my amendment leaves the bill in this respect as it is. It permits the Postmaster-General to make regulations concerning other matters, but leaves the distribution of newspapers as it now is.

Mr. FOSTER of Vermont. Mr. Chairman, I listened with much interest to the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED], and I am not sure that it would not cover the ground satisfactorily. It is certainly an improvement upon the proposition contained in the bill. But I would much prefer that the law remain as it is for another year.

Mr. HEPBURN. Mr. Chairman, it has been said of the typical Scotchman that the only way to get a joke into his head is by trephining. I think perhaps the gentleman from Vermont [Mr. FOSTER] takes too seriously the article just read. Probably it was not intended to be quite as veracious as history should be. The gentleman is unnecessarily alarmed about it.

Mr. Chairman, I think we are losing sight of the real purpose for which this rural service was instituted. It was for the purpose of carrying the mails; that was the only purpose that Congress had in authorizing it—carrying the mails to the doors of the people living in the rural districts. It was not for the purpose of facilitating the transfer of property; it was not intended to be a commercial agency; it was not designed to relieve the newspapers of the expense of their present methods of increasing their circulation and collecting their debts.

Carriers are for the purpose of carrying the mails; and we are paying them for that service, in which they travel 25 miles every week day, providing themselves with a vehicle and with the necessary horses. In very many regions traveling 25 miles a day in bad weather involves a day's work. Now, it is proposed to allow these men to engage in enterprises that will take more of their time, I undertake to say, than will the business of the Government. The man at the end of the route has his right to early service. We have no right, after expending the money of the Government to accommodate him, to allow the carrier to engage in that class of business, which will occupy very much of his time. The collection of a bill due to a newspaper or the soliciting of a subscription involves leaving his route or leaving his vehicle—going to see somebody, having an interview with somebody—consuming the time that belongs to the public and that we are paying for. [Applause.]

It seems to me that if this measure is passed as it is now before the committee, with one amendment—increasing the pay to $800 a year—it will be well-nigh perfect. It will then compensate the officer and enable him to do those little services for his patrons along his route that do not involve the consumption of time. The man who wants him to carry some little thing from the town is there at the box to tell him so, or there is a memorandum in the box. There is no consumption of time. He goes right on; he does that errand; there is no waste of time involved in that. He does what is necessary in the town during the hours that he is not upon his route, and the interest of everybody is conserved, it seems to me, as far as it is the duty of the Government to look to it. Let the newspapers take care of their subscriptions; let them take care of their collections, as other business men do. I do not think it would be proper that these carriers should become solicitors for a business house. Why should they be solicitors for newspapers? They ought not to be collectors for a business house. Why should they be collectors for a newspaper? How do you make the distinction?

It is true that the purpose, among other things, is to enable the man living in the country to get his daily paper, but not to change all the methods, not to do away with the necessity of his making the subscription, not to do away with the necessity of his paying his debts. That is not the purpose for which this service was instituted.

Mr. OLMSTED. Does not the gentleman know that the rural carriers are now performing the service which my amendment would permit them to continue to perform?

Mr. HEPBURN. I think that to a considerable extent many of them are, to the detriment of their public business and to the detriment of the interests of the man who lives near the farther end of the route.

Mr. OLMSTED. The gentleman's statement is as general and vague as that of the New York Sun. Can he name an instance of the kind?

Mr. HEPBURN. Oh, I do not choose to name an instance, although I have heard of instances of that kind, as I think every other man has. I have heard complaints; I have had letters of complaints that these men were occupied so that they did not get to the latter part of their routes until nearly night.

Mr. OLMSTED. I have only heard of one, and the Postmaster-General suspended him; and I have no doubt he would suspend every other carrier who offended in the same way.

Mr. HEPBURN. If you authorize them to do this, the Postmaster-General can not suspend them. You are proposing to give them this as a right, as a compensation additional to the $800 which I hope we will give them.

Mr. OLMSTED. He can suspend them if they do not get around on their routes.

Mr. HEPBURN. Surely not; if you authorize them to do this thing, you are taking away from the Postmaster-General the power of control, by legalizing these very acts that do delay them, that would otherwise call for the exercise of power on the part of the Postmaster-General. I believe that the people of the country will be entirely satisfied if we properly compensate the carrier and if we then prohibit him from doing that class of business that is not done at the instance of some patron along his route. [Applause.]

Mr. THAYER. Mr. Chairman, the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] presupposes that we shall vote down the amendment of the gentleman from Illinois, as I understand it.

Mr. OLMSTED. Not at all. If the gentleman will permit me, it will be optional with the committee to vote it down or vote it up, as the committee chooses.

Mr. THAYER. I believe there is a feeling in this House not to raise the salaries of the rural free-delivery carriers more than to $720. For myself, I should be pleased to vote $800, but I believe it is in the atmosphere that they will not receive over $720. If that is all the carrier gets, after paying for the care of his team—not the first investment in two horses and a wagon, but after paying for the care of his team—he will receive about $1.30 a day.

Now, up in God's country, where I live, no man is allowed to work nine hours a day as an unskilled laborer for less than $1.75 or $1.85 a day, and it is impossible for us to get carriers at the salary now paid. My own experience is that I have aided in the establishment of eight rural free-delivery routes in the Third Congressional district of Massachusetts. The first one was in the Fifty-sixth Congress, and the route was established in the town in which I was born. Ever since it was established, which was early in that year, we have been unable to find a man who would carry the mail for $600. In four of the eight districts that have been established in my Congressional district the carriers have resigned, saying that they could not live on the amount paid them.

I have spent more time, ten times over, in attempting to encourage these carriers to keep on, in the expectation that Congress would treat them fairly later on, than I have in distinguishing between two applicants for office or making any recommendations on that line

Now, I want to say one other thing, Mr. Chairman. I think the gentleman from Mississippi has been unduly disturbed in the case which he has cited. One robin does not make a summer. I believe there are very few instances where parties have gone to the extent to which the man he referred to has gone, or the one which was referred to in the editorial of the New York Sun.

I do not know that any complaint has been made up in my district that the letter carriers have infringed in any way and carried packages and performed messenger service to the detriment of their carrier service. I do not think there is anything in the claim that the carrier carrying Republican papers will injure the Democratic party. My district is largely Republican. You can not make a Democrat out of a Republican any more, I will tell the gentleman from Mississippi, than you can make a Republican out of a Democrat. They will exercise their own judgment in these matters, whether they are letter carriers or in any other capacity, and I want to say to this House that all this bugaboo raised here that men are engaged in spending most of their time serving as messengers and expressmen can not be true. We all know there is ample provision now in the hands of the Postmaster-General where, if anyone has neglected his duties as a mail carrier, he can stop it and correct any and all abuse. If any mail carrier in any well-regulated community should have three teams, one following the other, and all following his mail wagon, carrying all sorts of merchandise to the people along his route, he would, in forty-eight hours, lose his position as mail carrier, and he ought to.

That matter is entirely in the hands of the Postmaster-General to prevent any and all such abuses. Perhaps there may be in this country some shrewd Yankee making some money out of this scheme of doing a general merchandise business on wheels, but I am confident they are exceptional cases and can easily be corrected by the Postmaster-General with the laws we now have. But these are exceptional cases, as we all well know, and to mention two or three isolated cases here, with a funny editorial from the Sun, and the statement which has disturbed the gentleman from Mississippi, and which he has read, claiming that doing messenger service conflicts with their service as mail carriers, I do not believe is true to any appreciable extent. I believe that most of the letter carriers do not make $1 a week by messenger service, and I am led to this belief from the experience I have had with the carriers in Massachusetts. I think that the best thing that we can do is to adopt the amendment of the gentleman from Illinois, cutting out all after the word "carriers," and then voting $720 salary and let the carriers do what messenger business they can get to do, and let matters remain there. I believe that when we shall have done that we shall have done substantial justice to the letter carriers.

I do not believe when this law was passed that it was ever thought possible that they would devote any considerable amount of their time to the messenger service, and I do not believe they have.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I have an amendment to offer to the amendment of the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk read as follows:

Provided, That in so doing said carrier shall not neglect nor delay his service to the Government.

Mr. OLMSTED. I would be glad to accept that amendment.

The CHAIRMAN. Without objection, the alteration of the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] will be accepted.

There was no objection.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I wish very much that the motion made by the gentleman from Illinois, spoken upon by the gentleman who immediately preceded me, and who favored it, may prevail in this House. Unless the majority of the committee might not favor a continuance of the present regulations of the Post-Office Department on the subject under discussion, I offered this amendment. I offered it to relieve a condition suggested in the argument made by the gentleman from Iowa. We have some law upon the question which we are now discussing.

Mr. SPALDING. Will the gentleman allow me to ask him a question?

Mr. BUTLER of Pennsylvania. With pleasure.

Mr. SPALDING. Is it not entirely practicable for the Post-Office Department to provide, and does it not provide, a schedule of time, and set the hour at which the mail shall depart from the post-office and limit the time within which it must return; and is not that all the safeguard that is necessary?

Mr. BUTLER of Pennsylvania. I know that to be the fact. I know in the country surrounding the town in which I live where these mails are distributed they go on schedule time, and if the carrier should stop in John Smith's barn and milk a cow, he would be reported and discharged. No carrier has failed in his duty, but has gone over his route every day, and no complaint of promptness has been made. Mr. Chairman, in the last act of Congress——

Mr. MADDOX. Will the gentleman allow me to ask him a question?

Mr. BUTLER of Pennsylvania. Yes.

Mr. MADDOX. Let me ask you if it is not true if the carrier fails to make the time it is the duty of the postmaster to report the fact that he failed to make the time?

Mr. BUTLER of Pennsylvania. Yes; I am delighted to answer the gentleman. Futhermore, it is the duty of the last patron on the road or the first patron or any patron to report the failure upon the part of the carrier to perform his duty, and it is a part of the duty of the postmaster to report failure of duty to the Department, which should discipline the delinquent. The Department has now ample authority to discharge a carrier, as it has authority to dismiss any servant of the Government who does not properly discharge his duty. Is that an answer to the gentleman's question?

Mr. GROSVENOR. They have not any such power; they have to be tried before the civil service.

Mr. BUTLER of Pennsylvania. The gentleman from Ohio says they must be tried by the Civil Service Commission. I suppose if a letter carrier failed to perform his duty properly and the evidence was clear against him, he might be discharged. I suppose he could be reached if the people making a charge against him took the pains and the time to present themselves and testify to his failure in the performance of his duty.

Mr. GARDNER of New Jersey. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New Jersey?

Mr BUTLER of Pennsylvania. Certainly.

Mr. GARDNER of New Jersey. There have been complaints read here against the existing order of rural free delivery as coming first from the country storekeepers, and there have been complaints read as coming from the Philadelphia department stores and jobbing houses. Have you heard any complaint here or elsewhere coming from the people who are served by the rural free-delivery carriers?

Mr. BUTLER of Pennsylvania. Mr. Chairman, in answer to

the question put to me by the gentleman from New Jersey it pleases me to be able to say that there are twelve or thirteen, perhaps fourteen, rural mail carriers carrying mail from Westchester, the town in which I live, and have been carrying the mail from there for four or five years, and there never has been one word of complaint from anybody; and, furthermore, it will be an additional pleasure to inform the gentleman from New Jersey that those twelve or thirteen carriers carry every year between twelve and thirteen hundred thousand pieces of mail.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I have not had a chance to read the act of Congress to which I made a reference to sustain a point which I desire to make.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent that five minutes more time may be granted to my colleague.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent that his colleague be given five more minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Pennsylvania. Mr. Chairman, will the gentleman yield for a suggestion?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BUTLER of Pennsylvania. Certainly.

Mr. COOPER of Pennsylvania. I desire to suggest to you that in my district I have somewhere between 75 and 100 routes, and I have yet the first complaint to hear from people along any route of any neglect of duty on account of the carriers for this service rendered; but, on the contrary, one of the chief reasons and one of the great arguments that is advanced by the patrons of the route is that they are enabled to get the daily newspapers without going to so much trouble in the manner they would have to do if they did not have this privilege.

Mr. BUTLER of Pennsylvania. Mr. Chairman, just the same satisfaction exists in my Congressional district. I will be very sorry indeed if a majority of this committee takes from my constituents the privileges they have of getting the Philadelphia newspapers and county newspapers carried to their doors by the rural carrier. I shall be very sorry indeed if any restriction is put upon the privileges which my constituents have to-day; and I do know this to be a fact, that those papers are carried largely, if not directly, under a regulation of the Post-Office Department—perhaps even with the permission of the Department. The whole subject is in the hands of authorities who can restrain the letter carrier—who can even prohibit him from carrying newspapers—but can not prohibit him from carrying packages, because in the Congress of 1902, in the post-office appropriation bill——

Mr. LLOYD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. BUTLER of Pennsylvania. After I read this section:

> Carriers at salary not exceeding $800 per annum, and no other or further allowance or salary shall be made to said carriers. But the carriers shall not be prohibited from doing an express-package business, provided it does not interfere with the discharge of their official duties.

Now, I submit that, so far as the carrying of express packages is concerned, there is provision of law which is satisfactory. The authorities have ample power given them to regulate the conduct of the carrier while doing an express-package business. If you see fit to adopt a provision permitting the carriers to distribute newspapers, the amendment I offer to the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] puts the same authority in the hands of the Postmaster-General as relating to the distribution of them as he now has on the express-package business. Now I will answer the gentleman from Missouri.

Mr. LLOYD. Do you wish to convey the idea that papers are carried in your district by the carriers free of postage?

Mr. BUTLER of Pennsylvania. No, sir.

Mr. LLOYD. Then, what is the effect upon the individual who receives the mail? Will it not be carried by the carrier just the same?

Mr. BUTLER of Pennsylvania. He gets his papers delivered much more promptly.

Mr. LLOYD. Why does he get them any more promptly?

Mr. BUTLER of Pennsylvania. Well, I do not know the situation in your district, but I will tell you what it is in mine——

Mr. LLOYD. That is what I want to know.

Mr. BUTLER of Pennsylvania. The carrier starts at a quarter of 2 in the afternoon and carries about 900 copies of the afternoon paper published in my town. They are all served to the carriers at the newspaper office, but can not be taken to the post-office and put in the regular mail and afterwards gotten in the hands of the carrier in time to let him start on his trip and not be delayed longer than he should be in order to make his distribution promptly. If this paper must go to the post-office and through the mails, it might not be distributed until the next day—a disappointment to its subscribers.

Mr. LLOYD. They deliver them as news agents.

Mr. FOSTER of Vermont. Many of the people of my district take the New York Sun; it is their political bible. The fast paper train leaves New York at 3 o'clock in the morning, the minute the papers come from the presses, and they can not be rolled up in individual envelopes. These bundles go to Troy on this fast train and thence to my district. The letter carriers then take these papers and distribute them along their routes. The result is that the farmers in the southern part of my district have the New York Sun delivered to them in the afternoon of the day it is printed, when, if they were required to be sent through the mails, as the Postmaster-General asks, they could not get them until the next day.

Mr. LLOYD. Is it not true that every time they do that they are violating the rules of the Department?

Mr. FOSTER of Vermont. No, sir; not at all.

Mr. LLOYD. I wish to state that it is a violation of the rules.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I believe I have the floor, if I do not have time——

Mr. LLOYD. I wish to ask the gentleman a further question.

Mr. BUTLER of Pennsylvania. I will yield, as the gentleman did not object to my having five minutes extension.

Mr. LLOYD. Is it possible for you to send 100 packages of Farmers' Bulletins, and direct the carrier to drop one in every box that he comes to along the route?

Mr. BUTLER of Pennsylvania. I think it is possible, but I don't do it. I send them directly to each farmer, and sometimes I send a letter along with the bulletin, and I advise my friend to do the same. [Laughter.] Now, I do not yield any further. Mr. Chairman, if the amendment prevails, it will avoid the dilemma in which we may find ourselves, or the Department might find itself, provided the gentleman from Iowa has been right in his conclusion. It will give the officers of the Post-Office Department absolute control over the carrier and enable them to regulate him so that the service will not suffer.

If the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] prevails, it will give to our people the same privileges of receiving the newspapers they enjoy now. If the motion of the gentleman from Illinois prevails, we will be for another year in the same situation that we are in at this time, which is not to be complained of.

Mr. PAYNE. Mr. Chairman, the object of the Post-Office Department is to carry information safely and as quickly as possible, with due regard to economy, from one individual to another. The reason for the establishment of the rural free-delivery service was to expedite and facilitate the carrying of the mail to the farmers and carrying it to the farmer's door. It was not instituted in the interest of the great daily newspapers of the country, nor in the interest of the merchant, nor in the interests of any other class. It was instituted for the best interests of the Government.

Now, Mr. Chairman, it seems to me that we are doing almost enough for the newspapers of the country. They are not charitable institutions. There is no reason why we should give them additional gratuities. We carry their papers now from the publication office to subscribers for 1 cent a pound, when it costs the Government 8 cents a pound; and if the newspaper is carried only to the subscribers of the county in which it is printed, we carry it for nothing. We are doing a good deal for the newspapers in that direction. Of course the newspapers may get together and their publishers pass resolutions asking for greater privileges and asking that every rural free-delivery carrier shall be an agent for them to solicit subscriptions and collect subscriptions when they can do so from time to time, but that is not fair to the other interests in the United States.

It is not fair to the farmers along the route. It is not fair, as the gentleman from Iowa said, to the last man on the route who receives the mail that the carriers should be allowed to spend an hour or two in collecting bills in aid of the great newspaper offices of the country. It is not in accordance with the primary object of the rural free delivery—namely, the carrying of mails quickly and economically to their destination.

Mr. COUSINS. Will the gentleman from New York yield for a question?

Mr. PAYNE. Yes.

Mr. COUSINS. Can the gentleman state any instance where an act of Congress has been used to limit or restrict the privileges of any class of employees in the post-office or any other office of the Government?

Mr. PAYNE. Why, certainly. Everybody in the Government employ gives his whole time to it, or is supposed to do so, except the fourth-class postmasters and the rural free-delivery carriers.

Mr. COUSINS. What act of Congress prevents a city-delivery carrier from carrying newspapers and soliciting subscriptions?

Mr. PAYNE. I don't know whether there is any act of Congress or not, but I know there is not a city in the country where if a carrier was allowed to solicit subscriptions for a paper and collect subscriptions the Department would hear from it very soon, and the regulations would stop him. The idea of the statute is that they must give the Government their time and perform their duty to the Government.

Mr. COUSINS. If the gentleman knows——

Mr. PAYNE. I can not let the gentleman take up all of my time.

Mr. COUSINS. I want to know if there is any act of Congress curtailing the privileges of any other class of employees of the Post-Office Department?

Mr. PAYNE. The act of Congress compels clerks to work seven hours a day, and they have got to perform their duty.

Mr. MANN. Will the gentleman yield?

Mr. PAYNE. I would like to go on.

Mr. MANN. Will the gentleman say whether he thinks that either a law or a regulation ought to prevent a Department clerk from doing business for anybody else outside of his hours of labor for the Government?

Mr. PAYNE. Why, certainly not.

Mr. MANN. Does the gentleman know that this provision of the bill practically forbids the carrier from doing that outside of his hours of labor for the Government?

Mr. PAYNE. It does not forbid him outside of his hours. It is when he is carrying the mail and engaged in his duties that he shall not do these things.

Mr. MANN. So that the gentleman may not be mistaken, I will call his attention to the language:

And on and after said date said carriers shall not solicit business or receive orders of any kind.

Mr. PAYNE. I would like to direct the gentleman's attention to something which he has overlooked in line 6:

And shall not, during their hours of employment, carry any merchandise for hire: *Provided*, That said carriers may carry merchandise for hire for and upon the request of patrons residing upon their respective routes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from New York may be extended five minutes. Is there objection?

There was no objection.

Mr. PAYNE. Now, Mr. Chairman, I understand that an amendment will be offered to this bill which will not allow the carriers to become collectors for these impecunious gentlemen who publish the great newspapers of the country, and will allow the carriers to distribute the papers as they come from the office, without folding and without being directed, simply by the newspapers paying 1 cent a pound postage. This amendment will be offered by the gentleman from Indiana [Mr. OVERSTREET], the chairman of the committee.

Mr. BUTLER of Pennsylvania. Put it in the RECORD, then.

Mr. PAYNE. I will read it now. I suppose there is no objection to my reading it.

Mr. BUTLER of Pennsylvania. Oh, no; none whatever.

Mr. PAYNE. I am told, Mr. Chairman, by the gentleman from Indiana [Mr. OVERSTREET], the chairman of the committee, that he proposes to offer this amendment additional to the lines in the bill:

Provided, That rural carriers may make and perform contracts with publishers of newspapers and periodicals and news agents for the delivery of newspapers and periodicals which are admitted to the mails at second-class rates of postage and upon which one rate of postage has been paid, if subject to postage, to patrons of their routes and under such regulations as the Postmaster-General may provide, provided there is no interference thereby with the discharge of their official duties.

Now, I think that covers all that gentlemen desire in this case. It covers all that ought to be desired. We ought not to go to the extent, because the newspaper people ask it, of providing an agent for them on every route. We ought not to go to the extent of giving them this special privilege over all the citizens of the United States. Gentlemen have asked the question here whether there was any complaint about carriers not getting in on time. There has been complaint in my district. An inspector was up there to examine and see if the complaints were well founded, and they found that they were, and some of the carriers have been censured because they did not get back in time from performing their duties on the route. Their excuse, or one excuse, was that some of this business allowed by the Department had delayed them upon their route.

I am informed that it is the proposition here to allow them to carry merchandise as the committee allows it. I find in my district that the people did not want to give up the old star-route service. Why? Because, as they expressed it, the farmer could send by the stage driver in the morning for a plowpoint and get it back at night, or for some other part of his machinery that had been broken, and that if they got rid of the star routes and it was left in the hands of a rural carrier these farmers would not have that privilege.

I am in favor of their having that privilege for the convenience of the people upon the route; but I do not believe you ought to turn this force of men into soliciting agents for any business house or firm or any publisher of a newspaper who may desire to employ them to do business as agents instead of the duty for which they are primarily employed by the Government—that is, the carrying of the mails.

Mr. OLMSTED. I should like to ask the gentleman a question. He stated that he was in favor of allowing the carrier to bring a plow point to a farmer along the route. Would he not also allow the carrier to receive the money for it from the farmer and turn it over to the seller of the plow point?

Mr. PAYNE. Certainly.

Mr. OLMSTED. Why not grant the same privilege in the case of a newspaper as in the case of a plow point?

Mr. PAYNE. That is another thing. I would not want the carrier to go around as a collecting agent among the various newspaper subscribers upon the route. I do not want him to spend his time collecting these little bills from each farmer, who when the carrier comes there may be at the other end of the farm.

Mr. OLMSTED. Oh, no; we may assume that the subscriber to the newspaper would be at the box to receive his paper, the carrier would give it to him, and take his subscription when due.

Mr. STEENERSON. Mr. Chairman, it might seem that after this protracted debate nothing new could be added to what has already been said upon this question. But being a member of the Committee on the Post-Office and Post-Roads, of which we have heard so much here, I wish to say that this is one of the provisions which were submitted to the whole committee. Nine-tenths of the work of that committee was undertaken by a subcommittee of seven; but this provision was debated and considered very thoroughly by the whole committee, and it seems to me that it is perhaps proper for me to refer to some of the reasons that induced the committee to make its recommendation in favor of the provision as it stands. The provision is as follows:

On and after July 1, 1904, letter carriers of the rural free-delivery service shall receive a salary not exceeding $720 per annum, and no other or further allowance or salary shall be made to said carriers; and on and after said date said carriers shall not solicit business or receive orders of any kind for any person, firm, or corporation, and shall not, during their hours of employment, carry any merchandise for hire for and upon the request of patrons residing upon their respective routes, whenever the same shall interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe.

I might say that the first decision of the committee was in favor of taking away all the privileges of the rural carriers for the reason that the committee believed that the postal service should not be mixed up with these other affairs. That was the opinion of every official of the Department who said anything about the subject at the hearings or who made any recommendation to Congress. In the annual report of the Post-Office Department it is said:

Under the law the salary of rural carriers can not exceed $600 per annum, and no other allowance can be made, but it is provided that they shall not be prohibited from doing an express-package business.

The provision of law under which rural carriers are permitted to do an express-package business was intended by Congress to provide a means of additional compensation, but it is so broad in its terms that the way has been opened for a serious loss of revenue to the postal service. The Department has endeavored to restrict the express matter carried by rural carriers to such as is not mailable fourth-class mail matter, but advantage is taken of the law by business firms to secure the distribution of large quantities of advertising matter by the rural carriers. Such matter is shipped by express or freight to the carrier or some rural agent who arranges with the carrier for its distribution. Thus rural carriers, employees of the Department, are delivering to patrons on their rural routes matter which would otherwise be mailed and become a source of postal revenue. As the result of the express-package business, complaints frequently come to the Department that carriers are soliciting business for one firm to the disadvantage of others.

In many sections of the country carriers have become the agents of newspapers, soliciting subscribers, delivering papers, and collecting for the same. This has led to complaints from other newspapers circulating in the same territory, alleging that carriers discriminate against one paper in favor of another. In one State there was discovered an attempt on the part of a carriers' organization to exact certain compensation from daily papers, and any paper declining to meet such demand was to be placed on the blacklist. The ultimate result of permitting carriers to transact express-package business is great loss of revenue to the Department, and constant annoyance from complaints of merchants and publishers.

In many instances the delivery of mail is now a secondary matter, the express-package business being regarded by the carrier as the more important part of his work. He is secure in his salary from the Government, and what business he can work up as news agent or express messenger is clear gain. If carriers are to be permitted to do an express-package business, then the entire system of compensation should be changed to the contract system, the same as the star-route service. On many routes a profitable express business is not practicable, while on others it becomes lucrative, and the present system therefore results in great inequality of compensation.

It is therefore recommended that rural carriers be restricted to the discharge of their official duties, the same as city carriers, as prescribed by the Department, and to provide a compensation commensurate with the service performed.

Now, one of the chief reasons for having these things kept separate has been, it seems to me, overlooked in this debate; and that is the effect that the granting of these privileges will have upon the revenue of the Government. We have heard from the advocates of the city carrier that he wants more salary. We have heard also from the man who seems to represent the great metropolitan newspapers and the mail-order houses, who have, with the aid of the Government agents, obtained an advantage over competitors. That they are unwilling to give up these advantages is perfectly natural, but that any gentleman upon this floor should knowingly play the part of the special advocate of these interests when they are plainly inconsistent with the general welfare and the interest of the people as a whole is not so easy to understand.

Now, that is a very narrow view to take of any question of this kind. It is not the interests of these people that should control us in a matter of this kind. There is one man who has been forgotten in this whole discussion, and that man is Uncle Sam. Uncle Sam is conducting an extensive business here. It is purely and simply a business enterprise, the distribution of mails; and if you grant to the carriers these privileges what effect does it have upon the revenue of the Government? It has a disastrous effect, as shown by several officials of the Department. General Bristow, at the hearing before the subcommittee, referring to rural carriers, said:

> They are now the agents of express companies in some sections of the country, and merchandise which would otherwise go by mail goes by express, and they deliver it as the agent of the express company, although they are paid a salary to deliver mail matter. If we had the authority to prohibit them from doing business as express agents, a great deal of matter which now is delivered by them as agents of the express companies would go by mail, and it would greatly increase the revenue of the routes.

You authorize an employee of the Government to go into direct competition with the postal service. Take, for instance, the firm of Montgomery Ward & Co., of Chicago. We will suppose that they want to distribute 100 catalogues to 100 farms. It will cost 35 cents apiece, or $35 in the aggregate, to send them by mail; so, instead of sending them by mail, they send them by freight. That firm pays $2 freight on those catalogues and sends them to the rural agents for distribution, at a cost, we will say, of $3. So the Government is out $30 in its revenue by reason of the competition of its own rural carriers.

The committee was of the opinion that we can better afford to pay the rural agents a salary that would enable them to do the work efficiently without these side lines at all, because of the revenue that would thus be brought to the Government.

I am not in sympathy with those men who seem to argue that Congress is here for the benefit of city carriers, the rural carriers, or any kind of salaried employees. We are not here to give gratuities. The carrying of the mails is a business enterprise, conducted in the interest of the whole people, and is intended to be self-sustaining as nearly as possible. We ought to pay enough to get good, efficient service. These men are not drafted into the service, nor are the city carriers drafted into the service. If they do not want to serve, it is a matter of free choice—they are at liberty to resign and enter other fields of activity. If we can not get good, efficient men to take their places, we shall be justified in raising salaries just as a business concern would do. The rural carriers are now paid $600 a year, but if we take away these privileges the salary ought to be raised to $720, or perhaps more. But they ought all to be paid alike. As matters are now, the man who runs a route out of a large city makes a larger salary by reason of his express-package business than the man in the country going from a small town on a route, for instance, in the Northwest.

Experience in the administration of the free rural mail-delivery service has shown that, under the present system of permitting the carriers to do this express-package business, it is in the sections of the country where this service is the most difficult to perform that the compensation is the lowest. The result was that in that section many carriers resigned and routes had to be abandoned. General Bristow, on this point, said at the hearing:

> I think we had between 2,300 and 2,400 resignations last year—out of proportion to what they should be.
>
> Then, in some sections of the country, in the Northern States and in the Northwest, we have to abandon some routes because we can not get carriers. In other sections of the country we have no difficulty whatever, where horse feed is cheaper and horses are cheaper and maintenance is cheaper. But I have not thought that it would be at all practicable to fix a different compensation for a carrier in the different sections of the country. It could not be done. It would not be feasible, and so I think the service should be better paid. In some sections of the country it is necessary.

Yet I am satisfied, if you raise these salaries as recommended by the committee and take away these privileges, we can get good and efficient men to do this service.

[Here the hammer fell.]

Mr. OVERSTREET. I ask that the gentleman from Minnesota [Mr. STEENERSON] have five minutes more.

There was no objection.

Mr. GARDNER of New Jersey. Before the gentleman resumes, will he allow me one question? He cites the case of a business house sending out several tons of catalogues.

Mr. STEENERSON. No; a hundred catalogues.

Mr. GARDNER of New Jersey. On which the rate would have been $35. Now, taking the country over, that is the particular class of mail on which the e is supposed to be a very large deficit; so that perhaps, after all, that illustration, figured out, would show that the Government has been saved several dollars deficit by reason of that arrangement.

Mr. STEENERSON. I do not think so. It would be either third or fourth class matter, upon which the Government receives 8 and 16 cents per pound and makes a profit. Now, take for instance this case: Take a publishing house. Look at the injustice it works upon the publisher. Here is a publisher of books. If he sends out his books by mail he pays the Government perhaps 30 or 35 cents on each book. One of these big department stores or trusts in Chicago or New York will buy 10,000 copies of a book and send them out and make arrangements with the rural agents to deliver them at a special rate, and the revenues of the Government are depleted to that extent. You are entering into competition with yourselves and paying the salary of the man who competes with you. As far as the postage on these books is concerned, I do not know whether the carrying of them involves a loss or not. I think not, however. It is believed there is a profit in carrying third and fourth class matter. It is on second-class matter, carried at 1 cent per pound, that the loss occurs.

Mr. GARDNER of New Jersey. There is a deficit in that class of matter.

Mr. STEENERSON. I think not. I think in that class there is a profit. The average cost of carrying mail is estimated at 2¼ cents per pound. I think there is a profit in both third and fourth class matter. In extreme cases, where the matter is carried a long distance over many separate lines of railway, there may not be, but on the average there is a profit.

For these reasons it seems to me that we ought to carry out the recommendations made by this committee and take away these privileges; and I would say that the privileges that are retained were retained by the committee because they believed that they would meet some of the objections raised on this floor. The committee wanted to segregate this service into a postal service pure and simple, instead of permitting its being converted into an agency for private concerns, such as mail-order houses and the like. It is not good policy for the Government to help destroy the healthy competition of the small dealer in the country or village against the larger concerns of the cities. Its duty is rather to encourage fair competition, in order that the public may be protected against monopolistic combinations and resulting extortions. It should afford equal opportunities to all and favor none.

We are therefore opposed to giving the rural carriers these privileges because it is wrong in principle, affording undue advantage to some at the expense of others, because it results in unequal compensation to the carriers and interferes with the efficiency of their service, and, lastly, because it materially decreases the revenues of the postal service. This bill carries $21,180,000 for this service alone, as against $12,000,000 last and $7,000,000 the year before. We propose to appropriate by this bill for the next fiscal year $169,996,588.75. Last year the postal revenues amounted to $134,224,443.24 and expenditures to $138,784,487.97, leaving a deficit of $4,560,044.43. The excess of expenditures over receipts in the postal service for the next year is estimated at from ten to thirteen million dollars, imposing a considerable burden on the general Treasury. The demand for the extension of the rural service is steadily increasing, and the beneficent influence of the service upon farm and country life is so manifest that the demand can not be ignored.

On January 15 last there were 21,066 rural routes established, and it is estimated that by July 1 there will be over 25,000 routes in operation and by the end of the next fiscal year more than 30,000. If we are to meet this demand without embarrassment to the Treasury, we must not ignore considerations of economy in expenditures. Many of us would have liked to fix these salaries at a still higher figure than $720, but we felt that under all the circumstances that was a fair increase and sufficient to attract competent and efficient men and to maintain the service where established. However just and fair the demand for higher salaries on the part of city carriers and railway mail clerks may be, in view of the fact that the Government is now losing nearly a million dollars a month on the postal service, we felt that this is not the proper time to press these demands.

These are, briefly, the considerations that induced the Post-Office Committee to recommend the provisions of the bill before you, and I trust they appeal to your judgment as in the interest of the general public welfare. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I offer the following as a substitute for the amendment now before the House.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Substitute for the amendment now before the committee:

"Letter carriers of the rural service shall receive a salary of not to exceed $850, with fifteen days' vacation with pay, and shall not solicit or do any business other than that required by the Government, except they may carry small parcels at the request of a patron living on the line."

The CHAIRMAN. The Chair would suggest to the gentleman from Michigan, with reference to the parliamentary situation, that the amendment offered by the gentleman from Illinois [Mr. MANN] is to strike out certain portions of the bill, beginning with the word "and," in line 4, and continuing down to and including all of line 12.

To that amendment the gentleman from Pennsylvania [Mr. OLMSTED] offers an amendment for perfecting the part which it is proposed to strike out. If the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] prevails, it then becomes a part of the bill, to which the motion of the gentleman from Illinois refers; and if the motion of the gentleman from Illinois prevails, it will all go out. All amendments which aim to perfect that part of the bill to which the amendment of the gentleman from Illinois applies would be in order. The Chair thinks, however, that the amendment offered by the gentleman from Michigan applies also to the former part of the section and would not now be in order.

Mr. GARDNER of Michigan. Very well; I will withhold that until the others are voted upon.

Mr. GROSVENOR rose and was recognized.

Mr. COUSINS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman from Iowa rises to a parliamentary inquiry.

Mr. COUSINS. The Chair stated a moment ago that the amendment of the gentleman from Illinois proposed to strike out all after the word "and," in line 4, down to line 12. The bill which I have would seem to indicate lines 14 to 24.

The CHAIRMAN. The Chair will state that there are two different prints of the bill.

Mr. COUSINS. I have the latest print, but the Clerk is evidently using the old one.

Mr. GROSVENOR. Mr. Chairman, when the idea of rural free delivery was first suggested by somebody—I do not know who he was, whether a Democrat or a Republican—and his suggestion was incorporated into the first act looking to the development of that which has grown to be a very popular and a very valuable system in the country, I take it that no one understood at that time that we were arranging for 21,000 express companies, 21,000 book peddlers, 21,000 agents of Peruna [laughter], 21,000 pension agents, 21,000 lightning-rod sellers, and 21,000 solicitors of patent medicines, patent insides and patent outsides of newspapers.

Mr. CANDLER. Any tombstone agents in there?

Mr. GROSVENOR. Where are we to stop? What is to be the limit? I say to you gentlemen now that you will make this limitation to-day, somewhere in this bill, or you will never make it, and the whole business of the country will be turned over to the United States Government, which will hire the agents of all the business enterprises of the country and pay them a salary to represent the particular employer, and they will practically become the employees of these private concerns, while the Government pays their salaries. Where is it to stop? What is to be the limit of it? It is said here that these carriers are employed only to go over these lines of travel and back again, and that it does not make any difference what they do on the way or on the way back, so they go over the line and get back again.

Why not give to the postal clerks on the cars the same privilege? Why not let them be agents, and open up a little sample room in one end of the postal car and exhibit costumes and all sorts of merchandise and have a traveling commercial agency? Why not? It would be very convenient to the merchant who can get them to work for him and work against the other fellow. They would make a mighty good thing out of it. We are to employ 21,000 commercial agents, paid by the Government, to go into every nook and corner of the American Republic in the interest, not necessarily, certainly not exclusively in the carrying of the mails, but in the business, at least, of the express company and the commercial traveler. What duty is there left? What is there left for the commercial traveler? Nothing. He is superseded. He can not travel over all the roads that these men travel. He can not visit all the country stores that these men can visit.

He is compelled to pay his expenses and his employer must pay his salary, and the Government puts itself up here in competition with every form of business except the lawyer and the preacher; and I think that in a very short time we will have rural free-delivery fellows with megaphones repeating the stump oratory of the politician at the crossroads where he stops to solicit a subscription for the Herald of Freedom or the Boomtown Delineator. [Laughter and applause.]

Now, Mr. Chairman, what have we provided for as this matter stands? Every fair facility for every daily newspaper in the United States. I am not surprised that the gentleman from Pennsylvania is a little anxious to increase the circulation of newspapers in his district and in his State, and I have been wondering whether my friend from Mississippi [Mr. WILLIAMS], who never omits anything, but always sees everything, has not observed the slight discrepancy there is apparently in the intelligence and the news-reading communities in which the gentleman from Pennsylvania lives as compared with those of other States of the Union. Now, I want him to have an opportunity——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. OVERSTREET. I ask unanimous consent that the time of the gentleman may be continued for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Ohio be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. I find from what I gather from this report that there are circulated in the State of Pennsylvania only 8,000,000 newspapers of every description through rural free delivery.

Mr. BUTLER of Pennsylvania. Eight millions.

Mr. GROSVENOR. Eight millions. While in the little State of Michigan, that does not seem to be complaining, there were nearly 16,000,000 distributed through rural free delivery.

Mr. BUTLER of Pennsylvania. That may be true and easy of explanation.

Mr. GROSVENOR. It may be that Pennsylvania is anxious that it shall have a larger distribution.

Mr. BUTLER of Pennsylvania. Oh, no; they may have more free rural routes in Michigan.

Mr. GROSVENOR. It struck me at first as most remarkable. It is, I presume, from the fact that Michigan may have more routes than Pennsylvania and Pennsylvania more railroads.

Mr. BUTLER of Pennsylvania. Yes.

Mr. GROSVENOR. That may be true.

Mr. BUTLER of Pennsylvania. What about Ohio and Michigan? Compare how it is with Michigan and Ohio.

Mr. GROSVENOR. Oh, in Ohio we have over 18,000,000 papers sent to these routes. There is a railroad train running through every county of the State every day, and into many of them six, eight, and ten times a day, and they distribute the newspapers. So you will find when you come to look into it that the newspaper facilities in the United States are absolutely unparalleled. We gave over $100,000 as a subsidy that never had any origin that could be accounted for except for the promotion of some newspapers that wanted to get earlier in certain places of the country. Now, what is provided for here? Here is a rural route that has got 25 miles of travel on it and 100 subscribers to a newspaper published at the initial point. What is done about these papers? We do not require any more than that they shall wrap each paper singly. They may make a list of 100 names to which these papers shall go. They give a bundle to the carrier and give him the list, and he distributes them.

I was told to-day by a newspaper man who has had a good deal of experience that the word "distribute" in newspaper parlance has a special meaning; that it means a solicitor of subscriptions and the collection of unpaid bills, and all that pertains to an agency for a newspaper. We have not got the word "distribute" in this bill. The word that is the real word of the postal laws and regulations is here—they shall "deliver" the daily paper; they shall "deliver" it under regulations that the Post-Office Department shall devise. Far be it from me to lay an obstacle in the way of the dissemination of the daily newspapers throughout the whole country. I take knowledge of the fact, and I do not care whether it comes from Mississippi or New Orleans or from Ohio or Pennsylvania, there is something in it almost inevitably that should be read, and I believe in laying no obstacles in the way of the daily newspaper; nor would I lay it in the power of the United States Government to become a partisan representative of anybody's newspaper. [Loud applause.]

Nor would I employ 21,000 commercial travelers to get up all kinds of trouble between the merchants of the various towns out of which these rural free-delivery lines run. Now, it seems to me that when you have provided that these small articles may be carried upon the solicitation of the man who wants them that you have added that much to the ordinary meaning of the term "mail facilities," and when you have provided all else that is in this bill you have done all that is fair to ask the General Government to pay for, and I hope that the measure as it is reported from the committee will be adopted without these amendments. If I was to vote for one of these amendments, I should certainly vote for the one last offered by the gentleman from Michigan, although I hope that the salary may not be advanced beyond $800 a year. I believe we should try that one more year, and if it

needs an increase in the future, well and good. It is not a very good time just now to increase salaries.

I do not believe that there is a Congressman on this floor who does not believe that his own salary is too low. I do not believe that there are ten Congressmen on this floor who would vote to increase their salaries, and there is no reason at this time why an extravagant increase should be made. I admit that $600 is too low. I am willing to go to $720 or $750, and if it is necessary to $800, and I would leave these men an opportunity to recover and receive what they are receiving under the present organization of the Department, and beyond that I believe we do not want to go.

Mr. KLUTTZ. Mr. Chairman, I have neither time nor inclination to reply in kind to the heated diatribes which have been launched against the fast mail item in the bill. Honorable gentlemen have vehemently, almost virulently, denounced this appropriation as a subsidy, and then, having arbitrarily and acrimoniously given it an opprobrious name, have lashed themselves into fury against it because of the very misname which they have applied to it. It is easy, Mr. Chairman, to first stigmatize and then denounce. I deny that this is a subsidy under any proper understanding of that much misused term. A subsidy, Mr. Chairman, as I understand it, is a gift or grant of money, or other thing of value, for the promotion, establishment, or maintenance of a private enterprise, which it is supposed will result in some incidental public benefit.

This, Mr. Chairman, is a case of special pay for special service, and there is no pay when that special service to the public is not rendered. If it were to enable these railroads to build, extend, maintain, or equip their lines, which they were otherwise unable to do, because of some supposed resultant benefit to the public, then gentlemen would be correct in their anathemas, it would be a subsidy, and I would be standing with them against it.

But here, the railroads are already built and in successful operation; they are already carrying the mails on the fastest possible passenger schedules; and this appropriation, as I shall endeavor to show most conclusively, is intended and used to secure an exclusive, special, expedited mail service to, and through a great section of this country on schedules absolutely controlled by the Post-Office Department, very much faster than would be possible on schedules arranged for passenger traffic, and with absolute forfeiture of pay on failure to make those schedules by as much as five minutes.

Is it accomplishing this purpose? Is it fulfilling this mission? Honorable gentlemen vehemently declare that it is not, and as against their acrimonious assertions, I shall content myself with offering direct evidence from the very highest authorities.

The first witness I shall call is the General Superintendent of the Railway Mail Service, who, in his last annual report, found on pages 23 and 24 of the Report of the Post-Office Department for 1903, says:

The fast mail service during the year has received that attention and interest at the hands of the Department which has specialized that feature of improvement in recent past years, and such additions have been made therein as it was thought would tend to further strengthen and improve the fast mail system so as to meet all requirements. As stated in my report of last year, the fast mail service can not properly be considered solely with reference to the benefits which may result to the patrons of the terminal offices by later dispatch and earlier arrival of the mails, because the entire intervening territory also partakes of the benefits of these fast trains, including localities served by lateral and connecting trains, and thus the benefits reach far beyond the immediate lines upon which the fast service may be operated.

It is gratifying to say that at this time there is hardly a railway system of any importance but operates directly or indirectly in the fast mail feature of service, either as a part of the fast mail system proper or by direct connection therewith.

One of the most important and far-reaching improvements in the fast mail system of the service was placed in operation November 2, 1902, between New York, N. Y., and New Orleans, La. The schedule was arranged to leave New York at 2.15 a. m. and arrive at New Orleans the following morning at 11.50 a. m., as follows: Leave New York at 2.15 a. m.; Washington, D. C., 8 a. m.; Lynchburg, Va., 12.17 p. m.; Charlotte, N. C., 5.25 p. m.; Atlanta, Ga., 11.15 p. m.; Montgomery, Ala., 8.22 a. m., reaching New Orleans at 11.50 a. m. (The arriving time at New Orleans now is 11.30 a. m. by recent schedule change.) The distance from New York to New Orleans is 1,369 miles.

At New Orleans this fast mail makes direct connection with trains via the New Orleans and Houston railway post-office, and thence by Houston and Eagle Pass, Houston and El Paso, El Paso and Tucson, Tucson and Los Angeles, and San Francisco and Los Angeles railway post-offices, covering a distance approximately of 3,850 miles from New York, N. Y., to San Francisco, Cal. By this new schedule New York and New Orleans are brought practically a day nearer to each other for purposes of correspondence. Previously the mails left New York at 4.30 a. m. and reached New Orleans the second night, too late for receipt by the public, and hence the mail was not available until the following morning, thus making two full days between the points in question. Under the new schedule all mail available for dispatch at 2.15 a. m. from New York is deliverable at noon next day in New Orleans.

The territory intermediate between Washington, D. C., and New Orleans, La., including lateral connections, is also correspondingly benefited, as close connections are made at intermediate junctions by railway post-offices operated on connecting lines, giving the offices and lines served and connected by the latter the advantage of the fast train from New York, with its accumulation of mail gathered en route. The fast train from New York, leaving at 2.15 a. m., also receives a connection from Boston, Mass., leaving the latter city at 5 p. m., and thus extends the benefits of the new fast train to Boston, in the East, and connections at that place, including New England intermediate between Boston, Mass., and New York, N. Y.

The following is an extract taken from a New Orleans daily paper of November 4, 1902:

"For the first time in the history of the country, letters posted in New York Sunday morning were delivered to people in New Orleans Monday, shortly after the noon hour, thus marking a new epoch in the history of railroading in the South. Letters posted in Atlanta Sunday night were brought in on the train and delivered at 1 o'clock, and for the first time Sunday New York papers were sold on the streets of New Orleans before 12 o'clock the next day after publication.

"Traveling men and tourists at different hotels were pleased to learn that this service had been inaugurated, as it saves a day in the delivery of their mail, and many of the commercial men who were not informed as to when the service was to be inaugurated were surprised to get checks from their houses yesterday that they did not expect until to-day."

The foregoing quotation is assumed to give a fair idea of the opinion held at that point concerning this effort of the Department to improve the mail facilities and provide means for a quick interchange of correspondence from New York to this important commercial section of the country.

Is not this a sufficient answer to the bold assertions of gentlemen?

The next evidence I shall offer is from the report of Second Assistant Postmaster-General Shallenberger, on page 142 of the Report of the Post-Office Department for 1903:

One very important improvement in the fast mail system was inaugurated November 2, 1902, between New York and New Orleans. A schedule was arranged by which mail leaving New York at 2.15 a. m. reaches New Orleans at 11.30 next day. Previous to that date mails leaving New York in the early morning did not arrive in New Orleans until the following night, too late for delivery to the public.

Not only has mail been quickened to New Orleans by this improvement in schedule, but corresponding advantages are derived from a close connection at New Orleans with Pacific coast trains.

Communities served by connecting lines at intermediate points enjoy the benefits of these improvements as well as terminal cities.

I shall next offer the statements made by Second Assistant Postmaster-General Shallenberger on the recent hearings before the Post-Office Committee.

It will be observed that he was repeatedly pressed to say that this service was of no benefit to people living on lateral or connecting lines, but that he emphatically negatived this; that he was repeatedly pressed to say that as good service could be gotten without this appropriation as with it, but expressly declined to so commit himself; that he was pressed to say that under similar conditions as good schedules were made in other parts of the country without special-facility appropriations, but that he failed to so admit; that he emphasized the great speed of the schedule and the stringency with which it was required to be made, showing that out of the $142,000 appropriated for the great Southern facility $48,800 had been deducted within the past year for failure to make that schedule by five minutes. But I prefer to let Mr. Shallenberger speak for himself in the following quotations from the hearings, which, for lack of time, I can only print in the RECORD:

AS TO BENEFITS.

The CHAIRMAN. The next item was for the appropriation for special facilities on trunk lines. What have you to say as to that item?

[Page 146.]

Mr. SHALLENBERGER. We have nothing to say other than what has been stated in recent years, that it is an item for which we make no recommendation. We simply use the appropriation that is placed in the bill by Congress to the best possible advantage, so as to secure some compensating service.

The CHAIRMAN. There is a provision in the current law which, I understand, has been inserted for a few years last past, to the effect that no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service. Have you followed that provision and determined that it is necessary before you utilized that appropriation?

Mr. SHALLENBERGER. We have in the sense that I have stated, that we do secure what is regarded as necessary service by the communities served by this particular line.

[Page 147.]

The CHAIRMAN. While you have made no recommendation of that item, General, have you found it to be of some service to the Government to have that item available?

Mr. SHALLENBERGER. I will say in answer to that that I have not regarded it as of service to the Government, but that it is of service to the communities there is no question. It is of special service to the communities reached; but when you ask me whether I consider it of service to the general postal administration, I will say that I have not considered it and have not recommended it for several years.

My predecessor, I believe, did not recommend it, the reason for that being that it seems to be a special privilege given to one section and several railway systems that is not given to railway systems in every section, and the general administration of the office would be more pleasant for me, and more impartial, if I could say to all systems and communities that there is no special appropriation out of which I could pay for expedited service.

Now, Congress having viewed this question from this standpoint, and having decided year by year that they would continue the appropriation, and they having charged me with getting compensating advantages, I have so arranged these trains and their schedules, approved by the Department, on the condition that unless they do perform this special service, which other roads are not required to do, we simply do not give the special-facility pay.

[Page 150.]

Mr. MOON (quoting the part of his question relative to the point argued). Are the people in the interior of the country supposed to be benefited by it?

Mr. SHALLENBERGER. I can see no reason why the benefit, if any, that attaches to the main lines should not follow the connections.

[Page 151.]

Mr. MOON (quoting from another question the part relative to benefit to the country not on the main line). Do we get any benefit from it that is worth what we are paying?

Mr. SHALLENBERGER. Of course the entire section of the country must be considered as getting the benefits. If we consider it as a through service from Washington to New Orleans, then, of course, Atlanta receives the mail by a very quick schedule, which is maintained within five minutes, and it necessarily receives for the entire section south and west of Atlanta those advantages.

[Page 152.]

The CHAIRMAN. Does the delivery of mail by the special trains No. 97 and No. 37 at Atlanta for points in northern Alabama, and southern Mississippi, and northern Louisiana enter into your consideration as to the benefit which is derived from this special facility?

Mr. SHALLENBERGER. They receive what advantage there is in the service for the reason that we make it a continuous service and do not permit the train to leave Atlanta until it has received its special-facility connection, nor do we permit it to leave Montgomery until it has received its special-facility connection, so that that is a continuous special-facility connection all the way to New Orleans.

COULD THE SAME SERVICE BE OBTAINED WITHOUT THIS APPROPRIATION?

[Page 150.]

Mr. SHALLENBERGER (in answer to question from Mr. MOON). "I am not prepared to say what the comparative result would be if there were no special facilities, whether delays would be greater and more numerous or not. I simply say that the payment of this money is denied to the company unless the special speed is maintained."

[Page 156.]

Mr. GRIGGS. In your opinion, could New Orleans and Atlanta be reached from New York and Washington as quickly without the appropriation as with it?

Mr. SHALLENBERGER. I am not prepared to say that. I do not know what effect it would have—the withdrawing of this appropriation.

Mr. GRIGGS. You would not say that you could keep it up?

Mr. SHALLENBERGER. I would not say that I could or could not.

[Page 157.]

Mr. STAFFORD. Supposing this special-facility appropriation was discontinued, do you think that it would be possible for the Department to obtain any fast mail connections between Washington and New Orleans, either by these same points or by other railways running to New Orleans?

Mr. SHALLENBERGER. We would secure the very best service that can be given to the traveling public, and especially to the passenger traveling public, and that is all that we can secure in any section of the country.

Mr. STAFFORD. And is the mail of sufficient quantity, and are there sufficient railroads to make it an inducement to make them put on the fast mail trains, as they are put on in other parts of the country?

Mr. SHALLENBERGER. I doubt that, but I am not positive of it.

[Page 163.]

Mr. MOON. The purpose of this subsidy is not to give those people any benefit [referring to the people living in the interior or on the roads in North Carolina, eastern and middle Tennessee, northern Georgia, and Alabama]?

Mr. SHALLENBERGER. We can not say what the purpose of the appropriation is; we simply say that we use it in such a way as to procure a schedule that will be kept at the connecting points, and the result of which will necessarily be to give a better mail service for the entire community.

Mr. MOON. Providing the connections are made?

Mr. SHALLENBERGER. I will not make that proviso, because the connections will necessarily be made.

AS TO SPEED AND DEDUCTIONS OF PAY.

[Page 155.]

Mr. GRIGGS. And this train, if I make it correctly from the schedule as put down here by the general superintendent, makes a schedule between Washington and New Orleans of twenty-seven and one-half hours. That would be a little over 40 miles an hour for the continuous trip of 1,142 miles?

Mr. SHALLENBERGER. Yes, sir.

Mr. GRIGGS. Is not that a fast schedule?

Mr. SHALLENBERGER. We regard it as a very fast schedule.

Mr. GRIGGS. Is there any single-track railroad in the United States that makes it in ordinary passenger or mail service?

Mr. SHALLENBERGER. I doubt it. I am not prepared to say whether any single-track railroad makes that.

[Page 146.]

Mr. SHALLENBERGER. Whenever they fail to keep the schedule time to five minutes we make a deduction, and the special-facility pay for the entire trip is withheld.

The CHAIRMAN. That practice has obtained for how long?

Mr. SHALLENBERGER. For several years.

The CHAIRMAN. That is being pursued now?

Mr. SHALLENBERGER. Yes, sir; so that we find that the deductions in the last year were $48,846.

Mr. GRIGGS. So that left $122,347.18 paid out?

The CHAIRMAN. Have you that separated there as to the two lines, showing how much the deduction was for the Southern line and how much for the Kansas line?

Mr. SHALLENBERGER. The Kansas line does not appear in this statement. * * * Now, out of that I have withheld, by reason of these deductions, $48,846, so that $30,002 have actually been paid for the service rendered.

Mr. HEDGE. Those deductions are strictly made, are they? I mean when a train is late you are very strict about that?

Mr. SHALLENBERGER. Yes, sir; we watch it very closely.

It will be noted that this deduction of $48,846 was entirely from the appropriation for the Washington-New Orleans line, leaving only $30,002 as the actual cost of this great service to the Government for the year ending June 30, 1903.

There are twenty-one passenger trains each way every day from Washington to New York, making forty-two trains in all daily; while there are only three direct from Washington to New Orleans and two returning, making five trains daily in all. Failure to dispatch mail by any train to New York would mean only an hour's delay, while similar failure would mean a delay of a day or more to southern points. Does not this show the difference of supporting business for the railroads, the consequent absence of competition because of the smaller passenger business, and the necessity for this appropriation as to this southern line, which does not exist in other and more favored sections?

And now, Mr. Chairman, I have done. I think I have demonstrated that this appropriation is neither a subsidy nor a steal, but that it is what it purports to be—an appropriation for "necessary and special facilities." The attempt to crack the party whip over the heads of supporters of this measure is too puerile to require notice. Let me say to the gentleman from Indiana [Mr. ROBINSON] that many as good Democrats as he will not hesitate to answer against him on his threatened roll call. For one I shall welcome the opportunity to let my immediate constituents know that I have been true to their interests and the interests of the public, in spite of the carping of self-constituted censors.

While we are appropriating in this bill $500,000 for pneumatic-tube service, in order that transmission of mail may be expedited by a few minutes in a few great cities; while we are appropriating twenty millions for rural carriers and twenty millions for city carriers, that delivery of mail to the public may be expedited; $4,500 that people on the lake boats may have delivery by boat at Detroit; hundreds of thousands of dollars for fast ocean service; when, in fact, the spirit of this bill, and the demands of the country are for lib ral appropriations for mail expedition, I feel sure this House will not be guilty of the great injustice of cutting off this service, which has been, is, and will be worth so much to so many millions of the citizens of this country.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the pending amendments be closed in five minutes and that three minutes be allotted to the gentleman from Pennsylvania, and I will reserve two minutes to myself.

Mr. MADDOX. Mr. Chairman, I trust the gentleman will not do that. You have had all the debate on that side all the evening.

Mr. OVERSTREET. Then, Mr. Chairman, I will say ten minutes.

The CHAIRMAN. The gentleman from Indiana moves that all debate upon pending amendments be closed in ten minutes.

Mr. OVERSTREET. That is on all amendments now pending.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OVERSTREET. Now, Mr. Chairman, I ask that the gentleman from Georgia be recognized for five minutes.

Mr. MADDOX. Mr. Chairman, we have a little interest in this business down South—not much, but we have tried to get an interest in the pot and are getting along a little better now than heretofore. We have a few routes down there. It has occurred to me that probably before we begin to increase salaries that we had better spread this service and give some of us some of it who have not got it to amount to anything You are endeavoring here this evening to raise the wages or salaries of carriers when there are hundreds and thousands of petitions from the South pending in this office in the Department here now asking that they be established, and they can not get them.

Mr. CROMER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Indiana?

Mr. MADDOX. I have only five minutes.

Mr. CROMER. I just want to ask a question.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDOX. It seems you have had all the debate of this subject over there all the evening among yourselves and you might hear from us a little while.

But I am not going to insist upon that proposition. I am willing to vote for the increase of salary that is put in this bill by the Post-Office Committee. Not only that, but I am willing to vote for a provision regulating the carriers in carrying bundles and parcels; in other words, to prevent the rural ca riers being an express company for the whole country, or agent for this, that, or the other firm. Now, gentlemen, you can see this is a great wrong in any town or city, for instance, where there are even two or three newspapers in that town and one of the newspapers can get these carriers to act as its particular agent. Then it has a monopoly of the whole business as against the other two.

As the gentleman from Ohio has well said, and the gentleman from New York, this service was not established for that purpose. That was not the intention of it, but the purpose was to distribute the mails throughout the country and not for these carriers to act as agents. But some gentleman has said, or it has been read from the desk, that somebody has been carrying on a regular peddling business, has been carrying it on with three wagons. Why, I never heard anything of that sort in my country. I think that is in some man's imagination, and the gentleman from New York, the leader on that side, attempted to answer somebody's question over here in reference to the Department by saying that the Department clerks have a fixed time to work. I want to say the rural carrier has the same thing. He has a schedule made out for him and he is expected to meet it, and he has a part of that time—at least many of them have in the country—just the same as a clerk has here. He has his hours all regulated; but I am absolutely opposed to these rural carriers becoming the agents of newspapers or any other business in this country, but I am willing to vote for the provision in this bill which regulates that service.

Mr. OLMSTED. Mr. Chairman, just a word in addition to what has been said. My amendment does not permit the solicitation of orders by carriers, as the gentleman from Ohio seems to think, nor does it authorize them to peddle the patent medicine which he has advertised by naming in friendly interest. It permits them to distribute the newspapers and collect subscriptions

precisely as they would collect the payment for the plowpoint mentioned by the gentleman from New York. My amendment is as much in the interest of the farmer as it is in the interest of the newspaper, because the bill as it now stands practically prohibits the daily distribution of the city newspaper in the outlying districts.

I wish to add one word as to the effect of my amendment. Gentlemen who favor striking out the whole provision may consistently vote for my amendment, because the motion to strike out the whole paragraph will come up immediately afterwards, and the adoption of my amendment will not prevent striking out the whole paragraph as amended. While, on the other hand, those who are not willing to go as far as striking out the whole paragraph, but are willing to give to the farmer and the newspaper the privilege suggested in my amendment, ought, by all means, to vote for it.

What is the amendment that the chairman of the committee says he proposes to offer if mine is voted down? It is practically the same thing, although not in the same language. Why, then, does he not support mine? Why not vote for it on this amendment and not take the time to offer it again and have it further discussed? The postal revenues of the Government will not be impaired by the adoption of this amendment. Every newspaper circulated through the country has thousands of advertisements, and every advertisement produces letter correspondence paying the highest class postage that we have and the most profitable to the Government. One little publication of an advertising character in my district showed me the figures indicating that for every dollar of postage paid on the outgoing publication they paid themselves over $50 in letter postage in answer to correspondents from advertisements contained in that publication.

I think this amendment which I have offered does not interfere with any other provision of the bill reported by the committee except to give to the newspaper this privilege and to the farmers the privilege of receiving the newspaper from the great cities daily. Substantially it puts newspapers upon the same footing as already provided in the bill for merchandise. I see no reason why the newspaper should be discriminated against.

The CHAIRMAN. The time fixed by the committee on the pending amendment having expired, the question recurs on the amendment offered by the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Chairman, I ask to have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. BONYNGE. Mr. Chairman, is it too late to offer an amendment? I will offer an amendment striking out the words "to collect subscriptions for and." I offer that as an amendment to the amendment proposed by the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman from Colorado offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the words "collect subscriptions for and."

Mr. OVERSTREET. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OVERSTREET. Would a substitute for the pending amendment be now in order?

The CHAIRMAN. The Chair would state——

Mr. OVERSTREET. I want to offer it as a substitute for the pending amendment, and I think it is in order.

The CHAIRMAN. The Chair would be unable to state without seeing the amendment.

Mr. OVERSTREET. I offer the following substitute for the pending amendment.

The CHAIRMAN. The gentleman from Indiana, chairman of the committee, offers a substitute for all the pending amendments, which the Clerk will report.

The Clerk read as follows:

Page 26, line 12, add after the word "prescribe" the following: "*And provided*, That rural carriers shall be permitted to do an express-package business, provided the packages and articles carried are not authorized by law to be accepted for mailing: *And provided further*, That rural carriers may make and perform contracts with publishers of newspapers and periodicals, and news agents, for the delivery of, but not the solicitation or collection for, newspapers and periodicals which are admitted to the mails at second-class rates of postage and upon which one rate of postage has been paid, if subject to postage, to subscribing patrons residing on their routes, and under such regulations as the Postmaster-General may prescribe, provided there is no interference thereby with the discharge of their official duties."

Mr. OLMSTED. Mr. Chairman, if, as I understand, there is pending an amendment to an amendment which I offered, is the substitute in order?

The CHAIRMAN. The first thing in order would be to vote upon the amendment offered by the gentleman from Colorado to the amendment offered by the gentleman from Pennsylvania, in order to perfect it. The Chair thinks the substitute offered by the gentleman from Indiana would then be in order.

The question was taken on the amendment offered by Mr. BONYNGE, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Indiana.

Mr. LACEY. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Pennsylvania preceding the substitute.

The Clerk read as follows:

Add to the amendment "rural carriers will not be required to carry and deliver mail on legal holidays."

Mr. OVERSTREET. I make the point of order, Mr. Chairman, that that is not germane to this part of the amendment.

The CHAIRMAN. The amendment offered by the gentleman from Iowa is an amendment to the amendment offered by the gentleman from Pennsylvania.

Mr. OVERSTREET. I suggest to the Chair that the amendment offered by the gentleman from Iowa would be germane to the earlier lines of this paragraph, but not to the amendment which is now pending.

Mr. LACEY. It might be attached to the substitute. Mr. Chairman, I withdraw it for the present.

Mr. GARDNER of New Jersey. I ask that the substitute be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the substitute offered by the gentleman from Indiana [Mr. OVERSTREET] for the amendment pending offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk again reported the amendment.

Mr. GARDNER of New Jersey. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARDNER of New Jersey. I rise to say that, as I understand that substitute, the farmer's wife can not send for a bottle of laudanum or a porous plaster.

Several MEMBERS. Regular order!

The CHAIRMAN. All debate has been closed by the committee. The question is on agreeing to the substitute offered by the gentleman from Indiana [Mr. OVERSTREET].

The question was taken; and on a division (demanded by Mr. OVERSTREET) there were—ayes 78, noes 92.

So the substitute was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HEPBURN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. Is it not now in order to consider the substitute offered some time ago by the gentleman from Michigan [Mr. GARDNER]?

The CHAIRMAN. The Chair thinks not. The substitute offered by the gentleman from Michigan referred to the part of the bill affecting the salary.

Mr. GRIGGS. Mr. Chairman, I move to amend the amendment of the gentleman from Pennsylvania by striking out the word "permitted" and inserting the word "required." That will make it then an impartial matter.

The CHAIRMAN. The gentleman from Georgia offers an amendment to the pending amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the word "permitted" and insert the word "required," so that the amendment will read, "shall be required to collect subscriptions," etc.

[Laughter].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The question was taken; and on a division (demanded by Mr. OLMSTED) there were—ayes 39, noes 133.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois [Mr. MANN].

By unanimous consent, the amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 81, noes 142.

Mr. MANN. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was rejected.

Mr. GARDNER of Michigan. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER of Michigan. Is it now in order for me to offer the substitute which I did a while ago?

The CHAIRMAN. It is.

Mr. GARDNER of Michigan. I offer it now for paragraph 23, on page 28 of the revised bill.

The CHAIRMAN. The Chair will state to the gentleman from Michigan that amendments to the pending bill must be made to the first print. The Clerk will report the amendment with reference to the original draft of the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4622. An act to amend section 2305 of the Revised Statutes of the United States;

S. 3292. An act amendatory of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902; and

S. R. 65. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.

The message also announced that the Senate had passed, with amendments, bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12684. An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various tribes for the fiscal year ending June 30, 1905, and for other purposes;

H. R. 13480. An act to authorize the Southern Indiana Railway Company to construct a railroad bridge across the Wabash River in Vigo County, Ind.; and

H. R. 3256. An act directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass.

The message also announced that the Senate had passed without amendment, bill of the following title:

H. R. 8889. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company."

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 11449. An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River;

H. J. Res. 133. Joint resolution providing that the bulletins of the Bureau of American Ethnology be printed in octavo;

H. J. Res. 55. Joint resolution providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903;

H. J. Res. 113. Joint resolution for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory; and

H. R. 56. An act to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4640. An act to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk again reported the amendment of the gentleman from Michigan, as follows:

Letter carriers of the rural service shall receive a salary of not to exceed $850, with fifteen days' vacation with pay, and shall not solicit or do business other than that required by the Government, except they may carry small parcels at the request of a patron living on the line.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to modify the amendment as just read by inserting "$800" instead of "$850."

Mr. HEPBURN. Will the gentleman from Michigan allow me to call his attention——

The CHAIRMAN. The Chair desires to ask the gentleman from Michigan what part of the present bill he proposes to strike out?

Mr. GARDNER of Michigan. I propose my amendment as a substitute for the entire section.

Mr. HEPBURN. I do not think the gentleman from Michigan wants to do that, because it would strike out the general appropriation.

Mr. GARDNER of Michigan. Mr. Chairman, the chairman of the Post-Office Committee [Mr. OVERSTREET] kindly calls my attention to the fact that my amendment should begin at the bottom of page 25, with the word "on," and end with the word "carriers," in line 4, page 26.

The CHAIRMAN. The Clerk will read the amendment of the gentleman.

The Clerk read as follows:

Beginning on line 25, page 25, with the word "on," strike out all to and including the word "carriers," in line 4, page 26, and in lieu thereof insert the following:

"Letter carriers of the rural service shall receive a salary not to exceed $800, with fifteen days' vacation with pay, and shall not solicit or do any business other than that required by the Government, except that they may carry small parcels at the request of a patron living on the line."

Mr. PAYNE. I rise to a point of order. My point is that the committee having already acted on the lines which this amendment proposes to strike out, and having refused to strike them out, the motion of the gentleman from Michigan is not in order.

The CHAIRMAN. The Chair will inquire of the gentleman from Michigan whether the Clerk has now correctly reported the amendment.

Mr. PAYNE. I wish to withdraw my point of order. I find, by reference to Rule XVI, clause 7, this statement:

A motion to strike out and insert is indivisible; but a motion to strike out being lost shall neither preclude amendment nor a motion to strike out and insert.

I withdraw the point of order.

The CHAIRMAN. The Chair inquires of the gentleman from Michigan whether his amendment has been correctly reported?

Mr. OVERSTREET. I suggest that it be reported again.

Mr. GARDNER of Michigan. Before the Clerk again reports the amendment, may I say that I wanted to include, in the portion stricken out all down to the word "prescribe," in line 12, page 26.

The Clerk read the amendment, as follows:

Strike out from the word "on," in line 25, page 25, down to and including line 12, page 26, and insert in lieu thereof the following:

"Letter carriers of the rural service shall receive a salary not to exceed $800 with fifteen days' vacation, with pay, and shall not solicit or do any business other than that required by the Government, except that they may carry small parcels at the request of a patron living on the line."

Mr. OVERSTREET. I move that all debate on the amendment be closed in ten minutes, of which I propose the gentleman from Michigan [Mr. GARDNER] may have five and I five in opposition.

Mr. MADDOX. Does that preclude amendments?

Mr. OVERSTREET. It does not.

Mr. MADDOX. I give notice that I want to strike out those words "not to exceed."

The CHAIRMAN. The gentleman from Indiana moves to close all debate on this amendment in ten minutes.

Mr. STEENERSON. I want to move an amendment fixing a minimum, providing that the salary shall not be less than $720.

The CHAIRMAN. That amendment will be in order later. The present question is on the motion of the gentleman from Indiana, that debate on the pending amendment be closed in ten minutes.

The motion was agreed to.

Mr. GARDNER of Michigan. Mr. Chairman, this amendment provides three things: First, adequate pay, as we believe, for service rendered the Government. It is not possible to have it equitable everywhere. We simply aim to reach a fair average. I understand the amendment to mean it shall not exceed and shall not be less than $800 per annum on routes of standard length.

Mr. LIVINGSTON. Strike out the words "not to exceed."

Mr. GARDNER of Michigan. This whole business of soliciting has grown out of the fact that these men, whom I believe to be the hardest worked men in the public service to-day, have not received enough to meet their current needs with the closest economy. This proposition brings the compensation a little nearer to what men are receiving in towns and cities for doing a similar but not so taxing a service. The minimum of salary allowed to a mounted carrier, I think, is $900. A horse is allowed him in addition to that, giving him in the town, with good roads and short rides, as much or more than we would give to the rural carrier under this amendment.

Secondly, with regard to vacation, we allow all the rest of the carriers a vacation. We give none to these men.

Mr. COUSINS. Under the terms of the gentleman's amendment, how large could the small parcels referred to be?

Mr. GARDNER of Michigan. I will reach that pretty soon.

With regard to the vacation, one of these carriers can not to-day attend the funeral of his own child without paying for a substitute out of his meager allowance. He can not go to a wedding or a picnic without hiring a substitute to take his place. He can not have a day off for any purpose unless he reduce his income by so much as it costs to get his place filled.

Mr. FINLEY. Does the gentleman from Michigan propose, in the event that his amendment carries, to increase the total appropriation?

Mr. GARDNER of Michigan. Certainly; that would follow of necessity.

Mr. FINLEY. Does not the gentleman know that with the appropriation as fixed in the bill this amendment, if carried, would cut off all extension of rural free-delivery service in sections where there is none now?

Mr. GARDNER of Michigan. Then we will have a special bill passed providing for the deficiency. These men ought to be paid. "The laborer is worthy of his hire," and no laborers are worthy of this proposed amount more than the men in the rural-delivery service of the Government. [Applause.]

I say these men are entitled to their vacations as much as city carriers—fifteen days with pay, if they want that length of time. It is simple justice to give it to them.

Third. With regard to parcels, this amendment provides that a carrier may at the solicitation, not of a publisher, not of a business house, not of a firm doing business for money, but of the patrons of the routes he travels, carry small parcels. A patron asks, "Will you do this errand for me?" "Will you take this to town?" "Will you," for example, "bring back this prescription from the drug store, or this plowpoint from the blacksmith shop?" These things come within the range of his capabilities as a public servant, and without injury to the service.

Mr. SIBLEY. There is nothing in the bill as it now stands which provides that he may not bring back the plow point for that patron upon the rural free-delivery route.

Mr. GARDNER of Michigan. But this is a substitute for the paragraph that puts it in. Do you see?

Mr. SIBLEY. No; I do not. I think the bill as reported by the committee provides that all service for patrons on the route may be given by the rural carrier when not interfering with the discharge of his duties.

Mr. GARDNER of Michigan. This is in perfect harmony with the committee.

Mr. OVERSTREET. Then why change it?

Mr. GARDNER of Michigan. Because the other is mixed up with other paragraphs that seem to militate against the amendment. Now, another thing, gentlemen, and in conclusion, this amendment, if it shall prevail, will bring the rural-delivery carrier, who wears the uniform of the public service, up to the dignity of a Government employee, and will give him a comfortable support without being required to huckster about from house to house to eke out his living, supplementing the meager pay that the Government now gives.

Mr. OVERSTREET. Mr. Chairman, the proposed amendment involves, first, a heavy increase of the salaries of carriers beyond what the bill before the House provides; second, an additional increase by way of two weeks' vacation on pay, which would necessarily involve a third increase for the substitutes during vacation for the service which they would perform, and in the fourth place the amendment carries with it an entirely different arrangement relative to the privileges than that provided for in the bill, and which the committee a few moments ago favored by an overwhelming vote.

Mr. SAMUEL W. SMITH. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. No; I can not yield to any question.

Mr. Chairman, under the provisions carried in the bill we give $120 increase, which is $3,250,000 alone for increase. If you raise this salary to $800, as the gentleman suggests, it will require $6,000,000 alone for increase. Now, to add to that two weeks' vacation, you must add $33 to the carriers, which would amount to $891,000 more of increase; and this amendment provides, after all that has been paid for, to pay the substitute carriers for their work.

I say to you, gentlemen, that the only way which is proper under the present circumstances is to adhere to the provisions of this bill, so far as the regulation of the privileges is concerned, and if the committee feels that the $720 is not enough let your amendment move directly to that and not involve the question by a change of the system of privileges under the disguise that they are increases of salary. I will state, as my friend from Minnesota [Mr. STEENERSON] so well said a while ago, that we had better have in mind the interest of the United States Treasury when we come to advancing these salaries. We provide three millions and a quarter for increase even at the rate of $720. This amendment would make at least $6,250,000, all told, on account of increase of salary alone.

Mr. WM. ALDEN SMITH. I think you are mistaken in your figures.

Mr. OVERSTREET. I think not. I decline to yield.

I think, Mr. Chairman, this amendment should be voted down, because it involves four provisions. Let the gentleman offer his amendment directly to the salary, but do not play upon the sympathies of the committee to increase the salary in a manner in which you will bring in three additional propositions, which would not only be contrary to the provisions of the bill, but largely, very largely, increase the appropriation necessary for advancing the salaries alone. I call for a vote. [Loud cries of "Vote!" "Vote!"]

The CHAIRMAN. The time fixed by the committee for debate on this amendment having expired, other amendments to perfect the text are now in order.

Mr. MUDD. I offer an amendment as a substitute for the amendment of the gentleman from Michigan.

The Clerk read as follows:

On page 26 strike out all after the word "hire," in line 7, to the end of the paragraph, and insert after the word "annum," in line 8, "with fifteen days' vacation with pay."

Mr. MUDD. Now, Mr. Chairman, one word.

Mr. OLMSTED. I offer an amendment to the amendment.

Mr. MUDD. I think I have the floor.

Mr. BURLESON. Regular order.

Mr. MUDD. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Maryland will suspend until the committee is in order.

Mr. MUDD. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Maryland will state his parliamentary inquiry.

Mr. MUDD. Is it not a fact that the limit of debate was merely upon the pending amendment? In that event, Mr. Chairman, when I offer a substitute for the amendment I think I have five minutes.

The CHAIRMAN. The Chair will say to the gentleman from Maryland that, as the Chair understands the reading of his amendment, it is not in the nature of a substitute, but perfects the text of the amendment of the gentleman from Michigan now pending.

Mr. MUDD. No, Mr. Chairman, it can not be offered as an amendment to the amendment of the gentleman from Michigan, because it very materially conflicts with that.

The CHAIRMAN. To perfect the text of the bill to which the amendment offered by the gentleman from Michigan applies, not in the nature of a substitute.

Mr. MUDD. That is right.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

The Clerk read as follows:

Amend the amendment of the gentleman from Michigan by adding after the words "small parcels" the words "and newspapers."

Mr. MUDD. My amendment comes before that.

The CHAIRMAN. The Chair would hold that the perfection of the text is first in order, and the amendment of the gentleman from Maryland would be the first to be voted upon without debate.

Mr. MUDD. A parliamentary inquiry. Was not the limit of debate merely upon the pending amendment, not the paragraph?

The CHAIRMAN. The Chair will state that as the Chair understood the motion of the gentleman from Indiana it was that debate on the pending amendment and all amendments thereto should be closed.

Mr. MUDD. Mr. Chairman, as my amendment is not an amendment to the amendment of the gentleman from Michigan, but an amendment to the text, I think I have a right to be heard. I merely wish to say a word to explain what is meant by the amendment.

The CHAIRMAN. Without objection, the gentleman from Maryland will proceed.

Mr. MUDD. My amendment will provide that the salary shall remain the same as provided in the bill, with an addition only of fifteen days' leave of absence with pay. It also provides that the duties of these carriers shall be confined exclusively to the work for which they are paid by the Government. It strikes out the last proviso of the section as now in the bill, and prevents the performance of services for private parties during the hours of their Government work.

It does not permit these people, if it is passed, to carry any parcels at all, thus preventing what, in my judgment, is liable to become a very serious interference with a satisfactory discharge of the duties for which they are appointed.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Wisconsin will state it.

Mr. COOPER of Wisconsin. Will it be in order to introduce a substitute amendment at this time?

The CHAIRMAN. If it was an actual substitute, the Chair would say yes.

Mr. COOPER of Wisconsin. I offer the following as a substitute for the pending amendment.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Wisconsin for the information of the committee.

The Clerk read as follows:

Strike out all after and including the word "on," in line 25 on page 25, down to and including the word "carriers," in line 4 on page 26, and insert in lieu thereof the following:

"On and after the 1st day of July, 1904, the Postmaster-General is hereby directed to pay all regularly appointed rural free-delivery carriers, out of any moneys in the Treasury not otherwise appropriated, the following salary: For the first year of service, at the rate of $700 per year; for the second year of service, at the rate of $720 per year; for the third and each subsequent year of service, at the rate of $850 per year, payable in each case pro rata at the end of each month; and each carrier shall be entitled to leave of absence not to exceed fifteen days in each year without loss of pay, during which time a substitute carrier shall be employed at the minimum rate of $600 per annum.

"That in determining the rate of pay for carriers the Postmaster-General shall consider the service rendered by them, respectively, both prior and subsequent to July 1, 1904.

"That all other provisions of law relating to the salaries of rural free-delivery carriers inconsistent with the provisions of this section relating thereto are hereby repealed."

Mr. OVERSTREET. Mr. Chairman, I ask that ten minutes' debate be allowed on that substitute, five minutes of that time to be allowed the gentleman from Wisconsin——

The CHAIRMAN. The Chair will state that may be considered in the nature of a substitute for the amendment offered by the gentleman from Michigan. The Chair will put the question as to perfecting the text——

Mr. COWHERD. Mr. Chairman, a parliamentary inquiry.

Mr. OVERSTREET. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have five minutes' debate on his substitute and I may have five minutes in which to reply. [Cries of "Regular order!"]

The CHAIRMAN. Is there objection to the request made by the gentleman from Indiana?

Mr. COWHERD. Mr. Chairman, a parliamentary inquiry. Is not there pending an amendment and substitute already offered?

The CHAIRMAN. The Chair would state that the substitute offered by the gentleman from Wisconsin was read for the information of the committee pending the other amendment. The first order is a vote upon the amendment offered by the gentleman from Maryland.

Mr. COWHERD. Then the substitute offered by the gentleman from Wisconsin is not before the House at all at this time?

The CHAIRMAN. Not until the question of perfecting the text to which the amendment of the gentleman from Michigan applies is decided.

Mr. OVERSTREET. I misunderstood the Chair. I thought the Chair said the substitute was in order, and I therefore withdraw the request.

Mr. MUDD. I ask to have my amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Maryland.

The amendment was again reported.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question will now recur on the substitute offered by the gentleman from Wisconsin for the amendment offered by the gentleman from Michigan.

Mr. OVERSTREET. Now, Mr. Chairman, I renew my request.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that—— [Cries of "Regular order!"]

Mr. LIVINGSTON. Mr. Chairman, I call for the regular order.

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state it.

Mr. OLMSTED. Is not a vote upon my amendment to the amendment of the gentleman from Michigan in order before a substitute to that amendment is offered?

The CHAIRMAN. If the amendment offered by the gentleman from Pennsylvania perfects the text that the amendment offered by the gentleman from Michigan applies to or alters the amendment, it would be first in order.

Mr. OLMSTED. That is the purpose.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Pennsylvania.

The amendment was again reported.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The substitute offered by the gentleman from Wisconsin is now before the committee. The gentleman from Indiana asks unanimous consent that the gentleman from Wisconsin may proceed for five minutes and that he be allowed five minutes in which to reply. [Cries of "Regular order!"]

Mr. MADDOX. I shall object unless we are allowed five minutes on this side to discuss that proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken; and the amendment was disagreed to.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Michigan [Mr. GARDNER].

The question was taken; and the amendment was rejected.

Mr. OVERSTREET. Mr. Chairman, I move that all debate on the paragraph and any amendments thereto which may be offered be closed.

The CHAIRMAN. The gentleman from Indiana moves that all debate on the paragraph and amendments thereto be closed.

The motion was agreed to.

Mr. CRUMPACKER. Mr. Chairman, I had sent an amendment to the Clerk's desk to have read and I was on my feet addressing the Chair in making a point of order against the motion of the gentleman from Indiana to close debate. I was standing on my feet in addressing the Chair as vociferously as it was in my power. [Cries of "Regular order!" "Regular order!"] I ask now that my amendment be read to the committee.

The CHAIRMAN. The Chair will state that all amendments are in order. The gentleman from Indiana in charge of the bill, who is entitled to recognition at all stages, simply moved to close all debate. The gentleman from Indiana [Mr. CRUMPACKER] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after word "substations," line 25, page 25, to and including the word "carriers," in line 4, page 26, and insert:

"On and after July 1, 1904, letter carriers of the rural free-delivery service who carry upon routes 20 miles or more in length, measuring from the post-office from which the carriers start, shall receive an annual salary of $750; and those who carry upon routes less than 20 miles in length shall receive $35 per annum for each mile contained in their respective routes, but no carrier shall receive less than $300 per annum, and no other or further allowance or salary shall be paid to said carriers."

The CHAIRMAN. The Chair will state to the gentleman from Indiana, as he has stated already, that all amendments should relate to the bill which is being perfected.

Mr. CRUMPACKER. This is directed to that part of the bill now under consideration.

The CHAIRMAN. The gentleman from Indiana has used the pages of the new bill instead of the old one.

Mr. LOUD. I offer the following as a substitute:

The CHAIRMAN. The gentleman from Michigan offers an amendment as a substitute, which the Clerk will report.

The Clerk read as follows:

In lines 21 and 22, page 25, strike out the words "twenty million one hundred and eighty" and insert in lieu thereof the words "twenty-one million nine hundred and forty;" and in lines 2 and 3, on page 26, strike out the words "seven hundred and twenty dollars per annum" and insert in lieu thereof the words "eight hundred dollars per annum, said sum being the salary for a rural carrier whose route is not less than 20 miles in length, and to those rural carriers whose routes are severally less than 20 miles in length shall be paid each such a portion of $800 per annum as the length of the route carried is of 20 miles."

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Michigan [Mr. LOUD] will stand as an independent amendment, it not being in the nature of a substitute. The question now is on the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The amendment was considered and rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Michigan [Mr. LOUD].

Mr. MANN. Mr. Chairman, I ask unanimous consent that each member of the committee may appear in the RECORD as offering an amendment to increase the salary of the rural free-delivery carriers, and that it was voted down. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was considered; and the amendment was rejected.

Mr. LACEY. Now, Mr. Chairman, I offer the amendment that I offered a short time ago.

The Clerk read as follows:

Insert the following provise: "*Provided*, That rural carriers shall not be required to carry or deliver mail on legal holidays."

The question was taken; and the amendment was rejected.

Mr. BADGER. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Beginning at the word "seven," in line 2 on page 26, strike out all following to and including line 12 on page 26 and insert the following: "$800 per annum."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken; and the amendment was rejected.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the

House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13521, the post-office appropriation bill, and had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. OVERSTREET. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The question was taken; and the previous question was ordered.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the amendments will be voted upon in gross. The question is upon agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The question was taken; and the bill was ordered to be engrossed and read a third time.

Mr. MOON of Tennessee. Mr. Speaker, I move to recommit the pending bill to the Committee on the Post-Office and Post-Roads with instructions which I will send to the Clerk's desk and ask to have read, and on that motion I move the previous question.

The Clerk read as follows:

On pages 18 and 19 strike out the following sections:

"For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster General shall deem such expenditure necessary in order to promote the interest of the postal service.

"For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service."

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Tennessee.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Tennessee.

Mr. MOON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. As many as are in favor of ordering the yeas and nays will rise and remain standing until counted. [After counting.] Seventy-six gentlemen have arisen. Unless the other side is demanded, the Chair thinks a sufficient number has arisen.

Mr. OVERSTREET. Mr. Speaker, I demand the other side.

The SPEAKER. Those opposed will rise and remain standing until counted. [After counting.] One hundred and seventy-nine gentlemen have arisen, and the yeas and nays are ordered.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. What is the question before the House?

The SPEAKER. It is to recommit the bill with instructions.

Mr. COOPER of Wisconsin. What instructions?

The SPEAKER. Without objection, the Clerk will again report the motion of the gentleman from Tennessee.

The Clerk again reported the motion of the gentleman from Tennessee.

Mr. GARDNER of Michigan. Mr. Chairman, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Michigan. Supposing this motion passes, does it open the whole bill to amendment?

The SPEAKER. The effect of the motion, if it passes, is to recommit the bill to the committee. It would then be the duty of the committee to at once report the bill back, omitting the part that is directed to be stricken out.

Mr. GARDNER of Michigan. And it will not affect any of the rest of the bill?

The SPEAKER. No.

The question was taken; and there were—yeas 114, nays 123, answered "present" 15, not voting 129, as follows:

YEAS—114.

Baker,	Clark,	Gaines, Tenn.	Henry, Conn.
Beall, Tex.	Cooper, Wis.	Garber,	Henry, Tex.
Benny,	Cromer,	Gardner, Mich.	Hill, Conn.
Benton,	Crumpacker,	Garner,	Howell, Utah
Birdsall,	Currier,	Gilbert,	Hughes, W. Va.
Bonynge,	Darragh,	Gillett, Mass.	Humphrey, Wash.
Brandegee,	Davis, Minn.	Goebel,	Hunt,
Brick,	Driscoll,	Goulden,	Jackson, Ohio
Brundidge,	Emerich,	Granger,	Johnson,
Burgess,	Esch,	Gregg,	Jones, Va.
Burleson,	Field,	Griffith,	Kehoe,
Burton,	French,	Grosvenor,	Kennedy,
Cassingham,	Fuller,	Harrison,	Kitchin, Claude
Kitchin, Wm. W.	Marshall,	Robb,	Thomas, N. C.
Lamar, Mo.	Minor,	Robinson, Ind.	Tirrell,
Lawrence,	Moon, Tenn.	Scarborough,	Van Duzer,
Lever,	Needham,	Sheppard,	Volstead,
Lind,	Norris,	Slayden,	Wade,
Little,	Page,	Smith, Ky.	Warnock,
Livernash,	Palmer,	Smith, Wm. Alden	Webb,
Lloyd,	Parker,	Smith, Tex.	Weisse,
Longworth,	Payne,	Snook,	Williams, Ill.
Loud,	Perkins,	Southard,	Williams, Miss.
Lucking,	Pierce,	Sperry,	Woodyard,
McCarthy,	Pinckney,	Stafford,	Wynn,
McCreary, Pa.	Rainey,	Stanley,	Young.
McMorran,	Reid,	Steenerson,	Zenor.
McNary,	Rhea,	Sterling,	
Marsh,	Rixey,	Sullivan, Mass.	

NAYS—123.

Acheson,	Curtis,	Howard,	Pujo,
Adams, Wis.	Dalzell,	Hull,	Ransdell, La.
Adamson,	Daniels,	Humphreys, Miss.	Reeder,
Aiken,	Davey, La.	Hunter,	Richardson, Ala.
Alexander,	Denny,	Ketcham,	Roberts,
Allen,	Dickerman,	Kluttz,	Robertson, La.
Babcock,	Dixon,	Knapp,	Ryan,
Badger,	Draper,	Kyle,	Scott,
Bartlett,	Dwight,	Lacey,	Sherman,
Bates,	Evans,	Lamb,	Sibley,
Beidler,	Flack,	Landis, Chas. B.	Slemp,
Bishop,	Flood,	Lester,	Small,
Bowers,	Fordney,	Lewis,	Smith, Ill.
Brewersock,	Foster, Ill.	Littauer,	Smith, Iowa
Brantley,	Foster, Vt.	Livingston,	Smith, Pa.
Brooks,	Gardner, N. J.	Loudenslager,	Snapp,
Broussard,	Gibson,	Lovering,	Southwick,
Brownlow,	Gillespie,	McLachlan,	Spalding,
Buckman,	Glass,	McLain,	Spight,
Burke,	Graff,	Maddox,	Sulloway,
Butler, Pa.	Greene,	Mahon,	Swanson,
Byrd,	Griggs,	Mann,	Tawney,
Calderhead,	Gudger,	Meyer, La.	Thayer,
Caldwell,	Hardwick,	Mondell,	Trimble,
Candler,	Haskins,	Morrell,	Underwood,
Cassel,	Hay,	Mudd,	Vreeland,
Clayton,	Hedge,	Murdock,	Warner,
Conner,	Hemenway,	Overstreet,	Watson,
Cooper, Pa.	Hepburn,	Padgett,	Wiley, N. J.
Cousins,	Hermann,	Patterson, Pa.	Williamson.
Cowherd,	Hill, Miss.	Prince,	

ANSWERED "PRESENT"—15.

Boutell,	Kline,	Otjen,	Sherley,
Finley,	Lilley,	Pou,	Smith, Samuel W
Haugen,	Miers, Ind.	Russell,	Stevens, Minn.
Jones, Wash.	Olmsted,	Shackleford,	

NOT VOTING—129.

Adams, Pa.	Douglas,	Knopf,	Rodenberg,
Ames,	Dovener,	Lafean,	Rucker,
Bankhead,	Dresser,	Lamar, Fla.	Ruppert,
Bartholdt,	Dunwell,	Landis, Frederick	Scudder,
Bassett,	Fitzgerald,	Lanning,	Shiras,
Bede,	Fitzpatrick,	Legare,	Shober,
Bell, Cal.	Foss,	Lindsay,	Shull,
Bingham,	Fowler,	Littlefield,	Sims,
Bowie,	Gaines, W. Va.	Lorimer,	Smith, N. Y.
Bradley,	Gardner, Mass.	McAndrews,	Southall,
Breazeale,	Gillet, N. Y.	McCall,	Sparkman,
Brown, Pa.	Gillett, Cal.	McCleary, Minn.	Stephens, Tex.
Brown, Wis.	Goldfogle,	McDermott,	Sullivan, N. Y.
Burkett,	Gooch,	Macon,	Sulzer,
Burleigh,	Hamilton,	Mahoney,	Talbott,
Burnett,	Hamlin,	Martin,	Tate,
Butler, Mo.	Hearst,	Maynard,	Taylor,
Campbell,	Hildebrant,	Metcalf,	Thomas, Iowa
Capron,	Hinshaw,	Miller,	Townsend,
Castor,	Hitchcock,	Moon, Pa.	Vandiver,
Cochran, Mo.	Hitt,	Morgan,	Van Voorhis,
Cockran, N. Y.	Hogg,	Nevin,	Wachter,
Connell,	Holliday,	Otis,	Wadsworth,
Cooper, Tex.	Hopkins,	Patterson, N. C.	Wallace,
Crowley,	Houston,	Patterson, Tenn.	Wanger,
Cushman,	Howell, N. J.	Pearre,	Weems,
Davidson,	Huff,	Porter,	Wiley, Ala.
Davis, Fla.	Hughes, N. J.	Powers, Me.	Wilson, Ill.
Dayton,	Jackson, Md.	Powers, Mass.	Wilson, N. Y.
De Armond,	James,	Randell, Tex.	Wright.
Deemer,	Jenkins,	Richardson, Tenn.	
Dinsmore,	Keliher,	Rider,	
Dougherty,	Kinkaid,	Robinson, Ark.	

So the motion of Mr. MOON of Tennessee was rejected.

The following pairs were announced:

For the remainder of the session:

Mr. DEEMER with Mr. SHULL.

Until further notice:

Mr. HILDEBRANT with Mr. HOPKINS.

Mr. FREDERICK LANDIS with Mr. MACON.

Mr. LILLEY with Mr. ROBINSON of Arkansas.

Mr. DRESSER with Mr. SHERLEY.

Mr. HITT with Mr. DINSMORE.

Mr. MARTIN with Mr. BUTLER of Missouri.

Mr. STEVENS of Minnesota with Mr. VANDIVER.

Mr. HOLLIDAY with Mr. MIERS of Indiana.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. WACHTER with Mr. LEGARE.

Mr. MILLER with Mr. SHACKLEFORD.

For two weeks:

Mr. GAINES of West Virginia with Mr. JAMES.

Mr. SAMUEL W. SMITH with Mr. BOWIE.

Till Monday next:
Mr. GILLET of New York with Mr. MAYNARD.
Mr. OTIS with Mr. TALBOTT.
For this day:
Mr. WANGER with Mr. WILSON of New York.
Mr. WADSWORTH with Mr. WILEY of Alabama.
Mr. VAN VOORHIS with Mr. TATE.
Mr. TOWNSEND with Mr. WALLACE.
Mr. HUFF with Mr. FITZPATRICK.
Mr. SMITH of New York with Mr. SOUTHALL.
Mr. RODENBERG with Mr. SIMS.
Mr. POWERS of Massachusetts with Mr. PATTERSON of Tennessee.
Mr. POWERS of Maine with Mr. PATTERSON of North Carolina.
Mr. PEARRE with Mr. MCDERMOTT.
Mr. METCALF with Mr. LINDSAY.
Mr. LORIMER with Mr. LAMAR of Florida.
Mr. LAFEAN with Mr. KELIHER.
Mr. JENKINS with Mr. SCUDDER.
Mr. KINKAID with Mr. HOUSTON.
Mr. HOWELL of New Jersey with Mr. HITCHCOCK.
Mr. HOGG with Mr. HEARST.
Mr. CUSHMAN with Mr. DAVIS of Florida.
Mr. DOVENER with Mr. GOOCH.
Mr. BROWN of Wisconsin with Mr. COOPER of Texas.
Mr. CASTOR with Mr. CROWLEY.
Mr. BRADLEY with Mr. BELL of California.
Mr. BROWN of Pennsylvania with Mr. COCHRAN of Missouri.
Mr. BARTHOLDT with Mr. BASSETT.
Mr. CAPRON with Mr. BURNETT.
Mr. HAMILTON with Mr. DE ARMOND.
Mr. DUNWELL with Mr. RIDER.
Mr. WRIGHT with Mr. KLINE.
Mr. MOON of Pennsylvania with Mr. FINLEY.
Mr. HAUGEN with Mr. RUPPERT.
Mr. ADAMS of Pennsylvania with Mr. HAMLIN.
Mr. DAYTON with Mr. BREAZEALE.
Mr. GARDNER of Massachusetts with Mr. STEPHENS of Texas.
Mr. CAMPBELL with Mr. SULZER.
Mr. BURLEIGH with Mr. SULLIVAN of New York.
Mr. LANNING with Mr. DOUGHERTY.
Mr. SHIRAS with Mr. HUGHES of New Jersey.
Mr. BOUTELL with Mr. MCANDREWS.
Mr. MORGAN with Mr. FITZGERALD.
Mr. BINGHAM with Mr. RICHARDSON of Tennessee.
Mr. FOSS with Mr. RUCKER.
On this vote:
Mr. MCCLEARY of Minnesota with Mr. GOLDFOGLE.
Mr. PORTER with Mr. POU.
Mr. JONES of Washington with Mr. BANKHEAD.
Mr. BURKETT with Mr. TAYLOR of Alabama.
Mr. MAHONEY with Mr. RUSSELL.

Mr. RUSSELL (having voted "aye"). Mr. Speaker, I wish to inquire whether the gentleman from Illinois, Mr. MAHONEY, is recorded as voting?

The SPEAKER. The Clerk informs the Chair that he is not recorded.

Mr. RUSSELL. I am paired with that gentleman, and I therefore desire to withdraw my vote and be recorded "present."

Mr. SAMUEL W. SMITH (having voted "aye"). Mr. Speaker, I desire to inquire whether the gentleman from Alabama, Mr. BOWIE, is recorded?

The SPEAKER. He is not.

Mr. SAMUEL W. SMITH. Then I withdraw my vote, and desire to be recorded "present."

Mr. CHARLES B. LANDIS (having voted "no"). Mr. Speaker, as announced from the desk, I am paired with the gentleman from Georgia [Mr. TATE]. But my understanding with members of the Georgia delegation is that if that gentleman were present he would vote "no." With that understanding, I have voted "no."

Mr. LILLEY (having voted "aye"). Mr. Speaker, as I now understand, I am paired with the gentleman from Arkansas [Mr. ROBINSON]. In view of that fact, I desire to withdraw my vote and be recorded "present."

The result of the vote was announced as above stated.

The question being then taken on the passage of the bill, it was passed.

On motion of Mr. OVERSTREET, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that general leave be granted to print remarks on this bill for five legislative days.

Mr. FINLEY. I object.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, the Committee on Appropriations, to whom were referred the amendments of the Senate to the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, have directed me to report the same back and ask unanimous consent that the House nonconcur in gross in the amendments of the Senate, and ask for a conference.

Mr. MUDD. Mr. Speaker, when this request was made a few days ago I made a point of order which was tantamount to an objection. The gentleman from New York [Mr. LITTAUER] then expressed a willingness, which I assume he adheres to now, that the conferees would report a disagreement unless the Senate would recede. With that understanding, I shall make no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. LITTAUER, Mr. MARSH, and Mr. TAYLOR.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4622. An act to amend section 2305 of the Revised Statutes of the United States—to the Committee on the Public Lands.

S. 3292. An act amendatory of an act entitled "An act to provide for a permanent Census Office," approved March 6, 1902—to the Committee on Claims.

S. R. 65. Joint resolution providing for an extension of time for completing the highway bridge and approaches across the Potomac River at Washington, D. C.—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. R. 55. Joint resolution to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1904, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose.

LEAVE TO EXTEND REMARKS ON POST-OFFICE APPROPRIATION BILL.

Mr. KLUTTZ. Mr. Speaker, I ask unanimous consent that I may be allowed to extend my remarks in the RECORD, and that all gentlemen who have spoken on the bill have leave for five days.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that he be allowed to extend his remarks in the RECORD, and that all gentlemen who have spoken upon this bill have the same privilege for five legislative days.

Mr. MANN. Upon the bill?

The SPEAKER. Upon the bill.

Mr. WILLIAMS of Mississippi. With the understanding that the remarks are extended along the line of argument pursued on the floor, I have no objection to the request.

The SPEAKER. Does the gentleman modify his request as suggested?

Mr. KLUTTZ. I will as to the general request, but I ask individual leave to extend my remarks.

The SPEAKER. Is there objection to the request of the gentlemen from North Carolina that he be permitted to extend his remarks in the RECORD?

There was no objection.

Mr. STEENERSON. I ask for the same privilege.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that he have the same privilege. Is there objection?

There was no objection.

Mr. KLUTTZ. Now I modify the other request I made, at the suggestion of the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I do not care to couple it with the demand for unanimous consent, but merely say that with the understanding—an understanding that gentlemen understand—that the leave to extend remarks does not mean leave to insert new speeches in the RECORD upon totally different subjects, I will not object; but the first time that leave is abused in that way, I shall thereafter object.

The SPEAKER. Is there objection?

Mr. FINLEY. I object.

The SPEAKER. The gentleman from South Carolina objects.

Mr. MANN. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks upon the post-office appropriation bill. Is there objection?

Mr. MADDOX. Mr. Speaker, has not that permission been granted already?

The SPEAKER. No.

Mr. MADDOX. I thought it had, with the understanding stated by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. No; I withdrew my objection, but somebody else objected.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. OVERSTREET. Mr. Speaker, I desire to make a similar request.

The SPEAKER. The gentleman from Indiana makes a similar request. Is there objection?

There was no objection.

Mr. COUSINS. Mr. Speaker, I also make a similar request.

The SPEAKER. The gentleman from Iowa makes a similar request. Is there objection?

There was no objection.

Mr. SPALDING. Mr. Speaker, I desire to make a similar request.

The SPEAKER. The gentleman from North Dakota makes a similar request. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Michigan makes a similar request. Is there objection?

There was no objection.

STREET EXTENSION IN THE DISTRICT OF COLUMBIA.

By unanimous consent, on motion of Mr. BABCOCK, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 1636) for the opening of R street NE. to Twenty-eighth street, and Twenty-eighth street NE. from R street to M street, and the same was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOLLIDAY, indefinitely, on account of important business.

And then, on motion of Mr. OVERSTREET (at 5 o'clock and 27 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, recommending an appropriation for rent of temporary quarters for post-office at Los Angeles, Cal.—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. W. Telfair, administrator of estate of James R. Telfair, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of B. E. Gray, administrator of estate of Mrs. S. M. Davidson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Anna M. Willey, administratrix of estate of Alfred Turner, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from the committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1979) providing for the extension of the national cemetery, on Williamsburg turnpike, near the city of Richmond, Va., reported the same with amendment, accompanied by a report (No. 1889); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2263) to require the employment of vessels of the United States for public purposes, reported the same with amendment, accompanied by a report (No. 1893); which said bill and report were referred to the House Calendar.

Mr. POWERS of Massachusetts, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 4085) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," reported the same with amendment, accompanied by a report (No. 1894); which said bill and report were referred to the House Calendar.

Mr. WILEY of New Jersey, from the Committee on the District of Columbia, to which was referred the Senate joint resolution (S. R. 5) to enlarge the scope of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, reported the same without amendment, accompanied by a report (No. 1895); which said joint resolution and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 40 3) to authorize the abandonment of W street NE., Washington, D. C., reported the same without amendment, accompanied by a report (No. 1896); which said bill and report were referred to the House Calendar.

Mr. DAVIS of Minnesota, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3869) for the extension of Albemarle street, reported the same with amendment, accompanied by a report (No. 18 7); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 127) authorizing the joining of Kalorama avenue, reported the same with amendment, accompanied by a report (No. 1898); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2710) for the opening of connecting highways on the east and west sides of the Zoological Park, District of Columbia, reported the same with amendment, accompanied by a report (No. 1899); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2621) for the widening of V street NW., reported the same with amendment, accompanied by a report (No. 1900); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2134) to connect Euclid place with Erie street, reported the same with amendment, accompanied by a report (No. 1901); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 2542, reported in lieu thereof a bill (H. R. 14423) for the extension of T street, and for other purposes, accompanied by a report (No. 1902); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVIS of Minnesota, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 9670, reported in lieu thereof a bill (H. R. 14424) for the extension of Wyoming avenue to Twenty-third street west, accompanied by a report (No. 1903); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2250) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, reported the same without amendment, accompanied by a report (No. 1904); which said bill and report were referred to the House Calendar.

Mr. PALMER, from the Committee on the Judiciary, to which was referred the House resolution (H. Res. 136) that Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, be impeached of high misdemeanor, reported the same without amendment, accompanied by a report (No. 1905); which said resolution and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14044) to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State, reported the same

without amendment, accompanied by a report (No. 1906); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4142) granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa, reported the same without amendment, accompanied by a report (No. 1907); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River, reported the same with amendment, accompanied by a report (No. 1908); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. FOSTER of Vermont, from the Committee on Claims, to which was referred the bill of the House (H. R. 9708) for the relief of the heirs and legal representatives of those civilian employees of the Government who were killed by the explosion of gunpowder and 13-inch shell at the United States naval magazine, Iona Island, New York, reported the same without amendment, accompanied by a report (No. 1909); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 12988) granting a pension to Sarah A. Harl—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8126) granting a pension to Annie Colt McCook—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BUCKMAN: A bill (H. R. 14413) permitting the building of a dam across the Mississippi River between the counties of Stearns and Benton, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: A bill (H. R. 14414) to enable the Secretary of War to contract for the erection of locks and dams in aid of navigation in the Tennessee River, near Chattanooga, Tenn.—to the Committee on Rivers and Harbors.

By Mr. FOSTER of Vermont: A bill (H. R. 14415) to amend section 445 of the Code of the District of Columbia, approved March 3, 1901—to the Committee on the District of Columbia.

By Mr. HEMENWAY, from the Committee on Appropriations: A bill (H. R. 14416) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes—to the Union Calendar.

By Mr. DANIELS: A bill (H. R. 14417) to provide for the appropriation of the waters of the Colorado River for irrigation purposes—to the Committee on Irrigation of Arid Lands.

By Mr. CURTIS: A bill (H. R. 14418) to make final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. DEGETAU: A bill (H. R. 14419) for the erection of a public building at San Juan, P. R.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14420) for the erection of a public building at Mayaguez, P. R.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14421) for the erection of a public building at Ponce, P. R.—to the Committee on Public Buildings and Grounds.

By Mr. GUDGER: A bill (H. R. 14422) to provide for the establishment of free rural routes irrespective of the condition of the roads—to the Committee on the Post-Office and Post-Roads.

By Mr. BABCOCK, from the Committee on the District of Columbia: A bill (H. R. 14423) for the extension of T street, and for other purposes—to the Union Calendar.

By Mr. DAVIS of Minnesota, from the Committee on the District of Columbia: A bill (H. R. 14424) for the extension of Wyoming avenue to Twenty-third street west—to the Union Calendar.

By Mr. HUMPHREY of Washington: A bill (H. R. 14466) making appropriation for the preservation, regulation, and increase of the salmon and other fisheries of Alaska, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMALL: A bill (H. R. 14467) to amend chapter 508 of the United States Statutes at Large, volume 32, part 1, Fifty-seventh Congress, entitled "An act to establish and provide for a clerk for the circuit and district courts of the United States held at Wilmington, N. C."—to the Committee on the Judiciary.

By Mr. JONES of Washington: A bill (H. R. 14468) to authorize the sale and disposition of surplus or unallotted lands of the Yakima Indian Reservation, in the State of Washington—to the Committee on Indian Affairs.

By Mr. BURLESON: A joint resolution (H. J. Res. 135) providing for the printing of additional copies of Bulletin No. 45 of the Division of Entomology, United States Department of Agriculture, entitled The Mexican Cotton Boll Weevil—to the Committee on Printing.

Also, a concurrent resolution (H. C. Res. 53) that the State of Texas be, and is hereby, authorized and granted the privilege of placing in Statuary Hall of the Capitol statues of Sam Houston and Stephen F. Austin—to the Committee on the Library.

By Mr. GAINES: A resolution (H. Res. 271) referring certain cases to the Court of Claims for a finding of facts under the terms of the Tucker Act—to the Committee on War Claims.

By Mr. BARTLETT (by request): A resolution (H. Res. 273) to pay G. S. W. Lewis for services as a laborer—to the Committee on Accounts.

By Mr. PALMER, from the Committee on the Judiciary: A resolution (H. Res. 274) that Charles Swayne, judge of the district court of the United States in and for the northern district of Florida, be impeached of high misdemeanor—to the House Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOUTELL: A bill (H. R. 14425) granting an increase of pension to Edith M. R. Brown—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 14426) granting an increase of pension to Thomas J. Spencer—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 14427) for the relief of Emaline Johns—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14428) granting an increase of pension to Elijah Johnson—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 14429) granting an increase of pension to Andrew La Forge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14430) granting a pension to James H. Seward—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 14431) for the relief of the heirs of James M. Hinton, deceased—to the Committee on War Claims.

By Mr. GILLESPIE: A bill (H. R. 14432) granting an increase of pension to John K. Whited—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 14433) granting an increase of pension to Louis H. Gien—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 14434) granting an increase of pension to Alexander C. M. Russell—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 14435) to refund internal-revenue taxes paid by owners of private dies—to the Committee on Claims.

Also, a bill (H. R. 14436) to refer the claims for the *Saugus* and *Napa* to the Court of Claims—to the Committee on War Claims.

Mr. HUGHES of West Virginia: A bill (H. R. 14437) granting an increase of pension to Daniel White—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 14438) granting an increase of pension to James Moore—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 14439) to remove the charge of desertion from the military record of George W. Towe—to the Committee on Military Affairs.

By Mr. LUCKING: A bill (H. R. 14440) granting a pension to Harriet E. Palmer—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 14441) granting an

increase of pension to Alexander Gaal—to the Committee on Pensions.

By Mr. MORRELL: A bill (H. R. 14442) for the relief of Barclay H. Warburton—to the Committee on Claims.

By Mr. OTJEN: A bill (H. R. 14443) granting a pension to Frank Osterberg—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 14444) granting an increase of pension to William A. Stovall—to the Committee on Pensions.

Also, a bill (H. R. 14445) for the relief of Alphonse Meuillon, of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14446) for the relief of Lucien Meuillon, of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14447) for the relief of the estate of James L. Pearce, deceased, late of Rapides Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14448) for the relief of the estate of Euphemie Lemelle, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14449) for the relief of the estate of Jean Baptiste Lazare, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14450) for the relief of the estate of Rigobert Lemelle, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14451) for the relief of the estate of Pierre Lement, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 14452) for the relief of the estate of Alexander Lemelle, deceased, late of St. Landry Parish, La.—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 14453) for the relief of the estate of William Flannigan, deceased, late of Pulaski County, Ark.—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 14454) for the relief of James B. Stuart—to the Committee on Pensions.

By Mr. SCUDDER: A bill (H. R. 14455) granting a pension to George A. Fanjoy—to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 14456) granting an increase of pension to Henry Lichty—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 14457) granting an increase of pension to Philander R. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14458) granting a pension to Nehemiah Ordway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14459) for the relief of Matilda Pearson—to the Committee on Claims.

Also, a bill (H. R. 14460) to correct the military record of Henry Brown—to the Committee on Military Affairs.

By Mr. TAWNEY: A bill (H. R. 14461) granting an increase of pension to Milton Selby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14462) granting an increase of pension to John Horstman—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 14463) to pay Mary L. Taylor for property taken during the war of the rebellion—to the Committee on War Claims.

By Mr. WATSON: A bill (H. R. 14464) granting a pension to Elizabeth B. Yount—to the Committee on Invalid Pensions.

By Mr. BRANDEGEE: A bill (H. R. 14465) to remove the charge of desertion against Baptiste Frenier—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of the T Square Club of Philadelphia, relative to the erection of public buildings on the Mall—to the Committee on Public Buildings and Grounds.

Also, petition of Philadelphia Chapter, American Institute of Architects, relative to the erection of Agricultural Department buildings on the Mall—to the Committee on Public Buildings and Grounds.

Also, resolution of the Philadelphia Board of Trade, in favor of bill S. 4505—to the Committee on Military Affairs.

Also, resolution of the Philadelphia Board of Trade, in favor of bill S. 2641—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the City Parks Association, of Philadelphia, in favor of the bill of Mr. POWERS of Massachusetts relative to the erection of buildings in Washington, D. C.—to the Committee on Public Buildings and Grounds.

Also, resolution of the Civic Club of Philadelphia, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. BADGER: Petition of the Bergen & Brady Company and others, of Columbus, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BAKER: Petition of the Bush Terminal Company, of New York, against the passage of bill S. 2259—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Brooklyn Council Labor Union, in favor of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

Also, resolution of the Building Trades Council of Aurora, Ill., in favor of reorganizing the Bureau of Labor—to the Committee on Labor.

By Mr. BOUTELL: Papers to accompany House bill granting increase of pension to Edith M. R. Brown—to the Committee on Pensions.

By Mr. BOWERSOCK: Memorial of the Fowler Packing Company, of Kansas City, in favor of bill H. R. 9050, to amend the customs drawback law—to the Committee on Ways and Means.

By Mr. BOWIE: Petition of J. T. Gardner and 110 others, of Anniston, Ala., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BURKETT: Paper to accompany H. J. Res. 95, relative to the status of the Nebraska militia who served during the civil war—to the Committee on Invalid Pensions.

Also, resolutions of Garfield Circle, No. 11, Department of Nebraska, Ladies of the Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of Cigar Makers' Union No. 276, of Plattsmouth, Nebr., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. CASTOR: Resolutions of the Philadelphia Board of Trade, in favor of bill S. 4505—to the Committee on Military Affairs.

Also, resolutions of the Philadelphia Board of Trade, in favor of bill S. 2641—to the Committee on the Merchant Marine and Fisheries.

By Mr. DANIELS: Papers to accompany bill to provide for the appropriation of the waters of the Colorado River for irrigation purposes—to the Committee on Irrigation of Arid Lands.

By Mr. DARRAGH: Resolution of William A. Kent Post, No. 83, Grand Army of the Republic, Department of Michigan, in favor of the service-pension bill—to the Committee on Invalid Pensions.

By Mr. DEGETAU: Resolution of the Ponce section of the Chamber of Commerce of Porto Rico, indorsing bill H. R. 7056, for the appointment of a commission to investigate in regard to the development of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. DRAPER: Memorial of the Citizens' Committee of San Miguel, Cal., relative to the purchase of an army training camp—to the Committee on Military Affairs.

By Mr. ESCH: Petition of J. A. Gorton and others, of Arcadia, Wis., in favor of the Tirrell bill against the sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of J. A. Gorton and others, of Arcadia, Wis., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Petition of Donald P. Hurlburt and 10 others, of Mendon, Vt., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of L. A. Williams and 11 others, of Rockford, Ill., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, memorial of the Citizens' Committee of San Miguel, Cal., in relation to the purchase of property for a military training camp—to the Committee on Military Affairs.

Also, memorial of the Chicago Historical Society, in favor of preserving the United States frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. HEDGE: Petition of C. B. Hamilton and 67 others, of Wellman, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HILDEBRANT: Petitions of Charles E. Thorne, director of the Ohio Agricultural Experiment Station; A. C. Baker, of Morrow, Ohio; J. F. Gordon, of Jamestown, Ohio, and W. M. Hardman, of Yellowsprings, Ohio, in favor of bill H. R. 8678—to the Committee on Agriculture.

Also, petition of General Force Circle, No. 47, Ladies of the Grand Army of the Republic, Department of Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HILL: Petition of the Woman's Christian Temperance Union of Plymouth, Conn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of citizens of Piute County, Utah, against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HUFF: Petition of N. P. Kerr and 356 members of Methodist Episcopal Church of Derry Station, Westmoreland

County, Pa., for the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Mount Chestnut Grange, No. 133, Patrons of Husbandry, in favor of a good-roads bill—to the Committee on Agriculture.

Also, resolutions of the Philadelphia Newspaper Publishers' Association and the Pittsburg Newspaper Publishers' Association, protesting against abridging the rights of rural mail carriers—to the Committee on the Post-Office and Post Roads.

Also, petition of the Civic Club of Philadelphia, in favor of fixing the width of the Mall vista at 890 feet—to the Committee on Public Buildings and Grounds.

Also, petition of the City Parks Association of Philadelphia, in favor of fixing the width of the Mall vista at 890 feet—to the Committee on Public Buildings and Grounds.

Also, petition of the T Square Club of Philadelphia, in favor of fixing the width of the Mall vista at 890 feet—to the Committee on Public Buildings and Grounds.

Also, petitions of B. F. Willis and others, of York, Pa.; Adin B. Lacey and others, of Philadelphia, Pa., and Theo. N. Ely, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of the Philadelphia Trades League, in favor of bill H. R. 1976—to the Committee on the Post-Office and Post-Roads.

By Mr. LAMAR of Missouri: Papers to accompany House bill granting a pension to Mary A. Wilder—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to William Neuborg—to the Committee on Invalid Pensions.

By Mr. LITTLE: Petition of W. J. Echols and others, of Fort Smith, Ark., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Resolution of H. S. Burnette Post, No. 278, Department of Michigan, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MORRELL: Petition of H. Kent Day, of Germantown, Pa., and Charles Z. Klander, in favor of bill S. 4845, relative to the erection of buildings on the Mall—to the Committee on Public Buildings and Grounds.

Also, resolution of the Philadelphia Board of Trade, in favor of bills H. R. 804 and S. 19, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. PATTERSON of Pennsylvania: Petitions from the City Parks Association, of Philadelphia; the Philadelphia Chapter of the American Institute of Architects; the T Square Club, of Philadelphia; the Civic Club of Philadelphia, and sundry citizens, favoring the preservation of the width of the Mall in the city of Washington at 890 feet—to the Committee on Public Buildings and Grounds.

By Mr. PUJO: Papers to accompany bill granting an increase of pension to William A. Stovall—to the Committee on Pensions.

By Mr. RIXEY: Petition of citizens of the county of Fauquier, Va., in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. ROBINSON of Indiana: Petition of Lodge No. 70 of the International Association of Machinists, of Fort Wayne, Ind., in favor of increasing the capacity of the Naval Gun Factory—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of the Citizens Committee of San Miguel, Cal., relative to the location of a military training camp in California—to the Committee on Military Affairs.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., in favor of bill H. R. 4668, for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Cattle Raisers' Association of Texas, in favor of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Mrs. Mary Stapp, president of the Woman's Christiam Temperance Union of Burnett, Tex.; A. A. Dudley and 25 others, of Fife, Tex.; James Finley and 13 others, of Waldrif, Tex.; J. H. Stapp and 26 others, of Burnett, Tex.; G. B. Awalt and 11 others, of McCulloch County, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Pennsylvania: Petition of the Marion Presbyterian Church, of Marion Center, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SMITH of Texas: Resolution of the Texas Cattle Raisers' Association, in favor of bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Paper to accompany bill granting an increase of pension to Henry Lichty—to the Committee on Invalid Pensions.

By Mr. TAWNEY: Paper to accompany bill granting an increase of pension to Milton Selby—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany claim of Mary L. Taylor—to the Committee on War Claims.

By Mr. WARNOCK: Petitions of J. C. Vergon and 349 others, Fay Zimmerman and 123 others, and Larkin Bowers and 23 others, all of Delaware County, Ohio, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Petition of citizens of Shawneetown, Ill., against the passage of the parcels-post bill—to the Committee on the Post-Offices and Post-Roads.

By Mr. ZENOR: Petitions of the Chair Makers' Union of Tell City, Ind., and the Stout & Wilson Furniture Company, of Salem, Ind., in favor of the enactment of bill H. R. 9302—to the Committee on Ways and Means.

SENATE.

SATURDAY, *March 26, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church South, of Saulsbury, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the trustees of the Presbyterian Church of Woodstock, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Bettie Brooks Metcalfe and the Fidelity Trust Company, administrator of Lucy Brooks Bell, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

A bill (S. 3015) to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania; and

A bill (S. 4142) granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa.

The message also announced that the House had passed a bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. MARSH, and Mr. TAYLOR managers at the conference on the part of the House.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 55) to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1904, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose; and it was thereupon signed by the President pro tempore.

MEMORIAL ADDRESSES ON THE LATE SENATOR HANNA.

Mr. FORAKER. Mr. President, a notice has been heretofore given that on Thursday, March 31, immediately after the routine

morning business, the Senate would be asked to consider resolutions commemorative of the life, character, and public services of the late Senator Hanna, of Ohio. On account of the inconvenience to some who desire to speak on the occasion growing out of that date being fixed, I now recall that notice and give notice that those resolutions will be presented to the Senate on Thursday, April 7, immediately after the routine morning business.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the Society of Christian Endeavor of Stockbridge, Mass., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Jamaica Plain, Melrose, and Westboro, and of the Indian Industrial League of Boston, all in the State of Massachusetts, praying that lands in several y be granted to landless Indians in northern California; which were referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Dorchester, Mass., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a petition of Local Union No. 9762, American Federation of Labor, of St. Johns, Ill., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Centennial Evangelical Church, of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of sundry citizens of Ohio County, W. Va., praying that lands be granted in severalty to the landless Indians of northern California; which was referred to the Committee on Indian Affairs.

Mr. BEVERIDGE presented a petition of S. W. Stirk Circle, No. 18, Department of Indiana, Ladies of the Grand Army of the Republic, of Fort Wayne, Ind., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Indianapolis Journal and the Indianapolis News, of Indianapolis, Ind., praying for the enactment of legislation to increase the salaries of rural free-delivery mail carriers, and also to prohibit them from soliciting subscriptions, selling wares, or making collections for pay for private concerns; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Landess, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Linnæan Society of New York City, remonstrating against the repeal of the law for the protection of game in Alaska; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Ladies' Missionary Society of Crossroads, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of Jefferson County, Ind., and a petition of Honey Creek Grange, No. 1, Patrons of Husbandry, of Vigo County, Ind., praying for the establishment of a bureau of public highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented a petition of the Building Trades Council of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Literary Club of Arlington, N. J., praying for the purchase of a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DRYDEN presented a petition of the Woman's Literary Club of Arlington, N. J., praying for the purchase of a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Local Union No. 37, General Ware Pressers, Brotherhood of Operative Potters, of Trenton, N. J., and a petition of the Building Trades Council of Trenton, N. J., praying for the passage of the so-called "eight-hour bill;" which were referred to the Committee on Education and Labor.

He also presented a petition of Thomas Cressey, of Newark, N. J., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was referred to the Committee on Appropriations.

He also presented a petition of the Middlesex County Board of Agriculture, of New Jersey, praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. HOPKINS presented memorials of Kohl Brothers, of Centralia; of S. M. Ryrie & Co., of Alton; of the Tenk Hardware Company, of Quincy; of Montgomery, Ward & Co., of Chicago; of the Cottrell Hardware Company, of Quincy, and of the Trout Hardware Company, of Chicago, all in the State of Illinois, remonstrating against the enactment of legislation relative to the shipping of so-called "high explosives;" which were referred to the Committee on Interstate Commerce.

Mr. BURROWS presented a petition of Triumph Grange, No. 518, Patrons of Husbandry, of Hersey, Mich., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Triumph Grange, No. 518, Patrons of Husbandry, of Hersey, Mich., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Bay County Medical Society, of Michigan, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Trades Labor Council of Sault Ste. Marie, Mich., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of H. S. Burnett Post, No. 278, Department of Michigan, Grand Army of the Republic, of Michigan, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Williamston, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the destruction of derelicts at sea; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of an amendment to the act to increase the efficiency of the permanent military establishment of the United States; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Lodge No. 141, Brotherhood of Boiler Makers and Iron-ship Builders, of Sayre, Pa., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented the petition of M. M. Patterson and 16 other citizens of Wilkinsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Patent Law Association of Chicago, Ill., remonstrating against the adoption of an amendment to section 493 of the Revised Statutes, in relation to patents; which was referred to the Committee on Patents.

He also presented petitions of the Municipal Art Society of Cincinnati, Ohio; of J. H. Pierce, of Elmira, N. Y.; of the Fine Arts Federation of New York City; of Frederick Skinner, of Chicago, Ill.; of Brinton B. Davis, of Louisville, Ky.; of D. Knickerbocker Boyd, of Philadelphia, Pa., and of sundry architects of the United States, praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. BAILEY presented petitions of sundry citizens of Vernon, Leander, Panhandle, Canadian, Hillsboro, Hamilton, Ladonia, and Terrell, all in the State of Texas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MCLAURIN presented sundry papers to accompany the bill (S. 4645) for the relief of the heirs of J. H. Peeples, deceased; which were referred to the Committee on Claims.

Mr. WARREN presented sundry papers to accompany the following bills; which were referred to the Committee on Claims:

A bill (S. 617) for the relief of the estate of John M. Hawkins;

A bill (S. 865) for the relief of the German Reformed Church of Middleton, Md.;

A bill (S. 1022) for the relief of James H. Knox;

A bill (S. 1142) for the relief of Caleb Perkins;
A bill (S. 1147) for the relief of Eliza L. Rivers;
A bill (S. 1181) for the relief of Mrs. C. V. Wilkins;
A bill (S. 1185) for the relief of the estate of R. T. Brown;
A bill (S. 1485) for the relief of Eugene Augustin Bourcy;
A bill (S. 2139) for the relief of Sarah E. Callahan;
A bill (S. 3670) for the relief of the estate of Richmond Pace;
A bill (S. 4521) for the relief of the heirs of Vernon H. Johnston, deceased;
A bill (S. 4535) for the relief of the estate of David Hurst, deceased;
A bill (S. 4564) for the relief of the estate of Mrs. D. J. Booth;
A bill (S. 4584) for the relief of John F. Byars;
A bill (S. 4701) for the relief of Mrs. Ann E. Sanders;
A bill (S. 4705) for the relief of the estate of Solomon Smith, deceased;
A bill (S. 4709) for the relief of the estate of James Jones, deceased;
A bill (S. 4728) for the relief of Jacob Cook;
A bill (S. 4729) for the relief of Mary E. Heller and estate of David Heller, deceased;
A bill (S. 4890) for the relief of Edward P. Thompson;
A bill (S. 4944) for the relief of W. F. Gaines;
A bill (S. 4951) for the relief of the estate of Isaac D. Yocum;
A bill (S. 4971) for the relief of the heirs of Adeliza Pickett Quays;
A bill (S. 4987) for the relief of the estate of Joseph Wilson;
A bill (S. 4989) for the relief of the estate of Sidney F. Tate;
A bill (S. 4991) for the relief of the estate of Elizabeth Thompson;
A bill (S. 4997) for the relief of the estate of C. E. Rosser;
A bill (S. 5003) for the relief of James R. Nance;
A bill (S. 5012) for the relief of Henrietta Y. Turner;
A bill (S. 5015) for the relief of Peter Williams;
A bill (S. 5017) for the relief of the Methodist Episcopal Church South, of Cleveland, Tenn.;
A bill (S. 5019) for the relief of Mrs. Octavia R. Polk;
A bill (S. 5089) for the relief of the estate of William B. Ott; and
A bill (S. 5090) for the relief of the estate of James L. Miller.

MAURICE LANGHORNE.

Mr. CULLOM. I present the affidavit of Maurice Langhorne in support of the bill (S. 668) for the relief of Maurice Langhorne. I move that the affidavit be printed as a document and referred to the Committee on Claims.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 3035) to amend an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5088) to aid the Western Alaska Construction Company, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4603) to modify the mining laws applicable to the district of Alaska, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. PLATT of New York on the 24th instant, proposing to appropriate $2,000,000 for the acquisition of a site for a post-office building in the city of New York, such site to be subject to the right of the Pennsylvania, New York and Long Island Railroad Company to use for platforms and trackage under a plane 20 feet below the curb line of the adjoining streets, etc., submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 4144) for the relief of John L. Smithmeyer and Paul J. Pelz, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 5093) for the protection of the President of the United States, and for other purposes, reported it without amendment.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 5265) granting an increase of pension to James Stout; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 5266) to remove the charge of desertion from the military record of Nicholas Larney; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FORAKER introduced a bill (S. 5267) granting an increase of pension to Mary Gamerdinger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5268) granting a pension to Henry Barr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5269) to authorize Mr. Herbert W. Bowen, minister of the United States to Venezuela, to accept a gift conferred upon him by the Shah of Persia; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. DRYDEN introduced a bill (S. 5270) granting an increase of pension to Ellen R. Ostrander; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5271) granting an increase of pension to Paul Diebitsch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 5272) granting a pension to George W. Walter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 5273) for the relief of the legal representatives of Eli Ayres, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5274) granting an increase of pension to Wilson E. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLARD introduced a bill (S. 5275) granting to the Akron, Sterling and Northern Railroad Company a right of way across the tide flats on the shore of Valdez Bay, Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 5276) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BARD introduced a bill (S. 5277) to promote further discovery and research in meteorology, and providing for the appointment of a board to consist of three members to examine and report upon a system of long-range weather forecasting, to provide prizes for an exposition of the physical basis of meteorology and the best system of forecasting based thereon and presented to said board, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BAILEY (by request) introduced a bill (S. 5278) for the relief of Gertrude O'Bannon, of Hunt County, Tex.; which was read twice by its title, and referred to the Committee on Claims.

Mr. McLAURIN introduced a bill (S. 5279) for the relief of the heirs of Thomas J. Babb, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5280) to prohibit judges from charging on the weight of evidence in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCREARY introduced a bill (S. 5281) for the relief of the Madison Female Institute, of Richmond, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5282) granting an increase of pension to William P. Vohn; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FORAKER submitted an amendment providing for the covering into classified civil service of the United States of all laborers or unclassified employees now in the public service of the United States who served in clerical or semiclerical positions in the public service of the United States or the public service of the District of Columbia during the Spanish-American war, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $250,000 to pay the Wales Island Packing Company for injury to the business and property of said company on Wales Island on account of the recent decision of the Alaskan Boundary Tribunal, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $150,000 for the protection of the harbor at Natchez, Miss., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. GIBSON submitted an amendment proposing to appropriate $4,000 for improving the Missouri River above the bridge at Fort Benton, Mont., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT TO CLAIMS BILL.

Mr. MCCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act."

INGERSOLL LIFEBOATS.

Mr. PROCTOR. Yesterday morning I submitted an amendment intended to be proposed to the sundry civil appropriation bill proposing to appropriate an additional sum of $50,000 for furnishing and equipping the United States revenue cutters with Ingersoll self righting and bailing lifeboats, to be propelled by oars and sails or by motor power, as the Department may decide, and a paper or two accompanied the amendment. I ask that they be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Vermont asks that there be printed as a Senate document the papers he sent to the desk yesterday.

Mr. PROCTOR. The papers were referred with the amendment to the Committee on Commerce.

The PRESIDENT pro tempore. The papers will be returned from the Committee on Commerce and be printed and be rereferred, if there be no objection. The Chair hears no objection to the request of the Senator from Vermont, and the order is made.

RECLAMATION SERVICE.

Mr. BARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That there be printed 100 copies of the letter of the Secretary of the Interior addressed to the chairman of the Senate Committee on Irrigation and dated March 15, 1904, reporting upon the organization of the reclamation service.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

The motion was agreed to.

Mr. ALLISON. I yield to the Senator from Louisiana [Mr. MCENERY] to call up a bill, if the bill is to lead to no debate.

H. GIBBES MORGAN AND OTHERS.

Mr. MCENERY. I ask unanimous consent that the bill (S. 4372) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico, be put upon its passage.

The Secretary read the bill.

Mr. KEAN. I should like to have the report read in that case. I do not oppose the bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report submitted by Mr. BARD, from the Committee on Public Lands, on the 16th instant.

Mr. KEAN. I do not think it is worth while to read the report further. I am perfectly satisfied with the bill. The remainder of the report can be printed in the RECORD.

The PRESIDENT pro tempore. It will be printed in the RECORD.

The report is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 4372) for the relief of H. Gibbes Morgan and other co-owners of Cat Island, in the Gulf of Mexico, submit the following report thereon:

The bill is identical with bill S. 6401, as amended and reported by this committee in the second session of the Fifty-seventh Congress, and is intended to confirm to the legal representatives of Juan de Quevas a part of Cat Island, in the State of Mississippi, situate on the southerly side of the westerly part of the Mississippi Sound.

It appears from the report No. 2 (dated January 15, 1829), to the Commissioner of the General Land Office, by the register and the receiver at Jackson Court House, acting as land commissioners under authority of the act of May, 1822 (ch. 128), entitled "An act supplemental to the several acts for adjusting the claims and titles to lands and establishing land offices in the district east of the island of New Orleans," that the claim of Juan de Quevas was founded on an original Spanish permit to Nicholas Christian, granted on August 1, 1781, by Manuel de Lousas, the commandant at Mobile, for the whole of the lands of Cat Island, the quantity being unknown, and that the inhabitation and cultivation thereof extended from 1768 to 1828. This report of the Commissioner's is found in Gales & Seaton's edition of the American State Papers, Volume V, page 321, dated January 15, 1829.

The report also contains the following statement:

"Claim No. 1, designated as Cat Island, contain(s) $2,078\frac{1}{100}$ acres, most of which are unfit for cultivation. The permit on which this claim is founded calls for the whole island. From the long and continued inhabitation and cultivation it would seem that the claimant ought to be entitled to the whole island, if the laws, usages, and customs of the Spanish Government would warrant such an opinion."

This claim, with others of the same character, was approved by the Commissioners by the first section of the act of Congress approved May 28, 1830 (vol. 4, Stat. L., 408), as follows:

"That all the claims to lands reported by the register and receiver of the land office for the district of Jackson Court House, in the State of Mississippi, under the provisions of the act of Congress approved on the 24th day of May, 1828, entitled 'An act supplementary to the several acts providing for the adjustment of land claims in the State of Mississippi,' as founded on any order of survey, requette, permission to settle, or other written evidence of claim derived from the Spanish authorities, which ought, in the opinion of the said register and receiver, to be confirmed, and which, by the said reports appear to be derived from the Spanish Government prior to the 20th of December, 1803, and the land claimed to have been cultivated and inhabited on or before that day, shall be confirmed in the same manner as if the title had been completed: *Provided*, That in all such claims, where the plat and certificate of survey, made prior to the 15th day of April, 1813, under the authority of the Spanish Government, in pursuance of such claim, has not been filed with the said register and receiver, such claim shall not be confirmed to any one person for more than 1,280 acres; and that for all the other claims comprised in the reports as aforesaid, and which ought, in the opinion of the register and receiver, to be confirmed, the claimant to such land shall be entitled to a grant therefor, as a donation, not to exceed 1,280 acres to any one person, etc."

The act was construed by the Land Department to limit the claim of Cuevas to 1,280 acres only, and was surveyed to embrace that quantity on the western part of the island. Such survey was approved August 11, 1832, by the surveyor-general, and patent was issued according to such survey on February 23, 1882.

Before the survey was confirmed John Quavre, of Hancock County, Miss., and Mary Quavre, his wife, by deed dated November 22, 1830, granted, bargained, and sold to the United States for the consideration of $75 a parcel of land, particularly described by metes and bounds on the west point of Cat Island, and containing 1 acre, for light-house purposes. A light-house was soon afterwards erected on this site by the Government.

On August 30, 1847, an Executive order was issued, reserving for military purposes, with other lands, "all that part of Cat Island now owned by the Government." (See letter of Secretary of the Treasury, September 1, 1847, No. 19458; also Commissioner's instructions to register and receiver at Augusta, September 8, 1847, and letters to register and receiver, Augusta, Miss., June 11, 1852.)

On October 25, 1895, the President approved the recommendation of the Secretary of War that "all that portion of Cat Island, Mississippi, which was reserved by Executive order of August 30, 1847, except that portion which lies between a north and south line 1,000 feet to the east of the easternmost corner of Cat Island light-house and the westerly part of the island," be placed under the control of the Secretary of the Interior for disposition under the act of July 5, 1884, "these lands having become useless for military purposes, but the excepted portions are required by the Treasury Department for light-house purposes."

And, on November 13, 1895, orders of the War Department, declaring "that said lands were turned over to the Secretary of the Interior for disposition as provided by law, the same being no longer required for military purposes," were published for the information and notice of all concerned.

The excepted tract of land described in the Executive order of October 25, 1895, included the parcel of 1 acre conveyed by Cuevas and his wife to the United States, and other adjoining lands on either side of the 1-acre tract which had been patented to Cuevas. In the letter of January 8, 1896, referred to as letter "E," from the Commissioner of the General Land Office to the Secretary of the Interior, he states:

"From formal inquiry at the office of the Light-House Board I am advised that the land needed for the reservation on Cat Island is situated on the western end of the island along the limits of the private grant of 1,280 acres confirmed to Juan Cuevas under act of Congress approved May 28, 1830 (4 Stats., 408), and that the site for the light-house thereon was purchased from the owner of the private grant in 1830 by the Government. Therefore if any additional land adjacent to this purchase is needed by the Light-House Board it would seem that it could only be acquired by purchase from the owner thereof."

On the report of the engineer and inspector of the eighth light-house district, dated May 12, 1900, it is stated that—

"The island is gradually washing out at the west until at an average tide the reservation is covered by 1½ feet of water. The light-house is built on screw piles now standing in the water, and as the land adjacent to it is owned by private parties it would, if desired, have to be purchased from them, and there is no necessity for any additional reservation, the present site in the water being considered sufficient."

Notwithstanding such statement, your committee believe that there will be no injustice in requiring that the claimants shall convey to the United States the additional land which was deemed necessary for the purposes of a light-house and attempted to be reserved by the Executive order of October 25, 1895. It is evident from the description of the site, which is now covered, at an average tide, by 1½ feet of water, that the adjoining lands can be of little value.

It appears that no action has been taken by the Department of the Interior under the act of July 5, 1884, to dispose of the lands turned over to it by the War Department, and therefore Congress is free to deal with the matter as if the claim had been presented for the first time.

The Commissioner of the General Land Office, in his letter of December 23, 1902, to the Secretary of the Interior, in relation to a bill referred to this committee in the Fifty-seventh Congress, second session (S. 6491), "for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico," reports, after stating the history of the title, as follows:

"It appears from letters on file in this Office that the claimant, Cuevas, sold the entire island under the conscientious belief that he was the owner of the same, and upon examination of the report of the register and receiver on the private claim of Cuevas, together with the act of Congress by which the claim was confirmed, it would seem that the entire island was confirmed to Cuevas.

"I can not find that the matter has ever been fully discussed or considered by this Office or by the Department, though the lands having been reserved for military purposes, as above stated, the island has been the subject of several communications from this Office to the Department, in all of which it seems to have been taken for granted, as a matter of course, that only 1,280 acres of the land were granted by the confirmatory act.

* * * * * * * *

"Reference to the report shows that the claim of Juan de Cuevas embraced Cat Island; that the area was not known; that the date of the claim was 1781; that the inhabitation was from 1768 to 1828; that there was no survey, and that it was founded on written evidence of title (Spanish permit), and was recommended for confirmation by the register and receiver. The confirmatory act first declares that claims such as this be confirmed in same manner as if title had been complete. The act then proceeds to limit the confirmation of certain claims to 1,280 acres, but there is no indication that the limitation was intended for the claim of Cuevas, and were the matter now for the first time presented for the consideration of this Office I would be inclined to hold that the whole of the island was confirmed to him, but this view of the case does not seem to have been heretofore adopted, since patent was issued by the Government to embrace only a part of the island, and the amount of the land conveyed by it was limited in express words to 1,280 acres. Not only this, but the Government has since issuance of the

patent continuously asserted title to the remainder of the island by holding it in reservation until it was turned over to this Department by Executive order of 1895, to be disposed of under act of July 5, 1884 (23 Stat L., 103).

"Inasmuch as the proposed legislation is intended to confirm the title in Cat Island to Cuevas and his assignees or transferees, I see no objection to so doing, as it appears to have been the intention to confirm said claim by the act of May 28, 1830."

Your committee concur in the statement and opinion of the Commissioner of the General Land Office above quoted. The original title, based upon the Spanish permit, was for the whole of Cat Island. The report of the register and receiver, acting as commissioners, expressly stated that the permit, on which this claim is founded, calls for the whole island and contains 2,078$\frac{1}{100}$ acres; and that in view of the long and continued inhabitation and cultivation it would seem that the claimant ought to be entitled to the whole island. From the circumstance that the island is mostly unfit for cultivation, and that the lands have never been required for settlement, there is no considerable value involved in the question whether the United States should recognize the right of the claimants to the remainder of the island.

Therefore your committee recommend that the bill be amended as follows:

On page 2 strike out the word "is," at the beginning of line 5, and all that follows down to and including the word "lies," in line 7, and insert in lieu thereof the following, to wit: "is upon condition that the legal representatives of said Juan Cuevas claiming the same through or under him shall convey to the United States, by good and sufficient deed, all that portion of Cat Island described as an excepted part thereof in Executive order of October 25, 1895, and lying."

And your committee recommend that the bill do pass with amendment as aforesaid.

The PRESIDENT pro tempore. Is there object to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 8, after the words "Cat Island," to strike out:

is subject to the reservation made under Executive order of October 25, 1895, reserving that portion of said Cat Island which lies.

And in lieu thereof to insert:

is upon condition that the legal representatives of said Juan Cuevas claiming the same through or under him shall convey to the United States, by good and sufficient deed, all that portion of Cat Island described as an excepted part thereof in Executive order of October 25, 1895, and lying.

So as to make the bill read:

Be it enacted, etc., That the claim of Juan Cuevas, otherwise called Juan de Cuevas, John Quaive, or Quaivie, under the permit from the Spanish commandant at Mobile, dated August 1, 1781, to Cat Island, in the Gulf of Mexico, in its entirety, except as to the lands hereinafter described, be, and the same is hereby, confirmed in him and his legal representatives claiming the same through and under him, the said Cuevas, and that a patent issue accordingly in the name of said original claimant: *Provided, however*, That nothing in this act contained shall in any manner impair the right or title of the Government in or to that portion of said Cat Island to which the Government obtained title by deed from John and Mary Cuevas November 22, 1830, and on which Cat Island light-house is now situated: and this confirmation of said claim or title of said Cuevas or his legal representatives to said Cat Island is upon condition that the legal representatives of said Juan Cuevas claiming the same through or under him shall convey to the United States, by good and sufficient deed, all that portion of Cat Island described as an excepted part thereof in Executive order of October 25, 1895, and lying between a north and south line 1,000 feet to the east of the easternmost corner of Cat Island light-house and the western part of the island.

SEC. 2. That this act take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

FORTIFICATIONS APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12446) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments and agree to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. PERKINS, Mr. WARREN, and Mr. DANIEL were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

The Secretary resumed the reading of the bill on page 41, line 12.

The next amendment of the Committee on Appropriations was, under the head of "Washington Aqueduct," on page 41, after line 16, to insert:

For preliminary surveys for additional conduit from Great Falls, $8,000.

The amendment was agreed to.

The next amendment was, under the head of "Rock Creek Park," on page 42, line 4, before the word "thousand," to strike out "twelve" and insert "fifteen;" and in the same line, after the word "dollars," to insert:

And the board of control is hereby authorized to accept dedications of land for the purpose of adding to said park, without expense to the United States or the District of Columbia, and such land, when accepted, shall become a part of said park and be under the jurisdiction of the said board of control.

So as to make the clause read:

For care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, $15,000; and the board of control is hereby authorized to accept dedications of land for the purpose of adding to said park, without expense to the United States or the District of Columbia, and such land, when accepted, shall become a part of said park and be under the jurisdiction of the said board of control.

The amendment was agreed to.

The next amendment was, under the head of "Public schools," on page 43, line 25, after the word "teachers," to insert "director of cooking, director of sewing;" and on page 44, line 2, before the word "in," to strike out "thirty-two" and insert "thirty-four;" so as to make the clause read:

For assistant director of drawing, two teachers of manual training, two normal training teachers, instructor in shop work, assistant instructor in ironwork, instructor in free-hand drawing, fourteen high school teachers, director of cooking, director of sewing, and ten principals of buildings, thirty-four in all, at $1,200 each.

The amendment was agreed to.

The next amendment was, in the items for public schools under the subhead "Teachers," on page 44, line 5, after the word "and," to strike out "sixteen" and insert "fourteen;" so as to read:

For one hundred and fourteen, at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 45, line 6, to increase the total appropriation for officers and teachers of the public schools from $19,850 to $20,250.

The amendment was agreed to.

The next amendment was, on page 45, line 15, after the word "pupils," to strike out "not over 21 years of age;" so as to make the clause read:

For night schools for pupils, and teachers of night schools may also be teachers in the day schools, $8,000.

The amendment was agreed to.

The next amendment was, on page 45, line 19, after the word "schools," to insert "including material for industrial instruction;" and in line 20, before the word "dollars," to strike out "five hundred" and insert "seven hundred and fifty;" so as to make the clause read:

For contingent and other necessary expenses of night schools, including material for industrial instruction, $750.

The amendment was agreed to.

The next amendment was, on page 45, line 21, after the word "instruction," to insert "including supplies;" and in line 22, before the word "dollars," to strike out "thirty-five thousand" and insert "forty-three thousand six hundred;" so as to make the clause read:

For kindergarten instruction, including supplies, $43,600.

The amendment was agreed to.

The next amendment was, on page 47, line 6, to change the spelling of the name "Wheatly" to "Wheatley;" and in line 7, to change the spelling of the name "Wormly" to "Wormley."

The amendment was agreed to.

The reading was continued to line 15 on page 47.

Mr. ALLISON. On page 47, line 14, I move to strike out "northeast" and insert "southeast;" so as to read: "Seventh and G streets southeast."

The amendment was agreed to.

The next amendment was, on page 47, after line 17, to insert:

Of the Bunker Hill, Conduit Road, Chain Bridge Road, Military Road, Ivy City, and Burrville buildings, six in all, at $96 each.

The amendment was agreed to.

The next amendment was, on page 48, after line 8, to insert:

For one cabinetmaker for repairing school furniture, $900.

The amendment was agreed to.

The next amendment was, on page 48, line 12, to increase the appropriation for janitors and care of buildings and grounds from $87,460 to $88,936.

The amendment was agreed to.

The next amendment was, on page 49, line 2, to increase the appropriation for repairs and improvements to school buildings and grounds from $55,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 49, line 4, to increase the

appropriation for necessary repairs to and changes in plumbing in existing school buildings from $25,000 to $35,000.

The amendment was agreed to.

The reading was continued to line 11 on page 49.

Mr. ALLISON. In line 9 on page 49, after the word "material," I move to insert "stationery, printing;" so as to read:

For the purchase and repair of tools, machinery, material, stationery, printing, and books, etc.

The amendment was agreed to.

The next amendment was, on page 49, line 19, after the word "furniture," to insert "and repairs of same;" in line 21, before the word "purchase," to insert "expenses of lectures to teachers;" in line 24, before the word "thousand," to strike out "thirty-five" and insert "forty;" and on page 50, line 2, after the word "cadets," to insert "of the District of Columbia;" so as to make the clause read:

For contingent expenses, including furniture and repairs of same, books, books of reference, and periodicals, stationery, printing, ice, expenses of lectures to teachers, purchase and repair of equipments for high school cadets, and other necessary items not otherwise provided for, including livery of horse for the superintendent, $40,000: *Provided*, That arms authorized to be issued by the War Department to high school cadets of the District of Columbia shall hereafter be issued without requiring that the same shall be insured from loss by fire.

The amendment was agreed to.

The next amendment was, on page 50, after line 4, to insert:

For free evening lectures to be given in the public school buildings or such halls as may be designated under rules and regulations of the board of education, $1,500.

The amendment was agreed to.

The next amendment was, on page 50, line 11, to increase the appropriation for purchase of pianos for school buildings, at an average cost not to exceed $225 each, from $2,500 to $3,500.

The amendment was agreed to.

The next amendment was, on page 51, line 5, after the word "dollars," to strike out the following proviso:

Provided, That the money herein appropriated shall be subject to the same limitations as to telephone rates as hereinbefore provided under the electrical department.

The amendment was agreed to.

The next amendment was, on page 51, after line 20, to insert:

For site and toward the construction of one eight-room building, first division, to relieve the Johnson and Hubbard schools, $30,000; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed $60,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

For the purchase of the two lots adjoining the Magruder School building on the east, to provide a playground for the children of the Magruder and Sumner schools, $9,713.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to insert:

For purchase of lot adjoining McKinley Manual Training School on the south, $5,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 8, to insert:

For purchase of lot 25, square 553, adjoining Armstrong Manual Training School, as a site for the erection of an addition to said school, $3,933.

The amendment was agreed to.

The next amendment was, on page 52, after line 12, to insert:

That any unexpended balance of the appropriation for the four-room addition to the Takoma school made in the District appropriation act for the fiscal year 1904 shall be available for the purchase of additional land for a site for said school.

The amendment was agreed to.

The next amendment was, under the head of "For Metropolitan police," on page 54, line 6, before the word "dollars," to strike out "seven hundred and twenty" and insert "eight hundred and forty;" so as to read:

Two clerks, at $840 each; four surgeons of the police and fire departments, at $540 each, etc.

The amendment was agreed to.

The next amendment was, on page 54, line 13, to increase the number of sergeants at $1,140 each from thirty-five to forty.

The amendment was agreed to.

The next amendment was, on page 55, line 4, to increase the total appropriation for Metropolitan police from $763,540 to $769,480.

The amendment was agreed to.

The next amendment was, on page 55, line 21, to increase the appropriation for miscellaneous and contingent expenses, including the purchase of new wagons, etc., for the police department, from $30,000 to $"5,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 12, to insert:

For converting old morgue attached to sixth precinct station into a stable for horses, $765.

The amendment was agreed to.

The next amendment was, on page 56, line 16, to increase the total appropriation for miscellaneous and contingent expenses of the police department from $42,505 to $48,210.

The amendment was agreed to.

The next amendment was, on page 57, line 1, after the word "otherwise," to insert "including $120 additional yearly compensation to the person acting as superintendent of the house of detention:" and in line 4, before the word "dollars," to strike out "nine thousand" and insert "eleven thousand five hundred;" so as to make the clause read:

House of detention: To enable the Commissioners of the District of Columbia to provide transportation and a suitable place for the reception, transportation, and detention of the children under 17 years of age, and, in the discretion of the Commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including $120 additional yearly compensation to the person acting as superintendent of the house of detention, $11,500, or so much thereof as may be necessary: *Provided*, That all such persons held or detained under public authority prior to the adjudication of cases in which they may be involved shall be held at the place so provided.

The amendment was agreed to.

The next amendment was, under the head of "For the fire department," on page 57, line 17, to increase the appropriation for the salary of the fire marshal of the District from $1,200 to $1,600.

The amendment was agreed to.

The next amendment was, on page 58, line 2, to increase the total appropriation for the fire department from $298,720 to $299,120.

The amendment was agreed to.

The next amendment was, on page 58, line 8, to increase the appropriation for repairs to apparatus and for new apparatus and new appliances from $7,500 to $9,000.

The amendment was agreed to.

The next amendment was, on page 58, line 18, to increase the appropriation for contingent expenses, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, etc., of the fire department from $14,000 to $16,000.

The amendment was agreed to.

The next amendment was, on page 58, line 19, to increase the total appropriation for miscellaneous expenses of the fire department from $77,860 to $81,360.

The amendment was agreed to.

The next amendment was, at the top of page 59, to insert:

For house and furniture for a chemical engine company, to be located on land to be donated to the District, near Benning, D. C., including cost of connecting said house with fire-alarm headquarters, $23,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 5, to insert:

For construction, under the direction of the Commissioners of the District, of a fire boat, $53,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 10, to insert:

For one-third size steam fire engine, $5,200.

Mr. McCOMAS. I should like to ask the Senator from Iowa whether we have anywhere in the bill made provision for any greater water pressure for putting out fires? There was some effort made to provide for a greater pressure.

Mr. ALLISON. I will state to the Senator that the committee considered that question very fully, and decided that at this session it would not be wise to enter upon what is known as the "high-pressure system," it requiring for its completion $750,000. In this bill the committee added, as the Senator will see from the amendments, a considerable addition to fire protection, especially the provision just disposed of for constructing a fire boat.

Mr. McCOMAS. That is a very necessary provision.

Mr. President, I know the bill is large and the revenue is insufficient to meet all the estimates, but the recent calamity in my own State, in Baltimore, seems to be very persuasive that before long there should be an effort in this city to obtain high water pressure for fire. Because of the wide streets and avenues, the terrible calamity which came upon Baltimore is less li ely to occur here; but the same thing may occur at any time, and the long delay of the introduction of a system of high water pressure is a dangerous delay while it lasts.

I appreciate the trouble so far as the revenues are concerned; but there are few things more urgent, after the recent experience only 40 miles away, than that we should have in this city a proper pressure to resist fire by the application of water. The fire department of this city is surely not large in proportion to the area of the city, and not quite large enough in proportion to the population.

I hope that the revenues will permit next year the very wise and fully informed Senator from Iowa and his committee to take up the important subject of high water pressure, and that there will not then be any objection to it.

Mr. HOAR. Mr. President, I do not like to meddle with a matter about which I know but little; but I came to the Senate one morning within the past six weeks and was informed by a very

high official of the Government that if a fire were to break out that day in the part of the city, or in this Capitol, the condition of things was such that there would be no adequate water supply to put it out. I have no doubt that the person who made that statement to me was well informed. Whether the high pressure should be on the aqueduct or on the committee I do not undertake to say, but I will add, in justice to the committee, that I presume no pressure on them would be needed.

Mr. ALLISON. Mr. President, the desire for high water pressure service was not urged on the committee largely until after the recent fire in Baltimore. In looking that matter up, we found that there had been no specific estimate made for this high-pressure system, and it did not seem to be in position for the committee to act on the question at this moment. If, however, it had been in such position, with the other necessary things provided for in this bill, we decided that it was inopportune to begin that work at this time.

I do not know at what particular date the Senator from Massachusetts [Mr. HOAR] had the interview to which he refers. It may have been some very cold morning when there was some difficulty in connection with the water department. I am satisfied that we have a very good supply of water at this time. The difficulty, perhaps, is with the size of the pipes with which the water is distributed. An improvement in that respect must undoubtedly be very soon undertaken; but I think it is not so pressing as to be required in this bill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 59, after line 20, to insert:

For one 65-foot aerial hook-and-ladder truck, $3,700.

The amendment was agreed to.

The next amendment was, on page 59, line 24, to increase the total appropriation for increase in the fire department from $38,300 to $133,200.

The amendment was agreed to.

The next amendment was, under the head of "Health department," on page 60, line 4, to increase the number of sanitary and food inspectors at $1,200 each from "six" to "thirteen."

The amendment was agreed to.

The reading of the bill was resumed.

Mr. STEWART. I move to reconsider the vote by which the amendment on page 60, line 4, in reference to the health department of this District, was agreed to.

Mr. ALLISON. The Senator from Nevada desires to call attention to the amendment on page 60, in line 4, to which he refers. The Senator was engaged for a moment and did not observe that the amendment was being acted upon. I hope he may have the opportunity to make what remarks he wishes to make on the subject, and that the amendment may be considered as still open.

The PRESIDENT pro tempore. The Chair did not understand to which amendment the Senator from Nevada referred.

Mr. LODGE. The amendment is on page 60, line 4, changing the sanitary food inspectors from six to thirteen. I understand the Senator from Nevada desires to have the vote by which the amendment was adopted reconsidered.

Mr. ALLISON. That may be done by unanimous consent.

The PRESIDENT pro tempore. Without objection, the amendment will be regarded as open.

Mr. LODGE. Yes; that it be regarded as still open.

Mr. STEWART. Mr. President, the health department is more important to the health and happiness of the people of this District than any other department under the District government. I am sorry to say it, but I feel bound to give my opinion thereon, that the health department is the worst managed of any department that I have ever heard of.

With regard to milk, meats, etc., it is——

Mr. ALDRICH. Will the Senator allow me to ask him to what particular part of this provision he is addressing his remarks?

Mr. STEWART. I am addressing myself, in the first instance, to this whole provision for the health department, and to the subject generally. I do not think it is well provided for. I do not know that I can offer an amendment that will provide for it, but the department ought to be entirely reorganized.

The Appropriations Committee has reported to increase the number of inspectors by seven over the number provided for in the bill as it came from the House and under the present organization I think there were too many provided for in the House bill.

The health officer is paid $3,500 a year. Such an amount of money ought to be sufficient to get a competent person to attend to the duties of the office, but I am sorry to say we have no such person there. He does not attend to his legitimate duties, but devotes his time to drafting bills for Congress to reject.

Mr. SPOONER. Who is the health officer?

Mr. STEWART. Mr. Woodward.

So far as the inspection of milk and meat is concerned, I have been led to investigate that matter personally. In regard to the inspection of meat, I offered a resolution of inquiry some time ago. As the resolution is short, as are the responses to it, I should like to have the document read, so that the Senate may see what sort of a man the health officer is.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 14, 1904.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith the accompanying communication from the health officer of the District of Columbia and its inclosures as their response to the following resolution in the Senate:

IN THE SENATE OF THE UNITED STATES,
March 3, 1904.

Resolved, That the Commissioners of the District of Columbia report to the Senate what inspection is made of meat, poultry, game, fish, and oysters imported into the District of Columbia in cold-storage or refrigerator cars, giving details of when, where, and the manner of such inspection.

Attest:

CHARLES G. BENNETT, *Secretary.*

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, March 10, 1904.

GENTLEMEN: In response to the accompanying resolution of the United States Senate, passed on March 3, 1904, I have the honor to submit the inclosed copies of reports made by the food inspectors and by the inspector of marine products relative to the inspection of meat, poultry, game, fish, and oysters brought into the District of Columbia in cold-storage or refrigerator cars.

Respectfully,

WM. C. WOODWARD, M. D.,
Health Officer.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, March 5, 1904.

DEAR SIR: Referring to the resolution passed by the Senate on the 3d instant, calling for information concerning "what inspection is made of meat, poultry, game, fish, and oysters imported into the District of Columbia in cold-storage or refrigerator cars," we have the honor to report as follows concerning the inspection of such articles:

Meats shipped to this city in refrigerator or cold-storage cars are unloaded at a very early hour in the morning and are taken directly to the wholesale houses to which they are consigned. At an early hour in the morning we visit these establishments and inspect, by smelling and handling each and every carcass, the meat just arrived, and oftentimes while it is being unloaded from the wagons, in order that it may be thoroughly examined before it is distributed to the retail dealers. It is deemed more practicable to inspect the meats in the manner stated above in view of the way in which the meats are packed in the cars, and also in view of the fact that no meats are sold until they have been received and recorded at the wholesale houses.

With reference to the inspection of poultry, game, fish, and oysters we would state that such articles are brought to this city in refrigerator cars, packed in boxes or barrels, rendering it quite impracticable to give them a thorough inspection in the cars. These goods are consigned to wholesale and commission houses, where they are unpacked and placed in their cold-storage rooms. We visit these wholesale and commission houses early every day and examine these goods, by handling and closely scrutinizing the same, before they are offered for sale. No inspections are made in the cars themselves.

Besides the above we might add that we visit all the cold-storage and refrigerator rooms of the Center Market every day in order to keep in touch with any of the above-mentioned goods that may have been stored there.

The articles of food mentioned above, together with all other articles of food, are daily examined in the various markets and market stores of the city.

Respectfully,

J. R. MOTHERSHEAD,
THOMAS CAVANAUGH,
W. H. H. HOOVER,
Food Inspectors.

Dr. WILLIAM C. WOODWARD,
Health Officer.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, March 7, 1904.

SIR: In reply to the Senate resolution of March 3, 1904, inquiring what inspection is made of meat, poultry, game, fish, and oysters in the District of Columbia in cold-storage or refrigerator cars, I have the honor to present the following special report relative to the inspection of fish, oysters, etc., which arrive at the different wharves in this city:

The condition of these products is determined by their general appearance and odor, and they are passed or condemned, as the case requires. None of said products are inspected by me while in cold-storage or in refrigerator cars. At times, however, some frozen fish, shipped from the North, reach the wharves, where they are duly inspected as described before. Some of these fish are sold in a frozen state. I make no inspections of meat, poultry, and game.

Respectfully submitted.

GWYNN HARRIS,
Inspector of Marine Products.

WILLIAM C. WOODWARD, M. D.,
Health Officer.

Mr. STEWART. The very reading of that communication shows that there is no investigation about these things which amounts to anything. We do not know whether these examiners are competent or not. They are appointed by the Commissioners on the recommendation of the health officer.

There is very much danger of ptomaine poisoning in the use of these products——

Mr. ALDRICH. Will the Senator allow me to ask him a question, or to ask the chairman of the committee a question?

Mr. STEWART. Yes.

Mr. ALDRICH. As to the sanitary and food inspectors provided for in this paragraph now under consideration——

Mr. STEWART. I will come to that in a moment.

Mr. ALDRICH. I was going to ask whether there is any law which regulates their duties?

Mr. STEWART. The health officer insists upon being a law unto himself.

Mr. ALDRICH. Is there no provision of law regulating the matter?

Mr. STEWART. I am coming to that point. I want to deal with the other matter first.

Most of the beef consumed in this country is killed in Chicago—thousands of head a day. The price of beef on the hoof never was as low as now, and the price of meat never so high. This cold-storage meat is very dangerous. Last July I bought a very fine-looking quarter of beef from the Armour Company, from cold storage. I took it up to my place at Ashburn, had it cooked and made into sandwiches to give some people lunch who were there attending a sale. After they ate it they complained of feeling ill, and about thirty-five or forty of them got very sick. We got all the doctors there were in that section of the country, who sat up with those sick people all night. Some were sick for but a day and some of them did not get over it for a week.

There was great excitement, the people believing there had been poison put in the meat. It was suggested that some colored people had committed the deed. There was one colored boy who had been left with it while the others were at lunch. I knew that, but I told my man in charge not to let that be known, because the people would have hanged him immediately. They were so much excited that they would take it for granted that the colored boy must be guilty. I took specimens of the meat over to the Agricultural Department and to other places and had it analyzed, and they told me that it contained ptomaine poison.

I will read from the dictionary what ptomaine poisoning is. The Standard Dictionary gives the following definition:

> Ptomaine: An alkaloid, usually poisonous, derived from decomposing or putrefying animal matter; also, in the usage of some writers, one of the similar alkaloids produced by disease germs in the living body.

The decaying of animal matter produces this poison. When we reflect that practically all the beef is killed in one place, kept for months, and then sent over the country, we must know that it is very liable to be affected in that way, and that it probably is. I do not believe that there is a first-class hotel in this city buying this beef that does not injure the health of its patrons.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. What sort of an inspection of meat would the Senator deem adequate? Would an eyes-and-nose inspection be sufficient?

Mr. STEWART. An eyes-and-nose inspection will amount to nothing if another thing is done to the meat—I do not know that it is done; I do not charge it, but it is urged, and it is very natural that it should be done—namely, the putting of formaldehyde into it. It is said they put it in when the animals are killed—when they pile the carcasses up—and they may lay for a year or two in cold storage. In a case of that kind, the appearance will be all right and the smell would not be bad, but the meat would be poisonous.

I do not know about this myself, but I have been told by butchers and experts that the use of formaldehyde is general, so that the meat is preserved from decay. They say, and probably it is correct, that all the meat is kept for a long time frozen, and when it is thawed out and the air comes to it, it decays very rapidly. To prevent that rapid decay the preservative is put in.

Mr. SPOONER. I should like to ask a question, if the Senator will permit me.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. STEWART. Certainly.

Mr. SPOONER. I only ask for information; I have never examined this question; but I inquire of the Senator how these food inspectors are appointed?

Mr. STEWART. They are appointed by the Commissioners on the recommendation of the health officer.

Mr. SPOONER. Under a civil-service examination?

Mr. STEWART. No.

Mr. SPOONER. Does the Senator know the sort of examination to which they are subjected?

Mr. STEWART. I do not think they are given much of an examination.

I am coming to another part of the subject now. I happen to have a good deal of knowledge in regard to the milk inspection. In regard to that service I have for the last five or six years tried to help the health officer to get more inspectors. As the Senator from Missouri [Mr. COCKRELL] reminded me the other day, I have appeared before the Appropriations Committee and asked for more inspectors in order that the milk might be properly inspected.

The provision of this law was drawn by the health officer, and all the laws in regard to this matter are drawn by him. At present the milk is not inspected. The health officer at first said there were four or five hundred places where no inspection is had and the other day before the House Committee on the District of Columbia he said there are two thousand places in the District of Columbia where milk is sold where it can not be inspected under the law. There is no law to inspect such milk. The law that was passed by Congress only provided that dairies should be inspected. The police court holds that a place is not a dairy unless the selling of milk is its principal business. So the great mass of places where milk is sold are not inspected at all.

Then there are places about the town and near by in the suburbs where there are from 250 to 500 cows kept. The milk drivers gather the milk from those cows and bring it into the city, and that milk is not inspected at all. Milk can not be inspected in stores, groceries, and saloons. It can be brought to those places and sold, and there is no inspection provided for the milk so sold. Tuberculose cows may be kept right in the city here and their milk sold without inspection.

Then there is another matter which needs particular care. Milk is sent here from the country outside with material in it to preserve it. Formaldehyde, which is a rank poison, is put in it. This milk is seldom inspected. There is not sufficient force to do it. Not one in a thousand cases is examined, because there are no inspectors to do it. They can put in a composition of lime and sugar to thicken the milk and cream without any detrimental effect, if they do not put in too much. Professor Babcock, of the University of Wisconsin, a great institution, has recommended it in certain cases.

But it is dangerous to let the milkmen do it, because they may add something else. They may put in something such as formaldehyde, which is a poison. Formaldehyde is an embalming fluid, and it preserves the milk for a long time. There is no doubt that milk comes here from a distance in which these foreign substances are used. There is a regulation against such practice, but there is no organized machinery for enforcing it.

Then there is another very objectionable practice here, and that is filling the bottles in the wagons in the morning before daylight. I suppose that one-half or perhaps three-fourths of the milk is filled in the wagons. The driver will take a few bottles and fill them from the cans in the wagons. Then he will go on and gather up bottles wherever he can find them—his own or anybody's else. These bottles are not washed, and they are given to the next customer.

Of the inspectors in the health office, only two are engaged in this business; and one great complaint is that these two inspectors go around in the middle of the day. I do not know myself of any specific instance; it is only hearsay; but it is very common talk everywhere, and I have been told by many milk dealers that the inspectors will come around and find milk that has been left over and has soured, which the dealer says he intends to send back. The inspectors take samples of that milk against the protest of the milkman, who did not intend to sell it, but to return it to the shipper, and they bring him into court and he is fined. There is nobody to whom he can go and explain the matter; there is no head of this department; and so he can explain it to nobody.

The milkmen were very much opposed to inspection. When I introduced a bill for that purpose they were all up in arms about it; but I had them appear before the Senate District Committee, and we talked it all over, and they said "If you give us a bill like that; if you provide a proper head of the department, somebody to whom we can go and explain matters; if you provide for an inspection of all the dairies, so that there will be clean work, we want the bill. If you have a man at the head who is a business man and a milkman to whom we can go, it is all right. As at present organized there is nobody in the health office to whom we can make complaints."

This milk bill was sent to the health officer, and he drew up two bills, exceedingly long, irrelevant, and twisted in every possible way, as a substitute for it. Of course, they could not be enacted into law. They were too complicated and they were indefinite, so that it would be all confusion, just as it is now. He insisted that it be left to him and to his discretion. There are twenty-odd inspectors——

Mr. ALDRICH. Twenty-four inspectors in the bill under consideration.

Mr. STEWART. Twenty-four of these officers. Their duties are not defined; there is no head. If a milkman has been wrongfully accused—which is generally the case—there is nobody for him to go to.

In his examination this year before the District Committee the health officer said he had visited the dairies. I examined him about a year ago, and he said that he had not visited any dairies, that he had never seen the milk separated, and that he did not know anything about it. He does not know anything about the subject, but he pretends to, and thus mixes it all up.

The analytical chemist of the Department does his duty. He is a good man, but he has no administrative functions, and he can do nothing. I think, instead of increasing the number of these inconsequential officials, which tends to disorganization, it ought to be diminished.

In the milk bill which passed the Senate recently I left out the health officer, as I thought the provisions of the bill could be executed without him; but the Senator from Missouri [Mr. COCKRELL] thought we ought to have him in the bill, and so we put him in as a member of the board of milk inspection, but not giving him power to destroy everything. We fixed it so that we got a good bill.

I will read what it is and tell what it means:

That a board of milk inspection is hereby created, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies, to be appointed by the Commissioners of the District of Columbia, and who shall be familiar with the dairy business and who shall possess a knowledge of analytical chemistry, and said board of milk inspection shall be charged with the enforcement of all laws relating to the production and sale of milk and cream in the District of Columbia. There shall also be appointed by the said Commissioners, on the recommendation of the board of milk inspection, one analytical chemist and one bacteriologist—

We put in a bacteriologist on the motion of the Senator from Missouri, but it is as useless a provision as any that can be conceived of. A bacteriologist is not useful for anything in this connection. A number of physicians were present at a hearing before the subcommittee of the Committee on the District of Columbia in the House the other day. They were asked what a bacteriologist could do, and they said that all he could do would be to tell how many bacteria there were in a cubic centimeter of the milk. Take a specimen of milk and carry it across the town, and there will be twice as many bacteria in it when you get across. The bacteriologist can only determine the number of bacteria, which determination requires several days, and is therefore entirely worthless, especially as you can not then tell whether they are harmless or injurious bacteria.

All of the scientists upon the subject say that it can not be made of any practical use. It is a mere fancy, a theory that is not applied in any practical way. What does he do? A man brings a sample of milk to the office. He may be a half hour or an hour in doing that. He will find ten times the number of bacteria in it that it had when he started. They accumulate. The way to keep bacteria out of milk is to keep it clean as it comes from the cow, reduced down to a proper temperature. If you let milk get up to a high temperature, nobody can keep them out.

Mr. HOPKINS. I should like to ask the Senator from Nevada what provision is made with reference to the shipment of milk from Western States—say Iowa or Illinois—into the District?

Mr. STEWART. We have a provision against the shipment of impure milk into the District. I will read it. It is not in the present law.

There shall also be appointed by the said Commissioners, on the recommendation of the board of milk inspection, one analytical chemist and one bacteriologist, who shall assist the superintendent of dairies and shall under direction of said board, perform such other duties relating to their profession as may be required by the health officer of the District of Columbia, one clerk, and one skilled laborer. And there shall also be appointed by the said Commissioners, on the recommendation of the said board, six inspectors, who shall be qualified veterinary surgeons, who have been graduated after a proper period of study by a school of veterinary medicine authorized by law to confer the degree of doctor of veterinary medicine or some similar degree, whose duty it shall be to inspect all places and dairy farms where milk is produced for sale in the District of Columbia.

Now, these persons must examine the farms. They must examine the cow. They ought to be veterinary surgeons. There are only a few shippers of milk from a long distance into the District of Columbia. The officers can send a man to inspect the property, no matter where it is, just as well as if it is near by, or they can stop the introduction of the milk and inspect every cargo that is brought in.

Mr. HOPKINS. What I desire to learn from the Senator from Nevada is whether the bill to which he has referred is broad enough to permit the inspection of dairies in Western States—say Illinois or Iowa—from which milk is sent to the District of Columbia?

Mr. STEWART. Yes. The bill says:

No person, firm, or corporation refusing to such inspectors free access to the premises to be inspected shall bring any milk or cream into the District of Columbia. And there shall also be appointed by the said Commissioners, on the recommendation of the said board, eight inspectors, who shall be experienced in the dairy business and whose duty it shall be to inspect all milk and cream brought into the District of Columbia for sale, and also to inspect all places within the District from which milk or cream is sold.

Mr. HOPKINS. There is no provision in the bill, as I gather from the reading, that the milk that comes in shall be examined.

Mr. STEWART. Yes, there is.

Mr. HOPKINS. But you do not make provision there for the examination of dairies outside of the District of Columbia.

Mr. STEWART. Oh, yes; the whole of it is here. The veterinary surgeons are all to work on the outside.

Mr. HOPKINS. I think the subsequent language limits the power that is given in the first part of the paragraph.

Mr. STEWART. No; that refers to another set of inspectors. The first is a board of six.

And there shall also be appointed by the said Commissioners, on the recommendation of the said board, six inspectors, who shall be qualified veterinary surgeons, who have been graduated after a proper period of study by a school of veterinary medicine authorized by law to confer the degree of doctor of veterinary medicine or some similar degree, whose duty it shall be to inspect all places and dairy farms where milk is produced for sale in the District of Columbia.

That covers it all. They are outside. If a man will not allow his dairy to be inspected, he can not send his milk into the District.

Mr. ALDRICH. Does the bill which the Senator has in his hand provide for the comprehensive management of this whole department, or only in reference to milk?

Mr. STEWART. Only in reference to milk.

Mr. ALDRICH. It does not provide any machinery for the enforcement of other provisions?

Mr. STEWART. No, sir.

Mr. ALDRICH. There does not seem at present to be any provision of law which defines the duties of these various sanitary and food inspectors, and there seems to be a large variety of them at different salaries. I do not know whether the Senator intends to cover that.

Mr. STEWART. No; I am just covering the milk part of it.

Mr. LODGE. I understand this is only the milk inspection.

Mr. STEWART. Only the milk inspection. The other can be provided for.

Mr. LODGE. The report of the three food inspectors which the Senator had read here is the most extraordinary thing I have ever seen. It has never been called to my attention before. If that is the only kind of inspection we have here, the inspection of food products in Washington is worthless.

Mr. STEWART. That is all it is.

Mr. LODGE. It so appears on the face of the report. It is the most incompetent statement I ever saw.

Mr. STEWART. That is all we have.

Mr. LODGE. That is all we have?

Mr. STEWART. That is all we have. We have no inspection in any department now, milk or anything else; and this shows the caliber of the man who is called health officer.

Mr. LODGE. Certainly something ought to be done to give us competent and efficient men and a proper inspection of meat in this city. It appears from their own report that there is no inspection worthy the name.

Mr. STEWART. I offered the resolution because I believed there was no inspection. I could not hear of any. I inquired, and then I offered the resolution.

The bill continues:

The superintendent of dairies shall have, under said board, charge of the inspection of milk and cream herein provided for, and he may, in his discretion, suspend any inspector and report the same to said board. The superintendent of dairies shall receive—

It is all provided for, and an appropriation made for it. This then defines a dairy as a place where milk is sold, so that they can be inspected.

Then there is a provision in the third section that no milk or cream shall be brought in that has any preservative in it—anything put in to preserve it. This measure provides for the detailed work, and I will say with regard to it, to the credit of the milkmen, although they will be put to additional expense, they are unanimously for it. Some of them are not doing this now because, they say, "If we have an inspection that will apply to all, we are perfectly willing to be inspected, but have all inspected." But when you talk to them they say, "What is the use of inspecting us? Here are a thousand or two places that are not inspected at all. They are filling milk in bottles in wagons. They bring milk from tuberculous cows right into the District of Columbia. There is no restraint. They bring milk from abroad with formaldehyde in it in competition with us, and we can not stand that competition and give clean milk. We must have the privilege of doing all these things, too, if others can do that." They say, "If you will inspect all, and have clean milk, we will all be satisfied with it."

Every man dealing in milk has come forward. I did not think they would all come in. They say "We will have to change our operations; we will have to have clean places to wash our bottles; we will have to have more room; but we are all willing to do it if you have an inspection of the milk in general."

I do not suppose there is any chance for this bill, because the health officer will do what he can to beat it. I have here the two bills that he drew. He insisted upon drawing them. They are longer than the moral law. They do not provide any system. Now, I protest against this young man running this thing any longer, because he has been tried and found wanting. He gets along very smoothly when he comes up here. He has had this inspection business about eight or ten years, and I have been talking to him and trying to get him to improve it until I am tired and disgusted.

A Senator can draw up a bill and send it down to the health officer. He remodels it, and when he sends it back you do not know it. No matter how much study you may give it with the aim of remedying this condition, this young man gets up something else. He devotes the best part of his time in preparing substitutes. He has his pets in there. I do not know what for. There is not a man in there who knows his duty at all except Mr. Hird, the chemist. He is a modest man and attends to his own business. Perhaps I ought not to name him, because they may persecute him. All the balance is in confusion. There is nobody at the head. The chief inspector does not know anything about dairies. I believe of all these twenty-four he assigns only two men to attend to the milk business.

I hope that the amendment for the other seven will be nonconcurred in at all events. I hope the House will do something on this business. It is not a pleasant matter, and I hate to complain of anybody, but the condition of milk and meats in this District is too bad.

Mr. SPOONER. Has the vote been reconsidered?

Mr. STEWART. Yes.

Mr. ALLISON. It is all open.

The PRESIDING OFFICER. The Chair understands that that has already been done.

Mr. SPOONER. Is the Senator from Iowa willing to pass over this portion of the bill and take it up later, in order that some amendments may be drawn and offered to it? I am quite impressed myself——

Mr. ALLISON. I am willing that it shall be passed over, but I should like to say a word or two before it is passed over. However, I would rather hear the Senator from Wisconsin before making any observations myself.

Mr. ALDRICH. The Senator from Nevada is not through, as I understand.

Mr. STEWART. I am substantially through. I believe that if this matter goes over until Monday the committee can frame a whole paragraph, that will include milk and every other inspection. It is very important that the existing condition shall not continue for another year, and people be poisoned here by the wholesale.

Mr. COCKRELL. I should like to ask a question, if I knew who had the floor.

Mr. STEWART. Of whom do you want to ask it—of me?

Mr. COCKRELL. Yes.

The PRESIDING OFFICER. The Senator from Nevada has the floor and yielded to the Senator from Wisconsin. Does the Senator from Wisconsin now yield to the Senator from Missouri?

Mr. COCKRELL. At the instance of the Senator from Nevada we passed this bill to which he has reference, and it has gone to the House. It has been referred to the appropriate committee. They have referred it to the District Commissioners. The District Commissioners are now considering it. They have heard the Senator; they have heard all parties; and they will make a report to the Committee on the District of Columbia of the House.

Now, I do not think this matter ought to be precipitated on this bill. I think the Senator ought to be content to fight out the question before the committee in the House, where all parties can be heard and are being heard.

Mr. STEWART. That scuttle game has been going on six or seven years, and every time there comes a bill that will not hold water.

Mr. SPOONER. It will not hold milk.

Mr. STEWART. No. The law we have now on the statute books, under which you can not inspect 2,000 places now, although it has been amended, was drawn by this same authority. The health officer draws them all. The Commissioners do not pay any attention to it.

This thing has been going: They bring in from all over milk that is not inspected at all; milk from the shanties near by here. That has been going on all the time. He is not authorized under the law to inspect them. Take the filling of the bottles in the wagons. There is an ordinance against filling bottles in wagons, but that goes on all the time. There is no force to inspect it. Congress has given him all the inspectors he has asked for. He has a long list of twenty-four in addition to these, and here are seven more. He has all these inspectors, and under the decisions of the court and under the amendment they can do nothing.

Must we wait on him? If Congress is under him, if we have to wait for him, it will all amount to nothing. We have waited ten years for him, and plenty of people have been murdered. I do not propose to submit to it any longer, if it is possible to get away from it. If the Senator from Missouri knew what is going on as well as I do, he would not want to wait either.

Mr. COCKRELL. I know this much, that you had a very full hearing before men who are as much interested in it as you or I—men whose wives and children are here—men whose families are affected by it just as much as ours. Now, why precipitate it here? Why precipitate it on every bill that comes up? There is the legitimate place for it. They are investigating this matter.

Mr. STEWART. Yes.

Mr. COCKRELL. They will do justice in the matter.

Mr. STEWART. This man do justice! Why has he not done justice during the last ten years?

Mr. COCKRELL. I do not want to go into the matter of any personal animosities between the Senator from Nevada and the health officer.

Mr. STEWART. I deny it. I have no feeling in the world against him except a feeling of disgust.

Mr. COCKRELL. You show it all the time as plain as A B C.

Mr. LODGE. Mr. President, we have passed a bill providing for milk inspection. I think legislation is very necessary. I understand that bill, with the Senator's amendments, was made satisfactory to the Commissioners and to the health department. It went over to the House, and has gone to the committee, and the health officers are up here trying to kill it or delay it.

Mr. STEWART. They have had it referred back.

Mr. LODGE. It is an old trick. We have all seen it done. I think we need some good legislation, and I think we need it now. My attention has never been called to the matter of meat inspection until this morning. I think that report is as bad as anything can be. I did not take any interest in it until I heard it read, and if that is the only inspection of meat we have here in this city there is no inspection of it worth anything. Under those circumstances, I hope something will be done to get competent and efficient men there. Give them all the men they need, but let us have some efficient men.

Mr. COCKRELL. Mr. President, I heartily agree with what the Senator from Massachusetts says. But who is to judge as to the competency of the officers? Are we going to make the decision?

Mr. LODGE. It is obvious from the report that the men who signed it are not competent. I need nothing but their own testimony. That is a report which on its face shows their incompetency.

Mr. COCKRELL. You have to trust to somebody to make the selection. We all want good government. We all want a clean administration of the matter by competent men.

Mr. LODGE. Then let us get some other method.

Mr. COCKRELL. Then turn out the District Commissioners and put in men who have the ability to make proper selections. That is the only way to do it.

Mr. STEWART. It is not the selection of the men, but it is the legislation.

Mr. LODGE. The Commissioners do not make the selection.

Mr. STEWART. This man Woodward has been running the legislation for ten years. I have his testimony, which was taken by the District Committee. He estimates that there are 2,000 places where milk is sold that he can not inspect. He admits that all of this dirt is going on, but none of the bills that he has ever drawn—and he draws them all—provides against it, and they do not prescribe the duties of the inspectors. They are all subject to his personal control. He just wants a large number of inspectors, and then he does what he pleases with them. They do nothing to benefit this community. I think this man has been dictator long enough.

Mr. PLATT of Connecticut. Mr. President, if it does not interfere with the Senator from Wisconsin——

Mr. SPOONER. Nothing interferes with me.

Mr. PLATT of Connecticut. I should like to ask the Senator from Nevada one question.

Mr. STEWART. Yes.

Mr. PLATT of Connecticut. I think he is the only member of the Committee on the District of Columbia whom I see present. The chairman is not here, although other members of the committee may be. Who is really responsible for the legislation that we enact here from time to time about the District of Columbia?

Mr. STEWART. About milk inspection?

Mr. PLATT of Connecticut. Does the Committee on the District of Columbia take what the Commissioners send up here? Are they really the lawmaking power for the District of Columbia?

Mr. STEWART. In regard to the health office?

Mr. PLATT of Connecticut. Do the committee look into the matter for themselves, or do they accept the recommendations of the Commissioners and make the laws to suit them? That is what I should like to ask.

Mr. STEWART. The District Committee was unanimous on

the Senate milk bill. They have been unanimous on other bills, but they go to the other House and they go back to the District Commissioners, and we never hear anything more of them. They have been able to overrule us. The committee has been honestly endeavoring ever since I have been on it to get a milk bill, but we can not get it.

Mr. PLATT of Connecticut. With reference to other legislation, are we legislating just as the Commissioners tell us to legislate, or when their recommendations come here are they ever overruled in committee?

Mr. STEWART. So far as I am concerned, I overrule them every time I do not agree with them, and generally I do not agree with them. But on this business the committee are all together.

There is another subject—the question of nuisances. The health officer claims exclusive jurisdiction over every matter pertaining to nuisances. He sends all sorts of unconstitutional and ill-digested bills to the District Committee. The committee reform them and report them back unanimously to the Senate, and then he insists on their being recommitted and thus causes their ultimate failure. That same man has drawn plenty of substitute bills; and it has finally been referred back to the committee at his suggestion. He runs all those things. He is boss everywhere.

Mr. ALDRICH. I should like to ask the Senator from Nevada if there is not a law in the District which defines nuisances, or do the Commissioners themselves decide, or does the health officer?

Mr. STEWART. The health officer decides everything.

Mr. ALDRICH. With respect to nuisances?

Mr. STEWART. He decides everything.

Mr. ALDRICH. There is no law, then?

Mr. STEWART. He is a law unto himself. That is all the law we have on that subject.

Mr. SPOONER. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. SPOONER. I wish to give, in just a word, my reasons for asking the Senator from Iowa to let this provision go over in order that some amendments may be drawn and offered to it, if on further consideration they seem necessary. I have the utmost confidence in the Commissioners of the District of Columbia. During the fifteen years I have been here, I have never known the District to be better officered in that respect or by more conscientious men.

Mr. STEWART. It is not the Commissioners.

Mr. SPOONER. Does the Senator object to my paying a just compliment to the Commissioners?

Mr. STEWART. I thought the Senator was applying what I had said to the Commissioners.

Mr. SPOONER. I was not attributing anything to the Senator from Nevada except an earnest desire that the milk which is used in this District——

Mr. STEWART. And the meat.

Mr. SPOONER. Particularly the milk, should be carefully guarded in the interest of the public health.

I look upon the Commissioners as men not only of fine ability, but of great earnestness and efficiency in the discharge of their duties, and in what I say I do not wish to be considered as reflecting at all upon them. I suppose, as the health office is a department which is of course apart from the ordinary administrative duties of the Commissioners, the Commissioners follow very much, and must, the head of that department.

Now, it is better to have no department of that kind and no system of inspection at all than to have a poor an inefficient one. If the people are lulled to a sense of security in that respect, if there is an expensive and considerable health department, by the presumption that everything which they purchase in the way of food is carefully inspected they will be less careful than if there were no such department.

I agree entirely with the Senator from Massachusetts that, so far as concerns the inspection of meat, fish, oysters, poultry, game, and the like, this report is utterly inconsequential, and I think it is discreditable. If there were in force here a carefully devised and efficiently enforced system of inspection, no such report as this would have been or could have been sent to the Senate. I do not know anything about these inspectors. The report is simply transmitted by the health officer, who may be an excellent man in his way. I know nothing about him. But this report is signed by the food inspectors, and they report to the Senate how they do it:

> At an early hour in the morning we visit these establishments—

They do not inspect on the cars, and I do not know that they could—

> we visit these establishments and inspect by smelling and handling each and every carcass.

Whether or not they are there when they are unloaded nobody knows. They find what is in the storage room, but it would be a very easy matter and a very usual matter, if dealers were disregardful of the public health, for them to neglect to place in the cold-storage room a piece of fish or a part of a carcass that was in some way or some portion of it tainted. Their inspection is confined to smelling and handling the carcass sometimes, they say, while it is being unloaded from the wagons. But after that their inspection is confined to the cold-storage room.

I have done a little bit of inspection myself in this city during the years I have been in here, and with some results. I suppose every Senator has. I used only the nose, but I have been obliged several times to reject upon that inspection some food which has been purchased by members of my family or sent to my house. Even under the best system of inspection I suppose there might and would be instances of that kind.

I think the inspectors should be subjected to competitive examination of the most rigid and careful kind.

Mr. COCKRELL. There is no doubt of that.

Mr. SPOONER. And one object I have in asking that this matter go over is that an amendment may be drawn which shall provide for a careful examination, under the rules and regulations of the Civil Service Commission, of this small army of inspectors who are now on the rolls, and provision that hereafter appointments shall be made only on competitive examinations, conducted under civil-service rules and regulations. I do not know of any one subject upon which there should be a more rigorous and careful examination to ascertain the fitness of employees than in the matter of food inspection. That is all I have to say.

Mr. ALLISON. Mr. President, I agree with Senators who have spoken that the matter of food and sanitary inspection is one of the most important functions of the government in this District. Especially is that so with reference to food. The District is so isolated and so situated that nearly everything that is consumed here must be brought from a distance, and therefore it is important that the most rigid inspection should be had as respects the food we eat and the surroundings of our homes and our public places.

But, Mr. President, in the ordinary method of doing business in the Senate and in the other House it is not the function of the Committee on Appropriations to make laws or to amend laws respecting any of the administrative subjects here.

Now the Senator from Nevada criticises this appropriation. The present law provides for thirteen inspectors. The House of Representatives, on a motion made in the House, cut down the current appropriation from thirteen to six, striking out seven inspectors. I understand from the observations of the Senator from Nevada that he proposes to adhere to the House provision, reducing the number of inspectors we now have from thirteen to six.

Mr. STEWART. Will the Senator allow me?

Mr. ALLISON. Certainly.

Mr. STEWART. If that is not done he will certainly do it, because he has the power now. He is certainly working over there, and certainly will run it if that is not done. If that is done he may let the milk bill pass. He will not let it pass if it is not done. It relieves him.

Mr. ALLISON. I fear that is not a wise method of dealing with this question. The Senator's remarks were largely confined to a criticism of the milk inspector.

Mr. STEWART. Yes.

Mr. ALLISON. There is a provision in the bill for six milk inspectors, and I understand from the Senator from Nevada that the bill which he had in charge here a few days ago, and which passed the Senate, provides for six.

Mr. STEWART. It provides for six. If the Senator will allow me, that has been raised to thirteen. He has to use the milk inspectors for that purpose. So he has that already. He can use them for that purpose and can get, of course, any number, and these men can be used for milk inspectors or for anything hereafter.

Mr. ALLISON. The remedy, it seems to me, from the situation is to provide a sufficient force to deal with this question. The laws we now have on the statute books are supposed to give to the necessary administrative authorities all the power they need for the purposes of full and complete inspection.

I quite agree with the Senator from Wisconsin that our Commissioners are intelligent, alert, and active in administering the affairs of the government of the District of Columbia. They are the administrative officers. Every department of the District government is under their jurisdiction and control. I understand that the health officer is a subordinate of the Commissioners of the District of Columbia. The health office constitutes one of the departments under their jurisdiction, and I feel sure they are trying to secure proper inspection of food in this District. I think they might do more, and I think these inspectors might do a great deal more, but I do not believe it is wise to reduce the number to six, and that is the real question before the Senate.

The Committee on Appropriations requested the Commissioners to furnish a detailed statement of the duties performed by all the inspectors in this District. Thirteen of them are provided for under the Senate committee amendment and six are provided in the bill as it came from the House. The Commissioners of the District of Columbia, in the hearings before the Committee on Appropriations, were requested by us to state the duties of each one of the thirteen inspectors. Beginning on page 99, there is a full statement of what these inspectors do from day to day. I confess that I think they might do more.

Mr. STEWART. Now, let me ask the Senator a question. Are there not about 2,000 places where they sell milk not inspected?

Mr. ALLISON. I will come to the milk question. I am now speaking of the general question. These thirteen inspectors are not milk inspectors; they are general sanitary inspectors. The District is divided into eight subordinate districts, in each of which there is located one of these eight inspectors, as I understand from the statement of the Commissioners. The inspectors in the subordinate districts have control of all the matters in their respective districts that come up and are necessary for proper sanitation, including everything within those districts.

Mr. ALDRICH. Mr. President——

Mr. ALLISON. So eight of these inspectors are evidently needed for this purpose.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. ALLISON. Certainly.

Mr. ALDRICH. I was about to say that it is evident we can not close this matter to-day, and the Senator from Connecticut is desirous of having a short executive session. I will therefore move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I do not yield for the purpose of being taken from the floor.

Mr. ALDRICH. I will wait until the Senator is through with his remarks. I did not mean to take the Senator off the floor.

Mr. ALLISON. Very well. So there are eight inspectors here who are provided for and who seem to be necessary. Whether they are doing their duty or not is another question. But it is a question which we can not regulate in this Chamber. We can not say that an inspector in subordinate district No. 1 or in district No. 7 is not doing what he ought to do. That is a matter of administration and not of legislation. So I fear that after we have passed all the laws we can pass in order to make effective those laws there is still something for the three Commissioners to do, who are the administrative and executive power in this District.

Mr. STEWART. Mr. President——

Mr. ALLISON. I wanted to explain that this matter——

Mr. ALDRICH. I beg the Senator's pardon. I did not mean to take him off the floor.

Mr. ALLISON. I will be through in a few minutes.

Mr. STEWART. The trouble is that this is a separate department, and the Commissioners do not exercise any jurisdiction over it. We send bills to the Commissioners, and we send to them for reports, and they turn the matter over to him without comment on their part. He makes the reports that come here in regard to every matter connected with sanitation. Are we, then, not responsible in providing for a competent head for the inspection of milk and providing somebody to take charge of it and report on it? There is nobody there in the office now. Are we not to define his duties and qualifications?

Mr. ALLISON. There is a most carefully prepared statute on the statute book respecting inspection. The Senator from Nevada is not satisfied with that law, and he has brought in a bill through the Committee on the District of Columbia, which is one of the ablest committees we have in this body and which is always ready to do anything to promote the interests of this District. That committee has dealt with this question, and the Senate on its request has also dealt with it. It is impossible for us now to do otherwise than to appropriate in this bill for the present organization and system of inspection in the District already provided for. Now, we have six milk inspectors in addition to the inspectors I have named and who are provided for in the first paragraph. These inspectors report what they do, and they do very much. They perhaps do not do all they ought, but they are endeavoring, I think, to comply with the law. No person can bring milk into the District except on first having a license from the Commissioners of the District of Columbia.

Mr. STEWART. The Senator is mistaken about that.

Mr. ALLISON. A permit.

Mr. STEWART. No; they do not have any permit. There are probably 400 tuberculous cows right in the District or gathered all around here whose milk is brought in without a license. It is that that I want to remedy.

Mr. ALLISON. I am not speaking of the cows in this District. I am speaking of the milk that is imported into the District from outside.

Mr. STEWART. We want to protect the people of the District from poisonous milk wherever it is produced.

Mr. ALLISON. I do, and I know the Senator does. I know he has much feeling on this subject, and I sympathize with him. When I drink milk I want to drink pure milk. But these laws provide not only for the inspection of all the herds in this District, but they provide for the inspection of all the herds of cattle the product of which is brought into the District; and no milk can be imported here from outside the District of Columbia without a permit. The inspectors are fully authorized not only to investigate as respects the milk imported, but they are authorized and directed to go to the sources of supply in Maryland, Virginia, and elsewhere from whence the milk comes.

So I want to call the attention of Senators to the fact that, whilst there may be great reason for criticism here, whatever that reason is it is chiefly a criticism of the administration in this District, for which the Commissioners of the District of Columbia are responsible; and if there are imperfect statutes, then the responsibility rests with the Commissioners and with the Committee on the District of Columbia, whose duty it is to first provide laws for these inspections in order that we may make the necessary appropriations.

Mr. STEWART. I ask permission to have the milk bill printed in full. I read part of it in my remarks.

Mr. ALLISON. I have no objection. I hope it will be put in the RECORD.

The PRESIDENT pro tempore. The Chair hears no objection. The bill is as follows:

A bill (S. 2402) to secure sanitary milk and cream for the District of Columbia.

Be it enacted, etc., That a board of milk inspection is hereby created, to be composed of the health officer of the District of Columbia, the Chief of the Bureau of Animal Industry in the Department of Agriculture, and the superintendent of dairies, to be appointed by the Commissioners of the District of Columbia, and who shall be familiar with the dairy business and who shall possess a knowledge of analytical chemistry, and said board of milk inspection shall be charged with the enforcement of all laws relating to the production and sale of milk and cream in the District of Columbia. There shall also be appointed by the said Commissioners, on the recommendation of the board of milk inspection, one analytical chemist and one bacteriologist, who shall assist the superintendent of dairies and shall, under direction of said board, perform such other duties relating to their profession as may be required by the health officer of the District of Columbia, one clerk, and one skilled laborer. And there shall also be appointed by the said Commissioners, on the recommendation of the said board, six inspectors, who shall be qualified veterinary surgeons, who have been graduated after a proper period of study by a school of veterinary medicine authorized by law to confer the degree of doctor of veterinary medicine or some similar degree, whose duty it shall be to inspect all places and dairy farms where milk is produced for sale in the District of Columbia.

No person, firm, or corporation refusing to such inspectors free access to the premises to be inspected shall bring any milk or cream into the District of Columbia. And there shall also be appointed by the said Commissioners, on the recommendation of the said board, eight inspectors, who shall be experienced in the dairy business and whose duty it shall be to inspect all milk and cream brought into the District of Columbia for sale, and also to inspect all places within the District from which milk or cream is sold. The superintendent of dairies shall have, under said board, charge of the inspection of milk and cream herein provided for, and he may, in his discretion, suspend any inspector and report the same to said board. The superintendent of dairies shall receive a salary of $3,000 per annum; the analytical chemist, $2,400 per annum; the bacteriologist, $1,800 per annum; the veterinary inspectors of farms and places where milk is produced, $1,300 per annum each; the inspectors and the clerk, $1,000 per annum each; and the skilled laborer, $800 per annum; in all, $24,800, which sum is hereby appropriated, one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated; and from and after the appointment by the said Commissioners of the inspectors herein authorized the offices of such inspectors as are now provided for by law for the enforcement of the laws relating to the production and sale of milk in the District of Columbia shall cease and determine.

It shall be the duty of the officers herein provided for to execute the provisions of this act and all laws and regulations relating to the production and sale of milk and cream in the District of Columbia, and for that purpose shall at all times have access to farms and other places where milk or cream is produced, to dairies from which milk or cream is sold, and to wagons or other vehicles used in the business of distributing milk or cream. And the superintendent of dairies may suspend the permit of any person who obstructs free access to the officers herein named at any hour of the day or night to his premises or property used in the business of producing milk or cream to be sold in the District of Columbia or of selling milk or cream in said District.

SEC. 2. That every place in the District of Columbia where milk or cream is sold is a dairy. All doors, windows, or other openings to any dairy shall be at least 15 feet from an opening of a stable, soap factory, or other building wherein any business injurious to milk or cream is conducted, and no opening to such stable or building shall hereafter be made within 25 feet of an opening in a dairy. Each dairy shall have house room sufficient for cooling, preserving, and bottling milk, and also conveniences for the cleansing of bottles, cans, and all utensils of every kind used in the business.

SEC. 3. That no milk or cream shall be brought into or sold in the District of Columbia which contains any foreign substance used as a preservative, as coloring matter, or for any other purpose whatever. Any person offering for sale any milk or cream containing any such foreign substance or substances shall be guilty of a misdemeanor, and shall be punished by a fine of not more than $100 or imprisonment for not more than sixty days. Any person sending any milk or cream into the District of Columbia for sale which contains such foreign substance or substances shall be fined not more than $100 or imprisoned for not more than sixty days, or both such fine and imprisonment, and shall be subject to indictment by the grand jury and trial in the District of Columbia.

SEC. 4. That all milk and cream retailed in the District of Columbia shall

come from a regularly established dairy or dairy farm licensed to sell milk in the District of Columbia. All bottles used in handling milk or cream must be cleansed in such dairy or dairy farm before being used a second time. No bottles used in handling milk or cream shall be filled outside of a regularly established dairy or licensed dairy farm. Any person filling a bottle with milk or cream outside of a dairy or licensed dairy farm for delivery in the District of Columbia shall be guilty of a misdemeanor and shall be fined not more than $50 or imprisoned for not more than thirty days. Any person who shall procure bottles to be filled with milk or cream outside of an established dairy or licensed dairy farm for sale or delivery in the District of Columbia shall be fined not more than $100 or imprisoned for not more than three months.

SEC. 5. That no dealer in milk or cream shall use bottles or other vessels for handling milk or cream belonging to any other person, firm, or company without the written consent of the owner thereof first had and obtained. If any such dealer shall use, appropriate, or have in his possession for use or appropriation, bottles or other vessels belonging to any other person, firm, or company without the written consent of the owner thereof, he shall be fined in a sum not more than $50, or be imprisoned for not more than thirty days, or both such fine and imprisonment.

SEC. 6. That no permit to bring milk or cream into said District, or to sell milk or cream in said District, shall be granted to any person who is not prepared to conform to the provisions of this act and all other laws now in force regulating the production and sale of milk and cream in the District of Columbia before making application for such permit, and no person now holding a permit to bring milk or cream into the said District, or to sell milk or cream in said District, shall continue in the business more than sixty days after the passage of this act without complying with the provisions of this act and obtaining a renewal of his permit for that purpose.

SEC. 7. That the Commissioners of the District of Columbia, on the recommendation of the superintendent of dairies, shall have power to make all rules and regulations necessary to carry this act and all other laws and regulations respecting dairies or dairy farms into full force and effect, and such rules and regulations shall have the force and effect of law.

SEC. 8. That all acts and parts of acts in conflict with this act are hereby repealed.

Passed the Senate March 9, 1904.

Mr. ALLISON. I yield to the Senator from Maryland.

Mr. McCOMAS. I want only a couple of minutes.

I wish to say to the Senator from Nevada, with whose purpose to improve milk inspection I have sympathy, I voted for the bill he urged, but because I approve a good bill that the Senator from Nevada introduces it is not necessary to assent to his unjust judgment upon a faithful, intelligent, and exceedingly valuable officer.

Mr. STEWART. No officer of that kind has been reflected upon.

Mr. McCOMAS. The one who has been reflected upon is the health officer of the District. My reason for saying this is because I have observed him for years. I know that Doctor Woodward is a man of high character, wonderful industry, great learning, which he is always adding to; a student of these very questions, who gives his nights and days to them, and that he himself stimulates and controls to a great degree the important investigations. His highest ambition is to give pure food and milk and the like to the people of this District. He is doing his best. He is a man of great ability. He is a man of rare executive ability. These excellent Commissioners would not have kept him here if he had not been. He came to this place by merit; he has remained in it by merit, and I protest that he is not deserving of the strictures of my friend from Nevada.

Mr. STEWART. I have made no strictures on him but what I know. I know that he makes no inspection of milk or anything else. He fixes it all up.

Mr. McCOMAS. I say this officer is faithful in the performance of all his duties under the inspection laws, which laws I will not take time now to refer to. It is not pertinent or necessary to do it here. The inspection laws of this District, gradually built up as they are, have been really good, and the administration is far better than is now said here. There may be bad things, for which I believe there is——

Mr. STEWART. Do you think it is his duty to lobby around Congress here to prevent the passage of bills that the committee has brought up?

Mr. McCOMAS. I say that, in the absence of a tittle of evidence of his doing that, I deny that he is doing it. I have known him for ten years; I have not seen him to talk to for a year past. If he has been around the Capitol and the Senate lobbying I have not seen him. I do not believe he has.

Mr. COCKRELL. Will the Senator from Maryland permit just one word? The Senator from Nevada speaks of his lobbying. I do not recollect ever having seen Doctor Woodward more than once, and that was in the Appropriations Committee room eight or ten years ago, about the second or third year of his service here. If he has been lobbying, it must have been with the Senator from Nevada, for he seems to be the only one who knows about it.

Mr. STEWART. I know about it.

Mr. McCOMAS. He may have talked with the Senator from Nevada; he has not talked to me, and, as I said, I have not seen him here for a year. I want to conclude by saying now, connectedly, that this is one of the best officers; he is performing some of the best service; he is doing his duty, and his whole duty. Upon the milk question I want no debate and therefore I do not debate that. I hope when he gets the inspectors, or when somebody gets them, as the Senator from Nevada desires, that will be well done; but the Committee on Appropriations here are doing their duty, and they are doing it properly. They would do less than their duty if they did not put back those thirteen inspectors.

I have had considerable observation and experience in this District here for years, and in some respects a little closer to some parts of this administration here than other gentlemen may have had on the question before the Senate. I hope the Senate will stand by the thirteen inspectors, and I will vote to stand by one of the best officers, and I hope the Senator from Nevada, who wants to be just, will by and by change his opinion, which is erroneous.

Mr. STEWART. I can not change it on the facts before me.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. ALLISON. I ask that the unfinished business be temporarily laid aside, that the consideration of the appropriation bill may be proceeded with.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be temporarily laid aside.

Mr. ALLISON. Mr. President, I am about to conclude what I intended to say, which is that under the provisions of existing law the Committee on Appropriations have presented these provisions in order that those responsible for the administration of that law may have the necessary means. I see there is much discussion upon this subject. Therefore I ask unanimous consent that these provisions for the health department may be passed over for the time being, and I express the hope that the Senator from Rhode Island will allow us to go on for a while as respects matters which are not in controversy. Then I will yield to him for an executive session.

Mr. ALDRICH. I think it will be impossible to do anything more with the appropriation bill to-day.

Mr. ALLISON. I think it is not impossible, and I wish to go on to-day with matters that will not lead to debate. I think there are a good many that will not be debated.

Mr. ALDRICH. I can not very well be persistent against the appeal of the chairman of the Committee on Appropriations, but I fear that no progress will be made or can be made to-day.

Mr. ALLISON. I have some fear myself, from the situation, but I want to try.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the provisions touching the health department be passed over for the present. The Chair hears no objection.

Mr. ALDRICH. I suppose there will be no expectation to take them up to-day.

Mr. ALLISON. They will go over until after the other items have been disposed of.

Mr. ALDRICH. The Senator from Wisconsin [Mr. SPOONER] and other Senators interested in the matter have left the Chamber, and I certainly shall move an executive session now, unless it is understood that these provisions shall go over until Monday.

Mr. SPOONER entered the Chamber.

Mr. ALLISON. The Senator from Wisconsin is here.

Mr. ALDRICH. I shall insist upon my motion unless it is understood that the provisions shall go over until Monday.

The PRESIDENT pro tempore. The Senator from Iowa still has the floor.

Mr. ALLISON. I will not insist that these provisions shall be again taken up to-day.

The PRESIDENT pro tempore. They will be laid over, then, until Monday.

Mr. ALDRICH. I ask that they may go over until Monday. That is my understanding.

The PRESIDENT pro tempore. Passing Sunday, they will go over until Monday.

Mr. SPOONER. I should like to inquire, because of the observation which was made upon my arrival, if it was some matter I am interested in in the debate?

Mr. ALLISON. The Senator from Rhode Island suggested that a good many Senators had left the Chamber.

Mr. SPOONER. And the Senator from Iowa suggested I had just returned, and that led me to make the inquiry.

Mr. ALLISON. Among other Senators, the Senator from Rhode Island mentioned the Senator from Wisconsin, and I said he had just returned.

Mr. SPOONER. Oh!

Mr. ALLISON. Mr. President, I desire to make some progress with the bill. I see it is manifest that this question can not be disposed of to-day, but I hope Senators will allow us to go on for

a time with the ordinary reading of the bill for action upon other amendments.

Mr. SPOONER. Are we still on the health department items?

Mr. ALLISON. Those were passed over.

The PRESIDENT pro tempore. The health department provisions have been laid aside until Monday.

The Secretary resumed the reading of the bill at page 62, line 23.

The next amendment of the Committee on Appropriations was, under the head of "Courts," on page 63, line 7, to increase the appropriation for the salary of judges of the police court from $3,000 each to $3,500 each.

The amendment was agreed to.

The next amendment was, on page 63, line 15, to increase the appropriation for the police court from $21,090 to 22,090.

The amendment was agreed to.

The next amendment was, on page 64, after line 6, to insert:

For acquiring, by purchase or condemnation, additional ground in square No. 489, in the city of Washington, for a site for a new police court building, $35,500, or so much thereof as may be necessary; for preparation of plans for said building, $2,500; in all, $38,000.

Mr. ALLISON. In line 8, in the word "square," the letter "v" is printed for "q."

The PRESIDENT pro tempore. That has been changed already.

Mr. ALLISON. It is a typographical error.

Mr. PLATT of Connecticut. I should like to inquire what the necessity is for a site for a new police court building, and what amount it is expected will be necessary to expend in the erection of the building. There is provided now $38,000 for the site and for plans. How much is the building to cost, because if we buy the land it is equivalent to saying that the building is to be built? I should like to inquire as to the necessity for a new police court building. I suppose the police courts are now held in the building which is on Judiciary Square.

Mr. ALLISON. No, Mr. President——

Mr. PLATT of Connecticut. I may be mistaken about that. I should like information on the subject.

Mr. ALLISON. This land to be purchased is a lot adjoining the present police court building. The police court is on the corner of Sixth and Louisiana avenue, and there is an adjacent building which is now rented for the purposes of the police court. It is proposed to buy this land and to construct upon it and upon the premises we already own a new police court building, which it is estimated will cost $75,000.

The House inserted a provision in the bill that the police court shall be provided for in the new municipal building. All agree that it is necessary that at an early day new quarters shall be provided for the police court. The committee are unanimously of the opinion that it is wiser and better to retain the police court where it now is, and that it is also necessary that at an early day a new building shall be erected upon the quarters now owned and to be purchased under this amendment. It is proposed to construct a plain, suitable building, and the cost of the building will be about $75,000.

Mr. PLATT of Connecticut. Yesterday we eliminated the House provision that the police court should go into the new municipal building.

Mr. ALLISON. Yesterday we eliminated the House provision respecting the transfer of the police court to the new municipal building.

Mr. McCOMAS. Mr. President, I do not want to delay the Senator from Iowa in his desire to get through with the bill, but I do want to say a word about this provision and the one which precedes it.

There is not a wiser provision than this one which is now put upon the bill by the Senate. The old police court, lying on the corner of Sixth and Louisiana avenue, is not sufficient for present purposes. They hold now two courts, running all the while—two police judges with juries—and the accommodations are not commensurate with this day and this civilization. They need the additional building.

Now, the Senate committee added it to the old building space to have the space increased that they may have a proper building. Nothing is more needed than that building.

But, Mr. President, even better than that building was the action of the Senate committee in striking out, on page 16, the provision of the House, the like of which I never saw attempted anywhere else, and if I had not seen it in this bill I could not have supposed it would have been attempted in this bill. The House provision was to put the police court, with all its surroundings, its people, its witnesses, and the drunken and disorderly portion of mankind, in close contact with the offices of the register of wills and the recorder of deeds. Those are the offices which experience shows should always be near the court-house. All over the country where they can have those offices so located they are in the court-house, and they are now in this court-house at Judiciary Square.

I myself remember cases of ejectment when as many as 50 or 100 immense folios of records would be brought into the court in the trial of a case, and they were brought from downstairs all into the court room of trial. Ejectment cases for about six or eight years were very numerous in this District, because after the early settlement of Washington people did not attend to the purchase of lots that had grown valueless, squatters came upon them, and then men organized here to get titles to large parts of the city; and when the war came squatters who were black, squatters who followed the Army, occupied these lands, and the ejectment suits in this jurisdiction were out of all proportion to the age of the settlement of the city of Washington.

Now, it would have been required under this bill that deeds should be brought into the courts from another part of town if the House provision prevailed, and the courts could be delayed in the trial of the cases of ejectment and trespass that frequently require the records of deeds, and it was impracticable in every way.

Then, besides, the judges of probate, with other matters of contest with respect to wills, require all of the papers to be brought from the office of the register of wills into the courts almost daily, and to separate the two was against the public interest, was a great inconvenience, and, had it been done by the House provision, could not have continued for five years. It would have been changed perhaps next year by public clamor. It would have been insufferable.

Then widows and orphan daughters and mothers are required to go to a probate office very frequently at a time when the distress of mind is the greatest and when they, being veiled and desiring to be hidden from general observation, and of course with a crowd of people, would have been compelled to go through the crowded corridors of the police courts to go to probate the will of a husband or a father or son, or to go there as legatees in settlement of those estates.

There could be no greater incongruity than placing in juxtaposition the police court and the probate court and taking the records of deeds and of testamentary papers for a century and a quarter away from offices close to the courts where they belong. To cap the climax, after mixing the police court with these two it was proposed to put in a further provision that in the basement there should be a heating and lighting plant and a repair shop for the District of Columbia—in the same building where the probate court must have hearings in respect of the probate of testamentary papers, which should be filed in offices where they can be accessible for the information of the court. There would be the clatter of wheels and axes and hammers in repair shops all the while going on downstairs in the District repair shop, while upstairs in the probate court wills were being probated or a widow was trying to be heard, with her children gathered around her. I think no special credit is due the Senate committee for striking out that provision, for they could do no less, but it is to its credit to put this provision for a separate police court in now.

I know what the facts are, for I speak from a personal observation of several years. I hope the Senator from Iowa will insist on the provision reported by the Senate committee being retained and upon keeping out the incongruous and very bad arrangement stated in the House bill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 64, line 19, to increase the appropriation to defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, etc., from $600 to $2,500.

The amendment was agreed to.

The next amendment was, under the head of "Charities and corrections," on page 66, line 16, to increase the appropriation for the salary of stenographer to the board of charities from $840 to $900.

The amendment was agreed to.

The next amendment was, on page 66, line 20, to increase the appropriation for the board of charities from $11,120 to $11,180.

The amendment was agreed to.

The next amendment was, under the subhead "Reformatories and correctional institutions," on page 67, line 3, to increase the appropriation for the salary of the principal overseer at the Washington Asylum from $1,200 to $1,300.

The amendment was agreed to.

The next amendment was, on page 68, line 4, to increase the appropriation for the Washington Asylum from $30,336 to $30,436.

The amendment was agreed to.

The next amendment was, on page 68, line 9, to increase the appropriation for contingent expenses, including provisions, fuel, forage, harness and vehicles and repairs to same at the Washington Asylum from $60,000 to $65,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 9, to insert:

For purchase of uniforms, stationery, and text-books for the use of pupil nurses, and for expenses connected with the annual commencement exercises of the training school for nurses, $150.

The amendment was agreed to.

Mr. McCUMBER. I will ask the Senator from Iowa to allow me to call up at this time the unobjected pension bills on the Calendar, which we were unable to complete yesterday.

Mr. ALLISON. Of course it will be impossible to finish the District appropriation bill to-day; and I will yield to the Senator from North Dakota at this time for the purpose indicated by him.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 270) authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;

A bill (S. 3430) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia;

A joint resolution (S. R. 28) authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah; and

A joint resolution (S. R. 34) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Alfonso Zelaya, of Nicaragua.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8889) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company;" and it was thereupon signed by the President pro tempore.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. PLATT of Connecticut, and Mr. DUBOIS were appointed.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I now ask unanimous consent that the Senate proceed to the consideration of the unobjected pension bills on the Calendar, and also to consider bills correcting military records.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the Senate now proceed to the consideration of unobjected pension bills on the Calendar and bills correcting military records reported from the Committee on Military Affairs. Is there objection? The Chair hears none.

The Chair would suggest to the Senator from North Dakota that the clerks at the desk would very much prefer to have the pension cases first considered and the military cases follow them, so as to avoid confusion.

Mr. McCUMBER. That is perfectly satisfactory, Mr. President. We shall have time enough to consider all of the cases.

Mr. PLATT of Connecticut. I wish to inquire, as there was considerable legislation in regard to pensions yesterday, whether a bill to pension some Indian scouts was then passed?

Mr. McCUMBER. No; that would not come under this order.

Mr. PLATT of Connecticut. I wanted to look at that bill. I do not know that I have any objection to it. I merely wanted to inquire whether it had been passed over for future action or whether it had been passed.

Mr. McCUMBER. Those cases do not come under the rule under which we are now acting.

Mr. PLATT of Connecticut. Very well.

GEORGE M. GIBBONS.

The PRESIDENT pro tempore. One pension bill was passed over yesterday. What action does the Senator desire in reference to that?

Mr. McCUMBER. The Senator from West Virginia [Mr. SCOTT] is now present. The bill was passed over on account of his absence yesterday.

Mr. SCOTT. What is the bill?

The SECRETARY. A bill (H. R. 4252) granting an increase of pension to George M. Gibbons.

Mr. SCOTT. I have no objection to that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of George M. Gibbons, late of Company K, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER S. HILL.

The bill (H. R. 11610) granting an increase of pension to Alexander S. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander S. Hill, late first lieutenant Company G, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATHIAS C. MILLS.

The bill (H. R. 4877) granting an increase of pension to Mathias C. Mills was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mathias C. Mills, late first lieutenant and adjutant Eighth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JASON H. MASTERSON.

The bill (H. R. 4928) granting an increase of pension to Jason H. Masterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jason H. Masterson, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and second lieutenant Company E, One hundredth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. ADAMS.

The bill (H. R. 2041) granting an increase of pension to James W. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Adams, late of Company L, Tenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILOAM WILLIAMS.

The bill (S. 4842) granting an increase of pension to Siloam Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Siloam Williams, late of Company C, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BLISS.

The bill (H. R. 6706) granting an increase of pension to James Bliss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Bliss, late of Company K, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS KNAPP.

The bill (H. R. 7487) granting an increase of pension to Francis Knapp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis Knapp, late of Company B, Tenth Regiment Kansas Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. NEELEY.

The bill (H. R. 11692) granting an increase of pension to Mary J. Neeley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Neeley, widow of M. McGinley Neeley, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA F. WHITEHEAD.

The bill (H. R. 4599) granting a pension to Ella F. Whitehead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella F. Whitehead, helpless and dependent daughter of Benjamin F. Whitehead, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. PORTER.

The bill (H. R. 11498) granting an increase of pension to William A. Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Porter, late of Company I, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM VARNES.

The bill (S. 4618) granting an increase of pension to William Varnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Varnes, late of Capt. Stewart's Company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE E. TATUM.

The bill (H. R. 4539) granting a pension to Jane E. Tatum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane E. Tatum, widow of Hamling Tatum, late of Captain Carne's company, Georgia Mounted Volunteers, Creek Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SHIVER.

The bill (H. R. 4141) granting a pension to Mary Shiver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Shiver, widow of Abner B. Shiver, late of Captain Lightner's company of Alabama Volunteers, Creek Indian war, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. MARTIN.

The bill (H. R. 3642) granting an increase of pension to James H. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Martin, late of Captain Barker's company, Georgia Volunteers, Florida Indian war, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MANN.

The bill (H. R. 11838) granting an increase of pension to William H. Mann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Mann, late captain Company I, Ninety-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMANTHUS P. JOYNER.

The bill (H. R. 11597) granting an increase of pension to Amanthus P. Joyner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanthus P. Joyner, widow of Reddick A. Joyner, late of Company G, Fourth Regiment Louisiana Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. ABNEY.

The bill (H. R. 11612) granting an increase of pension to George H. Abney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Abney, late of Company L, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EARL B. FRENCH.

The bill (S. 4742) granting an increase of pension to Earl B. French was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Earl B. French, late of company L, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA C. TUPPER.

A bill (S. 1310) granting a pension to Ella C. Tupper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella C. Tupper, widow of Francis W. Tupper, late first lieutenant and adjutant, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $17 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALVIN RINE.

The bill (S. 94) granting a pension to Alvin Rine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Regiment;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alvin Rine, late of Company H, Osage County, Mo., Home Guards, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS HERRAN.

The bill (S. 1618) granting an increase of pension to Thomas Herran was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Heavy," to insert "Volunteer;" and in the same line, before the word "and," to strike out "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Herran, late of Company L, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC N. HUGHEY.

The bill (S. 1572) granting an increase of pension to Isaac N. Hughey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "the" and insert "Company M;" in the same line, after the word "Fifth," to insert "Regiment;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Hughey, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'CABE.

The bill (S. 1989) granting an increase of pension to John McCabe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McCabe, late of Company G, Sixty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET JONES.

The bill (H. R. 11906) granting a pension to Margaret Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Jones, widow of Wiley Jones, late of Captain Conner's company, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN R. HERRELL.

The bill (H. R. 9562) granting an increase of pension to Warren R. Herrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren R. Herrell, late of Company L, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL PARMLEY.

The bill (H. R. 3434) granting an increase of pension to Samuel Parmley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Parmley, late of Captain Peak's company, Tennessee Volunteers, Cherokee Indian disturbances, and to pay him a pension of $15 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT D. GARDNER.

The bill (H. R. 5330) granting an increase of pension to Robert D. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert D. Gardner, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELAM ALLEN.

The bill (H. R. 8713) granting an increase of pension to Elam Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elam Allen, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE PETTIT MORRISON.

The bill (H. R. 7482) granting an increase of pension to Jennie Pettit Morrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie Pettit Morrison, widow of Jasper Newton Morrison, late lieutenant-colonel and judge-advocate, United States Army, and to pay her a pension of $35 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WALTS.

The bill (H. R. 8462) granting an increase of pension to James Walts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Walts, late of Captain Sanderson's company, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID KINSEY.

The bill (H. R. 11846) granting an increase of pension to David Kinsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Kinsey, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BALLARD.

The bill (H. R. 4718) granting an increase of pension to Thomas Ballard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Ballard, late of the U. S. S. *Indicator*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST BOCKERMAN.

The bill (H. R. 11616) granting a pension to August Bockerman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Bockerman, late of Company A, Seventh Regiment United States Cavalry, and to pay him a pension of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOCRATES MOORE.

The bill (H. R. 11615) granting an increase of pension to Socrates Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Socrates Moore, late of Company B, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAURA M. GILLMORE.

The bill (S. 4899) granting an increase of pension to Laura M. Gillmore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out the letter "Q." and insert the name "Quincy:" in line 7, after the word "Army," to insert "and;" and in line 9, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name Laura M. Gillmore, widow of Quincy A. Gillmore, late colonel, Corps of Engineers, United States Army, and brigadier-general and major-general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. CHARGO.

The bill (S. 5028) granting an increase of pension to C. W. Chargo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Chargo, late of Company L, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles W. Chargo."

IDA E. NERBER.

The bill (H. R. 12436) granting a pension to Ida E. Nerber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida E. Nerber, helpless and dependent daughter of Daniel Nerber, late of Company H, One hundred and fifty-first Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH M'L. HAUGHEY.

The bill (H. R. 9834) granting an increase of pension to Elizabeth McL. Haughey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth McL. Haughey, widow of James Alexander Haughey, late captain Company H, Twenty-first Regiment United States Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA M'KINNEY.

The bill (H. R. 12434) granting an increase of pension to Rebecca McKinney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca McKinney, widow of Franklin O. McKinney, late of Company K, Twenty-eighth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Wilhelmina McKinney, helpless and dependent child of said Franklin O. McKinney, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rebecca McKinney the name of said Wilhelmina McKinney shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Rebecca McKinney, such pension to be paid to the legally constituted guardian of said Wilhelmina McKinney.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. WEBB.

The bill (H. R. 10845) granting an increase of pension to John C. Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Webb, late of Company G, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNIE S. MOORE.

The bill (S. 2711) granting an increase of pension to Fannie S. Moore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "and," to strike out "second;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. Moore, widow of John C. W. Moore, late of Company B, Second Regiment, and assistant surgeon Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADRIAN TERRY.

The bill (S. 4765) granting an increase of pension to Adrian Terry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adrian Terry, late lieutenant-colonel and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES O. FARGO.

The bill (S. 3030) granting a pension to Charles O. Fargo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Company," to insert "Company H, Tenth Regiment Maine Volunteer Infantry, and;" and in line 8, before the word "Heavy," to insert "Volunteer;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles O. Fargo, late of Company H, Tenth Regiment Maine Volunteer Infantry, and Company F, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles O. Fargo."

GEORGE G. WRIGHT.

The bill (S. 4056) granting an increase of pension to George G. Wright, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George G. Wright, alias George Gravett, late of Company B, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to George G. Wright, alias George Gravett."

ALEXANDER M. BALLOU.

The bill (H. R. 725) granting an increase of pension to Alexander M. Ballou was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander M. Ballou, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. EVANS.

The bill (H. R. 728) granting an increase of pension to Benjamin F. Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Evans, late of Company K, First Regiment United States Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES V. TABOR.

The bill (H. R. 1568) granting an increase of pension to James V. Tabor, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James V. Tabor, late of Company G, Eleventh Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now reciving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. GATES.

The bill (H. R. 2929) granting an increase of pension to Benjamin F. Gates, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Gates, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW CURRAN.

The bill (H. R. 12326) granting an increase of pension to Matthew Curran was considered as in Committee of the Whole It proposes to place on the pension roll the name of Matthew Curran, late of Company B, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. B. THOMPSON.

The bill (H. R. 732) granting an increase of pension to John L. B. Thompson was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of John L. B. Thompson, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CARR.

The bill (H. R. 744) granting an increase of pension to George W. Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Carr, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCRETIA DAVIS.

The bill (H. R. 11562) granting a pension to Lucretia Davis, formerly Hamilton, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucretia Davis, formerly Hamilton, late nurse, Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEROME J. HINDS.

The bill (H. R. 11711) granting an increase of pension to Jerome J. Hinds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars." to strike out "thirty-six" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerome J. Hinds, late of Company B, Fourteenth Regiment Illinois Volunteer Infantry, and second lieutenant and captain Company A, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIAS VEATCH.

The bill (H. R. 4892) granting an increase of pension to Elias Veatch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Veatch, late of Company K, First Regiment Colorado Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE TULLY.

The bill (H. R. 4330) granting a pension to Catherine Tully was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Tully, widow of Redmond Tully, late first lieutenant, Twenty-fifth Regiment, United States Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY R. GUSS.

The bill (H. R. 4120) granting an increase of pension to Henry R. Guss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry R. Guss, late colonel Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

D. MILLER GORDON.

The bill (H. R. 1267) granting an increase of pension to D. Miller Gordon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of D. Miller Gordon, late of Company D, One hundred and fifty-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HAY.

The bill (H. R. 6365) granting an increase of pension to John W. Hay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hay, late of Company G, First Battalion Twelfth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE KEEFER.

The bill (H. R. 4565) granting an increase of pension to Carrie Keefer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie Keefer, widow of Benjamin F. Keefer, late captain Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA GAVETT.

The bill (H. R. 12439) granting a pension to Lydia Gavett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia Gavett, helpless and dependent daughter of William E. Gavett, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE MANYPENNY.

The bill (H. R. 11177) granting an increase of pension to George Manypenny was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Manypenny, late of Company H, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT HALDEMAN.

The bill (H. R. 12134) granting an increase of pension to Albert Haldeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Haldeman, late commissary-sergeant One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY YAW.

The bill (H. R. 9862) granting a pension to Mary Yaw was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Yaw, widow of Samuel D. Yaw, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. DAILEY.

The bill (H. R. 12965) granting a pension to William H. Dailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Dailey, late of Company G, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA C. RAY.

The bill (H. R. 11313) granting a pension to Anna C. Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna C. Ray, widow of Robert C. Ray, late ensign, United States Navy, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH G. ILLSLEY.

The bill (S. 4891) granting an increase of pension to Elizabeth G. Illsley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth G. Illsley, widow of Charles E. Illsley, late first lieutenant Company G, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CORNELIA A. THOMPSON.

The bill (S. 4817) granting a pension to Cornelia A. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Thompson, dependent mother of George R. Thompson, late of United States steamships Lancaster, Kearsarge, and Vermont, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM W. WHITE.

The bill (S. 320) granting an increase of pension to Hiram W. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram W. White, late of Company K, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSHNELL B. LOOMIS.

The bill (S. 329) granting an increase of pension to Bushnell B. Loomis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bushnell B. Loomis, late of Company D, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENSON C. BELLAMY.

The bill (S. 2423) granting an increase of pension to Benson C. Bellamy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Eighteenth," to insert "Regiment;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benson C. Bellamy, late of Company G, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT H. M'ILROY.

The bill (H. R. 3533) granting an increase of pension to Robert H. McIlroy was considered as in Committeee of the Whole. It proposes to place on the pension roll the name of Robert H. McIlroy, late captain Company E, First Regiment California Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. HURLEY.

The bill (H. R. 3033) granting a pension to James M. Hurley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Hurley, late assistant surgeon Seventy-seventh Regiment United States Colored Volunteer Infantry and Tenth Regiment United Stated Colored Volunteer Heavy Artillery, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. HAYTER.

The bill (H. R. 10478) granting an increase of pension to William T. Hayter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Hayter, late of Company H, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA THURSTON.

The bill (S. 4405) granting an increase of pension to Emma Thurston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Thurston, widow of George A. Thurston, late captain, Third Regiment United States Artillery, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN TAYLOR.

The bill (S. 4846) granting an increase of pension to John Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Taylor, late of Company D, First Battalion Nevada Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED KENT.

The bill (S. 208) granting a pension to Alfred Kent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Kent, late second lieutenant Company H, and first lieutenant and regimental commissary, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred Kent."

OSMER S. DEMING.

The bill (S. 3867) granting an increase of pension to Osmer S. Deming was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Osmer S. Deming, late gunner's mate, U. S. steamships Grampus and Victory, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEROY R. HAWTHORN.

The bill (S. 1478) granting an increase of pension to Leroy R. Hawthorn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Leroy R. Hawthorn, late captain and commissary of subsistence, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUTHER ST. JOHN.

The bill (H. R. 544) granting an increase of pension to Luther St. John was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther St. John, late of Company I, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE N. CRAWFORD.

The bill (H. R. 3171) granting an increase of pension to George N. Crawford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George N. Crawford, late of Company I, Sixteenth Regiment Kentucky Volunteer

Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA A. POOL.

The bill (H. R. 2144) granting an increase of pension to Minerva A. Pool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minerva A. Pool, widow of Ira L. Pool, late of Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and to pay her a pension of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Myrtie B. Pool, helpless and dependent child of said Ira L. Pool, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Minerva A. Pool the name of said Myrtie B. Pool shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Minerva A. Pool.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI T. HOYT.

The bill (H. R. 3832) granting an increase of pension to Eli T. Hoyt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli T. Hoyt, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. CONNOR.

The bill (H. R. 4980) granting an increase of pension to Thomas E. Connor, alias Darius B. Smith, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Connor, alias Darius B. Smith, late of Company F, Twentieth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS JOHNS.

The bill (H. R. 9504) granting an increase of pension to Augustus Johns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Johns, late of Company H, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. MAVITY.

The bill (H. R. 3149) granting an increase of pension to John S. Mavity was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Mavity, late of Company G, Twenty-fourth Regiment, and Company G, Fifty-third Regiment, Kentucky Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. BIXLER.

The bill (H. R. 4949) granting an increase of pension to George L. Bixler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Bixler, late of Company K, One hundredth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTA L. WILLARD.

The bill (H. R. 4623) granting a pension to Electa L. Willard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Electa L. Willard, late nurse, Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. FORD.

The bill (H. R. 2922) granting an increase of pension to George W. Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Ford, late of Company E, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. GRIFFIN.

A bill (S. 4919) granting an increase of pension to W. C. Griffin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Griffin, late of Captain Finley's company, Second Regiment Tennessee Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William C. Griffin."

JOHN T. RADER.

The bill (S. 4648) granting an increase of pension to John T. Rader was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the second time, to strike out "Company A" and insert "Companies A and F;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Rader, late of Companies A and F, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES C. FISHER.

The bill (H. R. 11939) granting an increase of pension to Charles C. Fisher, alias John C. Pickerell, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles C. Fisher, alias John C. Pickerell, late of U. S. S. *Grampus*, *Great Western*, and *Champion*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. VERNAY.

Mr. CULLOM. I believe the Calendar of unobjected pension bills is now concluded.

The PRESIDENT pro tempore. But the Calendar of bills to correct military records comes up next.

Mr. CULLOM. I ask consent to call up at this time the bill (S. 402) for the relief of James D. Vernay. It is to correct the records and reinstate First Lieut. and Bvt. Capt. James D. Vernay in the Army.

The PRESIDENT pro tempore. Under the unanimous-consent agreement those bills are to be taken up in their order.

Mr. CULLOM. I know that; but I am obliged to leave the Senate Chamber for a few moments, and I should like to have this bill taken up now.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. KEAN. I do not think this bill should be taken up under the unanimous-consent agreement.

Mr. CULLOM. I am now asking unanimous consent.

Mr. KEAN. It was not contemplated under the agreement that we were to consider bills of this character.

Mr. CULLOM. I do not know exactly what the agreement was.

The PRESIDENT pro tempore. Does the Senator from New Jersey object?

Mr. KEAN. I think the bill had better go over.

Mr. CULLOM. The Senator from Missouri [Mr. COCKRELL] knows all about this case. It comes from the Military Committee. The beneficiary is very poor, and I think the bill ought to be considered.

Mr. KEAN. I do not make any objection on the merits of the bill——

Mr. COCKRELL. Let it be read as it is proposed to be amended.

Mr. CULLOM. Yes.

The PRESIDENT pro tempore. The bill has been read. Is there objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments. The amendments were, in line 7, before the word "in," to strike out "captain mounted" and insert "first lieutenant;" in the same line, after the words "United States," to strike out "(to whom a Congressional medal of honor was awarded for most distinguished gallantry in action);" in line 10, before the word "retired," to strike out "list of:" in the same line, before the word "of," to strike out the word "officers" and insert "list;" in line 12, before the word "that," to strike out the word "at" and insert "of;" in the same line, after the word "grade," to strike out "on account of severe wounds received in battle, creating a total disability which he is under," and insert "the retired list being thereby increased in number to that extent;" and on page 2, line 3, after the word "*however*," to strike out "That he shall receive no pay for the period he was out of the service" and insert:

That no pay or allowances shall become due or payable to this officer since his dismissal from the Army by sentence of court-martial up to the passage of this act.

Mr. COCKRELL. Now let the bill be read as it will read if the amendments are agreed to.

The Secretary read as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint James D. Vernay, late first lieutenant and brevet captain, United States Army, a first lieutenant in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade, the retired list being thereby increased in number to that extent: *Provided, however*, That no pay or allowances shall become due or payable to this officer since his dismissal from the Army by sentence of court-martial up to the passage of this act.

The PRESIDENT pro tempore. The question is on agreeing to the amendments reported by the Committee on Military Affairs.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE F. NORTHROP.

The PRESIDENT pro tempore. The Secretary will state the first military desertion bill.

The bill (S. 1654) for the relief of Theodore F. Northrop was considered as in Committee of the Whole. It provides that Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, shall be held and considered to have been a captain of cavalry, in command of scouts in the army of General Sherman, from September 10, 1864, to May 22, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARL W. ALBRECHT.

The bill (S. 4405) to correct the military record of Carl W. Albrecht was considered as in Committee of the Whole. It authorizes the Secretary of War to correct the military record of Carl W. Albrecht, who was enrolled into the service of the United States in Company H, Thirteenth Minnesota Volunteer Infantry, April 29, 1898, as Charles Albrecht, and whose name stands on the roll as Charles Albrecht.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. HAMMOND.

The Secretary read the title of the bill (S. 1665) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army."

Mr. PLATT of Connecticut. Does the bill come under the agreement?

The PRESIDENT pro tempore. It does not come under the agreement.

Mr. KEAN. It does not.

GEORGE H. WHITE.

The bill (S. 3938) for the relief of George H. White was considered as in Committee of the Whole. It authorizes the Secretary of War to revoke and set aside so much of General Orders as approved the finding and sentence of the general court-martial dismissing Capt. George H. White, Nineteenth Regiment Michigan Infantry Volunteers, and to issue to him a certificate of discharge as of date March 1, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. JOHN MURPHY.

The bill (S. 3503) to amend the record of Maj. John Murphy was considered as in Committee of the Whole. It provides that John Murphy, late major of the Fifty-eighth Illinois Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as of date October 8, 1865.

Mr. COCKRELL. I move to insert at the end of the bill the following:

Provided, That no pay, bounty, or allowance shall accrue by virtue of the passage of this act.

That has been omitted. It was an oversight in the committee, or the bill would not have been reported without the addition of those words.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TALTON T. DAVIS.

The bill (S. 4343) for the relief of Talton T. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Talton T. Davis, of Marion, Kans., late of Company H, Twenty-first Regiment Kentucky Volunteer Infantry, and to grant him an honorable discharge as of date October 8, 1862: *Provided*, That no pay, bounty, or allowances shall be allowed by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB NIEBELS.

The bill (S. 716) granting an honorable discharge to Jacob Neibles was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the name "Jacob," to strike out "Neibles" and insert "Niebels;" and in line 6, after the word "Infantry," to insert "*Provided*, That no pay, bounty, or emoluments shall accrue by virtue of the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to Jacob Niebels, late of Company E, Fourth Regiment Minnesota Volunteer Infantry: *Provided*, That no pay, bounty, or emoluments shall accrue by virtue of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an honorable discharge to Jacob Niebels."

JAMES B. BOYD.

The bill (S. 2950) to remove the charge of desertion from the military record of James B. Boyd was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, after the word "sixty-five," to insert the following proviso: "*Provided*, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act:" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of James B. Boyd, late of Battery I, Fourth United States Artillery, to amend his military record accordingly, and to grant to said James B. Boyd an honorable discharge as of date November 23, 1865: *Provided*, That no pay, bounty, or other emolument shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB M'DOWELL.

The bill (S. 2330) to correct the military record of Jacob McDowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "service," to insert:

As of date February 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Jacob McDowell, late captain of Company K, One hundred and sixtieth New York Volunteer Infantry, and issue to him an honorable discharge from said service as of date February 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. PLATT of Connecticut. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, March 28, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 26, 1904.

CONSUL.

Samuel H. Shank, of Indiana, to be consul of the United States at Winnipeg, Manitoba, Canada, vice William H. H. Graham, resigned.

APPOINTMENTS IN THE NAVY.

To be assistant paymasters in the Navy from the 25th day of March, 1904:

Brainerd M. Dobson, a citizen of South Carolina.
William W. Lamar, a citizen of Florida.
Robert B. Lupton, a citizen of New Jersey.
Fred W. Holt, a citizen of Arkansas.
Walter D. Sharp, a citizen of Virginia.
Wilmer D. McCully, a citizen of Oregon.
Henry I. McCrea, a citizen of Indiana.
William T. Sypher, a citizen of Louisiana.
Edwin M. Hacker, a citizen of Tennessee.
Horace B. Worden, a citizen of Montana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 26, 1904.

PROMOTIONS IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

To be assistant quartermaster-general with the rank of colonel.

Lieut. Col. George E. Pond, deputy quartermaster-general, January 20, 1904.

To be deputy quartermasters-general with the rank of lieutenant-colonel.

Maj. William W. Robinson, jr., quartermaster, January 20, 1904.
Maj. Medad C. Martin, quartermaster, January 22, 1904.

PAY DEPARTMENT.

To be assistant paymaster-general with the rank of colonel.

Lieut. Col. Charles H. Whipple, deputy paymaster-general, January 25, 1904.

To be deputy paymasters-general with the rank of lieutenant-colonel.

Maj. John C. Muhlenberg, paymaster, January 23, 1904.
Maj. George R. Smith, paymaster, January 25, 1904.

To be paymaster with the rank of major.

Capt. William G. Gambrill, paymaster, January 23, 1904.

CORPS OF ENGINEERS.

To be colonel.

Lieut. Col. Charles W. Raymond, Corps of Engineers, January 23, 1904.

To be lieutenant-colonels.

Maj. Charles F. Powell, Corps of Engineers, January 22, 1904.
Maj. John G. D. Knight, Corps of Engineers, January 23, 1904.

To be majors.

Capt. James C. Sanford, Corps of Engineers, January 22, 1904.
Capt. Hiram M. Chittenden, Corps of Engineers, January 23, 1904.

To be captains.

First Lieut. Edward H. Schulz, Corps of Engineers, January 22, 1904.
First Lieut. Harry Burgess, Corps of Engineers, January 23, 1904.

To be first lieutenants.

Second Lieut. William G. Caples, Corps of Engineers, January 22, 1904.
Second Lieut. Henry C. Jewett, Corps of Engineers, January 23, 1904.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. John E. Greer, Ordnance Department, January 19, 1904.
Lieut. Col. John Pitman, Ordnance Department, January 21, 1904.

To be lieutenant-colonels.

Maj. Daniel M. Taylor, Ordnance Department, January 19, 1904.
Maj. David A. Lyle, Ordnance Department, January 21, 1904.

To be major.

Capt. J. Walker Benét, Ordnance Department, January 19, 1904.

To be captain.

First Lieut. Edward P. O'Hern, Ordnance Department, January 19, 1904.

ARTILLERY CORPS.

To be colonels.

Lieut. Col. Frank Thorp, Artillery Corps, January 21, 1904.
Lieut. Col. Louis V. Caziarc, Artillery Corps, January 23, 1904.

To be lieutenant-colonels.

Maj. Oliver E. Wood, Artillery Corps, January 21, 1904.
Maj. Edward Davis, Artillery Corps, assistant adjutant-general, January 23, 1904.

To be major.

Capt. David Price, Artillery Corps, January 21, 1904.

SIGNAL CORPS.

First Lieut. Henry S. Hathaway, Signal Corps, to be captain, December 30, 1903.

INFANTRY ARM.

Capt. Charles W. Penrose, Twenty-eighth Infantry, to be major, October 15, 1903.
Capt. Daniel L. Howell, Seventh Infantry, to be major, November 24, 1903.
Capt John Stafford, Eighth Infantry, to be major, November 28, 1903.
First Lieut. Joseph L. Gilbreth, Fourteenth Infantry, to be captain, October 15, 1903.
First Lieut. Charles F. Humphrey, jr., Third Infantry, to be captain, November 21, 1903.
First Lieut. Willey Howell, Fourth Infantry, to be captain, November 24, 1903.
First Lieut. Benjamin J. Tillman, Seventh Infantry, to be captain, November 28, 1903.
Second Lieut. Arthur H. Freshwater, Twenty-eighth Infantry, to be first lieutenant, September 28, 1903.
Second Lieut. Joseph C. Wilson, Sixth Infantry, to be first lieutenant, October 9, 1903.
Second Lieut. Morris M. Keck, Twelfth Infantry, to be first lieutenant, October 10, 1903.
Second Lieut. Auswell E. Deitsch, Fifth Infantry, to be first lieutenant, October 15, 1903.
Second Lieut. William Korst, Seventh Infantry, to be first lieutenant, October 23, 1903.
Second Lieut. Joseph C. Kay, Eleventh Infantry, to be first lieutenant, November 16, 1903.
Second Lieut. Walter C. Jones, Eleventh Infantry, to be first lieutenant, November 21, 1903.
Second Lieut. Charles Abel, Eighteenth Infantry, to be first lieutenant, November 24, 1903.

To be colonels.

Lieut. Col. George A. Cornish, Twenty-sixth Infantry, January 20, 1904.
Lieut. Col. Charles A. Williams, United States Infantry, inspector-general, January 23, 1904.
Lieut. Col. Marion P. Maus, Twenty-second Infantry, January 24, 1904.
Lieut. Col. Frederick A. Smith, United States Infantry, inspector-general, January 24, 1904.

To be lieutenant-colonels.

Maj. William Paulding, Eighteenth Infantry, January 20, 1904.
Maj. Lorenzo W. Cooke, Twenty-sixth Infantry, January 24, 1904.

To be captains.

First Lieut. George J. Holden, Tenth Infantry, December 10, 1903.

First Lieut. Charles F. Bates, Twenty-fifth Infantry, December 17, 1903.

First Lieut. Arthur Cranston, Seventeenth Infantry, December 26, 1903.

First Lieut. John J. Toffey, jr., Fourth Infantry, January 2, 1904.

To be first lieutenants.

Second Lieut. La Vergne L. Gregg, Twenty-second Infantry, November 27, 1903.

Second Lieut. Oliver F. Snyder, Eighteenth Infantry, November 28, 1903.

Second Lieut. Edward L. Rains, Twenty-fourth Infantry, December 2, 1903.

Second Lieut. Charles L. Woodhouse, Twenty-eighth Infantry, December 10, 1903.

Second Lieut. Bertram P. Johnson, Twenty-fourth Infantry, December 17, 1903.

Second Lieut. Gustave A. Wieser, Fifteenth Infantry, December 26, 1903.

Second Lieut. Charles R. W. Morison, Fifth Infantry, January 2, 1904.

Second Lieut. Walter L. Reed, Tenth Infantry, January 8, 1904.

ORDNANCE DEPARTMENT.

Capt. William W. Gibson, Ordnance Department, to be major, January 21, 1904.

First Lieut. Edwin D. Bricker, Ordnance Department, to be captain, January 21, 1904.

QUARTERMASTER'S DEPARTMENT.

To be quartermasters with the rank of major.

Capt. Winthrop S. Wood, quartermaster, January 20, 1904.

Capt. Chauncey B. Baker, quartermaster, January 22, 1904.

PAY DEPARTMENT.

To be paymaster with the rank of major.

Capt. Timothy D. Keleher, paymaster, January 25, 1904.

Capt. William B. Schofield, paymaster, March 3, 1904.

CAVALRY ARM.

First Lieut. John C. Raymond, Sixth Cavalry, to be captain, March 21, 1904.

Second Lieut. Douglas H. Jacobs, Fourteenth Cavalry, to be first lieutenant, March 21, 1904.

PROMOTIONS IN THE NAVY.

Capt. Theodore F. Jewell to be a rear-admiral in the Navy from the 15th day of March, 1904.

Lieut. Commander James M. Helm to be a commander in the Navy from the 11th day of October, 1903.

Lieut. (Junior Grade) Austin Kautz to be a lieutenant in the Navy from the 1st day of January, 1904.

Ensign Ernest A. Weichert to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904.

Commander John M. Hawley to be a captain in the Navy from the 15th day of March, 1904.

Lieut. Commander Frank F. Fletcher to be a commander in the Navy from the 12th day of March, 1904.

Lieut. (Junior Grade) Ulysses S. Macy to be a lieutenant in the Navy from the 12th day of March, 1904.

Ensign Claude C. Block to be a lieutenant (junior grade) in the Navy from the 28th day of January, 1904.

Civil Engineer Adolfo J. Menocal to have the rank of lieutenant-commander in the Navy from the 6th day of March, 1904.

Civil Engineer Homer R. Stanford to have the rank of lieutenant in the Navy from the 6th day of March, 1904.

Lieut. James G. Doyle to be a lieutenant-commander in the Navy from the 23d day of September, 1903.

Lieut. (Junior Grade) William C. Asserson to be a lieutenant in the Navy from the 1st day of January, 1904.

Lieut. Roger Welles, jr., to be a lieutenant-commander in the Navy from the 4th day of February, 1904.

Lieut. (Junior Grade) Frank L. Pinney to be a lieutenant in the Navy from the 4th day of February, 1904.

UNITED STATES ATTORNEY.

Francis H. Parker, of Connecticut, to be United States attorney for the district of Connecticut.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 26, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read, corrected, and approved.

APPOINTMENT OF BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HULL. Mr. Speaker, I am instructed by the Committee on Military Affairs to submit the following resolution, with the unanimous report of the committee, and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

A joint resolution (H. J. Res. 136) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That Martin T. McMahon, of New York; John M. Holley, of Wisconsin; William Warner, of Missouri; William R. Shafter, of California; Henry E. Palmer, of Nebraska; and Franklin Murphy, of New Jersey, be, and the same are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Gen. Martin T. McMahon to succeed himself, his term of service expiring April 21, 1904; William Warner to fill a vacancy caused by the resignation of Col. Sidney G. Cooke, whose term of service expires April 21, 1906; Gen. William R. Shafter to succeed Maj. William H. Bonsall, whose term of service expires April 21, 1904; Capt. Henry E. Palmer to succeed himself, his present term of service expiring April 21, 1904; Franklin Murphy to fill a vacancy caused by the death of Gen. Alfred L. Pearson, whose term of service expires April 21, 1906.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ALFONSO ZELAYA, OF NICARAGUA.

Mr. HULL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Joint resolution (S. R. 34) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Alfonso Zelaya, of Nicaragua.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to permit Alfonso Zelaya, of Nicaragua, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Alfonso Zelaya the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection?

Mr. HULL. Just a simple word in explanation.

Mr. MADDOX. I reserve the right to object.

Mr. HULL. I hope the gentleman will not object.

Mr. MADDOX. I have only reserved the right of objection. I want an explanation of what this is.

Mr. HULL. This is the usual resolution which is passed by Congress when any of our sister republics make the request of the State Department for the privilege, at their own expense, of sending a cadet to West Point. The State Department refers this matter to the Senate and House in a letter that is submitted with the report, asking that the usual courtesy be given Nicaragua that has heretofore been given to other South American republics. They pay all the expense of the cadet. They can not send one unless this resolution should pass.

Mr. MADDOX. Will the gentleman state how many South American republics now have this privilege?

Mr. HULL. I think there are only two there now. There are always one or two cadets from some of the South American republics who get into the Academy in this way, and unless Congress suspends the provisions of the law it will be impossible for this one to be admitted.

Mr. MADDOX. Where is this one from?

Mr. HULL. He is from Nicaragua.

Mr. BARTLETT. Mr. Speaker, I do not like to object, and I do not know that I will object—I never have to any reasonable request of the gentleman from Iowa; I have never felt called upon to do so—but it is a little remarkable, to say the least of it, that we grant the privilege to some one—a foreigner—when a citizen of our own States, or anybody in the United States, is not permitted to have his son appointed to West Point except in the regular way, no matter how much he might be willing to pay for it. I will not object to this one, but I feel very much inclined to do so.

Mr. HULL. I wish to say to the gentleman that I have no interest in this matter. It is a courtesy we have refused no South American republic that ever requested it. And in connection

with the privilege of educating students from various parts of the United States, every Member of Congress has the privilege of appointing cadets, besides the large number that are appointed at large by the President.

Mr. ROBINSON of Indiana. I want to suggest to the gentleman, with this as a precedent and following this theory, we would admit, I presume, all that would apply from any South American republic to get a military training, under which in the event of war we would be furnishing a power against ourselves. Now, I want to see just how much this right is going to be abused.

Mr. HULL. Mr. Speaker, I have no particular fear of any South American Republic, with one cadet at West Point, so outstripping the United States of America in military prowess that we will ever suffer any military inconvenience therefrom.

Mr. ROBINSON of Indiana. We want to know how much it will carry and how many applicants will be allowed there.

Mr. HULL. They can have but one from any republic at one time. Congress would not consent to more.

Mr. ROBINSON of Indiana. How many have been granted, may I ask the gentleman, in the last ten or fifteen years?

Mr. SLAYDEN. Mr. Speaker, will the gentleman from Iowa permit me to submit a suggestion?

Mr. HULL. Certainly.

Mr. SLAYDEN. This is a courtesy which has been extended from time to time to various governments. It is one which has never been abused, and there has been nothing suggested which would indicate in the mind of the most timorous that there is danger to be expected from the education in a military way of young men of South American republics at the Military Academy at West Point.

Mr. ROBINSON of Indiana. As bearing upon the point, I asked the question to know how many have been educated there in the last ten or twenty years.

Mr. HULL. I will say to the gentleman from Indiana I am just informed by a gentleman on my right that the last one from Nicaragua graduated from the class in 1894. Of course it would require an act of Congress——

Mr. ROBINSON of Indiana. I mean in reference to young men from South America.

Mr. HULL. We have one or two of them——

Mr. ROBINSON of Indiana. I mean in the last ten or fifteen years.

Mr. HULL. I have not gone over all that, but I think in the last ten or fifteen years there have been six or eight.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. I will ask my friend if the principal officer now in the Japanese fleet was not educated at Annapolis at the expense of the Government?

Mr. HULL. No; not at the expense of the Government, because all his expenses were paid by his own Government.

Mr. LACEY. But his education is bearing fruit now in the East.

Mr. HULL. Very well; that is a question for Congress to pass upon.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the votes by which both resolutions were passed was laid on the table.

ADDITIONAL JUDGE, DISTRICT COURT OF THE UNITED STATES, EASTERN DISTRICT OF PENNSYLVANIA.

Mr. PALMER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3015) to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following Senate bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the eastern district of Pennsylvania, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same salary as the present district judge of said district.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. PALMER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, under the order of the House certain bills on the Private Calendar are in order to-day. I ask unanimous consent that on the day following the disposition of the sundry civil appropriation bill, immediately after the reading of the Journal, the matters which are in order to-day shall be then in order for consideration.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that on the day immediately following the passage of the sundry civil appropriation bill bills on the Private Calendar under the order pertaining to pension bills shall be in order. Is there objection? [After a pause.] The Chair hears none.

GRANTING RIGHT TO DAVENPORT WATER POWER COMPANY IN THE MISSISSIPPI RIVER, IN SCOTT COUNTY, IOWA.

Mr. WADE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 4142.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the following Senate bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the assent of Congress is hereby given to the Davenport Water Power Company, a corporation created and organized under the laws of the State of Iowa, its successors and assigns, to erect, construct, operate, and maintain a canal along the north bank of the Mississippi River between Leclaire and Davenport, in Scott County, in the State of Iowa, to erect, construct, operate, and maintain a power station thereon, and to project, erect, construct, operate, and maintain such dams and other works as may be necessary within said limits for the development of water power and the generation, use, and transmission therefrom of electric energy and power at, in, and upon the Rock Island Rapids of the Mississippi River: *Provided*, That the said canal and appurtenant works shall be so designed, constructed, and operated as not to interfere in any way with the safe and convenient navigation of steamboats and other vessels or of rafts and barges over the Rock Island Rapids at any stage of water; and the expense of any reconstruction or extension of or addition to existing works for the improvement of navigation on the said Rock Island Rapids which may be found necessary, in the opinion of the Secretary of War, on account of the construction, maintenance, or operation of the said cana and appurtenant works, shall be borne by the said company, its successors, or assigns, under conditions to be prescribed by the Secretary of War: *And provided further*, That detailed plans for the construction and operation of the said canal and appurtenant works shall be submitted to and approved by the Secretary of War before the commencement of the construction of any portion of the said works; and that after the approval of the said plans no deviation therefrom shall be made without the prior approval by the Secretary of War of the said deviation: *And provided further*, That the said works and appurtenances shall be so designed, constructed, and operated as not to overflow or otherwise damage the lands and other property of the United States at Rock Island Arsenal, or injure or diminish the water power of the United States at the said arsenal, or the water power of any person, firm, or corporation having hydraulic works already constructed: *And provided further*, That before entering upon the construction of the said works, compensation shall be made to any person, firm, or corporation whose lands or other property may be taken, overflowed, or otherwise damaged by the construction, maintenance, and operation of the said works, in accordance with the laws of the State where such lands or other property may be situate.

SEC. 2. That the withdrawal of water from the Mississippi River and the discharge of water into the said river, for the purpose of operating the said canal and appurtenant works, shall be under the direction and control of the Secretary of War, and shall at no time be such as to impede or interfere with the safe and convenient navigation of the said river by means of steamboats or other vessels, or by rafts and barges, or to injure or diminish the water power of the United States at Rock Island Arsenal, or the water power of any person, firm, or corporation having hydraulic works already constructed: *Provided*, That if any litigation arises from the construction, operation, or maintenance of the said works, or from the obstruction of any part of the Mississippi River by the said works or any portion thereof, cases may be tr ed in the proper courts as now provided for that purpose in the States of Illinois and Iowa and the courts of the United States: *And provided further*, That suitable fishways shall be constructed and maintained by the said company, its successors and assigns, at such of the dams and in such manner as may be required from time to time by the United States Fish Commission.

SEC. 3. That this act shall be null and void if actual construction of the works herein authorized be not commenced within three years and completed within six years from the date hereof.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and being read the third time, was passed.

The SPEAKER. Without objection, the title will be amended.

On motion of Mr. WADE, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, NEAR RIVESVILLE, W. VA.

Mr. DAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3430) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River, near the town of Rivesville, in the State of West Virginia.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DAYTON. Mr. Speaker, I want to make a statement in reference to this bill.

Mr. WILLIAMS of Mississippi. I would like to ask the gentleman a question. Has it received the approval of the War Department?

Mr. DAYTON. It has. I want to say to the House that this bill was introduced in the House as House bill 9871, sent to the War Department, and received its approval with certain amendments, and was reported favorably by the Committee on Interstate and Foreign Commerce. A similar bill was introduced in the Senate, was there reported upon under a letter from the Secretary of War approving it, and was passed. The bill which I ask the consideration of at this time is the Senate bill which has passed. It is identical with the one reported from the Committee on Interstate and Foreign Commerce. I therefore move that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill, and I ask that it may be put upon its passage in lieu of the House bill, and that the House bill may lie on the table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DAYTON, a motion to reconsider the last vote was laid on the table.

The bill H. R. 9871 was laid on the table.

TO OPEN FOR SETTLEMENT CERTAIN LANDS IN OKLAHOMA.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9) to open for settlement 505,000 acres of land in Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory.

The Clerk read the bill, as follows:

Be it enacted, etc., That all of that part of article 3 of section 6 of the act of Congress of date June 6, 1900, entitled "An act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho," and making appropriations to carry the same into effect, which reads as follows, to wit: "That in addition to the allotment of lands to said Indians as provided for in this agreement the Secretary of the Interior shall set aside for the use in common for said Indian tribes 480,000 acres of grazing land, to be selected by the Secretary of the Interior, either in one or more tracts, as will best subserve the interests of said Indians," be, and the same is hereby, repealed.

SEC. 2. That the 480,000 acres of land set apart in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, by the Secretary of the Interior, referred to and mentioned in section 1 of this act, and the 25,000 acres of land set apart as a wood reservation in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, by the Secretary of the Interior shall be opened to settlement by proclamation of the President of the United States within three months from the passage of this act and be disposed of at public auction to the highest bidder for cash: *Provided*, That no one person shall be permitted to purchase more than 160 acres, under the rules and regulations adopted by the Secretary of the Interior: *And provided further*, That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit of money shall draw 5 per cent interest per annum; and the principal and interest of said deposit shall be expended for the benefit of said Indians in such manner as Congress may direct: *And it is also provided*, That such sales shall be subject to any leases made for agricultural purposes prior to the passage of this act, the rentals accruing after such sale to belong to the purchasers under this act.

SEC. 3. That said lands shall be sold for not less than $1.50 per acre, and shall be sold upon the following terms: One-fift of the price bid therefor to be paid at the time the bid is made, and the balance of the purchase price of said land to be paid in five equal annual installments in advance. And in case any purchaser fails to make such annual payment promptly when due, all rights in and to the land covered by his or her purchase shall at once cease, and any payments theretofore made shall be forfeited. And no title to said land shall inure to the purchaser, nor any patent of the United States issue to the purchaser until the purchaser shall have resided upon and improved said land for the full term of five years, without any commutation of time, and shall have in all respects complied with the terms and provisions of the homestead laws of the United States: *Provided*, That such purchaser shall prove up within six years from the date of sale; that aliens who have declared their intention to become citizens of the United States may become purchasers under this act, but before proving up and acquiring title must take out their full naturalization papers.

SEC. 4. That the Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this act as he may deem necessary.

The following amendments reported by the committee were read:

In line 11, page 2, strike out the words "at public auction to the highest bidder for cash" and insert in lieu thereof the words "upon sealed bids or at public auction, at the discretion of the Secretary of the Interior, to the highest bidder."

After the word "Interior," in line 14, page 2, add the following: "And such purchaser must be duly qualified to make entry under the general homestead laws."

In line 6, page 3, strike out the word "promptly."

In line 15, page 3, strike out the words "prove up" and insert in lieu thereof the words "make final proof."

In line 19, page 3, strike out the word "full" and insert in lieu thereof the word "final."

In line 18, page 2, strike out the word "five" and insert in lieu thereof the word "four."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT YANKTON, S. DAK.

Mr. BURKE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 270) authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Indian appropriation bill, to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent that the House nonconcur in all the Senate amendments to the Indian appropriation bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas.

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, I ask unanimous consent for the order of business which the Clerk will read.

The Clerk read as follows:

That on the day following the day the Committee on Invalid Pensions have had assigned to it by the special order of the House made March 26, 1904, House bill 9548 shall be made the special order after the reading and approval of the Journal.

Mr. WILLIAMS of Mississippi. Is that a request for the consideration of one bill?

Mr. MAHON. The bill is now in the second reading.

Mr. WILLIAMS of Mississippi. Why does not the gentleman ask for time to be given the War Claims Committee?

Mr. MAHON. This is the bill making appropriations for the findings of the Court of Claims under the Bowman Act.

Mr. WILLIAMS of Mississippi. The omnibus bill?

Mr. MAHON. Yes; I do not think it will take over half an hour to pass it.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none, and it is so ordered.

BRIDGE ACROSS THE CONNECTICUT RIVER.

Mr. BRANDEGEE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. BRANDEGEE, a motion to reconsider the last vote was laid on the table.

DISTRICT BUSINESS.

Mr. BABCOCK. Mr. Speaker, I desire to ask unanimous consent that it may be in order to call up District business one week from Monday next, instead of on Monday next, which is the regular day. I do this on account of the appropriation bill which is to be considered to-day.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to call up District business one week from Monday next. Is there objection?

There was no objection.

MANUFACTURE, DISTRIBUTION, AND SUPPLY OF ELECTRIC LIGHT AND POWER IN THE TERRITORY OF HAWAII.

Mr. ROBINSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 7266, which I will send to the desk.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the manufacture, distribution, and supply of electric light and power on the island of Oahu, Territory of Hawaii.

Mr. UNDERWOOD. Mr. Speaker, I object to the consideration of that bill.

The SPEAKER. The gentleman from Alabama objects.

Mr. ROBINSON of Indiana. Mr. Speaker, may I not ask the gentleman to withhold his objection?

Mr. UNDERWOOD. Certainly, I will, if the gentleman wants to make an explanation.

Mr. PAYNE. Mr. Speaker, if the gentleman withdraws his objection, I shall renew it at this time.

Mr. UNDERWOOD. Oh, I do not withdraw it.

The SPEAKER. The gentleman from New York objects.

DONATING CERTAIN GUN TO GRAND ARMY OF THE REPUBLIC POST AT NELSONVILLE, OHIO.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14110) to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Ga., to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio, which I will send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate one 6-pounder smoothbore bronze gun of 3⅔ inches caliber, now at Chickamauga Park, Ga., which was issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892 (vol. 27, Stat. L., p. 376), and is not now needed by the Commission, to the Phil Kearny Post of the Grand Army of the Republic, Nelsonville, Ohio.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the bill which the Clerk has reported. Is there objection?

Mr. MADDOX. Mr. Speaker, I think I heard in the reading of that bill something with reference to Chickamauga Park. I will ask the gentleman from Ohio to explain.

Mr. GROSVENOR. Mr. Speaker, a number of these small guns were donated by Congress for the adornment of Chickamauga National Park. They were so set out as to have two guns together. This is an odd gun, and a report is made by the commissioners of the park that they do not want the gun.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

DONATION OF LOTS IN FORT DALLES MILITARY ADDITION TO THE DALLES, OREG.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9985) providing for the donation of lots A, B, K, and L, in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles and surroundings, and filed in the local land office at The Dalles, Oreg., to the Oregon Historical Society, which I shall send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Oregon Historical Society, an organization duly incorporated under the laws of the State of Oregon December 17, 1898, a patent in the name of the United States for lots marked "A," "B," "K," and "L," in block 39, in Fort Dalles military addition to The Dalles, in the State of Oregon, as shown on the plat of the city of The Dalles and surroundings, now on file in The Dalles land office, such patent to issue only after the said Oregon Historical Society shall have filed with the Secretary of the Interior proper and satisfactory proofs of its incorporation. And such patent to be conditioned that the said lots and buildings thereon shall be held and maintained solely for historical purposes, with a reservation that the Secretary of the Interior shall be empowered to declare a forfeiture to the United States whenever he shall find the same has been converted to other purposes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

ALLEGHENY COLLEGE, MEADVILLE, PA.

Mr. BATES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10208) for the relief of Allegheny College, of Meadville, Pa., which I shall send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That on account of the burning of one of the buildings of Allegheny College, Meadville, Pa., on Friday, December 18, 1882, known as Culver Hall, whereby a shortage of $358.23 was incurred to ordnance and ordnance stores issued to said college under its bond, dated March 2, 1877, the Secretary of War is hereby authorized and directed to relieve said Allegheny College, at Meadville, Pa., from any further money responsibility under said bond not exceeding the above-named amount.

The SPEAKER. Is there objection to the present consideration of the bill just reported. [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. BATES, a motion to reconsider the last vote was laid on the table.

ALLOTMENT OF DOCUMENTS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10866) to amend section 68 of volume 28 of the United States Statutes at Large with an amendment, which I shall send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 68 of volume 28 of the United States Statutes at Large be, and the same is hereby, amended so that it shall read as follows:

"Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate, and Clerk, Sergeant-at-Arms, and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate."

The Clerk read the amendment, as follows:

In line 3, page 1, after the word "sixty-eight," insert the words "chapter twenty-three," and amend the title.

Mr. CHARLES B. LANDIS. Mr. Speaker, this is the same bill that was read several days ago, and objection was made to it by the gentleman from Georgia [Mr. MADDOX] because he desired an explanation of the amendment to the statute. I would say in explanation that it simply amends the law now in operation relative to the distribution of public documents and gives the Sergeant-at-Arms of the House a share in the distribution, the same as the Clerk of the House, and the Sergeant-at-Arms and Secretary of the Senate. This allotment was made up to the Fifty-first Congress, when, because of a lapse in conduct of the Sergeant-at-Arms of the House, it was taken from him.

Mr. MADDOX. If the gentleman will permit me, I will state to him that I have examined the matter, and I have no objection to it, as I understand it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

IRRIGATION IN UTAH.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for present consideration of the joint resolution which I send to the desk.

The joint resolution (S. R. 28) authorizing the printing of additional copies of Agricultural Bulletin No. 124, being the report on irrigation in Utah, was read, as follows:

Resolved, etc., That there shall be printed from the stereotype plates of the Report of Irrigation Investigation in Utah, under the direction of Edward Mead, chief of irrigation investigation, Office of Experiment Stations, Department of Agriculture, 4,000 copies, of which 400 shall be for the use of the Senate, 600 for the use of the House of Representatives, and 3,000 for the use of the Department of Agriculture.

There being no objection, the House proceeded to the consideration of the joint resolution; which was ordered to a third reading, read the third time, and passed.

PRODUCTION OF PRECIOUS METALS, ETC.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for present consideration of the concurrent resolution of the House which I send to the Clerk.

The Clerk read concurrent resolution No. 32, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 6,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the calendar year 1902, bound in cloth and wrapped; 2,000 copies for the use of the House of Representatives, 1,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

Resolved, That there also be printed 8,000 additional copies of the Report of the Director of the Mint Covering the Operations of the Mints and Assay Offices of the United States for the fiscal year ended June 30, 1903, to be bound in cloth and wrapped, 3,000 copies for the use of the House of Representatives, 2,000 for the use of the Senate, and 3,000 for the use of the Director of the Mint.

The amendments proposed by the Committee on Printing were as follows:

In line 2 strike out the word "six" and insert the word "three."
Strike out all after the word "wrapped," in line 5, down to and including the word "thousand," in line 7.
Strike out the word "eight," in line 9, and insert the word "three."
Strike out all after the word "wrapped," in line 13, down to and including the word "thousand," in line 16.
So that the resolution as amended will read as follows:
"*Resolved by the House of Representatives (the Senate concurring)*, That there be printed 3,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the calendar year 1902, bound in cloth and wrapped, for the use of the Director of the Mint.
"*Resolved*, That there also be printed 3,000 additional copies of the Report of the Director of the Mint Covering the Operations of the Mints and Assay Offices of the United States for the fiscal year ended June 30, 1903, to be bound in cloth and wrapped, for the use of the Director of the Mint."

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. MADDOX. I wish to inquire how many copies of these documents are to be printed under the resolution as now proposed to be amended, and how they are to be distributed?

Mr. CHARLES B. LANDIS. This resolution provides for the printing of 6,000 copies of these documents—3,000 of each report.

Mr. MADDOX. What I want to understand more particularly is why are we proposing to give so many of these copies to the Director of the Mint.

Mr. CHARLES B. LANDIS. This resolution proposes the printing of an additional edition. The copies of the previous edition and of previous reports intended for the Director of the Mint have long since been exhausted, while an examination of the condition of affairs in the folding room discloses the fact that the allotment to the credit of Members and Senators has by no means been exhausted. We therefore think it useless to have this distribution include the House and the Senate.

Mr. MADDOX. Does this provide for the usual distribution?

Mr. CHARLES B. LANDIS. The usual distribution was made to the Senate and House on previous editions of these reports, but the Congressional allotment was not largely distributed.

Mr. MADDOX. What is the usual proportion of these documents? The same proportion ought to be maintained now.

Mr. CHARLES B. LANDIS. Allow me to repeat that this is an additional edition, for distribution by the Director of the Mint, whose supply of these documents is exhausted.

Mr. MADDOX. But it strikes me that the same proportion ought to be observed in the distribution of this additional edition.

Mr. CHARLES B. LANDIS. That would have been provided for in the resolution by the committee had not an examination of affairs in the folding room demonstrated that to give an allotment to Members of the Senate and House would have been simply wasting the documents.

Mr. MADDOX. I reckon not; we could distribute them all right. If I knew the proportions here proposed, I would move to amend.

Mr. CHARLES B. LANDIS. If the gentleman desires any additional numbers of the publication, he can secure them by making a requisition on the Director of the Mint.

Mr. MADDOX. I would rather have the documents entered up to my own account here at the folding room.

Mr. CHARLES B. LANDIS. The distribution provided in this resolution was adopted simply in the interest of economy and to provide against wastefulness.

Mr. SOUTHARD. Will the gentleman from Georgia [Mr. MADDOX] allow me a word? As I understand, under the general printing law the Director of the Mint is allowed 1,000 copies of each of these reports for his use. He finds that the demand for each of these reports is greater than the number allowed to him, and annually he has come to Congress asking authority for the printing of this additional number. The copies already printed have been distributed in the ordinary proportions among members of the House and Senate and the Director of the Mint. It is found that the full number allotted to Senators and Members has not been called for, and the amendment to this resolution has been occasioned by that fact. As I understand, the resolution as now presented makes no allotment to Senators and Members, but authorizes the printing of 3,000 copies of each of these reports for the use of the Director of the Mint. I ask the gentleman from Indiana [Mr. CHARLES B. LANDIS] whether I am right about that?

Mr. MADDOX. I should like to inquire of the chairman of the Committee on Printing if it is the purpose of that committee to supply all of these Departments that wish these books with a sufficient number to fill all demands that may be made upon them from the outside?

Mr. CHARLES B. LANDIS. I would say to the gentleman that this is in line with the recommendation of the committee in two previous Congresses.

Mr. MADDOX. I understand them to say this is an addition to the original bill that has been passed for this purpose.

Mr. SOUTHARD. No.

Mr. MADDOX. Why not stand on the original proposition?

Mr. SOUTHARD. A resolution was introduced in the Fifty-seventh Congress and passed the House, as I understand it, but failed to pass the Senate, and the time of the large or frequent call for this report having passed, it is altogether likely that the number ordinarily needed by the House and Senate will not be required.

Mr. MADDOX. I do not think it is right, but I am not going to object.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The concurrent resolution was agreed to.

On motion of Mr. CHARLES B. LANDIS, a motion to reconsider the votes by which the several propositions were agreed to was laid on the table.

WESTERN ALASKA CONSTRUCTION COMPANY'S RAILROAD.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13740) for the relief of the Western Alaska Construction Company's railroad.

The bill was read, as follows:

Be it enacted, etc., That the time of the Western Alaska Construction Company to comply with the provisions of sections 4 and 5 of chapter 239 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska, is hereby extended as follows:

First. That time to file the map and profile of definite location of its first section of at least 20 miles with the register of the land office in the district of Alaska, as provided in said sections 4 and 5, is hereby extended to and including the 31st of December, 1904.

Second. The time to complete the first section of at least 20 miles of its railroad, as provided in said section 5, is hereby extended to and including within one year after the filing and approval of the definite location of said section of said railroad as in said chapter and by this act it is provided; and such railroad company shall be entitled to all the benefits conferred upon it by the provisions of such act upon its due compliance with all the provisions thereof, excepting only the provisions thereof relating to the filing of the map and profile of definite location of its first section of not less than 20 miles of its road within twelve months after filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, as prescribed in said sections 4 and 5 of said act, and the provisions thereof relating to the completion of the said first section of its road within one year, as originally provided in section 5 of said act: *Provided*, That such railroad company shall file with the proper register of the land office for the district of Alaska a map and profile of the first section of its road of at least 20 miles on or before December 31, 1904, and shall complete such section of its said road within one year after such definite location has been approved by the Secretary of the Interior, as provided in said section 5 of said act.

The SPEAKER. Is there objection?

Mr. LIVINGSTON. Mr. Speaker, I should like to have the gentleman in charge of the bill make some explanation of it. It is a long bill, and we could not hear it read.

Mr. LOVERING. The Western Alaska Construction Company ask simply for the extension of time in which to build their railroad. There are only four months in the year in which they can work up there, and they have not had time to comply absolutely with the requirements of the Government in this respect. I would say that this bill has the entire approval of the Department of the Interior and the General Land Office and is unanimously reported by the committee.

Mr. LIVINGSTON. Is the purpose of it simply to hold their road?

Mr. LOVERING. Oh, they have already constructed 10 miles of road and have the material on the spot to construct 40 miles. They are acting in perfect good faith.

Mr. LIVINGSTON. This is to prevent the forfeiture of their rights?

Mr. LOVERING. Yes.

Mr. LACEY. They should have built 20 miles last year to come within the provisions of the Alaska right-of-way act. They only built 10 miles. The season is very short there, only three or four months. The material is on the ground, and this gives them until next January to complete what they ought to have completed by last January. They are going on in good faith and have the material there and are constructing the road.

Mr. WYNN. I should like to ask the gentleman from Massachusetts whether any extensions of time have been allowed before?

Mr. LOVERING. No.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

FORT WALLA WALLA MILITARY RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12685) for

the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington.

The bill was read, as follows:

Be it enacted, etc., That the lands originally embraced within the Fort Walla Walla Military Reservation, in the State of Washington, remaining undisposed of shall be reappraised, under the direction of the Secretary of the Interior, by legal subdivisions, and the appraisers, in their report, shall note the character of each legal subdivision and state whether it is chiefly valuable for stone, mineral, timber, agricultural, or grazing purposes, and if any of the legal subdivisions of said land is improved the appraisers shall appraise separately the improvements on said land and the land independently of such improvements, and they shall describe generally the character of such improvements, and also report the names of the persons who made such improvements and the parties claiming to own the same.

SEC. 2. That upon the approval of such reappraisement by the Secretary of the Interior said lands shall be offered for sale to the highest bidder, for cash, at such times and under such regulations as the Secretary of the Interior may determine: *Provided*, That the land and improvements shall not be sold at less than the appraised value: *Provided further*, That if the highest bidder shall be the person who made the improvements upon such land, or his assigns, the appraised value of the improvements shall be deducted from his bid, and he shall be required to pay only the remainder to the United States, and if the highest bidder is some one other than the party who made such improvements, or his assigns, then the appraised value of the improvements shall be paid to such party, or his assigns, and the remainder to the United States, and the Secretary of the Interior must be satisfied that the improvements shall have been paid for, as herein provided, before patent is issued to the purchaser of any of said lands.

The following committee amendment was read:

Provided also, That this act shall not affect the lands in the existing Fort Walla Walla Military Reservation, area 619.57 acres.

The SPEAKER. Is there objection?

Mr. MADDOX. Reserving the right to object——

Mr. LIVINGSTON. We should like to hear some explanation of this bill.

Mr. JONES of Washington. Mr. Speaker, this military reservation was set aside in 1859. It consisted then of about three sections of land, the post, the meadow, and the timber reserve. The post reserve is the land referred to in the last amendment to the bill, and there is still reserved something over 600 acres.

Subsequently the other two parts were turned back to the Interior Department for disposal, and Congress passed acts providing for the appraisement of them; but pending the enforcement of it Congress passed some legislation for the relief of persons who settled upon the land before it was set aside by Executive order as a military reservation, leaving a little over 400 acres still in the hands of the Interior Department.

In 1897 this land was appraised, with the improvements which were put there by four or five settlers who went onto the land about thirty years ago, after it had been set aside as a reservation, but who, owing to the unsettled condition of the country, believed that they would get title from the Government. When the land was appraised the improvements that these men had put upon it were included in the appraisement. If they were to acquire the title to the land under the appraisement heretofore provided for, they would have to pay for the land and also for the improvements that they themselves had put on it. That hardly looks fair, and this bill simply provides for the reappraisement of about 400 acres of land, according to the report of the Secretary of the Interior, appraising the land and the improvements separately. The provision is that if the purchaser, the highest bidder, is the owner of the improvements, he shall not have to pay the appraised value of his own improvements.

Mr. LIVINGSTON. Suppose he does not get it. Does the other party pay for these improvements?

Mr. JONES of Washington. The other party pays for the improvements and he gets it, and the Government gets the value of the land. It is recommended by the Interior Department and has the unanimous report of the committee.

Mr. MADDOX. You say you have a unanimous report from the committee?

Mr. JONES of Washington. It is unanimously reported from the committee.

Mr. MADDOX. Was it referred to the Secretary of the Interior?

Mr. JONES of Washington. It was referred to the Secretary of the Interior, and his report is printed in the report of the committee, and he suggests the last amendment put in the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUSE ELEVATOR CONDUCTORS.

Mr. HUGHES of West Virginia. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution No. 228.

Resolved, That the Committee on Accounts be, and is hereby, authorized and directed to provide for the payment to the following conductors of the House elevators in the Capitol the following sums, to wit: L. B. Cook, $200; George Winters, $200; M. F. O'Donnell, $200; S. A. Barnes, $160.47; R. E. Walker, $200, and J. K. Duncan, $200, being the difference between $1,100 and $1,200 per annum from July 1, 1902, to July 1, 1904, as has been customary in the past under the general deficiency appropriation bill.

Mr. MADDOX. Mr. Speaker, I would like to have the gentleman tell us something about this. There seems to be some discrimination made against these gentlemen who operate these elevators.

Mr. HUGHES of West Virginia. The law gives the elevator men $1,200, but there is no appropriation made annually for that amount. This simply gives them an appropriation for the two years that this appropriation is not made for. It is a supplementary allowance, and has been done before by Congress. I have here the CONGRESSIONAL RECORD——

Mr. MADDOX. Do I understand you to say that the law gives it to them, and there is no appropriation?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. MADDOX. And your committee is making the appropriation?

Mr. HUGHES of West Virginia. Yes, sir. There is an appropriation of $1,100 a year, but not of $1,200 for the purpose.

Mr. HEMENWAY. Mr. Speaker, I object until I can look into the matter.

Mr. MADDOX. But the gentleman says it is a privileged report. It is a matter that your committee ought to look after.

Mr. HEMENWAY. I do not think it is privileged.

Mr. HUGHES of West Virginia. I will say to the gentleman from Indiana it is done every year, and I will read the CONGRESSIONAL RECORD——

Mr. HEMENWAY. But I understand you are going back with this.

Mr. HUGHES of West Virginia. We are only appropriating for the next year.

Mr. HEMENWAY. You are going ahead and not confining it to this fiscal year.

Mr. HUGHES of West Virginia. Yes, sir. It is for this fiscal year. If the gentleman will permit me, here is the CONGRESSIONAL RECORD of May 15, 1902.

Mr. MADDOX. It is subject to a point of order.

The SPEAKER. The Chair misapprehended the terms of the resolution. The Chair supposed that it was a resolution directing the payment of this amount from the contingent fund. If so, it would be privileged. But it does not seem to be a resolution for that purpose. It is really a resolution directing the Committee on Appropriations to include in the deficiency appropriation bill this amount. Is there objection to the present consideration of the resolution?

Mr. BARTLETT. Mr. Speaker, if the Chair will withhold his decision with reference to the privileged character of the resolution just a moment, I would like to call his attention to the fact, having been on that committee for eight years at least, it has been customary for the Committee on Accounts to report such resolutions—not "directing." I have never known that expression to be used before. I was not present when this resolution was considered by the Committee on Accounts last Thursday, and therefore am not familiar with it; but it has been customary for the Committee on Accounts to report a resolution providing that the Committee on Appropriations shall make an appropriation for these matters, and until that has been done by law that the amount be paid out of the contingent fund. That is the usual way of reporting these resolutions.

The SPEAKER. That is not this resolution.

The following-named committees shall have leave to report at any time on the matters herein stated, viz: * * * the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

The Chair thinks this is not a privileged resolution. Is there objection to the present consideration?

Mr. HEMENWAY. I object until I can have time to look into it.

Mr. BARTLETT. I have not called the matter up. Your colleague on that side called it up.

Mr. HUGHES of West Virginia. I hope the gentleman will not object to this. This is the usual appropriation made every year. This is the same appropriation that is made by the Senate, and for some time these men were cut off by the House from $1,200 to $1,100, and it has been provided in this way by the House for the last six or eight years. It is a small amount, and I hope the gentleman will not object.

Mr. HEMENWAY. I do not know what you have got in there, and you seem to seek to provide for two fiscal years. That is unusual. I think we had better let it go over until I have an opportunity to see it.

Mr. HUGHES of West Virginia. I ask the privilege of withdrawing the resolution.

The SPEAKER. The gentleman from West Virginia withdraws the resolution for the present.

D. S. PORTER.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to D. S. Porter of the sum of $500 for extra and expert services to the Committee on Pensions as assistant clerk of said committee by detail.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

HERMAN GAUSS.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Appropriations is authorized to provide in the general deficiency appropriation bill for the payment to Herman Gauss of the sum of $750 for extra and expert services to the Committee on Invalid Pensions as assistant clerk of said committee by detail.

The SPEAKER. Is there objection?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would like to know something about that. I have heard the other case, as we have thrashed this over before in the House. Now, who is this man?

Mr. HUGHES of West Virginia. He is a clerk from the Pension Bureau detailed to the Committee on Invalid Pensions.

Mr. MADDOX. Mr. Porter is detailed——

Mr. HUGHES of West Virginia. To the Pension Committee. There is a different man in the Committee on Invalid Pensions and the Committee on Pensions.

Mr. MADDOX. Why do you give this one so much more than the other?

Mr. HUGHES of West Virginia. Because he has so much more work to do; so many more bills come before the Committee on Invalid Pensions than before the Committee on Pensions.

Mr. MADDOX. Then is there any necessity for the clerk detailed to the Committee on Pensions at all?

Mr. MIERS of Indiana. Mr. Speaker, will the gentleman allow me a word? I will say that the gentleman referred to, Mr. Gauss, works more hours than any other clerk of any committee, the Appropriations Committee not excepted. It is expert work, it is careful work, and this is the usual resolution, and I certainly would be very sorry indeed not to see it pass.

Mr. MADDOX. If the gentleman will allow me, in the language of my old friend Cox, who was here, let us get this straight. Which committee is this man assigned to?

Mr. HUGHES of West Virginia. To the Committee on Invalid Pensions.

Mr. MADDOX. Then the other was the clerk to the Committee on Pensions, which we have already passed?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. MADDOX. I presume that is the one I ought to have objected to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

F. R. LANSON.

Mr. SIBLEY. Mr. Speaker, I desire to ask unanimous consent for the present consideration of a bill which I will ask to have reported at the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9135) for the relief of F. R. Lauson.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to issue to F. R. Lauson, of Tionesta, Pa., a duplicate of United States 4 per cent bond No. 100044, the original having been burned; but before issuing said duplicate bond the Secretary of the Treasury shall take from said Lauson a bond in the sum of $300, with two satisfactory sureties, conditioned to indemnify the United States against said original bond No. 100044, and all claims therein.

The amendments were read, as follows:

In line 4 change the word "Lauson" to "Lanson."
In line 5, after the word "centum," insert the word "coupon."
In line 6, after the word "four," insert the words "funded loan of 1907."
In line 8 change the word "Lauson" to "Lanson."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Pennsylvania which committee reports the bill?

Mr. SIBLEY. The Committee on Claims.

Mr. UNDERWOOD. I have always understood, Mr. Speaker, the custom of the House was that the Speaker did not recognize for unanimous consent bills coming from the Committee on Claims.

Mr. SIBLEY. I want to say to my friend, if he will pardon me for a moment, that this is not a claim. It merely authorizes the Secretary of the Treasury to reissue a bond for one that was burned. It involves no claim upon the Government. The House passed it unanimously in the last Congress, but it did not get over to the Senate. It is an act of tardy justice. If it was a claim upon the Treasury I should think it would be clearly out of place, but as it is I trust the gentleman will not object.

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, I simply want to say this, that I do not see anything on the face of the claim of the gentleman from Pennsylvania that would warrant my being opposed to the bill. I believe, though, that each side of this House ought to be kept on an equal footing. If it is going to be a custom of the Speaker to allow Members to take bills from the Claims Committee, to select meritorious bills for unanimous consent, I think it is all right, but if we are not going to enter into proceedings whereby the Members can take up by unanimous consent bills coming from the Committee on Claims and Committee on War Claims, I do not think then any privileges ought to be shown; but as the Speaker has made this the first opening, and as he may hereafter recognize Democrats on this side to take up bills from the Committee on Claims, I will not object to this bill, and if we are going into it by unanimous consent——

The SPEAKER. The Chair has recognized the gentleman to ask unanimous consent. The Chair has a well-defined policy touching the laying of bills before the House for unanimous consent, and the Chair will say that policy does not cover the considering of claims so called by unanimous consent, so the Chair would decline to make a bargain about it. So far as recognizing both sides of the House is concerned, the Chair has not kept books; the Chair has been clearing off a good many matters by unanimous consent, at least for the consideration of the House. One side of the House has not been recognized as much as the other this morning because requests have not been made of the Chair. Is there objection?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. SIBLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RAILROAD BRIDGE ACROSS WABASH RIVER IN VIGO COUNTY, IND.

The SPEAKER laid before the House the bill H. R. 13480, an act to authorize the Southern Indiana Railway Company to construct a railroad bridge across the Wabash River in Vigo County, Ind., with Senate amendments.

The Senate amendments were read.

Mr. HEMENWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CRANE & CO., DALTON, MASS.

The SPEAKER also laid before the House the bill (H. R. 3256) entitled "An act directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass.," with Senate amendments.

The Senate amendments were read.

Mr. LAWRENCE. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 8473) to supplement an act of Congress approved February 27, 1899, entitled "An act for the relief of the Fourth Arkansas Mounted Infantry," and the same was referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HUNT for ten days on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the sundry civil bill; and pending that motion I ask unanimous consent that the House agree to ten hours' general debate, five hours to be controlled by the gentleman from Missouri [Mr. BENTON] and five hours by myself.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, and pending that motion asks unanimous consent that general debate be had for ten hours, five hours to be controlled by the gentleman from Missouri [Mr. BENTON] and five hours by the gentleman from Indiana [Mr. HEMENWAY]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BURTON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 14416, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14416) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1905, and for other purposes.

Mr. HEMENWAY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, this is the last of the general appropriation bills to provide for the expense of the Government for the fiscal year beginning July 1 next.

It attracts more interest from the membership of the House and the country at large than does any one of the twelve regular appropriation bills, for the reason that it provides in great or small degree for every one of the many branches of the public service, and in particular for the many civic public works authorized by Congress and in progress in every State of the Union, such as public buildings, that afford to the masses of the people substantial evidence of the wealth and dignity of our great national Commonwealth; for light-houses and the establishment for their maintenance, to aid and encourage the development of our commerce at home and our commerce with the maritime nations of the earth—a system that is to-day the best and most generously equipped in the world, and the only one that is maintained by any country absolutely without direct charge or tribute upon or from commerce; for the continuance of work on the deep-water harbors and waterways of the country, work that is in progress under the continuing-contract system inaugurated by the Fifty-first Congress, that has been handed down and will forever be known to fame as the first Reed Congress; the Life-Saving Service that has proved so beneficent and humane a blessing to our seafaring people and to all who are exposed to the perils of the ocean; the Fish Commission, that has developed the food-fish interests of our seas and inland waters to an extent that is almost incredible; the public-land service, that provides for the disposal of the public domain to the eager homeseeker—a service, also, that has, through the Geological Survey, pointed out the way to incalculable wealth buried beneath the surface of the earth; the maintenance of the National Home for Disabled Volunteer Soldiers, those havens of rest and comfort provided by a grateful Republic for the needy veterans who have fought in its wars.

All of these, together with many other meritorious objects, are provided for in this bill—expenses of the United States courts, the expense of public printing and binding, and of other functions of government that are probably uninteresting to mention now, as well as many purposes not strictly germane to any one of the other appropriation bills, or which have arisen and become necessary since those bills were passed.

This is the result worked out by the committee in the preparation of this bill, namely: A reduction under the estimates submitted of $17,147,116.09, and of $28,915,208.99 under the like appropriation for the current fiscal year, which must be gratifying to the House, and will, I am sure, meet the approval of the country.

This large reduction is made and is proper, notwithstanding the bill carries every dollar that is required for each public building now authorized and in the course of construction and the exact amount stated to be necessary by the Engineer Department for all river and harbor improvements in progress under the contract system.

The sum total of all the annual supply bills, including the one under consideration, as reported to the House by the committee charged with their preparation, is $597,802,324.26. Adding to this sum the requirements estimated at $84,971,820, under permanent appropriations for interest on the public debt, the expenses of collecting customs, and other purposes, exclusive of the sinking fund, we have the total adjudged to be necessary to conduct the Government next year, namely, $682,774,144.26.

No appreciable increase that would materially affect the latter sum has been made by the House in the consideration and passage of the bills.

In January last it was my privilege to call the attention of the House to the serious situation then confronting Congress, demanding the consideration of estimated expenditures submitted by the Departments in the regular annual Book of Estimates, amounting, exclusive of the sinking fund, to $727,474,206.79, a sum which I predicted then, and which subsequent events have verified, would be augmented by supplemental estimates that would swell the whole to not less than $747,317,922.79, or an excess of $42,845,862.07 over the revenues, which are estimated at $704,472,060.72 for the fiscal year 1905.

By the omission to pass a general river and harbor bill at this session of Congress and by the wise economy exercised in the preparation of the appropriation bills, notably in the case of the bill under consideration, where a reduction of more than $17,000,000 is made under the estimates, the sum total of all our proposed expenditures is reduced, as stated, to $682,774,144.26, or nearly $22,000,000 under the estimated total revenues. This reduced sum is sufficient to meet all reasonable additions that may be or have been made to the bills by amendments of the Senate and sufficient also to cover all legitimate deficiencies that may have to be provided for next session.

The large and unprecedented reduction of nearly $29,000,000 made in this bill compared with the appropriations for the current year was made possible, in the first place, by reductions in amounts for each of three objects, namely:

For public buildings, from $12,511,783.79 to $4,556,233.79, a reduction of $7,955,550. A careful inquiry into the exact status of each building and the ascertainment of available balances under previous appropriations justify this reduction.

For river and harbor contract work the total is reduced from $20,228,150.99 to $7,872,200, or a reduction of $12,355,950.99. The committee ascertained that there were balances available for river and harbor works amounting to $37,000,000, and with the unqualified concurrence of the Chief of Engineers that the amount in each case carried by the bill was amply sufficient, the whole has been thus reduced.

For the National Homes for Disabled Volunteer Soldiers the total is reduced from $4,894,813 to $3,782,689, making a net reduction of $1,112,124, which was possible for the reason that the sundry civil act for the current year carried two unusual amounts under the heads, namely, "For completing the Mountain Branch, at Johnson City, Tenn., $900,000," and "For completing the Battle Mountain Sanitarium in South Dakota, $350,000."

In the next place, the last sundry civil act carried an unusual number of items that are not necessary to be continued for another year, such as the following items, each of which carried $100,000 or more:

Agricultural Department building	$270,000
Denver mint, furniture and machinery	240,000
Garfield and Providence hospitals, new buildings	200,000
Great Britain, to carry out treaty of January 24, 1903, with	100,000
House of Representatives, office building	751,000
Louisiana Purchase Exposition, exhibits	175,000
Manila military posts	1,000,000
Chicago military post	280,000
Fort Snelling military post	110,000
Schuylkill Arsenal building	125,000
Relief of destitution in the Philippines	3,000,000
National Museum building	250,000
Newport, R. I., wharf	100,000
Revenue-cutter steamers	220,000

[Mr. BENTON addressed the committee. See Appendix.]

Mr. BENTON. Mr. Chairman, I yield thirty minutes to the gentleman from Indiana [Mr. MIERS].

Mr. MIERS of Indiana. Mr. Chairman, the Secretary of the Interior on March 15, 1904, issued an order governing the granting of pensions under the June, 1890, act, to take effect April 13, 1904. I have had a great many inquiries from soldiers over the country and from Members of the House as to what the effect of this order will be—how much it will cost to execute it, how many and what class of soldiers would be benefited, and similar questions. I have had a good deal of curiosity, as well as a very great desire, to know for myself, and to that end I have made a calculation that I desire shall go into the RECORD for the information of the House and to the country concerning these inquiries.

It may seem a little presumptuous that a Member of the minority should attempt that responsibility, but having waited since the 15th of March and no gentleman from the majority and no one

from the Bureau having undertaken to furnish information, I thought I might venture to make some suggestions along that line.

I desire that the order itself shall be inserted in the RECORD, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 15, 1904.

The COMMISSIONER OF PENSIONS.

SIR: Your letter has been received, submitting for my consideration an order touching the rate of pension allowed under the act of June 27, 1890. The order in question is as follows:

Order No. 78.] DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
March 15, 1904.

Whereas the act of June 27, 1890, as amended, provides that a claimant shall "be entitled to receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown to be rated;" and

Whereas old age is an infirmity, the average nature an extent of which the experience of the Pension Bureau has established with reasonable certainty; and

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll; and

Whereas thirty-nine years will have elapsed on April 13, 1904, since the civil war and there are many survivors over 62 years of age: Now, therefore,

Ordered, 1. In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact, if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor and is entitled to be rated at $6 per month; after 65 years, at $8 per month; after 68 years, at $10 per month, and after 70 years, at $12 per month.

2. Allowances at higher rate, not exceeding $12 per month, will continue to be made as heretofore where disabilities other than age show a condition of inability to perform manual labor.

3. This order shall take effect April 13, 1904, and shall not be deemed retroactive. The former rules of the Office fixing the minimum and maximum at 65 years and 75 years, respectively, are hereby modified as above.

E. F. WARE,
Commissioner of Pensions.

In response thereto I have to state that one copy of the order has been approved by indorsement thereon, and is herewith transmitted for the files of your Office.

Very respectfully, E. A. HITCHCOCK, *Secretary.*

Under this order it is provided that when a soldier shall have attained the age of 62 years he shall be deemed to be one-half disabled and shall be admitted to the pension roll at $6 a month. At 65 years of age he shall receive $8 a month; at 68, $10 a month, and at 70, $12 a month. I desire next to place in the RECORD an estimate furnished by the Pension Bureau, giving the number of soldiers, the age, and the service, in order that we may make an estimate as to how many will have arrived at the ages of 62, 65, 68, and 70 years.

According to an estimate furnished by the Commissioner of Pensions, there will be surviving July 1, 1904, 870,000 pensioners.

ESTIMATE.

The following table shows the estimated number of soldiers of the civil war surviving July 1, 1904, and the length of service at each age (compiled from records in Pension Office):

Age.	Years of service.						One-half and less.	Total survivors each age.	Annual death rate.	Deaths first year.
	Three and up.	Two and one-half to three.	Two to two and one-half.	One and one-half to two.	One to one and one-half.	One-half to one.				
									Per cent.	
56 and less	6,500	3,200	1,300	2,700	3,500	4,500	3,300	25,000	1.80	450
57	5,800	2,900	1,100	2,400	3,000	4,000	2,800	22,000	2.02	444
58	8,800	4,400	1,700	3,700	4,800	6,100	4,500	34,000	2.16	734
59	12,700	6,400	2,500	5,400	6,800	8,800	6,400	49,000	2.31	1,132
60	15,300	7,700	3,000	6,500	8,200	10,600	7,700	59,000	2.47	1,457
61	17,200	8,600	3,300	7,200	9,200	11,900	8,600	66,000	2.65	1,749
62	16,100	8,100	3,100	6,800	8,700	11,100	8,100	62,000	2.85	1,767
63	15,600	7,800	3,000	6,600	8,400	10,800	7,800	60,000	3.07	1,842
64	15,100	7,500	2,900	6,400	8,100	10,400	7,600	58,000	3.31	1,920
65	14,300	7,100	2,800	6,000	7,700	9,900	7,200	55,000	3.57	1,964
66	13,500	6,800	2,600	5,700	7,200	9,400	6,800	52,000	3.86	2,007
67	12,800	6,400	2,400	5,400	6,800	8,800	6,400	49,000	4.18	2,048
68	12,000	6,000	2,300	5,000	6,400	8,300	6,000	46,000	4.53	2,084
69	11,000	5,400	2,100	4,600	5,900	7,500	5,500	42,000	4.90	2,058
70	9,900	4,900	1,900	4,200	5,300	6,800	5,000	38,000	5.32	2,022
71	8,600	4,300	1,700	3,600	4,600	5,900	4,300	33,000	5.78	1,907
72	7,300	3,700	1,400	3,100	3,900	5,000	3,600	28,000	6.28	1,758
73	5,700	2,900	1,100	2,400	3,000	4,000	2,900	22,000	6.82	1,500
74	4,200	2,100	800	1,700	2,200	2,900	2,100	16,000	7.41	1,186
75 and up	14,000	7,000	2,700	6,000	7,600	9,700	7,000	54,000	11.50	6,210
Total	226,400	113,200	43,700	95,400	121,300	156,400	113,600	870,000	4.17	36,239

In this inquiry there are two questions involved. The first is, What proportion of the soldiers will have arrived at the ages indicated in this order on the 13th of April, 1904? For that purpose I use this estimate, furnished by the Bureau, and the best one I can find, with the date of July 1, 1904. From that estimate I ascertain that those who have arrived at the age of 62 are 78 per cent; those who have arrived at the age of 65 are 68 per cent; those who have arrived at the age of 68 are 49 per cent, and those who have arrived at the age of 70 are 29 per cent. I find that to be true from this table, and I think it is a matter of demonstration from the public history and from the knowledge of man. The war began in 1861, forty-three years ago. A man who is 62 years old now was 19 years of age then and 23 at the close of the war. As a matter of history, you will remember this is about correct. Those who went into the service in 1862, a large portion, were 19 or more years of age.

At the close of the war, in 1865, I think the public history will prove the fact that a large portion of them—about the number found here, 78 per cent—were 23 years of age. So that for the purposes of this argument I shall assume the figures and the percentages that I stated a moment ago to be correct. The next question is, What class of soldiers will be affected when this order is executed? There are, as it were, three classes of soldiers. One class, which is drawing a pension under the general law, is the soldiers who have proven their disability of service origin. Another class, which is drawing under the act of June, 1890, by reason of their disabilities, although not proven to be of service origin. Under this order there will be another class to take into account. That class will be the soldiers who heretofore have not proven any pensionable disability and are not on the pension roll.

By data furnished by the Pension Bureau—and, I believe, conceded to be approximately correct by all gentlemen—there are 180,000 or 200,000 soldiers living who have never proven their disabilities and are not pensioned. Let us see how the execution of this order will affect this class. First, we ought to determine out of 180,000 or 200,000 soldiers how many will probably, under this order, be admitted to the pension roll. It is the intent of this order that all a soldier has to do is to prove that he is 62 years of age, without proving any disability, and he will then be entitled to a pension at $6 a month, or $72 a year.

Mr. NORRIS. Mr. Chairman, will the gentleman permit a question?

Mr. MIERS of Indiana. Certainly.

Mr. NORRIS. I would like to know the gentleman's idea of this proposition: Under the order that he is speaking of will it be necessary for the applicant for a pension, in his judgment, to be examined by the medical board?

Mr. MIERS of Indiana. As I understand this order, it will not be unless the soldier wants to go on the roll at a higher rate than that authorized by the limit of age. In other words, if he is 62 years of age and he is satisfied with $6, then no other proof is necessary. If he is 65 years of age and is satisfied with $8, no further proof than his age and ninety days' service is necessary, and the same with respect to 68 and 70 years of age; or at least I think that is the intent of the order.

Mr. NORRIS. My question, if the gentleman will allow me, was prompted by a newspaper article which I read on the subject. That article quoted the law with reference to applications for an increase. The law, as I understand it, provides that the increase shall date from the day of the medical examination. Then the question recurred as to whether it would always be necessary in getting an increase, even under this order, to go through the formality of a medical examination.

Mr. MIERS of Indiana. I would much prefer to answer that more fully a little later.

Mr. NORRIS. Very well.

Mr. MIERS of Indiana. I think myself that unless section 4698½ of the Revised Statutes is amended the gentlemen over at

the Pension Bureau will find great difficulty in executing this order, but if necessary this section can be amended.

Mr. NORRIS. That was my idea.

Mr. MIERS of Indiana. I think the law must be changed in order to properly execute the order. I prefer to take this subject up a little later in the discussion.

Mr. CALDERHEAD. On that subject, Mr. Chairman, the Department, under the rule of practice followed over there, has no difficulty in considering 75 years an age at which they will allow $8, unless unusual disability is shown in the case. Now, I think, under the same practice, they will have no difficulty in this.

Mr. MIERS of Indiana. I think that is not the question presented by the gentleman from Nebraska [Mr. NORRIS].

The data furnished by the Pension Bureau lead us to conclude that there are about 180,000 soldiers of the war of the rebellion that are not on the roll. Assuming that of this number 100,000 would take advantage of the order, the increased expenditure at $6 per month, $72 per year, would require $7,200,000.

The order further provides that when the soldier becomes 65 years of age he shall be placed on the roll at $8 per month. This is an increase of $2 per month, or $24 per annum. By the foregoing table we have determined 68 per cent of the soldiers have arrived at the age of 65. Then we have 68,000 to be increased by $24 per annum, requiring $1,632,000.

The order further provides that at the age of 68 the soldiers shall be put on the roll at $10. This is an increase of $2 per month, $24 per annum. Forty-nine per cent have attained the age of 68. There would be 49,000 to be increased by $24, and this would require $1,176,000.

The order further provides that when the soldier becomes 70 years of age he shall be placed on the roll at $12 per month. This would be an increase of $2 per month, or $24 per annum. Twenty-nine per cent have attained the age of 70. There would be 29,000 more who are to be increased $2 per month, or $24 per annum. This would require $696,000. Total, $10,704,000.

Thus it will be seen that it will require an increase of $10,704,000 to execute this order in favor of the men who are not on the roll at all; over $10,000,000 per annum for the men who have no present pensionable standing, for the men who presumably have not an ache or a pain, men at least who have never established any at the Bureau. With such a liberal order without the warrant of law giving this enormous sum to this class, we would be led to expect great things for those who wear the scars and have established their claims by proof on file at the Pension Bureau. I do not at this time care to discuss the right of the Bureau to make such an order, further than to say that if it establishes a service pension it is certainly legislation, and the Bureau would not claim the right to legislate.

If it is a matter of proof, it has been the privilege and duty of the Bureau to apply the proof all these years; and if it has not done it, it has been very derelict in duty. I prefer to proceed with the inquiry as to the effect of the order and see what it proposes for the men that carry the wounds and injuries from long and hard service and for the men who have established their disabilities under the June, 1890, act.

First let us see how many are drawing pensions under the old law less than $6. See the report of the Commissioner of Pensions of June 30, 1903, and it will be ascertained that four men are drawing $2 per month. This would be an increase of $4 per month or $48 per year, and, there being four of them, it would require $192. There is one man drawing $3 per month. This would be an increase of $3 per month, or $36 per annum. There are eight men drawing $4 per month. This would be an increase of $2 per month, $24 per year. This would require $192. There are seven men drawing $5 per month. This would be an increase of $1 per month, or $12 per year, and would require $84. Total, $504.

This is the amount for those on the roll by reason of the general law. We will next ascertain how many on the roll whose claims have been established under the same act are drawing less than $6. By an inspection of the report of the Commissioner of Pensions of date June 30, 1903, at page 73, it will be ascertained that there is not one. If there are only twenty soldiers all told who are drawing less than $6, why fix an age limit of 62 for $6? The order fixes the age limit of 65 in order to draw $8? The real age limit is therefore 65, and 62 is inserted in the order to fool and mislead the public.

Let us proceed with the investigation.

Next, those at 65 are to be increased to $8 per month. To determine how many are drawing between $6 and $8 under the general law, see report of Commissioner of Pensions of June 30, 1903.

There are 37,410 that are drawing $6. If they are to be increased to $8, the increase would be $2 per month, or $24 per year. Sixty-eight per cent have attained the age of 65, and 68 per cent of 37,410 is 25,438. At $24 would require $610,532.

There are 290 others drawing $6.25 to $7.75. Would be an average increase of less than $1, but we will count it $12 a year. Sixty-eight per cent of 290 would be about 200. That number at $12 would require $2,400.

Next those at 68 are to be increased to $10 per month. This would be $2 per month, or $24. Same report shows that 34,156 are drawing $8. Forty-nine per cent have reached the age of 68. Forty-nine per cent of 34,156 is 16,636. At $24 would require $401,664.

There are 558 drawing between $8.75 and $9.75. Counting the average of $1 per month, $12. Forty-nine per cent of 558 would be 275. At $12 per annum would require $3,300.

Next those at 70 are to be increased to $12 per month. This would be $2 per month, or $24 per annum. Same report shows that 23,739 are drawing $10. Twenty-nine per cent have reached the age of 70. Twenty-nine per cent of 23,739 would be 6,884. At $24 would require $165,216.

There are 273 drawing between $10.20 and $11.75. With this average increase at $1 per month, $12 per annum. Twenty-nine per cent of 273 would be 80. At $12 require $960. Total under general law, $1,184,072.

Next we will determine the amount of increase under June act. (See same report.)

Those at the age of 65 are to be increased to $8. There are 87,984 drawing $6. To increase to $8 would be $2 per month, or $24 per annum. Sixty-eight per cent of 87,984 is 59,829. At $24 would require $1,435,896. There are 6 drawing from $7 to $7.50. Take $1 as the average—$12 per year—would be, if all are 65, $72.

Next, those at the age of 68 are to be increased to $10—$2 per month, $24 per annum. There are 141,203 drawing $8. Forty-nine per cent of 141,203 would be 69,189. At $24 would be $1,660,536, and 1 at $12 would be $12.

Next, those at the age of 70 are to be increased to $12 per month, an increase of $2 per month, or $24 per annum. There are 53,744 drawing $10. Twenty-nine per cent of 53,744 is 15,585. At $24, $374,040. One at $1 per month, $12 per annum, would make $12. Total, under June act, $3,470,568.

RECAPITULATION.

To those not now on the roll	$10,608,000
To those under June, 1890, act	3,470,568
To those under the general law ($504+$1,184,072)	1,184,576
Total increase	15,263,144

You have under this hurry-up order an increase on account of the soldiers who have no pensionable standing, without a wound and without any disease, with no disability of any kind that can be established—at least, never has been—$10,704,000.

First, $10,704,000 to those with no pensionable standing, then $3,470,568 to those under the June, 1890, act, and only $1,193,606 to those who trace their disabilities to service origin. This is the reverse of what we should expect. It gives an increase of $14,174,568 to men who do not show their present disability to be of service origin.

To the great army of men making up the present great roll of honor, some limbless, armless, blind, totally disabled by rheumatism, locomotor ataxia, or any and all other causes, many of whom are unable to dress or undress themselves, many unable to feed themselves. Many gave three and some four years of the best part of their lives. Many spent months, some years, in rebel prisons; all drawing under the general law, where all their disabilities are established and of record. The sum total of all their increases is $1,184,072 + 504; total, $1,184,576.

They say that thirty-nine years after the close of the Mexican war the Mexican soldiers were given a service pension of $12 a month. I would first of all call your attention to the fact that it was not done by an Executive order that can be ignored, changed, or repealed by the next Administration, or ignored by the present one. It was done by law, as this House would have done except for this Executive order. Congress passed a law by which the executive department should be governed. The precedent was both just and patriotic; but as to the old heroes of 1861–1865, who fought for four years as no other men have ever done in any controversy in any country, their limit at 62 years is fixed at $6. You cite the precedent of the Mexican soldiers, who met all the responsibility that came to them within about a year, and their pensions were fixed at $12. So much for the precedent. The harder the service the less the recognition.

Some gentlemen have asked, has the Bureau the right to issue the order? I am not prepared to say the Bureau had no such authority. There was already by a former administration an age limit of 65 fixed as one limit and 75 as the other. I think they therefore had the right by reason of precedent.

I think they had the right for another reason. That is this: In this great Department that has been in existence for over forty years they have been taking proof, have been examining disability, and if it is ascertained as a matter of public history, by reason of examinations made and records kept, that a man at 62 years of age is half disabled, and if at 65 he is two-thirds disabled, I

think it would be right to apply this as evidence. "History has proven that fact and should make a prima facie case."

It is not so much the right of which I am complaining, but the circumstances under which it was done. There had been a great demand from the Grand Army of the Republic for a service-pension bill. The Invalid Pensions Committee had wrought in season and out and was about ready to conclude and report on a service pension, with other legislation that would have been wholesome, when the Executive order came and stifled the will of the Grand Army of the Republic and of the House, including the fifty-odd Members who had introduced bills looking toward the liberalization of the pension laws.

The President of the United States or the Secretary of the Interior, Congress in session, charged with the duty of enacting legislation, with legislation already formulated and ready to present to the House, issued this order. I submit it was, at least, in very bad taste, and if the Executive order has carried this House away from legislation on this subject, where is it to end? If an Executive order may do what is done in this case, another Executive order may change the rule, and that Department may execute pension orders just as it pleases, without reference to law or the right of the soldier.

As an American citizen, as a Representative charged with a duty, I would have much preferred that this House should have done this by orderly legislation, even if the present order was to be executed. And I am quite sure this House would never have approved this order. If this order establishes a service-pension law, it is legislation, and the Department did not have the right. If it is simply an application of evidence, they might and should have applied it years ago.

None receiving pensions above $12 can be reached by this order, no difference what their condition may be—limbless, armless, or what the nature of the injury may be, this order gives them no relief. I ask you, gentlemen, who are charged with legislation, are you willing to see an Executive order go into force that will spend $14,174,568 for the men who have no disability of service origin and only $1,184,576 for the great army of men who have proven their disabilities to be of service origin?

To me it looks like the case is wrong end first. I would rather have enacted some legislation that would have given $10,000,000 to the men who can prove and have proven and placed on record their disabilities of service origin. And this House on pension days has universally increased the pension of an old soldier who is found to be totally disabled to the extent of requiring the aid and assistance of another to $30 per month. Not a dollar is given to this class.

Would you not rather have given to that class a pension of $30, what we are doing on every pension day? It would take less than $2,000,000 to do it. Yet this order takes $10,000,000 and places it on those who have no disability which they can prove of service origin and leaves this class entirely out. Would you not, if you had been permitted to meet the responsibility, rather have done something for the men to whom we are giving on every pension day, and thereby have relieved the House of a great many of these special pension bills and placed the money where it is needed the worst?

I approve every bill we pass. Whenever you point me to an old soldier who is totally disabled to the extent of requiring the aid and attention of another, by special bill or otherwise, I shall always vote to increase his pension. But I do not like to do it for one and leave the others in the same condition all over the country without any relief. I prefer that this House, after a report from the Committee on Invalid Pensions, shall consider the whole matter, and in a high patriotic spirit enact some legislation that will not only relieve the House, but will be of some service to the old soldiers of all classes and conditions.

Mr. NORRIS. Will the gentleman permit me to ask him a question?

Mr. MIERS of Indiana. Certainly.

Mr. NORRIS. Does not the gentleman think the same responsibility rests on the House to legislate as he suggests is done under this order as if the order had not been made?

Mr. MIERS of Indiana. I welcome the inquiry, and answer yes. I want to say further, in answering the question, one purpose I have in this argument and in putting these figures in the RECORD is that this House may understand what the order is, and thereby see the necessity of doing just what the gentleman from Nebraska suggests.

Why this hurry-up order, and who is the author of it? In the Washington Post of March 18, in speaking of the Senate steering committee, it was said:

> The committee discussed an order of business for the rest of the session, and decided to sidetrack the general building measures, the several labor bills, the Hepburn-Dolliver liquor bill, and all similar legislation. The meeting yesterday was the first session the steering committee has held for the purpose of deciding on an adjournment programme. It lasted nearly an hour and was attended by all but one member.
>
> It is said one of the reasons for meeting at this early date was the issuance of the Executive order in lieu of service-pension legislation, which removed one of the principal factors which might lengthen the session of Congress. It had been known that Members of the House were urging that a service-pension bill be enacted, and that their insistence would result in delaying a final adjournment. With this out of the way and nearly all other obstacles to early adjournment, there is believed by the steering committee to be less likelihood for a demand for Congressional investigations of the Post-Office and other Departments.

So all building bills are to be sidetracked. All labor bills are to be laid aside. By whom? By the majority. Why? Is it to show its friendship for labor, or is it because it is afraid to meet the issue and leave it to the country?

Does anyone believe this will satisfy the soldiers? Will this satisfy that great organization, the Grand Army of the Republic? Will this satisfy the country? Will this satisfy the fifty Members who have introduced bills to liberalize and increase pensions? If I were to answer, I would say "No."

But the author says there is a precedent, and cites the act of 1897 that gave to the Mexican soldiers at 62 years of age a pension of $12 per month. I grant the law and approve it as wise and patriotic. How does this order follow the precedent? At the age of 62 it only gives relief to twenty soldiers now making the great pension roll, and only grants $504 of relief to those at the age of 62. It offers to the soldiers who fought more hard battles, made greater sacrifices than any other class of soldiers ever did, the sum of $6 per month, and, while pretending to fix the age limit at 62, in fact establishes the minimum age limit at 65 years; cites the Mexican law that gave $12 absolute at 62 to uphold the order that gives to twenty of the heroes of the rebellion $6, and fixes the age limit at 65.

Shame on such mockery!

And the "Executive order in lieu of the service-pension bill." "Members of the House were urging a service-pension bill." "In order to avert the service-pension bill the Executive order was promulgated." Do you sanction an adjournment to defeat labor legislation? If you do, don't go to the country declaring that you are the friend of labor. If this Executive order is your idea of the obligation of the Government and your duty to the soldier, you must explain to them and to the country.

"Members were urging the service-pension bill." Yes, and we were so urging it that it could not be put off any longer. It would have been reported to this House before now. It remains to be seen whether your President can kill pension legislation this way. It has been talked for days that he advised such an order. I do not believe this House will approve any such sharp practice. It has been said it was a shrewd political move; that your President is a man of action; that he does something. I grant you that he is a man of action; but don't he sometimes act too quickly, before considering what the result will be? Don't you think in the matter of the Executive order he acted without knowing that it would cost the country nearly $11,000,000 to place names on the roll that had no pensionable standing?

Don't you think he acted without knowing that he was offering an affront to the great army of veterans now on the pension roll by killing their bill? Don't you think he acted unwisely when he advised the adjournment of Congress to avoid the responsibility of further investigating post-office frauds and to avoid the responsibility of taking a position in favor of or against the Hepburn-Dolliver bill?

Don't you think he acted hastily when he advised adjournment of Congress to avoid action on labor bills? Don't you think if you act on the advice of this man who does something, for effect and for political advantage, that it may cost you the next House of Representatives and his sure defeat for reelection? Don't you think that because he is a man that does so many ill-considered and poorly advised things is the reason why the country, and especially the business interest of the country, is afraid of him?

Don't you think such double dealing and doing so many rash acts may cause the Democratic party to elect to the Presidency some safe, conservative man who is the friend of capital and labor alike? Don't you think you better consider the Hepburn bill before you adjourn? Don't you think you better take up these bills introduced by the friends of labor and let the country know how you really stand toward these great questions? Don't you think you better reconsider and act on the pension legislation now formulated and ready for action?

Or won't you think at all, and will you follow without thinking this man, who acts on impulse and is ready to defeat legislation by a trick and scuttle away to avoid responsibility? Is that what this House is organized for, or is it to meet and transact the public business to the best interest of the whole country? Such conduct is more like madmen than Representatives of the people. Remember that whom the gods would destroy they first make mad.

This body of Representatives to be adjourned! Why? Because it is about to be called upon to vote on labor legislation. This House has had pending before it the eight-hour bill and the anti-

injunction bill ever since I have been in Congress, and the Republicans have been in the majority, and under some pretext or another have prevented consideration.

Adjourn Congress! Why? Because the Republican managers are not willing to say how they stand on labor legislation; because they are not willing to say how they stand on public building bills; not willing to say how they stand on the Hepburn-Dolliver liquor bill; adjourn while a great many Members of Congress were urging the passage of a service-pension bill. We were—Members were—urging and the committee was ready to act, and an Executive order came for the purpose of cutting off legislation on that subject.

I would therefore answer the inquiry of the gentleman from Nebraska: Yes; I think the House is duty bound to enact a pension law that will express the judgment of the House on this subject. The responsibility rests with every Member of the House, and so far as I am concerned I am willing to meet it, and if need be remain in session for not only one month, but two, three, or four months, and I am glad to accept the responsibility with others Members of this House and show how we stand on labor legislation and all these other bills. So far as my influence is concerned I shall insist that we stay here and meet these responsibilities, so that labor, the old soldier, and the country may know what we represent. [Applause.]

[Here the hammer fell.]

Mr. MIERS of Indiana. I ask leave, then, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. MIERS of Indiana. Under the leave to extend, and in conclusion, I would urge that the House of Representatives proceed to perfect and pass a bill that meets with the judgment of the House. If that can not be done, then I favor the execution of the Executive order in the way that will be equitable and give the greatest relief to the old soldiers. To that end, if it is necessary to amend section 4698½, so as to certainly exempt the applicant from examination I am heartily in favor of doing so.

I would further enact a provision that will make the application so simple that there need be no delays on that account, and suggest the following as a form for an application:

Hon. COMMISSIONER OF PENSIONS.

SIR: Having reached the age of —— years, I hereby apply for such increase of pension as may be warranted under the act of June 27, 1890, under order No. —— construing said act.

I am a pensioner under the act by certificate No. —— at the rate of $—— per month.

I served as —— Company —, —— Regiment, —— Volunteer ——, from ——, 186–, to ——, 186–, and in Company —, —— Regiment, —— Volunteer ——, from ——, 186–, to ——, 186–.

I was born in ——, State of ——, on the —— day of ——, 18—.

My post-office address is ——, county of ——, State of ——.

Very respectfully,

—— ——.

Witnesses to signature:

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MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles in which the concurrence of the House of Representatives was requested:

H. R. 691. An act granting an increase of pension to Rebecca C. Shurlock; and

H. R. 11169. An act granting an increase of pension to Reuben Griffith Porter.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2650. An act to transfer Capt. Seth Mitchell Ackley from the retired list to the active list of the Navy;

S. 4480. An act granting an increase of pension to Jane E. Fuller;

S. 2194. An act granting an increase of pension to Phoebe Buch;

S. 4727. An act granting an increase of pension to W. W. Tanner;

S. 2508. An act granting an increase of pension to Morris H. Jones;

S. 4635. An act granting an increase of pension to David Misener;

S. 2645. An act granting an increase of pension to Lay Roy B. Church;

S. 2380. An act granting a pension to Jane Smith;

S. 3493. An act granting an increase of pension to John C. Van Campen;

S. 2975. An act granting a pension to Claude C. Swafford;

S. 3490. An act granting an increase of pension to Bucklin H. Wood;

S. 4528. An act granting an increase of pension to Amanda M. Hand;

S. 4529. An act granting an increase of pension to Jesse N. Jones;

S. 4531. An act granting an increase of pension to Julia C. Vanzant;

S. 2252. An act granting an increase of pension to David Inches;

S. 2248. An act granting an increase of pension to Frederick Sommers;

S. 3988. An act granting an increase of pension to John L. Hughes;

S. 3352. An act granting an increase of pension to Mary M. Nash;

S. 3956. An act granting an increase of pension to Patrick Fleming;

S. 2458. An act granting a pension to J. H. Oney;

S. 4708. An act granting an increase of pension to Samuel Bailey;

S. 4308. An act granting an increase of pension to Mary E. Pillow;

S. 1570. An act granting an increase of pension to Jasper Robinson;

S. 2030. An act granting an increase of pension to Elias L. Fidler;

S. 4363. An act granting an increase of pension to Eli Veazie;

S. 4514. An act granting an increase of pension to John P. Whitehouse;

S. 2582. An act granting an increase of pension to Harry M. Sherman;

S. 3227. An act granting a pension to James F. Mears;

S. 3084. An act granting an increase of pension to Helen F. Nichols;

S. 4773. An act granting an increase of pension to Juliette Minez;

S. 2361. An act granting an increase of pension to Clara E. Daniels;

S. 4602. An act granting an increase of pension to Hiram Imus;

S. 3327. An act granting an increase of pension to Isaac N. Moore;

S. 4428. An act granting an increase of pension to Edwin W. Ford;

S. 4275. An act granting a pension to Nancy Noxon;

S. 3561. An act granting an increase of pension to Anna E. Draper;

S. 4759. An act granting a pension to John M. Manlove;

S. 2657. An act granting an increase of pension to Robert T. Wood;

S. 4139. An act granting an increase of pension to John D. Henderson;

S. 4827. An act granting an increase of pension to John S. Burkholder;

S. 3308. An act granting an increase of pension to Jesse C. Lott;

S. 4815. An act granting an increase of pension to Angeline P. Root;

S. 4776. An act granting an increase of pension to Jesse Maurer;

S. 4496. An act granting an increase of pension to Harvey Fletcher;

S. 460. An act granting an increase of pension to Mary C. Nicholson;

S. 3198. An act granting an increase of pension to Samuel D. Reynolds;

S. 4487. An act granting an increase of pension to Aaron M. Mason;

S. 4777. An act granting an increase of pension to Thomas McCormick;

S. 4001. An act granting a pension to Benjamin A. Provoost;

S. 4242. An act granting an increase of pension to Andrew Fisher;

S. 4381. An act granting a pension to Mary P. Wilson;

S. 4936. An act granting an increase of pension to Emma J. Smith;

S. 2569. An act granting an increase of pension to John W. Allen;

S. 4621. An act granting an increase of pension to George Draper;

S. 4731. An act granting an increase of pension to John A. Brown;

S. 2636. An act granting an increase of pension to Alvin D. Lane;

S. 4695. An act granting an increase of pension to Horatio P. Abbott;

S. 2372. An act granting an increase of pension to David M. Davis;

S. 3986. An act granting a pension to Cynthia Speaks;

S. 2124. An act granting an increase of pension to David W. Johns;

S. 2046. An act granting an increase of pension to William G. Scott;
S. 4511. An act granting an increase of pension to James L. Porter;
S. 4507. An act granting an increase of pension to Francis G. Hoffmire;
S. 3236. An act granting a pension to John McDermid;
S. 4249. An act granting an increase of pension to Mary Gilroy;
S. 3018. An act granting an increase of pension to George W. Sullivan;
S. 4192. An act granting an increase of pension to James H. Whaley;
S. 76. An act granting a pension to Mary H. Cornell;
S. 4678. An act granting an increase of pension to John W. Paris;
S. 3385. An act granting an increase of pension to John A. Blair;
S. 3485. An act granting an increase of pension to Elizabeth Bedford;
S. 5077. An act granting an increase of pension to Agnes Harmon;
S. 3777. An act granting a pension to Sarah S. Smith;
S. 4364. An act granting an increase of pension to Joshua McCormick;
S. 25. An act granting an increase of pension to Amanda J. Frybarger;
S. 2727. An act granting an increase of pension to Alice M. Stafford;
S. 4670. An act granting an increase of pension to Thomas H. Devine;
S. 5110. An act granting a pension to Cornelia K. Smith;
S. 3305. An act granting an increase of pension to James K. Deyo;
S. 3778. An act granting an increase of pension to Joseph L. Cotey;
S. 725. An act granting an increase of pension to Amanda L. Mardin;
S. 4915. An act granting an increase of pension to Daniel Taylor;
S. 5032. An act granting an increase of pension to Charles H. Edick; and
S. 4935. An act granting a pension to John Waarsteson.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2491. An act granting a pension to Larkin Maynard;
H. R. 6848. An act granting an increase of pension to John W. Plattenburg;
H. R. 11557. An act granting a pension to Alfred D. Burton;
H. R. 10935. An act granting an increase of pension to Rebecca Mayo;
H. R. 10576. An act granting a pension to Lulu E. McKee;
H. R. 2490. An act granting a pension to John Maynard;
H. R. 1268. An act granting an increase of pension to John B. Hart;
H. R. 790. An act granting an increase of pension to Oliver A. Filman;
H. R. 5648. An act granting an increase of pension to Margaret Herold;
H. R. 8482. An act granting an increase of pension to John C. Foos;
H. R. 5395. An act granting a pension to Mattie Aten;
H. R. 8180. An act granting an increase of pension to William Smith;
H. R. 183. An act granting an increase of pension to James W. Smith;
H. R. 6087. An act granting an increase of pension to Anthony Bracklin;
H. R. 4114. An act granting an increase of pension to Robert S. Carns;
H. R. 1519. An act granting a pension to Thomas P. Moore;
H. R. 2371. An act granting a pension to Sarah J. Herman;
H. R. 7079. An act granting an increase of pension to John J. Fleming;
H. R. 8220. An act granting an increase of pension to Edward B. Nugent;
H. R. 10267. An act granting a pension to Florence R. Russell;
H. R. 10580. An act granting an increase of pension to Joseph Longberry;
H. R. 7754. An act granting an increase of pension to Jeremiah Myers;
H. R. 2767. An act granting an increase of pension to John E. Neary;
H. R. 11141. An act granting an increase of pension to John B. Keller;
H. R. 5091. An act granting an increase of pension to William Kennedy;
H. R. 2557. An act granting an increase of pension to James Carr;
H. R. 1352. An act granting an increase of pension to Samuel McClure;
H. R. 10264. An act granting an increase of pension to Lewis C. Amberg;
H. R. 12036. An act granting an increase of pension to Jacob Wetzel;
H. R. 5682. An act granting an increase of pension to Charles B. Hunt;
H. R. 8742. An act granting an increase of pension to Jason Robinson;
H. R. 6258. An act granting an increase of pension to Theodore C. Putnam;
H. R. 8010. An act granting an increase of pension to Joseph B. Deeter;
H. R. 9398. An act granting a pension to John Lindsey;
H. R. 6249. An act granting an increase of pension to Frederick J. Fairbrass;
H. R. 3027. An act granting an increase of pension to William H. Vickers;
H. R. 6501. An act granting an increase of pension to Isaiah Robinson, jr.;
H. R. 2122. An act granting a pension to Orlo H. Lyon;
H. R. 194. An act granting an increase of pension to Mary J. Bradley;
H. R. 2189. An act granting an increase of pension to Henry Spindler;
H. R. 1285. An act granting an increase of pension to Adam Gosage;
H. R. 11606. An act granting an increase of pension to Caleb J. May;
H. R. 153. An act granting a pension to Harriet Snyder;
H. R. 10171. An act granting an increase of pension to Josiah H. Tyack;
H. R. 6611. An act granting an increase of pension to Austin Murphy;
H. R. 10847. An act granting an increase of pension to James O. Knowles;
H. R. 1176. An act granting an increase of pension to George W. Kimble;
H. R. 967. An act granting an increase of pension to Nicholas Gruber;
H. R. 805. An act granting an increase of pension to George W. McConkey;
H. R. 11066. An act granting an increase of pension to Joshua D. Griffith;
H. R. 5693. An act granting an increase of pension to Joel M. Street;
H. R. 8725. An act granting an increase of pension to John A. Parker;
H. R. 8387. An act granting an increase of pension to Emma R. Wallace;
H. R. 8287. An act granting an increase of pension to Abram T. Carney;
H. R. 5873. An act granting an increase of pension to Sirbrina Palmer;
H. R. 5700. An act granting an increase of pension to Christopher C. Richards;
H. R. 5824. An act granting an increase of pension to Casper J. Schoer;
H. R. 11175. An act granting an increase of pension to Isaac S. Drummond;
H. R. 1528. An act granting an increase of pension to Charles C. Joralemon;
H. R. 5476. An act granting an increase of pension to William Davis;
H. R. 10179. An act granting an increase of pension to William H. Bell;
H. R. 10822. An act granting an increase of pension to Andrew Smith;
H. R. 5527. An act granting an increase of pension to Frances Reck;
H. R. 6416. An act granting an increase of pension to Anna S. Dunn;
H. R. 936. An act granting an increase of pension to William Millian;
H. R. 10912. An act granting an increase of pension to Leonard J. Whitney;
H. R. 7411. An act granting an increase of pension to Matthew Caldwell;
H. R. 6880. An act granting an increase of pension to Charles T. Preston;
H. R. 8050. An act granting an increase of pension to John L. Lose;
H. R. 5855. An act granting an increase of pension to Herbert M. Blackwell, alias Levi W. Moar;

H. R. 7438. An act granting an increase of pension to Corinne Tolman;
H. R. 1515. An act granting a pension to Lucy Warren;
H. R. 2110. An act granting a pension to Mary Farrell;
H. R. 729. An act granting an increase of pension to Freeman O. Hodge;
H. R. 742. An act granting an increase of pension to George W. Darrah;
H. R. 8044. An act granting an increase of pension to Seymour F. Burlingame;
H. R. 10919. An act granting an increase of pension to Susan E. Oliver;
H. R. 1170. An act granting an increase of pension to Lewis L. Bean;
H. R. 10399. An act granting an increase of pension to Francis Marshall;
H. R. 10531. An act granting an increase of pension to George W. Farr;
H. R. 11428. An act granting an increase of pension to Augustus Fellows;
H. R. 11229. An act granting a pension to Francis M. Good;
H. R. 8789. An act granting an increase of pension to George K. Knowlton;
H. R. 5952. An act granting an increase of pension to William H. Kent;
H. R. 8611. An act granting an increase of pension to Charles W. De Motte;
H. R. 2589. An act granting a pension to Susanna Cosgrove;
H. R. 10209. An act granting an increase of pension to Margaret Delaney;
H. R. 10901. An act granting an increase of pension to John Quinn;
H. R. 8025. An act granting an increase of pension to James Payton;
H. R. 8078. An act granting an increase of pension to William J. Mosier;
H. R. 3806. An act granting an increase of pension to George H. Sweet;
H. R. 6271. An act granting an increase of pension to Catharine M. Wonderly;
H. R. 6024. An act granting an increase of pension to Calisto Castro;
H. R. 6563. An act grantingan increase of pension to John Barragar;
H. R. 10792. An act granting an increase of pension to Frederick Lockley;
H. R. 2852. An act granting an increase of pension to Abraham J. Yeomans;
H. R. 2855. An act granting an increase of pension to John W. Hill;
H. R. 6432. An act granting a pension to Ellender C. Miller;
H. R. 4994. An act granting an increase of pension to Mary P. Sheets;
H. R. 4997. An act granting a pension to Franklin B. Lippincott;
H. R. 9082. An act granting an increase of pension to Chester F. Kimball;
H. R. 9815. An act granting an increase of pension to Ephraim O. Gilbert;
H. R. 9592. An act granting an increase of pension to William H. Steinmann;
H. R. 9081. An act granting an increase of pension to Benjamin F. Miller;
H. R. 9726. An act granting an increase of pension to John McEliece;
H. R. 9117. An act granting a pension to George T. Young;
H. R. 7353. An act granting an increase of pension to William H. Schreiner;
H. R. 7244. An act granting an increase of pension to Williamina R. Allenbaugh;
H. R. 2121. An act granting a pension to Gertrude Merrill;
H. R. 4943. An act granting an increase of pension to Thomas Morgan;
H. R. 7066. An act granting a pension to Elizabeth B. Constant;
H. R. 9979. An act granting an increase of pension to Ezra Nichols;
H. R. 9709. An act granting an increase of pension to Louis De Witt;
H. R. 9820. An act granting an increase of pension to Vincent Anderson;
H. R. 9392. An act granting an increase of pension to Margaret J. Robbins;
H. R. 11845. An act granting an increase of pension to David C. McVicker;
H. R. 4941. An act granting a pension to Mary J. Wilson;
H. R. 5008. An act granting an increase of pension to Henry McCord;
H. R. 4874. An act granting a pension to Charles V. Billig;
H. R. 2928. An act granting an increase of pension to Daniel Bushman;
H. R. 4355. An act granting an increase of pension to Martha A. Day;
H. R. 9741. An act granting an increase of pension to Sarah E. Dale;
H. R. 1179. An act granting an increase of pension to Jasper Richey;
H. R. 9390. An act granting an increase of pension to Samuel Louis Tyner;
H. R. 6956. An act granting an increase of pension to Ellis House;
H. R. 6653. An act granting an increase of pension to Josiah Standley;
H. R. 12550. An act granting an increase of pension to Emma R. Lamb;
H. R. 6823. An act granting an increase of pension to Seneca R. Pollard;
H. R. 1882. An act granting an increase of pension to James Durkee;
H. R. 9581. An act granting an increase of pension to Henry W. Lloyd;
H. R. 12056. An act granting an increase of pension to Kezia Cherry;
H. R. 9576. An act granting an increase of pension to Eli M. McElwain;
H. R. 4798. An act granting an increase of pension to Margaret F. Harris;
H. R. 7726. An act granting a pension to Jasper N. W. Rogers;
H. R. 12457. An act granting an increase of pension to Nannie J. McGuckin;
H. R. 7664. An act granting an increase of pension to George P. Malloch;
H. R. 11074. An act granting an increase of pension to Merritt R. Simpson;
H. R. 11227. An act granting an increase of pension to George W. Walls;
H. R. 8836. An act granting an increase of pension to Benjamin Pitman;
H. R. 1575. An act granting an increase of pension to Henry F. Davis;
H. R. 11654. An act granting an increase of pension to Augustus Wagner;
H. R. 4968. An act granting an increase of pension to Robert E. Clary;
H. R. 3288. An act granting an increase of pension to Nathan L. Meands;
H. R. 11575. An act granting a pension to Abel N. Button;
H. R. 7221. An act granting an increase of pension to John Ryan;
H. R. 5296. An act granting an increase of pension to Horatio M. Price;
H. R. 12417. An act granting a pension to Hiram Parker;
H. R. 6589. An act granting a pension to Jacob B. Mock;
H. R. 7568. An act granting an increase of pension to Albert Costigan;
H. R. 7501. An act granting an increase of pension to Emily Catlin;
H. R. 11660. An act granting an increase of pension to James Dasson;
H. R. 11649. An act granting an increase of pension to Malinda A. Myers;
H. R. 3167. An act granting an increase of pension to James Littleton;
H. R. 9801. An act granting a pension to Jane McNeil;
H. R. 11558. An act granting an increase of pension to James E. Luckey;
H. R. 2572. An act granting an increase of pension to George W. Steffey;
H. R. 7308. An act granting an increase of pension to Lucius E. Mills;
H. R. 7778. An act granting a pension to Frank H. Clark;
H. R. 9756. An act granting an increase of pension to Jesse T. Bennett;
H. R. 3035. An act granting an increase of pension to William D. Hall;
H. R. 2862. An act granting an increase of pension to Henrietta A. Pryce;
H. R. 9807. An act granting an increase of pension to Hugh S. Smith;
H. R. 7500. An act granting an increase of pension to Mary E. Springer;
H. R. 7470. An act granting an increase of pension to Isaac B. Goforth, alias Napoleon B. Gordon;
H. R. 6859. An act granting an increase of pension to William A. Sheridan;

H. R. 5373. An act granting an increase of pension to Moten M. Pitts;
H. R. 4889. An act granting an increase of pension to Henry C. Beltz;
H. R. 3902. An act granting a pension to Martha J. Derrington;
H. R. 12050. An act granting an increase of pension to David R. Luttrell;
H. R. 9996. An act granting a pension to Henry Mason;
H. R. 9990. An act granting a pension to John Bartmann;
H. R. 6420. An act granting an increase of pension to Frederick Mehring;
H. R. 12191. An act granting an increase of pension to Henry D. Filkins;
H. R. 12073. An act granting an increase of pension to Eliza J. Gardner;
H. R. 12053. An act granting an increase of pension to James Large;
H. R. 11894. An act granting an increase of pension to Jeremiah Sheldon;
H. R. 11655. An act granting an increase of pension to James Lynch;
H. R. 4634. An act granting an increase of pension to Randolph T. Stoops;
H. R. 5262. An act granting an increase of pension to Irving Holcomb;
H. R. 6824. An act granting an increase of pension to Benjamin Manning;
H. R. 9789. An act granting an increase of pension to Charles M. Morrison;
H. R. 7394. An act granting an increase of pension to Amelia Hutchins;
H. R. 7698. An act granting an increase of pension to Benjamin R. W. Mockabee;
H. R. 620. An act granting an increase of pension to George D. Boyd;
H. R. 2914. An act granting an increase of pension to Charity M. Farmer;
H. R. 3266. An act granting a pension to James M. Simms;
H. R. 4230. An act granting an increase of pension to Jasper M. Griggs;
H. R. 11629. An act granting an increase of pension to Nannie J. McDowell;
H. R. 11563. An act granting an increase of pension to Julia A. Allison;
H. R. 12805. An act granting a pension to Margaret J. Snook;
H. R. 4353. An act granting an increase of pension to George Brown;
H. R. 1905. An act granting an increase of pension to Elias Holliday;
H. R. 1877. An act granting an increase of pension to George H Suits; and
H. R. 1861. An act granting an increase of pension to James Wilkinson.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. POU. Mr. Chairman, we are told that the present session of Congress will soon end. Before the short session shall convene the American people will be called upon to decide whether the party in power has been true to its pledges and whether it shall be continued in power. In the last Presidential election the Republican party was successful. It went before the people of the country upon a platform which was approved at the polls. It has occurred to me that it would not be improper to consider some of the pledges made in that platform and to ascertain, if possible, whether or not those pledges have been performed. Probably the simplest way to consider this question would be to eliminate the promises concerning which there has been an attempt to perform. Certainly the number is few and their importance insignificant.

There has been some extension in the rural free-delivery service, in which the minority heartily concurred. The independence of Cuba has been established in pursuance of a resolution introduced by a Democratic Senator, and a Department of Commerce and Labor has been constituted without protest from the minority. There was really no issue with respect to these matters. The Democratic party had declared for a Department of Labor and for the independence of Cuba, and the earliest and best friends of the rural free-delivery service were to be found upon the Democratic side of this Chamber. There were, however, in the Republican platform of 1900 certain pledges of not only national but of international importance, not one of which has been performed.

Upon the very threshold of the platform we find a declaration renewing the allegiance of the party to the principle of the gold standard, and declaring further that—

We recognize that interest rates are a potent factor in production and business activity, and for the purpose of further equalizing and of further lowering the rates of interest we favor such monetary legislation as will enable the varying needs of the season and of all sections to be promptly met, in order that trade may be evenly sustained, labor steadily employed, and commerce enlarged.

It will hardly be contended by any Republican statesman that there has been any performance of this promise. Republican journals all over the country for many months have been calling the attention of the country to the insufficiency of our monetary legislation. Your party declared its renewed allegiance to the principle of the gold standard, and yet Republican newspapers are constantly warning you that the gold standard is not safe; that the parity of the different kinds of money issued by the Government is not assured; that this parity could be destroyed by a Presidential order. You admitted in your platform that some legislation accomplishing this purpose was necessary, and yet you permitted the Fifty-seventh Congress to convene and adjourn without putting one line upon the statute books to carry out this pledge, and I predict that you will permit this session of the Fifty-eighth Congress to adjourn without performing that promise.

Time and again we have been told that the remedy had been discovered. Several bills have been introduced by eminent Republican statesmen. The distinguished gentleman from New Jersey, during the Fifty-seventh Congress, after much research, introduced a measure intended to carry out this pledge, but up to this time it seems that it has been absolutely impossible to effect an agreement on the majority side of this Chamber. Therefore without indorsing your proposed measures I call your attention to the fact that the Republican party will go before the country in the coming campaign compelled to face a broken pledge with respect to its platform on monetary legislation.

TRUSTS.

Again, you have not only failed to pass any measure curbing their power, but it has been actually demonstrated that your party is the friend of trusts and monopolies. I find these words in your platform:

We recognize the necessity and propriety of the honest cooperation of capital to meet new business conditions, and especially to extend our rapidly increasing foreign trade; but we condemn all conspiracies and combinations intended to restrict business, to create monopolies, to limit production, or to control prices, and favor such legislation as will effectively restrain and prevent all such abuses, protect and promote competition, and secure the rights of producers, laborers, and all who are engaged in industry and commerce.

Let us see what the Republican party has done with respect to the suppression or regulation of the trusts. Like the poor, it seems the trusts are to be with us always. Bear in mind the Republican party is in power. It has the Presidency and both Houses of Congress by large majorities. If it desires to deal with this great national evil, it has untrammeled power. There is absolutely nothing in the way. Aye, more than this, the minority stands ready to help you if you are really honest in your purpose.

When your party swept the country in 1900, few were those who supposed that any attempt would be made to rid the American people of the trust evil. It was charged—and, so far as I know, never denied—that the trusts had contributed immense sums to the Republican campaign fund. It was believed that your party drew life and strength from the trusts. Without their aid you never could have won that victory. Indeed, the victory of 1900 was regarded as a trust victory. It is true you had denounced them in your platform. It is true you had promised relief. It is true you had promised to execute the law, but few people believed you would do it. The creature can not control its creator; consequently your party, it was believed, could not control the trusts. On the contrary, thinking men reasoned that they would control you.

It is a humiliating fact that money is all-powerful in our elections. Very small majorities change results. Human nature is weak. Money is plentiful with the favored few, who stand ready to give it away to those who will serve them. Your party, Mr. Chairman, took their money. What you did with it I leave for the American people to decide. It was charged, and not denied, that your campaign fund amounted to millions. Those in charge of the fund know whether this is true or not. For one I do not believe any political party has legitimate need for even $1,000,000 in any one campaign. For one I believe the man who sells his vote should be punished, but I believe the man who buys that vote should receive the greater punishment. The penitentiary is the proper home for men who go over the country raising great sums of money to debauch the American voters.

But your party had used the money contributed by these criminals, and it would have been contrary to human nature for that party to legislate its most valuable friends out of existence. So that when the victory of 1900 was won, the trusts felt that for four years more, at least, they were safe. The rich would grow richer. The trusts had found employment for the laboring man, who was told that he must be content, thank God and the Republican party that something had been found for him to do. His dinner pail was full. For four years more he was to have plenty

to eat—a full stomach. He must be satisfied with that. He must not dream of higher and better things. The trust had provided him with work and filled his stomach; therefore he must be satisfied and vote the Republican ticket. How beautifully everything was fixed! How satisfied was the trust. For four years not one wave of trouble was to sweep across its benevolent breast.

Now, Mr. Chairman, I am not willing to be construed as reflecting upon the honor or integrity of any individual Republican statesman. I am ready to admit that you have in the ranks of your party statesmen who are just as sincere, just as honest, and just as patriotic as can be found in the ranks of the party to which I belong, but it is impossible for your party to conceal the fact that the trusts of the country felt that the victory of 1900 was their victory and that they had nothing to fear from those they had helped to elect. But when the strenuous Colonel Roosevelt was made President by the cruel hand of the assassin the trusts became uneasy. Men all over the country who honestly believed the trusts were oppressing the people, because they were fixing the price not only of what they sold, but of what they bought as well, said that at last a man was President who was bold enough to defy the trusts even if by so doing he was retired to private life.

Colonel Roosevelt had written much against the cruel and unjust practices of the trust. While governor of New York he had declared that—

> The man who by swindling or by wrongdoing acquires great wealth for himself at the expense of his fellow stands as low morally as any predatory mediæval nobleman and is a more dangerous member of society. Any law and any method of construing the law which will enable the community to punish him, either by taking away his wealth or by imprisonment, should be welcomed.

He had exhibited on various occasions a great desire to get at these lawbreakers. All over the country he had declared his undying hostility to all enemies of the people. From childhood he had led the strenuous life. He was a soldier—a man of iron. Every drop of his blood was tingling with patriotism. He was the Prince Rupert of the patriots.

He was, it was supposed, the very apotheosis of everything self-sacrificing, courageous, and American, and yet every day since he has been President the law has been violated. The criminals are known, too. His representative in Congress filed an exhibit actually giving the names of 800 trusts. He had learned much about their internal affairs, for this exhibit gave in detail the amount of preferred and common stock, together with the bonds they had issued. This exhibit, which can be found on page 1848 of the RECORD of the last Congress, declared that—

> The list as a whole, therefore, contains the grand total of nearly 800 trusts, with a total capitalization of nearly fourteen billions. These totals are fully 33 per cent larger than those of any other lists hitherto published.

Here we have a statement indorsed by the gentleman from Maine, understood to represent the views of the President, that at that time 800 trusts were doing business in the country, in spite of the Sherman law, with a capital more than half as great as all of the money in circulation in the United States.

Until the advent of Mr. Roosevelt it was supposed that the Sherman antitrust law was not sufficient to deal with these great lawbreakers, but Mr. Roosevelt's Attorney-General soon discovered the mistake. It was soon given out that whether Congress legislated or not the Sherman law was sufficient to accomplish the desired result. While all this was taking place, Mr. Chairman, I hazarded a prediction. It was this: That the efforts of the Republican party to suppress the trusts were a sham and a pretense; that the trusts cared but little about the suits threatened and instituted; that at heart the Republican party was in sympathy with the trusts, and that all the noise and clamor of the Administration would practically end in nothing.

You may prevent two certain railroad systems from carrying out a particular deal, but you have done nothing, absolutely nothing, to prevent these two roads from charging their own prices for the transportation of freight and passengers, nor have you prevented the trusts from selling to the people at trust prices and buying what the people sell to them also at trust prices. This is going on now without interruption and will continue just as long as you continue in power a party which uses trust money to carry elections and which chooses trust attorneys to represent the people of America in their efforts to free themselves from the clutches of their oppressors. The truth is, the people of this country are paying to-day more for the necessaries of life than ever before. While wages are being decreased, the cost of living is constantly increasing. The truth is that wages have only increased a trifle during all the flush times our Republican friends are boasting about, while the cost of living since 1896 has increased from 33⅓ to 50 per cent.

The New York Herald of Sunday, March 6, contains the following statement, which is well worthy of consideration:

> At a time when there is complaint of contraction in trade and industry and wages are being reduced it is uncomfortable to find that the cost of living is increasing.
>
> Every housewife will peruse with interest the article in this morning's Herald giving in detail the recent advance in all the necessaries of life. The course of prices in the last seven years is reflected in Dun's "index number" showing prices proportioned to consumption.
>
> In making up this index number the prices of all necessaries of life are taken, and in each case the price is multiplied by the country's per capita consumption. This precludes any one commodity having more than its proper weight in the aggregate, the price of a pound of coffee, for instance, being taken nine times and the price of a bushel of wheat five and one-half times. Extreme low prices were touched July 1, 1897. Comparison of the index number of that date with more recent ones is interesting:
>
> *Per capita cost of living.*
>
> | | |
> |---|---|
> | July 1, 1897 | $72.45 |
> | March 1, 1900 | 96.60 |
> | March 1, 1901 | 94.86 |
> | March 1, 1902 | 101.59 |
> | March 1, 1903 | 101.06 |
> | October 1, 1903 | 97.38 |
> | March 1, 1904 | 103.61 |
>
> These figures, of course, do not show the actual cost of living, because wholesale prices are used and no account is taken of rent or luxuries or extras of any sort.
>
> As showing the tendencies of the times nationally, however, allusion was made to the tabulated data contained in the bulletin of the Bureau of Labor of the Department of Commerce and Labor last November. One table shows that in 1896 the average cost of food per family was $256.76. Since then, taking the same relative retail prices of food, the average increase has been $5 a year.

When it is shown that there has been an enormous increase in the cost of living the Republican party, which is the servant of the trusts, at once proceeds to shower congratulations upon the farmers of the country on account of the increase of the price of farm products. But, Mr. Chairman, I will show before I conclude that neither the trusts nor the Republican party is entitled to any credit whatever for the high prices which, thank God, our farmers have been receiving. The truth is the trusts have been advancing the price of manufactured products even when the prices of farm products were declining.

The present high prices which our farmers enjoy came in spite of the trusts, and our sturdy sons of toil, upon whose shoulders rest all permanent prosperity, will hardly be deceived into giving their natural enemy, the trust, credit for the remunerative prices they are receiving. When the price of farm products is fixed by the trust the farmer is no longer a free man, but a slave. When the farmer puts the Republican party in power he puts the trust in power, and when he puts the trust in power he has surrendered up his liberty and is no longer a free man.

Mr. Chairman, there is absolutely nothing in American politics more criminal than the attitude of the Republican party with respect to the trusts and monopolies. You proceed upon the assumption that the American people are a nation of idiots. The man who draws a salary, the man who receives fixed wages, was never in a worse condition than he is to-day. You leave him absolutely at the mercy of the trusts. You say he is prosperous, but his salary and wages have not been increased and he is forced to pay more for the necessaries of life than ever before in the history of this country. The man who receives $1,000 per annum and is forced to spend $1,000 is not in as good condition as the man who receives $500 per annum and is only forced to spend $400. And the thousands of persons in our cities and towns who work for a fixed salary are awaking to the melancholy reality that the prosperity of which the Republican party is constantly boasting is a mockery and a sham; and this is especially true when these very persons see millions of dollars' worth of the necessaries of life, which they are forced to consume, shipped across the ocean and to South America and sold to aliens cheaper than the identical goods are sold to them.

I repeat that there is absolutely nothing in the whole history of American politics that is more criminal than this. You are punishing these people because they are Americans. They are forced to patronize the trusts or do without the articles the trusts sell. All competition is shut out from abroad and all competition at home is strangled to death. In the midst of the many and varied remedies which are offered to meet these conditions the Democratic party, which you abuse as incompetent and unfit to rule, offers one which is so simple that a child can understand. We suggest what you yourselves invoked as your best and only remedy. It is this: Reduce the import duty upon the trust-made articles to that point which will force the manufacturer to sell as cheaply to Americans as he does to foreigners.

When the coal strike was on and thousands were almost freezing in the cities, when men faced each other in grim despair, when the horrid specter of revolution appeared here and there in our great commercial centers, what did you do to meet conditions which then surrounded us? Were you then willing to "stand pat?" No, Mr. Chairman, you were forced to do something, and do it quickly. In that black hour the world saw the Republican leaders in this House report a Democratic measure, a measure demanded by the Democratic platform, suspending import duty on coal, I believe, for one year. When you reported that measure you acknowledged your own impotence, as well as the justice of the Democratic contention.

It is not denied that to-day all sorts of manufactured articles

which the people are forced to use are being sold cheaper abroad than at home. If the removal of the import duty upon coal had a tendency to relieve the situation during the coal strike, why will not a reduction of the import duty upon these articles have a tendency to relieve the situation now? Is there any reason why the trust can not sell its goods as cheap to the American as it does to the Austrian or the Russian? If the manufacturer can sell his goods 5,000 miles away from home at a certain price and make a profit, can he not sell the same goods at home for the same price and still make a profit? Your position upon this question is not only immoral, it is actually criminal. Why not rise to the necessity of the hour? Why not rise above party and report a measure which will provide some relief to millions of American toilers? Ah, Mr. Chairman, the question suggests its own answer. The Republican party is afraid of the trusts. It is afraid to offend the trusts. In a few months that party will be knocking at the door of the trusts begging for money. To do what? To buy up votes to elect Theodore Roosevelt President of the United States.

You know if you reduce the duty upon trust-made articles you will get little or no help. Without money to buy votes, without money to corrupt our elections, without money to distort and nullify the will of the people the Republican party is in a hopeless minority. Without a huge corruption fund you would certainly have been defeated in 1896; and without a huge corruption fund I believe it will be impossible to reelect Mr. Roosevelt. Mark the prediction, Mr. Chairman! You will pass no antitrust legislation at this session of Congress. Look out for the announcement. In a few short months the Republican party will be begging money from the very men whom Mr. Roosevelt, before he was President, denounced as "standing as low morally as any predatory mediaeval nobleman." Mark the prediction, Mr. Chairman! In a few short months you will see campaign managers of this strenuous moralist crawling about the country begging help from the very men he has time and again denounced.

But there is another plank in your platform which shall not escape notice. In that platform I find the following:

RESTRICTION OF IMMIGRATION, AND OTHER LABOR LEGISLATION.

In the further interest of American workmen we favor a more effective restriction of the immigration of cheap labor from foreign lands, the extension of opportunities of education for working children, the raising of the age limit for child labor, the protection of free labor as against contract convict labor, and an effective system of labor insurance.

Have you done anything to restrict immigration? If so, what? You made the promise. Did you mean to carry it out when you made it, or did you include it in your platform simply to catch votes? The responsibility is upon you, not upon us. But if you will propose any proper legislation restricting immigration, I think you will find no opposition upon this side of the Chamber.

Mr. Chairman, the section from which I come is the recipient of much advice. We are frequently told that we are too conservative; that we are behind the times; that we are not "up-to-date." I admit that we are conservative, and I thank God it is so. It is well, I think, that at least one great section of the Republic has protected itself against the poison that comes from the influx of indiscriminate foreign immigration, and for one I rejoice that the State from which I come has a smaller percentage of foreign population than any other State in the Union. The last census gives us less than one-tenth of 1 per cent of foreign population.

More than once in the history of this Republic the distorted form of revolution has appeared within our borders. Once in our history the people of the South attempted to leave the Union. They believed they were exercising a constitutional right. Perhaps this attempt was an error of judgment. God knows our punishment has been great. It seems the penalty has not yet been paid. But, Mr. Chairman, if the hour ever comes when the horrid specter of revolution shall rise up amongst us, I predict that our great commercial centers, weakened as they may be in their Americanism by poison from foreign lands, will turn their eyes first of all to the conservative old South for both moral and physical support; and I predict that, if such an hour ever comes, the first volunteers in the defense of law and order and government will be men of the South—posterity of the heroes who followed Stonewall Jackson and Robert E. Lee. [Applause.]

The day is not far distant when we will pay the penalty for our generous laws with respect to immigration. For the fiscal year ending June 30, 1900, 448,572 alien immigrants arrived in the United States. Of these, 54,288 brought with them $30 and upward, while 271,821 brought with them less than $30. During the fiscal year ending June 30, 1903, I believe that somewhere near 800,000 foreign immigrants arrived in the United States. These figures are alarming in themselves. The census of 1890 shows that our foreign-born population, constituting one-seventh of our total population, furnished one-third of all insane persons of the country and one-half of all the paupers supported by public institutions.

In 1891 three-fourths of all prisoners in New York City prisons were foreign born and nine-tenths of the balance were of foreign parentage. In Massachusetts the report of the prison commissioners for the year ending September 30, 1894, shows that 85 per cent of all commitments for that year were persons of foreign parentage and that the foreign population of that State furnished ten times as many criminals as the same number of persons who were native born. The average number of criminals furnished by our native-born population is 2.7 per cent for every thousand. The average number of criminals furnished by foreign population is 5.4 per cent per thousand. Below I give a table showing the number of criminals furnished by each thousand of our foreign population:

	Per thousand.
Germany	3.6
Austria	10.4
England	7.2
Russia	7.9
Hungary	15.9
Poland	16
Italy	18.2

Most of this information is obtained from House Document No. 46.

There are at the present time about eleven and a half millions of foreign-born persons in the United States. In some communities they are actually in the majority, while in many communities they hold the balance of power. It is our solemn duty to see to it that the American laborer, the highest and best type of the man who toils, is protected from the competition of these half-fed, half-starved, weak-minded paupers and criminals from foreign lands. The Republican party, Mr. Chairman, promised to give this protection, and you have broken that promise. You may rest assured that the laboring people of America will hold you responsible.

SHIPPING LEGISLATION.

I am forced to call your attention, Mr. Chairman, to still another broken pledge. I find the following in the platform of your party:

Our present dependence upon foreign shipping for nine-tenths of our foreign carrying trade is a great loss to the industry of this country. It is also a serious danger to our trade, for its sudden withdrawal in the event of European war would seriously cripple our expanding foreign commerce. The national defense and naval efficiency of this country, moreover, supply a compelling reason for legislation which will enable us to recover our former place among the trade-carrying fleets of the world.

The disappearance of American commerce from the sea has been melancholy indeed. Our registered ocean fleet in 1810 was 108,000 tons larger than it is now. The testimony of Mr. Winthrop L. Marvin, of Boston, before the House Committee on the Merchant Marine and Fisheries is well worthy of consideration.

Not since June, 1901—

Declared Mr. Marvin—

has a keel been laid in any American shipyard on either coast of the United States for one steel steamship designed and built for the purpose of foreign commerce. There has never been a time in our history—not even in the Revolution, not even in the war of 1812, not even in the war between the States—when ocean shipbuilding in the United States was in such a condition of absolutely arrested development. The ocean tonnage of United States registry for foreign commerce is smaller now by a few tons than it was in the year 1826. The proportion of American commerce carried in American ships has sunk from 12 per cent in 1883 to 9 per cent in 1903.

We are sending into foreign lands nearly $5,000,000 worth of American products and commodities every day, of which less than 9 per cent are carried upon American bottoms, and during the year 1903 the tribute paid to foreign ships for carrying merchandise to and from the United States amounted to more than $100,000,000.

I give below a table which shows how the tonnage of fleet registered for deep-sea commerce of the United States compares with that of other nations:

	Tons.
United States	873,000
Italy	1,180,000
France	1,480,000
Norway	1,650,000
Germany	2,960,000
British Empire	14,800,000

I believe that the Committee on Merchant Marine and Fisheries has reported a bill providing for a commission to investigate the United States merchant marine. This is what might be called "do-nothing legislation." But for the arrogant demands of the trusts we might hope to see a law passed giving a rebate off the Dingley tariff rates on goods imported into this country on American bottoms. But the Republican party will not pass any such legislation. It would tend to injure the trusts, and the Republican party belongs, body and soul, to the trusts. So here is another, Mr. Chairman, which you must add to the list of broken pledges of your party.

RECIPROCITY LEGISLATION.

I find also in the platform of 1900 a plank headed "Reciprocity favored," in the following words:

We favor the associated policy of reciprocity so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

Will any gentleman rise upon this floor and say that this promise has been performed? I believe that some twelve or thirteen reciprocity treaties were negotiated during Mr. McKinley's Administration and sent by him to the Senate for ratification, which still sleep in the Senate archives. It is true that with our assistance you passed a reciprocity measure for the benefit of Cuba, but this, I believe, is all. The truth is, the Republican party is in a dilemma with respect to reciprocity legislation. When that party is in a dilemma there are three or four gentlemen upon the majority side of this Chamber who are always put forward to speak, either the distinguished gentleman from New York, the leader of the majority, or his lieutenants.

The distinguished gentlemen from Ohio and Pennsylvania are always put forward when the party is in a real dilemma, and we must all bear testimony of their artful success in extricating their party from its difficulties. Realizing that trouble was ahead of the party in the next campaign, the gentleman from Pennsylvania [Mr. DALZELL] the other day undertook to define the Republican position with respect to reciprocity. In a nutshell it amounted to this: That reciprocity was only desirable with respect to noncompeting articles. When this doctrine was announced amazement as well as amusement was apparent on both sides of the Chamber. What sort of reciprocity would you have, Mr. Chairman, between noncompeting articles? To what extent do you suppose we would reciprocate?

Reciprocity, as I understand it, is the equity of protection. It was intended by Mr. Blaine to relieve protection of its harshness. It was intended to level down the injustice of protection. There is no need for reciprocity unless we impose import duties, and there is no need for the protection afforded by import duties unless there is competition between articles brought into this country and those manufactured at home. What sense is there, Mr. Chairman, in imposing a duty for the purpose of protection upon articles from abroad with respect to which there is no competition at home? If there is no competition, then there is no need of protection, and if there is no protection there can be no need for reciprocity. The speech of the gentleman from Pennsylvania will hardly excuse the Republican party from the denunciation which awaits it for its failure to perform this promise.

There are other promises, Mr. Chairman, which the Republican party made of lesser importance, which have also been broken. The truth is, the record of that party during the Fifty-seventh and Fifty-eighth Congresses is one of broken pledges. During the short time allotted to me to-day it is impossible to discuss all of the broken promises of the party, for there are other matters which I desire to discuss briefly before concluding my remarks.

When the Republican party is arraigned for its failure to do these things, with seeming confidence it invariably answers, "Notwithstanding all this, the country is prosperous." It seems that no matter what takes place, if the country is prosperous we must all be content. No matter what injustice is being perpetrated, no matter how vicious, how criminal, the laws that are in force, you must not dare to change them because the country is prosperous. We must let well enough alone. We must "stand pat." Yes, Mr. Chairman; stand pat even though you are robbed while you are standing pat. The rich are getting richer. The poor have work and a full stomach. What more could anybody ask? They tell us tariff schedules must be amended by the friends of protection. Would it not be better if they could be amended by the friends of the American people? [Applause.]

Now, Mr. Chairman, the plain truth is, no political party can legislate a people into prosperity. All that any political party can do is to administer the Government as economically as possible, pass no law which discriminates against any class or section, stimulate as far as possible our trade with foreign nations so that our surplus products may find a market, and see to it that public servants are honest and faithful in the discharge of their duties. The man who tells the people that his political party is entitled to the credit of the high price of cotton or wheat is a demagogue.

I admit that a party can advance the price of any article people are forced to consume by enacting laws which strangle competition. I admit that the Republican party has brought prosperity to the trusts by tendering to them the American people as their legitimate prey. I admit you have brought prosperity to the manufacturer by giving him a monopoly. And this is the only prosperity for which the Republican party is justly entitled to credit. But on various occasions during the present session we have been entertained in this House by speeches from eminent Republican statesmen, claiming credit for whatever prosperity the country has enjoyed. We of the South are congratulated on our participation in this prosperity. It is gratifying to us to know that our progress arouses such enthusiasm amongst our brethren of other sections. We of the South congratulate our brethren of the North and West upon the prosperity they enjoy. We assure them that their interest in our welfare is fully reciprocated and that the people of the South contemplate with pride the progress of the American Republic everywhere. [Applause on Democratic side.]

Now, let us analyze this prosperity argument a little. The Republican party is in power. The country is prospering. Therefore the Republican party brought about this prosperity. The Republican party is in power. Wheat sells at a dollar per bushel. Therefore the Republican party is entitled to the credit of dollar wheat. Again, the Republican party is in power. Cotton sells for 15 cents per pound. Therefore this party is entitled to the credit of 15-cent cotton. Post hoc; propter hoc. Is there any human being so blind that he can not see the fallacy of this argument?

The Panama Canal treaty was ratified a few days ago. Shortly thereafter the price of cotton advanced 2 cents per pound. Therefore the ratification of this treaty caused the advance in the price of cotton. The man who employs logic of this kind can prove anything.

In 1898 the Democratic party regained control of the State from which I come. Since then the price of cotton has been almost constantly advancing. Therefore the Democratic victory in my State—not the Republican victory in the nation—caused the advance in the price of cotton. One argument is just as sound as the other. No man but a demagogue would employ either; and yet, Mr. Chairman, it is a dangerous argument. Let me submit some statistics which clinch this fallacy.

If it be true that the Republican party can advance the price of wheat or cotton it can maintain that advance; and if it fails to do so, then it should be condemned as unworthy of the support of the American people. I am not as familiar with the prosperity of other sections as I am with that of my own, but I assert, without the slightest fear of successful contradiction, that the prosperity which the South has enjoyed and is enjoying to-day has been accomplished by the pluck and energy of the people of that section under the smile of Providence, in spite of unjust sectional legislation. [Applause on Democratic side.]

God knows, Mr. Chairman, there has been room for progress in the South. Eighteen hundred and sixty-five found her prostrate and her wealth destroyed. A mighty conquering army had destroyed much, but there were some things which could not be destroyed—the pluck of her people and the natural advantages vouchsafed by Almighty God.

Yes, Mr. Chairman, the South is prospering. Emerson's analysis of the law of compensation is not more beautiful than it is true. The South suffered, but she learned. If you could stand upon some mountain peak and with one sweep of the eye take in our beloved land, you would see quite a different picture from what you would have seen had you stood on the same spot forty-four years ago. You would to-day behold fertile fields which produce everything needful to man; you would hear the morning ushered in by the din of many thousands of factory whistles; and as the day wore on you would hear the remotest ends of that favored land linked together in one unbroken chain by the ringing of our school bells.

But the Republican party puts in an appearance just here and says, "I did it all." And yet during all these years of our progress we have been paying a penalty. Being large consumers, we have been taxed to make the manufacturer rich. You force our farmers to buy in a protected market and to sell in an unprotected market. In my State there were in 1870 only 39,897 cotton spindles. In 1900 the number had increased to 1,133,432. You say we should thank the Republican party for this mighty increase. What! Thank the Republican party when that party has forced our manufacturers to pay a tax of 45 per cent upon every one of the million of spindles turning to-day, upon every spindle to be put hereafter in motion, and upon every piece of machinery used in our cotton mills? For what must we thank you—for taxing us?

I respectfully submit that no sufficient reason can be given why any man engaged in the business of manufacturing cotton should vote the Republican ticket. At the last session of Congress I had the honor to submit certain statistics showing that the price of cotton-mill machinery was cheaper in England than it was in this country, and that the difference was just about covered by the Dingley tariff rates upon machinery of that kind.

Everybody, Mr. Chairman, knows the reason why the present prices of wheat and cotton are high. The demand is far greater than the supply. For thirty years, every time the southern farmers have received high prices for their cotton these prices have been accompanied by a greater or less calamity to the crop. I believe the same may be said with respect to the wheat farmers of the West, but I know it is true with respect to the cotton farmers of the South.

Let us take the crop of 1893. The crop of that year was 7,549,817 bales. It brought to the southern people in money $292,937,899. The next year, 1894, there was an increase of over 2,000,000 bales in the crop, but the farmers did not receive as much money for

that crop as they did for the crop of 1893. In 1894 they produced 9,911,251 bales, which brought $288,918,504. Thus we see that the southern people did not receive as much money for nearly 10,000,000 bales in 1894 as they did for seven and one-half million bales in 1893. The crop of 1898 was greater by nearly 100,000 bales than the crop of 1897, and yet the crop of 1897 yielded the southern farmers $56,000,000 more in money than did the crop of 1898. The crop of 1899 was nearly 2,000,000 bales less than the crop of 1898, but it brought the southern people about $81,000,000 more than did the record-breaking crop of 1898.

So that we see there is no relation between Republican rule and high prices for farm products. If there were, the question might be asked why the price of cotton touched the lowest point during Mr. Harrison's Administration it had ever touched up to that time since the civil war. Only a demagogue, Mr. Chairman, employs such argument. But in our country, unfortunately, sometimes demagogues must be answered.

The record of the Republican party is not only one of broken pledges, but one of great extravagance. Year after year our expenses increase. A few years ago the newspapers were full of the "Reed billion-dollar Congress."

Now, Mr. Chairman, we have none but billion-dollar Congresses. It is quite the practice during these latter days to treat with ridicule almost any man who dares to speak for economy. Some day, probably when a panic is upon us, it will be ascertained that the Republican party, intoxicated with power and continued success, is now engaging in a perfect carnival of extravagance. The fatal mistake was made when those in power were tempted away from the safe and conservative pathway marked out by the founders of the Republic. This used to be a republic, not an empire. At one time in our national life the idea of owning colonies several thousand miles across the sea, governed from Washington, was abhorrent to the average American citizen.

Over in Arlington, Mr. Chairman, are buried those who gave up their lives for the Republic. There are others buried over there also. A few gave up their lives in an effort to divide the Republic. Were it required of us we could assign a sufficient reason for the sacrifice of all of these brave men except one. Passing along the silent avenues of that doubly sacred spot you come to the grave of the man who lost his life in defense of the Union. Why was this man sacrificed? Let the poet answer:

> In the beauty of the lilies Christ was born across the sea;
> As he died to make men holy, so this man died to make men free.

Passing on to the grave of the dead Confederate, you ask the same question: Why was this man sacrificed? And the answer comes back: His home was invaded; he believed his constitutional rights were violated, and he died that his constitutional rights might not be taken away from him. His death is not without its compensation. Let him sleep; let him sleep. No victor's crown pressed down upon his pallid brow, but a brighter crown, woven from God's perennial flowers, awaits the awakening of him who died for the right. [Prolonged Applause.]

Ah, Mr. Chairman, here is another grave. The granite that marks it is not quite so dark, nor the sod that covers it quite so thick. It is the grave of the poor unfortunate who lost his life in our efforts to subjugate a people who for centuries had been struggling to be free. This man was just as brave as the Federal; just as brave as the Confederate. Can we morally justify his sacrifice? Let history answer. We never needed the Philippine Islands. We do not need them to-day. They will always be a source of expense and irritation. There is nothing American about them, nor can they ever be made American. But if it is our destiny to retain them, we of the South, Mr. Chairman, will willingly help bear the burden. If any nation dares to attack them, we will help defend them. As long as they are under the Stars and Stripes let it be understood that they are to be developed and protected. In every war the country has ever fought the South has done its part. It stands ready to-day to do its full duty if any inch of soil under the Stars and Stripes is imperiled.

But there is a better conception of a republic. It is a republic extending from ocean to ocean, from the Arctic pole to Panama Canal, with the outlying islands of the sea as sentinels to give warning in case of attack. Let its motto be, "Equal and exact justice to all men; equal opportunity for all citizens, States, and sections," for these are the symbols of permanent union and everlasting political life. This, Mr. Chairman, would be a genuine American republic, and then indeed we would fulfill the poet's description of the ornamental border of the buckler of Achilles—

> Thus the broad shield complete—the artist crown'd
> With his last hand, and pour'd the ocean 'round;
> In living silver seemed the waves to roll
> And beat the buckler's verge, and bound the whole.

[Loud applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 12684) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, Mr. PLATT of Connecticut, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4990. An act granting a pension to Georgia R. Demarest;

H. R. 12434. An act granting an increase of pension to Rebecca McKinney;

H. R. 12436. An act granting a pension to Ida E. Nerber;

H. R. 12439. An act granting a pension to Lydia Gavitt;

H. R. 12965. An act granting an increase of pension to William H. Dailey;

H. R. 11313. An act granting a pension to Anna C. Ray;

H. R. 11610. An act granting an increase of pension to Alexander S. Hill;

H. R. 11597. An act granting an increase of pension to Amanthus P. Joyner;

H. R. 11562. An act granting a pension to Lucretia Davis, formerly Hamilton;

H. R. 11612. An act granting an increase of pension to G. H. Abney;

H. R. 11615. An act granting an increase of pension to Socrates Moore;

H. R. 11616. An act granting a pension to August Bockerman;

H. R. 11692. An act granting a pension to Mary J. Neely;

H. R. 11838. An act granting an increase of pension to William H. Mann;

H. R. 11846. An act granting an increase of pension to David Kinsey;

H. R. 11906. An act granting a pension to Margaret Jones;

H. R. 11939. An act granting an increase of pension to C. C. Fisher, alias John C. Pickerell;

H. R. 12134. An act granting an increase of pension to Albert Haldeman;

H. R. 12326. An act granting an increase of pension to Matthew Curran;

H. R. 4405. An act to correct the military record of Carl W. Albrecht;

H. R. 9504. An act granting an increase of pension to Augustus Johns;

H. R. 9562. An act granting an increase of pension to Warren R. Herrell;

H. R. 9834. An act granting an increase of pension to Elizabeth McL. Haughey;

H. R. 9862. An act granting a pension to Mary Yaw;

H. R. 8713. An act granting an increase of pension to Elam Allen;

H. R. 8462. An act granting an increase of pension to James Walts;

H. R. 2929. An act granting an increase of pension to Benjamin F. Gates;

H. R. 11177. An act granting an increase of pension to George Manypenny;

H. R. 4565. An act granting an increase of pension to Stephen N. Leach;

H. R. 4599. An act granting a pension to Ella F. Whitehead;

H. R. 4623. An act granting a pension to Electa L. Willard;

H. R. 4539. An act granting a pension to Jane E. Tatum;

H. R. 544. An act granting an increase of pension to Leather St. John;

H. R. 725. An act granting an increase of pension to Alexander M. Ballou;

H. R. 728. An act granting an increase of pension to Benjamin F. Evans;

H. R. 732. An act granting an increase of pension to John L. B. Thompson;

H. R. 744. An act granting an increase of pension to George W. Carr;

H. R. 1267. An act granting an increase of pension to D. Miller Gordon;

H. R. 1568. An act granting an increase of pension to James V. Tabor;

H. R. 2041. An act granting an increase of pension to James W. Adams;

H. R. 2144. An act granting an increase of pension to Minerva A. Pool;
H. R. 2922. An act granting an increase of pension to George W. Ford;
H. R. 3033. An act granting a pension to James M. Hurley;
H. R. 3149. An act granting an increase of pension to John S. Mavity;
H. R. 3171. An act granting an increase of pension to George N. Crawford;
H. R. 3434. An act granting an increase of pension to Samuel Parmley;
H. R. 3533. An act granting an increase of pension to Robert M. McIlroy;
H. R. 3642. An act granting an increase of pension to James H. Martin;
H. R. 3832. An act granting an increase of pension to Eli T. Hoyt;
H. R. 4120. An act granting an increase of pension to Henry R. Guss;
H. R. 4141. An act granting a pension to Mary Shiver;
H. R. 4252. An act granting an increase of pension to George M. Gibbons;
H. R. 4330. An act granting a pension to Catherine Tully;
H. R. 4565. An act granting an increase of pension to Carrie Keefer;
H. R. 4718. An act granting an increase of pension to Thomas Ballard;
H. R. 4877. An act granting an increase of pension to Mathias C. Mills;
H. R. 4892. An act granting an increase of pension to Elias Veatch;
H. R. 4928. An act granting an increase of pension to James H. Masterson;
H. R. 4949. An act granting an increase of pension to George L. Bixler;
H. R. 4980. An act granting an increase of pension to Thomas F. Connor, alias B. Smith;
H. R. 5330. An act granting an increase of pension to Robert D. Gardner;
H. R. 6365. An act granting an increase of pension to John W. Hay;
H. R. 6706. An act granting an increase of pension to James Bliss;
H. R. 7482. An act granting an increase of pension to Jennie Pettit Morrison;
H. R. 7487. An act granting an increase of pension to Francis Knapp;
H. R. 9504. An act granting an increase of pension to Augustus Johns;
H. R. 10478. An act granting an increase of pension to William T. Hayter;
H. R. 10845. An act granting an increase of pension to John C. Webb; and
H. R. 11498. An act granting an increase of pension to William A. Porter.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. BENTON. Mr. Chairman, I now yield fifteen minutes' time to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I propose to-day to address myself to the consideration of the ship-subsidy commission bill.

If this bill were the most innocent bill that ever came into this House, yet the conditions which gave it birth and the antecedent circumstances which led up to the introduction of the original ship-subsidy bill in the Fifty-sixth Congress should have stamped that bill with an indelible stain of dishonor, which should have precluded the possibility of any man, not blindly partisan, supporting it. The history of the events which preceded the appearance here of this commission bill clearly prove that it is but one of the ever recurrent efforts to still further rivet the shackles of monopoly upon the people.

I am well aware that denial will be made that this is the repayment to an organized band of unscrupulous but wealthy plutocrats, who were appealed to during the campaign of 1898 to "save" the country and incidentally the Republican party from that annihilation in the then pending Congressional elections which the chairman of that committee foresaw and which he pictured in glowing language, if terror can be so pictured. Organized plutocrats at that time did not so completely understand as they do now how insincere was the advertised statement of the chairman of the Republican committee that he favored certain reductions in the tariff schedules, particularly those affecting steel and iron. Because of this they refused to contribute to the Republican campaign fund of that year, and therefore the "honor" of the country, which had been "saved" at such tremendous cost two years before, was in serious danger. The outlook was appalling. It really seemed then, to those in charge of the Republican campaign, that there was great danger of the people again coming into their own, at least of taking the first step forward in that direction by the election of a Democratic Congress.

Whether the "business interests" felt that they had been "touched" too heavily in the campaign of 1896 I do not know, but certain it is, and no one familiar with the facts upon the other side of the House will dare deny it, that those interests were not "coming to time" as the Republicans had a right to expect they would during the Congressional campaign of 1898. They were evidently deluded with the idea that there was at least some element of sincerity in the ostentatious demand of a certain gentleman for the revision of the steel and iron schedules, and therefore refused to put up the "stuff" through which alone the "honor" of the country could again be saved.

In this situation of dire distress, and with the imminent possibility of the appalling calamity that would happen if the Democrats should have a majority in the Fifty-sixth Congress and thereby prevent the consummation of some of the contracts entered into two years before and which had not been entirely carried out, there was but one thing to do, and that was to enlist the active efforts of the man who, in 1896, raised the most colossal corruption fund which a political party ever had. These "business" interests—the plutocrats—had entire confidence that any contract they might enter into with him would be lived up to to the letter; aye, that they would not merely be able to get their "pound of flesh" out of the American people, but a large part of their hide if they felt disposed to foreclose their mortgage to that extent.

The contract was duly entered into, $400,000, or was it $500,000, was turned over by the "right" people and placed in the right hands, but not, as I am informed, into those of the usual committee. However, that is a mere matter of detail, and it is not for those on this side of the House to worry as to who dispensed this corruption fund. It is sufficient for us to know that that fund was provided; that it came almost entirely from a few men, and that the contract provided that the legislation which these men demanded should not only be theirs, but that every word of the bill, the passage of which would constitute the execution of the contract, should be written by them. They were not content, as the protected manufacturers had been in the case of the McKinley bill, merely to write the particular schedule which had to do with their industry, but they insisted upon the right to write every word of the bill, dot every i, cross every t, and this right was accorded them.

In an article written while the ship-subsidy bill was before this House, Royal Meeker, secretary of the tariff-reform committee of the Reform Club of New York, speaking of the ante-election bargain of 1898, out of which that bill sprang, said:

> The history of the ship-subsidy bill, which recently passed the Senate and is now pending in the House, dates back to December of 1898, when Senator Hanna introduced the bill prepared by the notorious "committee" of experts, composed of the shipowners who would receive the bounty granted by their own little bill. It is usual for the beneficiaries of protection to prepare the measures by which they profit in the seclusion of the committee room, but never before did such a gang of raiders so openly and arrogantly demand public money. No attempt at concealment was made. It was well known that the steamship companies made a large donation (said to be $500,000) to the Republican campaign fund for that year on the stipulation that they were to write their own subsidy bill and that Senator Hanna would exert his power and influence to put through this gigantic raid on the National Treasury.

That Democrats were not the only ones who learned of the ante-election bargain, under which a large corruption fund was provided, in return for which the contributors were assured of the passage of a ship-subsidy bill, is seen in a statement prepared and extensively circulated at that time by a prominent Republican and a protectionist. I regret that time will not permit me to do anything more than quote a few of its more salient paragraphs. The document is headed:

SOME FACTS REGARDING THE HANNA-PAYNE SHIPPING BILL.

[By Samuel Adams Robinson, M. D.]

> To those who know me it is not necessary to explain the incentive of this appeal in order to prevent them from misunderstanding my position, but for those who do not I will say that as I own property in New York City, including deep-water front, which this bill would surely increase the value of, and have no property or other interest, except my interest in the general welfare of the country, that it could injure, its enactment into law would certainly benefit me pecuniarily.
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> * * * * * * *
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> Knowing that a committee largely composed of representatives of the most powerful transportation lines in the United States and Europe had been for a number of years working to secure legislation in the interest of those great corporations, I could but infer that they were the authors of this bill, and thought it fair to conclude that it was intended to benefit the interests they represented, regardless of all else.
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> * * * * * * *
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> During the six years in which I have devoted my time and income to economic work I have always been able to secure a fair presentation of my

views in such newspapers as I selected, and although, owing to a desire to avoid notoriety, I rarely signed an article, and, indeed, seldom presented my views in my own words, thousands of newspapers all over the land have published what I sent them. Though an active advocate of the gold standard and currency reform, I have very seldom found a man or paper advocating free silver that would not give a fair hearing to my side of the case.

* * * * * * * *

It has remained for those who advocate this bill to teach me that a large part of the press of the United States can be so muzzled as to make it wellnigh impossible to get the truth before the public. Only inability to get what I have said and will say in this circular to the people in the usual way has induced me to publish it in this manner. I am by no means alone in this experience, as will be seen by the following, which is one of numerous instances that have come to my knowledge.

So that, according to Doctor Robinson, these gentlemen have added the crime of suppressing free speech to that of corrupting the suffrage.

This is what the Doctor has to say on that subject:

One of the most prominent, able, and honorable officers of labor organizations, members of which are engaged in the shipbuilding trades as well as in other industries, informs me that in his long experience he has always found newspapers ready to print any information which he gave them and anxious to interview him upon subjects in which the organizations he represents were interested, but that he has seen the editors of many papers that had heretofore been anxious to publish his contributions, and has been unable to induce one of them to print a line against the Hanna-Payne bill, though he knew that some of them were personally opposed to it.

I know instances in which newspapers have been compelled by those advocating the bill to stop the publication of anything calculated to teach the people its true character. Men in very high positions have amazed me by their efforts to muzzle the press with regard to this bill.

Mark, "Men in very high positions" have been "muzzling the press" so that the public should not know the real facts concerning this bill. We hear a great deal about terrorism nowadays. Can there be any worse terrorism than that which can prevent the great organs of public opinion from expressing their views on proposed legislation?

What can possibly be the relation between the plutocratic subsidy hunters and newspapers which they can "compel" to stop publishing matter tending to enlighten the public mind on this subject? Nothing that has been said on this side of the House in denunciation of this bill can compare in severity with this assertion of Doctor Robinson. It, however, but "lifts the lid" and discloses how unscrupulous are the methods employed by these financial "magnates" when they are interested in legislation. Bill Tweed's methods were crude and uncouth compared with theirs.

Doctor Robinson continues:

Never before in a long and busy life, during which I have always kept in reasonably close touch with the press of my country, have I had reason to suspect that the brutal power of capital and corporations could so suppress the truth, and I warn them that our free schools have taught our people the importance of a free press.

Doctor Robinson evidently foresaw the attempt to form a shipping trust which would gain strength from this policy of ship subsidies, as he says:

The vast sum which this bill would take from the taxpayers of the United States for subsidies is not its most dangerous feature. The gigantic monopoly which it would create is much more to be feared.

That the International Mercantile Marine Company has been less of a financial success than its sponsors expected is probably largely due to the fact that they overcapitalized the bounty which the Griscom Company—the International Navigation Company, a large constituent element of the International Mercantile Marine Company—now receives from the United States Treasury. The extent of this bounty is indicated in the fact that it received in 1902 for carrying the United States mail two and one-half times as much as the Cunard Line was paid by our Government, although it carried only half as much first-class mail (letters) and only three-quarters as much printed matter. Great is "patriotism," especially when it is capitalized at cent per cent!

Doctor Robinson also says:

Mr. Edmunds probably feels that he has a perfect right to advocate this bill notwithstanding the fact that he voted in the Senate against the bill under which the Griscom, which is our only subsidized line, now runs; he was then a Senator from Vermont, and being now a Philadelphia lawyer his position is of course entirely different; indeed, I am told by one of the men on the inside of shipping circles that he now receives only $1,000 for each time he goes to Washington to promote the passage of the bill.

And concludes with this very truthful characterization:

The genesis of this bill is greed, its mask enterprise and patriotism, and its purpose monopoly.

SAMUEL ADAMS ROBINSON.

WASHINGTON, D. C., *February, 1899.*

The present Speaker of this House hit the mark when he said a few years ago:

To give a bonus to assist certain persons to make a sale of steamships at a price greater than their value would encourage individuals to knock at the doors of Congress for profit at the general expense.

As a resident of the rural West he is apparently unfamiliar with the ways of "Wall street." The gentlemen there don't sell ships; they have found it much easier to sell stocks, trebly inflated.

SAME OLD CROWD! SAME OLD STORY!

A very noteworthy fact in connection with the whole procedure at this session in relation to the ship-subsidy question is this:

The men who were back of the original plan to profit at the expense of their fellows in the Hanna-Payne ship-subsidy bill are the same men, or at least represent the same interests, that clamored for subsidies in the earlier years. They are the same men who have been clamoring for subsidies ever since this proposed malodorous legislation was initiated. They are the same men who appeared before committees of Congress at all subsidy hearings of late years. They are the same men, or certainly representative of identical interests, who appeared at the hearing in advocacy of the pending bill to provide a ship-subsidy commission. They are the same men who have appeared before House and Senate committees in advocacy of the bill to extend the coastwise laws to the Philippine Islands, and thereby give a monopoly of this business to the ships that some of them control; the same men who have advocated the bill to force the carriage of all governmental supplies in American vessels regardless of cost.

These two Philippine shipping bills would affect comparatively few ships and very few lines. They are not worth to the shipping interests anything like the legislative value placed upon their passage. The cardinal point of the whole agitation is that the commission bill and both Philippine shipping bills are steps in the direction of a general ship subsidy, and therein lies their strength and their enthusiastic and united support among the beneficiaries of these particular measures and those who expect to benefit from the general subsidy measure which is designed to be passed at the next session of this Congress. All of the arguments that have been made at all of the hearings have been subsidy arguments. The same old crowd, the same old subsidy, the "same old story—nothing new."

RESULTS ABROAD.

The subsidy system has many earnest advocates in this country who never fail to point in a general way to results obtained in foreign countries through the fostering care of their governments, it being stated that wherever there has been an extensive development of the merchant marine this was due to the systematic appropriation of large sums from the state treasury for the special object of encouraging shipping. These assertions have been made so frequently by newspapers, on the platform, and in Congress that a great many people consider them a matter of record, and no longer question them. An examination will, however, show that they have no foundation in fact. Take the

EXPERIENCE OF FRANCE.

France and Italy are conspicuous examples of the negative result of subsidies. The French ship-subsidy system dates from the year 1881, and was rearranged in 1893. The payments in the year 1896 (the latest date contained in the United States special consular reports) were:

	Francs.
For bounties to navigation	9,574,720
For bounties to construction	4,106,348
For postal subsidies	26,183,000
Total	39,864,068

Thus the yearly payment from the French treasury for the encouragement of shipping reached in 1896, an average year, the great sum of nearly 40,000,000 francs ($8,000,000).

Now, let us see the result. According to the report of the United States consul at Havre of September 6, 1889 (made to the State Department and published in the Special Consular Reports, Vol. XVIII), the total increase of French mercantile tonnage in the five years from 1893, the year of the enactment of the new law, until 1898 was 66,961 tons, "the increase being limited to vessels which receive no benefits from the bounty law of 1893, while the steam tonnage engaged in meeting foreign competition actually showed a decrease."

After eighteen years of bounty payments, a committee of the French Parliament in 1898 reported as follows:

We do not hesitate to say, without fear of contradiction, that our merchant marine is in such a state of decadence that there is reason to be uneasy about our naval fleet.

After quoting the above in his report of September 6, 1899, to the State Department, the United States consul at Havre, says:

Many other extracts might be quoted from the reports of various chambers of commerce, from speeches made in the two houses of Parliament, and from lectures delivered by experts in economics, all lamenting the depressed state of the merchant navy of France.

As appears from the figures given above, the French Government pays postal subsidies, premiums on the construction of French ships, and premiums on voyages made by French ships. The effect of this policy is thus described by the United States

consul at Marseilles in his report to the State Department of July 20, 1899 (Special Consular Reports, Vol. XVIII, p. 36):

The shipowners, at first disposed to give orders to domestic builders, found the latter constantly increasing their prices, until the point was reached where the builders were accused of calculating the amount of premium which proposed constructions would command and adding that amount to their own cost price, thus absorbing the premium for navigation and the one for construction.

This consul concludes that—

The merchant marine of France is in an unsatisfactory condition—

and expresses the opinion that—

The inferiority of the French merchant marine is attributable to the timidity or indifference of French capital.

FAR FROM SATISFACTORY.

The Italian Government pays navigation subsidies and construction bounties, but the United States consul-general at Rome, in his report to the State Department of July 25, 1899 (Special Consular Reports, Vol. XVIII, p. 72), makes the following comment:

In view of the efforts of the Government to encourage Italian shipping, the long seaboard, and the necessity of shipping to the economical life of the country, the results are certainly far from satisfactory; and it is particularly remarkable that the tonnage of Italian steamers remains generally so low, while in other countries the tendency has been toward the employment of larger ships as more economical in working. The bulk of the subsidies are paid to two or three companies, which by constant favor have established a sort of shipping monopoly and successfully use their influence to crush all possible rivals.

Here in this country, where we are told "there are no trusts," of course no shipping monopoly can ever be created.

GREAT BRITAIN'S MERCHANT MARINE.

Great Britain has, according to latest reports, a merchant marine consisting of 8,352 steamers, with a total of 13,652,455 tons. By far the greatest part of the world's ocean carrying trade is conveyed in British bottoms, and there is hardly a port in any part of the globe where British ships do not ply and the British flag is not a frequent visitor. But has this result been brought about by Government bounties? Let us see what United States consuls say on this point in their reports to the State Department in response to a Department circular instructing them to investigate the condition of the merchant marine in the countries where they are located and the policy adopted by the Government for its promotion. Presumably they were expected to find everything that would constitute an argument for ship subsidies; and yet the United States consul-general at London—a cousin of President McKinley—on September 12, 1899 (Special Consular Reports, Vol. XVIII, p. 107), reports as follows:

The Government of this country does not pursue any particular policy for the purpose of promoting its merchant marine. Subventions are paid for the use of certain vessels as armed cruisers in case of war, and payments are made for the carriage of mails.

And (p. 108):

The policies of the other nations toward their merchant shipping do not meet with much discussion or criticism in this country, nor are they copied.

He might have added that British shipbuilders are able to underbid French shipbuilders both as to cost and in time of construction, although the latter pay their workmen a much lower per diem wage than is paid in British shipyards.

The United States consul at Liverpool, on August 30, 1899 (Special Consular Reports, Vol. XVIII, pp. 111 and 112), makes the following statements:

The Government does nothing to promote the merchant marine in the way of subsidizing it or the builders who construct it. Payments, aggregating some $243,000 per annum, are made for the call of certain steamers (eleven) as armed cruisers in case of war. The mail subsidies (toward which the colonies pay a part) are put up to competition, and the cheapest bidder, having regard to efficiency, secures the contract.

And—

While much interest is taken in shipping circles in Liverpool regarding the policies of other nations toward their own merchant shipping, there is no perceptible sign that the British policy has been influenced, beyond stimulating British shipowners to greater efficiency and economy in the working of their fleets.

NO GOVERNMENT ENCOURAGEMENT.

Irrespective of the payments for postal service and the compensation to the eleven steamers that may be used for cruisers, no subsidy or bounty has been paid by Great Britain to steamship lines for their support or encouragement. For a country like Great Britain, with its vast system of colonies and military and naval posts, the maintenance of constant and efficient mail communication is of the utmost importance, which has been paid for since the day of the sailing vessel, when it surely never occurred to anyone to consider such payments as in the nature of subsidies for the encouragement of shipping. I quote the following from an editorial in the well-known English shipping journal Fairplay, of December 3, 1903:

No man living could be found to say that any English Government ever offered encouragement directly or indirectly to English shipping in any shape or form. Much misapprehension has arisen from the use of the word "subsidy," which implies a fixed payment for no specific work. As pointed out again and again, our Government is charged with the delivery of the mails, and also with the delivery of stores for different parts of the world. In each case the work is put up to tender, and, provided the contractors tendering are in a position to ensure the proper performance of the contract, the lowest bidder gets the work. Payment for the carriage of mails no more constitutes what is understood as a subsidy for the encouragement of shipping than payment for the carriage of stores, and the sort of encouragement shipowners get from our Government in the latter connection may be inferred from a study of the terms recently issued by the Government for the carriage of stores to the Cape.

But leaving aside the question to what extent, if any, the payments made by the British Government for postal service are in aid to the steamship lines that receive them, the indubitable fact remains that these lines represent only a small part of the great ocean tonnage of Great Britain's merchant marine, and that by far the greatest part of it receives no consideration whatever from the Government. It has grown up and prospered because of the enterprise of the British people and because the Government has given it a fair field and no favor without putting difficulties and obstructions in its way. If the British Government has deviated from its long-established policy, in granting a large subsidy to the Cunard Line for the construction of two very large and very fast vessels, it has no doubt done so because the situation created by Mr. Morgan's steamship merger seemed to require extraordinary measures in order to relieve public apprehension, which, as time has shown, was entirely unjustified. The action of the British Government in this respect is an exceptional one, and the two steamers to be built with Government aid do not affect the general policy of Great Britain under which, with its fleet of over 8,300 steamers of over 13,500,000 tons, it has reached its preeminence in the world's shipping traffic.

GERMANY'S EXPERIENCE.

The experience of Germany also proves that a country can obtain a large and steadily growing merchant marine without offering a reward for it. Up to the year 1885 Germany paid no subsidy whatever to any steamship line. In that year, however, following the French example, a system of subsidies for the carriage of foreign mails was adopted by the Government. In what light the payment of subsidies was considered by the German shipping trade is splendidly illustrated by the following protest, published at the time by the Hamburg Merchants' Society.

After a formal preliminary, it says:

Thus far German commerce and navigation have been able to compete with those of other nations, and their present strong position is chiefly due to their own exertions. Even if the French Government should extend larger monopolies and subsidies to their national trade and commerce, the Hamburg shipping merchants are not afraid that, if let alone, their own development would be injured or suffer under such adverse legislation. The growth and prosperity of national trade are, before all, created by the natural talent and disposition of a people.

Governmental measures, whether they consist in throwing artificial obstacles in the way of foreign competition or in direct support of the national flag, may here and there bring temporary advantages to individual enterprises, but they will never be able permanently to raise and elevate the shipping interest. On the contrary, as experience has shown in France, they paralyze individual energy and endanger the spirit of enterprise and effect the decline if not the ruin of trade. In the interest of German commerce and of the national flag, the Hamburg merchants most earnestly and respectfully pray that all governmental measures for their protection be definitely set aside.

The German law granting subsidies for a mail-steamship service to Asia and Australia was enacted on April 6, 1885, the beneficiary being the North German Lloyd, whose first steamer on this service left Bremerhaven on June 30, 1886. The contracts under the first subsidy enactment were made for fifteen years: the Hamburg-American Line did not submit offers for these contracts, but preferred to remain unfettered by Government regulations.

HOW THE HAMBURG-AMERICAN LINE FARED.

How did the Hamburg-American fare without the subsidy payments? At the beginning of the bounty period in 1886, that line had 26 ocean steamers of 66,000 tons. During these fifteen years when, according to the arguments of the subsidy hunters who are clamoring for this bill, it would not be possible for it to compete, the line steadily grew and expanded, until in 1901 it had 127 ocean steamers of 630,091 tons and maintained 35 different services to all parts of the world. Without any aid from any state or government whatsoever it grew to be the largest steamship enterprise in the world.

In 1900 the German subsidy contract was renewed, and the Hamburg-American Line, believing that the interests of Hamburg required a participation in the east Asiatic fast mail service, agreed to construct two steamers in accordance with Government regulations and place them in this service. These two steamers, the *Hamburg* and *Kiautschou*, ran for two years on this route in connection with the service maintained by the North German Lloyd.

The Lloyd placed altogether thirteen steamers in the Imperial mail service and received at first $1,047,560 and by the law of 1899, $1,330,420 per annum for this service. (Report of the United States consul-general in Berlin, of October 25, 1899, Special Cons. Rep., Vol. XVIII, p. 59.)

The two steamers built by the Hamburg-American Line, which joined the service in 1901, received a proportionate share of the subvention, but in the fall of last year the Hamburg-American Line voluntarily withdrew from the contract, preferring to maintain its own service to eastern Asia without Government restrictions.

They do things differently here. We never hear of men who have been given the power to draw a subsidy, or any other form of governmental assistance, surrendering such a privilege. Today the Hamburg-American Line, after an existence of nearly fifty-seven years, has a fleet of 125 ocean steamers of 619,916 tons and 155 other vessels of 31,235 tons, or a total of 280 vessels of 651,151 tons. These are employed in thirty-nine different services. During its whole life it has received no subsidy from any source with the single exception noted above, viz, that out of its whole fleet of 125 ocean steamers but 2 ships, and for only two years, participated in a subvention which the German Government gave for a fast service to the Far East.

Nothing can better illustrate the value of subsidies than the voluntary withdrawal of this line from participation in it. Evidently the company discovered that their business was not stimulated by the subsidy.

The New York Herald of November 21, 1903, contained a letter from Senator FRYE, written in reply to an interview with Mr. Ballin, director-general of the Hamburg-American Line, published in the Herald of November 17, 1903. Referring to the report of United States Consul-General Mason, at Berlin, published in Special Consular Reports XVIII, for the year 1900, the Senator says:

> Our consul-general goes on to show how subsidy and the accompanying requirements that the subsidized ships should be built in German yards so stimulated construction in the Empire that both the North German Lloyd and Hamburg-American companies were enabled to order home ships like the *Kaiser Wilhelm der Grosse*, *Friedrich der Grosse*, *Koenigin Luise*, *Auguste Victoria*, *Fürst Bismarck*, *Patricia*, and *Palatia*.
>
> "That they did this at all," Consul-General Mason declares, "was mainly due to the fact that they were forced into it by an act of legislation."

Granting that this represents Consul-General Mason's meaning, then he is in error upon his own showing, for how can the Hamburg-American Line have been forced by legislative acts to patronize home builders, when, as the consul states in the same connection, the imperial statute enacted in 1884 (actually 1885) granted subsidies to the North German Lloyd only?

Second. The Hamburg-American liners mentioned above were constructed in the years 1889, 1890, 1899, and 1895, respectively, while the Hamburg-American Line "enjoyed the benefits" of a subsidy for two steamers (out of a fleet of 125), together with thirteen Lloyd steamers, from 1901 to 1903.

Third. Regarding the advantages of this subsidy, attention is called to the report of the United States Commissioner of Navigation for 1899, which shows on page 155 that the North German Lloyd "thus far has not only made no profit from its contract to carry the mails, but rather has lost 5,258,563 marks."

That the Hamburg-American Line was not "forced by legislative action to withdraw its patronage from British constructors" (Vice-Consul-General Mason's report) is amply proven by the fact that during all this period it has repeatedly ordered ships in British yards, notably the *Pennsylvania*, sister ship of the *Patricia*, mentioned above, in 1896, and has now contracted for its latest and largest vessel at the yards of Harland & Wolff, in Belfast.

I want to quote from the statement of a former Member of this House, Hon. John De Witt Warner, representing the tariff reform committee of the Reform Club, made to the Committee on Merchant Marine and Fisheries on January 30, 1900, and over which the gentleman from Ohio, General GROSVENOR, presided:

STATEMENT BY EX-CONGRESSMAN JOHN DE WITT WARNER.

Mr. WARNER. I represent my own opinions, of some years' standing, and the Reform Club. Our tariff-reform committee has taken decided action against the bill, and has asked me to come here and oppose it.

At "(f)," on page 10, the provision is that a vessel shall not take the subsidy when less than one-half of the whole length of her outward and homeward voyages shall have been on the seas between a port of the United States and a foreign port. In one sense every mile of a vessel, even though it went all around the world, would be between a port of the United States and a foreign port.

I take it, however, that what is meant is that it must have been on the sea between a port of the United States and the first foreign port on her outward voyage or the last foreign port on her homeward voyage. But, gentlemen, if you want the bill to mean that, you have got to say so. Otherwise that provision leaves a ship to wander around the world, to take a journey around the world, if you please, and do practically all its work in carrying foreign goods between different foreign ports and then collect the American subsidy from the United States, and the longer it stays away the more it collects.

I take it for granted that your committee will amend that. I do not suppose you mean anything like that, but it seems to me that is a very serious objection to the bill, unless you want to make it a great deal more preposterous than its enemies have ever suggested that anyone really meant to make it.

Now, there is a clause providing that the Secretary shall "contract." What does that mean? It either means that there is some discretion left to the Secretary of the Treasury as to the contract he shall make, or else it does not. If it does not mean that the Secretary is to have any discretion whatever——

The CHAIRMAN (Mr. GROSVENOR). It says in plain terms "any," and it mandatorily and specifically means any owner of any ship.

Mr. WARNER. I accept the Chairman's conclusion; and that is just exactly what I thought would be claimed by the friends of the bill. Now, if that be true and the Secretary of the Treasury has no discretion whatever, then the word "contract" here is a farce, and can only mean a bogus contract upon which a claim may be made that this bill and its provisions can not be repealed, thereby to get around the plain hint of the decision of the court in the case of the Louisiana sugar bounties. Take either horn of the dilemma, gentlemen. Either this word "contract" is a farce, put in there for this purpose, or else it gives the Secretary of the Treasury a power which no Congress will ever dare knowingly to give any administrative officer.

Mr. WACHTER. Can all American ships be manned by American sailors? Is the supply large enough?

Mr. WARNER. The supply of American sailors is as adequate to man all American ships, if an opportunity is to be given American labor, as the supply of American capital is to corral the whole American trade, if the aim is to foster the export trade in our produce and manufactures.

Mr. WACHTER. I do not want any "ifs." Is it?

Mr. WARNER. Yes, unquestionably, if you pay enough. If you will put in a subsidy in this bill providing for minimum wages to seamen and carrying, say, one-quarter or even one-tenth of the amount you propose to pay capital, you can have manned by American sailors every single ton of American ships entitled now to registry in the foreign trade.

The CHAIRMAN. You would provide a scale of wages in an act of Congress, then?

Mr. WARNER. No, sir.

The CHAIRMAN. Why not?

Mr. WARNER. Because I do not believe in subsidizing or pauperizing either capital or labor.

The CHAIRMAN. But if you were going to pass this——

Mr. WARNER. Yes; if I were going to do that, I would make a fairer division than is here proposed.

The CHAIRMAN. You would regulate by the law the price of clothing, and so on?

Mr. WARNER. I certainly should take as good care of the American seaman as I did of the American millionaire.

The CHAIRMAN. That is another thing.

Mr. WARNER. And I would not give a dollar to one unless there was a dollar provided for the other, and at the same time pretend that I was looking out for the seaman and not the millionaire.

Mr. FORDNEY. You object to the bill from beginning to end. Have you anything to offer in its place?

Mr. WARNER. Yes; free trade in ships.

The CHAIRMAN. And free trade in goods also?

Mr. WARNER. Yes. This country has had free trade in men ever since the Republican Administration during our war time sent over and arranged for foreign laborers to come here and take the place of those in the field. You have a little bit of a contract-labor arrangement which, if it were proposed in regard to goods as an alternative for the tariff, there is not a protectionist in the country but what would go wild. We have free trade in labor. So long as we have that, let us have free trade in goods.

Mr. HOPKINS. That is not a fair statement.

Mr. WARNER. That is the truth.

The CHAIRMAN. I have heard you talk this way about free trade before, but I do not recollect of ever hearing you agitate the question of keeping that foreign labor out.

Mr. WARNER. No; I am in favor of keeping our ports open for labor and for goods, but I am not in favor of keeping goods out and letting labor in free.

Mr. WACHTER. * * * You do not mean to say you are the only friend of the workingman in this room?

Mr. WARNER. No; not in the slightest. I am free to say I do not imagine that even the authors of this bill got it up in order to swindle labor. I don't think they cared what it did to labor. * * * I have no doubt it is drawn to meet the precise views of the gentlemen who drafted it. I am not for one moment impugning their intelligence.

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The CHAIRMAN. Is it customary to amend a bill by the adoption of the amendments proposed by its enemies?

Mr. WARNER. Do I understand that this committee proposes to report this bill in the shape the friends of the bill want it? If so, there is no use of this hearing.

The CHAIRMAN. I have no doubt that those who want to report the bill at all will take the advice of the friends of the bill rather than those who want to load the bill with dynamite to kill it.

Mr. WARNER. I have been trying to entertain a doubt of that. I have been trying to believe that this committee was not committed, but that it would listen as thoroughly to the enemies of the bill as it would to the friends of the bill.

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Mr. WARNER. I want to call attention to the fact that although it is claimed by some of the promoters of the bill that the subsidy is not sufficient to tempt ships to run expressly for that purpose, yet there are two facts which the committee should keep in mind: First, that under any conditions, so far as they last for any great length of time, there is a great deal of running in ballast now by unsubsidized ships. If there is a great deal of running in ballast now by unsubsidized ships, then under a subsidy which pays a premium for running even in ballast, no argument is needed to show that the amount of running in ballast would be vastly increased.

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Mr. WARNER. The second point I want to make is this: It will have the tendency to induce ships not engaged in legitimate commerce between two ports to abandon that regular trade and, under the provisions in this bill, allowing them to continue their voyage, to go tramping around the world. The cost of the actual voyage being small in comparison to the cost of starting and going back for call with demurrage, and so forth, the ship will find it profitable under this subsidy to keep on around the world half empty.

SHIPPING INDUSTRIES ALREADY PROSPEROUS.

President McKinley, in his speech at the Chicago Commercial Club banquet on October 10, 1899, said:

"Our shipbuilding has been greatly increased. For the first time in all our history the tonnage of our steam vessels exceeded on June 1 the tonnage of all our sailing vessels, barges, and other craft. We built in 1897 and 1898 more vessels of steel than of all other materials combined. Our tonnage increased during the year 100,000 tons, and is without a parallel in our recent history. More large ocean steamships are under construction in the United States than ever before. Our shipbuilding plants are being enlarged and new establishments projected."

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SUBSIDY NOT PROPORTIONED TO CARGO.

Though prefaced by canting "whereases," professing great solicitude for the farmer, laborer, etc., and especially for the American seaman and the American Navy, it is so drawn as to give no benefit to those classes, but in their name to secure additional profits to capital already profitably invested. As a result it has been expressly repudiated and condemned by the greatest

labor organization, the Federation of Labor; by the leading farmers' association, the National Grange, and favored by so few and comparatively petty interests as to make its "popular" support a farce.

The spirit in which this bill is drafted is indicated by the fact that while typical freighters, capable of carrying cargoes equaling in actual tons their registered tonnage and making 14 knots an hour, are subsidized at 2½ cents per registered ton per 100 miles for the first 1,500 miles and at 2 cents per registered ton per 100 miles for the remainder of the voyage, swift passenger steamers, so constructed as to carry of freight not more than one-fourth to one-sixth of their registered tonnage, but running 21 knots an hour, are subsidized at 3.8 and 3.3 cents, respectively, for registered ton per 100 miles; that is, in proportion to American exports carried the subsidy is from six to ten times as high on passenger steamers as it is on freighters.

COLOSSAL IMPUDENCE.

The impudence with which the proposed extortion is demanded is unique even in a history of scandals, including that of the sugar trust. If the claim had not been openly made that, provided the subsidy grabbers were agreed upon division of the spoil, Congress ought to be satisfied and objectors considered impertinent, it would be almost incredible that it should be pressed. This is, however, precisely what the subsidy beggars are doing. For example, at page 30 of the committee's printed hearings, 1900, Mr. Griscom admits that his company would receive, say, $1,500,000 in subsidy within a year after the passage of the bill. (Other calculations make it about $2,500,000.)

At page 33 of the same hearings, Mr. Clyde, also a proposed beneficiary, refers to the "committee," including Mr. Griscom and himself, "which prepared that" (subsidy) "bill," states that "the committee is satisfied with the amount that Mr. Griscom's company" (International Navigation Company) "is to receive," and adds:

If we are satisfied, we who expect to share the direct benefits of this bill, to begin with, if we are satisfied to see one single member of that committee receive that much money, in whose affairs we have no interest whatever, we think you can be sure that he is not getting more than the services he renders are fairly worth. If we can agree among ourselves as to how that money can be distributed (to themselves) so as to do the most good and build up the largest possible merchant marine, I do not think that you should give weight to the adverse criticisms of people who have had no practical experience in the ownership or operation of ships.

It is not that the claims of these gentlemen are more preposterous than have been those of some others, but that they, more than others, have not seen fit, in this one particular, to assume a virtue that they did not have.

SURRENDER TO TRUST BLACKMAILERS.

The worst feature of this subsidy scheme, as shown by the personnel of its backers and admissions and statements of hearings already had, is, however, this: It indicates a final and hopeless surrender on the part of a great industry, blackmailed by our most indefensible trusts into cooperation with them, and an acceptance of their aid to secure for itself equal plunder from the Government instead of demanding Government protection against their rapacity.

LABOR BOUNTY GOES TO CAPITAL.

Similar also is the contrast between the $2 yearly for full registered tonnage, no matter if employed for only three months in the year, that is assured deep-sea fishing vessels, with the requirement of only one-third American crew, and a bounty to each of $1 per ton "during his time necessarily employed" on the voyage.

This is more delightful when it is recalled that, since no minimum wage is specified and the employer gets his men in the open market, this $1 bounty to sailors is really an additional contribution to the vessel owner, since a sailor can, on even terms, otherwise ship with the subsidized owner at a dollar less a month.

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A feature of Senator Edmund's argument is the stalwart character of the United States Constitution in sustaining the strain of anything subsidy grabbers want, and its fragility when faced with anything which would actually carry out what they profess they are after.

SUBSIDY COMBINE A NEW YORK CONCERN.

I take it that no one is expected to believe that Mr. Griscom's little romance of how a thoughtful statesman, dreaming of our export trade, inaugurated this movement by calling in a dozen interested investors, the very gentlemen whom the thoughtful statesman in question already knew from legislative experience were the most unscrupulous grabbers on earth.

The fact is that this subsidy is essentially a New York concern, the profits of whose schemes would inure most largely to New York and to interests centered there. The source of its energy is on the opposite side of Trinity churchyard upon which my office looks. The office of its figurehead and fugleman, Mr. Smith, is also at New York—naturally and for the convenience of the great New York interest—and will doubtless remain there under the new appointment he has just received as special agent of the census in charge of shipbuilding inquiry. Mr. Smith has thus been added to those whom Government position gives special opportunities to aid this shipbuilding combine and to make its arguments "official."

I sincerely disclaim any objection, in case the rest of the country is willing to be taxed to have its avails poured into the coffers of New York capitalists. Inasmuch as any distribution of such largesse could scarcely be on the basis of merit, I do not even complain that you have picked out the least needy and least deserving gentlemen among us. I do want to make it plain, however, that if the rest of the country is willing thus to sacrifice itself for some of our fellow-citizens, it is not by our request; and the rest of the country will not be thanked by us for it.

HAUTE FINANCE.

As an evidence of the kind of "haute finance" that is induced by legislation of this character may be cited that in an address before the Senate Committee on Commerce January 12, 1899 (page 29 of official report), Mr. Clement A. Griscom, president of the International Navigation Company (a large constituent element of the International Mercantile Marine Company), in speaking of what would have to be done under the provisions of the then pending bill, said his company would have to build 66,000 tons of ships, at a cost of $7,500,000, if the bill became a law. This was equivalent to saying that they would cost $125 a ton.

And yet we are told that the 1,000,000 tons of shipping taken over by the International Mercantile Marine Company—Morgan's shipping trust—is capitalized at $190 a ton, although most of the ships are said to be 10 years old and over. What the value of 20-year old ships is is indicated in the recent sale of the *City of Rome* (originally one of the finest liners traversing the Atlantic), which cost $1,500,000, for $85,000, to break up. It is claimed that more than half of the Morgan-Griscom fleet are over 12 years old.

It is no wonder that being capitalized at $190 a ton the bonds of the combine have within a few weeks sold down to 84¼. Nor is it surprising that the combine demands its pound of flesh in the form of a ship subsidy. The only thing that surprises is that these modern Shylocks should have consented to postpone its collection in view of the uncertainties of the pending Presidential election. It would be more natural for them to foreclose their mortgage now and insist upon this largesse to boost the bonds of the combine and to give a little life to its preferred stock. But perhaps they have not yet shaken out all of the innocents who bought that stock because of their sublime, if childlike, faith in the "high" character, "deserved" reputation, "great" ability, "commanding" influence, etc., of the eminent financiers who recommended the shipping water as a desirable investment—the water being ample to float the largest of the combine's ships.

In discussing this question of subsidies the Journal of Commerce, one of the great commercial papers of the country, said only a few days ago:

[Journal of Commerce and Commercial Bulletin, New York, Saturday, March 5, 1904.]

It has been maintained that in spite of the high standard of wages in this country the materials for shipbuilding can be produced at less cost than in any other country, and that even the labor in using these materials in construction does not cost substantially more.

In commenting on a magazine article by Mr. Cramp, the Philadelphia shipbuilder, an advocate of subsidies, it further says:

He put the stress entirely upon the cost of operating after the ship is built. But supposing it is true that building ships costs 25 to 30 per cent more and operating them costs 30 to 40 per cent more under the American flag, what is the logical argument so far as American commerce is concerned? It proves, of course, that it is much cheaper to have our exports and imports carried in foreign vessels. It enables us to get more for the exports, as less will have to be deducted for transportation, supposing that cost to come out of their value, and to pay less for the imports, as it will cost less to bring them to our ports; in other words, the real balance in the trade will be more in our favor. It pays us to have the carrying done rather than to do it ourselves.

In speaking of the mooted question of the comparative return to capital in the United States and in Europe, it says:

So far as return upon capital is concerned, it is doubtful whether there is any material difference now between the demands of this country and the most advanced countries of Europe.

I assume it refers to capital engaged in non-monopolistic enterprises, for there can be no question that capital invested in monopolies is receiving a very large return, the earnings of the United States Steel Corporation for the two years 1901 and 1902 being probably equal to the actual capital (not capitalization) invested in its plants, railroads, wharves, etc., while the "captains of industry" who manipulate such companies as the Brooklyn Union Gas Company, the Consolidated Gas Company, and the Metropolitan Traction Company, of New York, get back the sum of their original investment in from three to five years, while retaining their stock. It continues:

But if capital does not go into building and operating ships for the ocean carrying trade, it is because it can under present conditions do better in other employments. If our higher standard of wages is what makes it impracticable to build and operate ships for this trade in competition with others, it is solely because that standard can be maintained in other employments and not in that. Both capital and labor do that which will give them the best return, and from the proceeds they hire others to do what it will not pay them to do.

SOUND ECONOMIC POLICY.

This is the only sound, economic policy. It is equally as sound for aggregations of individuals (nations) as for individuals, and never would be departed from if shrewd men had not learned that the surest way to success, if they had "an axe to grind," was to talk "patriotism," as they could then rely upon prejudice taking the place of reason, and thus could more surely put into effect their plan of taxing others, of course, solely for the good of those they taxed.

The Journal of Commerce then goes on to puncture the claim that ship subsidies would place no added burden on commerce. It says:

It is said that under the subsidy policy Americans would be able to pay the high wages and build ships, and pay the high cost of operating and sail the ships, in competition with those of other countries and without increasing the cost of ocean transportation, and thereby the mercantile marine would be built up, labor and capital would have increased employment, and there would be no added burden upon our commerce. But the cost of transportation has to be paid, and it has to come out of the production of the country.

It well says:

If subsidies could have the promised effect, which they could not without an enormous annual cost—far beyond that calculated by the advocates of this policy—it would only be because the Government paid a large part of the cost of transportation directly to the shipowners.

Of course to the gentlemen on the other side of the House this will not appear as particularly objectionable, first, because campaign contracts must be lived up to—they are debts of "honor," which even the supporters of the "Iowa" idea must stomach as the price of the party's success in 1898; and second, because it is in no sense a change of principle (or lack of it) in the operation of "protection." Instead of conferring the power through a tariff

schedule to levy an indirect tax upon consumers in the form of an enhanced price which the protected manufacturer is enabled to exact because of the duty upon the foreign competing article, the Government first collects the tax and then turns it over to the subsidy-hunting shipowner.

The Journal of Commerce continues:

If the Government paid it the people would have to furnish the funds, and the burden would be transferred from shippers to the general body of producers and would be largely increased in the process. Freight rates would not be visibly higher, but there would be an invisible charge upon the industries and trade of the country much larger than that which now goes to foreign shipping. We admit that this is a purely economic and commercial consideration, but it is intended to meet arguments which pretend that subsidies would be an economic and commercial benefit. These proceed upon fundamental fallacies.

It is more than a fundamental fallacy. It is more even than a selfish, cold-blooded proposition to "coddle" one industry at the expense of other industries. It is even more than the consummation of a shameful bargain to permit these ship-subsidy "beggars" to get direct from the United States Treasury a hundred dollars for every one they contributed to the Republican campaign chest to save the "honor" of the country in a Congressional election. It is an attempt upon the part of an insatiable band of monopolists to get the people to enter into contracts (?) to pay out millions of dollars annually, so that should the Democrats regain control of the Government the assistant Republicans as well as Republicans will plead the inviolability of this contract as an excuse for maintaining the "sacred" tariff.

The New York Commercial, in its issue of December 6, 1902, less than a month after the election of the Members of the present Congress, in a dispatch from this city dated the day before and headed

FRIENDS OF SHIP SUBSIDY TO MAKE A STRONG FIGHT,

has the following significant comment upon the relations which had been established with this band of greedy cormorants, the ship-subsidy "beggars:"

It is asserted, moreover, that the managers of the Republican Congressional committee have come back from their recent campaign feeling very friendly to the subsidy idea, and that this will be a new and potent influence, operative in States where the subsidy has hitherto been weak.

It would be interesting to know how much it cost the hunters for ship subsidies to secure this "very friendly" feeling.

Evidently the potency of this influence was overrated, or perhaps the contribution was not large enough to call forth the most strenuous efforts, for I find from an editorial in the New York Commercial Bulletin of February 25, 1903, some ten weeks later, that this "cause," this "holy and unselfish" cause of the ship-subsidy grabbers, has lost ground. It says:

IS THE BLOW TO SHIP SUBSIDIES FINAL?

The Frye ship-subsidy bill of the Fifty-seventh Congress has gone the way of the Hanna-Payne bill of the Fifty-sixth Congress, and it is plain that the "cause" has lost ground, notably so since the Frye bill passed the Senate on the 17th of last March.

I had always heretofore assumed—at least it has been repeatedly so preached to me—that the Republican party was the especial guardian of the "honor" of the country. This being so, have we not a right to expect that "honor" should be kept with them; that they should get the "goods" and get 'em quick. Why this failure on the part of the Republican party as represented in this House in the Fifty-seventh Congress to live up to the terms of the contract entered into in its behalf by those who had the management of its campaign and solicited the funds which enabled the party to retain its control of this House? The Republican Members were the beneficiaries of that corruption fund and should have honored the contract that their agent entered into with the ship-subsidy hunters on their behalf, or else they should have publicly repudiated the acts of their agent in this matter and deposed from positions of power in the party those who had entered into the contract.

Was this done? Not at all. On the contrary, the agent, the go-between, the solicitor of the corruption fund which gave the party control of the Fifty-seventh Congress was canonized, while the providers of the "stuff" got nothing for their pains, their efforts, and their "influoence." Well may they exclaim, "How ungrateful are republics," or, rather, the Republican party, which is the same thing here.

The Commercial Bulletin, in commenting upon the refusal of the House committee "by a vote of 10 to 6 to give the bill a favorable report," says:

This is the death blow of this particular measure, due to a recognition by a majority of the committee that it had no vital support in public sentiment. It sprang from no demand of the people, but was an attempt to forestall matured judgment; to get something for the benefit of certain aggressive interests before the people of the country fully realized what it meant, what it would cost, and what benefit or injury it would bring them.

Of course "it had no vital support in public sentiment." Of course "it sprang from no demand of the people." Of course it was an attempt "to get something for the benefit of certain 'aggressive' interests." But is that any reason why the ship-subsidy hunters shouldn't get what was promised them? Haven't they done their part? Why should they be treated different to the manufacturers of "blowhole" armor? Why are they not as much entitled to their pound of flesh as were the protected manufacturers who wrote their own schedules and had them inserted in the McKinley bill? Why should ship-subsidy campaign contributors be treated differently from the Pittsburg nabobs, who are permitted to keep a tariff of $7.84 a ton on steel rails while they are underselling foreign competitors, laying their products down at the very gates of English steel mills at a lower price than the English manufacturer can produce them? Wasn't the schedules of the Dingley bill so fixed at the behest of the wire-nail people that they could charge twice the price for their goods that they sold them abroad for? Hasn't the sugar trust been permitted to squeeze some $30,000,000 a year out of the American people as its part of the "swag?"

WHAT MR. E. M. BREWER SAYS.

I also want to read to the House some excerpts from a pamphlet printed and circulated by Mr. E. M. Brewer, of Boston, but written by Mr. Edward Kemble, a former president of the Boston Chamber of Commerce.

In an introductory note Mr. Brewer says, among other things:

As a citizen of Massachusetts and a shipowner, engaged in the foreign trade for many years, I take pleasure in availing of the opportunity which has been kindly allowed me of publishing and circulating the accompanying article on subsidies for ships, which was prepared by Edward Kemble, esq., an ex-president of the Chamber of Commerce of Boston.

I am also of the opinion that it is not good policy for the individual at this late day to establish himself in any line of business or to make any investment which can not flourish without Government support in the shape of subsidies or bounties.

I am also opposed to the principle of shipping subsidies as a matter of sentiment. The sight of a stately vessel bearing the flag of one's country would of course be pleasant and gratifying when it is known that she has been built and maintained by individual capital alone. To know that she has been built or operated in part by Government subsidy must "take the shine off." In short, the larger the subsidy or bounty the less the glory.

What old-fashioned ideas to express in these "get-there" days! How obsolete and out of date they must appear to the gentlemen who want to raid the Treasury through ship-subsidy legislation.

He concludes thus:

I have read nothing in opposition to shipping subsidies which has appealed to me so forcibly as Mr. Kemble's article, and I do not see how I can better help the good cause than in an effort to give it circulation in pamphlet form and in a different field.

E. M. BREWER.

27 KILBY STREET, BOSTON, *March 20, 1902.*

THE SHIP-SUBSIDY PROPOSAL—COGENT REASONING OF A BOSTON MERCHANT—HE SCOUTS THE SUGGESTION OF SENATOR FRYE'S BILL THAT A SUBSIDY IS NEEDED—THE AMERICAN AND THE FRENCH ARE THE ONLY TRANSATLANTIC LINES WHICH ARE SUBSIDIZED.

[By Edward Kemble, former president of the Boston Chamber of Commerce.]

The new subsidy bill which has been submitted to the Senate by Senator FRYE seems to have for its chief object the making of a gift of public money to several existing lines of prosperous American steamships. At all events, this will be the result should it become law.

The International Navigation Company is already receiving from the United States a subsidy of $750,000 per year. This bill will increase this amount and increase the number of years during which a subsidy shall be paid to it. This line is prosperous, or if it is not it ought to be so. No one can travel by it or read its freight and passenger lists who knows anything about the shipping business and come to any other conclusion.

Next is the old Pacific Mail Company. We are reminded that this company once received from this Government, years ago, a subsidy of $500,000 per year. Not satisfied with this, it proceeded to lobby in Washington for more. Its methods excited so much scandal an investigation was ordered, and it was found that the greater part of this munificent sum had been expended in lobbying for a greater sum; and so it was cut off from any subsidy at all.

We do things differently now. These are the days of "economies" in business. It is easier, more direct, and usually more effective to deal with campaign managers rather than with mere Congressmen. There is no risk of "squealing," and therefore no danger of scandal. The Collis P. Huntington methods are out of date.

Mr. Kemble then says:

During our civil war, when our Government could not protect our great fleet engaged in foreign trade, our citizens were compelled to sell; the subjects of Great Britain and other countries, availing themselves of their privilege to buy ships anywhere, bought ours and took the business with them. We have never been allowed to buy them back, or any others to replace them; or, if we did buy any, we have been obliged to sail them under a foreign flag, with two exceptions!

Would Senator FRYE have us believe that our American line, when it takes men at Southampton, as it does sometimes, and they come on board at the market price, perhaps $30 per month, says to them: "This is an American ship, and we shall pay you $50 per month?"

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Mr. FRYE says, and it is often said: "Other nations pay subsidies, and the United States must do as other nations do." But it can not with truth be said that other nations do this. It is the exception wherever and whenever it has been done. There is not a nation on the face of the earth which pays subsidies as Mr. FRYE proposes to pay them—France alone possibly excepted. What all other nations do, however—and I don't know of one exception—is to permit their people to buy ships anywhere and put them under the home flag.

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TWO LINES ONLY SUBSIDIZED.

There are ploughing the Atlantic ocean, between Europe and the United States, possibly fifty lines of steamships, and most of them never received one penny of government money, even for mail carriage! Only two of them receive a subsidy; one is our own "American line," the other the "French

line." No others in this service receive one dollar of subsidy. The Cunard Line none, the White Star Line none, the two great German express lines none. These four lines last named are the fast lines of the world. They own some twenty-five or more of the fleetest ships in the world, besides many others. Not one of these fast ships receives any subsidy from any government. These lines, however, are paid for the amount of mail they carry, both by the United States and Great Britain, at so much per pound. Bids are received by the Government of Great Britain for mail carriage, and the market price is paid for it.

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* * * The United States pays yearly to the Cunard and White Star lines and to the German lines, and others, the market price for the amount of United States mail they may carry at so much per pound; but these amounts are not subsidies. It pays to its own American line $750,000 per year, whether it carries any mail or not. This is a subsidy.

Listen to this!

These subsidy gentlemen are never tired of telling us all other nations pay subsidies, which is not true; but they never allude to the fact that all other nations permit their subjects to buy or build ships anywhere, and put them under the home flag, which is true.

Surely these ardent patriots, these subsidy hunters, would not be guilty of fibbing, or even of permitting their sleek and well-fed agents to do so.

Mr. Kemble says that the argument that we pay out $200,000,000 annually for foreign freight which Americans may get by a policy of ship subsidies is misleading. He very properly asks whether these ship-subsidy hunters believe that should America put a hundred ships in the foreign trade in one year then "foreign shipping lines would retire from the field!" As he says, of course nothing of the kind would happen. This new competition would be met by a reduction of rates, with the probable result that where $200,000,000 is now claimed to be paid on the foreign commerce of the United States there would be but $100,000,000 paid.

MORGAN'S "COMMUNITY OF INTERESTS."

The advocates of this subsidy scheme also ignore the fact that, despite the existence of the International Mercantile Marine Company, competition yet exists in the matter of ocean freights. Mr. J. Pierpont Morgan has organized a "community of interests" among the great railroads of the country, but the Atlantic Ocean is still comparatively free, and foreign purchasers of American merchandise can yet say by what line it shall be transported. If the rates are the same and an American and British ship are competing for the business, he will probably select the British vessel.

He further calls attention to the fact that there are probably a hundred foreign-built ships sailing under foreign flags which are owned by Americans; that a portion of these belong to three great lines plying between the United States and Europe which earn a large portion of this money paid for foreign freight, which thus already falls into American pockets; that this sum is overstated; that a further portion is already secured by foreign ships, American owned, but sailing under a foreign flag; that it will be further reduced if American ships are subsidized to go into the business; that a large portion will inevitably be retained by foreigners in any event; and then very cogently asks, What becomes of the argument that "we pay this great sum to foreigners, and that it may be gathered back to us by means of subsidized ships?"

In discussing the matter of American-owned foreign ships to become registered here, and for Americans also to be permitted to buy other foreign-built ships and sail them under our flag and thus get not only the ships, but the business, Mr. Kemble says:

How much easier and how much more businesslike it will be if we not only permit these foreign ships now owned by Americans to be registered under our flag, but invite our countrymen to buy other lines to be put under our flag also (but for foreign trade only), and so get not only ships, but the business with them. This will build up our merchant marine and send our flag over the seas—a matter which some public men talk much about.

I will not take the time to read any further, but will insert the balance of this excellent article, which has a good deal of the ring of that true Americanism which simply asks a fair field but no favor.

It continues thus:

But Mr. FRYE says this will not protect our shipyards; that if foreign-built ships are admitted to American registry, even for foreign trade only, "our shipyards will not increase; they will build only for coastwise, lake, and river trade," and cries out, "What shall we do for the dying industry?" But these shipyards have not built ships to any great extent for foreign trade for forty years or more. They say they have not been able to do so, at least not for the European trade; and yet, behold their enormous growth within that period! There is no more successful or flourishing line of business in this country than this "dying industry," as he calls it. Our shipbuilding plants are growing in size, have doubled in number within a short time, are equal to any in the world, are turning out some of the finest ships in the world, and are full of business.

What more does he want? The American Shipbuilding Company stands third on the world's list of shipbuilding plants in amount of tonnage turned out last year! But they can not or will not turn out ships at prices which will enable us to go into competition for the European trade. We have, in late years, exported iron and steel plates to be built into ships abroad. It would seem, therefore, that we can buy a ship made of American iron in England cheaper than we can buy one of American iron in the United States!

Mr. Kemble might have added that that "American iron" is sold abroad at free-trade prices, while, because of the tariff, the Steel Trust squeezes American shipbuilders by compelling them to pay protected—trust—prices for the steel plates they use.

$750,000 A YEAR, BUT WANT MORE.

One of Mr. FRYE's arguments for a new subsidy bill is this: He says that "the four ships of the American Line, although receiving a subsidy of $750,000 per year, have never realized any profit, but have been supported by the company's ships (called the Red Star Line) which sail under the Belgian flag." This is a most extraordinary statement, and by it he condemns the whole subsidy system by words out of his own mouth. If this were true, it would be a conclusive argument against any subsidies whatever. Here is a line of first-class ships running between New York and Southampton and receiving from the United States a subsidy of $750,000 per year, which, according to Mr. FRYE, not only makes no money, but is maintained by another line running between New York and Antwerp, which receives no subsidy at all. Both lines have weekly sailings and are owned by the International Navigation Company. The only logical inference is that subsidies are an obstacle to success and that steamship lines are more prosperous without them.

Furthermore, he declares that these "American Line steamers each carried, according to sworn statements, last year $4,200,000 worth of farm products, while the same tonnage slow steamer could not have carried more than $2,250,000 worth of wheat." Since the steamers of the Antwerp, or Red Star Line, are not only slower but smaller than those of the American Line, I presume they are covered by this statement. So it transpires that, although slower and smaller and without any subsidy, and, I may add, with passenger lists insignificant when compared with those of the American Line, they not only supported themselves, but helped support the others!

Mr. FRYE says subsidies will put more ships afloat and so make rates lower. How low would he have them? It has been possible lately to contract for grain to Europe at 1d. per bushel, which is less than $1 per ton! Hundreds of thousands of tons have been carried during the past five years at 2d. and 3d. per bushel, or less than about $1.50 to $2.50 per ton! And provisions and cotton on the same low basis. Cotton to-day can be contracted to Europe at about 12 cents per 100 pounds.

There is a feeling of pride in the desire that our flag may wave in foreign seas, but what satisfaction or what honor is there when it flies from the masthead of a subsidized ship? Sentiment is robbed of all nobility when it is supported by the force of money.

Commerce is in the line of individual enterprise, not of governmental favor, and while it should be fostered and encouraged and protected by Government in all legitimate ways, it is of no credit or importance when supported by Government money. Our flag at the masthead of a man-of-war signifies power, on a subsidized merchant ship the vulgarity of riches.

"FLABBY" ECONOMICS.

A few weeks ago, in a previous speech, I took occasion to commend the lucidity of expression of the editor of one of the leading Chicago weeklies—the Public. In Mr. Post's article on this subject, from which I now quote, the House will observe that he has fully maintained his deservedly high reputation as an expounder of economics, of economics that mean something, not those of the usual flabby professorial style that commence nowhere, lead nowhere, and end nowhere, but usually whose most marked characteristic is a demand for the preservation of the sanctity of "vested rights." The article has but recently been called to my attention, and is entitled:

SUBSIDIES THE CLIMAX OF THE PROTECTIVE SUPERSTITION.

[By Louis F. Post, editor of the Public.]

At the risk of being suspected as a Greek bearing gifts, I should like to ask protectionists—those who believe in protectionism upon principle, of course, and not the trusts that seek protection merely for their own interests and whose members greedily appropriate its benefits to their own private use—to consider very thoughtfully the probable effect of ship subsidies upon the popularity of their cherished doctrine.

Subsidies are unquestionably in line with the protective idea, for they are one of the modes of "encouraging domestic industry" by means of taxation. But they are altogether too candidly direct in method and too recklessly transparent in purpose. The masses of the people may feel their burdens, even under our indirect system of taxation, and are certain to recognize their plundering character. Is it wise, then, for sincerely philanthropic and patriotic protectionists to risk the possibilities of exposure of the essential nature of protection to which this all too candid mode of application will subject it?

I am glad to observe that one of the leading Republicans, one of the few who have shown occasional hesitancy in responding to the party whip—the gentleman from Michigan, Mr. WILLIAM ALDEN SMITH—has just come over to this side of the House to hear what I have to say as to the absurdities of the protective policy. I submit to him how difficult it must be for any sincere believer in that principle to reconcile these inconsistencies.

When we remember some of the "recklessly transparent" statements that were for years unblushingly made by protectionist orators and newspapers, such as, for instance, "the foreigner pays the tax;" "protection raises wages," while also "inducing competition, and consequently reducing prices;" and "there are no trusts," etc., I fear Mr. Post is a little too confident when he asserts that the masses "are certain to recognize their (subsidies) plundering character."

He continues:

For my part, I am quite willing to concede the superiority, for the purpose of protection to home industry, of subsidies paid directly out of the public Treasury over subsidies paid by consumers of domestic goods indirectly to the beneficiaries under compulsion of protective tariffs. The direct subsidy is better for many reasons.

In the first place, it is open and above board. Everybody can know who gets it and how much he gets.

In this I fear he also exhibits an unwarranted confidence. The astute gentlemen who are responsible for this commission bill are taking good care that the people shall not know, if they can help it, how deep they are going to put their hands into the public Treasury under the plea of building up the American merchant marine.

He proceeds:

Everybody can know also whether those who do get it divide up fairly with their workingmen, according to the true intent of the law. Of the indirect or protective tariff subsidies that is not true. The beneficiaries can, and in practice actually do, conceal their plunder. It comes from so many individual sources, and in ways so various and complicated, that no one can keep track of it except the beneficiaries themselves. In consequence their workingmen are systematically robbed of the share which protective laws design that they should receive.

The only resource of workingmen is to strike when they suspect an unfair division, and that is very unsatisfactory all around. In this respect alone the direct subsidy has marked advantages over the protective-tariff subsidy

Another of relative advantages is its effect upon the public at large.

The object of both methods is to encourage domestic production. In this respect the tariff method operates with great and harassing awkwardness. In order to encourage the production of woolen goods, for instance, obstructions are put in the way of the importation of foreign woolens. Those that are imported commercially are subjected to import taxes, which increase the price not only to the amount of the tax, but also to the amount of several commercial profits upon the tax, while those that are imported by travelers cause their owners no end of annoyance, to say nothing of the expense, when they land at a home port.

I have never been able to understand how a sincere protectionist—one who really believes that it works out as its advocates claim—could square his belief in protection with his action in returning from abroad loaded with foreign goods; and so far from travelers who do this (and all protectionists who have money do, James G. Blaine "by courtesy" bringing in some thirty-five trunks) having any cause for complaint that they can not bring their foreign-bought personal belongings in without paying a heavy duty, it has always seemed to me that they were nothing less than traitors to the cause of "protection," which they espoused only so long as it trod on other toes than their own. But that is merely a side remark. The article continues:

All this extra cost and annoyance must be submitted to until the domestic product has been brought up to the standard of the competing foreign article. Nor does the burden fall off then. For when the domestic product reaches the foreign standard of quality and price, its protected manufacturers insist upon having the protective tariff continued, to enable them to "invade" foreign markets in the name of American enterprise, this invasion consisting in selling their goods at free-trade prices abroad while maintaining protection prices at home.

So that, instead of the theory of protection working out as its devotees insist it does, viz, for the benefit of the whole people, in their receiving the advantages of that competition which we are told it promotes, the foreigner, the despised and hated foreigner, gets his goods from the American manufacturer at free-trade prices, while the same manufacturer sells the same goods here in the United States to the gullible worshipers of the "protection" idol at protected or "trust" prices. But let Mr. Post speak for himself:

And that is not all. Sheep raisers clamor for protective tariffs on wool to enable them to force their product upon the domestic woolen manufacturers, who force their product upon tailors. And tailors clamor for protective tariffs upon clothing to enable them to recoup the extra price they have to pay for cloth.

Protective tariffs are thus piled up all along the line, from the item of the growers of the raw materials to that of the last touch upon the finished product. For what? Simply to build up an infant industry, and to enable it to invade foreign markets after it has been built up. Is a more wasteful method conceivable? Compare that expensive and harassing process of indirect subsidies with the direct subsidy and note how indescribably superior the latter is.

Under the direct subsidy nobody would be annoyed by custom-house officers while the infant industry was growing to maturity. The disadvantages under which the American producer labored being overcome by subsidies paid out of the public Treasury, his goods would enter the domestic market at lower prices than the foreign goods.

The "Public" forgets that cheapness is a curse and not a blessing. Did not President Harrison say, "A cheap coat makes a cheap man?"

Consequently foreign goods would stay out, except to the extent that the domestic producer was unable fully to meet the home demand, which would be only in the infantile years of his industry. During that period he would be encouraged by having as much of the home market secured to him as he could supply, while home consumers would not be pestered with custom-house regulations in order to procure from abroad what he could not supply, nor burdened with excessive prices for either the foreign or the domestic article. And, although the American people would have to pay the direct subsidy, they would not also have to pay interest upon it every time the subsidized goods changed hands in trade, as they must under a protective tariff.

This is one of the advantages that bounties have over the protective (?) system, as the interest upon the tax and the profits upon it add about 50 per cent to the duty, so that a tariff tax of 60 per cent really becomes a 90 per cent tax by the time the consumer purchases the imported article.

The same advantageous difference would continue after the domestic goods had been brought to the level of the foreign standard and the home market could be fully supplied. They could then be sold at home at a price low enough to keep out the foreign article, and, thanks to the subsidy, would also be sent abroad to undersell foreign goods in their own market.

Other reasons might be urged were space abundant. But enough has been said to show the superiority of the direct-subsidy system. Whether for the purpose of building up an infant industry at home or of enabling it to invade foreign markets after it is built up, indirect subsidies through protective tariffs are vastly inferior to direct subsidies paid out of the public treasury.

But the direct subsidy has also great disadvantages. It is simple. It is easily understood. It is manifestly for the benefit of special interests, and not for the general good. And, withal, it is certain, if overdone—a fate which attends upon all protective methods—to end speedily in an outburst of indignant ridicule.

For myself I sometimes doubt whether protection can be "overdone." The American people are so gullible and throw all reason to the winds the moment some one gets up and declares he has a scheme to "tax the people so as to make them rich!"

These do not sound like disadvantages, and, so far as the public is concerned, they are not. But they are serious disadvantages from the protection point of view. Such a method of encouraging domestic industry might, if once it were adopted, everlastingly discredit the whole protection theory. That is reason enough for the shyness which shrewd protectionists have heretofore exhibited toward direct subsidies for industrial encouragement.

Lately, however, the fat and greedy beneficiaries of protective tariffs, finding no longer any profit for themselves in that method of taxing Peter to enrich Paul, have been turning with favor toward the direct subsidy system. The first step, the sugar bounty, was not encouraging. It was a mistake to begin with a product like sugar. The purely private nature of this bounty was too obvious. For a beginning shipping bounties are better. The people know but little about the modern shipping business, and they are ambitious to boast of a great mercantile navy.

Mr. Post hits it there.

This is but an illustration of how the passions of the people, here as elsewhere, are played on for their own undoing. This fever for "bigness" in a navy is being sedulously cultivated by the magnates of the trusts, as they well know that almost any kind of a steal can be put through if they can but throw the glamour of "patriotism" around it.

Subsidies for ships, therefore, do not seem so much as bounties on sugar like private gifts, even if the chief beneficiaries of the subsidies be great trust magnates of the country.

But if the system of subsidies once takes root in shipping bounties, is anyone so fatuous as to believe that it will end there? Let the protective tariff system answer. Its multitudinous ramifications and the horde of beggars in all kinds of industrial exploitation clamoring for its favors abundantly testify that there is no limit to public gifts for private benefit short of the will and ability of the giver.

A "horde of beggars" forsooth! On what meat has this mere editor of a Chicago weekly newspaper fed that he dares to stigmatize the financial magnates who are perspiring with patriotic fervor in their efforts to convince the American people that the safety, glory, and honor of the nation are at stake if they do not indorse ship subsidies.

If this irreverent editor does not look out he may find that these "captains of industry" will be foreclosing their mortgage on the Republican party and demand that a "Pennypacker" law, a "lèse majesté" law, a press-throttling law be passed by this House, so as to protect the men who contributed so liberally to save the country in 1898, and who merely ask to be paid back a hundred for one through a ship-subsidy bill.

Let shipowners be subsidized out of the public Treasury, and a cry for similar direct subsidies will go up from every industry that can not make the direct subsidies of the protective tariff serve it. If ships, why not exports? European nations, now cited as examples of ship subsidizers, do subsidize some exports with a view to the commercial invasion of other countries.

Shall we shrink from equipping our exporters for that kind of warfare? It has been seen how one tariff breeds another. Why shall not one subsidy breed another? There is no reason for confining subsidies to the encouragement of international trade. If it is good public policy to subsidize ships for foreign commerce, it must be good public policy to subsidize ships and railroads for domestic commerce.

If it is good public policy to subsidize commodities for export, it must be good public policy to subsidize commodities for home consumption. Does anyone doubt, at any rate, that these extensions of subsidies can be urged as plausibly as the ship subsidy on grounds of public policy? If, for example, a protective tariff on wool for the protection of American sheep could be made an issue in national politics, why not a subsidy on wool, now that the protective tariff fails to protect it?

It is entirely true, as Mr. Post says, that there is just as much reason (and as little) for subsidizing goods for domestic consumption as for export, and can be urged just as plausibly. A subsidy to a woolgrower is as justifiable as a "duty" to a wool manufacturer.

Protectionists who believe that protection is a legitimate public policy should make no mistake about the ship-subsidy question. With ship subsidies for a starting point and precedent, there will be no end to the objects vociferously seeking subsidies and no conceivable end to those getting them. But long before the possible end is reached the whole thing will strike the American sense of humor as unspeakably ridiculous, and the subsidy system, with the protective system, of which it is part, will collapse.

Of course the cry for ship subsidies is no more ridiculous than one which was put to such good use a few campaigns back—"the foreigner pays the tax." For myself, I wish I could discern some evidence that the American people turn their "sense of humor" on to these questions of taxation. For while the ridiculous talk about the tariff not being a tax because "it is paid by the foreigner" is no longer put forth, yet those who formerly advanced it are not "laughed out of court" when they advance other protectionist superstitions, some of which yet do service.

Since that is a consummation which free traders devoutly wish for, they might be quizzically asked why they object to this protection-destroying system of subsidies. It might be urged that the ship subsidy should be welcomed by them as an ally. But free traders are not playing in a game. They are not opposing protection for sport. They oppose it because, whatever may be the mode of application, it is in practice destructive to wholesome industry and in principle economically false and morally pernicious.

The subsidy movement is the normal culmination of a long era of protection by tariffs. In that era a few gigantic trusts, promoted and buttressed, if not caused by, protection, have developed. They hold the fate of legitimate industry almost at their mercy, and threaten even the political integrity of the Republic. They have perverted the intellectual standard of schools and colleges. They have polluted the moral atmosphere of churches. They have insinuated their influence into newspaper sanctums.

"Insinuated" does not describe the situation. If he had said they have acquired many of the leading newspapers of the country and were directing their policy, he would but have stated the facts.

The article concludes as follows:

They have dictated policies in legislative assemblies, seated their own professional servants upon the judicial bench, corrupted nominating conventions, and by trick and device diverted the course of public opinion itself. And now, glutted with pelf and drunken with power, they cynically propose to rob the public boldly, directly from the public Treasury, as for a generation they have been robbing it stealthily by means of protective tariffs.

That in doing this they will cause the whole protection edifice to crumble is reasonably to be expected. But that much-desired ending of the most absurd and demoralizing superstition of economic history is not a reason for advocating subsidies as the destructive means. This would, indeed, be doing evil that good might come. Much more to the honor of American intelligence and American sensitiveness to right and justice would be for American citizenship to condemn the protective scheme with deliberation than to leave it to the fates.

Rather than to approve the shipping subsidy, though in the reasonable hope that its development would expose the absurd iniquity of protection and loosen the grasp of that superstition, conscientious and intelligent citizens will demand that the shipping subsidy be condemned, because it is one of the forms of that superstition. Free traders would rather kill protection with the club of common sense or the sword of common justice than help to poison with an overdose of subsidies, however reconciled they might be to seeing it so poisoned by its friends.

I have recently come across another article on this subject, which, although treating it from a different standpoint from that of the Public, yet is equally interesting and instructive. This article appeared in "*the*" Democratic paper of Pennsylvania some months ago, but has only now been called to my attention. Incidentally I would say if the papers which are published in Philadelphia and Pittsburg which call themselves Democratic were as fearless and unfaltering in their devotion to and advocacy of the fundamental Democratic principle "equal rights to all, special privileges to none," as is the Johnstown Democrat; if they applied that principle in its fullness when discussing public questions as that paper does; if they denied the right of any man to a position of power or influence in the party who has not consistently and unequivocally championed that principle, even the protection-soaked State of Pennsylvania would soon become Democratic.

I regret that the limited time allotted me prevents my reading the entire article, and that I must therefore content myself with merely summarizing its contents. The article is headed:

SHIP SUBSIDIES IN NEW GUISE.

After quoting a circular which was being sent out by the Home Market Club, of Boston, asking certain questions of "governors, presidents of railroads, banks, etc.," it says: "The club's own preference is not left in doubt." Subsidies, it says, are "not warranted by the Constitution."

After referring to the fact that "three such bills have failed since 1897," though promised by the great party leaders in return for heavy campaign contributions, and that certain influential leaders "did their best to deliver the goods," it says:

Some of the leading trusts, by a great display of timidity and good sense, advised their Republican Congressmen to go slow in voting for a subsidy bill.

It says:

They feared such a bold appropriation of the people's money would spoil the tariff "graft" which gave the trusts such unparalleled prosperity.

It says:

They virtually said to the shipping people:

"Of course we should like to let you in on a good, fat graft, but we don't want you to spoil our graft, and in the end yours too. We must manage to keep the Republican party in power somehow or all will be lost.

"The people are easy if you approach them in the right way and on the right side; but, like a young cow, they will kick and refuse to be milked when approached from the wrong side. Don't jeopardize both our interests by attempting something rash. We know the people will stand for indirect taxes, because they do not see them, or because they vainly imagine that somebody else may be paying them, or that, in some absurd way, they are benefited by such taxes; but they might rebel and kick our whole graft over if we should show our hand. We shall gladly help you if you can devise some new scheme that will fit on the present indirect tariff-tax system. See what you can do."

There is just one other paragraph in this article which I will call attention to. After alluding to a contract which the International Mercantile Marine Company has made with England, which, it says, "may prevent that patriotic trust from participating so largely in these tariff profits," continues:

Just why this shipping trust should make such an unfavorable contract with the British Government is not apparent, unless we conclude that the trust is open to legal attack, both in Great Britain and this country. In this case it is prudent to get some kind of a legal status and to avoid trouble with British courts. It would be very uncomfortable if this trust was outlawed in both countries and could not land its ships at either end, except under a pirate flag or the flag of some small foreign country.

"OUTLAW" AND "PIRATE," INDEED!

Mr. Chairman, on behalf of the distinguished patriots who organized the International Mercantile Marine Company, who so generously let the American investor "in" on this "good thing," but who find themselves still carrying a part of the immense body of water upon which its shares are based, being capitalized at $200 a ton, when new ships cost but $120 a ton, on their behalf I protest against the use of such language. "Outlaw" and "pirate," indeed! Is there no sanctity where millionaire promoters are concerned? Would it not be in order for this House to communicate with the attorney-general of Pennsylvania, suggesting that the Pennypacker "press-muzzling" law be invoked to protect these "princes of finance" from such attacks?

If such language as this is permitted to be used about these gentlemen, the next thing we shall hear will be that this audacious paper has used equally reprehensible language concerning the dominating factor of the anthracite coal trust, for it will be remembered that it was the same gentleman who organized and controls the coal trust that offered the shares of the Mercantile Marine Company to a confiding public.

Mr. Chairman, the foundations of American liberty are being undermined when the country permits such language to be used when speaking of the men who so patriotically saved the "honor" of the country.

The extreme position that the advocates of ship subsidies are sometimes driven to in order to maintain their claim for this form of special privilege is evidenced in an oratorical outburst of Senator FRYE, who said:

Trade can not precede the mail! The mail must precede the trade!

Can one conceive of a more absurd misstatement than this?

In order to prove his wild observation the Senator would have to show that the chief delight of the primitive savage is to produce and consume literature. The gentleman from Pennsylvania [Mr. SIBLEY] three days ago, on my disclaiming any sympathy with paternalism, insisting that I was an individualist, said that he felt sure that the House would be glad to have me some time or other explain what I meant by "individualism." While that is, of course, too large a subject to take up to-day, let me say to the gentleman from Pennsylvania that individualism is the direct antithesis of the principle, or lack of it, upon which this ship-subsidy commission bill is based. This bill is paternalism run mad. It is the worst form of paternalism, because it is paternalism for the exclusive benefit of a few millionaire shipowners and trust exploiters.

PROTECTIONISTS THE ONLY BOUNTY HUNTERS.

Isn't it rather singular that the only people who advocate subsidies are the protectionists? You never hear of a free-trader advocating ship subsidies or other forms of bounty. It is only those whose theory, if carried to its logical conclusion, would prevent all trade, destroy all commerce with foreigners, who contend that the people should be taxed and the proceeds turned over to subsidy beggars and bounty hunters in order to "foster" trade. True, not all protectionists are for subsidies. Perhaps that is due to their having a somewhat more logical mind than the others, and they see that if trade is so bad a thing that we must erect artificial barriers to prevent those who have a desire to trade from doing so, it is illogical to subsidize people to do that very thing.

I confess that the workings of the protectionist mind are incomprehensible to me. First we are told that trade is a bad thing; that we must produce the things for ourselves, thus giving employment to American labor and profits to American capital. To insure this being done we are told that it is necessary to prohibit those who have a desire to trade with foreigners by erecting an artificial wall in the shape of a tariff tax upon goods brought to this country. So far the position of the protectionist is intelligible, if not commendable. But when they proceed to the next position and say we have a surplus which must be disposed of abroad and that we must create a market for this surplus, then the mind gets confused. For I assume that even protectionists will give the inhabitants of other countries credit for possessing equal intelligence with ourselves. If that is so, then if the protective theory is correct for the people of this country it must be equally correct for the people of other countries.

Even if foreigners are not naturally endowed with equal intelligence, they have American protectionist literature to educate them, for there is no export duty on it, and from it they can learn the beauties of that system. This being so, the hated foreigner will naturally say, "If foreign trade is a bad thing, as the American protectionist contends, then we must erect an impassible barrier over which the American manufacturer can not 'push' his goods." Should they carry this policy to its logical conclusion and make the barrier really impassible, then obviously these "surplus" products of ours would be returned to us, and would, I assume, if the the protectionist theory is correct, rot on our hands. I shall not digress to ask how there can be a "surplus" of any product in any country, if there is (as there certainly is in this country) in that country those who are in need of some of that very product and who are willing, aye, begging for the opportunity to exert their labor in the production of almost anything to exchange for that product. To do so would be to stir up another phase of this question of monopoly.

We then come to the next step in mental protection, viz, that we should send out of the country more goods than are brought

in, because in doing so we enrich ourselves, and of course ship-subsidies are a means to that end. It must be obvious that if we only make the bounty large enough—say sufficient to pay for the building of the ships and all the cost of manning and operating them—we can not only send our "surplus" abroad, but also our entire products. If this is the correct thing to do—and certainly subsidies could then be justified—then we only need to amend the ship-subsidy plan in one particular, and that is to pay a bounty on all products of every kind and nature shipped abroad, but only on condition that the subsidized ships shall return here empty. We could thus very rapidly increase our "balance of trade" enormously.

Because this "favorable" balance-of-trade theory is interwoven with and is the corollary of "fighting" for a market for our surplus goods which gives strength to this cry for ship subsidies, I will append to my remarks, although I will not read it to the House, an article which I contributed to the Johnstown Democrat recently on that very subject. While the leader of the minority has honored me by incorporating it in one of his recent speeches, yet, as it is apropos to this subject, I will print it now, including, however, the concluding paragraphs, which he omitted.

THE BALANCE-OF-TRADE FALLACY.

[By Congressman ROBERT BAKER. From the Daily Democrat, Johnstown, Pa., Sunday, February 14, 1904.]

WASHINGTON, D. C., *February 13, 1904.*

When we consider how widespread is the belief, or rather acceptance of the statement, that not only does protection "enable" the protected manufacturers to pay high wages, but that in some occult way, which even its advocates do not explain, it "compels" their payment by protected manufacturers, it ought not, I assume, to be an occasion for surprise to find how prevalent is the idea that that country whose exports exceed its imports is thereby made prosperous.

Certainly no fallacy is so widely accepted, has so many devotees, is so infrequently challenged. And yet, even the most cursory thought, the most simple examination of the subject should be sufficient to expose its fallaciousness. That it is widespread, that it is generally accepted, is due largely, I think, to the fact that among the rarest of mental gifts seems to be the ability to think in simple terms and simple language, to reason from a fundamental premise. The civilization of to-day is apparently so complex, its ramifications so varied and extensive to so lace and interlace through every artery of commerce, it seems to be to so large an extent involved in the "destiny" of nations and the "world-power" idea, that practically all who give the matter any consideration "throw up the sponge" so soon as they commence to think upon the subject.

The policies of nations, the fates of empires, aye, the very existence of civilization itself, seems to most people to be involved in the contest for commercial supremacy which the great nations of the world are engaged in. So common and so prevalent is the idea of "war" associated with commerce, that it has come to be the usual term of expression that this or that nation must "fight" for commercial supremacy, and the reason advanced by people to-day why nations must fight is not, as in the past, ostensibly for territorial aggrandizement for the extension of the geographical boundaries of nations, but that they must "fight for markets," fight for the right to push the sale of their products among the people of other nations. Of course it is true that this talk of fighting for the "open door," this talk of the necessity of war and warlike methods, these bases from which "attacks" shall be made upon the semicivilized countries of the Orient, is confined to countries like China, but the underlying thought is equally applicable to the more civilized nations.

We are told that it is essential to the continued prosperity of the United States that it shall "open up" a market in Asia for its "superfluous" products. We are told that within a certain limited number of years our trade with the Orient has increased 20 to 50 or maybe 100 per cent, and that it now amounts to two or three hundred million dollars. Yet, almost in the same breath, those who advocate strenuosity as a basis for our dealings with other nations who are likewise attempting to force China to purchase their goods, tell us that the internal trade of the United States amounts to eighteen or twenty billion dollars.

Is it not singular that these devotees of war and warlike methods, these people who advocate the necessity of a big navy in order to secure the "open door," who would force our goods upon the heathen Chinese, should not as yet have advocated the creation and establishment of a gigantic State militia in order that the goods produced in New York may be forced upon the people of Ohio and Pennsylvania; that the manufacturers in Illinois require a large standing army in that State to force the sale of their goods upon Wisconsin, Iowa, and Indiana? And yet to those who are not inoculated with this virus for immense armies or big navies it should appear no more fantastic and unreasonable for the people of these and other States to insist that the goods created within their territories shall be forced upon the people of adjoining States than that we should, as a nation, force our goods upon the Chinaman, the Jap, the Russian, or the Hindoo.

As I have said, the prevalence of this idea that markets must be fought for is largely responsible indirectly, if not directly, for the thought that those nations which export the most and import the least are thereby made the most prosperous. And yet if one will but think on this subject in a simple way, will apply the same powers of logical analysis which he gives to his own affairs, will ask himself the question why the doing of something by a large number of people in their collective capacity has a different effect upon them, as a whole, than what would follow the same act of a individual, he must at once see the utter absurdity and falsity of the contention that an excess of exports proves that the nation is thereby becoming rich. Nations are great aggregations of individuals. It is just as true that a hundred thousand individuals can not send out a million dollars' worth of wealth, receiving back $900,000, and thereby become rich, as if it were the transaction of one individual.

Perhaps the most surprising thing in connection with this delusion is the fact, admitted even by the most ardent advocates of the "profitableness" of excess exports, that Great Britain, admittedly next to the United States the most prosperous nation in the world, has for a long period of years been importing hundreds of millions of dollars' worth of wealth in excess of her exports. For the year ending June 30, 1903, her excess of imports over exports amounted to the enormous sum of $800,000,000. During the same year the excess exports over imports of the United States amounted to $400,000,000.

If the contention that that nation is most prosperous which has an excess of exports is sound, then it follows that England by this time must have been almost entirely denuded of all wealth, for her excess of imports has been going on for decades and must now aggregate many billions of dollars. If this contention is the correct one, then the year ending June 30, 1903, made England relatively thirteen hundred millions of dollars poorer than the United States, four hundred millions of this being the United States excess of exports and nine hundred millions Great Britain's excess of imports.

The explanation usually given this so-called "favorable" balance of trade is that, to quote President McKinley, we get it back in "pure gold." This in face of the fact that our total excess exports of gold and silver during the last hundred years amounts to over a billion dollars. It would be interesting to know how these "balance of trade" theorists account for England having an enormous stock of gold and silver. She has, however, accumulations running into the hundreds of millions of these precious metals, while the United States is one of the largest producers of gold and silver. So that we have the anomaly, if this balance of trade theory is correct, of the nation whose imports (income) habitually exceed her exports (outgo) by several hundred millions annually and produces none of the metals—therefore must import them—accumulating large amounts, while the United States, a large producer of gold and silver, exports several hundred millions in excess of her imports and yet does not accumulate gold and silver to the extent that Great Britain does.

Two elements that go to make up this so-called "favorable" balance are usually ignored, viz, undervaluation of our $500,000,000 of imports (for the purpose of partly escaping the tariff tax) amounting probably to fifty millions annually, while it is admitted that the number of American tourists visiting Europe is several times as large as the Europeans who visit America. Probably not less than $35,000,000 represents the excess of exports spent by Americans abroad as compared with imports spent by foreigners in America. In addition some ninety millions of our apparent excess exports is freight charges paid to ships owned abroad, principally British.

There is another element also generally overlooked. That is the tribute paid every year to those who own American soil but who live abroad. How large this tribute is there is no means of knowing, but that it amounts to scores if not hundreds of millions of dollars a year there can be no doubt. William Waldorf Astor alone is reputed to receive such tribute to the amount of $9,000,000 a year. When we consider the scores of English and European titles which have been married to American heiresses solely because of the large rent rolls that went with these girls, some of whom receive incomes of millions a year, we get a glimpse of the aggregate of the tribute thus paid to foreigners—to increase our "favorable" trade balance.

When Mrs. Schenley, the owner of $50,000,000 of Pittsburg property, died recently in London, where she had continuously resided for fifty years, drawing tribute from some 25,000 Pittsburg tenants to the tune of millions a year, Andrew Carnegie (himself spending millions in Great Britain) cabled to America that Pittsburg's "queenly benefactress" had passed away and that she was a "true and loyal" Pittsburger to the end.

If one who lays a city or nation under tribute and draws from that country millions of dollars of wealth for which he gives no return, thereby increasing the "balance of trade"—excessive exports—of the country so laid under tribute is a "benefactor," then Mrs. Schenley, William Waldorf Astor, Consuelo Vanderbilt, and the daughters of the Bradley-Martins, the Leiters, the Zimmermans, et al., are indeed benefactors, as the ground rents and interest on stocks they draw to England unquestionably swell American exports and consequently increase its "favorable" trade balance.

Of course we can not expect those occupying the dilapidated shanties on the Schenley estate nor those crowded into Astor double-decker tenements in New York to appreciate how good it is for them and the country that they should contribute the millions that are spent for London mansions and Scotch castles. They have not been educated in the school of "high finance" and are therefore incapable of recognizing the advantage of an outgo in excess of income. Being untutored in the mysteries of the "balance of trade" doctrine, they would probably exclaim:

"Hang your 'balance-of-trade' theory! You leave us what we have heretofore paid as rent, and we'll manage to get along with our undepleted income and won't worry that our balance of trade is 'unfavorable.'"

ROBERT BAKER.

"STACKING" THE CARDS.

In a speech delivered at Concord, N. H., August 23, 1902, the President said:

> About all we have a right to expect from the Government is that it will see that the cards are not stacked.

That sentiment I heartily applaud. It may not be the most refined manner of expressing the idea, but that's of no moment. The important thing is that it correctly defines the most essential function of government—to insure to all "equality of opportunity."

The difference, however, between Mr. Roosevelt and myself is that I believe in that principle in its fullness and would apply it in its entirety, while he has done nothing to show that he really believes in it, let alone apply it as a principle of government. On the contrary, the policies for which he stands and which he applies nullify it.

This bill does not merely provide that the cards shall be "stacked" against the common people and in favor of the ship-subsidy beggars, but if its real purpose is carried out it will compel the people to pay for the "chips" which those gamblers use.

The greatest evil of the times, the one which must be uprooted before there can be any marked improvement in our governmental affairs, is the purchase of legislation by corporations, especially by such as seek to obtain special privileges. The money which they contribute to party campaign funds, municipal, State, and national, is producing a cancer which is destroying the very life of the Republic. As I intimated in the beginning, if this bill were the most innocent bill which ever came before this House the circumstances which led up to its introduction should forever condemn it.

ENGLISH BY-ELECTIONS.

A few months ago our Republican friends were pointing to Great Britain as evidence of the growth of the protectionist delusion. One of the Ohio Members, who has since become a member of the other House, even went to the extent of inserting in the RECORD some forty pages of speeches of that great reactionary, Joseph Chamberlain, with the undoubted object of making

them available for distribution through the mails free of cost by the Republican Congressional committee. It is true that for some weeks now we have heard no more about the great change of sentiment in England on the tariff question. Even the gentlemen on the other side of the Chamber have apparently heard something of the results of recent by-elections in Great Britain, so that they are not now so sure that her fiscal system is to be overthrown and that she is to return to "protection."

In order that my Republican friends may have the facts before them, and as those facts have been kept from them by their leaders, I will insert, as an appendix to my remarks, a table showing the results of recent by-elections in the United Kingdom, which show that Chamberlain's appeal to the ignorance, bigotry, and passions of the people there has been in vain. That this arch traitor to the principle of free trade will adopt some other expedient to resuscitate himself politically, now that he can no longer use his "Little-Englander" and "pro-Boer" slurs to arouse the passions of the people, there can be no doubt; but that will be small comfort to protectionists here, as he can be of no further use to them now that his protection policy has been shown to be unpopular.

I sincerely trust that they have not wasted their campaign funds by ordering several million copies of Chamberlain's speeches, because, if they have done so, then they will have to make another call upon their friends—the beef trust, the steel trust, the oil trust, the sugar trust, and the anthracite-coal trust—for more campaign contributions, with the result that we who live in New York will find the Morgan-Baer combination recouping themselves ten times over by squeezing up the price of our coal, while in common with the inhabitants of the rest of the country we shall find the other necessities of life also "boosted" up.

As the Republican leaders have recently found so much to admire in Mr. Chamberlain, it is entirely appropriate and quite pertinent to ask them what they think of the latest outcome of his war to annihilate the two South African Republics—the Transvaal and the Orange Free State. This war, conducted and instigated by the South African mining millionaires in conjunction with Joseph Chamberlain, was, the British people were told, to extend the "benefits of British civilization" to the people of those countries.

Having destroyed the freedom of the Transvaal, the South African mining multimillionaires—the Biets, Robinsons, Neumanns, Barnattos, Joels, et al.—have now gone a step farther and compelled the Tory Government to introduce slavery there in the form of Chinese labor under contract. Although opposed by the Liberals, Mr. Balfour's Government has been able to force a ratification and approval by the House of Commons of this new form of slavery.

SOMETHING WORTH EMULATING.

If my Republican friends desire to emulate Great Britain (a country, by the way, that a few years ago they could say nothing bad enough about), why don't they emulate her in some of the good things she is doing? As I have said, the cost of ship subsidies, as of all other forms of governmental favors, must be borne by the great mass of the people so long as indirect systems of taxation are used. Recognizing this, the progressive men in Great Britain have for some years now been attempting to put a part of the burdens of government upon those who obtain nearly all its benefits—the landlords.

How much greater progress they have made than has been made here (although the average American boasts of our greater progressiveness) is shown in the vote of the House of Commons on Mr. Trevelyan's bill for the taxation of land values. Two years ago Mr. Trevelyan was only able to muster 156 votes in favor of a similar bill and was defeated by 71 votes. Last year the same bill was beaten by 17 votes. On March 12, this year, the vote was 223 in favor to 156 against, a majority of 67. How significant this action was is shown in the fact that not only did Sir Henry Campbell-Bannerman (the Liberal leader) speak for it, but it received the support of every prominent Liberal who was present, and not a Liberal vote was cast against it.

On the other hand, not only did Chamberlain's son, Austen Chamberlain, the chancellor of the exchequer, vote against it, but several other leaders of the Tory and reactionary forces did likewise. In commenting on the matter the London Standard, the Tory organ, intimates that more of the present overwhelming majority in Parliament would have voted against it were it not that a general election is anticipated. Surely its enemies could offer no stronger testimony to the increasing growth among the people of the demand that land values shall bear a large part of the burden of government than the Standard's comment.

LET US TRY FREEDOM.

Mr. Chairman, instead of this bill for a ship-subsidy commission, let the committee which reported this bill bring in here measures providing far "free ships." We have had forty years of "protection;" let us now try freedom! It may be that like the elephant which has been chained to the floor for years, that the shipping merchants and shipowners may not at once realize that they are free, they may for a short time stay in the same place, being under the delusion that they are yet chained and tethered. But we need not fear, they will soon understand the advantages of freedom, they will quickly utilize them; they will as soon as they are permitted show that American enterprise, American ingenuity, American go-aheadativeness, when backed by the requisite capital, can hold its own against the world. Let us adopt the President's statement that the "cards are not to be stacked." Let us adopt it in good faith, let us set our faces toward the light and declare a "free field and no favor" for all.

Mr. Chairman, what a relief to turn from the sordid commercialism, the hard, cruel, domineering spirit of those who through such instrumentalities as this bill would lay a nation under tribute, would pry open the doors of the National Treasury, so that its sponsors may revel in unearned wealth—wealth wrung by an insidious system of taxation from the necessities of the poor—what a relief and what a change to turn from the contemplation of such cold-blooded, grasping selfishness and insatiable greed and note the noble, humanity-loving spirit which the editor of the Arena has breathed into the pages of a recent number of that magazine. I have but a moment left within which to call attention to one or two striking passages from his article in the October Arena on "Material prosperity and permanent greatness:"

To serious-minded students of history one of the most disquieting signs of our day is the all but universal tendency to elevate material prosperity to a supreme place in the consideration of the people.

History should teach us how pitifully shallow and shortsighted is a statesmanship or a national consciousness that permits commercialism or expediency to override the demands of the eternal ethical verities. Out of the wrecks of the past comes no clearer voice than that which proclaims the doom of all nations that have exalted trade or material prosperity over the empire of moral or intellectual rectitude. The austere religion of Israel, the philosophy and noble art of Greece, the justice or law of Rome, gave to those ancient civilizations their immortality; and the power and greatness of their peoples passed not from them until after they permitted the dominating moral ideals to become subordinate to sensuous and materialistic ideals. Egoism, the passion for wealth, ease, and luxury, and cruel and unjust subjugation of others finally wrought their downfall and death.

HUMAN ACHIEVEMENT AND SORDID GAIN.

Among the many examples of sophistry, as shallow as it is pernicious, which wealth and privilege are industriously disseminating is the claim that the incentive of money or material personal gain is the chief inspirer of genius, invention, and discovery.

Genius is nothing if not restless and active. Her children may be and often are erratic. They are seldom slothful. Run over the list of those who have been chief among the prophets, poets, painters, sculptors, scientists, discoverers, and inventors, and it will be seen that while few were driven by hunger or lured by avarice, many were terribly hampered by poverty and paralyzed by the ever-present fear of the starvation and suffering of those dependent upon them. It will be seen that the greatest benefactors of humanity were either among the poor, who sought not personal wealth, but rather the benefit of humanity, or were in comfortable circumstances, such as would be within the reach of all men and women under just social conditions in which equal opportunities and rights should be guaranteed to all and special privileges granted to none.

The elevation of material considerations above the requirements of the basic moral verities and the underlying principles of pure Democracy is deadly to free government. The broader vision of justice and the proud consciousness that the new freedom which fosters joy and growth would be no longer the prize of the few, but the splendid heritage of the millions, would give a deeper, richer, diviner meaning to life than was possible in any age in which egotism was the dominant note, and where war and competition fostered the savage in the soul of man.

Mr. Chairman, instead of buttressing the narrow, stupid, selfish, bigoted "protection" policy by instituting a policy of bounties, let us declare that the trusts must throw off their infant's garb, their swaddling clothes, behind which they have been hiding themselves while robbing the people, and that they must now do what the American farmer has been doing all along—sell their products in a free-trade market at home as well as abroad. Let us say, as far as we can by our action on this bill, that the American people are tired of this cry of the Goliahs of the trusts that they dare not battle with the pigmy Davids of the commercial world.

If we will but do that we will have taken a great step forward; we shall have inaugurated a policy that will result in the ultimate overthrow of every form of special privilege, a policy which if applied in its fullness will drive every harpie and every corruptionist out of the Halls of Congress, and thus purify American politics. Do this, and this Republic will become what in inception and purpose it was designed to be—a beacon light for liberty, for freedom throughout the world. [Applause.]

APPENDIX.

[From the Westminster Gazette, Saturday, March 19, 1904.]

THE WEEK—THE DEFEAT OF THE GOVERNMENT.

The political situation develops more slowly than some impatient people desire, but still develops continuously in the same direction. The Government grows weaker, undermined by the by-elections in the country and by apathy or confusion in the House of Commons. On Tuesday they were actually defeated on an Irish vote in committee of supply, and though Mr. Balfour naturally makes light of the incident its seriousness is quite well understood by members of the Unionist party. The division was expected. A most ur

gent whip had been sent out to supporters of the party, and yet they did not exert themselves to put in an appearance.

The recriminations which have followed in the correspondence columns of the Times and elsewhere merely bring this fact into greater relief. The Government has still an enormous nominal majority which should leave an ample margin for all accidents and sudden emergencies. That it can not be brought up by a three-line whip is a morbid symptom which speaks for itself. The incident is not solitary, for on other recent occasions ministers have only escaped defeat by 14 or 20. No one seriously expected that Mr. Balfour, after resisting all the provocations to resign which the last nine months have offered, would quit his post because an Irish vote had been reduced by £100. But it is an unwritten law of Parliament that a government can not be more than once beaten on an estimate, however trivial. For a ministry which can not rely on a majority for its money business is properly assumed to be without the power of conducting the daily administration of the country.

EAST DORSET.

The result of the East Dorset election announced on Thursday proved that constituency to be in line with all others that have recently been tested. The majority of 820 by which the seat was wrested from the Tories exceeded the anticipations on the Liberal side and beat all previous records in the constituency. Mr. Lyell, the new member, was an excellent candidate, but he had to fight a wealthy and popular opponent, who resided in the constituency and had even been mayor of its chief borough. This gentleman sought salvation as an opponent of Mr. Chamberlain's policy, but the constituency rightly judged that the only method of opposing a protectionist government was to defeat its candidate, whatever private opinions he might hold upon the fiscal question. East Dorset concludes a series of by-elections which has been without parallel in the memory of most living politicians. In all parts of the country, and in rural and urban constituencies alike, the Government have suffered continuous reverses, and latterly without any break whatever in their misfortunes.

One fact alone is sufficiently impressive. Since the beginning of the year ten seats, formerly held by six Unionists and four Liberals, have been vacated, and as the result of the by-elections these are now held by eight Liberals and two Unionists. No Unionist has been able to secure reelection except in the impregnable strongholds of South Birmingham and the city of London. This is the record for less than three months, and it shows how entirely the Government has lost the confidence of the country. The cartoon published elsewhere, which "F. C. G." has given us for this week, exactly sums up the present situation. Like the cat in the picture, the Government holds on by digging its claws deeper into the tree, which is rudely shaken by these events. Let us add, while speaking of by-elections, that the unopposed return of Mr. L. V. Harcourt, which also has taken place this week, is by no means without significance. If he was permitted a walk-over it was not from any benevolence on the part of his opponents. They did their best to find a candidate, but without success.

That the tide is still running strong against the Tories and against Chamberlain's policies of protection in Great Britain and Chinese slavery in South Africa is shown in the last English by-election, i. e., that of East Dorset, where a Tory who was elected in 1900 by a majority of 96 has been succeeded by a Liberal with a majority of 820.

[From the Daily News (London), Thursday, March 3, 1904.]

THE NORMANTON TRIUMPH—WHAT THE RESULT MEANS—MR. PARROTT INTERVIEWED.

The great victory achieved by Mr. W. Parrott in the Normanton division for Liberalism, labor, and free trade was one of the main topics of conversation in political circles yesterday. We showed in our last issue how complete this triumph was, Mr. Parrott having beaten his protectionist opponent, Mr. Dorman, by a majority of 3,946, a figure which compared with a Liberal majority of 1,419 at the general election.

If the united Liberal and Labor vote at Norwich be excluded, to Mr. Parrott belongs the distinction of having secured the greatest majority yet recorded at an election since Mr. Chamberlain announced his protection policy. How that policy has affected majorities and seats may be gathered from the following list of constituencies contested since May last, when Mr. Chamberlain made his first pronouncement on "tariff reform:"

	Previous majority.	By-election majority.
Barnard Castle	a1,491	a2,856
Argyllshire	b600	a1,586
St. Andrews Burghs	b54	a36
Rochester	b479	b521
Leamington	b831	b190
Chorley	b3,059	b1,428
Dulwich	b3,082	b1,437
Lewisham	b2,414	b2,012
Ludlow	b3,819	b970
Mid Devon	a771	a1,476
Norwich	b837	a4,264
Gateshead	a946	a1,205
Ayr Burghs	b590	a44
Mid Herts	b2,424	a132
South Birmingham	c3,573	c3,076
Normanton	a1,419	a3,946

a Liberal. b Conservative. c Union.

In these sixteen constituencies the aggregate votes cast at the last previous elections and at the by-elections show an enormous gain by the Liberal and Free Trade party. The figures are:

	Liberal.	Protectionist.
By-election vote	75,941	70,030
Previous election vote	52,855	69,990
Net increase	23,086	40

At the general election these twelve seats were held, four by Liberals and twelve by Conservatives. They are now held, nine by Liberals and seven by Conservatives. In other words, the Liberals have gained five Tory seats out of twelve, a proportion which works out at 44 per cent. If that ratio could be maintained at a general election in respect of the 389 ministerial seats, the free-trade majority in Parliament would be overwhelming. No wonder Tories shrink from a general election.

TRADE AND THE EMPIRE.

[Mr. Chamberlain's proposals examined in four speeches and a prefatory note by the Right Hon. H. H. Asquith, K. C., M. P., home secretary in Lord Rosebery's ministry.]

PREFATORY NOTE.

I have been requested to republish these speeches in a collected form. I do so the more readily because, whatever judgment may be passed upon their controversial value, they do not, so far as I am aware, contain any statement of fact, whether statistical or historical, which has been successfully impugned.

Those of us who are engaged in the defense of free trade are constantly told that our whole stock in trade consists in the mechanical iteration of catchwords, in blind appeals to authority, in ignorant indifference to actual and potential economic forces, and in obsolete conceptions of the Empire.

My object in the utterances which are here gathered together has been to vindicate our fiscal system, not as an academic dogma, but as a concrete and living policy. As at first, though only a first step in that process of justification, it is necessary to expose without delay the blunders of fact and of logic which have so far accompanied every stage in the new protectionist campaign.

H. H. A.

NOVEMBER, 1903.

[I.—Speech at Cinderford, October 8, 1903.]

A little less than six months ago the then colonial secretary startled the world by the announcement that the British Empire was in danger; that its unity could only be preserved by preferential tariffs, and preferential tariffs involving a tax upon the necessary food of the people of the United Kingdom. These opinions the speaker has during the present week further developed and defended, and with them it will be my duty in a few minutes to come to close quarters.

MR. BALFOUR'S "LEAD."

It seems that there is a wide gulf between a convert in principle and a fellow-worker in the mission field. "I do not think," said Mr. Balfour at Sheffield, "that public opinion in this country is ripe for the taxation of food." It is not as though he, the leader, as he reminded us, of a great party, giving a lead to that party upon a critical occasion—it is not as though he professes to agree with public opinion.

On the contrary, he does not disguise his view that public opinion upon this topic is the slave and the dupe of ingrained political prejudice and perverted historical analogies; but bad as he thinks it, and wrong as he thinks it, he is not going to engage his party to combat and to convert it. No; for himself and his colleagues he has abandoned the open mind, but the open field he leaves to Mr. Chamberlain. He is asked to give a lead, and what is the lead that he gives? In effect, what he says to his followers is this: For the moment we will all combine to talk generalities about retaliation or freedom of negotiation, which may mean anything or which may mean nothing; in that way the unity of our party will be secured; but, none the less, our lamented colleague, Mr. Chamberlain—who, as all the world can see, has parted from me and I from him in a glow of mutual appreciation and regret—our lamented colleague will continue to conduct, ostensibly from outside, his propaganda for the taxation of bread and meat.

In the meantime I, the prime minister, having shed my free-trade colleagues, will contemplate his operations from afar, with undisguised, though for the moment inactive, sympathy, waiting, with my sickle ready for the ripening of the harvest.

Sir Robert Peel, speaking to a world then engirdled by protectionist tariffs, in 1846 said: "I do not care whether foreign countries remove those tariffs or not. It is the duty and the interest of this country to fight tariffs by free imports."

FOOD OR RAW MATERIAL.

It is all very well to use this vague rhetorical language about negotiation and standing up to the foreigner and not taking his insults lying down. I want to know from Mr. Chamberlain upon what is he going to retaliate. Here we come to the very crux, and, indeed, the very heart, of the whole matter. You can not retaliate effectively in this country upon protected countries without imposing a tax upon food or raw material. I give you one or two figures which have been put in very striking form by Mr. Sydney Buxton. He takes Russia and the United States, the two most protected countries in the world. Suppose you want to retaliate upon Russia. Out of our total imports from Russia, amounting to twenty-five millions ($125,000,000), twenty-three millions, or eleven-twelfths, consist of food stuffs and raw materials, so that we can not retaliate upon Russia without at the same time injuring either our working classes or our manufacturers, or both. What is the case of the United States? Out of one hundred and twenty-seven millions ($635,000,000) of imports from the United States in 1902, one hundred and eight millions, or five-sixths, were also food stuffs or raw materials.

The moment you begin to translate these vague platform phrases into practice, you find that they can not be carried out as a policy without doing to you here in Great Britain as great, and probably more harm than the persons against whom that policy is used.

The board of trade estimate of the annual earnings of our shipping comes to ninety millions a year.

In 1870, just about the time that Mr. Chamberlain has taken for his comparisons, our tonnage of over-sea shipping was 5,700,000; in 1902 it was 10,000,000 tons. In other words, it has increased very nearly 100 per cent. Now, in 1870 the over-sea shipping tonnage of the United States was 1,500,000; in 1902 this had fallen to 800,000 tons, or a diminution of between 40 and 50 per cent.

If it is true, as Mr. Chamberlain has told us, that we are sending less manufactured goods into the United States, you must not forget that at the same time we are performing for the United States, not gratuitously—great as is our affection for the United States—not gratuitously, but for value received, the service of carrying their goods as well as ours all over the world. While their shipping has declined, owing to the excessive cost of shipbuilding which protection brings about, our shipping under free trade has most continuously and most prosperously increased. Protection is an inclined plane. Once you put your foot on it there is no logical halting place until you get to the bottom.

There is no ground whatever for saying either that British trade, as a whole, is stagnant or decaying, or that the Empire can only be maintained by reverting to fiscal devices which were tried and found wanting in the old days of protection. Free influx of food and of raw materials, from every possible source of supply, into this country is not only as essential, but is more essential to our national strength and prosperity than it was in the days of Cobden and Peel.

THE ALTERNATIVE POLICY.

Do not, however—and this shall be my final word—do not let it be supposed that because we are driven to defend the citadel of free trade, we therefore think that all is for the best and are content with a policy of folded hands. That there are disquieting features in our industrial as in our social conditions no honest observer, certainly no member of the party of progress, will be found to deny. We have seen industries in which we ought to have maintained our supremacy falling behind, and in some cases entirely taken away from us by our competitors. Defective knowledge, inferior processes, lack

of flexibility or versatility, a stubborn industrial conservatism, these are the real enemies of British trade and have done us infinitely more harm than all the tariffs and all the dumping syndicates that were ever created.

Better education, better training, better methods, a larger outlook, these are our primary needs—and it says little for our political sagacity that we should allow our minds to be diverted from them by quarrels as to the quantum of dogmatic theology that is to be administered to little children, or by attempts to revive the buried fallacies of protection. True it is, also, that in spite of the continuous growth of our national prosperity we still have with us the unemployed, the ill-fed, the aged poor; but here again let us look to natural and not to artificial remedies. Instead of raising the price of bread let us try to raise the standard of life. Temperance, better housing, *the tenure and taxation of land, these are matters as to which we have allowed our legislation to fall deplorably into arrear.* To take up the task in a spirit of faith and of resolute purpose is, I hope and believe, the mission of the Liberal party in a Liberal Parliament.

[II.—Speech at Newcastle-on-Tyne, October 24, 1903.]

We are met, as I understand, not primarily for the ordinary purposes of a political demonstration, though they will not be left out of sight, but we are met to take our share in the defense of principles which we believe to be vital to our national prosperity and our imperial union; principles which have been suddenly attacked—I say suddenly, because a year ago no one would have dreamed of the situation in which we now find ourselves—suddenly attacked, I say by a powerful and formidable statesman, while the government of the day surveys his operations not merely with benevolent neutrality, but with undisguised sympathy, and do not conceal from us their intention, if the assault should turn out to be successful and the stronghold should fall, of joining hands in the hour of triumph with the attacking force and sharing with it in the glory and, I suppose, in the spoils of victory.

There is no doubt that during the last thirty years there has been a considerable diminution in our agricultural population, though let me say parenthetically that the way to bring back the people to the land is not to revive the state of things that prevailed before the repeal of the corn laws, when the agricultural laborer had to work for 7s. a week.

PROTECTIONIST COUNTRIES.

Mr. Chamberlain points to the prosperity of protectionist countries, which he says has increased more rapidly than our own. He admits that the circumstances of the United States are exceptional. He does not go into the case of Germany—I wish he would—I wish he would tell us by applying what test—the comfort of the people, the accumulation of wealth, the rate of wages, the hours of work, the average standard of life—he makes out that the protectionist population of Germany is a more favored one than the free-trade population of this country.

But since he was at Glasgow, in the interval between Glasgow and Newcastle, Mr. Chamberlain has discovered another protectionist paradise. It is Sweden. Now, as regards that, only two days ago I was turning over the consular report for the last year from Gothenburg, and a more doleful piece of reading I have rarely come across for years. And only yesterday—I expect some of you saw it in the papers—there was a letter from a gentleman well qualified to speak, Mr. Bayley, who employs labor both in this country and in Sweden.

It was a most significant story. He said they began in Sweden with a small import duty on maize, with the result that their trade in bacon, which up to that time had been a valuable one, was taken away from them owing to the increased cost of feeding pigs by free-trading Denmark, and in the course of twenty years the average cost of living in Sweden had risen 20 per cent. Emigration had increased in the same time 50 per cent; and, as regards wages, Mr. Bayley tells us that he, employing the same class of labor to do the same class of work, pays 40 per cent less wages in Sweden than in London. I don't think the example of Sweden is one likely to encourage the working classes of this country to change their fiscal system.

The board of trade estimate is that the annual value to this country of the carrying services we render amounts to ninety millions. Those ninety millions ought to be added to your exports if you are to form any fair judgment of what they amount to. This is not the academic view of a recluse or an economist. Take the case of the only mercantile country into whose trade this element of sea carriage enters in anything like the same proportion as ours. Take Norway, which has a large mercantile marine. You find in Norway, if you study the returns, exactly the same phenomena, though on a smaller scale than here.

The imports for each year seem largely to exceed the exports. Why is that? Because Norway is receiving, just as we receive, payment for the service of her mercantile marine. Take, on the other hand, the United States of America. Their mercantile marine has dwindled until it is only a half of what it was thirty years ago. What is the result? Other nations have to do their sea carriage for them, we in particular; and that is one of the great causes why their exports exceed the imports, *because they have to pay in the form of exports to us for carrying their goods over the sea.* I say you can not leave out of account this £90,000,000. Mr. Chamberlain never refers to it at all.

TRADES INJURED BY TARIFFS.

I do not deny—no free trader denies—that protectionist tariffs are a hindrance to the natural extension and distribution of the world's industry. It is not true that this eighty-six millions of manufactures could be just as well made here. A great many of them are things which under any circumstances foreign manufacturers could make cheaper and better than we could make them ourselves, and one of the great advantages of free trade is that *instead of having to make these things ourselves which other people can make better for us we can, in our turn, devote ourselves to making other things which we can make better than they can and exchange the proceeds one against the other.*

THE 10 PER CENT TAX.

They talk about putting a 10 per cent duty on these things. What would be the result? I can tell you in a sentence. If the 10 per cent duty excludes the foreign goods, you will get no revenue from your tax. That, I think, is plain. If it does not exclude foreign goods, the consumer will pay more in the shape of price than he did before, and to that extent the effective demand for other goods will be diminished.

Mr. Chamberlain has watered down his Glasgow proposal that the colonies should prevent the setting up of new industries which could come into competition with our own—a proposal scouted throughout the whole length and breadth of the British Empire as soon as it was uttered—to one that they should not be "encouraged to manufacture goods for which they have no natural aptitude." Well, that is the doctrine of free trade. If you had free trade, not preferential tariffs between the colonies and ourselves, that is exactly what would happen.

If the taxation does not fall on the the consumer, why does he exempt maize, and why does he exempt bacon? Now we are fortunate enough to know the reason, because Mr. Chamberlain has told us why he has dealt with these commodities in an exceptional way. Maize, he says, is the food of some of the poorest of our people; bacon is a staple food of the majority of the population.

But if the consumer does not pay, if the foreigner pays, why should not the foreigner pay on what is the food of the poorest? That is my first question. I am going to put him another, which I hope he will also answer at the same time. Why, if these do not fall on the consumer, does he take credit for the gain which will accrue to the consumer when he removes the tax on sugar and on tea? If the consumer does not pay, what advantage is it to him?

EVILS CRYING ALOUD FOR REDRESS.

While we oppose with all our force these ill-considered proposals, fallacious as we believe them in argument, disastrous in practice, let no one suppose that the only alternative is to wrap ourselves in the inertia of a complacent optimism. We Liberals do not deny, we assert, not for the first nor for the hundredth time, that both in the industrial and social spheres there are evils which cry aloud for redress. We want first and foremost a reconstruction of our educational system from the bottom to the top upon a just and even and democratic foundation, and adapted in all its stages to the requirements of our trade, our country, our age. *We want, further, a serious attempt to grapple with the problems of the tenure and taxation of land, both in the country and in the towns.*

[III.—Speech at Paisley, October 31, 1903.]

We have been challenged to a controversy, in which it is no exaggeration to say not only the material prosperity of these islands but the harmonious working of the British Empire is at stake. That controversy is being carried on under conditions which are absolutely unprecedented in political history. A distinguished statesman has been let loose for the purpose from the restraints and responsibilities of office. A purged Cabinet, which does not contain in its new form any recognizable Free Trader, looks on in favoring silence, or, as has been the case, I think, of not less than three of its members during the present week, with the language of open encouragement.

The policy of the halfway house, which is the ostensible official programme of the Government, is universally acknowledged to be merely a formula for the temporary appeasement of divergent and irreconcilable groups. Now, what does Sir Robert Giffen say? He points out that in order to show correctly the net export of the produce of British labor and capital in goods we must deduct from the gross total of our exported merchandise the value of the imported raw materials contained in them. That, I think, is perfectly clear.

Having made that preliminary assumption, he applies the method to two years. He first takes the year 1877—twenty-five years ago—and he then takes the year 1902; and how do the figures work out—the figures of our export merchandise after that deduction has been made? In 1877 the net produce that British labor and capital exported—so ascertained—was valued at £140,000,000. In 1902—twenty-five years later—that net produce was valued at £224,000,000. In other words, during those twenty-five years of this stagnant export trade of ours there has been a net annual growth of £84,000,000.

WHAT IS RAW MATERIAL?

I put this further question: "Will Mr. Chamberlain or any of his friends tell us what they mean by raw material?" I know one definition, and one only, for this purpose. It is a commodity which comes here in order that British capital and British labor may be exercised upon it.

Wire.—What is the fact about wire? Our exports of wire are increasing and the German export trade in that commodity, although it is a very large one, is, I am told on excellent authority, declining year by year, and declining for a very significant reason, owing to the heavy import duty which the German tariff lays on the raw material out of which the wire is made.

WHAT IS DUMPING?

Now, this leads me to say a word, if you will allow me to do so, upon the question—I approach it with a good deal of trepidation—the nerve-shaking topic of dumping, and here I feel I must mind my "p's" and "q's." Mr. Chamberlain is so incensed with the levity which I have shown in this matter of dumping that he uses language about me which I venture to say indicates a loss of temper, and, what sometimes accompanies loss of temper, a loss of manners also. Gentlemen, what is dumping? I agree with Mr. Chamberlain when he says that dumping only takes place, or takes place seriously, when the country that resorts to it is in a state of depression.

A manufacturer, or more often a syndicate of manufacturers, *is enabled, by a protective tariff, to keep up the price of the thing they make at an artificially high level in their own home market*, export the surplus supply of the same commodity at a much lower price to foreign countries, and undersell the native producer. That is dumping. Well, now, let us note what are its characteristics. In the first place dumping, as Mr. Chamberlain says, does not take place except when the country from which the thing comes is in a state of depression. In the next place, it is a process which, as all experience shows, cannot possibly last long.

It is, indeed, in the long run a suicidal policy. I will tell you why: for two reasons. First, it tends to provoke a strong reaction at home among the domestic consumers, who find that they have been made to pay—as the combined result of a protective tariff and the action of syndicates—more for the same thing than other people in foreign countries pay for it. It leads to resentment, indignation, agitation, and in the long run it is sure to lead to the undermining of protection.

In the second place, dumping cuts its own throat in another way by supplying the manufacturer abroad with the dumped material at an artificially low price, and makes it possible for him to produce the finished article at a lower cost and to drive the dumping nation—who have produced it at a greater cost—out of the market. It has happened over and over again. It is happening in Germany at the present moment. If you wish to know more about it, I would recommend you to read the board of trade blue book. I confess I am absolutely impenitent about dumping.

"Oh," says Mr. Chamberlain, "what can a lawyer know about these things? You should leave them to men of business who really understand them." I am quite content to leave them to men of business who understand and apply the rules of simple arithmetic. But since the appeal is to men of business, I will read you, if you will allow me, a short passage from a speech, made as lately as August last, by a business man, whose name I will give you when I have come to the end of his remarks. This is what this man of business says:

"On behalf of my own company and on behalf of any manufacturer who is fit to be in the business, I altogether repudiate the suggestion that we need protective tariffs or would benefit by them. My company has always done a good business in the better qualities of wire nails, both for home and export, and that business we are increasing year by year. It is a fact that we have not yet been able to compete in the commoner lines, but I no more attribute this inability to unfair competition on the part of the foreigners than I attribute their inability to compete with us in some of our lines to unfair competition on our part.

"Similar cases have come under my notice before, and I invariably found the explanation of the foreigner's success to lie in some natural advantage, or, and this is more often the case, in wiser methods of business. I have no doubt that before long the able men serving my company will have discovered the secret of cheap wire nails, and we shall then add that to the many

others we have captured from foreign competitors. Meanwhile, if the knot is to be cut by making England pay more for its wire nails, you take away from inventors the incentive to invention and reward dullards for their dullness."

That is the opinion of a man of business, and the name of the man of business is Mr. Arthur Chamberlain. If Mr. Chamberlain's picture is a true picture—I do not say it is—that foreigners under a protective tariff are driven to try to get hold of our markets by dumping down, in days of depression, at less than cost price, the produce of sweated labor—if that is a true picture—does it not suggest to you that perhaps on the whole protection may not be a panacea for the diseases of the industrial world?

Who is the foreign competitor whom Mr. Chamberlain describes as less "scrupulous" than we in these matters, who conducts his operations without any of the legal protections and safeguards upon which we most rightly insist? Is it possible Mr. Chamberlain is ignorant that in Germany, our chief competitor in this matter, and in almost every continental country, there is a system of factory acts, copies from our own? Only, I am sorry to say, in some respects substantially in advance of them. And in Germany, in addition to the factory acts, they have, of course, as I thought we all knew, a system of compulsory insurance for accident and for sickness.

If the existence of laws of this kind were a real handicap to industry, which I am going to show you it is not, it is one from which almost all countries suffer like ourselves. It is true that the German workman works longer hours, gets less money wages, and is able to buy less with his money than the British workman.

For every 20s.—I am speaking of the skilled trades now—for every 20s. that is received by the workman in the United Kingdom the corresponding German workman gets 12s. 6d. Since 1886, a period of over fifteen years, money wages in these trades have had a considerably greater rise here than they have had there, and while the money wages have been rising, what about the cost of living? The cost of living has fallen here under free trade in these fifteen years by 3 per cent, and it has risen in Germany by something like 12 per cent.

Mr. Chamberlain has not put his finger upon the real spot. There is a difference, a notable difference, between the conditions of the German workman and the British workman, but the difference is not between a country where factory legislation exists and one where it does not; it is the difference between a country which lives under protection and a country which lives under free trade.

[IV.—Speech at Worcester November 9, 1903.]

I have been told, I do not know whether it is true, that this city, and, indeed, this county, are treated by political map makers as within the range of a certain sphere of influence whose headquarters are supposed to lie in the city of Birmingham. That sphere, whatever may be its precise territorial limits, is at present the seat of a good deal of magnetic disturbance, and I can not but think that you here in Worcester, if any such connection did ever exist, which I do not know, could hardly choose a fitter time to terminate it than a time at which Birmingham, whose greatest political glory in the past is to have been associated with the name of John Bright, is being invited to turn its back upon his creed, and to become the rallying center—may I not say the dumping ground—of the crudest and rawest fallacies of protection.

Some of us have said of late that protection is an inclined plane. You begin with a small duty and then before you know where you are you find you are landed in a very heavy duty. Well, just as protection tends to be an inclined plane in practice, so it seems to me the development of the protectionist argument in the present controversy tends to be and has proved to be an inclined plane in logic.

One among the many boons which free trade confers is that it tends, by keeping open the sources of supply, not merely to enlarge the area of employment, but to steady the whole course of industry. It counteracts; it is, in fact, the only effective counter agent which has ever yet been discovered, to those violent oscillations and fluctuations from which countries that surround themselves by a protective fence are constantly suffering.

There is no fact in my opinion which is better attested in the history of the world than that in the years which preceded the repeal of the corn laws, despite the transient spurts occasionally given to industry by exceptionally abundant harvests, the material condition of the great bulk of the British people was deplorably and unutterably bad. Since free trade has become part of our established fiscal system there has been nothing comparable to it, either in kind or in degree. It is always well to reinforce oneself when one enunciates general propositions of that kind by authority.

Therefore I will read a very short sentence from a speech, also made in Birmingham, on November 7, 1885. Mr. Chamberlain, speaking of fair trade—and fair trade is nothing but his own scheme anticipated by more prescient thinkers—used these words: "I warn you that at the bottom of this fair trade there is the question, and if you discuss it you will find it impossible to avoid it, of a return to those bad times of protection, of the corn laws, which were responsible for the destitution and the starvation wages from which your forefathers suffered so greatly."

Mr. Chamberlain will tell you that he has changed his opinions since 1885. So he has, but because Mr. Chamberlain has changed his opinions, the foundations of the universe have not been shifted, nor have the facts of history altered. I quite expect to be told before we are many months older, if the controversy proceeds at its present pace, that the multiplication table is an obsolete shibboleth and that to hold that in this world it is universally or approximately true that two and two make four is to entertain the superstitions of a troglodyte.

THE APPEAL TO MR. MONTGREDIEN.

The facts of history do not alter, and Mr. Chamberlain appeals to the authority of an excellent book, Mr. Montgredien's History of the Free-Trade Movement in England [10]. Very well, let us go to Mr. Montgredien. I am going to read you a short passage from this work, to which Mr. Chamberlain appeals, which describes the condition of things that prevailed here in England and Scotland, not only in 1841, but in the years from 1841 to 1844, which immediately preceded the repeal of the corn laws.

It says: "Some of the details are quite appalling and testify to an intensity and universality of destitution, starvation, and misery to which no period of temporary distress since the adoption of free trade in England can show the slightest approach. In Leeds there were over 20,000 persons whose average earnings were under 1s. a week. In Nottingham 10,500 persons, nearly one-fifth of the population, were in receipt of parochial relief.

"In most of the leading trades of Birmingham the men were earning not one-half, and, in some cases, one-third, of their usual wages, while some of the masters were so near ruin that they had on Saturday night to pawn their goods to pay their men's wages. In Manchester 12,000 females, after having pawned every article of furniture and of dress with which they could possibly dispense, were supported by voluntary charitable contributions. One-third of the population of Coventry was out of work."

I need not go on. Those are samples taken from all the leading industrial centers of the Kingdom. That state of things prevailed in 1841.

UNIVERSAL FREE TRADE.

When you are told that this country adopted free trade upon the assurance, the promise, that other nations would follow suit, and only upon that assurance, I ask you to remember the language of Sir Robert Peel himself, not speaking as a propagandist on a platform, but with the authority of the first minister of the Crown in the House of Commons on January 27, 1846:

"I fairly avow that in making these great reductions on the produce of foreign countries I have no guaranty that other countries will follow our example. Wearied by our long-endured efforts, we have resolved to consult our own immediate interests.

"It is a fact that other countries have not followed our example. Nay, they have in some cases raised the duties upon the admission of our goods."

Then he ends with these significant, just, and true words:

"Hostile tariffs, so far from being an argument against the removal of restrictive duties, furnish a strong argument in its favor."

A CONCLUDING PARADOX.

One other concluding paradox. You are told by Mr. Chamberlain that protection enables foreign countries to undersell us here with the produce of cheap and sweated labor, and therefore we are to tax the imports that come in from foreign countries to make the balance even. In the same breath we are told that the foreign workmen's condition, if not actually better than that of our own, is steadily improving at a more rapid rate, and therefore, apparently, we ought to adopt protection in order that we may share his happy fate.

SUMMARY.

I am not going to add to the number I have given of self-contradictory propositions; I am surprised at my own moderation. But let me, in order that there may be no doubt about this—let me recapitulate what I have been saying. Here are five distinct and cardinal propositions, each of which contains its own confutation:

(1) British trade is stagnant, and yet 1902 and 1903 threaten to be our record years.

(2) A tax on food does not fall on the consumer, and yet we dare not tax bacon and maize because they are the food of the poorest of the community.

(3) We must not tax raw material, and yet if we do not some of our most important colonial interests, like those of South Africa, will obtain no preference.

(4) We are to put a 10 per cent duty on imported manufactures, which is at the same time to bring us a revenue, on the assumption that foreign goods come in and pay the duty, and to secure additional employment for British labor, on the assumption that the same foreign goods do not come in at all.

(5) Last, and not least significant, protection enables foreign countries to undersell us here by sweated labor; let us therefore, in order to improve the condition of our own workmen, adopt the same system of protection which makes that sweated labor possible.

WHAT DOES IT COME TO?

You are asked to take this, the first step on a slippery journey, on the strength, as I have shown you, of a series of unproved and unprovable assertions, in reliance upon a pledge to which no human being can be held, that you will not be invited to go beyond the first stage upon the road, and worse than that, in my judgment, in the illusory hope that by imperiling the very foundation of British prosperity you will be strengthening the fabric of the Empire.

I venture to say that everything is against it. Experience, the experience of our own fathers who tried it, there is nothing new about this scheme, and gave it up, experience is against it. Argument abundant, overwhelming, unanswerable, at any rate unanswered, is against it. Authority is against it.

The authority of every living man who has been responsible for the stewardship of our national finances, with, indeed, one exception, our new chancellor of the exchequer, who, apparently, is not yet aware that he owes to his illustrious predecessor, Sir William Harcourt, that great fiscal instrument of the death duties which, more than any other reform since the establishment of free trade, may enable us to discharge the vast burden of unnecessary expenditure which has been piled by himself and his colleagues upon the shoulders of the people.

A celebrated measure was once called by its cynical author "a leap in the dark." This is more than a leap in the dark; it is a piece of political plunging. Let us demand that without delay it shall be submitted to the judgment of the people, and when their good sense and sound political instinct has got it out of the way, then, and not till then, we shall be able to take up again the interrupted task of reform, and to provide against the real dangers which menace the prosperity of our trade and the consolidation of our Empire.

During the delivery of the above speech the time of the gentleman from New York expired.

Mr. BAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. BENTON. I now yield to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Chairman, we have been informed that it is the policy of the Republican party to make no appropriations for the rivers and harbors and waterways of the country at the present session of Congress. We are told that a deficit of $42,000,000 is confronting the Republican Administration during the present fiscal year; that no bills appropriating money, except for the absolute needs of the Government, will be passed, and that only the usual and necessary supply bills will be framed and enacted into law.

After a period of reckless wastefulness of the public money and of extravagance; after large appropriations for a large standing army to maintain a policy of imperialism, and acquisition of foreign territory to be held as colonies, contrary to the spirit and genius of our free institutions; after the most lavish expenditures for battle ships, armored cruisers, and a large navy, and after a wasteful expenditure of the public money for many other purposes a spasm of economy has seized the Republican party upon the eve of a Presidential election. Millions have been and will be expended upon our Army and Navy and upon the Philippines, but

not one dollar at this session of Congress is to be appropriated for the benefit of the people at home, for public buildings, or for rivers and harbors to open and improve the great highways of commerce, the waterways of our country. It is announced that not even a survey preliminary to the improvement of a single river, harbor, or waterway is to be authorized. All must wait until next session and until after the campaign, so that the Republican party can show the people how economical it has been.

This is purely political strategy, Mr. Chairman, against which I protest. There are many necessary and important works in my district and State which should be continued and inaugurated, but under this Republican policy I am powerless and my party is powerless. The rivers and harbors and great waterways of my district must await a political campaign to get that recognition to which they are entitled. Beaufort Harbor and its adjacent waters, the Neuse and Trent rivers and their tributaries, the New River, the Northeast and Black rivers, in my district and State, must be neglected by a great Government because political exigency demands there shall be no money appropriated by the Republican party at this session of Congress other than for governmental necessities.

I have discharged my duty, however, and have insisted upon just and liberal provisions for every river, harbor, and waterway in my district. No portion of it and no interest in it shall be neglected while I have the honor to represent its people. For the harbor of Beaufort I have asked an appropriation of $250,000, which is no more than this harbor should have for the purpose of making it navigable by seagoing vessels of the largest tonnage and capacity, increasing the depth of water on the bar from 14 or 15 feet to 20 or 25 feet. I have insisted that Carrot Island Slough and the other waters adjacent to Beaufort and Morehead City should be improved in accordance with the recommendations of the engineers and the necessities of the case. I have asked that provision be made for carrying out existing projects, including the projects for the Neuse and Trent rivers, New River, the Black and Northeast Cape Fear rivers. It is especially important that depth of water in the last-named river should be increased in order to give needed facilities to the citizens of Duplin County.

But I arose, Mr. Chairman, to call special attention to and discuss the great project of improvement of our inland waters on the Atlantic coast. This project, upon which a report of the Board of Engineers of Rivers and Harbors has recently been submitted to Congress, is known as the "Waterway from Norfolk, Va., to Beaufort Inlet, North Carolina." This is a matter of vital importance, affecting not only my own district, especially the harbor of Beaufort, but all North Carolina commerce. Indeed, it effects our national commerce, and is a project which is national and not local in its scope, interest, and importance. It is a project in behalf of which my colleague, Hon. JOHN H. SMALL, has wrought so long and effectively, and in which I am heartily cooperating with him.

In the river and harbor act approved June 13, 1902, the following provision was incorporated:

SEC. 14. That the Secretary of War is hereby directed to cause preliminary examinations or surveys to be made at the localities named in this section as hereinafter provided. In all cases, unless a survey or estimate is herein expressly directed, a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement. Whenever such preliminary examination has been made, in case such improvement is not deemed advisable, no survey thereof or estimate therefor shall be made without the direction of Congress; but in case the report shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby directed, at his discretion, to cause surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress: *Provided*, That in all cases preliminary examinations, as well as surveys, provided for in this act shall be examined and reviewed by the board provided for in section 3 of this act, to wit:

NORTH CAROLINA.

Waterway from Norfolk, Va., to Beaufort Inlet, North Carolina, with a view to the construction of a channel not less than 16 feet in depth, upon the most advantageous route between the points named: *Provided*, That the examination and survey shall be made by a board of engineer officers detailed by the Secretary of War, and any report made shall include the probable cost of any private waterway that it may be to the interest of the United States to acquire in connection with the proposed improvement: *Provided further*, That the total expense of the examination and of any survey which may be made shall not exceed the sum of $5,000.

Under authority of this act of Congress the special board of engineers, of which Col. Charles J. Allen was president, in their reports, dated September 22, 1902, and August 31, 1903, estimated that the cost of the project was not out of proportion to present and prospective commerce. But the regular Board of Engineers for Rivers and Harbors, in their report of February 9, 1904, expresses the opinion that it is not advisable to undertake the construction of the waterway with a channel of 16 feet in depth; but the belief is advanced that a channel of less depth would be of great advantage to commerce and the military interests involved, and the recommendation is made that a new inquiry be made by Congress with a view to ascertaining the cost of a channel 10 and 12 feet deep and of suitable width. Gen. A. Mackenzie, Chief of Engineers, in his report to Secretary of War Taft, transmitting all these reports to Congress and reviewing them all, says:

Owing to the nature of the country, and on account of various works of improvement heretofore carried on by the General Government and private parties, there were numerous alternative locations subject to consideration by the Board in selecting the "most advantageous route between the points named," as required by the law.

As a result of its investigations the routes selected by the Board in the different divisions of the waterway are as follows: Via Cooper Creek, Rose Bay, Adams Creek, and Beaufort Inlet, covering a total distance of 194.1 miles between Norfolk, Va., and Beaufort Inlet. The amount ($5,000) allotted by the act for this examination and survey was not sufficient to permit of a definite location of the exact lines of the proposed channel way. The Board specifically states that the selected route has been defined in general terms only, and that before the definite location of the different parts of the route can be made further detailed surveys will be necessary.

The estimated cost of a 16-foot channel by the route indicated is fixed by the Board at $10,000,000 in round numbers, with $150,000 annually for maintenance of the completed waterway. This estimate of first cost includes excavation, retaining walls, right of way, bridges, and one tidal lock, but does not include the purchase price of any canal rights, for the reason that the route selected does not follow the line of any existing private canal.

In concluding its report of August 31, 1903, the Board expresses the opinion that the selected route is a perfectly practicable one, and that a waterway can be constructed along it for the amount of the estimate named—$10,000,000—provided the appropriations are of sufficient size and are made with sufficient regularity to allow the work to be carried on constantly and systematically. After carefully considering all available data as to its present and prospective commerce, the Board gives the further opinion that the estimated cost of the project under discussion is not out of proportion to the extent of such commerce, added to the importance of the completed waterway as a factor in the scheme for coast defense on the Atlantic seaboard.

These reports have been referred for consideration by the Board of Engineers for Rivers and Harbors, as provided in sections 3 and 14 of the act of June 13, 1902, and attention is invited to this Board's report of February 9, 1904, herewith. After reviewing at length the reports of the special board, the Board of Engineers for Rivers and Harbors expresses the opinion that it is not now advisable to undertake the construction of a waterway from Norfolk to Beaufort Inlet with a channel not less than 16 feet in depth, the Board believes that a channel of less than 16 feet depth would be of great advantage to the commercial traffic and military interests involved, and recommends that a new inquiry be initiated by Congress with a view to ascertaining the best route, and the cost of channels 10 and 12 feet deep, respectively, and of suitable width, between Norfolk, Va., and Beaufort, N. C., with a view to determining the advisability of undertaking the creation of a channel of either of the depths mentioned.

I concur in the view of the Board of Engineers for Rivers and Harbors that it is not advisable for the United States to expend $10,000,000 in constructing a channel 16 feet deep from Norfolk, Va., to Beaufort Inlet, North Carolina.

Very respectfully, your obedient servant,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, U. S. Army.

Hon. WM. H. TAFT,
Secretary of War.

Mr. Chairman, this is at least a partial victory for this great project. I regret the Board of Engineers should have reported against a channel 16 feet deep, but they admit the value of the project to commerce, and with all due respect to General Mackenzie and the Board of Engineers of Rivers and Harbors, they are wrong, in my opinion, as to the disapproval of the proposed depth or any change in the project. Measured in dollars and cents, the $10,000,000 expenditure, which the project of 16 feet depth would require, is a mere bagatelle compared with the advantages of the waterway to the commerce of the country. One battle ship equipped costs, according to the best estimates, about $8,500,000. This great waterway would cost only a little more than one fully equipped battle ship. For the cost of one battle ship Congress could give a safe and cheap inland route from Baltimore to the South, reducing freight rates, increasing transportation by barges, and avoiding the dangers of Cape Hatteras, that "ocean 'Blue Beard' standing with outstretched arms and welcoming to the chambers of death the white-winged brides of the sea." Upon Cape Hatteras many a gallant ship, richly freighted, has been doomed to destruction.

The project is now being discussed to appropriate a very large sum for the purpose of erecting a light-house at this cape upon the outer Diamond Shoals, so well known as the most dangerous spot upon the Atlantic coast. The special board of engineers says:

In regard to the dangers of Cape Hatteras, the records of the Life-Saving Service show that within the last twenty-five years not less than $3,000,000 worth of property and sixty-seven lives have been lost on the shoals in the vicinity of Cape Hatteras alone. The records of the losses in the vicinity of Cape Lookout are not immediately available, but the losses are no doubt sufficient to add materially to the aggregate of the two capes, and argue strongly the necessity of a safer route under existing conditions.

An inland water route would lend itself admirably to the method of barge transportation and the lowering of freight rates, and would have a very great influence in developing a traffic that at present does not exist. It would offer a safe route for barges from Baltimore to the mouth of St. Johns River, Florida, and possibly to Cuba and other West India Islands. It would enable coal, machinery, and manufactured articles to be shipped south, and lumber, cotton, phosphate, and southern products to be shipped north by the most economical method known. According to Captain Lucas's estimate, based upon an extended investigation of this subject, and contained in his report of November 22, 1900, the commerce of this route would amount to as much as $115,000,000 per annum.

The possession of such an inland route would be important from a military point of view, and there are not a few who do not hesitate to say that the importance of this feature alone is sufficient to warrant the expenditure of whatever sum may be necessary to secure its construction.

After due consideration, the Board is of the opinion that the proposed inland waterway can be secured for a sum not exceeding $7,000,000; that it is entirely feasible, and that the improvement is worthy.

Notwithstanding this report, the regular Board of Engineers overrules the special board of engineers and declares that $10,000,000 would be required, and this is too much money to be expended by the Government at this time for this great project, and recommends a new survey for a depth of 10 and 12 feet.

ROUTE RECOMMENDED.

The special board of engineers says in regard to the route:

The existence of two large sounds in the path of this waterway divide it naturally into divisions, which will be separately discussed.
First. The part from Norfolk Harbor to Albemarle Sound.
Second. From Albemarle Sound to Pamlico Sound.
Third. From Pamlico Sound to Beaufort Inlet.
Fourth. Beaufort Inlet.
The routes selected by the board in the different divisions of the waterway and their lengths and cost are as follows:

Division.	Route selected.	Length.	Excavation.		Estimated cost.
			Cubic yards.	Length.	
		Miles.		*Miles.*	
First	Cooper Creek	62.0	31,600,000	54.2	$4,922,000
Second	Rose Bay	80.5	24,500,000	55.3	3,719,000
Third	Adams Creek	50.0	9,600,000	19.7	1,337,000
Fourth	Beaufort Inlet	1.6	300,000	.8	45,000
Total		194.1	66,000,000	130.0	10,023,000

The selected route passes from Norfolk up the south branch of the Elizabeth River to near the mouth of Mill Creek; thence in a direct line by a land cut to the Pasquotank River at the mouth of Cooper Creek; thence down this river to and across Albemarle Sound and up the straight portion of the Alligator River; thence in a land cut through the marshes of the upper Alligator River, across the neck of land and into Rose Bay; thence into the Pamlico River, down this river, around Brant Island light-house, and up the Neuse River to opposite the mouth of Adams Creek; thence up Adams Creek and by a land cut to the head of Core Creek; thence down Core Creek, Newport River, and across Beaufort bar to the ocean. The length of this route, allowing for a direct line across the deep water of Albemarle Sound, is about 190 miles. This distance can be considerably shortened, and the route will be a better protected one if a cut should be made across Brant Island shoal not far from Brant Island. The Board has not sufficient data upon which to base an estimate for the work, but it will not be great.

This route has the advantages of the greatest possible amount of protection from storms throughout its length, of having safe harbors at each end of every land cut, of passing close to Elizabeth City, Morehead City, and Beaufort, and of being conveniently located with reference to the cities on the Pamlico and Neuse rivers.

In thus expressing its choice of the route the Board desires to specifically state that the selected route has been defined in general terms only, and that before the definite location of the different parts of the route can be made further detailed surveys will be necessary.

The Board is of the opinion that the selected route is a perfectly practicable one and that a waterway can be constructed along it for $10,000,000, provided that the appropriations are of sufficient size and are made with sufficient regularity to allow the work to be carried on constantly and systematically. The annual cost of maintenance of the completed waterway is estimated by the Board at about $150,000.

COMMERCIAL IMPORTANCE.

The termini of the waterway, as defined by the act, are at Norfolk, Va., and Beaufort Inlet, North Carolina; but as Norfolk is at present connected by a deep channel with Chesapeake Bay and the Atlantic Ocean, and Beaufort Inlet opens on the same ocean south of Capes Hatteras and Lookout, the object of the waterway is evidently to furnish an inland connection between the Atlantic Ocean at Chesapeake Bay and the same ocean south of both capes.

These two capes, and especially the former, have long been the terror of navigators. Before the introduction of steam the passage around Cape Hatteras was hazardous in the extreme; and though at the present time this cape is not as great an obstacle as formerly, yet it is still a serious menace to navigation. The records of the Life-Saving Service show that within the last quarter of a century not less than $3,000,000 worth of property and sixty-seven lives have been lost in the vicinity of Hatteras alone, and if the records of all the losses between Cape Henry and Beaufort were available the total would be much greater. Indeed, in a recent publication it was stated "that 17 per cent of the vessels trading along the coast are wrecked at this point."

Not only is Cape Hatteras a source of danger, but by reason of the conflicting winds and currents to be met with at that point sailing vessels are frequently delayed in rounding the cape, even when the weather is not stormy enough to be a source of danger. Indeed, these delays have been so frequent that the establishment has several times been seriously contemplated of a line of seagoing tugs to wait near Hatteras to tow away any sailing vessels that might be delayed there.

All these dangers, both of loss and delay, have had their effects upon the rates charged for freight and insurance between the South and North Atlantic ports, and could these dangers be avoided there would of course be a considerable saving in these items.

It has been clearly demonstrated in recent years that the cheapest method of transporting bulky freight is in large barges towed by suitable tugs. Transportation by this method is now carried on to a large extent on the Great Lakes, and it has been successfully introduced between points on the Atlantic coast north of the Chesapeake. In all cases the introduction of this method of carrying freight has resulted in the reduction of freight rates by from 30 to 60 per cent.

Owing to the difficulties and dangers due to Capes Hatteras and Lookout all attempts to introduce the barge system on our South Atlantic coast have up to the present been unsuccessful, and the traffic around the capes is now carried on almost exclusively in steamers or in large sailing vessels. As south of Beaufort there is no very menacing cape and as possible harbors are quite numerous, there is every reason to believe that the opening of a waterway avoiding these capes would be shortly followed by the extension of the barge method of transportation to our South Atlantic ports, with a resulting decrease in freight and insurance charges.

While it is easy to see that the opening of the waterway would result in a considerable saving in freight charges, it is not so easy to arrive at any reliable conclusion as to the extent of the commerce which would be affected and the amount of freight that would be saved.

Being informed that the Board was investigating this matter, the commercial bodies of the various cities on or near the South Atlantic coast undertook to assist, and the letters and statistics received from these commercial bodies are appended to this report.

These cities may be classed as those north of the waterway, those south of it, and those situated along its course. A brief analysis of the papers received from these cities will now be given.

The cities of Baltimore and Norfolk are both situated north of the waterway, and in the papers received from them it is estimated that the saving in freight charges on the commerce to and from them will amount to about $2,250,000 annually.

The ports of Wilmington, Georgetown, Charleston, Savannah, Brunswick, Fernandina, and Jacksonville are all situated south of the southern terminus of the waterway, and from the statistics received from these ports it would appear that their total coastwise trade is now about 4,500,000 tons annually, valued at $225,000,000, practically all of which is with ports north of the Chesapeake. Of this total trade they estimate that about three-fourths will be affected by the new waterway, and that the annual saving in freight charges will be about $2,500,000.

While accepting as sufficiently accurate this statement of the present coastwise trade, the Board nevertheless believes that the effect of the opening of the new waterway upon it has been somewhat exaggerated. That a considerable amount of this commerce would shortly seek a cheaper method of transportation is undoubtedly true, but the Board is more inclined to put the ratio at one-fourth than at three-fourths. This commerce is now largely carried in steamers that give it quick and regular transit, and it would be some time before it would be likely to change to a less regular though possibly slightly cheaper method of transportation. Accepting this figure of one-fourth as more nearly correct, we have, as the total present commerce that would be affected by the waterway, about 1,100,000 tons, valued at about $55,000,000. The annual saving in freight on this would probably not be less than $600,000.

The commerce above considered would all, as far as the new waterway is concerned, be "through" freight, but there will also doubtless be a large amount of local freight passing to and from points situated along the line of the canal.

Statements from the existing canals show that in the past few years the total commerce of these canals has amounted annually to about 400,000 tons, valued at $4,100,000, and carried in about 7,000 vessels. As the present conditions of navigation through these canals are such as to restrict the traffic to vessels of small size, and as there is a considerable toll charged, these figures give no basis upon which to estimate the amount of local freight in the new waterway.

Of the cities affected by this local traffic, statistics have been received from Elizabeth City, Washington, and Beaufort. The total commerce of these points is about 1,500,000 tons annually, and they estimate the probable saving in freight charges due to the new waterway at about $750,000.

All the figures given above as to the commercial importance of the new waterway are based upon the traffic at present carried by water, but there are other items which should be considered. There is a large amount of commerce originating at or near the seacoast and now carried to other seaports by rail that would undoubtedly seek water transportation should such transportation be made comparatively cheap and safe. Cheap transportation is one of the most important factors in the development of a country, and the opening up of a cheap and safe route along the middle part of our Atlantic coast would certainly have a very large effect in stimulating trade between the different sections, increasing that already existent, and bringing into being much commerce that at present does not exist.

Especially would this be true of the country to be traversed by the waterway. This region is at present poorly supplied with rail transportation, while its water trade is hampered by the lack of a practicable ocean outlet, the small size of the existing canals, and the toll charges thereon. With these difficulties removed there would undoubtedly be a great and rapid development of this region and its trade.

To what extent and at what rate this increase and development would take place are matters of speculation, but, judging from the effects of the opening of the canal between Lakes Superior and Huron, there is reason to believe that the development would be sufficiently rapid.

MILITARY IMPORTANCE.

From a military and strategic point of view the construction of this waterway would be of great importance. In connection with other canals already existing, it would permit our torpedo boats and small gunboats to pass by an interior and protected route from one part of our coast to another, and to thus concentrate at any desired point.

Besides these abstracts from the reports of the engineers I will incorporate in my remarks, Mr. Chairman, and ask to have read, the following letters from the Wilmington (N. C.) Chamber of Commerce and from citizens of Beaufort:

[Letter from the Wilmington (N. C.) Chamber of Commerce.]

APRIL 16, 1903.

DEAR SIR: At a meeting of the chamber of commerce held this day (7th April) the plan to open an inland waterway from Chesapeake Bay to the Atlantic Ocean at Beaufort Inlet, in North Carolina, was brought before the meeting by Mr. William W. Worth, chairman of our committee on harbor, shipping, and commerce, and very freely discussed, and received the unanimous indorsement of the chamber. It was concluded by all that such an inland waterway would in a great many ways benefit this port. It would open to us an enormous territory, fully 200 miles of sounds, besides the wide territory to be reached therefrom by using the rivers flowing therein, constituting hundreds of miles, which we can not now reach. It would from the very nature of things result in the establishing of barging, the cheapest known method of transportation, barging from this port outside to Beaufort Inlet being perfectly practicable and safe at any season of the year.

This city and immediate vicinity consumes annually 60,000 to 75,000 tons of bituminous coal. Barging from Chesapeake Bay would enable us to land this coal 60 cents per ton cheaper than now obtainable, causing a saving thereby of $45,000 annually, which result would largely increase its use. We ship by water annually 75,000,000 feet of lumber, poles, ties, and piling. The present rate to Baltimore is $4.25 per thousand. By barging this lumber and timber could be landed in Baltimore and other Chesapeake Bay markets $1.75 per thousand cheaper, thereby causing a saving of $131,000 annually in handling of wood products alone. We handle annually of canned goods, lime, cement, and heavy groceries in value about $6,000,000. These goods would naturally seek the route offering the cheapest rate of transportation and would be the principal cargo coming this way, and on which we could reasonably expect a saving of about $100,000.

By this waterway we would avoid the dangers of Capes Lookout and Hatteras, thereby lessening the rate of insurance, and reduce to a minimum time in water transportation, as vessels would not be forced to wait favorable weather to get around Hatteras. We are confident the opening of this waterway would result in the establishing of new enterprises and industries in our immediate vicinity and the enlarging of some we now have. As the making or unmaking of the centers of trade is now dependent largely upon the rates of freight, it was the unanimous opinion that the opening of this waterway could but result in benefiting our immediate commerce in every way, which now exceeds in volume $50,000,000 annually. The aggregate of saving on inward and outward freight which would directly accrue to us by reason of the construction of this canal and waterway would be $276,000 annually and of immense benefit indirectly.

Our total domestic tonnage for 1902 was 295,897 tons.

Yours, very truly,

WM. E. WORTH,
J. A. TAYLOR,
JNO. A. ARRINGDALE,
Special Committee Wilmington Chamber of Commerce.

Col. CHARLES J. ALLEN, *Corps of Engineers, U. S. Army,*
President of Board of Engineers having under consideration the project of an inland waterway between Norfolk, Va., and Beaufort Inlet, North Carolina.

[Letter of citizens of Beaufort, N. C.]

JUNE 29, 1903.

DEAR SIR: At a mass meeting of the citizens of the town of Beaufort held in the town hall on the 3d day of June the undersigned were appointed a committee to secure data and statistics of the business, commerce, industries, and different enterprises of the town of Beaufort, and the county of Carteret, N. C., to be forwarded to you, in reference to the project of the inland waterway from Chesapeake Bay to Beaufort, N. C.

Beaufort is a thriving town on the eastern coast of North Carolina, the county seat of Carteret County. According to the last census it has a population of 2,185; it is the third oldest town in North Carolina; was incorporated in the year 1722 as a port of entry by the English Government; it has a fine natural harbor, and notwithstanding the fact that it has never been deepened by the Government, yet vessels drawing 14 and 15 feet of water can come in with safety. Vessels have entered this harbor in the past drawing as much as 25 feet of water; in fact, Beaufort Harbor was the rendezvous of the United States fleet in 1864, in charge of General Butler, when the attack was made on Fort Fisher, and also the later one in charge of General Terry. This latter fleet contained near 300 vessels. By a reference to a recent report of the United States engineers in regard to the Beaufort Harbor it can be seen that with an outlay of from $60,000 to $100,000 the harbor can be deepened so that vessels drawing 25 feet of water can come into our port.

The town of Beaufort is only about a half-hour's run from the sea, and the harbor is landlocked on all sides and makes a good refuge for vessels from storms in any and all directions.

The county of Carteret is a very fertile county. The principal industries are fish, oysters, clams, and other sea products; farming, trucking, timber interests, etc.

The Gulf Stream is within 19 miles of our coast, and owing to its nearness truck and early vegetables can be raised at least two weeks earlier than they can be raised within 30 miles in the interior. Our soil is capable of raising cotton, corn, hay, rice, potatoes, vegetables, and numerous other products.

There was listed for taxation in June, 1902, in the county 157,903 acres of land; 1,956 town lots. The aggregate value of the real and personal property was, in round numbers, $1,000,000. The report from the custom-house for the port of Beaufort shows 225 registered vessels, with a gross tonnage of 2,675 tons. There are at least eight times as many smaller craft, which are engaged in commerce in the county, not registered in the custom-house, they being under custom-house tonnage. The amount of the gross sales of the merchants in Carteret County for the year ending December 30, 1903, aggregates, in round numbers, about $1,000,000; the amount of gross sales for the town of Beaufort aggregates $200,000; the number of vessels engaged in the oyster business in the county, dredgers, 54, smaller craft, 1,000. The number of licenses issued for oystermen for the year 1902 was 766.

The different commodities handled in the county for the year ending December 31, 1902, were as follows:

Cotton	bales..	2,500	Oysters	bushels..	1,000,000
Cotton seed	bushels..	7,500	Turpentine, crude, barrels..		1,000
Tobacco leaf	pounds..	25,000	Clams	bushels..	75,000
Rice, rough	bushels..	2,000	Wood	cords..	200,000
Grain	do....	100,000	Timber	feet..	25,000,000
Hay	tons..	100	Lumber	do....	20,000,000
Potatoes	bushels..	200,000	Shingles	number..	1,000,000
Vegetables	pounds..	1,000,000	Fertilizers	tons..	10,000
Cattle	head..	2,000	Merchandise, general	do...	500,000
Horses	do....	3,000	Machinery	pounds..	100,000
Hogs	do....	5,000	Passengers	number..	20,000
Poultry	do....	50,000	Coal	tons..	1,000
Eggs	dozen..	500,000	Peanuts	bushels..	10,000
Fish	pounds..	60,000,000	Fish oil	barrels..	10,000

In gathering the above statistics the committee have in some instances been unable to get definite figures and have had to estimate the same. The estimates are very low.

With the inland waterway we feel confident that this business would increase treble.

All of which is respectfully submitted.

J. H. POTTER,
C. P. DEY,
W. S. CHADWICK,
W. F. DILL,
C. D. JONES,
J. S. CAFFREY,
CHAS. L. ABERNETHY,
Committee.

Col. CHARLES J. ALLEN, *Corps of Engineers, U. S. Army,*
President of the Board of Engineers having under consideration the project of an inland waterway from Norfolk, Va., to Beaufort Inlet, North Carolina.

Mr. Chairman, as stated the other day upon the floor by the gentleman from Illinois [Mr. RAINEY], this is an era of canal building. The era of railroad building must sooner or later come to an end. The water-controlling period of the world is upon us. The whole drift of the times is toward the construction of water routes of transportation, supplementing railroad routes, and made necessary by the growth of population of the country. In the history of the centuries the time has arrived in which we propose to build the great isthmian canal at Panama connecting the Atlantic and Pacific oceans, shortening the distance between New York and San Francisco 10,080 miles. From New York to San Francisco by way of Cape Horn it is 14,840; by way of the Panama Canal it will be only 4,760, a saving of over 10,000 miles, and over fifty days' time by freight steamers between those two points, with a corresponding economy of sailing time to other points of the two coasts.

Soon, by means of this great canal, the lumber, cotton, cotton manufactures, coal, and iron of the South will be shipped to the Pacific coast and to the far Orient. Bearing a relationship to the construction of the Panama Canal, and in line with the general drift of the times, is the improvement and extension of the inland waterways of the United States. Inland waterways tend to cheapen the cost of freight, to develop industry; they cheapen the rate of transportation not only for the products of the farmers, but of manufacturers as well. In the world at large the Suez Canal is now open to commerce; the great Baltic Ship Canal is now in operation. Germany has within a very recent period expended more than $90,000,000 in the construction of a canal, and France has entered upon an extensive system of similar improvements.

On this continent Canada has a splendid system of waterways. In the United States the city of Chicago has started to build a great canal to the sea for its shipping and that of the Great Lakes; and without the aid of the State or National Government has already expended for that purpose $35,000,000, and has already constructed a great canal through which almost any vessel that can go through the Suez Canal can pass, making a great waterway from the Great Lakes, through the Illinois and Mississippi rivers, to the Gulf of Mexico. The State of New York has just determined to expend over $100,000,000 in enlarging the Erie Canal. The citizens of Philadelphia are clamoring for a 35-foot channel to the sea. The citizens of Delaware are asking Congress to deepen and widen the old Delaware and Chesapeake Canal, making a ship canal for our ships of war and our merchant marine and constituting a link in that wonderful water passageway which exists almost all the way from Sandy Hook to Florida.

With this well-recognized drift of events, I believe and I hope the day is near at hand when this great project of an inland waterway along the North Carolina coast, a project which has been agitated for so many years, and which was first suggested nearly one hundred years ago by Albert Gallatin, will soon meet the approval of Congress. I find in a valuable pamphlet on "Internal Improvements in North Carolina" an article which outlines the scheme of Albert Gallatin for a great coastwise canal in the early part of the nineteenth century. The article states the estimated cost of this work was placed at $3,000,000.

According to Gallatin's idea a seagoing vessel would enter the first canal at Boston Harbor, pass through the Rhode Island Bay, Long Island Sound, the harbor of New York, and reach Brunswick on the Raritan. It would then follow the second canal to Trenton, where it would meet the Delaware. It would follow this river to Christiana or New Castle; then through the third canal to Elk River and the Chesapeake. Down the Chesapeake Bay and up Elizabeth River it would enter Albemarle Sound through the fourth canal. Then by Pamlico, Core, and Bogue sounds it would reach Beaufort, N. C. From Beaufort vessels of smaller draft could be made to reach the Cape Fear Inlet by cutting two small necks of land. Below this point inland navigation could be continued between the outlying chain of islands and the coast of South Carolina and Georgia.

This bold plan of Gallatin attracted much attention and met with widespread approbation, but the war with Great Britain interrupted its execution. To North Carolina Gallatin's plan was very acceptable. The Secretary, before he made his great report, had surveyed a part of the route. In 1818 additional surveying was done. If the plan of connecting Norfolk and Beaufort were carried out, North Carolina confidently expected to see all the coasting trade of the United States pass that way in order to avoid the dangerous navigation around Cape Hatteras.

I trust, Mr. Chairman, that this great project, advocated thus early by the distinguished Gallatin, will sooner or later become a reality, making the seaports of North Carolina, especially the great harbor of Beaufort, all that the God of nature intended they should be, and benefiting the commerce of the whole country. Would it not be better for our national interests to spend a little less money for battle ships and cruisers to sail the seas and expend a little more money for the defense of our coasts, improving our navigation, the increase of our commerce and coastwise trade, and the benefit of the people who live at home?

Mr. FULLER. Mr. Chairman, I am not a believer in made-to-order issues for a Presidential campaign. Such issues, embodied in a platform, constitute a platform intended to get in

on, but not to stand on. A platform to catch votes, to fool the people, but not embodying any vital principles. I have been somewhat amused during the present session of Congress at the efforts of certain Democratic leaders to get a made-to-order platform, differing materially from the platforms of the past, relegating to the rear or evading old issues in order that the Democratic party might be rejuvenated with something resembling actuality, so that there might be some possible chance of inducing the voters of the country to forget its past and again intrust it with the control of the Government. Those efforts seem to have thus far been futile, and it now seems that the coming political battle must be fought out along old lines and on well-established questions of principle.

There is one issue, and one only, on which the two great political parties of this country are divided to-day, precisely as they have been divided in the past. That is the issue of protection to American industries and American labor. There is no other issue—for this campaign there can be no other issue—upon which every Republican stands on one side and every Democrat upon the other side. This issue is as important now, as vital, as ever before in the history of this country. Protection is as necessary to preserve and maintain universal prosperity of all industries, of all classes, as it was originally to secure and bring about such prosperity. Strike it down in any degree and just to that extent you will strike down the interests and the prosperity of our manufactures, our agricultural interests, and the interests of every man who toils with hand or brain. The "academic idea of free trade" is as dangerous as it would be to intrust all the great affairs of this Government to the management of "academic" minds. It is not matter of dispute that since the passage of the Dingley tariff bill we have enjoyed in this country a period of unexampled prosperity in which all classes have participated.

Yet there are those who claim, in opposition to all the teachings of history, that freer trade with foreign nations would benefit the people of this country by giving them cheaper goods. So far as competitive products are concerned, I deny that any class of our people would be benefited by free trade or by a material reduction of present tariff rates. Certainly not the laboring man, for every dollar's worth of additional products imported from other lands would to just that extent lessen the demand for labor here, for we should be purchasing from abroad what could be made at home, which ought to be made at home, and which otherwise would be made at home by American labor. The business interests of the country would not be benefited by sending out of the country the money that should be used to pay for material and labor produced at home, for in the one case we should have only the goods and some other country would have the money, while in the other case we should have both the goods and the money, which would inevitably go back into the channels of our own trade to produce and pay for still other goods and furnish employment, comfort, and independence to the laboring men of our own country.

Lower duties would inevitably increase importations and just as inevitably would close some of our factories and throw out of employment some of our citizens. Such has always been the effect; such always will be the effect. In these days there is much of humbug and claptrap in connection with the doctrine of reciprocity, which is the handmaiden of protection or of free trade, as the case may be. Reciprocity in noncompetitive products is the doctrine of Blaine and McKinley, and is in truth the handmaiden of protection. Reciprocity in competitive products is just the opposite and is only another name for free trade. In other words, there can be no such thing as reciprocity unless we get our fair share of the benefits, and as we can derive no benefit by admitting free-of-duty articles that come in competition with like articles produced by our own citizens, such an act would not be one of reciprocity, but of simple free trade; nothing more and nothing less. There would be no reciprocity in admitting, for instance, Canadian cereals, eggs, butter, and other farm products free of duty in competition with the products of our own farmers, for of such articles we can more than supply the home market, and admitting great quantities of the same articles from Canada would inevitably reduce the price our farmers would receive at home, and would also compel them to seek a market abroad for just so much more of the home crop and therefore operate to reduce the export price as well.

No; our farmers will never consent to let in the natural products of Canada duty free to compete with them in their own home market, and woe to the political party which advocates such reciprocity as that. Canada can offer us nothing to adequately compensate for admitting its products free. If they should admit our manufactured goods, such as farm implements, for instance, free of duty, their own growing industries of the same kind would be driven out of business, their own laborers thrown out of employment, and in the end it would be but a bad bargain for both countries. Flood Minnesota with Canadian wheat, so that the great flour mills would be independent of home producers, and every farmer of that State and of other surrounding States would suffer. Flood Canada with our manufactured products free of duty and her own factories, would go out of business, her own laboring men be driven out of employment.

Protection is fair trade as opposed to free trade; that is, we should admit free of duty or at a low rate of duty by reciprocal arrangement with other countries such articles as they grow or produce and the like of which we can not grow or produce, on consideration of such countries admitting our products upon equally favorable terms. But every competing product of soil or factory should pay a duty equal at least to the difference in wages and cost of production between the country from which it comes and our own country. Thus we protect our own producers, give employment to our own people; and necessarily, as we are, and for all time must be, the greatest producing nation on earth, the country of the greatest resources, we shall inevitably keep the balance of trade in our favor, and thereby insure for all time the prosperity of our people. When we sell more than we buy, when the balance of trade is constantly in our favor, we are sure to be materially prosperous. With all our wonderful resources, the balance of trade has generally been against us in times of free trade or low tariffs, and always in our favor in times when the doctrine of protection has prevailed. We have sold more to other countries since the passage of the Dingley protective law, and at the same time we have bought more, notwithstanding the tariff, because we have been better able to buy. But our exports have increased to a much greater extent than our imports, because under the stimulus of protection our products have greatly increased, new industries have been established, and our people have been constantly employed.

Let us do a little comparing here between the condition of affairs in this country and in Great Britain, the one under the policy of protection and the other under the policy of free trade. The export trade of Great Britain has fallen off in thirty years about $110,000,000 per year, and her imports have in the same time increased about $800,000,000 per year, being a net loss of a little less than a round billion dollars per year. What wonder is it that her statesmen are seriously considering a radical change of policy from free trade to protection! Take the same thirty years in this country, and the figures, without other argument, ought to be enough to convert to the cause of protection every Democrat in the United States. Our imports in the calendar year 1903 exceeded those of 1873 by $400,000,000, an increase in the thirty years of 67 per cent, while at the same time in the calendar year 1903 our exports exceeded those of 1873 by $917,000,000, an increase in thirty years of 161 per cent.

Neither imports nor exports decreased by reason of the repeal of the Wilson bill and the enactment of the Dingley bill, but under the protective system both increased enormously. Our imports in the calendar year 1903 exceeded those of 1893 by $219,000,000, and the exports of 1903 exceeded those of 1893 by $608,000,000. For the calendar year 1903 our imports, including those from Hawaii and Porto Rico, were $1,035,119,829, and our exports were $1,508,314,032, leaving a net balance of trade in our favor of $473,194,103. And in the last seven years, under the protective system, the net balance of trade in our favor has been more than three and one-half billions of dollars.

It will be seen by the figures that under the protective system we buy more and we sell more than under free trade or a purely revenue tariff. It works both ways. By building up our industries we produce more and thus have more to sell to other countries, while by keeping our people constantly employed in remunerative pursuits they have more money with which to buy, and thus our foreign trade increases materially and our home trade enormously. Let me quote a British authority as to the effect of a protective tariff. Mr. Chamberlain, talking to the tinplate workers at Cardiff, Wales, said:

> You have the iron, you have the coal, you have the workmen, you have the people who have for generations been devoted to this particular trade. It is recognized everywhere that this particular trade is favorably situated, and yet this trade which ought to have been yours under any theory of true free trade or free exchange received a few years ago a mighty and staggering blow. The greater part of this trade was done with the United States of America. The McKinley tariff of 1891 put on it a prohibitive duty. This did not operate on your trade immediately, but, as always happens in such cases, behind the tariff a great industry grew up in America—a great industry which, at the present time, produces 400,000 tons of tin plate every year and gives employment to 50,000 workingmen. * * * What was the position at the time Mr. McKinley put on the duty? At that time the whole manufacture of tin plates in America was 500 tons. Now, in a few years it has increased to 400,000 tons. A trade of 400,000 tons you can not disturb. The vested interest is too powerful; the advantage to the country is too evident; the trade you have lost you have lost and you will never get it back.

Is not that an object lesson the effect of which no free trader or tariff reformer can get around or explain otherwise than as an irrefutable argument in favor of the doctrine of protection? I might go on to show you from the figures that the consumer did not, either, in that case pay the tax, because, as a matter of fact,

the product was immensely cheapened to the consumer. A great industry built up, 50,000 men given employment, and all the money kept at home instead of being sent out of the country to pay for the same product! In innumerable cases the same result has followed protective legislation. In the last year, just one single year, it is stated by the Chattanooga Tradesman, 5,236 new industries were started in the Southern States alone. How many millions of dollars were invested in them I do not know; how many American citizens were given employment I can not tell; but this I do know, and every intelligent being knows the same thing, that the protective laws upon our statute books made this wonderful feat of development and prosperity possible.

Think you the South can be again humbugged with the fallacious idea that its people would be benefited by reducing duties and amending tariff schedules so that these new industries would have to compete in the open markets of the world, and of this country in particular, with the same kind of products produced in other lands where wages are only a third or a half what they are here? Can the laboring men of the land be induced to ever vote again for a policy that will close these factories and throw them out of employment? The days of free soup houses, of Coxey's armies, of millions of men out of employment and looking for work, are altogether too recent to be wholly forgotten.

Mr. Chairman, the logic of events has made the one and only issue of the coming campaign. It is the paramount issue, if you please, and the issue that will continue President Roosevelt and a Republican Congress at the helm. It is the issue that will insure the continuance of our wonderful prosperity in every avenue of trade and commerce north, south, east, and west, in every nook and corner of this broad land; the issue upon which every Republican holds the affirmative and every Democrat the negative, unless, indeed, the Democratic party is ready to admit that the Republican party has been right upon this issue during all its past history, while they have been wrong, and as to both these propositions, in the light of experience, there can be and there is no shadow of doubt.

We have all heard the argument—we shall doubtless continue to hear it in the next campaign—that the tariff fosters trusts and great monopolies. No one can deny that such trusts and monopolies exist in free-trade countries as well as in this country; no one can deny that they exist in nonprotected as well as in protected industries. But the mere fact—and I admit it is a fact—that they derive benefit from a protected tariff is used as an alleged argument against the entire policy of protection. Would you take away the benefits of protection from all industries, from all the people, because some great corporations are benefited? I would not. The rain falls on the just and on the unjust, yet I have never heard any one argue against the plan of an all-wise Providence in that respect. The wicked as well as the good, the rich as well as the poor, high and low alike enjoy all the blessings and the benefits of sunshine and shower, yet who would deny the actuality of the blessings or the benefits or propose to alter or change the Divine plan in order that the undeserving might be shut out from the enjoyment of such blessings and such benefits?

The protective system benefits all and is for all our people. I would not crush out a small industry to injure a larger industry. I would not think it a blessing or a benefit to deprive a thousand or a hundred thousand or a million of our people of their employment, of their chance to earn a livelihood, even if by so doing the greatest and richest corporation on earth could be driven out of business. If it were to never rain again, if the sun were to never shine again, the righteous would suffer quite as much as the sinners. Strike down your protective tariff system and not the trusts alone would be crippled, but the prosperity of all would be destroyed. We can manage our great corporations; we can control them; we will manage and control them, but not at the expense of all business, of all industries; not by closing all factories and all avenues of production; not by throwing all our laboring people out of employment, but by wise and enlightened supervision and control.

I believe that even with our present tariff laws we are getting quite as much of foreign manufactured goods shipped into this country as we need. If it would shut more of them out I would be willing to increase rather than reduce the tariff rates. The last fiscal year, 1903, our imports increased over the year previous by more than $100,000,000. The imports of manufactured articles for the year were more than $412,000,000. That is quite a large enough amount of manufactured goods from abroad to be admitted into this country in a single year to compete with our own manufacturers, especially when we consider that if the same goods had been made here by our own people fully $300,000,000 of that amount would have gone into the pockets of the laboring men of this country. Does it seem reasonable in the face of these figures that any laboring man would vote to take down the tariff bars and admit unlimited quantities of such foreign manufactured goods?

Mr. Chairman, I do not believe in the sacredness of any tariff schedules. Sometimes, no doubt, they need revising, to make more perfect the protective system. But as to the system as a whole the Republican party "stands pat." That will be its platform. That will be the issue, and on that issue, with hundreds of thousands of votes from those who have heretofore voted the Democratic ticket, but who as sensible and patriotic Americans can not do otherwise than vote with the Republican party on this great issue, we shall sweep the country.

Mr. BENTON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. EMERICH].

Mr. EMERICH. Mr. Chairman, there has during the current month been a vast amount of discussion in this House upon the subject of the Post-Office Department. Many able addresses have been made by Members; much information has been elicited concerning its workings and methods. The iniquities that fester and canker the conduct of the Department have been thoroughly thrashed out; its abuses have been made manifest. The rottenness existing among many of its higher officials has been trumpeted forth to the country. Charge and countercharges have been insistently made, and a veritable tempest of wrath seems to have devoured this House and the country at large whenever the malodorous subject of the administration of the Post-Office Department has been broached.

And yet, with this Department the storm center of the Administration, with the courts justly punishing parasitic officials who have used their exalted positions for the purpose of plundering the nation and guiltily enriching themselves, and with the spectacle before us of frantic attempts upon the part of all concerned to shift the blame from themselves to the shoulders of others, with absolute recklessness of the guilt or innocence of those accused so long as their own miserable, pitiful persons are protected, little has been said of the rank and file of the employees of the Department.

And this, too, is strange, because I doubt if the Government in any branch of its service contains a body of men more faithful to its employer, more single minded in its devotion to duty, and of greater public utility than this same class of uncomplaining, unmurmuring, hard-working, and thoroughly efficient postal clerks, carriers, and messengers.

While I realize that any statement that I may make in their behalf must be necessarily inadequate, lame, and halting, since no one without the actual experience in the arduousness of their work and the assiduity of their efforts can effectually portray them, still, I shall call the attention of this House to some of the important features, which, while of so common and everyday occurrence as to almost fail to excite comment, are yet of such a character as to demand prompt and careful attention. I wish also to call to the attention of the House some remedial legislation that I have proposed, which, in my judgment, will tend to mitigate the ardors and rigors of the very unenviable condition of these postal employees.

Briefly, then, I have offered two bills during the present session, House bills Nos. 13993 and 14096, which have been referred respectively to the Committee on Reform of the Civil Service and to the Committee on Post-Offices and Post-Roads.

The first of these bills is one entitled "A bill to provide for the employees of the United States engaged in the postal service, who are incapacitated by injuries sustained in the performance of their duties or who become superannuated after twenty successive years of service, and for other purposes."

In it I have provided that clerks, carriers, messengers, and the men engaged in the difficult, arduous, and wearing duties of the Railway Mail Service be recompensed when they have sustained physical injuries which prevent them from further performing their duties.

In this connection it may not be amiss to dilate for a few minutes upon the character of men engaged in the Railway Mail Service, and the importance, danger, and physical strain of their work and of their own courage, fortitude, bravery—aye, unvaunted and unappreciated heroism.

The railway postal clerk leads the life of a nomad. His waking and sleeping hours are spent in the uncomfortable and nerve-racking environment of the United States mail coach, and his waking far exceed in number his sleeping hours. His duties demand his entire attention. The minuteness of detail that he must attend is tremendous. He must be a man of good education, quick, alert, and indefatigable. He must stand a frigh ful strain, which inevitably undermines his constitution. His responsibilities are enormous. His labor highly essential. He is in constant danger of his life. Yet in the face of all these obstacles, which might well appall a man of Spartan training and fortitude, he goes about the performance of his duties in a manner which must force admiration from the most grudging miser of praise, by sheer force of simple self-devotion and apparent unconsciousness of self-sacrifice.

How often have you gentlemen read in the public prints of railway disasters, frightful wrecks, bold robberies, almost unbelievable catastrophes, and at the end of the account noticed two or three lines to the effect that the railway mail clerk stuck to his car, defended his mail, gave up his life, or suffered dreadful physical tortures in the course of the effort required of him by the circumstances in safeguarding and defending the trust reposed in him. You have read numberless accounts of his quickness of wit, his address and adroitness, his bravery, and his utter unselfishness when these qualities were necessary to insure the inviolability of his trust. It is, as I stated above, so common as to scarcely excite remark, and yet this is heroism—true heroism in the ordinary walks of life, and it is not exceeded in sublimity by the most admired and hysterically bepraised action on the field of battle.

Are these men adequately rewarded? Does their emolument or opportunity for substantial advancement compare favorably with those of other public servants in less exacting, less arduous, less necessary, but more prominent and showy positions?

Does a great government which, quite properly, cares for and tenderly cherishes the lives of its defenders in time of war evidence a corresponding solicitude for these tried, brave, and faithful servants who so signally assist in promoting the arts of peace?

In their old age, when exhausted nature precludes them from continuing in so exacting a branch of the service, and when, by force of long habit, they are practically unfitted for other fields of effort, does a benign employing government say to them: "You have labored faithfully; you have given much and received little; you deserve well of your country, and it shall be your country's care and pride to deserve well of you?"

Alas, for the fact that it is not so. It is a trite saying that republics are ungrateful, and it must be admitted that our treatment of these deserving men adds tremendous force to the adage.

Mr. Chairman, let us rectify this deplorable condition. Let us mete out at least a modicum of justice to these silent, suffering, persevering heroes.

In my bill I have provided that when these men are so disabled as to be unfitted for the further discharge of their duties they shall receive a pension equal to one-half of the salary that they earn at the time of their disability. Is not that a sufficiently modest proposal? Is it too much to guarantee a bare existence for life to a man who has sacrificed the best that that life possesses for the promotion of the comfort and the well-being of his country and his fellow-men?

I have made this feature apply also to clerks, carriers, and messengers in the postal service, and they are equally entitled to it.

It is true that the chance of injury in their cases is considerably smaller, but, especially in the cases of carriers and messengers, cruel and continuous exposure and other factors in our complicated modern social and business systems render them always liable to injury and to becoming incapacitated for further active duty, and the reasons that I have previously cited apply here with equal force and cogency.

In this bill I have also provided that superannuation pensions be granted to clerks, carriers, and messengers in the postal service and to employees in the Railway Mail Service, and this provision I regard as the essential feature of the bill.

While there is always the chance of injury in any of these services, and in some cases the probability is greater than the probability of immunity, still the element of chance governs, and there always exists the prospect of a lifetime of service without mishap, but old age is inexorable and a certainty, and from the palsying and ruthless hand of time there is no escape.

Our postal clerks, carriers, and messengers are scantily paid, hard worked, capable, deserving, and perform functions of enormous utility. The carriers and messengers work long hours, perform hard physical labor, have great responsibilities, are indefatigable, tireless, and devoted. They are constantly subject to severe hardships, they are exposed to all the rigors of climate without the means of ameliorating conditions which other men more fortunate in their choice of avocation possess, and in this service they age quickly and their usefulness perceptibly diminishes with their advancing years until the period is reached when they are discarded like a cast-off garment which has served its purpose. Indeed, of the two, the garment receives the more consideration, from the fact that its owner frequently regrets it from force of association and for the service it has performed, while little if any sympathy is bestowed upon the worn-out public servant, who has only given his entire life to the service of his country.

My bill provides that when one of these employees reaches the age of 60 he may retire upon a pension of one-half the amount of salary he earns at the time of retirement, provided he has been in the Government employ continuously for a period of twenty years, and that if he has been employed for a less period than that and for a period of five years or more his retiring pension shall be such proportion of one-half his salary as the number of years of his service shall be of twenty.

Mr. Chairman, this proposal is not one that partakes of the nature of a request for alms for any set of men, but it is a matter of simple justice.

The country would not be giving them anything for nothing, but would merely be letting them have what they deserve and what they have earned. Surely a lifetime of earnest effort for inadequate remuneration deserves and earns a guaranty of competence in enforced retirement.

The country owes these men not merely a debt of gratitude but a more substantial, more tangible debt of dollars and cents, earned through much travail and hard labor, and at a cost of absolute life sacrifice, and it is incumbent upon you gentlemen in this House to provide for the payment of that debt in your positions as the nation's business managers, just as you would provide for the payment of the honest obligations of any commercial enterprise the management of which was intrusted to you.

The great business houses, the great industrial enterprises, all the great employers of labor are rapidly realizing that they are under both a moral and actual obligation to their faithful employees when these are compelled by stress of advancing age to relinquish their labors, and these same concerns are providing for the payment of that obligation.

Is a great government that ruthlessly takes the best that is in its servants to be held exempt from a similar obligation, or shall we make the humbling and disgraceful confession that this same great nation, so generous in the fostering of material advancement, so prodigal in its benefactions to industrial enterprises, so persistent in exemplifying the truth of the adage, "To him who hath shall be given," is too neglectful or too niggardly to properly provide for its deserving and patient servants?

For shame! Let us not stand before the world a nation that self-confessedly appropriates the lifeblood of its human pillars and then refuses to recompense them for their sacrifice.

Mr. Chairman, I have also, as I stated before, introduced a bill that is now innocuously slumbering in the cavernous recesses of the Committee on Post-Offices and Post-Roads with many other worthy bills, which the timidity, to call it by no worse name, of our legislators will not permit to see the beneficient light of day, and that bill proposes an increase of pay for postal clerks, carriers, and messengers.

Mr. Chairman, that bill is a just measure, and all that I have previously said about the neglect of the postal employees gathers renewed force when their shamefully inadequate pay is taken into consideration.

I have no power of expression that can voice my indignation at the penurious policy which the Government has employed in dealing with this question. We stand convicted before the world of rank and flagrant injustice. Our neglect and our self-complacency in the face of that neglect are nothing short of beir g absolutely criminal.

We discuss calmly and smugly the well-being of Filipinos, the righteousness of our conduct toward the Cubans, the beneficial or harmful nature of our policies respecting the Porto Ricans, and our duties toward hundreds of alien races and peoples, and this is all proper enough. We condemn the Sultan of Turkey's treatment of his subjects. Quite correct. But for Heaven's sake, before we remark on the mote in our brother's eye, let us cast the beam from out our own. Let us be just to our servants and true to ourselves, "and it must follow, as the night the day, that we shall not then be false to any other man." [Loud applause.]

My bill provides for but a small increase. I would I thought I could procure a greater.

Mr. Chairman, if we can not prevail upon ourselves to do entire justice, let us at least assure to these men a tithe of what is their due.

One feature of my bill, to which I wish to call especial attention, is that of an automatic increase of $100 in yearly salary for each five years' service.

Mr. Chairman, no reputable business house fails to recognize long, faithful service, and it is as little as we can do to grant the miserably small additional pittance of $100 after we have been faithfully served for five years. [Applause.]

When I reflect what a comparatively small sum it would require to effect the changes concerning which I have spoken, when I reflect what haggling, what puerile objections are advanced to the carrying out of these proposals, when I reflect, in addition, what prodigality is indulged in for less meritorious reasons, I am consumed with indignation and can hardly trust myself to give coherent expression to my views.

Mr. Chairman, this is no attempt to procure partisan advantage; it is no effort to place any man or men or party in a disagreeable position or bad light. I merely ask that some measure of justice be accorded hard-working, modest, deserving men, and I ask in

the name of American manhood, American ideals, American principles of right that earnestness and single-heartedness be recognized and rewarded, and that justice, the eternal foundation of an enduring nation, record its triumph and vindicate our claim to perpetual fame and an exalted position in the plane of moral rectitude. [Loud applause on the Democratic side.]

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14416, the sundry civil appropriation bill, and had instructed him to report that the committee had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 8889. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Eastern Railroad Company."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1570. An act granting an increase of pension to Jasper Robinson—to the Committee on Invalid Pensions.

S. 76. An act granting a pension to Mary H. Cornell—to the Committee on Invalid Pensions.

S. 4773. An act granting a pension to Juliette Nunez—to the Committee on Pensions.

S. 4381. An act granting a pension to Mary P. Wilson—to the Committee on Invalid Pensions.

S. 3986. An act granting a pension to Cynthia Speaks—to the Committee on Invalid Pensions.

S. 3956. An act granting an increase of pension to Patrick Fleming—to the Committee on Invalid Pensions.

S. 3777. An act granting a pension to Sarah S. Smith—to the Committee on Pensions.

S. 3490. An act granting an increase of pension to Bucklin H. Wood—to the Committee on Invalid Pensions.

S. 3352. An act granting an increase of pension to Mary M. Nash—to the Committee on Pensions.

S. 3198. An act granting an increase of pension to Samuel D. Reynolds—to the Committee on Invalid Pensions.

S. 2727. An act granting an increase of pension to Alice M. Stafford—to the Committee on Pensions.

S. 2582. An act granting an increase of pension to Harry M. Sherman—to the Committee on Pensions.

S. 2458. An act granting a pension to John H. Oney—to the Committee on Pensions.

S. 2361. An act granting an increase of pension to Clara E. Daniels—to the Committee on Pensions.

S. 2124. An act granting an increase of pension to David W. Johns—to the Committee on Invalid Pensions.

S. 5110. An act granting a pension to Cornelia K. Smith—to the Committee on Invalid Pensions.

S. 5077. An act granting an increase of pension to Agnes Harmon—to the Committee on Invalid Pensions.

S. 5032. An act granting an increase of pension to Charles H. Edick—to the Committee on Invalid Pensions.

S. 4936. An act granting an increase of pension to Emma J. Smith—to the Committee on Invalid Pensions.

S. 4935. An act granting a pension to John Waarsteson—to the Committee on Pensions.

S. 4915. An act granting an increase of pension to Daniel Taylor—to the Committee on Invalid Pensions.

S. 4827. An act granting an increase of pension to John F. Burkolder—to the Committee on Invalid Pensions.

S. 4815. An act granting an increase of pension to Angeline P. Root—to the Committee on Invalid Pensions.

S. 4777. An act granting an increase of pension to Thomas McCormick—to the Committee on Invalid Pensions.

S. 4776. An act granting an increase of pension to Jesse Maurer—to the Committee on Invalid Pensions.

S. 4759. An act granting a pension to John M. Manlove—to the Committee on Invalid Pensions.

S. 4731. An act granting an increase of pension to John A. Brown—to the Committee on Invalid Pensions.

S. 4727. An act granting an increase of pension to William M. Tanner—to the Committee on Pensions.

S. 4708. An act granting an increase of pension to Samuel Baily—to the Committee on Pensions.

S. 4695. An act granting an increase of pension to Horatio P. Abbott—to the Committee on Invalid Pensions.

S. 4678. An act granting an increase of pension to John W. Paris—to the Committee on Invalid Pensions.

S. 4670. An act granting an increase of pension to Thomas H. Devine—to the Committee on Invalid Pensions.

S. 4635. An act granting an increase of pension to David Misener—to the Committee on Invalid Pensions.

S. 4621. An act granting an increase of pension to George Draper—to the Committee on Invalid Pensions.

S. 4602. An act granting an increase of pension to Hiram Imus—to the Committee on Invalid Pensions.

S. 4531. An act granting an increase of pension to Julia C. Vanzant—to the Committee on Pensions.

S. 4529. An act granting an increase of pension to Jesse N. Jones—to the Committee on Pensions.

S. 4528. An act granting an increase of pension to Amanda M. Hand—to the Committee on Pensions.

S. 4514. An act granting an increase of pension to John P. Whitehouse—to the Committee on Invalid Pensions.

S. 4511. An act granting an increase of pension to James L. Porter—to the Committee on Invalid Pensions.

S. 4507. An act granting an increase of pension to Francis G. Hoffmire—to the Committee on Invalid Pensions.

S. 4496. An act granting an increase of pension to Harvey Fletcher—to the Committee on Invalid Pensions.

S. 4487. An act granting an increase of pension to Aaron M. Mason—to the Committee on Invalid Pensions.

S. 4480. An act granting an increase of pension to Jane E. Fuller—to the Committee on Invalid Pensions.

S. 4428. An act granting an increase of pension to Edwin W. Ford—to the Committee on Invalid Pensions.

S. 4364. An act granting an increase of pension to Joshua McCormick—to the Committee on Invalid Pensions.

S. 4363. An act granting an increase of pension to Eli Venzie—to the Committee on Invalid Pensions.

S. 4308. An act granting an increase of pension to Mary E. Pillow—to the Committee on Pensions.

S. 4275. An act granting a pension to Nancy Noxon—to the Committee on Invalid Pensions.

S. 4249. An act granting an increase of pension to Mary Gilroy—to the Committee on Invalid Pensions.

S. 4242. An act granting an increase of pension to Andrew Fisher—to the Committee on Invalid Pensions.

S. 4192. An act granting an increase of pension to James H. Whaley—to the Committee on Invalid Pensions.

S. 4139. An act granting an increase of pension to John D. Henderson—to the Committee on Invalid Pensions.

S. 4001. An act granting an increase of pension to Benjamin A. Provoost—to the Committee on Invalid Pensions.

S. 3988. An act granting an increase of pension to John L. Hughes—to the Committee on Invalid Pensions.

S. 3778. An act granting an increase of pension to Joseph L. Cotey—to the Committee on Invalid Pensions.

S. 3561. An act granting an increase of pension to Anna E. Draper—to the Committee on Invalid Pensions.

S. 3493. An act granting an increase of pension to John C. Van Campen—to the Committee on Invalid Pensions.

S. 3485. An act granting an increase of pension to Elizabeth Bedford—to the Committee on Invalid Pensions.

S. 3385. An act granting an increase of pension to John A. Blair—to the Committee on Invalid Pensions.

S. 3327. An act granting an increase of pension to Isaac N. Moore—to the Committee on Invalid Pensions.

S. 3308. An act granting an increase of pension to Jesse C. Lott—to the Committee on Invalid Pensions.

S. 3305. An act granting an increase of pension to James K. Deyo—to the Committee on Invalid Pensions.

S. 3276. An act granting a pension to John McDermid—to the Committee on Pensions.

S. 3227. An act granting an increase of pension to James F. Mears—to the Committee on Invalid Pensions.

S. 3084. An act granting an increase of pension to Helen F. Nichols—to the Committee on Invalid Pensions.

S. 3018. An act granting an increase of pension to George M. Sullivan—to the Committee on Invalid Pensions.

S. 2975. An act granting a pension to Claude C. Swafford—to the Committee on Pensions.

S. 2657. An act granting an increase of pension to Robert T. Wood—to the Committee on Invalid Pensions.

S. 2645. An act granting an increase of pension to La Roy B. Church—to the Committee on Invalid Pensions.

S. 2636. An act granting an increase of pension to Alvin D. Lane—to the Committee on Invalid Pensions.

S. 2569. An act granting an increase of pension to John W. Allen—to the Committee on Invalid Pensions.

S. 2508. An act granting an increase of pension to Morris H. Jones—to the Committee on Invalid Pensions.

S. 2380. An act granting a pension to Jane Smith—to the Committee on Invalid Pensions.

S. 2372. An act granting an increase of pension to David M. Davis—to the Committee on Invalid Pensions.

S. 2252. An act granting an increase of pension to David Inches—to the Committee on Invalid Pensions.

S. 2248. An act granting an increase of pension to Frederick Sommers—to the Committee on Invalid Pensions.

S. 2194. An act granting an increase of pension to Phoebe Buch—to the Committee on Invalid Pensions.

S. 2030. An act granting an increase of pension to Elias L. Fidler—to the Committee on Invalid Pensions.

S. 725. An act granting an increase of pension to Amanda L. Mardin—to the Committee on Invalid Pensions.

S. 460. An act granting an increase of pension to Mary C. Nicholson—to the Committee on Invalid Pensions.

S. 25. An act granting an increase of pension to Amanda J. Frybarger—to the Committee on Invalid Pensions.

S. 2046. An act granting an increase of pension to William G. Scott—to the Committee on Pensions.

MINORITY VIEWS ON THE BILL S. 2263.

Mr. LUCKING obtained unanimous consent to file views of the minority on the bill (S. 2263) to require the employment of vessels of the United States for public purposes.

ADJOURNMENT.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until Monday next, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John H. Bray against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Douglass Taylor, administrator of estate of Stephen Harris, against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10411) granting right of way for trailway to W. W. Bass, of Coconino County, Ariz., for travel across the Grand Canyon of Arizona, and ferry privileges, and so forth, across the Colorado River therein, reported the same with amendment, accompanied by a report (No. 1957); which said bill and report were referred to the House Calendar.

Mr. LITTLE, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13350) conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark., reported the same with amendment, accompanied by a report (No. 1958); which said bill and report were referred to the House Calendar.

Mr. GRIFFITH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9298) granting the right of way for the construction of a railroad and other improvements over and on that part of the Hot Springs Reservation known as West Mountain, Hot Springs, Ark., reported the same with amendment, accompanied by a report (No. 1959); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LUCKING, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2263) to require the employment of vessels of the United States for public purposes, submitted the views of the minority of said committee (Report No. 1893, part 2); which said views were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12553) granting an increase of pension to Amaziah Havey, reported the same with amendment, accompanied by a report (No. 1911); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8014) granting an increase of pension to Thomas Audos, reported the same with amendment, accompanied by a report (No. 1912); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8822) granting a pension to Bird L. Francis, reported the same with amendment, accompanied by a report (No. 1913); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8790) granting a pension to C. Annette Buckel, reported the same with amendment, accompanied by a report (No. 1914); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8394) granting a pension to Reuben W. Bartram, reported the same with amendment, accompanied by a report (No. 1915); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6868) granting an increase of pension to George R. Hanson, reported the same with amendment, accompanied by a report (No. 1916); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8921) granting an increase of pension to John McCollister, reported the same with amendment, accompanied by a report (No. 1917); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8993) granting an increase of pension to Melvina Bottles, reported the same with amendment, accompanied by a report (No. 1918); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6713) granting an increase of pension to John E. White, reported the same with amendment, accompanied by a report (No. 1919); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5314) granting an increase of pension to John Woods, reported the same with amendment, accompanied by a report (No. 1920); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3653) granting an increase of pension to Andrew Sollenberger, reported the same with amendment, accompanied by a report (No. 1921); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6090) granting an increase of pension to F. C. Wickham, reported the same with amendment, accompanied by a report (No. 1922); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6048) granting a pension to William Johnson, reported the same with amendment, accompanied by a report (No. 1923); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6000) to pension John B. Salzman, reported the same with amendment, accompanied by a report (No. 1924); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2450) granting a pension to Lucinda Heith, reported the same with amendment, accompanied by a report (No. 1925); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2606) to increase the pension of Catherine Bowsher, reported the same with amendment, accompanied by a report (No. 1926); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 605) granting an increase of pension to Frederick Frick, reported the same with amendment, accompanied by a report (No. 1927); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9575) granting an increase of pension to John Donahoe, reported the same with amendment, accompanied by a report (No. 1928); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6739) granting an increase of pension to Waldo A. Foster, reported the same without amendment, accompanied by a report (No. 1929); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10790) granting an increase of pension to John F. Rockey, reported the same without amendment, accompanied by a report (No. 1930); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11776) granting an increase of pension to Hugh Mooney, reported the same with amendment, accompanied by a report (No. 1931); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10169) granting an increase of pension to Isaac N. Flanagan, reported the same with amendment, accompanied by a report (No. 1932); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9797) granting an increase of pension to Thomas Langridge, reported the same with amendment, accompanied by a report (No. 1933); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11576) granting an increase of pension to James E. Stalker, reported the same with amendment, accompanied by a report (No. 1934); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14181) granting an increase of pension to Sarah F. Burnet, reported the same with amendment, accompanied by a report (No. 1935); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11193) granting an increase of pension to Abbie W. Griffin, reported the same with amendment, accompanied by a report (No. 1936); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9969) granting an increase of pension to James Frederick, reported the same with amendment, accompanied by a report (No. 1937); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10126) granting an increase of pension to Job Throckmorton, reported the same with amendment, accompanied by a report (No. 1938); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11315) granting an increase of pension to Christian Mott, reported the same with amendment, accompanied by a report (No. 1939); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12398) granting an increase of pension to Samuel N. Johnson, reported the same with amendment, accompanied by a report (No. 1940); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11748) granting an increase of pension to Edward E. Curran, reported the same with amendment, accompanied by a report (No. 1941); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11487) granting an increase of pension to John Wybrant, reported the same with amendment, accompanied by a report (No. 1942); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13310) granting an increase of pension to Samuel A. Smith, jr., reported the same with amendment, accompanied by a report (No. 1943); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13643) granting an increase of pension to Joseph Welsh, reported the same with amendment, accompanied by a report (No. 1944); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13657) granting an increase of pension to Francis F. Rogers, reported the same with amendment, accompanied by a report (No. 1945); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13879) granting an increase of pension to Abraham S. Van Fleet, reported the same with amendment, accompanied by a report (No. 1946); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14000) granting an increase of pension to Bradford A. Gehr, reported the same with amendment, accompanied by a report (No. 1947); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14016) granting an increase of pension to William J. Whealton, reported the same with amendment, accompanied by a report (No. 1948); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14102) granting an increase of pension to Robert W. Foster, reported the same with amendment, accompanied by a report (No. 1949); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14145) granting an increase of pension to Abel S. Brooks, reported the same with amendment, accompanied by a report (No. 1950); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14184) granting an increase of pension to James Ginnane, reported the same without amendment, accompanied by a report (No. 1951); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3985) granting an increase of pension to Isabel F. Easum, reported the same without amendment, accompanied by a report (No. 1952); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9959) for the relief of Mary E. O. Dashiell, reported the same without amendment, accompanied by a report (No. 1953); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 14366) for the relief of G. A. Anderson—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 8473) to supplement an act of Congress approved February 27, 1899, entitled "An act for the relief of the Fourth Arkansas Mounted Infantry"—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3954) granting a pension to Cecilia H. Long—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4248) for the relief of F. G. Fuller and J. A. Mitchell, executors of the will of John O'Dell, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 14469) to exempt applicants for pensions or increase of pensions from medical examination in certain cases—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 14470) to incorporate the National German-American Alliance—to the Committee on the Judiciary.

By Mr. McCARTHY: A bill (H. R. 14471) to authorize Indian allottees to sell and convey their allotted lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. AMES: A bill (H. R. 14472) to further promote the

efficiency of the militia, and for other purposes—to the Committee on Militia.

By Mr. ALLEN: A bill (H. R. 14473) supplementary to an act to regulate the sale of milk in the District of Columbia, and for other purposes, approved March 2, 1895—to the Committee on the District of Columbia.

By Mr. REID: A bill (H. R. 14474) establishing a United States court at Checotah, Ind. T., and conforming other districts therewith—to the Committee on the Judiciary.

By Mr. GAINES of West Virginia: A bill (H. R. 14475) establishing a regular term of the United States district court in Lewisburg, W. Va.—to the Committee on the Judiciary.

By Mr. LAMAR of Missouri: A bill (H. R. 14476) fixing a period of limitation on judgments—to the Committee on the Judiciary.

By Mr. MUDD: A joint resolution (H. J. Res. 137) authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays—to the Committee on Railways and Canals.

By Mr. SCARBOROUGH: A concurrent resolution (H. C. Res. 54) to require the Secretary of War to cause a survey to be made of Great Pedee River, in South Carolina—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 14477) granting an increase of pension to Patrick Deverix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14478) to remove the charge of desertion now standing against Daniel Walsh—to the Committee on Military Affairs.

Also, a bill (H. R. 14479) granting an increase of pension to Alden Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14480) granting a pension to Eli B. Carlton—to the Committee on Pensions.

By Mr. BONYNGE: A bill (H. R. 14481) granting an increase of pension to Albert H. Estes—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 14482) granting an increase of pension to Edwin F. Barrett—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 14483) granting a pension to Nellie Galencia—to the Committee on Invalid Pensions.

By Mr. GRIFFITH: A bill (H. R. 14484) granting an increase of pension to Charles W. Lee—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 14485) granting a pension to Charlotte M. Wylie—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 14486) granting a pension to Alexander Kinnison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14487) granting a pension to Charles Dillon—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 14488) granting an increase of pension to Hugh H. Canaday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14489) granting an increase of pension to John M. Porter—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 14490) granting a pension to Degraphenreed P. McKinley—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 14491) granting an increase of pension to Eli Prebble—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 14492) for the relief of Barclay H. Warburton—to the Committee on War Claims.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 14493) granting an increase of pension to Thomas H. Parker—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 14494) for the relief of Fannie Y. Kilgore, surviving wife of Judge C. B. Kilgore—to the Committee on Claims.

By Mr. WARNER: A bill (H. R. 14495) granting an increase of pension to Jackson Adams—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 14496) granting an increase of pension to Frederick Fonce—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 14497) granting an increase of pension to Theophilus P. McPheeters—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of J. L. Gamble, commander of B. Frank Maxson Post, No. 428, Grand Army of the Republic, and others, of Alfred, N. Y., urging the speedy passage of certain pension legislation—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Petition of Ctas Zklanders, David Knickerbocker Boyd, and H. Kent Day, of Philadelphia, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of a convention of Republicans of Virginia, indorsing the Jamestown Exposition and its purpose—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of the Patent Law Association of Chicago, against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. BOWERSOCK: Resolutions of the Patent Law Association of Chicago, against the passage of bill H. R. 11585, in relation to patents—to the Committee on Patents.

Also, petition of Citizens' Committee of San Miguel, Cal., against the selection of the J. H. Henry ranch, in California, for a military training camp—to the Committee on Military Affairs.

By Mr. BURKETT: Petition of S. V. Brewer Post, No. 323, Grand Army of the Republic, Department of Nebraska, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill to give status to Nebraska Territorial militia—to the Committee on Military Affairs.

By Mr. CASSINGHAM: Resolution of the members of the Tuscarawas County bar, of the northern district of Ohio, in favor of having Tuscarawas County remain in the northern district of Ohio—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of E. H. Pope, of Belle Plaine, Iowa, relative to giving the Metlakahtlans of the Annette Islands a clear title to their island—to the Committee on the Judiciary.

Also, resolution of Lodge No. 149, Brotherhood of Boiler Makers and Iron-ship Builders, of Marshalltown, Iowa, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of a union mass meeting held in the Presbyterian Church at Tipton, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution of the Patent Law Association of Chicago, against the passage of bill H. R. 11585—to the Committee on Patents.

Also, petition of residents of Wilkinsburg, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Papers to accompany bill H. R. 2993, to increase the pension of Lewis Townsend—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Patent Law Association of Chicago, against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. ESCH: Resolution of the Patent Law Association of Chicago, against passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. FLOOD: Petitions of Rev. Luke R. Markwood and 32 others, of Rockbridge, Va.; John P. Hughes and 30 others, of Slaughter Precinct, Va., and the Mill Creek Church and 20 others, of Arch Mills, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FULLER: Resolution of the Chicago Board of Trade, in favor of arbitration treaties between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Federal Union, No. 7187, American Federation of Labor, of Streator, Ill., in favor of an eight-hour law and the anti-injunction bill—to the Committee on Labor.

By Mr. GARDNER of Massachusetts: Resolution of Ponce Section of the Chamber of Commerce of Porto Rico, in favor of bill H. R. 7056, providing for a commission to consider and report legislation for the development of the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Charles T. Morgan and 59 others, of Haverhill, Mass., and D. L. Bartlett and 39 others, of Amesbury, Mass., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GREGG: Resolution of the Cattle Raisers' Association of Texas, relative to interstate commerce and in favor of the Cooper-Quarles bills—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolution of Welch Post, No. 422, Grand Army of the Republic, Department of Ohio, in favor of bill H. R. 5760—to the Committee on Invalid Pensions.

Also, resolution of the Little Miami Division, No. 34, of the

Brotherhood of Locomotive Engineers, in favor of bill H. R. 2869—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Rresolution of Lodge No. 103, Brotherhood of Boiler Makers and Iron-ship Builders, of Salt Lake City, Utah, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUGHES of New Jersey (by request): Two petitions of the joint committee of the American Anti-Trust League, of Washington, D. C., relative to antitrust legislation—to the Committee on the Judiciary.

By Mr. KELIHER: Petition of Division No. 14, Ancient Order of Hibernians, of Norfolk County, Mass., in favor of the bill providing for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

Also, petition of the Kearsarge Association of Naval Veterans, of Boston, Mass., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, resolution of the Real Estate Exchange and Auction Board, Boston, Mass., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chadwick Boston Lead Company, in favor of bill H. R. 9050—to the Committee on Ways and Means.

Also, petition of Manning Brothers, of Boston, Mass., in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: Papers to accompany bill granting an increase of pension to John M. Porter—to the Committee on Invalid Pensions.

Also, resolution of the Commercial Exchange of Des Moines, Iowa, relative to the reorganization of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Woman's Christian Temperance Union, of Richland, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MARSHALL: Petition of the officers and directors of the State Historical Society of North Dakota, in favor of bill H. R. 9876—to the Committee on Printing.

By Mr. MIERS of Indiana: Papers to accompany House bill to increase the pension of Charles H. Dunihueby—to the Committee on Invalid Pensions.

By Mr. MORRELL: Resolutions of public meetings held in Duquesne Theater, Pittsburg, and Carnegie Music Hall, Allegheny, on March 5 and 6, 1904, in favor of bill to create the Colonization Bureau and to provide for advances to actual settlers on the public domain—to the Committee on the Public Lands.

Also, petition of Commodore Barry Assembly, No. 3, American Catholic Union, of Philadelphia, in favor of the bill providing for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

Also, petition of David Knickerbocker Boyd, of Philadelphia, in favor of bill S. 4845—to the Committee on Public Buildings and Grounds.

Also, resolution of a convention of the Republicans of Virginia, in favor of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of the Patent Law Association of Chicago, in favor of bills H. R. 11585 and S. 4062—fo the Committee on Patents.

By Mr. NEEDHAM: Petition of residents of Watsonville, Cal., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the board of supervisors of the county of San Joaquin, Cal., in favor of a bill declaring Bensons Ferry to be the head of navigation of the Mokelumne River—to the Committee on Rivers and Harbors.

Also, resolution of Board of Trade of San Francisco, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Resolution of Lodge No. 188, Brotherhood of Boiler Makers and Iron-ship Builders, of Geneva, N. Y., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. PORTER: Petition of the Philadelphia Board of Trade, in favor of bill S. 2641—to the Committee on Naval Affairs.

Also, petition of the Philadelphia Board of Trade, in favor of bill S. 4505—to the Committee on Military Affairs.

Also, petition of Philadelphia Chapter of the American Institute of Architects; the City Parks Association, of Philadelphia; and Edgar V. Seeler, president of Philadelphia Chapter of the American Institute of Architects, relative to erecting public buildings on the Mall, Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. RHEA: Petition of J. R. Young and others, of Logan, Ky., in favor of bill H. R. 3574—to the Committee on Ways and Means.

Also, petitions of N. H. Simmons and 44 others, and Robert Barbour and 40 others, of Glasgow, Ky., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, nine petitions of citizens of Todd and Logan counties, Ky., relative to amending the revenue laws—to the Committee on Ways and Means.

By Mr. SCOTT: Petition of the Grand Army of the Republic post at Gardner, Kans., in favor of the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Papers to accompany bill H. R. 5037, granting an increase of pension to R. H. Stillwell—to the Committee of Invalid Pensions.

By Mr. SMITH of Texas: Papers to accompany bill H. R. 14378, to amend an act entitled "An act to protect trade and commerce," etc.—to the Committee on the Judiciary.

By Mr. SNOOK: Petition of the Farmers' Mutual Protective Association of Carryall Township, Paulding County, Ohio, in favor of a good-roads bill—to the Committee on Agriculture.

By Mr. TAWNEY: Papers to accompany bill granting a pension to John Horstmann—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of the A. Merriam Company, of South Acton, Mass., in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of Annie E. Fillebrown and 38 others, of Ayer, Mass., in favor of a forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. ZENOR: Petition of the Troy Chair Company, of Troy, Ind., in favor of bill H. R. 9302—to the Committee on Ways and Means.

SENATE.

MONDAY, *March 28, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on the request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed with amendments the bill (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 3256) directing the issue of a check in lieu of a lost check drawn by Thomas J. Hobbs, disbursing clerk, in favor of Crane & Co., of Dalton, Mass.; and

A bill (H. R. 13480) to authorize the Southern Indiana Railway Company to construct a railroad bridge across the Wabash River in Vigo County, Ind.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;

A bill (H. R. 9135) for the relief of F. R. Lanson;

A bill (H. R. 9985) providing for the donation of lots A, B, K, and L, in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles, Oreg., to the Oregon Historical Society;

A bill (H. R. 10208) for the relief of the Allegheny College, at Meadville, Pa.;

A bill (H. R. 10866) to amend section 68, chapter 23, of volume 28, of the United States Statutes at Large;

A bill (H. R. 12685) for the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington;

A bill (H. R. 13740) for the relief of the Western Alaska Construction Company's Railroad;

A bill (H. R. 14110) to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Ga., to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio; and

A joint resolution (H. J. Res. 136) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

Mr. BURROWS presented a petition of sundry citizens of Fennville, Mich., praying that an appropriation be made for the construction and maintenance of good roads; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Deckerville, Mich., and a petition of sundry citizens of Fennville, Mich., praying that an appropriation be made to increase the salaries of rural letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry business firms of Deckerville, Mich., praying that rural free-delivery carriers be allowed to carry on express-package business; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Parkville, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of U. S. Grant Circle, No. 20, Grand Army of the Republic, of Rochelle, Ill., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the enactment of legislation providing for the removal of tunnels under the Chicago River; which was referred to the Committee on Commerce.

Mr. PROCTOR presented a petition of Federal Labor Union, No. 9636, American Federation of Labor, of Rutland, Vt., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. BEVERIDGE presented a petition of the Central Labor Union of Lafayette, Ind., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of E. C. Atkins & Co., of Indianapolis, Ind., praying that an appropriation be made to prevent the overflow of the flood waters in the Kaw Valley, in Missouri and Kansas; which was referred to the Committee on Commerce.

He also presented the petition of Dr. Charles A. White, of Danville, Ind., praying for the enactment of legislation to increase the efficiency of the medical department of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the First Baptist Church of South Bend, Ind., and a petition of sundry citizens of Moores Hill, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of the F. and N. Lawn Mower Company, of Richmond, Ind., remonstrating against the adoption of the proposed metric system; which was referred to the Select Committee on Standards, Weights, and Measures.

Mr. BAILEY presented a petition of sundry citizens of Devine, Tex., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. DOLLIVER presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the enactment of legislation to reorganize the consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Patent Law Association of Chicago, Ill., praying for the enactment of legislation to amend section 493 of the Revised Statutes, relating to patents; which was referred to the Committee on Patents.

He also presented a petition of Local Lodge No. 161, Brotherhood of Boiler Makers and Iron-ship Builders of Boone, Iowa, praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of J. W. Johnson and sundry other citizens of Gowrie, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the passage of the so-called "post-check bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Presbytery of Fort Dodge, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. ANKENY presented a petition of William McKinley Circle, No. 11, Department of Washington and Alaska, Ladies of the Grand Army of the Republic, of Seattle, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Mount Valley Grange, No. 78, Patrons of Husbandry, of Amboy, Wash., praying that increased appropriations be made for agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented the petitions of M. J. Dunmock, of Richmond, Va.; of H. P. Wood, of San Diego, Cal.; of Charlton, Gilbert & Knewzli, of Marquette, Mich.; of Clarke & Howe, of Providence, R. I., and of G. A. Parker, of Hartford, Conn., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented a petition of the Brightwood Park Citizens' Association, of the District of Columbia, praying for the enactment of legislation distinguishing the appropriations for extraordinary projects of improvements in the District of Columbia from appropriations for current needs, etc.; which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of the First Baptist Church of Somersworth, N. H., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6976) granting an increase of pension to Jane Wheeler;

A bill (H. R. 12102) granting an increase of pension to Lavalle C. O'Barr;

A bill (H. R. 13263) granting an increase of pension to Caroline E. Pratt;

A bill (H. R. 5445) granting a pension to Susan R. Choat; and

A bill (H. R. 9812) granting an increase of pension to Henry N. McLane.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10932) granting a pension to Eliza Woolard;

A bill (H. R. 878) granting a pension to Robert S. Rose;

A bill (H. R. 12029) granting an increase of pension to Esther J. Reynolds;

A bill (H. R. 12527) granting an increase of pension to Jane Allen; and

A bill (H. R. 13042) granting a pension to Esther J. Lee.

Mr. GIBSON, from the Committee on Pensions, to whom was referred the bill (S. 240) granting a pension to Charles Weitfle, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4018) granting an increase of pension to James Gunn; and

A bill (H. R. 6858) granting an increase of pension to Nelson Hart.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5208) granting an increase of pension to William A. Bentley; and

A. bill (S. 4086) granting an increase of pension to Ralph Van Brunt.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5181) granting an increase of pension to John W. Pearson;

A bill S. 5112) granting an increase of pension to Kettil Torgeson;

A bill (S. 5149) granting an increase of pension to Charles A. McKean; and

A bill (H. R. 12460) granting a pension to Annie M. Powell.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5182) granting an increase of pension to Charles B. Davis;

A bill (H. R. 9738) granting a pension to Rebecca Simpson;

A bill (H. R. 10974) granting an increase of pension to Robert Conn;

A bill (H. R. 8120) granting an increase of pension to Delzon Allen;

A bill (H. R. 8121) granting an increase of pension to Joseph M. Ellis;

A bill (H. R. 12461) granting an increase of pension to Milton Graham;

A bill (H. R. 12592) granting a pension to Henry C. Nash;
A bill (H. R. 12938) granting an increase of pension to Daniel Reed;
A bill (H. R. 13117) granting an increase of pension to Lewis Sawyer;
A bill (H. R. 5055) granting an increase of pension to Woodson R. Daniel;
A bill (H. R. 5105) granting an increase of pension to Jacob P. Fishback;
A bill (H. R. 5247) granting an increase of pension to Lora Milliken;
A bill (H. R. 6592) granting an increase of pension to Sarah C. Wilson;
A bill (H. R. 11999) granting an increase of pension to William Vincent;
A bill (H. R. 12452) granting an increase of pension to John A. McNerney;
A bill (H. R. 12504) granting an increase of pension to Juliett Field;
A bill (H. R. 9256) granting an increase of pension to Enoch Stahler;
A bill (H. R. 9599) granting an increase of pension to Grace P. Paddock;
A bill (H. R. 8283) granting an increase of pension to Henry Herkes;
A bill (H. R. 9280) granting an increase of pension to James M. Hildreth;
A bill (H. R. 9697) granting an increase of pension to Reuben Nightingale;
A bill (H. R. 9792) granting a pension to Fanny Tracy; and
A bill (H. R. 7517) granting an increase of pension to Lemuel N. Bishop.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 6933) granting a pension to Louisa M. Wright, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also (for Mr. TALIAFERRO), from the same committee, to whom was referred the bill (S. 4948) granting an increase of pension to E. A. Peyton, reported it with amendments, and submitted a report thereon.

He also (for Mr. TALIAFERRO), from the same committee, to whom was referred the bill (H. R. 11301) granting an increase of pension to Ellen Caroline Steele, reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 3151) granting an increase of pension to Hayden M. Thompson, reported it with amendments, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3489) granting a pension to Annie Colt McCook;
A bill (S. 4920) granting an increase of pension to Mary Jane Mullins;
A bill (S. 4169) granting a pension to Galena Jouett; and
A bill (S. 4353) granting an increase of pension to Edward M. McCook.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1687) granting an increase of pension to Harvey R. Backus; and
A bill (S. 3119) granting a pension to Raynor H. Newton.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5194) granting an increase of pension to Charles L. Overley;
A bill (H. R. 10941) granting an increase of pension to Mary Dougherty;
A bill (H. R. 7772) granting a pension to Robert Leach;
A bill (H. R. 7986) granting an increase of pension to Stephen Bricker;
A bill (H. R. 10988) granting an increase of pension to August Graf;
A bill (H. R. 6923) granting a pension to Olive Bassett;
A bill (H. R. 10626) granting an increase of pension to Cynthia A. Conant;
A bill (H. R. 7431) granting an increase of pension to Charles N. Burns;
A bill (H. R. 7773) granting an increase of pension to Samuel H. Thoroman;
A bill (H. R. 12342) granting an increase of pension to Lawrence H. Rousseau;
A bill (H. R. 12389) granting an increase of pension to Napoleon Paulus;
A bill (H. R. 12628) granting an increase of pension to Andrew P. McConkey;
A bill (H. R. 10997) granting a pension to Mary McGill;
A bill (H. R. 8099) granting an increase of pension to Stephen L. Richardson;
A bill (H. R. 5681) granting an increase of pension to Philip Whyrich;
A bill (H. R. 12474) granting a pension to George Preston Reeves;
A bill (H. R. 12680) granting an increase of pension to Hervey Polen; and
A bill (H. R. 13067) granting an increase of pension to Thomas W. Prentiss.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 682) granting a pension to Jacob S. Grimes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7474) granting an increase of pension to Fannie C. Morey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12498) granting an increase of pension to Sarah N. Maddox;
A bill (H. R. 5107) granting an increase of pension to John W. Kling;
A bill (H. R. 5533) granting an increase of pension to Hugh L. Freeman; and
A bill (H. R. 6425) granting an increase of pension to David Walker.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3029) granting a pension to Margaret French;
A bill (S. 1244) granting a pension to Sue Stevens Eskridge; and
A bill (S. 5056) granting an increase of pension to James D. Folsom.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 3734) granting an increase of pension to Martha W. Cushing, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5124) granting an increase of pension to Charles H. Avery;
A bill (S. 3334) granting an increase of pension to Frances G. Belknap;
A bill (H. R. 9905) granting an increase of pension to Peter Sullivan;
A bill (H. R. 6940) granting an increase of pension to Susannah O. Wardrop;
A bill (H. R. 9796) granting an increase of pension to William Berkley;
A bill (H. R. 13283) granting an increase of pension to William York;
A bill (H. R. 5856) granting an increase of pension to Nancy A. King;
A bill (H. R. 12544) granting an increase of pension to Edward Hayford;
A bill (H. R. 12557) granting an increase of pension to George W. Gardiner;
A bill (H. R. 12624) granting an increase of pension to Eva H. Wingate;
A bill (H. R. 13230) granting an increase of pension to Amos T. Richardson; and
A bill (H. R. 5298) granting a pension to William E. Coffin.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom was referred the bill (S. 5096) granting an increase of pension to Edmond G. Pugsley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5210) granting an increase of pension to William L. Beach;
A bill (S. 5211) granting an increase of pension to Mary A. Hayward;
A bill (S. 5078) granting an increase of pension to Asa Smith;
A bill (H. R. 5953) granting an increase of pension to Marcel Gagnon;
A bill (H. R. 10045) granting an increase of pension to George Sluyter;

A bill (H. R. 10798) granting an increase of pension to James H. Allen;

A bill (H. R. 8620) granting an increase of pension to Celia M. Viven; and

A bill (H. R. 6881) granting an increase of pension to Zachariah T. Bryant.

Mr. BALL, from the Committee on Pensions, to whom was referred the bill (S. 1494) granting an increase of pension to Edward Colvin, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10651) granting a pension to Katherine M. Laurence;

A bill (H. R. 7364) granting an increase of pension to Leonard M. Johnson;

A bill (H. R. 5261) granting an increase of pension to Julia M. Oakley;

A bill (H. R. 5846) granting an increase of pension to Carrie K. Baker; and

A bill (H. R. 12099) granting an increase of pension to Edwin M. Slayton.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 1909) granting an increase of pension to William Holliday, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2367) granting an increase of pension to Ferdinand Mergel;

A bill (S. 423) granting an increase of pension to Louisa Weaver;

A bill (S. 4811) granting an increase of pension to Phebe Sibley; and

A bill (S. 2011) granting a pension to Maggie E. Bamford.

Mr. HEYBURN, from the Committee on the Geological Survey, to whom was referred the bill (S. 3788) to provide for an examination to determine the feasibility of reclaiming the overflowed lands of the Kootenai River, in northern Idaho and Montana, reported it without amendment, and submitted a report thereon.

COURTS IN GEORGIA.

Mr. BACON. I am instructed by the Committee on the Judiciary to report back to the Senate favorably without amendment two House bills, short bills, and I ask that they may be immediately considered. They relate to the sessions of courts, local matters, important to be disposed of, so that they may not be delayed beyond the time when those courts will meet.

The PRESIDENT pro tempore. The first bill reported by the Senator from Georgia will be read for information.

The Secretary read the bill (H. R. 12904) providing for holding of courts of the eastern division of the northern Federal judicial district of Georgia at Athens, Ga.; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The second bill reported by the Senator from Georgia will be read.

The Secretary read the bill (H. R. 13352) transferring the county of Pierce, in the State of Georgia, from the eastern to the southwestern division of the United States district court for the southern district of Georgia, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WABASH RIVER BRIDGE.

Mr. ELKINS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5075) to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State, to report it favorably with an amendment.

Mr. BEVERIDGE. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was to add, after the word "bridge," at the end of section 4, on page 3, line 2, a comma and the following:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN MISSOURI.

Mr. BLACKBURN. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State, to report it favorably with an amendment.

Mr. STONE. The bill just reported by the Senator from Kentucky is of purely local import in Missouri, and there are some reasons why it ought to be acted upon speedily. I ask unanimous consent that it be considered now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Judiciary was, in line 3, to strike out the word "county" and insert "counties;" and after the word "Linn," in the same line, to insert the words "and Chariton;" so as to make the bill read:

Be it enacted, etc., That the counties of Linn and Chariton, in the State of Missouri, be detached from the western and attached to the eastern judicial district of the State of Missouri: *Provided*, That the courts of the said western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun and pending at the date of the taking effect of this act as completely as if this act were not passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to detach the counties of Linn and Chariton, in the State of Missouri, from the western and attach them to the eastern judicial district of said State."

BILLS INTRODUCED.

Mr. BAILEY introduced a bill (S. 5283) for the relief of the estate of Alexander C. Crawford, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5284) granting a pension to Mary Jane Lewis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5285) granting an increase of pension to James T. Goode; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5286) for the relief of the Methodist Episcopal Church South, of Bryantsville, Ky.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5287) granting an increase of pension to Amos M. Runkle;

A bill (S. 5288) granting an increase of pension to James H. Lewis;

A bill (S. 5289) granting an increase of pension to Peter Baker; and

A bill (S. 5290) granting an increase of pension to Justin C. Kennedy.

Mr. DOLLIVER introduced a bill (S. 5291) to correct the military record of James Boyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5292) to correct the military record of Solomon W. Kyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. QUAY (by request) introduced a bill (S. 5293) for the relief of the Colville Indians occupying the Colville Reservation, in the State of Washington, and comprising the San Puell Indians, the Columbia Indians (or Moses's band), the Nez Percé Indians (or Joseph's band), the Okanogan Indians, the Lake Indians, and the Colville Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LODGE introduced a bill (S. 5294) to refund internal-revenue taxes paid by owners of private dies; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 5295) to remove the charge of desertion from the military record of Daniel W. Seal; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5296) granting an increase of

pension to George W. Bryant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5297) granting an increase of pension to Jerry L. Gray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 5298) to incorporate the Lammi Interstate Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Interstate Commerce.

AMENDMENT TO CLAIMS BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act;" which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. STEWART submitted an amendment proposing to appropriate $1,000 for printing the report of the Venezuelan arbitrations at Caracas, Venezuela, the usual number of copies for the Senate and House of Representatives, and 250 extra copies for the Department of State, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTRACTS FOR POST-OFFICE SUPPLIES.

Mr. CLAY. I submit an amendment intended to be proposed to the pending post-office appropriation bill. It is short, and I ask that it be read and referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. If there be no objection, the proposed amendment will be read.

There being no objection, the amendment was read and referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed, as follows:

To amend the bill making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, by adding the following section, to be known as section 7.

"SEC. 7. The Postmaster-General, in making purchases for supplies necessary for the Post-Office Department, shall advertise, as now provided by law, and award contracts for such supplies to the lowest bidder in pursuance of existing law. The Postmaster-General shall have recorded in a book to be kept for that purpose a true and faithful abstract of all bids made for furnishing supplies to the Post-Office Department, giving the name of the party bidding, the terms of the offer, the sum to be paid, and he shall keep on file and preserve all such bids until the end of the contract term to which they relate. Each bidder shall have the right to be present, either in person or by attorney, when the bids are opened, and shall have the right to examine and inspect all bids. All purchases and contracts for supplies for the Post-Office Department shall be made by or under the direction of the Postmaster-General, and in purchasing such supplies preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal. There shall be separate proposals and separate contracts for each class of material furnished. It shall be the duty of the Postmaster-General to report to Congress at the commencement of every regular session. This report shall contain a schedule embracing the bids by classes, including the name of the bidder, the prices named, indicating such as have been accepted. These records shall be open at all times for the inspection of Congress, and for the inspection of those who may be interested in such contracts made, or to be made, to furnish supplies to the Post-Office Department."

ELI AYERS.

Mr. TELLER. I move that the bill (S. 3170) to quiet the titles of certain lands in the State of Mississippi and for the relief of the estate of Eli Ayers be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

MISSOURI, KANSAS AND OKLAHOMA RAILROAD COMPANY.

Mr. COCKRELL. On the 16th instant I introduced a bill (S. 5065) permitting the Missouri, Kansas and Oklahoma Railroad Company, a consolidated railroad corporation organized and existing under the laws of the Territory of Oklahoma, to sell its railroads and properties to the Missouri, Kansas and Texas Railway Company, a corporation organized and existing under the laws of the State of Kansas; which was referred to the Committee on Territories. I move that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

ESTATE OF THE LATE SENATOR FLANAGAN.

Mr. BAILEY (by request) submitted the following resolution, which was read:

Resolved by the Senate of the United States of America, That the Secretary of the Senate be, and is hereby, authorized to pay to the heirs of the late J. W. Flanagan, formerly a Senator from the State of Texas, for balance of salary due him as Senator of the United States from March 4, 1869, to March 29, 1870, the sum of $5,356.16, to be paid from the miscellaneous items of the contingent fund of the Senate, as follows:

One-seventh to each of his three living children, Webster Flanagan, James W. Flanagan, Mrs. Fanny Swan, and one-seventh to Webster Flanagan for the heirs of Mrs. Laura Stewart; one-seventh to James W. Flanagan, jr., for the heirs of R. B. Flanagan, and one-seventh to Thomas Yates for the heirs of Mrs. Marion Yates, and one-seventh to Mrs. Emma Flanagan for the heirs of S. H. Flanagan.

Mr. BAILEY. I take it that the resolution would properly be referred to the Committee on Privileges and Elections, but I am informed that in cases of Senators situated exactly as Senator Flanagan's was, payments have been made upon reports from the Committee to Audit and Control the Contingent Expenses of the Senate, and that being true, if it is in order under the rules to send it to that committee, I would prefer to have it go there.

Mr. HOAR. Let the resolution be read again.

Mr. BAILEY. If there is any question about it, I shall not insist on that reference, and will just let it go to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The Chair does not think there is much question about it. Ordinarily such resolutions are referred to the Committee on Privileges and Elections, and after having been reported by that committee they are referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ALLISON. That is right.

Mr. BAILEY. Very well; let it take that course.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Privileges and Elections.

Mr. HOAR. Let me say to the honorable Senator that the Committee on Privileges and Elections a year or two ago went very carefully over all these claims for arrears or inequalities in the pay of Senators in the past—the Senator from Alabama [Mr. PETTUS] was one of the committee—and they adopted a carefully considered general rule about it. So they will be able to deal with this question, I think, very easily.

Mr. BAILEY. Very well.

DECISION IN MERGER CASE.

Mr. GORMAN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed, for the use of the Senate, 13,000 copies of the decision of the Supreme Court of the United States in the case of the Northern Securities Company and others *v.* The United States, with concurring and dissenting opinions, 3,000 for Senate document room and 10,000 for Senate folding room.

Mr. COCKRELL. Will that include the briefs?

Mr. GORMAN. No, sir.

Mr. COCKRELL. Merely the opinions?

Mr. GORMAN. Simply the opinions; not the briefs. I will state to the Senator from Missouri that it would take quite a long time to have the document printed with all the briefs, and this comes within the rule, the cost being less than $500.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

LIFE-SAVING DEVICES ON RAILWAYS.

Mr. CARMACK submitted the following resolution; which was referred to the Committee on Interstate Commerce:

Resolved by the Senate, That the Interstate Commerce Commission be instructed to inquire into the utility of the various patent life-saving devices for use in railway transportation, and make report as soon as practicable to the Senate.

NEW PANAMA CANAL COMPANY.

Mr. DRYDEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate 400 copies of Senate Document No. 188, first session Fifty-sixth Congress (New Panama Canal Company of France), with illustrations.

REPORTS OF DIRECTOR OF THE MINT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the calendar year 1902, bound in cloth and wrapped, for the use of the Director of the Mint.

Resolved, That there also be printed 3,000 additional copies of the Report of the Director of the Mint Covering the Operations of the Mints and Assay Offices of the United States for the fiscal year ended June 30, 1903, to be bound in cloth and wrapped, for the use of the Director of the Mint.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 9985) providing for the donation of lots A, B, K, and L, in block 39, in Fort Dalles military addition to The Dalles, Oreg., as shown on the plat of the city of The Dalles and surroundings and filed in the local land office at The Dalles, Oreg., to the Oregon Historical Society; and

A bill (H. R. 12685) for the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington.

The following bills and joint resolution were severally read

twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 10208) for the relief of Allegheny College, at Meadville, Pa.;

A bill (H. R. 14110) to authorize the donation of a certain unused and obsolete gun now at Chickamauga Park, Ga., to Phil Kearny Post of the Grand Army of the Republic, at Nelsonville, Ohio; and

A joint resolution (H. J. Res. 136) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The bill (H. R. 9) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9135) for the relief of F. R. Lanson was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 10866) to amend section 68, chapter 23, of volume 28 of the United States Statutes at Large was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 13740) for the relief of the Western Alaska Construction Company's Railroad was read twice by its title, and referred to the Committee on Public Lands.

FISH-CULTURAL STATION IN IDAHO.

Mr. HEYBURN. I desire present consideration of the bill (S. 4248) to establish a fish-hatching and fish station in the State of Idaho.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Fisheries with an amendment, in line 8, to strike out the words "United States Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Idaho, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Idaho."

PENSION ORDER OF INTERIOR DEPARTMENT.

Mr. ALLISON, Mr. CARMACK, and Mr. PENROSE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized. The Senator from Tennessee desires to call up a resolution which was laid on the table subject to his call. That is the Chair's reason for recognizing him, as it is practically morning business.

Mr. PENROSE. I ask the Senator from Tennessee if he will permit me to call up a short bill in reference to a lost check.

Mr. CARMACK. I have promised to yield to the Senator from Kentucky [Mr. MCCREARY]. Let the resolution be brought up first, and then I will yield to both Senators.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. CARMACK on the 21st instant, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to the Senate whether, in the opinion of said committee, there is any authority of law for a recent order of the Secretary of the Interior to the effect that all persons who served in the Army or Navy of the United States during the war of the rebellion, and who have reached the age of 62 years, shall be presumed to have incurred such disabilities as to entitle them to receive pensions under the act of Congress, June 27, 1890.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

Mr. LODGE. What is the resolution? I ask that it may be read again.

The PRESIDENT pro tempore. It will be again read.

Mr. MCCREARY. I ask the Senator from Tennessee to yield to me for just a moment.

Mr. CARMACK. I will state to the Senator from Massachusetts that I do not want to have the resolution voted on this morning. I expect to discuss it briefly and then let it go over again.

Mr. LODGE. I withdraw the request. I thought it was a request to have it passed.

Mr. MCCREARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee say he desires that the resolution shall go over?

Mr. CARMACK. I desire to discuss the resolution briefly and will then let it go over again. I yield now to the Senator from Kentucky.

CENTRAL UNIVERSITY OF KENTUCKY.

Mr. MCCREARY. I ask unanimous consent for the immediate consideration of the bill (S. 4448) for the relief of Central University of the State of Kentucky, and A. R. Burnam and John Bennett.

The Secretary read the bill: and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to release Central University of the State of Kentucky, and A. R. Burnam and John Bennett, sureties, from the payment of $556.72, for small arms and ordnance stores furnished Central University of the State of Kentucky, which were lost, destroyed, or taken away without the fault or negligence of Central University of the State of Kentucky, or the sureties, A. R. Burnam and John Bennett.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PITTSBURG SHEAR, KNIFE AND MACHINE COMPANY.

Mr. PENROSE. The Senator from Tennessee [Mr. CARMACK] has consented to yield while I ask for the consideration of a small bill for the issuance of a duplicate check in lieu of one lost. I ask unanimous consent for the present consideration of the bill (H. R. 10925) directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments, in line 3, after the first word, "That," to strike out "said:" in line 5, before the word "original," to insert "an:" and in the same line, after the word "check," to insert "issued by him on the 6th day of November, 1902;" so as to make the bill read:

Be it enacted, etc., That D. M. Taylor, major of ordnance, United States Army, be, and he is hereby, instructed to issue a duplicate of an original check issued by him on the 6th day of November, 1902, No. 38017, upon the assistant treasurer of the United States at Chicago, in favor of the Pittsburg Shear, Knife and Machine Company, for the sum of $3,048.50, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROTECTION OF THE PRESIDENT.

Mr. HOAR. I desire to give notice that on next Monday, after the completion of the routine morning business, I shall move to take up the bill (S. 5093) for the protection of the President of the United States, and for other purposes, and I shall ask the Senate to proceed with the consideration of the same until it shall have been disposed of.

CONNECTICUT RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge accross the Connecticut River; which were, on page 4, line 1, to strike out "two years" and insert "one year;" and in the same line, to strike out "six" and insert "three."

Mr. PLATT of Connecticut. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

Mr. PLATT of Connecticut. That passes the bill, I understand.

The PRESIDENT pro tempore. It does.

DISPOSITION OF PENSIONS OF INSANE PENSIONERS.

Mr. MCCUMBER. I ask the Senator from Tennessee [Mr. CARMACK] to yield to me that I may secure the consideration of a bill which I think will lead to no debate.

Mr. CARMACK. I yield to the Senator from North Dakota.

Mr. MCCUMBER. I ask unanimous consent for the present consideration of the bill (S. 3781) relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

The Secretary read the bill: and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the provision in the act approved August 7, 1882, appearing on page 330 of the Twenty-second Statutes at Large and relating to pensions of inmates of the Government Hospital for the Insane, so as to read as follows:

During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent of the hospital,

upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is still living, and such pension money shall be by said superintendent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and in the case of an invalid pensioner, his wife, minor children, and dependent parents, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner, and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital, or to be applied to the general uses of the hospital in the event of the pensioner's death while an inmate thereof. This provision shall also be applicable to all unexpended pension money heretofore paid to the officers of said hospital on account of pensioners who were inmates thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION ORDER OF INTERIOR DEPARTMENT.

Mr. ALLISON. Regular order, Mr. President.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Tennessee [Mr. CARMACK] relative to a pension order of the Interior Department is before the Senate, on which the Senator from Tennessee [Mr. CARMACK] is entitled to the floor.

Mr. CARMACK. Mr. President, as I have said before, I meant no disrespect to the Committee on Pensions, of which I am a member and for whose other members I have a very high regard, in naming the Committee on the Judiciary in this resolution. I have named that committee because I think the duty to be performed belongs to that committee and to no other.

This resolution presents a legal and constitutional question, involving the legal and constitutional powers of the Executive and the legal and constitutional rights of Congress. I am asking for a legal opinion with respect to the legal and constitutional rights of this body, and I naturally seek that opinion from the committee which is properly regarded as the legal advisers of the Senate.

The order of the Secretary of the Interior deals with the matter of pensions, but the importance of this resolution is not affected in the least by that fact. I am not asking the Senate to investigate any question with reference to the effect of that order upon the pension roll or upon the annual pension appropriations. I am asking the Senate to take legal advice with reference to its own constitutional rights and privileges as a part of the lawmaking department of this Government. I think, Mr. President, that legal opinion ought to be given by a committee of lawyers.

If this question is of any importance whatever, it is a question of the very highest importance. If the investigation called for should be made at all, it should be made by a committee whose members have been selected by the Senate because of their preeminent legal abilities and their preeminent fitness to advise the Senate upon all questions involving an interpretation of the Constitution and the laws.

The Committee on Pensions is a committee composed of very able men, but that committee was not chosen with reference to the legal abilities of its members, and, as a matter of fact, the majority of that committee are not lawyers at all. So, while there are some excellent lawyers on that committee, it seems to me a little absurd that the Senate should ask for legal advice upon a legal and constitutional question from a committee the majority of whose members are not lawyers at all. For that reason, I repeat, without meaning any disrespect whatever to the Committee on Pensions, I have asked that this investigation and report be made by the Committee on the Judiciary.

Mr. President, I do not intend this morning to discuss at any great length the merits of this proposition. I have before me a copy of this order issued by the Secretary of the Interior.

In substance it declares that hereafter any man who served ninety days in the Union Army, and who has reached the age of 62, shall be presumed—and under this order I think it amounts practically to a conclusive presumption—to have incurred such disability as to entitle him to a pension whether or not he makes the proof required by the plain letter of the law.

Here is the law, the act of 1890, as amended by the act of April 23, 1900:

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States.

"Upon making due proof of the fact." I do not know whether anyone here will contend that that is modified by the provision that proof shall be made "according to such rules and regulations as the Secretary of the Interior may provide," but it seems plain to me that that must be subordinate and ancillary to the requirement that "due proof" shall be made.

Evidence is not proof; it only becomes proof when it is strong enough to establish the fact, to convince the mind of the fact in question. The law distinctly provides that the fact of disability shall be proven as a fact; and you can not prove it by any presumption that dispenses with the taking of evidence and the making of proof. You must make proof; you must show that the disability exists as a fact. You do not make "due proof" of a fact by a presumption that dispenses with proof; you do not make "due proof" of a fact by simply begging the question and assuming the very fact to be proven.

This law further says:

And in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated.

"Each and every infirmity shall be duly considered" before you can determine and decide that a man is so disabled as to entitle him to a pension. You can not presume that these infirmities exist. The law requires that proof shall be made in every case. No matter whether a man is 62 years old, or 61 years old, or 60 years old, or 59 years old, the law makes no distinction—"each and every infirmity" must "be duly considered and the aggregate of the disabilities shown rated" before you can place a man on the pension list.

This order attempts in a rather curious way to get around that provision of the statute. It says:

Whereas old age is an infirmity the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty.

"Whereas old age is an infirmity." Why, Mr. President, we speak of the infirmities of age; but, except by a figure of speech, where the cause is put for the effect or the effect for the cause, you can not say that age is an infirmity in itself any more than a gunshot wound is an infirmity. Thousands of men during the late war received gunshot wounds without any appreciable diminution of their bodily strength and vigor, and without any impairment of their ability to earn a support. In the same way thousands of men have reached the age of 62 without any appreciable impairment of their ability to earn a support. Whether, when a man has reached the age of 62 years, the disabilities and infirmities of age come upon him is a fact to be proved in every case.

What is an infirmity? It is a mental or a physical weakness. The fact that a man has lived to be 62 years of age does not of itself constitute a physical weakness. It may be a cause of it. The fact that a man has lived to be 75 years of age may be the cause of his death, but you can not assume that he is dead by proving that he is 75 years old; and you can not assume that because a man has reached 62 years he has certain infirmities—such infirmities as would entitle him to a pension—because age itself is not an infirmity. It causes infirmities, but the age that makes one man infirm does not make another man infirm. It depends upon the native vigor and strength of his constitution whether at any particular age a man has become infirm. That, under this law, is a matter to be proven as a fact and not to be assumed or presumed as a fact, so that proof may be dispensed with.

Mr. President, I am not to be answered by the statement that the Department itself has made a precedent for such action in the past and that this violation of the law only differs from past violations of the law in being more flagrant and outrageous in its character. I say it is a piece of executive legislation. How did it happen to come here, Mr. President? I call attention to a very remarkable coincidence. This order says:

Ordered, (1) In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact, if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor, and is entitled to be rated at $6 per month; after 65 years, at $8 per month; after 68 years, at $10 per month, and after 70 years, at $12 per month.

I want to read an extract from a bill now pending in the Congress of the United States. It reads as follows:

That every officer or enlisted man in the Army or Navy of the United States coming within the provisions of the second section of the act of June 27, 1890, as amended by the act of May 9, 1900, who is or may become 62 years of age shall be pensioned under said acts at $6 per month, and every one who is or may become 65 years of age shall be pensioned at $8 per month; those who are or who may become 68 years of age shall be pensioned at $10 per month, and those who are or who may become 70 years of age shall be pensioned at $12 per month.

This order has simply been taken and copied from a bill pending here in the Congress of the United States. Why? Mr. President, it had become evident that that bill could not pass.

Mr. OVERMAN. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. CARMACK. I do.

Mr. OVERMAN. Is it not true that there are service-pension bills now pending before the Committee on Pensions of the Senate?

Mr. CARMACK. There are two service-pension bills now pending before the Committee on Pensions of the Senate; and this

order has copied almost verbatim the language of one of the bills now pending in the Congress of the United States. Congress has practically refused to make that bill a law.

It had become evident that Congress would not enact any such legislation; and when it did become evident that that could not be done and would not be done, the Secretary of the Interior says "It is not at all necessary; we will not fool with those cattle up there"—as the President of the United States once described the Congress of the United States—"we will not fool with those cattle, but go on and pass a law ourselves by a simple twist of the wrist."

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. CARMACK. I do.

Mr. FORAKER. I rose to inquire of the Senator how it became evident that the bill to which he has called attention could not be favorably acted upon by Congress? I ask only for information. I never heard of the bill until the Senator read it just now; I do not know anything of its history; and I do not know in which House it was introduced.

Mr. CARMACK. It was introduced in both Houses. It has never been reported favorably by any committee; and if the Senator had been a member of the Committee on Pensions, as I am, he would know——

Mr. FORAKER. Has there been any action taken upon it?

Mr. CARMACK. No; and there will not be.

Mr. FORAKER. I want to ask the Senator another question while I am on my feet, if I do not too much interrupt him——

Mr. CARMACK. Not at all; I am always glad to be interrupted by my friend from Ohio.

Mr. FORAKER. My question is whether it is true, as I have seen it stated in the newspapers, that a similar order to this was made during the Administration of Mr. Cleveland in regard to pensioners of the Mexican war?

Mr. CARMACK. I do not think so. That was covered by law.

Mr. OVERMAN. That was an act of Congress.

Mr. CARMACK. Congress passed an act pensioning Mexican veterans 62 years of age.

Mr. FORAKER. I am asking for information. I have seen it stated that this order is framed in exact accordance with an order made during the Administration of Mr. Cleveland.

Mr. CARMACK. The Senator from Ohio will excuse me. There was an act of Congress fixing that.

Mr. FORAKER. I know the Senator has just so stated, but I do not so understand.

Mr. CARMACK. If the Senator will permit me, I will read from this order, and I think that will settle the question:

Whereas by act of Congress in 1887——

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. CARMACK. I will read this order, and then I will yield to the Senator.

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll—

So it will be seen that was by an act of Congress.

Now I yield to the Senator from Texas.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee [Mr. CARMACK] has yielded to the Senator from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. President, I was just about to volunteer the suggestion that doubtless this will be considered the act of the Government. I remember some few weeks ago, when the entire country was horrified by that great fire calamity in Baltimore, the President of the United States telegraphed over there to the mayor, expressing his sympathy with that stricken people, and he wound the telegram up by saying: "If there is anything the Government can do to relieve your situation, I pray you call on me." He thinks he is the Government.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. CARMACK. I do.

Mr. LODGE. I want to ask the Senator—merely for information—if this presumption of disability arising from age has not existed before this time?

Mr. CARMACK. Yes, Mr. President; as stated a while ago, there was a precedent for that.

Mr. McCUMBER. Let me ask the Senator a question.

Mr. LODGE. Let the Senator answer me, if he does not mind.

Mr. CARMACK. I will tell the Senator in a moment. The ages were fixed at 65 and 75. It is stated in this paper somewhere.

Mr. LODGE. When were the ages fixed at 65 and 75?

Mr. CARMACK. Yes—

The former rules of the office fixing the minimum and maximum at 65 years and 75 years, respectively, are hereby modified as above.

I think the Senator from Florida has that date. I have it not.

Mr. ALDRICH. Who was President when it was done?

Mr. LODGE. Yes; who was President when that was done?

Mr. CARMACK. I do not know. I have not the date here.

Mr. FORAKER. I observe that a resolution was passed calling on the Department or the President, one or the other, for full information in regard to this order, and I was waiting until it came in. I should like to inquire, as the Senator evidently has been investigating this matter, whether that resolution has yet been answered?

Mr. CARMACK. I do not know. I have an official copy of the order.

Mr. FORAKER. We all have the order. It was published in the papers.

Mr. CARMACK. This is an official copy of the order. I waited to get an official copy before making any remarks upon it. But there are other things embraced in the resolution of the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. I will say to the Senator from Ohio that there has been no answer, although it is ten days since the resolution was passed.

Mr. McCUMBER. I will ask the Senator for information, whether it is not a fact that from and since the time of Cleveland's Administration it has been a rule in the Bureau of Pensions that when a man has reached the age of 65 years it was presumed that he was incapable of performing more than half of a man's labor, and that if he were 75 years of age he was presumed to be unable to perform manual labor? Is not that a fact, and is it not true that it has been simply a matter of presumption only? Is it not true that when Judge Lochren was Commissioner of Pensions he inaugurated this rule, and that the rule has been found to work reasonably well?

Mr. ALDRICH. Who was President at that time?

Mr. McCUMBER. Judge Lochren was Commissioner under Mr. Cleveland.

Mr. ALDRICH. Mr. Cleveland then was President?

Mr. McCUMBER. Yes, sir.

Mr. CARMACK. I said before that I do not know when it originated, and I do not care when it originated. I said before that this order differed from the precedent that had been established before only in being a more outrageous and flagrant violation of the law. I do not care when such an order was made. It was a bad precedent, and if there is any bad precedent made anywhere or ever has been made since the foundation of this Government the present President of the United States will be certain to find it and act upon it, especially if it is a precedent in the direction of Executive aggression upon legislative power.

I called attention to the fact, the important fact, that in this particular case a bill was pending and is now pending in the Congress of the United States to accomplish the very thing that is sought to be accomplished by this order, and it being evident, as my friend knows, that none of those bills could pass at this session of Congress, the Secretary of the Interior, acting, no doubt, under the direction of the President of the United States, proceeds to pass the law which the Congress had refused to pass.

Mr. McCUMBER. I want to ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Dakota?

Mr. CARMACK. I do.

Mr. McCUMBER. The Senator states that the effect of these rules will be practically to make a law of this bill which was introduced.

Mr. CARMACK. What is that?

Mr. McCUMBER. That the effect of these rules will be the same as though the bill the Senator has read were enacted into law. Then, if that be true, how does it happen that similar rules have never operated in that way?

Mr. CARMACK. You never had any such rules.

Mr. McCUMBER. We have had exactly the same rules, with the exception that 65 years was the age of the minimum presumption and 75 the maximum. The rules, so far as their evidential character was concerned, was exactly the same. They differ in no respect, as I understand, and yet the Department has never held that when a man——

Mr. CARMACK. I did not yield for a lengthy argument.

Mr. McCUMBER. I wish to explain this. The Department has never held, under their rules, that when a man has reached the age of 65 he should draw the minimum pension of $6 a month, but that it was only prima facie evidence.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee declines to yield further.

Mr. CARMACK. It is an evidential fact if the contrary does not appear. How is the contrary going to appear?

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CARMACK. I must be allowed a little while in my own behalf.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. ALDRICH. I want to ask a very simple question.

Mr. CARMACK. Very well.

Mr. ALDRICH. Is the Senator now willing to admit——

Mr. CARMACK. That it commenced under Mr. Cleveland?

Mr. ALDRICH. Yes.

Mr. CARMACK. Yes; perhaps it did. It commenced under Mr. Cleveland; but I do not think that helps a particle. I admit that it was under Mr. Cleveland's Administration that the law was first violated in this particular—and it was exceedingly unfortunate, in that it gave the present occupant of the White House an opportunity, upon which he has eagerly seized, to go still further and make it still worse.

I admit it was first done under Mr. Cleveland's Administration, but that shows the evil of making a breach in the law. It shows the evil of making an order that violates the law. The first order, taken by itself—the order giving a pension at 75 years—independent of the question that it was not authorized by law, was a fairly reasonable order; but this order goes to an extreme, and if you can assume that a man is disabled when he is 62 years old, you can presume that he is disabled when he is 40, or 50, or 55, or 60 years old. It makes a service pension, and I emphasize with respect to this matter the statement that this order was made as a substitute for legislation which they could not get from Congress. That is the important point, the vital point, in this whole business.

This bill was introduced in the House of Representatives on the 1st day of December, 1903. It has been pending in Congress until the 28th day of March, with no report from any committee. Every member of the Committee on Pensions knows there will be no report, that there will be no serious effort to pass the bill; and the fact is that the Secretary of the Interior just sent and got a copy of that bill and copied the language of it and made it an Executive order.

I saw published the other day in a newspaper an article by one Private Dalzell, one of the greatest pension heroes in the country, applauding this order and saying, "Hereafter we will not need any pension legislation from the Congress of the United States. Let these bills die. We will never need them any more. We will never have to bother ourselves again by appealing to a stingy Congress to get what we want. The President of the United States has opened for us the doors of the Treasury by breaking down the laws of the land. He has invited us to help ourselves. We do not need to appeal to the lawmakers to get laws. The Executive of the Government can make for us all the law we want." That is the meaning of this order. It is and was intended to be a substitute for legislation which had been sought and could not be had.

Mr. McCUMBER. Mr. President, I wish to answer in very brief manner the Senator from Tennessee. What the Senator asks is that this particular resolution be referred to a different committee from that to which it would naturally go, and that it be sent to the Judiciary Committee, and his reason for asking that it be sent to that committee is that there are great legal and constitutional questions involved. And yet, if I am to take the argument of the Senator, it would seem that there is no question in his mind about any great legal or constitutional question being involved. It is a very simple proposition, and one that any layman can easily see through.

Mr. CARMACK. But, if the Senator will permit me——

Mr. McCUMBER. With pleasure.

Mr. CARMACK. I find my position promptly controverted by a distinguished lawyer upon the Committee on Pensions. So, while there is no question about it—there is none in my mind, and there is none in his—we think about it in different ways, and so long as there is a doubt upon the question, it being a legal question, I should like to have it decided by a committee of lawyers. The chairman of the Committee on Pensions is himself a very able lawyer, and I know that, but, as he knows, a majority of our committee are not lawyers.

Mr. McCUMBER. And, according to the argument of the Senator, it should be referred to a committee of doctors and not to a committee of lawyers. Whether 62 years of age is an age as to which a legal presumption may be drawn whether a person is capable of performing a full day's work or a full amount of manual labor in a day is a question practically for the physician rather than the lawyer, and that is really the only question there is in this whole matter.

I presume it is safe to say that presumptions make up the great portion of all of our lives and what we do. When a person is 80 years of age, as every man knows—and he knows it as a presumption from facts within his knowledge—he is incapable of performing the same service that he could perform when he was 24 years of age. Courts take judicial notice of that fact. Everybody takes judicial notice of that fact. The Senator himself is forced to take judicial notice of it if he is acting as a judge.

Mr. CARMACK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. McCUMBER. With pleasure.

Mr. CARMACK. Is it not also true that when a man is 60 years of age he is not as strong and vigorous as he was at 24?

Mr. McCUMBER. It is a presumption of law that he is not so vigorous as he was at the age of 24, but it is a presumption only, which may be rebutted by proper and competent evidence.

Now, the Senator assumes that the Pension Bureau will, under this provision of law, which simply changes the age from 65 to 62 years, adopt entirely different methods of investigation than what they have had heretofore. What right has the Senator to assume that they would disobey the law any more under this rule than they have disobeyed it in the last ten or fifteen years? Why will he assume that they will disobey that law which he has read, and which reads "each and every infirmity shall be duly considered?"

Now let us take this portion of the law in connection with the ruling itself and see if the rule works any hardship. Let me call the Senator's attention to it:

In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact—

Evidential only—

if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I will yield in just a moment. Take that in connection with the law itself, which requires them not only to take into consideration the fact of age, but also each and every infirmity in determining whether a person is capable of performing manual labor.

Mr. CARMACK. The Senator is mistaken.

Mr. McCUMBER. I am not at all mistaken.

Mr. CARMACK. Instead of taking into consideration the infirmity, it says that the age itself is an infirmity. It is a substitute for proof of infirmity.

Whereas old age is an infirmity.

The age itself becomes an infirmity under this order, and you do not have to consider any other infirmity.

Mr. McCUMBER. The Senator can not read it into this order——

Mr. CARMACK. It is in there.

Mr. McCUMBER. That it is to be taken as conclusive evidence? If it was, his position of course would be sound. But age is simply to be taken as prima facie evidence. In other words, after he has shown that he is 65 years of age, that itself may throw upon the Department the burden of proof to show that, notwithstanding the fact he is 65 years of age, he is able to perform that degree of manual labor; and after taking into consideration that which the law compels them to consider—each and every infirmity—in connection with this prima facie rule of evidence, they may then determine whether or not he is capable of performing manual labor.

It has not in the past operated in any sense as a hard and fast rule, and which would grant every ex-soldier a pension. If that were true, then the rules which have been in existence for the last ten or twelve years would have placed upon the pension roll at $6 every ex-soldier 65 years of age. The Senator knows that that is not true. It would have placed upon the pension roll at $12 every man who had reached the age of 75 years. The Senator knows that that is not true; and he knows that we have before our committee hundreds of bills in favor of persons who have reached an age above 65 or above 75, where they could not get the required amount under the rules, because the Department has held that, notwithstanding this presumption, other evidence has shown that the soldier or the claimant was able to perform manual service.

We had before us but the other day, as perhaps the Senator will remember, a case where the gentleman was over 68 years of age, as I remember. He sought to obtain a pension under the act of June 27, 1890. The Department refused to give him over $6, they claiming that, notwithstanding the fact of his age, from other evidence it was proven that he was performing manual service at the time and earning a good salary. These are cases that are be-

fore us all the time, and I can certainly see no great danger in changing the rule from 65 to 62.

The Senator quoted the bill which was introduced in the House, which he says was copied by the Department in making this rule. It is a vast difference whether you grant a person of 65 years of age a pension of $6 or whether you say that his age shall be simply prima facie evidence. I think he is entitled to that amount.

I think the Senator will find that instead of the Bureau of Pensions getting their inspiration and their information from this bill which was introduced into Congress, the bill was taken from their rules, with a slight change. That is all. It seems to me, when you take into consideration the fact that the very act under which the pension of 1890 is granted requires the Department to consider every infirmity and every other condition going to show whether or not the claimant is capable of performing manual service, and when we assume, as we have a right to assume, that the officers of the Government will not disobey the plain dictates of that law, that that, taken into consideration in connection with this prima facie rule, is an all-sufficient safeguard against any raid upon the Treasury or any attempt upon the part of the Department to make laws for themselves.

They have a right to make rules, and this Bureau, above any other bureau in the Government, is capable of determining that question. Why? Simply because since 1862 the Bureau have had constantly before them from five to eight hundred thousand cases, and they are able therefore to determine from the evidence that is constantly pouring in upon them what age of a man's life is such as disables him from performing complete manual labor or even partial service. They have reduced it to a science.

Why was this changed? Was it because of this bill? No, Mr. President. Congress has intimated in the act which gave pensions to the soldiers of the war with Mexico that 62 years of age should be considered as a proper age where it could be safely said a man was unable to perform manual labor, at least in full. The Bureau cite that provision of the law. They took the sentiment of Congress, which expressed its own opinion into law, and adopted that as the rule. They have been a little above this before.

They simply reduce it to an opinion that had been expressed into a law by the Congress of the United States. It seems to me that they have not greatly disobeyed the law of the country, nor have they attempted in any way to make any other or new law.

Mr. CARMACK. Has the Senator from North Dakota concluded?

Mr. McCUMBER. Yes.

Mr. CARMACK. Has the Senator a copy of the Lochren order?

Mr. McCUMBER. I have it here.

Mr. CARMACK. I should like to see it.

Mr. McCUMBER. The Senator from Minnesota has it now.

Mr. CARMACK. Mr. President, the Senator from North Dakota said that if I were correct in my construction of the order which has been read, under the previous order fixing the age at 65 and 75, every man of that age would be on the pension roll. In the first place, I have not the slightest doubt in the world that that order has so operated as to place thousands of men on the pension roll who if they had been required to prove their claims would not have been able to do so. My recollection is that that order differs considerably from this, and the whole wording of this order shows that the intent and purpose is to accomplish what was intended to be accomplished by this bill.

Whereas old age is an infirmity, the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty.

Mr. SPOONER. Does the Senator deny that?

Mr. CARMACK. I do.

Mr. SPOONER. Does the Senator mean to say that old age is not an infirmity?

Mr. CARMACK. I do.

Mr. SPOONER. I am glad to hear it.

Mr. ALDRICH. Although you would want some better evidence?

Mr. CARMACK. I do not know any man who bears his 62 years with more ease and honor than the Senator from Wisconsin, and I offer the honorable Senator as an exhibit to prove that 62 years of age does not constitute infirmity.

Mr. SPOONER. I can testify to the fact that I can not do the manual labor now that I could do ten or fifteen years ago.

Mr. CARMACK. I do not believe the Senator ever could do any manual labor.

Mr. SPOONER. I have done a great deal.

Mr. CARMACK. I can not believe it.

Mr. SPOONER. What?

Mr. CARMACK. I can not believe it.

Mr. SPOONER. The Senator does not doubt my word?

Mr. CARMACK. I am compelled to doubt that the Senator could ever have been classed as a manual laborer.

What I was saying is that age may cause infirmity, just as a gunshot wound or an accident of any kind may cause an infirmity, but age itself is not an infirmity. Whether it produces infirmities at any particular time of life depends upon the native vigor of a man's constitution. It must be decided with reference to each particular man.

Mr. SPOONER. I will ask the Senator upon what theory it is that officers of our Army are retired compulsorily at 64?

Mr. ALDRICH. And of the Navy at 62?

Mr. CARMACK. You can make a presumption of law by act of Congress whenever you want to. Of course the law in that case has made a presumption that when a man reaches the age of 64 he does not have the same physical vigor that he formerly had.

Mr. SPOONER. The law has simply taken note of a fact which all men know. That is all.

Mr. CARMACK. That is true at 63 years of age, it is true at 62 years of age, it is true at 61 years of age; but when you come to make laws about it, the law has to fix some particular time, and there is no particular lapse of time which constitutes in every particular case a disability that would entitle a man to a pension.

Mr. SPOONER. It seems to me, if the Senator will permit me a moment, that the trouble with his argument is that it does not distinguish between a law and a rule of evidence justifiably adopted in the administration of the law.

Mr. CARMACK. Yes, I am trying to distinguish between them. I say that this law lays down the rule of evidence when it says you can establish it by proof, by due proof, and by considering each and every infirmity and by rating the aggregate of those infirmities. That is the way you have to do it. The law says how it shall be proven and how it shall be established, and you can not obey that law by a presumption that dispenses with the taking of evidence and making the proof.

Mr. McCUMBER. Will the Senator yield to me for a question?

Mr. CARMACK. I was trying by the language of the "whereases" to this order to show its purpose, and I should like to complete that.

Mr. McCUMBER. That is just the point on which I was about to ask the Senator a question.

Mr. CARMACK. Very well.

Mr. McCUMBER. I want to ask the Senator what difference it makes whether or not it regards old age as an infirmity? Is not the spirit of the law such that it is intended to take care of every man who is unable to perform manual labor, and therefore——

Mr. CARMACK. Upon making proof of that fact.

Mr. McCUMBER. Yes; but whether it is by reason of old age or any other infirmity.

Mr. CARMACK. Of course, but let the fact be proved. He must prove the fact; the law says so expressly. He must make due proof, and the burden of proof is upon him, and it must be proven by showing each and every infirmity that afflicts him, and the aggregate of those infirmities must be rated. The burden of proof is put upon him in the law, and you violate the law when you shift the burden of proof from the claimant to the Government.

Mr. ALDRICH. Will the Senator allow me?

Mr. CARMACK. In a moment, if the Senator pleases.

Whereas old age is an infirmity, the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty; and

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll—

Citing the law passed by Congress—

Whereas thirty-nine years will have elapsed on April 13, 1904, since the civil war, and there are many survivors over 62 years of age.

The very purpose of this order, as shown in the "whereases" which precede it, is to put every man who is 62 years of age on the pension roll, because every man in the Army in the war with Mexico, after thirty-nine years had elapsed and who was 62 years of age, was placed on the pension roll. What is the object in citing past legislation if it is not to accomplish the purpose with respect to the veterans of the Union Army that was accomplished by law with reference to the veterans of the Mexican war?

And, whereas old age is an infirmity—

Why, Mr. President, age is considered in itself an infirmity, whether any other infirmity is proven at all or not. It is presumed to be an infirmity—

if the contrary does not appear.

The Government itself by a preponderance of proof must establish the fact that the man is sound, that he has no infirmity, when the law expressly requires that the claimant himself shall prove the fact of his infirmity to such an extent as to entitle him to a pension.

Mr. FORAKER. Mr. President, I have been waiting before investigating this question until we have a response to the resolution which the Senate some days ago adopted calling for information in regard to the same. The Senator has therefore pre-

cipitated a discussion that I confess at the outset I am not fully prepared to engage in satisfactorily. And yet during the few minutes this debate has been in progress I have looked over this order, which I saw but once before, and that was when I read it in the newspapers at the time it was promulgated; and I have been also during these few minutes not only looking at the order, but looking up the statutes, or rather the statute that the order has special reference to—the statute of June 27, 1890.

Now, putting the order, with the practice as I understand it has been heretofore, and the law together, I do not see anything unusual about it. I do not see anything extraordinary about it. I do not see anything in it to condemn or to criticise. I see nothing that is not commendable. I see nothing that I can not heartily and in good conscience thoroughly approve and support.

This is an order issued by the Secretary of the Interior, or rather with the approval of the Secretary of the Interior, for the order is issued by the Commissioner of Pensions. The question is whether or not the Commissioner of Pensions had a right to issue such an order, and then, if so, whether or not, being within his authority, if it should so appear, it is a proper order for him to have issued, looking to the execution of the law that he was charged with the execution of.

Mr. TELLER. Mr. President, will the Senator allow me to suggest to him that it does not seem to me it is a question of the propriety of the order; that is to say, the question is not presented whether, having the authority, he ought to have made this order, but it is simply, Did he have the authority to make the order?

Mr. ALDRICH. I understood the Senator from Tennessee to take a different position. I may have misunderstood him, but I understood him to take the position that as a matter of policy no such order should have been issued.

Mr. CARMACK. I did not do anything of the kind. I said nothing about a matter of policy.

Mr. TELLER. I was interrupting the Senator from Ohio. I will wait, however.

Mr. FORAKER. I am obliged to the Senator from Colorado for interrupting me and making his suggestion. I have no purpose except only to get at the right of this matter.

It is an order, therefore, issued by the Commissioner of Pensions, with the approval of the Secretary of the Interior. So far as anything on the face of things is concerned there is nothing showing that the President—and about that a good deal has been said—had anything to do with it. However, from what I know of the President and his familiarity with all that is done in connection with his Administration and by his Cabinet officers, I have no doubt but that if he knew about it he thoroughly approved it, as I hope he may have done.

But let us look now at the statute first, for that is the beginning of this whole matter. In the second section of the act of June 27, 1890, it is provided as follows:

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States—

Now, note this language—

upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide.

Mr. CARMACK. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Certainly.

Mr. CARMACK. I wish to suggest to the Senator that the right to make rules and regulations can not dispense with the necessity of making due proof of the fact.

Mr. FORAKER. I was about to say that the Senator has anticipated what I was going to say, but he has not, because he has said something other than what was in my mind. He interrupted me just where I was going to say the kernel of this whole thing is. The applicant is to make proof of his infirmity or his disability, it is true, and he is to make "due proof" of it, but how? How is he to make due proof? He is to make due proof of his inability, his incapacity, to use the language of the statute, "according to such rules and regulations as the Secretary of the Interior may provide."

Therefore, Mr. President, we start out with the proposition as a basis of all, as coming first and as controlling, that the Secretary of the Interior has been given by this statute authority to provide rules and regulations governing the production of proof by the claimant for a pension.

Mr. CARMACK. Will the Senator yield to me for a moment?

Mr. FORAKER. Certainly.

Mr. CARMACK. The law also provides that in ascertaining such infirmity each and every infirmity shall be duly considered.

Mr. FORAKER. That is true.

Mr. CARMACK. He can not dispense with that. He must consider each and every infirmity.

Mr. FORAKER. Certainly; and therefore it is that the Secretary of the Interior can not in an observance of the law dispense with a consideration of the infirmity of old age. That lies at the basis of it all.

Now, if the Senator will allow me to pursue for a minute what I had in my mind, he will see the view I take of it. It is that every man within the definition of this statute shall be entitled to a pension when he makes due proof of his incapacity in accordance with the rules and regulations prescribed by the Secretary of the Interior. Therefore it was competent for the Secretary of the Interior, if there had been nothing else in this statute, to prescribe in what mode proof should be made, to define how this, that, or the other incapacity or disability should be proven to the satisfaction of the Pension Bureau.

He has, in the execution of that authority so given him, prescribed a rule or regulation by the issuing of this order for proof as to an acknowledged infirmity or incapacity, namely, old age. What does he say in his order? The Secretary of the Interior says:

Whereas the act of June 27, 1890, as amended, provides that a claimant shall "be entitled to receive a pension not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown to be rated."

Now, stopping there a minute—and I stop there not only because it is proper to do so, having in mind what I desire to say, but because it is especially proper to do so in view of the interruption of the Senator from Tennessee, calling my attention to the fact that the law requires the Secretary of the Interior or the Commissioner of Pensions to take into consideration each and every inability or incapacity on which the applicant for a pension may rely for the pension he is claiming to get——

Mr. OVERMAN. Mr. President——

Mr. FORAKER. I ask the Senator to wait just a moment.

It is the duty of the Commissioner of Pensions to do that, and it is the duty of the Commissioner of Pensions to prescribe rules and regulations with reference to the rating to be made as to the disability, which may be on this, that, or any other physical account that you may see fit to name.

Now, is it true or not that old age is an inability or an incapacity? The authority for taking that view was stated in this order. Let me read the second paragraph:

And whereas old age is an infirmity, the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty.

If it be true that old age is an infirmity—and who will dispute it?—who but the Senator from Tennessee?——

Mr. OVERMAN. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Certainly.

Mr. OVERMAN. Old age is an infirmity now. Was it not an infirmity in 1891?

Mr. FORAKER. Certainly.

Mr. OVERMAN. This law was passed in 1890. I understand the Senator to say that this was a proper order and that it should have been made. Does not the Senator think it a very remarkable fact that the Department should wait fourteen years before making this order, especially since there were two service-pension bills before the Senate Committee on Pensions and also one in the other House before the Committee on Invalid Pensions?

Mr. FORAKER. I do not understand that they did wait. I do not know what the exact fact is, and therefore I am somewhat loath to make any statement about it; but I understand that shortly after this law went into effect, while Mr. Cleveland was President, his Commissioner of Pensions, Judge Lochren, who everybody knows was a very able man, however we might differ with him about politics, and not a very popular man with pensioners, either, as the Senator from Wisconsin [Mr. SPOONER] has just suggested, but a man of ability, a man who knew what he was doing——

Mr. ALDRICH. Now a judge of a United States court.

Mr. FORAKER. Exactly. He is now a judge of a United States court.

Mr. BAILEY. He was overruled by the Supreme Court.

Mr. FORAKER. It is not the first time that a judge of a lower court has been overruled by the Supreme Court. But, Mr. President, my understanding is that Judge Lochren within a year, or two years perhaps it was—I will have the order presently; I have sent for it—issued an order similar to this in character, prescribing that when they came to consider the disability or incapacity of an applicant for a pension under this statute they should take into consideration his age, and there should be attached to that fact, whether his age was 62 or 65 or 75, according as the order may show when we get it, there should be a certain rating made; in other words, that the disability of old age, which the statute required him to take into consideration, should have its rating

and he should prescribe how, when the applicant came to make due proof, he should set forth his different incapacities and establish them all to the satisfaction of the Pension Bureau.

But let me recur to what I was about to say. Is it true or not, as recited in this order, that old age has been shown by the experience of the Pension Bureau to carry with it a disability, and of a character well known to them—established, in the language of this order, to a reasonable certainty?

Mr. OVERMAN. Do I understand the Senator to say that Judge Lochren fixed the age at 65?

Mr. FORAKER. I do not know at what age he fixed it. I say I am loath to speak of that because I have not seen the order. I have sent for it. I suppose all this should have been sent to us before now.

Mr. PLATT of Connecticut. Twelve dollars at 75.

Mr. FORAKER. Twelve dollars at 75.

Mr. GALLINGER. Six dollars at 65.

Mr. FORAKER. Six dollars at 65.

Mr. MALLORY. I do not know that Judge Lochren issued that order, but there was such an order issued, and it has been in force for a number of years.

Mr. FORAKER. I understand so, and I understand also that it has never before been criticised; that is to say, it has never before been criticised that the Pension Bureau should, in considering due proof and in establishing rules and regulations for the production of the same, consider old age, but, on the contrary, they have always taken age into consideration and a rating has been given on account of it.

Now, I want to read the balance of this order to show——

The PRESIDENT pro tempore. The Senator from Ohio will suspend for one moment while the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. ALDRICH. I suggest that the unfinished business be laid aside temporarily in order that this matter may be disposed of.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the pending resolution.

Mr. ALLISON. Mr. President——

Mr. ALDRICH. If it will be in order now, I ask that the Senator from Ohio be permitted to finish his remarks.

Mr. ALLISON. Undoubtedly. I was about to ask unanimous consent that the Senator from Ohio may have the opportunity to conclude his remarks. I understand that the resolution goes over at 2 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Ohio will proceed.

Mr. FORAKER. I am very much obliged to the Senators for giving me permission to proceed.

Mr. CARMACK. Other Senators may want to speak.

Mr. FORAKER. I was saying, when I was interrupted in order that the unfinished business might be laid before the Senate, that old age has always been regarded as carrying with it a disability or an infirmity or an incapacity, whatever you may see fit to call it. I call it an incapacity, because that is the language employed in the statute and by the Pension Bureau. First, however, that is evidenced, as the Senator from Wisconsin [Mr. SPOONER] suggested a while ago, by many acts of Congress, but particularly by that one providing for the retirement of army officers at the age of 64—a compulsory retirement at that age. Why? A man is not necessarily an unfit man to continue in the Army after 64 years of age—I mean physically unfit. Many men are hale, strong, and vigorous, and capable of rendering efficient service as officers and soldiers long after the age of 64, but the rule is according to human experience that when a man reaches the age of 64 he has been so far affected physically by his age that it is time for him to retire from the duties of a commissioned officer in the Army.

A great many other instances might be suggested, but it is shown on the face of this order that age affects the physical condition of a man, so that it should be taken into consideration as prima facie an evidence of partial incapacity. It is shown on the face of this order that Judge Lochren made a similar order proceeding upon that very theory in 1893, which is the date, I am told, when that order was issued. I say that, however, without having the order before me.

Mr. MALLORY. Will the Senator from Ohio permit me?

Mr. FORAKER. Certainly.

Mr. MALLORY. I have endeavored to obtain a copy of the order which the Senator says was made by Judge Lochren, but I have not succeeded in getting it. I sent this morning to get it. But I understand from authority which I believe to be good that that order fixed or limited the total disability at 75 years, and the minimum disability, or one-half disability, entitling one to $6, at 65. The point I wish to inquire about is, Why is it and how is it, that having been established as the rule, that that rule should be arbitrarily changed so as to make 70 the limit of total disability and 62 the minimum limit?

Mr. FORAKER. I am going to speak of that in a moment. I want to say that whenever that order was made by Judge Lochren he fixed a minimum age when disability on account of age should be taken into consideration, and that a minimum rating should then be given for it; and he fixed a maximum. In doing that he was sustained not only by our law in regard to the retirement of commissioned officers, but he was also sustained in that by the declaration of Congress with respect to pensioners of the Mexican war, for the Congress of the United States has fixed 62 by the act referred to as the age when the minimum should be allowed on account of age to the pensioners of the Mexican war. Therefore there was not anything out of the ordinary in the action of Judge Lochren in that respect. I do not know what his order is. I was about to speak of it from the knowledge that had been given to me. I will, however, confine myself to this order, and then I will be safe.

I am told that this order follows in that respect the order of Judge Lochren. In this order it is not provided that when a man reaches the age of 62 years he shall have $6 a month pension, or that he shall at the age of 65 have $8, or that at 70 years of age he shall have the full pension of $12. That is not the provision of the order. The provision of the order is simply that when it is shown that the applicant has reached the age of 62 years that shall be an evidential fact. Now, what is meant by an evidential fact? It simply means that that fact shall be taken into consideration. If it be shown that that man, although he has reached 62 years of age, is not dependent, and that he has no disabilities or is not dependent, he is not entitled to a pension because of his 62 years of age, but it shifts the burden of proof; that is all.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. FORAKER. Certainly.

Mr. TELLER. I do not know exactly what this order means. Does the Senator understand that under it a man reaching the age of 62 is put upon the pension roll without any proof of any other disability?

Mr. FORAKER. No; I understand that when a man is an applicant for a pension undert he act of June 27, 1890, known as the "dependent pension law," he must of course make due proof. That is what the statute requires.

Mr. ALDRICH. Of dependency.

Mr. FORAKER. Of dependency; and then, if all the other conditions of the statute entitling him to a pension are established, the fact that he has reached the age of 62 shall be an evidential fact to be taken into consideration, and if he were to stop there and no proof be offered on the other side, all other conditions having been established, he would be entitled to a rating at $6.

Mr. TELLER. I wish to say to the Senator that I understand under that act he has to prove his poverty, to begin with.

Mr. FORAKER. Yes.

Mr. TELLER. And then, in addition to that, he has to prove inability to secure a living by manual labor.

Mr. FORAKER. Yes, sir.

Mr. TELLER. Now, if this order only means that you shall take into consideration with that fact the fact that he is 62 years of age, that has been the law ever since I have known anything about pensions.

Mr. FORAKER. I think it has always been the law.

Mr. TELLER. It has always been the law that when you considered the disabilities you might consider with other disabilities his age.

Mr. FORAKER. Yes.

Mr. TELLER. I do not know that up to Judge Lochren's order there was ever any positive statement of what the disability should be; but if he was 62 years old, at any time since I have known anything about it, that would be considered in addition to his other disabilities, because the age itself might increase his disabilities, when, in the case a young man, his disabilities would be, I think, less considered.

Mr. FORAKER. I am sure the Senator from Colorado is right in saying that that has always been the practice; that is to say, they would take into consideration age, and they would assume that age carried with it disabilities.

Now, the real question, it seems to me, left here for us to consider is the one asked by the Senator from Florida [Mr. MALLORY] when he interrupted me a moment ago, and that is, why should the minimum age carrying the minimum allowance of pension be reduced from 65 years, where Judge Lochren put it, to 62 years? Now, I do not know. I can only speculate about that. I have not been taken into anybody's confidence in regard to it.

I only assume, Mr. President, for reasons that were stated at the time when that order was promulgated and published in the papers—the reasons I read in the newspapers—that the Commissioner of Pensions, with the approval of the Secretary of the Interior, and with the approval, I hope, of the President of the United States, concluded that a man ought to have—and that the experience of the Pension Bureau showed it—the minimum of $6, all other conditions precedent having been first established, when he reached the age of 62 years. That was the age fixed for the veterans of the Mexican war, and it is the age fixed when a man may be retired by order of the President from a position as an officer in the Army.

It does not seem to me anything extraordinary that the administration of the Pension Bureau, looking to what is fair, what is just, and what is equitable, in view of the spirit and purpose of our pension laws, should give the benefit of the minimum allowance of $6 a month to the soldier who reaches the age of 62 years. It was stated——

Mr. MALLORY. Mr. President——

Mr. FORAKER. Just a moment. It was stated, as I remember—I am quoting only from recollection—that there will be a great saving to the Department, and not a very great increase in the aggregate of expenditures on account of pensions.

Mr. CARMACK. How will there be a saving?

Mr. FORAKER. It was stated that there would be a saving. I do not know upon what authority the statement was made, but I saw in the papers that there would be a saving in the administration of the pension laws of no less than $300,000 on account of this order.

Mr. CARMACK. That is a very important question, Mr. President. In what way will that saving be made?

Mr. FORAKER. What does the Senator say?

Mr. CARMACK. I say it is a very important question as to how the saving will be made.

Mr. FORAKER. It does away to some extent with the necessity for agents to gather testimony and investigate cases.

Mr. CARMACK. Exactly. That is the very point I was making. It dispenses with the taking of testimony to prove a fact required by law to be proven.

Mr. FORAKER. No; the Senator insists that we are dispensing with the requirement of the law as to the necessity of testimony to prove certain facts. We are not doing that at all. Every condition that the law prescribes as necessary to entitle a man to a pension under this act must be shown to exist in his favor—every one—after this order, as well as before.

Mr. CARMACK. Why was it issued, then?

Mr. FORAKER. This order is made in accordance with the statute, which says that the Commissioner shall prescribe rules and regulat ons governing the making of proof. The only thing it does is to say, when this age that is mentioned shall be shown in the soldier's favor, it shall be prima facie evidence that he is entitled to a pension at a certain rate.

Mr. MALLORY. As the Senator is discussing that point, I should like to ask him for information if the recent order does not provide that the order itself shall not be retroactive?

Mr. FORAKER. Yes; I believe so.

Mr. MALLORY. Would not that work an injustice to men who, say, two years ago, were 62 years of age, and had made application for a pension?

Mr. FORAKER. As the Senator from Wisconsin [Mr. SPOONER] suggests, I will say in answer to the Senator from Florida that these other cases have been adjudicated. The pensioners in those cases made application in accordance with the law which then existed, and in accordance with the rules and regulations as to the making of proofs then in existence; and now it is no injustice, as I understand it, because those soldiers were unable before the order was issued to prove what this order says you do not need to offer any proof upon.

Mr. MALLORY. I am speaking of the case of a man who was 62 years of age and made application, and because of his not showing any permanent disability was turned down. Now, this order fixes the minimum one-half disability at 62 years of age; and I have no doubt that that would be so construed. Would not that man have been entitled, if the order had been issued two years ago, to his pension?

Mr. FORAKER. The Senator's suggestion amounts to an argument that this order ought to have been made sooner than it was made, and I quite agree with him.

Mr. MALLORY. I do not contend that at all, but I wish to call the Senator's attention to the fact that injustice is apparently being done to a certain portion of those applicants who were turned down because they were simply 62 years of age and no more.

Mr. FORAKER. The man who was turned down before this order was made for the reason suggested by the Senator was unfortunate, of course, in not having the benefit of this order, and only Congress, I imagine, can correct that trouble. If the Senator will bear with me, that man is not without hope. The way is open. He can make his application again, and he can now have the benefit of his age, which he could not have before.

Mr. MALLORY. If the Senator will permit me, the only hope he has is that the Department can not be prevented from giving a pension, in my judgment, because we have a statute which gives him the right to come in now and get a pension and to date back to the time when he made his application.

Mr. FORAKER. Undoubtedly the man who has been denied the benefit of this order heretofore because there was then no such order can now, if he becomes an applicant, get the benefit of it. And to what extent does he get it? He gets the benefit of it to the extent that he has a prima facie case in his favor whenever he shows that his age is within the prescribed limit, and if he should apply now, being 65 years old and showing that fact, he would be entitled to $8, the conditions essential to his being granted a pension having been established, provided nobody controverted the fact that his age had carried with it incapacity.

Now, I have before me, kindly furnished by the Senator from Wisconsin, what I understand is a copy of the Lochren order, and I will read it in order that all may get the benefit of having it in the RECORD.

Mr. TELLER. What is the date?

Mr. FORAKER. I will read it all.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., March 29, 1894.

To the board of revision:

By order of the Commissioner, the rate now received under the act of June 27, 1890, will be continued by the board of revision in cases wherein it appears that the pensioner has reached the age of 65 years.

J. R. VAN MATER,
Acting Chief Board of Revision.

Indorsement.

MARCH 29, 1894.

Respectfully referred to Doctor Featherstonhaugh, medical referee. The inclosed instructions were given to the board of revision to-day. If the medical division will return any cases referred by us where the pensioner is 65 years of age, they will be acted on here.

J. R. VAN MATER,
Acting Chief Board of Revision.

I get that from the Senator from Wisconsin [Mr. SPOONER]. I do not know where he got it. It seems to be a copy, but I understand there was a formal order issued by Judge Lochren as Commissioner of Pensions. Whether there was or not I shall know about definitely pretty soon, as I have sent to ascertain the fact.

Mr. GALLINGER. If the Senator from Ohio will permit me——

Mr. FORAKER. Certainly.

Mr. GALLINGER. I was not in the Chamber during the early stage of this debate, and I observe with a good deal of surprise the opposition that has developed in certain quarters to this order. It is a fact that in the administration of the Pension Bureau a good deal of elasticity has always been allowed in the matter of granting pensions under the act of June 27, 1890. I want to cite one illustration of what I have suggested. The Senator will observe, if he looks at the act, that widows were allowed pensions at the rate of $8 per month if they had no income outside of manual labor, but a very distinguished Democratic Commissioner of Pensions, General Black, thought that that was too restrictive, because it would in almost every case deny pensions to widows. So he issued an order, which became operative, and I think never was criticised, that a widow might have an income outside of manual labor to the amount of $250 per annum. Subsequent to that——

Mr. COCKRELL. Was it not $200?

Mr. GALLINGER. Two hundred and fifty dollars, according to General Black's order.

Mr. COCKRELL. I thought it was first $200; that it was afterwards changed to $250, and subsequently reduced to $100.

Mr. GALLINGER. It was $250, I think.

Mr. NELSON. It was $100 at one time.

Mr. GALLINGER. When I get through my statement, the Senator will observe that I was about to make that remark.

Subsequent to that time a Republican Commissioner of Pensions, Mr. Evans, reduced the amount to $100 per annum; but in neither case was there law for that order. It never was criticised, so far as I know. The Grand Army of the Republic took up the matter, contending that $100 per annum was too small an amount. They came to Congress and asked that we should enact a statute fixing the amount at $250, which we did; and now that amount is allowed by law.

But what I wanted to say was that in the administration of this law, which is somewhat peculiar, the Commissioner of Pensions has always felt that he had some latitude in determining the details. He has done certain things which, perhaps, might be criticised under strict law, but which, as a matter of fact, have always been allowed to go unchallenged.

In the present instance it is a fact that the principle has been recognized and has gone along unchallenged. It has simply been changed by the present Commissioner so far as ages are concerned, and it seems to me that any attack that is made upon his action in that respect will not be successful.

Mr. FORAKER. I think not.

But I was coming to a more complete answer to the Senator from Florida [Mr. MALLORY], who made a very pertinent inquiry in that respect as to why the age should be reduced, and I was trying to give some reasons why the Commissioner of Pensions might have done so. So I want to call attention to the act of Congress itself in respect to the Mexican veterans, where the age at which they should have the benefit of the pension law was fixed at 62 years. I have that statute before me. It was enacted January 29, 1887, and is entitled "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes." In a proviso following that I find this language:

Provided, That every such officer, enlisted man, or widow who is or may become 62 years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act.

Now, I call attention to the fact that that law enacted by Congress was wholly different from this order of the Commissioner of Pensions in this, that it was sufficient under that law for the soldier to show that he had reached the age of 62 years to entitle him absolutely to his pension, while under the order made by the Commissioner of Pensions the fact that he is 62 years of age is merely an "evidential fact." That is the same as making that fact sufficient to create a prima facie case. I may be going too far in giving it that effect, but certainly it is no more.

Mr. SPOONER. Mr. President, if the Senator will allow me a moment——

Mr. FORAKER. Certainly.

Mr. SPOONER. Upon what conceivable theory could Congress have fixed 62 years as the age, except upon the theory that a person who has served in the Army and arrived at that age would need a pension because of the disability of age?

Mr. FORAKER. It is arbitrary, of course, but it is based, as I tried to show a moment ago, on human experience, and this order of the Commissioner of Pensions is not only based upon human experience, as the act of Congress was, but the Commissioner of Pensions recites that it is based on the experience of the Pension Bureau, which is certainly wide enough and broad enough and extended enough to justify them in fixing a rating for a particular age.

Mr. SPOONER. While the act of Congress made the presumption of disability arising from age conclusive, under the order it is only evidential.

Mr. FORAKER. It is only evidential. The pensioner will have the benefit of that fact, and he shall be rated in accordance with it as prescribed by the Commissioner, provided everything else is proven in his favor, and not otherwise.

Therefore I repeat, as I said in commencing, that I do not see anything extraordinary in this order. On the contrary, I think it a wise and a proper order to be made, and I rejoice that it was made. I think the Secretary of the Interior, the Commissioner of Pensions, the President, and all who had to do therewith are entitled to credit instead of to criticism.

I ask that the order which has given rise to this debate may be inserted in the RECORD in connection with my remarks, so that we may have the benefit of it when we want to refer to it again.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and that order is made.

The order referred to is as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
March 15, 1904.

Order No. ——.

Whereas the act of June 27, 1890, as amended provides that a claimant shall "be entitled to receive a pension not exceeding $12 per month and not less than $6 per month proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown to be rated;" and

Whereas old age is an infirmity the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty; and

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll; and

Whereas thirty-nine years will have elapsed on April 13, 1904, since the civil war, and there are many survivors over 62 years of age:

Now, therefore,

Ordered, (1) In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact, if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor and is entitled to be rated at $6 per month; after 65 years, at $8 per month; after 68 years, at $10 per month, and after 70 years, at $12 per month.

(2) Allowance at higher rate, not exceeding $12 per month, will continue to be made as heretofore, where disabilities other than age show a condition of inability to perform manual labor.

(3) This order shall take effect April 13, 1904, and shall not be deemed retroactive. The former rules of the office fixing the minimum and maximum at 65 years and 75 years, respectively, are hereby modified as above.

E. F. WARE, *Commissioner of Pensions.*

Approved.

E. A. HITCHCOCK, *Secretary.*

Mr. ALLISON. I now ask, Mr. President——

Mr. CARMACK. Before the Senator from Iowa proceeds, I merely want to ask that this matter go over without losing its place.

The PRESIDENT pro tempore. The Chair understands the Senator desires the resolution to lie on the table subject to call?

Mr. CARMACK. Yes, sir.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order is made.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I ask that the unfinished business may be further temporarily laid aside and that the Senate proceed to the consideration of the District of Columbia appropriation bill.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business may be temporarily laid aside in order that the Senate proceed with the consideration of the District of Columbia appropriation bill. Is there objection? The Chair hears none.

The Senate, as Committee of the Whole, resumed the consideration of the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 68, line 20, before the word "thousand," to insert "and fifteen;" so as to make the clause read:

For continuing erection of a workhouse for males, $50,000; and the Commissioners of the District of Columbia are authorized to enter into contract for the whole work at a cost not to exceed $115,000.

The amendment was agreed to.

The next amendment was, on page 69, line 3, before the word "thousand," to insert "and twenty-five;" so as to make the clause read:

Toward the erection of a municipal almshouse, including water supply, heating, ventilating, and lighting apparatus, $50,000; and the total cost of said almshouse, including water supply, heating, ventilating, and lighting apparatus, under a contract or contracts, which are hereby authorized therefor, shall not exceed $125,000.

The amendment was agreed to.

The next amendment was, on page 69, after line 3, to insert:

For purchase and installation of laundry machinery, $3,750.

The amendment was agreed to.

The next amendment was, on page 70, line 19, to increase the appropriation for the salary of the superintendent of the Reform School for Girls from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, on page 70, line 22, to increase the appropriation for salaries of five teachers of industries from $420 each to $480.

The amendment was agreed to.

The next amendment was, on page 71, line 1, to increase the appropriation for the Reform School for Girls from $7,905 to $8,405.

The amendment was agreed to.

Mr. ALLISON. At the end of the appropriations for the Reform School, on page 71, line 9, I move to strike out the total, "$17,905," and insert "$18,405."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Medical charities," on page 71, after line 20, to insert:

For rent of hospital buildings and grounds, $4,000.

The amendment was agreed to.

The next amendment was, on page 72, line 3, to increase the total appropriation for the maintenance of the Freedmen's Hospital and Asylum from $50,000 to $54,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 7, to insert:

For minor repairs to the Columbia Hospital for Women and Lying-in Asylum, $5,000.

The amendment was agreed to.

The next amendment was, on page 72, line 12, before the word "thousand," to strike out "twelve" and insert "fifteen;" so as to make the clause read:

For the care and treatment of indigent patients, under a contract to be made with the Children's Hospital by the Board of Charities, not to exceed $15,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 17, to insert:

For the construction of the east wing of the National Homeopathic Hospital, under the direction of the Commissioners of the District, $25,000; and the total cost of said east wing, under a contract which is hereby authorized therefor, shall not exceed $50,000.

Mr. ALLISON. I wish to modify the amendment by striking out "east" and inserting "south" in line 18 and line 20 of the amendment; so as to read in each case "the south wing."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 73, line 6, to increase the appropriation for maintenance of the Washington Home for Incurables from $2,000 to $4,000.

The amendment was agreed to.

The next amendment was, under the subhead "Child-caring institutions," on page 73, line 14, to increase the appropriation for the expenses of the Board of Children's Guardians from $10,000 to $11,700.

The amendment was agreed to.

The next amendment was, on page 73, line 21, before the word "dollars," to insert "two hundred;" so as to make the clause read:

For board and care of all children committed to the guardianship of said Board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than $1,200 to institutions adjudged to be under sectarian control and not more than $300 for burial of children dying while under charge of the Board, $40,000.

The amendment was agreed to.

The next amendment was, on page 74, line 2, to increase the appropriation for the maintenance of the Board of Children's Guardians from $62,000 to $63,700.

The amendment was agreed to.

The next amendment was, on page 74, after line 2, to insert:

The Board of Children's Guardians is hereby directed to contract for the care and maintenance of sixty wards of the Board at the Hart Farm School at the rate of $200 per annum each, and for this purpose the sum of $12,000 is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 74, after line 7, to insert:

To enable the Commissioners of the District of Columbia to procure a plan or plans for a plain, substantial building or buildings for an industrial home school for colored children, to cost not to exceed $100,000 and to be located on the ground purchased for a municipal almshouse under the provisions of the District of Columbia appropriation act approved March 1, 1901, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Temporary homes," on page 75, line 12, to increase the appropriation for the maintenance of municipal lodging house and wood and stone yard, including rent, from $4,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 23, to insert:

For the Columbia Polytechnic Institute for the Blind, to be used for the instruction and employment of the indigent blind who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools, $2,500, to be expended under the direction of the Commissioners of the District.

The amendment was agreed to.

The next amendment was, on page 77, line 6, after the word "officer," to insert:

and shall perform their duties under the direction of the health officer in accordance with rules formulated by him and approved by the Commissioners.

So as to make the clause read:

Relief of the poor: For relief of the poor, including pay of physicians to the poor, who shall be appointed by the Commissioners of the District of Columbia on the recommendation of the health officer, and shall perform their duties under the direction of the health officer in accordance with rules formulated by him and approved by the Commissioners, $13,000.

The amendment was agreed to.

The next amendment was, under the head of "Militia of the District of Columbia," on page 77, line 14, after the words "commanding general," to insert:

who is hereby authorized and empowered to make necessary contracts and leases.

So as to make the clause read:

For the following, to be expended under the authority of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, and to be accounted for in like manner as the appropriations disbursed for pay of troops, namely, etc.

The amendment was agreed to.

The next amendment was, on page 78, line 2, to increase the appropriation for cleaning and repairing uniforms, arms and equipments, and contingent expenses from $750 to $1,250.

The amendment was agreed to.

Mr. NEWLANDS. Mr. President, I wish to offer an amendment, to come in on page 81, at the end of line 11.

The PRESIDENT pro tempore. Under the unanimous-consent agreement that is not in order. When the committee amendments are disposed of, the bill will still be open to amendment.

Mr. NEWLANDS. Very well.

The reading of the bill was concluded.

Mr. ALLISON. Mr. President, on Saturday the Committee of the Whole passed over several amendments beginning on page 60. I ask that they may be now considered.

Mr. STEWART. Those amendments relate to the health department?

Mr. ALLISON. They are under the health department. All the paragraphs were passed over beginning on page 60 down to and including line 22 on page 62.

The PRESIDENT pro tempore. The question is on the amendment on page 60, line 4, increasing the number of sanitary and food inspectors from six to thirteen.

Mr. STEWART. Of course the amendments of the committee have preference, but I should like to present an amendment right here, if the Senator from Iowa will allow me.

Mr. ALLISON. I hope the Senator will allow the committee amendments to be first considered.

Mr. STEWART. Then that disposes of the whole question.

Mr. ALLISON. Well, Mr. President, I have had an opportunity of looking at the amendment of the Senator from Nevada, and if he offers it I shall be obliged to make a point of order upon it that it is general legislation.

Mr. STEWART. Suppose I offer it as an amendment to your amendment. Will you make the point of order then? Will you allow a vote to be taken upon it?

Mr. ALLISON. I will consider that later, but I think not. Will the Senator allow me to offer the amendments which I intend to propose to the health department provisions and let the amendment now under consideration be passed over for the time being? I have some other amendments which I should like to offer.

Mr. STEWART. In regard to the health department?

Mr. ALLISON. The amendment now under consideration is the amendment of the committee, on page 60, line 4, increasing the number of sanitary and food inspectors from six to thirteen. I ask that that amendment may be passed over for the moment, until we have considered some other amendments which the committee would like to offer.

Mr. STEWART. Very well.

The PRESIDENT pro tempore. The amendment on page 60, line 4, will be passed over for the present.

Mr. ALLISON. On page 60, line 7, I move to strike out "one thousand eight hundred" and insert "two thousand."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, line 7, after the word "chemist," it is proposed to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

Sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $2,000.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, line 20, after the word "dollars," it is proposed to strike out—

seven sanitary and food inspectors, two of whom shall be veterinary surgeons, to assist in the enforcement of the milk and pure-food laws, and the regulations relating thereto, at $900 each.

And insert in lieu thereof the following:

Four sanitary and food inspectors, who shall be veterinary surgeons, at $1,200 each, and three sanitary and food inspectors at $900 each, to assist in the enforcement of the milk and pure-food laws, and the regulations relating thereto.

Mr. SPOONER obtained the floor.

Mr. STEWART. Mr. President——

Mr. SPOONER. Does the Senator want me to yield to him?

Mr. STEWART. Yes; before that amendment is acted upon.

Mr. SPOONER. If the Senator will pardon me for just a moment, I want to say that I have been looking somewhat into this matter of meat and food inspection, and I find that there are from 800 to a thousand places in the city where meat, oysters, and other foods are disposed of. There are but three inspectors to do the work of inspecting those places. It is absolutely impossible—and it needs no argument to establish the fact—that three inspectors should be able to do that work, and do it faithfully and systematically. I am informed that two additional inspectors are very much needed for that purpose. Has the Senator from Iowa any objection to providing for them?

Mr. ALLISON. I shall not object to the amendment suggested by the Senator from Wisconsin, but the adoption of his amendment would require the amendment of the committee to be amended on page 60, line 4, by inserting "fifteen" instead of "thirteen."

Mr. STEWART. Mr. President, I want to be heard.

Mr. SPOONER. Has the Senator any objection to my amendment?

Mr. STEWART. No.

Mr. SPOONER. The Senator's amendment would be a substitute for this, anyhow. Let this amendment be perfected before he offers his amendment. It will not take the place of it.

The PRESIDENT pro tempore. Does the Senator from Nevada propose to offer a substitute for this amendment?

Mr. SPOONER. Let us first perfect this amendment.

The PRESIDENT pro tempore. That is why the Chair asked the Senator from Nevada if he proposed a substitute.

Mr. STEWART. I propose to cover the ground there with an amendment that will make it coherent and have some significance.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] which has been read. Does the Senator from Wisconsin propose to amend that amendment?

Mr. SPOONER. No.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk, to come in after the word "dollars," in line 24, on page 60.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 60, at the end of line 24, after the word "dollars," it is proposed to insert:

Provided, That no officer or employee of the health department shall, during his continuance in office, serve in his private capacity for fee, gift, or reward any person licensed to keep or maintain a dairy or dairy farm in said District, or to bring or to send milk into said District, or any person who has applied or is about to apply for such license, or any manufacturer or dealer in foods, drugs, disinfectants, or similar materials.

Mr. STEWART. Whose amendment is that? Is that yours?

Mr. ALLISON. I offered the amendment.

Mr. STEWART. I object to it as being general legislation, and raise the point of order on it.

Mr. ALLISON. I understand it is a limitation on this appropriation, but if the Senator objects to it, and it is general legislation, I will modify it by saying that "no part of this appropriation shall be used by any"——

Mr. STEWART. I will modify mine in the same way.

Mr. ALLISON. I do not think it is general legislation as it stands. I think it is a limitation requiring these people to perform work for the Government only.

Mr. STEWART. I say this, that if the Senator gave notice he was going to object to mine as general legislation, his is equally so. I do not think it ought to be objected to on that ground. Something ought to go into this bill that will be effective this year and mitigate the now glaring evils.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. STEWART. That is good.

Mr. ALLISON. That is very good.

Mr. STEWART. Then he will overrule the point of order on my amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. STEWART. I do not want to have it so that I can not amend the provision.

The PRESIDENT pro tempore. Are there any further committee amendments?

Mr. ALLISON. Now I propose that we shall return to line 4, as I understand the Senator from Wisconsin wishes to move an amendment.

Mr. SPOONER. I move, in line 4, page 60, to strike out "thirteen" and to insert in lieu thereof "fifteen;" so as to read, "fifteen sanitary and food inspectors, at $1,200 each."

Mr. McCOMAS. Will the Senator allow an amendment to the amendment to make it "sixteen?"

Mr. ALLISON. I hope the Senator from Maryland will not insist upon amending it any further.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. I offer an amendment which will mitigate a great many of the evils under which we now labor. I propose to leave the health officer where he is and give him eight sanitary inspectors, to do with as he pleases.

I propose to give the useless deputy health officer some duties. It also does away with some officials who, I observe, have no duties that they understand. I send the amendment to the desk and ask that it be read.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nevada will be stated.

Mr. STEWART. I should like to have the attention of the chairman of the committee to the amendment. I do not think he has studied this amendment.

The SECRETARY. On page 60, line 5, after the word "dollars," it is proposed to strike out all down to and including the words "twenty dollars," in line 19, and to insert in lieu thereof the following:

Eight sanitary inspectors, at a salary of $1,000 each; deputy health officer, who shall be well versed in meats, game, poultry, and marine products, $2,000 per annum; five inspectors of meats, game, poultry, and marine products, $1,000 each per annum, who shall be under the immediate control of the deputy health officer, who may suspend any of them at pleasure and report the same to the Commissioners of the District of Columbia; one milk inspector, who shall be familiar with the milk business and have a knowledge of chemistry relating to dairy products, whose duty it shall be to prevent the sale in the District of Columbia of any milk or cream which is not pure and free from any foreign substance used as a preservative, and that the bottles and other vessels in which milk is sold shall be filled only at licensed dairies or dairy farms, and that no cream or milk is retailed in the District of Columbia except from such dairy or dairy farms; six veterinary surgeons, at $1,200 each per annum, who shall be under the control of the milk inspector, and whose duty it shall be to inspect all dairy farms and other places where milk or cream is produced for sale in the District of Columbia; eight dairy inspectors, under the control of the milk inspector, at $1,000 each per annum, whose duty it shall be to inspect all places in the District of Columbia from which milk or cream is sold, and also to inspect all milk and cream brought into the District of Columbia for sale; and the milk inspector shall have power to suspend any inspector under his control and report the same to the Commissioners of the District of Columbia; one practical chemist in the health department, at an annual salary of $2,000; seven clerks, at $1,000 each.

Mr. STEWART. The amendment does not increase the number of officers, but it utilizes those that are there. The deputy health officer has no assigned duties by law, and I doubt whether he is very useful. He is more ornamental than useful, the way he is situated there. Then we place under the health officer eight inspectors for the general work. Then there are five for meat, and the deputy health officer has to be familiar with that business. He ought to go into the field and attend to this business, and not mix this thing up and send a man here and a man there without any order. Then there is a milk inspector, whom they have now, but he attends to various things. Let him be a man who is familiar with the milk business and give it his attention and have control of the inspectors. Then it provides for six inspectors of milk. Several bills that have been prepared in the health office have adopted the same number; they are to inspect the places from which the milk is produced. They are to be veterinary surgeons. Some have proposed four or five, but I think six will find themselves busy all the time, because there are several hundred of these places. Then there are eight dairy inspectors in the District. They are to see that no milk is sold except from licensed dairies and licensed dairy farms. They can attend to that.

Now, in this District there are about 2,000 places where milk is sold and of which there is no inspection. I examined the health officer in regard to that. He said there were from three to five hundred. He did not know how many, but a good many hundred. He corrected himself afterwards and said he had investigated it and that there were over 2,000 places that were not dairies and did not come under the inspection under the law. This amendment requires the bottles to be filled in like dairies.

The amendment is condensed in a few words, so as to reach pretty much everything there is in the milk bill. It gives for meat inspectors five men. It gives fourteen to attend to the milk. It gives eight men to the health officer to attend to other matters, but meat and milk and fish, etc., are the most important things to be looked after. This gives an organization. I should like to have the bill read as amended by the committee. I want to make some comments on that, to show that it is inadequate to reach the difficulty. I have no pride of authorship about the matter, but I have worked on this subject a good while, and I want to see some progress made toward decent inspection, which we have not now. Will the Secretary read the bill as amended, commencing with the "health department?"

The PRESIDENT pro tempore. The health department, on page 60?

Mr. STEWART. Yes.

The PRESIDENT pro tempore. As amended?

Mr. STEWART. As amended by the committe. Then I want him to read it as I propose to amend it, so that the Senate can see the difference.

The Secretary read as follows:

HEALTH DEPARTMENT.

For health officer, $3,500; chief inspector and deputy health officer, $1,800; fifteen sanitary and food inspectors, at $1,200 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $2,000; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200; inspector of marine products, $1,200; chief clerk and deputy health officer, $2,200; clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; two clerks, at $1,000 each; clerk, $900; messenger and janitor, $600; pound master, $1,500; laborers, at not exceeding $40 per month, $1,920.

Mr. STEWART. The Secretary has now read far enough. Now read the amendment I have offered.

Mr. ALLISON. I think the whole provision had better be read.

Mr. STEWART. I do not care about taking it down any farther.

Mr. ALLISON. We have already amended it below that point.

Mr. STEWART. Well, read that, then.

The PRESIDENT pro tempore. The Secretary will read the remainder of the paragraph.

The Secretary read as follows:

Ambulance driver, $540; four sanitary and food inspectors, who shall be veterinary surgeons, at $1,200 each, and three sanitary and food inspectors, at

$900 each, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto; in all, $46,960: *Provided*, That no officer or employee of the health department shall, during his continuance in office, serve in his private capacity, for fee, gift, or reward, any person licensed to keep or maintain a dairy or dairy farm in said District or to bring or send milk into said District or any person who has applied or is about to apply for such license or any manufacturer or dealer in foods, drugs, disinfectants, or similar materials.

Mr. STEWART. Now I should like to ask the Secretary to read the paragraph as it would be if amended, commencing at page 60 with the health department.

The Secretary read as follows:

For health officer, $3,500; chief inspector and deputy health officer, $1,800——

Mr. STEWART. Now read that as I propose it shall be amended.

The PRESIDENT pro tempore. The Secretary has not quite reached the point in the reading where the amendment is to be inserted.

Mr. STEWART. Oh, yes; he has.

The PRESIDENT pro tempore. He will reach it in one second, if the Senator will wait.

Mr. STEWART. My amendment comes in immediately after the health officer.

The PRESIDENT pro tempore. As the Senator offered the amendment——

Mr. STEWART. I want to amend it by inserting in line 2, after the word "dollars," the amendment.

The PRESIDENT pro tempore. The Senator now offers his amendment at this point?

Mr. STEWART. Yes; in line 2, after the word "dollars." I was mistaken. I did not have the bill before me.

Mr. ALLISON. Where does the Senator have his amendment come in?

Mr. STEWART. In line 2, after the word "dollars."

The Secretary read as follows:

For health officer, $3,500; eight sanitary inspectors, at a salary of $1,000 each; deputy health officer, who shall be well versed in meats, game, poultry, and marine products, $2,000 per annum; five inspectors of meats, game, poultry, and marine products, $1,000 each per annum, who shall be under the immediate control of the deputy health officer, who may suspend any of them at pleasure and report the same to the Commissioners of the District of Columbia; one milk inspector, who shall be familiar with the milk business and have a knowledge of chemistry relating to dairy products, whose duty it shall be to prevent the sale in the District of Columbia of any milk or cream which is not pure and free from any foreign substance used as a preservative, and that the bottles and other vessels in which milk is sold shall be filled only at licensed dairies or dairy farms and that no cream or milk is retailed in the District of Columbia except from such dairy or dairy farms; six veterinary surgeons, at $1,300 each per annum, who shall be under the control of the milk inspector, and whose duty it shall be to inspect all dairy farms and other places where milk or cream is produced for sale in the District of Columbia; eight dairy inspectors, under the control of the milk inspector, at $1,000 each per annum, whose duty it shall be to inspect all places in the District of Columbia from which milk or cream is sold and also to inspect all milk and cream brought into the District of Columbia for sale, and the milk inspector shall have power to suspend any inspector under his control and report the same to the Commissioners of the District of Columbia; one practical chemist in the health department, at an annual salary of $2,000; seven clerks, at $1,000 each.

Mr. STEWART. Where does he stop? I want to strike out the whole paragraph down to and including the word "dollars" in line 24.

The PRESIDENT pro tempore. When the Senator offered the amendment——

Mr. STEWART. I did not have the bill before me.

The PRESIDENT pro tempore. It was to strike out down to and including the word "dollars" in line 19. Now the Senator proposes to strike out all of the paragraph down to the end of it?

Mr. STEWART. Yes. It will be observed that it is very much mixed and confused. For instance, it says:

Chief inspector and deputy health officer, $1,800.

I do not see any necessity for a deputy at all.

Mr. McCOMAS. Will the Senator allow me?

Mr. STEWART. I want to point out——

Mr. McCOMAS. It is on the point of the deputy health officer. Under the statute the deputy can do certain things when the health officer is not there, or during the thirty or sixty days, whatever time it is, when he takes his summer vacation. When he takes his little leave of absence there are two deputy health officers—Mr. McLean, the very efficient chief clerk, who is by law also——

Mr. STEWART. Let me go along and analyze it.

Mr. McCOMAS. You said there was no need for this officer.

Mr. STEWART. I do not think there is.

Mr. McCOMAS. I want to show that the law would fall if he were abolished.

Mr. STEWART. I do not think so.

Mr. McCOMAS. I will take occasion to show it later on.

Mr. STEWART. You can do it later on. Let me have a little time.

Six sanitary and food inspectors, at $1,200 each; sanitary and food inspector, who shall also inspect dairy products and shall be a practical chemist, $1,800.

That will be retained in the amendment.

Sanitary and food inspector, who shall be a veterinary surgeon, and act as inspector of live stock and dairy farms, $1,200.

There is no necessity for a veterinary surgeon in this office. They want to inspect the farms. There is no necessity of having one here at all. They want to be out inspecting the farms. They do not belong here, for the sick cows are not here to be examined.

Inspector of marine products, $1,200; chief clerk and deputy health officer, $2,200.

There is no necessity for it. I have made him the inspector of milk, and given him some direct duties.

Clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors——

Mr. MALLORY. Will the Senator permit me to ask him what bill he is reading from?

Mr. STEWART. The House bill.

Mr. MALLORY. I have it before me, and I do not seem to catch on.

Mr. STEWART. On page 60 you will see it.

Mr. MALLORY. I have it.

Mr. STEWART. Line 11—

Chief clerk and deputy health officer, $2,200.

By my amendment, I make him inspector of dairies and give him control of that subject, so that there shall be some order about it.

Clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each.

They may act in this way. It is all mixed up.

Mr. McCOMAS. Will the Senator allow me?

Mr. STEWART. Wait a moment.

Mr. McCOMAS. Very well.

Mr. STEWART. I want to see what this is. It is very much mixed. There is no definite duty assigned to any set of men.

Four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; two clerks, at $1,000 each; clerk, $900; messenger and janitor, $900; pound master, $1,500.

I intended to retain the pound master. I did not intend to cut that out.

Mr. SPOONER. Did you cut him out?

Mr. STEWART. Yes.

Mr. SPOONER. By mistake?

Mr. STEWART. Yes. Then come laborers. It goes right down, and is all mixed up. Now, you put in a lot more inspectors—seven sanitary and food inspectors, two of whom shall be veterinary surgeons. It is the most incongruous law I ever saw.

Mr. GALLINGER. If the Senator will permit me, in his amendment he has left out not only the pound master, but a messenger and janitor, and forty-eight laborers, who it seems are rather a necessary part of the Department.

Mr. STEWART. Yes, I desire to retain them. I will have to change that. I will have to let the amendment stop at line 19, and then make special amendments striking out the unnecessary ones to correct it. I think the chairman should think this over and study the application. There is one officer for one purpose and one for another. You do not know what the duties of these officers are, and anyone dealing with them does not know what the duties of any particular officer are. He may be a sanitary food inspector, a milk inspector, or he may be a milk inspector one day and something else the next day. There is nobody to whom to make reports. There is nobody overseeing this work. It is as loose as anything you ever saw. I will have to modify my amendment.

Mr. GALLINGER. Another important omission on the part of the Senator is that he has left out for the health department the ambulance driver.

Mr. STEWART. I did not intend to leave it out.

Mr. GALLINGER. I think the Senator would better put in that employee.

Mr. STEWART. Let that go down to line 19, and then let me amend this by striking out these supernumeraries below there. I will move to strike out, in line 20:

Seven sanitary and food inspectors, two of whom shall be veterinary surgeons, to assist in the enforcement of the milk and pure-food laws and the regulations relating thereto, at $900 each.

There is no use in having this mixed in. If I could take the amendment a moment, I would make the corrections.

Mr. McCOMAS. I wish to make a suggestion in aid of the Senator's idea. I am not expressing an opinion as to whether I can or can not vote for his amendment.

Mr. STEWART. You are going to vote for it.

Mr. McCOMAS. There are two deputy health officers. One is Mr. McLean, the chief clerk and deputy health officer, who does a very large part of the work, and the other is Doctor Fowler, who is the deputy health officer and chief inspector.

Now, the proposed amendment must be made to refer to one or the other of those officers before your language, if you will permit

me, is coherent and your system is coordinated. I suppose you desire to have it refer to the chief clerk and deputy health officer?

Mr. STEWART. Yes, sir.

Mr. McCOMAS. Therefore I suggest that the amendment should be applied to the chief clerk and deputy health officer.

Mr. ALLISON. While the Senator from Nevada is re-forming his amendment, on which I reserve the point of order, I wish to say, briefly, that this series of appropriations for the health office is in accordance with the law. I desire to put in the RECORD a statement of the duties of these various inspectors. I will not ask that it be read.

The statement referred to is as follows:

Memorandum relative to the food-inspection service operated as a part of the health department of the District of Columbia.

The report prepared by the health department in response to the Senate resolution of March 3, 1904, has reference only to that part of the food-inspection service specified in that resolution, viz, the inspection of meat, poultry, game, fish, and oysters imported into the District of Columbia in cold storage or refrigerator cars.

The organization of the food and drug inspection service as a whole is as follows:

1. Inspection of meats, poultry, game, fish, oysters, vegetables, and fruits.
2. Inspection of live stock intended for slaughter.
3. Inspection of foods and drugs requiring chemical analysis.
4. Inspection of milk: (*a*) Inspection of dairy farms. (*b*) Inspection of dairies.
5. Chemical laboratory.

1. Inspection of meats, poultry, game, fish, oysters, vegetables, and fruits.—Four inspectors are assigned to this duty. One, the inspector of marine products, is stationed at the wharves where fish, crabs, oysters, etc., are received, so that they may be inspected in bulk rather than after being scattered through the District. Such as pass inspection here, however, are subsequently inspected in the regular course of business in the places where they are offered for sale. At the wharves condemnations are made in large quantities, at times even entire cargoes having been disposed of in that manner because unfit for food. Incidental to the inspection of marine products proper, the inspector specially designated for the inspection of such products inspects watermelons, etc., which arrive by boat.

Three inspectors are charged specifically with the enforcement of the laws relating to the sale of unsound and unwholesome perishable foods, such as are enumerated above, and with the enforcement of the laws relating specifically to the cleanliness of the places where such articles are sold. These inspectors, as a part of their duty, inspect meat, poultry, game, etc., brought into the District in cold-storage or refrigerator cars, as was set forth in the report submitted to the Senate. Each inspector is assigned to a given part of the District, and is required to in pect as frequently as practicable all perishable food stuffs held or offered for sale in markets, stores, etc., and from hucksters' wagons within the territory assigned to him. He is required to determine whether the food inspected is or is not sound and wholesome, and if it be not, to see that it is disposed of in such manner as to make certain that it will not be sold for food, the present practice being to anoint it with kerosene. These inspectors must determine whether the premises where such materials are sold are clean and in good order, and if they are not, must see that suitable action is taken to remove the objectionable conditions. The number of places requiring inspection by these three inspectors is estimated at 842. This represents an average assignment of 281 establishments to each inspector, scattered among 14,000 buildings, located along 150 miles of highway, and in an area covering 2 square miles.

Some idea of the condemnations effected by these men is shown by the following statement of some of the more important condemnations made during the year ended June 30, 1903:

Beef	pounds..	16,497
Mutton	do....	7,375
Veal	do....	1,528
Pork	do....	5,781
Rabbits		1,770
Birds		1,096
Fish	bunches..	10,233
Crabs		361,000
Clams		137,700
Cabbage		18,582
Cantaloupes		14,177
Berries	quarts..	5,702
Cucumbers		1,377

2. Inspection of live stock for slaughter.—One inspector, a veterinary surgeon, is engaged daily in the inspection of live stock intended for slaughter. Animals are inspected both before and after slaughter and in proper cases are condemned.

During the year ended June 30, 1903, there were slaughtered under inspection 31,915 hogs, of which 18 were condemned; 7,575 cattle, of which 7 were condemned; 9,134 sheep, of which 16 were condemned, and 2,070 calves, with no condemnations.

3. Inspection of foods and drugs requiring chemical analyses.—Two inspectors, engaged primarily in the collection of samples of milk and in the inspection of dairies, collect from time to time samples of butter, lard, olive oil, flavoring extracts, baking powder, phenacetin, etc., and present them to the chemist for analysis. A special inspector is assigned to this work from time to time as circumstances indicate. These samples are analyzed as a part of the regular work of the chemical laboratory. During the year ended June 30, 1903, there were analyzed 47 samples of butter, 39 of lard, 5 of olive oil, 58 of flavoring extracts, 53 of cider, 15 of honey, 49 of ice cream, 3 of vinegar, 15 of ice, 134 of phenacetin, and 8 of formaldehyde. This was in addition to the analyses of samples of milk, which will be referred to later.

4. Inspection of milk.—This branch of the food-inspection service must be considered from the standpoint of the inspections of dairy farms and the inspection of dairies.

(*a*) *Inspection of dairy farms.*—Four men are engaged daily in the inspection of dairy farms. All are veterinary surgeons. They are required to visit the various dairy farms in the District of Colombia and in neighboring States, amounting in all to 957, and to determine whether they are properly equipped and maintained for the production of milk. Notices are served for the correction of insanitary conditions, and cattle are condemned as circumstances warrant. This work covers a very large territory. For instance, at Frederick, Md., about 57 miles away, there is gathered daily the milk from 31 farms, and at Purcellville, Va., 47 miles away, the milk from 22 farms, for shipment into the District. Notwithstanding the distances which these inspectors have to travel, the number of visits paid to dairy farms during the year ended June 30, 1903, was 3,389, representing a monthly average of about 280. The number of inspections between July 1, 1903, and February 1, 1904, representing, of course, the months when the roads are most passable, was 2,388, a monthly average of approximately 350.

(*b*) *Inspection of dairies.*—Two inspectors are engaged specially in the inspection of dairies and in the collection of samples of milk from dairies, stores, lunch rooms, milk wagons, and other places where milk is sold. The number of licensed dairies in the District is 94. The number of dairy farms operating wagons for the distribution of milk direct to consumers is 148. The stores, lunch rooms, etc., from which samples of milk have been collected by these inspectors during the past two years is about 2,000. The dairies are subject to special sanitary inspection. The stores, etc., represent merely places where samples of milk are purchased.

During the year ended June 30, 1903, there were collected and analyzed 6,090 samples of milk, 146 of cream, 16 of skimmed milk, and 3 of buttermilk.

5. Chemical laboratory.—The chemical laboratory is operated by a chemist and an inspector who acts as his assistant. In this laboratory are analyzed all samples of foods and drugs collected throughout the District, as well as samples of water coming from public and private wells within the District and from wells located on dairy farms in adjoining States from which milk is shipped into the District. Such chemical analyses as are required by the police department also are done in this laboratory. The total number of samples analyzed during the year ended June 30, 1903, was 7,006.

Mr. ALLISON. There are on the statute book several laws upon the subject of inspection and health in the District. Those laws have been carefully prepared. They are not ancient statutes. They are modern statutes, prepared under the guidance of the late Senator McMillan, who, as we all know, was the most cautious and careful legislator as respects these subjects we have had, except my friend the Senator from New Hampshire, who now presides over that committee. During all this period Senator McMillan had the aid of able men, including the Senator from New Hampshire, as respects these laws. One of them was passed in 1895 and another in 1898, making complete inspection provisions, health provisions, and sanitary provisions in this District.

Mr. KEAN. Does not the Senator from Iowa think it would be well to have them read?

Mr. ALLISON. These laws?

Mr. KEAN. These laws or some parts of them.

Mr. ALLISON. I do not think it necessary now. It may be necessary later in the debate. I regret to say that the report of the health officer for this year is not yet in print, I understand, but I have before me the report of 1902. I will give to the Senate a little indication of what these inspectors do. I should like to call attention to the report on page 51. This list is arranged alphabetically.

Table showing the number of nuisances reported in the District of Columbia during the fiscal year ended June 30, 1902, with reference to nature of nuisance and date of report.

Nature of nuisance.	1901.						1902.						Total.
	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May.	June.	
Alleys:													
Filthy	13	28	21	54	22	12	6	2	10	11	30	51	260
Need repair							1					1	2
Areas	1	10	5	2	4	1	5	1	7	6	4	7	53
Ashes	11	2			9		19	2	7	1	1	2	54
Cellars	32	27	17	12	8	6	7	10	16	16	27	20	198
Drainage, surface	27	34	18	33	18	19	13	17	39	18	29	40	305
Garbage	20	18	16	5	3				1	5	5	6	79
Hogpens			2	1						1	2	1	7
Houses:													
Filthy	6	7	2	6	11	5	7	6	13	13	13	7	90
Unfit for habitation	2			1		1	2		1	10	1		18
Slaughter					1			1		1			3
No privy	1	1		7	1	1		1	4	3	1	3	23
Lots:													
Filthy	13	5	4	17	18	15	8	2	33	9		14	138
Stagnant water	17	4	2	6	3			3	22		12	7	76
Manure	25	13	6	20	7	13	1	5	9	10	13	9	132
Miscellaneous	76	64	24	30	35	19	44	17	39	30	51	49	473
Ponds								1	1			1	3

Table showing the number of nuisances reported in the District of Columbia during the fiscal year ended June 30, 1902, etc.—Continued.

Nature of nuisance.	1901.						1902.						Total.
	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May.	June.	
Privies:													
Filthy	41	63	4	85	40	76	7		10	17	17	7	367
Unlawful	21	6	10	59	16	84	20	3	71	29	81	71	471
Full	89	137	76	300	139	72	149	53	54	109	152	160	1,490
Leaky boxes	2	14	15	16	4	5			10	3	19	20	108
No permit							116	163	30	30	85	10	434
Roofs, leaky	4	1		18	1	13	6	14	20	10	3	6	96
Sewers	88	70	63	90	102	76	93	54	62	112	131	93	1,034
Sewers, connections	41	22	15	34	29	27	13	18	6	9	24	42	280
Stables	11	9	2	1	4	3		1	2	3	7	10	53
Traps, sewer		1	1	6	1	2		1			1		13
Yards	151	207	115	463	366	211	297	79	342	461	616	340	3,648
Vaults, privy									1		1		2
Water-closets	85	116	65	169	119	80	139	93	124	173	188	154	1,510
Wharves			1										1
Weeds	828	388	276	70						1	11	48	1,122
Wells									1				1
Total	1,106	1,247	760	1,505	958	744	953	547	935	1,090	1,525	1,179	12,555

Then, on the next page, I see another long list to which I will not call attention in detail, showing the amount of food supplies condemned during the year:

Beef, mutton, veal, pork, bacon, sausage, chickens, turkeys, ducks, rabbits, squirrels—

Running down to rhubarb and butter. All these inspections are provided for in this paragraph. Now, the Senator from Nevada, as I understand him, has turned this whole paragraph over to milk inspection.

Mr. STEWART. I beg pardon.

Mr. ALLISON. To meat and milk inspection.

Mr. STEWART. I beg pardon; I submit that the amendment would entirely change the powers and duties of the health officer in this District as to inspectors.

Mr. GALLINGER. Mr. President, the Senator from Iowa did me the honor to suggest that in conjunction with the late chairman of the Committee on the District of Columbia this legislation had been enacted. I happened to be intimately connected with it, and we thought we were giving the District sound laws which would result in benefiting the health of the people. I think now that the laws as a whole are very good laws.

I was not present in the Senate on Saturday last when this subject was under debate. Some two or three things I have been attracted to in reading the proceedings. One was that the Senator from Connecticut [Mr. PLATT] inquired whether or not the Committee on the District of Columbia was entirely guided in their action by the Commissioners of the District of Columbia. I will say, Mr. President, that we always consult the District Commissioners in matters of legislation, and after they have made their recommendations the committee act upon their own volition and report laws that in their judgment they think are sound.

There is one matter which I think was misunderstood, and I think even the Senator from Nevada would want to have it set right, and that was the report made in response to the Senate resolution of March 3, 1904, in reference to the inspection of meat. In the debate it was made to appear that that was all the inspection there is as to meats in this District. As a matter of fact, that Senate resolution simply called for the inspection of meats in cold storage, and it did not relate at all to the inspection of meats or other articles of food that were not brought into the District of Columbia in cold storage.

In justice to those inspectors it is but right that I should state what will be found in the paper the Senator from Iowa submitted, that during the fiscal year ending June 30, 1903, these inspectors condemned 16,497 pounds of beef, 7,375 pounds of mutton, 1,528 pounds of veal, 5,781 pounds of pork, 1,770 rabbits, 1,096 birds, 10,293 bunches of fish, 361,000 crabs, 137,700 clams, 18,582 cabbages, 14,177 cantaloupes, 5,762 quarts of berries, 1,377 cucumbers, etc.

So in this debate it ought to be understood that the response to the Senate resolution simply covered meats in cold storage, and that these officials have been doing a work outside that, according to the statement I have just made, has been of great advantage to the people of the District of Columbia.

I will say that for myself I will be sorry if in the District of Columbia appropriation bill we undertake to legislate for the milk supply to the District of Columbia, including all the necessary details. The Senator from Nevada knows that in the Committee on the District of Columbia this matter has been largely placed in his charge. He reported a bill that passed this body with certain amendments, to which I think he agreed. It has gone to the other House, and is there under consideration.

I think the Senator from Nevada complains of certain matters which are going on there. I do not know anything about them, but I think this matter of milk inspection (and the Senator from Nevada, according to my judgment, is pretty nearly right about it) we ought to provide for in a separate bill, and that the Senator ought to make his fight along those lines. That is my conviction.

So far as the health officer is concerned, I think he is a very competent and, I have reason to believe, a conscientious official. I think he is overworked. He is young, vigorous, energetic, ambitious, and I think he has taken upon his shoulders more work than any one man ought to have in the matter of inspection and the control of officials under his charge. But that matter can be adjusted in due time.

As I before said, I really trust that we will not turn the District of Columbia appropriation bill into a bill to regulate the production and sale of milk in the District of Columbia, encumbered as it must necessarily be with all the details necessary to carry out an act of that kind.

Mr. STEWART. Mr. President, the Senator from New Hampshire says that I must fight it out in the House. The bill that was prepared with his assent was unanimously reported here, and that it would have done a great deal to help this situation all admit. As far as I have heard from the health department, it was satisfactory to them. The health officer went before the committee there. I was there explaining it, and I was informed that it was referred back to him; and instead of amending that bill he produces another bill and it was introduced in the House. It includes the same provisions that are in the bill that passed the Senate and a good many other matters that are not acceptable.

Now, this is not legislation on this appropriation bill; it is only defining the duties of the these officers. The Senator from Iowa has been defining the duties. This purpose here is simply to define the duties.

Some things were left out in the amendment which I offered and I want to state the additions I have made to it. It provides for eight sanitary inspectors at a salary of $1,000 each. Those are under the health officer and he can go on with inspection with those; he can do what he pleases with them. Then the deputy health officer has special duties assigned to him, but he can still act as deputy health officer under existing law. It does not interfere with him at all. My friend from Maryland [Mr. MCCOMAS] was mistaken about that. It does not interfere with his position, but it gives him special duties.

Deputy health officer, who shall be well versed in meats, game, poultry, and marine products, $2,000 per annum.

Five inspectors of meats, game, poultry, and marine products, $1,000 each per annum—

I do not know whether that is enough—

who shall be under the immediate control of the deputy health officer, who may suspend any of them at pleasure and report the same to the Commissioners of the District of Columbia.

That does not add anything more, but simply defines the duties of the deputy health officer and makes it specific and makes somebody responsible. What I complain about in all this work here is changing from one to the other and want of organization.

One milk inspector, who shall be familiar with the milk business and have a knowledge of chemistry relating to dairy products, whose duty it shall be to prevent the sale in the District of Columbia of any milk or cream—

Now, look at his duties here—

to prevent the sale in the District of Columbia of any milk or cream which is not pure and free from any foreign substance used as a preservative, and that the bottles and other vessels in which milk is sold shall be filled only at licensed dairies or dairy farms, and that no cream or milk is retailed in the District of Columbia except from such dairy or dairy farms.

The trouble is that under the provisions here you will not get

anything done in the coming year, which is a most glaring defect in the present law. None of them can be inspected under the present law unless they are dairies, and the court decides that none are dairies unless the dairying is the principal business; and the health officer tells us that there are 2,000 of those.

That whole thing is now a failure if you let them sell at those places. All these inspectors are useless if they can not reach and control these places. This amendment simply says that it shall be his duty to see that the milk comes from a dairy regularly licensed or a dairy farm.

Six veterinary surgeons, at $1,300 each per annum, who shall be under the control of the milk inspector and whose duty it shall be to inspect all dairy farms and other places where milk or cream is produced for sale in the District of Columbia.

Eight dairy inspectors—

They are provided for here—

Eight dairy inspectors, under the control of the milk inspector, at $1,000 each per annum, whose duty it shall be to inspect all places in the District of Columbia from which milk or cream is sold, and also to inspect all milk and cream brought into the District of Columbia for sale.

This simply makes it definite. This is assigning a definite duty and fixing the number, and it also cures a vital defect in the law by providing that milk can not be sold anywhere without inspection. There are 2,000 of those places now: and what is the use of talking about having a good administration when it is admitted that at those 2,000 places there can not be inspection? His first estimate was over 500, and then afterwards he got the matter looked up here and stated that there are over 2,000. It is the duty of this milk inspector to see that milk is not sold at any place except from a licensed dairy or dairy farm.

My amendment also provides for a practical chemist in the health department at an annual salary of $2,000. That we have now, and that is not changed. Then there are seven clerks provided for at $1,000 each, and I put them all under one head.

Seven clerks, at $1,000 each.

Then I had omitted the following clause, which I have added:

Messenger and janitor, $600; pound master, $1,500; laborers, at not exceeding $40 per month, $1,920; ambulance driver, $540.

I had overlooked those items, and I add those, making it a complete section. It is no longer than the other provision, and it does not legislate further than to provide what their duties shall be. There ought to be a head of the milk department and a head of the inspection of meats and fish. There are three departments. Those are separate matters, and they are the most important. Then there is all the matter of garbage directly under the health officer. There will be as many inspectors for that purpose as they now have, and it is not going to interfere with anything that exists. It is no elaboration of the milk bill. It is especially directing the deputy health officer and the meat inspectors, defining their duties more particularly, and then putting all the clerks under one head.

I offer this amendment, with the provision attached to it as I read, as a substitute for the entire paragraph, to come in after the second line on page 60.

The PRESIDENT pro tempore. And to end where?

Mr. STEWART. At the end of the paragraph. I have not given the total there. That will have to be added.

Mr. ALLISON. Mr. President, I am constrained to make the point of order upon the amendment that it is general legislation. It gives to subordinate officers in the health department powers which are now given to the health officer by law. He is at the head of the health department of the government of the District of Columbia. The Senator from Nevada proposes to place all the duties and the responsibilities respecting them upon a deputy.

Mr. STEWART. I beg your pardon; that is not the amendment. The amendment simply makes it the special duty of the deputy health officer to attend to the inspection of meats. It makes it the special duty of the chief inspector to attend to milk. It is all under the health officer the same. It is all under the general provision of law. We do not take any power away, but assign the duties to these officers. The amendment the Senator has already put in defines the duties of the several officers. That can be done in an appropriation bill as well as anything else. It only systematizes it and defines the duties of these heads of departments, so to speak, the health officer, the deputy health officer, and chief inspector. It is all under the control of the health officer; and the deputy health officer has meats under his control. Somebody must look after that directly, and if anything happens people will know to whom to go. They will know who has charge of that business.

In the milk department, if an inspector does wrong, levies blackmail, makes false charges, or does anything of that kind, they do not know to whom to go to make a complaint. They will see that the chief inspector is the man who is attending to this business, and that they can go to him. Of course, there is a bill here making provision as to the health officer and the Commissioners of the District, but this systematizes the work so that I believe something can be done. Otherwise I do not know that they will be able to do more than they are now doing.

The PRESIDENT pro tempore. The Chair understands the Senator from Iowa to say that the provisions of this clause are in pursuance of existing law.

Mr. ALLISON. Every provision, so far as I know, is in pursuance of statutes, especially the statute which provides for a health officer and giving him control of the sanitary situation in this District. He is the responsible officer under the Commissioners. They are all subject to orders, of course.

The PRESIDENT pro tempore. And the Senator says the amendment offered by the Senator from Nevada is not in pursuance of the statute.

Mr. ALLISON. The amendment of the Senator from Nevada places responsibility and control in subordinate officers who are now under the control of the health officer himself.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. STEWART. That is the end of it, then.

Mr. PROCTOR. Mr. President, I rise to a privileged question.

The PRESIDENT pro tempore. The Chair wants to call attention to the fact that there are other amendments of the committee on the same page.

Mr. ALLISON. There are other amendments on the same page.

ARMY APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10370) making appropriations for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 6, 7, 9, 10, 11, 12, 19, 20, 21, 24, 34, 35, 38, 42, 47, 54, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 8, 13, 17, 18, 26, 28, 30, 31, 32, 33, 36, 37, 39, 41, 44, 45, 46, 48, 53, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 74, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 6, line 14, of the bill strike the word "fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "eighty-one thousand and six hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the following: "the Adjutant-General's section and the Record and Pension section of;" and in line 31 of said amendment, before the word "military," insert the word "the;" and after the word "brigadier-general," in line 34 of said amendment, insert the following:

"*Provided further*, That when the office of military secretary, with the rank of major general, shall hereafter become vacant it shall not be filled with said rank, and thereafter the chief of the military secretary's department shall have the rank of a brigadier-general with the title of the military secretary, and there shall be only one officer above the rank of colonel in the said department."

And in line 42 of said amendment strike out the words "adjutant-general" and insert in lieu thereof the following:

"Military secretary: *Provided further*, That the chief of the military secretary's department shall be a member of the board of commissioners of the United States Soldiers' Home,"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Of the matter inserted by said amendment strike out the words "seventy-six thousand two hundred" and insert in lieu thereof the following: "forty-five thousand eight hundred."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: After the word "audit," in line 14 of said amendment, insert the following: "and the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General of such paymasters' clerks, now authorized by law, as may be necessary for that purpose;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: After the word inserted by said amendment insert a comma; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: ": *Provided*, That of the appropriation for construction and repair of hospitals not more than $40,000 shall be used for the enlargement or construction of a hospital at any one post;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Of the matter inserted by said amendment strike out the word "thirty-nine" and insert in lieu thereof the word "forty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "direct that the same;" and in the same line, after the word "presented," insert the following: "by direction of the President and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: After the word "accounts," in line 14 of said amendment, strike out all of the matter inserted by said amendment; and the Senate agree to the same.

Your conferees report a disagreement on the following amendments: Nos. 16, 22, 23, 25, 29, 49, 50, and 51.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

Mr. TELLER. I wish to ask the Senator from Vermont what became of the amendment of the Senate conferring additional rank upon officers going on the retired list?

Mr. PROCTOR. That was disagreed to. I propose, if the report is agreed to, to ask for a further conference on the items still in disagreement.

Mr. TELLER. That is still in dispute?

Mr. PROCTOR. It is still in dispute.

Mr. PLATT of Connecticut. What items are still in dispute?

Mr. PROCTOR. The items still in dispute are No. 16, the increase of enlisted men of the Signal Corps; Nos. 22 and 23, which is a slight increase—only five—of the clerks for the Bureau of Military Information; No. 25 is the pay of those clerks, a mere matter of arithmetic; No. 29 is the amendment the Senator referred to, an advanced grade to retired officers and detail of retired officers. Both those, I might say, are one amendment. I think the provision for detail would be readily agreed to, but as they are in one amendment the whole provision was put into disagreement. No. 49 is the Alaskan wagon trail; No. 50 is the Alaskan trail, which is provided for, and No. 51 is the provision for the Spokane River bridge.

Mr. BAILEY. I should like to ask the Senator from Vermont what became of the amendment which I understand was adopted in the Senate increasing the number of the Engineer Corps?

Mr. PROCTOR. That the House conferees agreed to. The Senate amendment is agreed to.

Mr. SPOONER. I should like to ask the Senator what was done with the Porto Rican proposition?

Mr. PROCTOR. The three-battalion provision that we inserted we receded from, but the House conferees agreed to the balance of the amendment, which provides for a complete organization and for two battalions, and, just as we had it, the examination of the present officers and their provisional appointment for four years.

Mr. SPOONER. Then it is as it was when it passed the Senate, except that the extra battalion is omitted?

Mr. PROCTOR. It is exactly as it passed the Senate, except that the additional battalion put on by the Senate has been dropped.

Mr. SPOONER. I noticed that the Secretary read a provision in regard to the Chief of the Military Secretary's Department being a member of the Board of Commissioners of the Soldiers' Home.

Mr. PROCTOR. Under the law for a long time the Adjutant-General and other aids of the Staff Corps of the Department have been governors, and in changing the title of the Adjutant-General to Military Secretary we merely give the Military Secretary what the Adjutant-General always had.

Mr. SPOONER. It does not increase the number.

Mr. PROCTOR. It does not increase the number. It is merely a transfer of the authority of the Military Secretary.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. PROCTOR. I move that the Senate further insist on the amendments in disagreement and ask for a further conference with the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate at the further conference, and Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12833) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

Mr. ALLISON. On page 60, line 24, in the appropriations for the health department, I move to correct the total so as to read "$50,760."

The amendment was agreed to.

Mr. STEWART. Before that matter passes away I should like to remark that there are now over 2,000 places in this District where no inspection of milk can be had under existing law, and the filling of bottles in wagons in the early morning has not yet stopped. There is no machinery for stopping it. These evils are still existing. It is said I must fight it out in the other House. I am not in the habit of going to the other House, although I did go before the committee there to explain the matter to them. The health officer of the District of Columbia had the bill referred back to him and another was introduced, so I am afraid we shall hear no more of the matter.

My object is to inquire of the chairman of the committee if he has such an amendment, and if the matter has been so amended as to give the necessary jurisdiction so as to remedy the glaring evil of having 2,000 places selling milk that can not be inspected at all. I think they have got jurisdiction now, if they want to exercise it.

Mr. ALLISON. Under existing law the Commissioners of the District of Columbia have full power to make rules and regulations for adequate inspection in this District. We have now added, under the amendment of the Senator from Wisconsin [Mr. SPOONER], two additional inspectors. We have introduced other provisions here which, I think, will make inspection more effective; but whatever the defects are, they can be remedied by means of rules and regulations adopted by the Commissioners, if there is force enough provided for in this bill to enable the department to discharge the duty. If the Senator thinks there is not, and if he will offer any further amendment, I shall be glad to aid him.

Mr. STEWART. The attention of the Commissioners has been repeatedly called to the fact that those 2,000 places could not be inspected. I have agitated the matter for years before them and before the health office, and they have made no regulations regarding such inspection. I think they are under the impression that they can not do so, the courts having decided that a dairy is a place where the selling of milk is the principal business, and the Commissioners by their conduct have decided that they can not reach these other places. So this obnoxious practice is still going on.

I have done my duty to the full extent. If the people must submit to having bad milk for the want of proper laws and regulations, I can not help it. But I undertake to say that there has been practically no inspection of milk in this District under the administration of the health officer for the District of Columbia simply because it is said the matter can not be reached. Of course if there are three or four hundred places which they can not reach, they can not reach the 2,000. If they can not make the inspection, it must be from a defective administration. I have done my duty, and if the people of this city are poisoned by bad milk for the want of proper regulations it is not my fault.

The PRESIDENT pro tempore. The next amendment which was passed over will be stated.

The next amendment of the Committee on Appropriations which had been passed over was, on page 61, line 16, after the word "harness," to insert "and for rent of stable, and rent and maintenance of quarantine station;" so as to make the clause read:

For the enforcement of the provisions of the act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December 20, 1890, and the act to prevent the spread of contagious diseases in the District of Columbia, approved March 3, 1897, and for investigating the causes of cases of typhoid fever reported to the health department under the provisions of an act to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District, approved February 4, 1902, under the direction of the health officer of said District, including purchase and maintenance of necessary horses, wagons, and harness, and for rent of stable, and rent and maintenance of quarantine station, $25,000.

The amendment was agreed to.

The next amendment was, on page 61, line 20, after the word "harness," to insert "and rent of stable;" so as to make the clause read:

For maintaining the disinfecting service, including purchase and maintenance of necessary horses, wagons, and harness, and rent of stable, $5,000.

The amendment was agreed to.

The next amendment was, on page 62, line 17, to increase the appropriation for the necessary traveling expenses of sanitary and food inspectors while traveling outside of the District for the purpose of inspecting dairy farms, etc., from $1,200 to $1,500.

The amendment was agreed to.

Mr. SPOONER. Just a word, Mr. President. I expressed the opinion in the discussion on Saturday last that the health department inspectors should be appointed after passing civil-service examinations. I have learned since then that the Commissioners of the District of Columbia sought to have civil-service examinations applied to employees and officials of the District of Columbia, but that the Supreme Court of the United States decided that the government of the District of Columbia is not a department of the National Government, and the Attorney-General gave the opinion, which I think was correctly given under the law, that it therefore was not competent for the President by order to embrace these officials in the classified service.

After that became established, the Commissioners sought the enactment, so far as their recommendation was concerned, of a law by Congress putting these officials under the civil-service reg-

ulations. There was one such bill pending this year, and I think the Senator from Nevada [Mr. STEWART] reported it adversely from the committee, although the Commissioners recommended it.

Mr. STEWART. Yes.

Mr. SPOONER. What I mainly wished to say, and what I thought was only just to the Commissioners to say, was that I am informed by them that within the last year or year and a half, appreciating the importance of a very careful and critical examination of these inspectors with reference to their appointments, they have, by courtesy of the Civil Service Commission, had the benefit of their assistance in these examinations. So that practically all the health department inspectors——

Mr. ALLISON. And the veterinary surgeons——

Mr. SPOONER. And the veterinary surgeons are examined, so far as they are examined, under the rules of the Civil Service Commission.

Mr. STEWART. I will make one more appeal to the Senator from Iowa in regard to making the point of order against the amendment which I will offer at the end of the paragraph. I propose to offer this amendment, to come in at the close of the paragraph on page 60:

Every place where milk is sold shall be deemed a dairy under the law for purposes of inspection.

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to go back to page 4, to offer an amendment.

The PRESIDENT pro tempore. The amendment will be received, in the absence of objection.

Mr. ALLISON. On page 4, after line 18, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, after line 18, it is proposed to insert:

Provided, That the personal taxes for the fiscal year 1903 levied against certain tapestries which were presented to the late Lieut. Gen. Philip H. Sheridan for gallant and meritorious services, and which are on exhibition in the National Museum, be canceled, and that no personal taxes be levied against said tapestries so long as they are exhibited in said museum.

The amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk, to come in on page 81, after line 11.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 81, after line 11, it is proposed to insert:

And for the purpose of ascertaining the wasteful use of Potomac water by private consumers, by meter or otherwise, $5,000; and the District Commissioners are authorized to prescribe penalties for such wasteful use.

Mr. ALLISON. I hope the Senator from Nevada will not propose that amendment at this time. The amendment is to provide for meters to be applied to private consumers. I do not think we ought to enter upon such a scheme until we get our new water system. It is a proper thing, it seems to me, to ascertain how much water the General Government here uses, but I hope the Senator will allow that to go over to another year.

Mr. NEWLANDS. Mr. President, I simply wish to say this regarding the amendment: The Government of the United States and the District of Columbia together have gone to a large expenditure in furnishing a very ample quantity of water for the District of Columbia. Every little while an additional appropriation is made for the purpose of enlarging this supply, and it is only of late years that any appropriation has been made for the purpose of purifying and cleaning the existing supply. I see that the officer in charge of these works recommends a survey for the purpose of increasing the supply. That, of course, means in the end a very large capital expenditure for the District of Columbia.

The existing supply of the District of Columbia per capita is larger than that of any city in the world. The city of San Francisco, a city of 100,000 more people than Washington, consumes, I believe, about 20,000,000 gallons less per diem than Washington.

Mr. KEAN. May I ask the Senator from Nevada what is the amount of water consumed per diem in Washington?

Mr. NEWLANDS. The consumption per diem here is over 50,000,000 gallons, approximating 200 gallons for each inhabitant per diem. I believe the per diem consumption of water in New York is something over 100 gallons per capita per diem. This indicates that there has been in the District of Columbia a very wasteful use of water. No one complains of a liberal use of water; but complaint should be made of the waste of water which accomplishes no purpose whatever. The large and excessive use of water does not effectively accomplish the purpose of cleansing the sewers, for that can be better done by a limited supply of water, by banking the water up, and then letting it rush through the pipes and pour through the sewers, rather than by supplying a larger quantity and letting it gradually and continuously pass through the sewers. So that it does not serve the purpose as efficaciously as a system of banking up the water and allowing it to rush through with momentum. A smaller quantity of water can be made more effective in that way.

I have had some experience regarding this matter in the city of San Francisco. There a very large capital expenditure of four or five million dollars was contemplated for the purpose of enlarging the supply. It was concluded before doing that to ascertain whether there was not a waste of water, so the meter sy tem was introduced, not generally for the purpose of measuring to each consumer the water which he used, but simply for the purpose of applying meters here and there where waste was suspected for the purpose of checking such waste. The result was that such a waste of water was found and such waste was so checked as to postpone that capital expenditure for many years.

We have before us, then, a large capital expenditure intended to meet the demand of Washington for water in excess of its real needs, and we have, in addition to that, a constant operating expense in cleansing the water that is not beneficially used. We have not only the capital expense of supplying water not needed, but we also have the operating expense of cleansing it.

We are now expending about three and a half million dollars for the purpose of filtering this water, and if we very largely increase the supply we will probably have to go to an additional expense of many million dollars for the purpose of filtering the additional supply, for all the water that passes through Washington must be filtered. You can not distinguish between that which is used for drinking and that which is used for other purposes, because the same pipe carries the water that is used for all these purposes. The result is that in Washington you will be compelled to go to the expense of filtering nearly twice as much water as can be beneficially used in Washington.

My amendment has not in view at all the limiting of the beneficial use of water in the District; it has not in contemplation the parsimonious use of water. It simply has in contemplation the checking of the waste of water, doubtless unintentional, that accomplishes no good and no purpose whatever. My amendment simply asks for $5,000, to be expended by the District Commissioners in discovering the waste and in checking it. It also provides that they shall prescribe penalties for the waste of water.

The purpose is not to compel the people who are found to be wasting water to pay for the water which they waste, but to adopt such precautions as will make them check this waste.

This bill as it passed the House appropriated $3,000 for ascertaining, by meter or otherwise, the amount of water used by the Government; but I insist upon it that the Government is not the only wasteful user. I believe that you will find after inquiry that the waste of water on the part of private consumers in the District of Columbia far surpasses the waste of the Government itself; and if we are going to make an inquiry as to waste of water by the Government I do not see why we should not at the same time make an inquiry as to the waste of water by private consumers.

I will state to the Senator from Iowa that I should like to have this amendment inserted in the bill, so that the committee of conference can take up the whole matter and shape it according to their wisdom. If they feel that this provision should go out, I am sure I shall have no objection; but it strikes me that it is a matter of importance and that we should insert here the addition to the provision inserted by the House, which will cover the whole matter comprehensively and at the very small additional expense of only $5,000. That additional expense may save the District three or four million dollars in capital expenditure and many hundreds of thousands of dollars in the expense of filtration.

Mr. GALLINGER. Mr. President, I recognize the importance of the subject. There is beyond doubt a considerable waste of water in the District of Columbia, and I think that in some proper way it ought to be provided against. I do not really think, however, that an appropriation bill is the proper place for such legislation, and so I make the point of order against the amendment.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. HANSBROUGH. I desire to offer an amendment, to come in between lines 23 and 24, on page 24; but before doing so I will state to the Senator from Iowa who has the bill in charge that the amendment I propose to offer provides for the extension of School street, which is partly built into the center of the block and stops there.

The children who are obliged to go to the school there—all those living south and west, and, indeed, all those living east of the school—are compelled to go around a very large block to get into School street. It is simply a cul-de-sac lying up against private property and having no outlet whatever.

This amendment provides for the extension of School street through to Kenesaw avenue. I think perhaps the Senator is familiar with it, as the matter was before his committee. I will say that the District Commissioners have eventually reported favorably on this proposition, providing the necessary money is forthcoming, etc.

Mr. ALLISON. The Senator was very happy in his suggestion

that the District Commissioners have "eventually reported" in favor of the proposition. There is a great contest about School street and how it should be improved. I understand that this matter is pending in the Committee on the District of Columbia.

Mr. HANSBROUGH. No; I will say to the Senator that it is not now pending there. The District of Columbia Committee have reported this amendment favorably.

Mr. ALLISON. They have reported it favorably?

Mr. HANSBROUGH. They have authorized me to report it.

Mr. ALLISON. The Committee on Appropriations considered it very fully, and decided that until we knew exactly how to open up this street we would not make it a part of this bill. The item is not estimated for, and therefore I must make the point of order against the amendment of my friend that it is not in order.

The PRESIDENT pro tempore. The amendment has not been offered as yet.

Mr. HANSBROUGH. The amendment is quite lengthy, and I thought I would explain it before it was read.

Mr. ALLISON. It requires the condemnation of property and considerable legislation. I think the Senator had better not press it at this session.

Mr. HANSBROUGH. Of course, if the Senator would make the point of order against the amendment, I feel compelled to withhold it for the present.

Mr. ALLISON. I think that is better.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk, to come in on page 42, at the end of line 9.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 42, after line 9, it is proposed to insert:

That the Engineer Commissioner of the District of Columbia, the engineer in charge of public buildings and grounds, the Secretary of the Smithsonian Institution, the Supervising Architect of the Treasury, the Superintendent of the Congressional Library, and the Superintendent of the Capitol shall constitute a park commission, which shall have general control of the plans for the park system and public grounds of the District of Columbia; but nothing herein contained shall affect the actual administration of such parks or grounds now existing. Such commission shall make recommendations to Congress regarding such park system, and the sum of $3,000 is appropriated for the expenses of such commission, of which report shall be made to Congress.

Mr. NEWLANDS. Mr. President, I will say in explanation of that amendment that under existing conditions the parks and public grounds of the District of Columbia are under the control of four or five different officials. The Engineer Commissioner has the control of the National Park, which commences beyond the Zoological Park and extends to the District line; the Secretary of the Smithsonian Institution has the control of the Zoological Park; the Commissioner of Public Buildings and Grounds has the control of the Mall; the Superintendent of the Capitol has control of the grounds immediately around the Capitol, and the Superintendent of the Congressional Library has control of the grounds around the Congressional Library. The result of all this is——

Mr. COCKRELL. Who has control of the various parks throughout the city?

Mr. NEWLANDS. The engineer officer in charge of public buildings and grounds has charge of all the public spaces, I believe, in the District.

The result is that there is no cooperation or harmony of action between these officials regarding the park system of Washington. Each park is, I have no doubt, well conducted, but it is not conducted as a part of a general system. I think it is apparent to everybody that in the end all these parks will be connected by parkways, and it is of the highest importance that there should be some general plan for the park development of the District and for harmony and cooperation of action between the officials who are in charge of these various public parks and grounds.

It has been proposed frequently that we should have in the District of Columbia a park commission composed of citizens of prominence, but it seemed to me in framing this amendment, as all of the officials referred to in the amendment are men of ability, men of skill, and men of experience in matters relating both to architecture and to landscape gardening, that the most efficient way would be to consolidate them into one commission and give them the power to meet together and make recommendations to Congress regarding the general park system and to make arrangements for cooperation in their work. This amendment calls only for an appropriation of $3,000 for the expenses of such a commission; and it seems to me that it would be money very well spent. There is a lack of that unity of action that is necessary in such work, a unity of action which Boston has, which New York has, and which all the great cities have.

Mr. ALLISON. I make the point that this amendment is new legislation, and therefore not proper on this bill. Besides, these parks are owned by the Government.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair sustains the point of order.

Mr. ALDRICH. Before that matter is disposed of, I should like to make a suggestion, not, however, in regard to the merits of this particular question.

A different rule has always been held in the Senate in regard to the District of Columbia appropriation bill from the rule applied to other general appropriation bills. I should dislike very much to see a rule established that would be so narrow as to prevent any legislation for the District of Columbia in this connection. Any legislation that pertains to the District of Columbia is in a sense local legislation. Congress being given the sole power to legislate for the District of Columbia. Any legislation which is pertinent to the District of Columbia is not general legislation.

Mr. ALLISON. I entirely agree with the Senator from Rhode Island that we should not take too narrow a view of the powers of Congress over the District of Columbia, but I submit that it is hardly proper on the District of Columbia appropriation bill to undertake to gather in all the parks that belong to the United States and make regulations respecting them, especially so when there are numerous opportunities constantly arising where these questions may be dealt with in a better way.

Mr. ALDRICH. I will not press the point.

Mr. FRYE (Mr. KEAN in the chair). If the Senator from Rhode Island will allow me one moment. I presume that the Chair ruled this amendment out on the ground that it was a new item making an appropriation: that it had come from no committee; that it was not in response to any existing law, and that it was not estimated for. I think the amendment clearly out of order in those respects.

The PRESIDING OFFICER. The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DESIGNATION OF LAND IN THE DISTRICT.

Mr. GALLINGER. Mr. President, a few days ago Senate bill 3456 was read, and some objection was made to it, which I am now prepared to obviate by amendments. I ask that the bill may be now considered.

Mr. FAIRBANKS. Mr. President——

Mr. GALLINGER. The bill will take but a moment, and I hope the Senator from Indiana will not object.

Mr. FAIRBANKS. I have no objection if the bill can be speedily disposed of.

Mr. GALLINGER. I will say that if there is any discussion on the bill, I will immediately withdraw it.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. GALLINGER] asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 3456) to distinctively designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. Mr. President, it will be remembered that the Senator from Georgia took exception to the words "county of Washington" in the bill. The committee have made inquiry about that, and are satisfied that those words should be stricken from the bill. I move to amend the bill by striking out, in section 1, line 4, after the word "the," the word "county" and inserting "territory within the limits of the District of Columbia lying outside of the city;" in line 4, after the word "Washington," by striking out "in the District of Columbia:" in line 6, after the word "land," by striking out "in the said county of Washington;" so as to make the section read:

That for the purpose of facilitating the assessment and taxation of real property in the territory within the limits of the District of Columbia lying outside of the city of Washington the following system of designating the several subdivisions, blocks, lots, and parcels of land is hereby prescribed, and each and every designation made or given in conformity with said system shall be deemed a sufficient description of the property to which it relates for all purposes of assessment and the collection of taxes and assessments of every kind.

The amendment was agreed to.

Mr. GALLINGER. I move, in section 2, page 2, line 3, after the word "all," to insert "of said;" and in line 4, before the word "as," to strike out "in the county of Washington, in said District;" so as to read:

SEC. 2. That the Commissioners of the District of Columbia are hereby authorized and directed to cause to be given numbers to all of said blocks or squares, lots or parcels of land, as said blocks, squares, lots, or parcels of land have been formed by the highway-extension plan now of record in the office of surveyor of the District of Columbia, and existing subdivisions, and to place the numbers so given upon the said highway-extension plan.

The amendment was agreed to.

Mr. GALLINGER. In section 3, page 3, beginning in line 5, I move to strike out:

Said volumes to be known as the taxation and assessment plat books of the county, and marked "County taxation and assessment plat books."

So as to read:

SEC. 3. That the Commissioners of the District of Columbia shall cause to be prepared a series of volumes of plats, on a scale of 100 feet to the inch, embracing all the land in said District outside the city of Washington, these plats to show at all times the separate parcels of land created by subdivisions, sales, wills, condemnations, dedications, decrees of court, or otherwise, each with its distinctive number.

The amendment was agreed to.

Mr. GALLINGER. In section 4, page 3, line 21, after the word "boundaries," I move to strike out "of county property;" so as to read:

SEC. 4. That for the purpose of keeping said books constantly current and up to date, the said Commissioners shall cause an employee of the surveyor's office to make daily transcripts of all deeds of conveyance, wills, condemnations, decrees, and other instruments or proceedings by which boundaries are changed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes."

BUILDING FOR THE DEPARTMENT OF STATE, ETC.

Mr. FAIRBANKS. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. ALDRICH. I ask the Senator from Indiana if he is willing to go on with his remarks to-morrow, or to have a time fixed for a vote on this bill, and have a short executive session this afternoon?

Mr. FAIRBANKS. If there could be a time fixed for a vote on this bill to-morrow, it would be entirely agreeable to allow the bill to go over until to-morrow.

Mr. ALDRICH. I suggest that the Senator ask that a vote be taken before adjournment to-morrow.

Mr. FAIRBANKS. That is entirely agreeable. I ask unanimous consent that the vote be taken upon the bill before adjournment to-morrow.

Mr. PATTERSON. I hope the Senator from Indiana will not press that request. My colleague is not in his seat and I know he takes some interest in this bill, and I would rather that he were here when a disposition of this kind is made, unless the Senator from Rhode Island knows——

Mr. ALDRICH. No; I do not know, but I took it for granted that as this bill has been under discussion for some time we might close the discussion on it to-morrow.

Mr. FAIRBANKS. I do not think there is much remaining to be said upon it, if the Senator from Colorado will allow me. I have no doubt that whatever his colleague desires to say can be said before the bill is finally voted upon to-morrow.

Mr. PATTERSON. If the Senator will modify his application for unanimous consent so as to allow the senior Senator from Colorado to object if he desires to do so to-morrow, I will not make any objection.

Mr. FAIRBANKS. I do not quite hear the Senator.

Mr. PATTERSON. I said if the Senator from Indiana will so modify his request for unanimous consent as not to make it applicable to the senior Senator from Colorado, but as to all the rest, I will not object.

Mr. FAIRBANKS. I do not quite understand the effect of the Senator's suggestion.

Mr. PATTERSON. The effect would be that if my colleague desires to object in the morning, he can do so.

Mr. ALDRICH. I suggest that the Senator from Indiana renew his request in the morning. That will be better, perhaps.

Mr. FAIRBANKS. I am willing to take the unanimous consent with that limitation, if you please, because I believe the Senator's colleague will not be unreasonable.

Mr. PATTERSON. He spoke to me the other day about the bill, and he not being here, I think I ought to make a reservation in his behalf. That is all.

The PRESIDING OFFICER. What is the request of the Senator from Indiana?

Mr. FAIRBANKS. That this bill be voted on before adjournment to-morrow, reserving the right to the senior Senator from Colorado to object to-morrow.

Mr. PATTERSON. Yes.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the unfinished business, being Senate bill 1508, may be voted on to-morrow before adjournment, unless the senior Senator from Colorado [Mr. TELLER] objects. Is there objection to the request? The Chair hears none.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 29, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 28, 1904.

SECRETARY OF LEGATION.

Joseph W. J. Lee, of Maryland, to be secretary of the legation of the United States at Panama, Panama, vice William W. Russell, appointed envoy extraordinary and minister plenipotentiary to Colombia.

SURVEYOR OF CUSTOMS.

Jacob S. Greenwald, of Utah, to be surveyor of customs for the port of Salt Lake City, in the State of Utah. New office created by the act of Congress approved March 18, 1904.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Ralph M. Johnson, of Washington, to be a second assistant engineer with the rank of third lieutenant in the Revenue-Cutter Service of the United States, to succeed B. A. Minor, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 28, 1904.

SECRETARY OF LEGATION.

Charles Dunning White, of New Jersey, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic.

POSTMASTER.

TEXAS.

Crockett Campbell, to be postmaster at Lufkin, in the county of Angelina and State of Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 28, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, March 26, 1904, was read and approved.

COMMITTEE APPOINTMENTS.

The SPEAKER. The Chair, without objection, will appoint Mr. MORRELL, of Pennsylvania, chairman of the Committee on Militia.

There was no objection.

The following additional committee appointments were announced by the Speaker:

Military Affairs, Mr. PATTERSON of Pennsylvania.

Private Land Claims and Enrolled Bills, Mr. CASTOR.

Pensions, Mr. AIKEN.

Disposition of Useless Papers in the Treasury and other Departments, Mr. BATES and Mr. BASSETT.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14416, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. BURTON in the chair.

Mr. HEMENWAY. Mr. Chairman, I yield such time as he may desire to my colleague on the committee, the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GILLETT of Massachusetts. Mr. Chairman, after encouraging the House in this way to think that I was going to spare them, I appreciate that it is cruel and almost inhuman in me to proceed to take any time; but, inasmuch as a part of what I intend to say is somewhat in the nature of criticism of a speech which was made the other day, I think it no more than fair that I should give oral expression to it.

The gentleman from Mississippi [Mr. SPIGHT], on the closing day of the general debate on the post-office appropriation bill, delivered a speech on the southern problem, which seems to me so reactionary, so surprising, and so discouraging that some one ought to at least express dissent from the extraordinary propositions to which he gave utterance. It certainly has never been my wish, and I think never my conduct, to excite sectional feeling in this House. I hoped the time had come when such questions could be discussed temperately and moderately. I am sure we have recently had a beautiful exposition by a southern man—Mr. Thomas Nelson Page, in the last two copies of McClure's Magazine—of temperance and moderation in the discussion of this question, and in what I say I shall try at least to emulate the fairness of his point of view, though I presume his conclusions will differ from mine.

The gentleman from Mississippi made complaint the other day that in the North there is a hypocritical and pharisaical method of criticising the southern problem, and the gentleman expressed openly what we have sometimes suspected, but what has been generally denied by that side of the House, that the attitude of the South toward the enforcement, or, rather, the violation of the fourteenth and fifteenth amendments to the Constitution is intentional and, he goes on to say, is permanent. These are his words:

> We have enough of this prejudice, if you wish to call it so, to forever debar the negro from active participation in our State governments, to exclude him from our dining rooms except as a waiter, and to shut the door tight and fast to any approach to social equality.

Now, in the cloakroom, in private conversation, it has often been admitted by Members on that side of the House that the fourteenth and fifteenth amendments were violated and intended to be violated; that the new constitutions of some of the Southern States were clearly such violations; but this is the first time it has come to my notice that that has been expressed on the floor of this House, and that it has been stated that it is their intention forever to prevent the participation of the negro in their government. It seems to me that a declaration of that kind ought at least to receive prompt protest. I wish the protest could have come from that side of the House. I think somebody on that side of the House might, with advantage to himself and his section, have expressed dissent from that doctrine, for it seems to me it is what can not ever be substantiated or upheld by rational argument, and it puts this side of the House and puts the North in an unfortunate dilemma.

I have been one who has been glad that we have not acted radically, as I think we had every right to and every provocation to in the case of some of the delegations that have come from the Southern States. I have believed that it was wiser in these cases to rely, as we always must in the end, on local sentiment, with the hope that that local sentiment would gradually develop and gradually become more generous and progressive and fair. It seems, however, to be getting more reactionary, more proscriptive, and more bitter. The force bill, as it was improperly called, was enacted and finally repealed, and while many Republicans were quite willing it should be repealed, yet at the same time they did not abandon it because they felt it was unjust, but because it was felt to be impossible of execution, and we have to admit that any Federal law, when you come to the final instance, is dependent for its execution on local administration and juries, and therefore any law which has not local sentiment in its favor can not ultimately be executed.

We have recently had an illustration of that before the United States Senate committee, when one of the apostles of the Mormons publicly proclaimed that he was living in open and flagrant violation of the law, and said, in what I thought was a mock heroic attempt to appeal to public sentiment, that he would not abandon any of his wives; he would not be so cruel as to refuse them the pleasure of his attentions, but would rather submit himself to the legal penalty of the crime. It struck me, sir, that that was an empty boast, an absurd affectation of courage, because he well knew that he was not subjecting himself to any danger: he knew that the district attorneys who must draw the indictment against him, the grand juries who must find it a true bill, and the petit juries who must try him were all in sympathy with him and that there was not the slightest possibility of his being convicted. So any Federal law in the South or in the North must always depend on public sentiment to support it, and as long as public sentiment is overwhelmingly against it the law is useless. Lord Brougham, in his redundant and rhetorical style, expressed this thought generations ago when he said:

> In my mind he was guilty of no error, he was chargeable with no exaggeration, he was betrayed by his fancy into no metaphor, who once said that all we see about us, King, Lords, and Commons, the whole machinery of the State, all the apparatus of the system and its varied workings, end in simply bringing twelve good men into a box.

So we must all admit that the jury system, necessarily representing local sentiment, regulates the enforcement of the law; and it is useless to have a law which has no local sentiment behind it. But this House has had abundant opportunity to act upon the unconstitutional laws of the South if it so desired. When the Louisiana constitution was adopted against the open and forcible remonstrance of the two distinguished Louisiana Senators, who insisted that it was unconstitutional, though I suppose they were in sympathy with its purpose, and when the delegation from Louisiana came here and took their seats under a law which I think a majority of this House believed unconstitutional, we had an opportunity, if we so wished, to say to those Members, "Go back, and stay back until you have a legal election."

For myself I am glad that this House did not adopt that course. I believe it is not always wise to inflict deserved punishment. I believe that although we had a perfect right to declare those seats vacant, although it was legal and would have been no more than fair, yet I think it would have had a worse effect upon the country to have had a sovereign State entirely shut out from representation here than it would to allow the injustice of having a State represented here by Members elected under unconstitutional laws. And I was glad the other day when the gentleman from Illinois [Mr. MANN] brought in the unanimous report of his committee that they would not go into the question of the validity or invalidity of the South Carolina election, but would leave that question to the courts, for it seems to me it is often much wiser that we should submit to injustice than that we should go to extremes. We had an illustration of that, I think, in 1876——

Mr. FINLEY. Will the gentleman from Massachusetts kindly explain in what particulars the provision in the constitution of South Carolina at this time regulating suffrage differs from the provision in the constitution of Massachusetts on that subject?

Mr. GILLETT of Massachusetts. No, Mr. Chairman, I do not think that I will take the time of the House to do that. I said that I was in accord with the decision arrived at by the committee, and I do not wish to be diverted into the question which the gentleman from South Carolina would have me take up when there is no difference of opinion between us about it.

I was saying that it is often better to submit to injustice than to go to extremes. I think that in 1876 a great majority of the Democratic party probably believed that they were defrauded of the Presidency; but I was very glad that wise counsels prevailed, and that instead of the hot-heads rushing, as they wished, to arms, and having a war over the disputed election, they submitted. I think that possibly the fact that the most distinguished general in the world was at that time at the head of our Government with a devoted army under him, and that the chances would have been very strongly against them, may have had something to do with their decision; but at any rate I am glad that the decision was made. And if the commission had decided against the Republican party, intrenched as they were in the Government, I trust they would have been equally wise; and although a majority of them, if the decision had been against them, would have believed that they were defrauded of the election, I trust they also would have yielded. I think that sometimes it is wise to yield to what you think is an injustice rather than go to some forcible extreme.

Mr. LAMB. Does the gentleman think that the Republicans, if they had been defeated on that issue, would have thought that they were defrauded?

Mr. GILLETT of Massachusetts. I do think so.

Mr. LAMB. I differ with the gentleman. I have a better opinion of the Republicans.

Mr. GILLETT of Massachusetts. I am sorry to see that there is a little intolerance still left in the mind of my friend. I believe that the great majority of both parties at that time believed that they were right, and whichever party lost was sure to think it had been defrauded of its rights, though if the Republicans had lost I trust they would not have cried about it as persistently as the Democrats have.

I simply use that illustration in stating why I am glad the Republican party did not adopt the extreme course, as I think it would have been fully justified in doing, of saying to the delegation from Louisiana, "You are here under an unfair election; you are here in fraud of this House, and you shall not be allowed your seats."

But I do not by that mean to apologize for or at all to assent to the position that was taken in Louisiana and is taken in these other

States. I do not believe it is fair or wise, and to me it is astonishing that gentlemen as intelligent as those on that side of the House should to-day say that they intend forever to debar the negro from participation in government. Why, there are 10,000,000 of people who can not stay as they are, who must either go up or go down, who will have either to be bondsmen forever or to be citizens, and yet gentlemen come out boldly and say that they mean forever to keep them from any participation in government, and the last gubernatorial election in Mississippi indicates that they wish to keep them forever in ignorance. That does not seem to me to be a thoughtful view to take of the subject. And while I can appreciate how the great mass of the thoughtless people in the South may drift into such opinions, I am surprised that Members of this House, who of course look at the question thoughtfully and with deliberation and with a view to the future, should express such opinions. Nobody on this side of the House expects you or wants you to submit to negro domination. Nobody on this side of the House denies that there is a great mass of the negroes to-day who are not intelligent enough for the suffrage; but what does seem to me Bourbonish and outrageous is to say that none of them ever shall have the privilege, that none of them ever can be developed into the ability to vote or to become citizens.

That, to me, is the phase which I think ought to be criticised and contradicted on this side of the House. We do not blame you for not submitting to negro domination, but why do you not do as we do, and exclude all ignorance, all incapacity from the suffrage? That would be constitutional; that would be fair; that would attain your object; but it almost seems as if you preferred to be unconstitutional and unfair in order to provoke us and prove how useless are constitutional restraints. As far as I know in this session nothing has been said on this question from this side of the House. When we do express our minds we are told that we are exciting sectional feeling. We have heard from the other side arguments in favor of the repeal of the fifteenth amendment. We have heard various statements about social equality and political equality, and I think that, lest it should seem that we are assenting to these doctrines, we ought at least to state that we consider them obsolete and reactionary.

Now, there was another phase of the gentleman's speech on which I wish to say a word or two. He says:

> I frankly confess, and am sorry that I have to do it, that unnecessary lynchings have sometimes occurred in the South. So far as I am concerned, I am opposed to mob violence as a general proposition.

Well, that is something of an admission, although I confess it does not to me seem to do great credit to the gentleman. It sounds a little like assenting to virtue in general and wishing to give yourself a little leeway. I suppose that is the way all of us would like to be virtuous—to have everybody else virtuous and yet to make a little allowance for ourselves. But I am surprised—and this is another question on which the action of that side of the House surprises me—I am surprised that somebody on that side of the House, representing the country where most of the lynchings have occurred, does not get up and put himself on record as opposing lynchings, and as recognizing the principle involved and the result to which they lead. It seems to me every thoughtful man must recognize that they ought to be stopped. I will not speak of burnings——

Mr. SPIGHT. Will the gentleman yield?

Mr. GILLETT of Massachusetts. Yes.

Mr. SPIGHT. I notice that you said "on this side, where most of the lynchings occur."

Mr. GILLETT of Massachusetts. Yes.

Mr. SPIGHT. Does the gentleman know that according to statistics, comparing the negro population North and South, three or four times as many lynchings occur North as South?

Mr. GILLETT of Massachusetts. I do not see what relevancy there is or what right you have to compare the negro population. I have said, and the gentleman can not deny it, that an overwhelming proportion of the lynchings occur in the South.

Now, I will admit, of course, that lynchings occur in the North. I will admit it, and with regret. Why is it that they have occurred in the North? That is one of the things I hold you of the South partly responsible for. We all know that in the North, in every large city or small city, there is a disorderly element which is always ready to plunge into lawlessness. That is not confined to the South.

In every city in the North there is a big element that would always like to have respectable leaders, that would always like to have the apathy of the police, and that upon any impulse would rush into crime. But there is this difference between the South and the North, it seems to me: In the North it is emphatically the disorderly element which does it. In the North the great masses of the people openly condemn it. In the North a man is not afraid to come forward and denounce it at the time, and that is what I wonder at in the South—that you gentlemen who know how wrong it is, know how subversive of popular government it is, do not come forward and publicly and openly try to stop it. That is the complaint I have. Why, I have no doubt that there are plenty of people both North and South who can be excited very readily into an outbreak of violence. It does not take a great deal of inducement—only a little certainty that they will not be prosecuted, that the police are not dangerous. Under such conditions almost anywhere a mob can be aroused and excited. But what prevents it starting is because the thoughtful, intelligent people of most parts of the world recognize that mob violence and lynching ought to be stopped, and therefore, regardless of their indignation at any crime, leave it to the courts to convict and not to a mob.

Why is it that we object to mob violence? Why is it, really, that lynching should be stopped? It is not because we think the man does not deserve what he gets. Undoubtedly in many cases burning is none too good punishment for the fiend. We none of us have a particle of sympathy for him, but we recognize the barbarity of it and the fact that it turns back our civilization over a thousand years. We recognize that there is a principle in every republican government which must be supported if the government is to survive, and that is respect for law; that every time a man is lynched it infringes and breaks down and diminishes that respect for law without which no republican government can long endure.

I was surprised the other day to see this Mississippi doctrine showing itself in this House and to hear the leader of the minority express his disregard for law. He said in discussing the question of an appeal from the decision of the Chair:

> Now, I hope that we will not let a little technical matter of parliamentary law stand in between us and a great public purpose.

Mr. WILLIAMS of Mississippi. I did not hear what the gentleman said. I have just been informed that he made some reference to me in that connection.

Mr. GILLETT of Massachusetts. I read from your speech made the other day.

Mr. WILLIAMS of Mississippi. I did not hear you.

Mr. GILLETT of Massachusetts. I will read it again:

> Now, I hope that we will not let a little technical matter of parliamentary law stand in between us and a great public purpose.

Now, that is exactly the same spirit——

Mr. WILLIAMS of Mississippi. The gentleman, as I understood, was accusing me of somewhere indorsing lynching.

Mr. GILLETT of Massachusetts. Oh, no.

Mr. WILLIAMS of Mississippi. The only thing I was seeking to lynch was the point of order. [Laughter.]

Mr. GILLETT of Massachusetts. I think if the gentleman would be a little more courteous in injecting his remarks——

Mr. WILLIAMS of Mississippi. The gentleman has granted me his permission.

Mr. GILLETT of Massachusetts. I have not. I was only answering your question. You asked a question, and I answered it.

Mr. WILLIAMS of Mississippi. I certainly do not intend to be discourteous to the gentleman.

Mr. GILLETT of Massachusetts. Very well.

Mr. WILLIAMS of Mississippi. Oh, it was only parturiunt montes, nascetur ridiculus mus.

Mr. GILLETT of Massachusetts. The gentleman said that we will not let a little technical matter of law stand between us and a great public purpose. Is not that exactly what every mob that ever lynched a man would say? Do not they say, "We won't let a little matter of law stand between us and a great public purpose?" It is exactly the same spirit of disrespect for law that the gentleman brings in here, it seems to me, that every mob displays when they lynch a victim. They have a purpose which they think ought to be accomplished at once. There is nothing to prevent them but a law, and if they can violate that with safety they consider nothing further, and apparently the leader of the minority follows the same line of argument. Ulterior considerations and the danger of inculcating disregard of law are forgotten.

But when you go out among the public at large with that as a doctrine, when the people get in the habit of saying, like the gentleman, "Do not let a little matter of law stand in between us and a great public purpose," then you are undermining the principles upon which a republican government stands. The law must be the foundation. If we are going to have a republic, the people must know and feel that it is not safe at any time to violate it. Now, of course a great majority of the people are not going to be thoughtful and philosophical. They have not time. They do not reason much about the matter, and do not philosophize as to what the ultimate effect of lynching is; but what is going to dominate them is the opinion of the newspapers and public men and their preachers and teachers, of the men they get in the habit of following and trusting.

That is going to lead them; and if in this House, where are leaders of the people, men who are thoughtful, who know that lynching ought to be stopped, not because of sympathy for the

victim, not because they think in any particular case it does injustice, but because the law itself is in peril and must be sustained—and you all know it—if the Members of this House on that side would maintain that doctrine here and at home we would soon put a stop to this lynching. The lynching that has occurred at the South has stimulated lynching at the North. There are disorderly people North just as well as at the South, and unless public men, public newspapers, and public opinion shall discourage it until gradually there is instilled into the people a respect for law that in the end will prevent all lynching our republican Government can not stand without deterioration.

Of course there is another minor objection to lynching. The wrong person is sometimes lynched. I read in a paper yesterday that in South Carolina a man died and admitted that he had killed his wife some years ago, for which three negroes were lynched. Of course we do not know how often instances of that kind happen. The unfortunate part of it is thus far it is almost mainly directed against one class and one race of persons. I appreciate that I can not look at that question of the race as you gentlemen of the South do. I recognize what a terrible infliction it is to have an enormous mass of ignorance right in your midst, and I will confess I do not know——

Mr. FINLEY. Mr. Chairman, if the gentleman will allow me.

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. GILLETT of Massachusetts. Yes; I yield.

Mr. FINLEY. The gentleman mentioned a case a moment ago where he said three negroes had been lynched and that a white man afterwards confessed. Did I understand you to say that it was in South Carolina?

Mr. GILLETT of Massachusetts. That is my recollection.

Mr. FINLEY. Has the gentleman followed that up? And if he has followed it up, does the gentleman not know that that story has turned out to be a canard, pure and simple?

Mr. GILLETT of Massachusetts. That is possible. I have not followed it up. I simply saw it in a newspaper. If the gentleman has followed it up, I will take the gentleman's explanation; but of course we all understand that it does not prove anything as to the principle. It may happen a great many times, but at the same time——

Mr. FINLEY. It proves this: That very often charges are made against the South which have no foundation in fact.

Mr. GILLETT of Massachusetts. Oh, well, that may happen, of course. This happens to be from a South Carolina paper, but the gentleman knows perfectly well that such accidents and such mistakes are liable to happen, though I have not based my main criticism on that ground. I simply mentioned that as incidental. The astonishment I express is that you gentlemen who know the danger to our system of law do not come forward and protest against this custom, which is so rapidly increasing in the South.

Mr. CLAUDE KITCHIN. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. GILLETT of Massachusetts. Yes.

Mr. CLAUDE KITCHIN. Where should we protest, in this House?

Mr. GILLETT of Massachusetts. I think the better place would be in your homes.

Mr. CLAUDE KITCHIN. Have you ever heard anybody in this House protesting against the Springfield, Ohio, riot?

Mr. GILLETT of Massachusetts. I do not know that I have.

Mr. CLAUDE KITCHIN. Anybody in this House anywhere?

Mr. GILLETT of Massachusetts. I do not know that I have.

Mr. CLAUDE KITCHIN. There was a lynching in my own county last August. Do you know whether the papers or people in our State protested against it? How do you know that they do not protest against it?

Mr. GILLETT of Massachusetts. Well, I think I would have heard of it occasionally if they had.

Mr. CLAUDE KITCHIN. But you have not heard anybody protesting against the Springfield riot?

Mr. GILLETT of Massachusetts. Yes; I have heard a great many people protesting against it.

Mr. CLAUDE KITCHIN. Not in this House. It is not our duty to protest here in this House, is it?

Mr. GILLETT of Massachusetts. Not necessarily.

Mr. CLAUDE KITCHIN (continuing). Every time a lynching takes place?

Mr. GILLETT of Massachusetts. Certainly not.

Mr. CLAUDE KITCHIN. Any more than it was the duty of the Ohioans to protest against the Springfield riot, although I believe they have at home——

Mr. GILLETT of Massachusetts. But when a gentleman in this House gets up to defend this proposition, do you not think the time has come to say something in this House?

Mr. CLAUDE KITCHIN. Who did that?

Mr. GILLETT of Massachusetts. The gentleman from Mississippi defended it indirectly.

Mr. CLAUDE KITCHIN. Have you ever heard any Member in the House defend a lynching for any crime except rape?

Mr. GILLETT of Massachusetts. No. Does the gentleman defend lynching for that crime?

Mr. CLAUDE KITCHIN. At present I neither condemn nor defend it for that crime. I live in a county in which recently this crime was committed. I have seen with my eyes the lacerated dead victim and have heard the sobs of the mother and the screams of the children——

Mr. GILLETT of Massachusetts. Does the gentleman intend to go on and make a speech?

Mr. CLAUDE KITCHIN. If you lived in a community in which this most horrible of all crimes was committed, would you then and there denounce lynching?

Mr. GILLETT of Massachusetts. I do not believe I would defend lynching on any terms——

Mr. WILLIAMS of Mississippi. May I interrupt the gentleman? The gentleman said he has never heard of any condemnation of lynching in the South and by southern people. I understood you to make that statement?

Mr. GILLETT of Massachusetts. Oh, no; I did not say that.

Mr. WILLIAMS of Mississippi. I understood it to be that broad.

Mr. GILLETT of Massachusetts. Oh, no; I did not say that I never heard of it.

Mr. WILLIAMS of Mississippi. I want to call the gentleman's attention to the fact that last week at a meeting of the old Confederate veterans at a reunion at Grenada, Miss., they passed very much stronger resolutions against lynching than ever came from the State of Ohio anywhere in connection with the Springfield riots.

Mr. GILLETT of Massachusetts. Mr. Chairman, that illustrates the argument of that side of the House, because I happened to notice those resolutions, and they were not against lynching.

Mr. FINLEY rose.

Mr. GILLETT of Massachusetts (continuing). They were against burning.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from South Carolina?

Mr. GILLETT of Massachusetts. Not until I have answered the gentleman from Mississippi. I happened to notice the resolutions, and they were very strong. They were a little bombastic I thought; but I was delighted to see them; they expressed a most admirable spirit; but they did not denounce lynching—they denounced burning.

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon; they denounced lynching. They denounced lynching for any crime except, perhaps, the crime of rape; and then they went on and denounced burning for any crime whatever. They denounced burning as cruel, barbarous, and brutal. They may not have clothed it in first-class New England language, don't you know, and it might have been a little bombastic, as the gentleman says; but they intended to say the right thing.

Mr. RICHARDSON of Alabama rose.

Mr. GILLETT of Massachusetts. I was very glad to see that they denounced even burning. That was something in advance.

Mr. FINLEY. Will the gentleman yield?

Mr. GILLETT of Massachusetts. I will yield to the gentleman from Alabama first.

Mr. RICHARDSON of Alabama. The gentleman from Mississippi [Mr. WILLIAMS] has quoted from the resolutions adopted at the Confederate reunion, and the gentleman from Massachusetts does not agree with him.

Mr. GILLETT of Massachusetts. I have no doubt that the gentleman from Mississippi has quoted them correctly.

Mr. RICHARDSON of Alabama. I have the resolutions here in my hand.

Mr. WILLIAMS of Mississippi. I wish the gentleman from Alabama would read them.

Mr. RICHARDSON of Alabama. I will read them if the gentleman from Massachusetts has no objection.

Mr. GILLETT of Massachusetts. Not at all.

Mr. RICHARDSON of Alabama. The resolutions are as follows:

EX-CONFEDERATES OPPOSED TO LYNCHING.

An antilynching crusade has been inaugurated by the W. R. Barksdale Camp, United Confederate Veterans, of Grenada, Miss. The following significant resolutions were unanimously adopted at a largely attended meeting of the camp:

First, that we are unalterably opposed to the lynching of a human being, save, perhaps, for the one unmentionable crime.

Second, that as Confederate veterans and law-abiding citizens of Mississippi and of the United States we are violently, vehemently, and eternally opposed to the practice of burning a human being for any crime whatsoever.

Third, that we appeal in thundering tones to all Confederate veterans,

their wives and daughters, and to that great and glorious organization, the Daughters of the Confederacy, one and all, to arise in their might and by precept and example, voice, and moral influence help put a stop to this diabolical, barbarous, unlawful, inhuman, and ungodly crime of burning human beings.

Fourth, that we heartily approve of and applaud the action of Governor Vardaman in his recent successful efforts to save a criminal from a mob bent on burning.

Now, Mr. Chairman, there can be but one thing added——

Mr. GILLETT of Massachusetts. Mr. Chairman, I do not care to have the gentleman add anything in my time. The resolutions have been read.

Mr. RICHARDSON of Alabama. Whenever the negroes——

Mr. GILLETT of Massachusetts. Mr. Chairman, I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. FINLEY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT of Massachusetts. Certainly.

Mr. FINLEY. Does the gentleman from Massachusetts [Mr. GILLETT] know that the people of South Carolina as far back as 1895 protested against lynchings in the strongest manner possible by placing in the State constitution a provision making a county in which a lynching should occur responsible in damages to the family of the deceased, and that since that time there have been very few lynchings in South Carolina—no more perhaps than there have been in Illinois and Indiana?

Mr. GILLETT of Massachusetts. Mr. Chairman, may I ask the gentleman if any collections have been made under that law?

Mr. FINLEY. Mr. Chairman, I know of no lynching in my section of the State since that time and of no suits that have been brought.

Mr. JOHNSON. I will state that there was one case brought in Orangeburg County, S. C.

Mr. GROSVENOR. Mr. Chairman, the legislature of Ohio passed a law authorizing a collection of $5,000 liquidated damages in favor of the family or legal representatives of anyone lynched in Ohio. A lynching took place in one of the counties, and the question was litigated to the supreme court of the State. The supreme court upheld the law and the money was paid. There has been but one lynching there.

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, as to the resolutions from Mississippi, I am very glad that they have been passed, and I recognize that as an advance. I am very glad that the Confederate veterans expressed in such "thunderous" tones, as they remarked, their disapproval of most lynchings and come out so strongly against the outrage of burning. In this twentieth century it seems rather a reproach to our civilization that it should be necessary in any part of any country to denounce burning at the stake. At the same time I recognize it, if the gentleman so puts it forward, as an advance, and I recognize it gladly. I recognize also that to denounce lynchings, except, perhaps, for one crime, is praiseworthy. I wish that those people might go further and that thoughtful men would start an agitation, and it might begin right here, that no matter how atrocious the crime, when there are laws to punish it and laws that can be enforced, we ought to depend on those laws and never resort to mob violence. It seems to me that thoughtful men ought always to be willing to give their assent to that proposition, and when they get together and think about it and draft resolutions as they did in Mississippi, they ought not to make any exception about crime for which a man can be lynched. I am glad to hear that the State of South Carolina has passed that very commendable law.

Mr. FINLEY. It is embodied in the constitution.

Mr. GILLETT of Massachusetts. Well then, that the constitution has embodied in it that very proper provision.

Mr. MACON. Mr. Chairman, will the gentleman yield for a question?

Mr. GILLETT of Massachusetts. Why, certainly.

Mr. MACON. I want to ask the gentleman if I understand him to argue that if there is an infamous, atrocious crime, such as he has referred to in his speech, committed upon a nice, beautiful woman, he believes or feels she ought to be brought before a court of justice, to there detail that crime in all its horror?

Mr GILLETT of Massachusetts. Mr. Chairman, that is the old argument which is ordinarily made. In some of the States of the South I understand they have laws which allow the taking of testimony outside.

Mr. HUMPHREYS of Mississippi. There is no such law as that in Mississippi.

Mr. SPIGHT. Will the gentleman name one of those Southern States.

Mr. GILLETT of Massachusetts. I have seen it in the papers; I can not name it. But you could have the law, if you haven't got it.

Mr. SPIGHT. We could not have such a law without a constitutional amendment.

Mr. GILLETT of Massachusetts. Well, they have put in constitutional amendments very easily for other purposes—to disfranchise the blacks, for instance—and why can they not have such an amendment for this purpose? It certainly could be arranged. Nor should it be forgotten that a very small proportion of the lynchings in the South are for the crime of rape; but at any rate it seems to me the gentleman does not comprehend that the reason I am opposing it is not because of any sympathy I have for the criminal. No punishment is too severe for him. Burning at the stake, of course, is not any too good for him; but it is much better that the criminal should escape his punishment in this life than the law upon which the whole country rests should be gradually weakened.

Mr. SPIGHT. Mr. Chairman, does not the gentleman know, as a lawyer, that in every State constitution almost there is a provision that the defendant in a criminal proceeding shall have the right to be confronted with the witnesses at the trial?

Mr. GILLETT of Massachusetts. But that law can be as readily changed as the other laws of the constitution. You are constantly changing them.

Mr. SPIGHT. And that there can be no trial except by the woman coming into court and giving her testimony?

Mr. GILLETT of Massachusetts. Why, yes; if the law is fixed differently.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield for a question?

Mr. GILLETT of Massachusetts. Yes.

Mr. BARTLETT. I want to ask the gentleman, as a matter of information, whether there did not occur up in Massachusetts last year, or some time recently, a case where a mob tarred and feathered a man and a woman in one of the suburbs of Boston—I think in Marion?

Mr. GILLETT of Massachusetts. If the gentleman knows anything about that case he can give it—not in my time, however.

Mr. BARTLETT. Does the gentleman say that he does not know anything about that case——

Mr. GILLETT of Massachusetts. I do not.

Mr. BARTLETT. And the gentleman never read of it in the papers?

Mr. GILLETT of Massachusetts. I may have done so. I do not remember anything about it.

Mr. WILLIAMS of Mississippi. The gentleman from Massachusetts will allow me to say that I hold in my hand a few newspaper clippings that I cut out of different papers during the summer vacation. Three of them were cut out since I came here at this session. All of them are cases of the lynching of negroes north of Mason and Dixon's line. I want to ask the gentleman whether he will object to my inserting these in the RECORD?

Mr. GILLETT of Massachusetts. Certainly nobody takes the floor in his own right oftener than the gentleman from Mississippi [Mr. WILLIAMS]. I have no doubt he can secure in his own right the opportunity to publish those matters, if he wants to do so.

Mr. WILLIAMS of Mississippi. I do not want to take up the time of the House in reading them——

Mr. GILLETT of Massachusetts. You can not put them in my remarks. You will have abundant time, no doubt, to get them in your own. [Laughter.]

Mr. KENNEDY. I should like to ask one question: Will some gentleman undertake to explain why or how it is any apology for lawlessness in the South to cite certain instances of like lawlessness in the North?

Mr. GILLETT of Massachusetts. I think I said a little while ago that there is mob violence in the North as well as in the South; that there is a disorderly element in the North, always ready to break out, and I think it is vastly encouraged by these continual outbreakings in the South. The spread of this lawlessness affects both sections of the country.

Now, the natural feeling of antipathy to the negro is, I think, stronger and more instinctive in the North than in the South. I think there is in the North a stronger physical repugnance, because we are not brought up with the negroes; do not see them so frequently; do not have the same feeling of intimacy with them as those who have been brought up with them as children. For this reason, I suspect there is a stronger natural repugnance toward the negro in the North than there is in the South. At the same time, we do not recognize this preposterous talk of "social equality" or inequality, which, coming from the South, rather amuses me, as if there were in this country social classes; as if there were such a thing as social superiority and social inferiority, and as if a man is injuring himself by associating with one man, or not injuring himself by associating with another. It seems to me that this feeling is one of the unfortunate growths of this whole problem.

The argument constantly advanced is: "We can not admit the negro to social equality."

I confess I'm somewhat at a loss to know what they mean by social equality, and I don't believe they know themselves. I had supposed that in this Republican form of government all social grades and orders and precedence had been forever abolished, and that there could be no social claims or distinctions. That there will be different social circles everywhere is inevitable; that each man has the right to select his social friends and associate with whom he pleases, I supposed, was a natural and inalienable right here, and this will naturally lead to social sets and cliques, but they will all be founded on taste and congeniality, and will have no basis in equality or inequality. Indeed, the opposite argument denies this right of each man to choose his own social friends, and says he must claim them in the class others dictate. I suppose theoretically in this country everyone is equal socially. We know, of course, that everyone is not equally agreeable socially, or equally refined, or equally brilliant, or equally companionable.

The social qualities in value, the elements which entitle a man to distinction and popularity socially are, I think, first, refinement and cultivation of mind and body (senses), then a genial, kindly nature, then a power of brilliant or interesting conversation. That is, I think, a rare enough combination of qualities to entitle any man or woman who possesses them to social distinction. I can not see how any accident of birth, such as color of skin or hair or eyes, can affect at all this title to social distinction. Any such accident of birth may arouse individual prejudice or dislike and may give that individual just cause for avoiding his society, for everyone is entitled to claim his own associates and may justly allow prejudice or whim or folly to exclude persons from his social intimacy, but he has no right to set those standards for others or pretend that his prejudices make a just basis for a general law of social distinctions.

The true basis of social eminence every reasonable person ought, I think, to admit, is in the qualities defined, and while anyone has the perfect right to disregard them for himself and select his own companions according to his own whims, and associate with men as coarse and vulgar as he pleases, he has not the moral right to try to impose his unusual tastes on others as a general social law. That law in this democracy must be admitted by all to be merit; and while you or I may choose not to associate with persons of a particular race or religion or occupation, yet we have no right to impose our prejudices on others or to claim our social inclinations constitute a social code or law of caste. I think we all feel inclined to ridicule the social pretensions which we read of in the press of our great cities as if there were some imaginary four hundred who are entitled to social preeminence. That seems to be founded mainly on wealth, often vulgar and ostentatious, and of course has as little title to superiority as color or any other accident.

It is quite natural that those who can afford to live on something the same scale should associate most closely; that those should be invited to elaborate and expensive entertainments who give similar entertainments in return, and as it is the gorgeousness of a social affair which must attract the attention of the press, it is quite natural that those who spend most money in society should be most talked about and should form, as far as notoriety is concerned, the most prominent social circle; and so, doubtless, in our large cities there has developed a certain social exclusiveness, founded mainly on wealth, which perhaps considers itself and is treated by the press as socially preeminent. But no thoughtful person will admit any social superiority to this assumed aristocracy. Every reasonable person knows that in every large city there are other social cliques with, to say the least, as much intelligence and refinement and attractiveness and morality and pursuit of high ideals as are found among their more showy and conspicuous neighbors, whose pretension to social supremity is mainly a sham and a folly, for it has not the true American basis of real superiority. All pretension to social superiority founded on anything except superior refinement and knowledge and courtesy is preposterous and un-American.

The most aristocratic of England's poets laureate says: "Kind hearts are more than coronets, and simple faith than Norman blood." And if we ridicule and censure an imaginary superiority founded on wealth, how much more ridiculous and censurable is a superiority founded on complexion. It sometimes leads to grotesque absurdities. I was traveling in the South not long ago when the men in the smoking compartment were discussing social conditions in a way so narrow and unintelligent that I occasionally suggested a few questions, and in a short time was engaged in a good-tempered argument, which resulted in their sage conclusion that I must be from Massachusetts and of course could not comprehend their point of view—a very easy and comfortable way for them to dispose of my troublesome questions. One of the most loud and extreme of the party, who stated that his occupation was what we in New England would call a "runseller," and who was clean neither in his language nor his linen, asked me if I considered a negro my social equal. I responded that whether a man was equal to me socially depended on his qualifications and not his complexion. Whereupon he loudly exclaimed that he considered every white man his equal, but that he was superior to every negro.

I felt like admitting the first part of his statement, but the preposterousness of the last part impressed me, and yet I suppose it is the view which has been so carefully cultivated in the South that it has become general. Here was this runseller, inferior to Booker Washington, for instance, in every quality you can think of—inferior in physique, in cleanliness, in intelligence, in knowledge, in cultivation, in morality—incapable of comprehending the aspirations which govern that negro's conduct, and yet, in the ignorant self-satisfaction of race pride, loudly asserting his superiority.

If one man is superior to another socially in this country, it is because he has greater refinement and courtesy, and for no other reason. It matters not whether he lives in a palace or a hovel, whether he has the skin of a Caucasian or a Hottentot or a Chinese, if he has developed those qualities which humanity the world over recognizes as making a gentleman he is entitled to a gentleman's treatment. You are not obliged to associate with him—every one can choose his own friends—but to pretend that you are socially his superior is to proclaim your ignorance or your insincerity.

You gentlemen from the South in this House are not ignorant. You are not ignorant of the facts. You know that in a country where there are no titles of nobility, where there is no legal aristocracy, equality can have but one standard—merit; and yet, knowing these things, you are afraid or unwilling to admit them. You have not the courage to state what you know. How, then, can you be surprised if there comes to us, who note this occasionally, the suspicion that this whole attitude upon the negro question is artificial and insincere, and is encouraged and cultivated and maintained as an easy way to continue political supremacy and solidity, and to preserve that usefnl asset—a solid South. Do not pretend to misunderstand me, and to pretend that I mean that contempt for the negro is artificial and insincere. That I do not assert. On the contrary I believe that it is genuine throughout the South—deep seated and fiery. But what I do mean is that you men of the South, who are intelligent and thoughtful, know that this contempt is justified, if at all, not by the color of the race, but by the ignorance and coarseness of the race, and you know that when individuals rise above that coarseness and ignorance and show knowledge of refinement they are entitled to the same recognition as other men.

You, who know that in this land of equality merit is the only true basis of distinction socially or otherwise, do not dare admit these fundamental truths, but you either observe a politic and timid silence or, worse yet, approve and encourage a prejudice which your judgment must condemn.

That is the complaint I make against you who ought to be leaders of thought in your section—that you do not dare to affirm and maintain what you must know to be right; that not one of you dares to rise above local prejudice and assert the universal truth that in this country every man should be judged upon his own merits and not upon the merits of his ancestors. Race prejudice is not new. It is one of the most common and bitter incidents of history; but until now there have always been men brave enough to defy it. The Jews have been persecuted from the time of Pharaoh, but there have always been men among the persecutors to rebuke and condemn it. But you have cultivated in the South such a consuming hatred that apparently no man dares express an enlightened opinion.

We have not been without race prejudices in the North. You all know how in the fifties the people became alarmed at the vast tide of ignorant foreigners that came sweeping over us; how they feared that our political institutions would be wrecked in this deep and muddy current, and how they appealed to race prejudice, and how that appeal took possession, as it always will, of the thoughtless, selfish minds, and how it swept the country with the appropriate title of "Know-nothings." But during that craze there were not wanting in the North men who dared defy popular passion; who dared appeal to the fundamental principles of American democracy; and though their voices were disregarded for the moment, the sober sense of the people gradually recognized their folly and disowned and deserted it.

But so arrogant and proscriptive is public opinion in the South that no man raises his voice against it. And can you wonder if, when we see this apparent unanimity of opinion, contrary to the dictate both of reason and humanity, and when we observe that it is the main basis of the political solidity of the South, the cement that holds firmly together the most incongruous materials; when we are so frequently assured in private conversation that but for this one issue they would be Republicans—can you wonder

that we sometimes suspect that the reason more of you gentlemen—leaders of the thought in your section, as I presume you are—do not try to mitigate the passion of race prejudice is not so much that you are timid and fearful as that you are selfish and politic; that you find here a useful and unassailable method as long as you hold together of keeping your political power intact, and so, instead of denouncing it as savage cruelty, encourage it as necessary, and so are free to talk free trade or free silver or any other heresy which will appeal to the Democracy of the North as Democratic doctrine, while you know that the South is safe by the unceasing pressure of race prejudice—so violent and brutal as to crush out all contradiction?

That race prejudice should exist surprises none. The occurrences of the past half century have been such as to inflame it violently. None could expect or ask that it be eradicated. It exists everywhere, but that it should be pushed to a greater extreme than exists anywhere else on the civilized globe, that it should extend to both political and social status, and that no man should rise up enlightened and courageous enough to disown its thraldom and admit its barbarity is both surprising and discouraging. And when you find that it is this prejudice which keeps all political power safely in one party—that it can always be invoked to do party service—you can but suspect that the reason intelligent men cater to it is not that they find it respectable, but that they find it useful: not that it keeps their districts orderly, but that it keeps them in office; not that they believe it salutary for their country or their State, but very salutary for their party.

Now, do not misunderstand me. I do not claim that you or I or anyone else is obliged to associate with anyone he does not like. Each of us can choose for himself his own associates. You can choose them by color or by any other quality; but we have no right to say to somebody else that they shall not exercise the same choice. We have no right to say that our friends are the only social caste, and that all those who associate with any different caste are degrading themselves or disgracing themselves. As the gentleman from Mississippi said the other day about that little incident that happened in the White House—and I was very sorry to hear him say it; I was very sorry to hear a man of his eminence say that it was a disgrace to have invited Booker Washington to lunch—I do not know anything about——

Mr. POU. Mr. Chairman, may I interrupt the gentleman?

Mr. GILLETT of Massachusetts. Certainly.

Mr. POU. I simply desire to remark that the gentleman's protest against lynching is probably well timed, for the Boston Advertiser of the 28th or 29th——

Mr. GILLETT of Massachusetts. Well, I just yielded to the gentleman for a question.

Mr. POU. Only one sentence. I find in that paper a statement that a mob of white men in your town ran a negro nearly 2 miles, trying to get at him because at a base ball game he had whipped a white man in a fight.

Mr. GILLETT of Massachusetts. Well, that is a very pertinent interruption! I was not discussing that question at all—left it some minutes ago. I think——

Mr. CLAUDE KITCHIN. May I interrupt the gentleman one minute?

Mr. GILLETT of Massachusetts. Yes.

Mr. CLAUDE KITCHIN. I believe the gentleman is perfectly honest and sincere in his expression of belief.

Mr. GILLETT of Massachusetts. I thank the gentleman.

Mr. CLAUDE KITCHIN. I believe that. Now, the gentleman said there ought not to be any social superiority. The gentleman makes a difference between social superiority and social equality, does he not?

Mr. GILLETT of Massachusetts. Well, I suppose one is a contradiction of the other.

Mr. CLAUDE KITCHIN. Now, how many negroes are there in your State?

Mr. GILLETT of Massachusetts. I do not know.

Mr. CLAUDE KITCHIN. About thirty or forty thousand, I believe.

Mr. GILLETT of Massachusetts. I do not know.

Mr. CLAUDE KITCHIN. Will you state whether you ever practiced social equality by inviting negroes to dine with you or to visit your family?

Mr. GILLETT of Massachusetts. Mr. Chairman, that is like the old question before the war—"Do you want your daughter to marry a nigger?"

Mr. CLAUDE KITCHIN. We wish to know whether you practice what you preach?

Mr. GILLETT of Massachusetts. I have never invited a negro to my table.

Mr. CLAUDE KITCHIN. Why have you not done so? I understood you to yield to me for a question.

Mr. GILLETT of Massachusetts. I did. Will you please keep quiet until I can answer it? [Laughter.]

Mr. Chairman, there are a great many more than 40,000 people in the State of Massachusetts that I have never invited to my home and table. I invite whom I please.

Mr. CLAUDE KITCHIN. You misapprehended my question if you think that is an answer.

Mr. GILLETT of Massachusetts. I have not got through with answering you.

Mr. CLAUDE KITCHIN. Why did you not invite some one of these 30,000 negroes?

Mr. GILLETT of Massachusetts. Because I did not please to.

Mr. CLAUDE KITCHIN. Why did you not please to do it?

Mr. GILLETT of Massachusetts. If you will please keep quiet, you will find out perhaps. [Renewed laughter.]

Mr. Chairman, I have never invited one. I invite to my table exactly whom I please. I select my social companions from those agreeable to me, and shall continue to do so, and I also exercise the same privilege in the selection of those whom I shall invite to my home. I do not claim that those whom I invite are of any better social standing than those whom others may choose to invite.

Mr. CLAUDE KITCHIN. Will the gentleman permit me to ask him a question there? That is a very long answer to a short question.

Mr. GILLETT of Massachusetts. I supposed I had the floor. [Laughter.]

Mr. CLAUDE KITCHIN. You yielded to me for a question.

Mr. GILLETT of Massachusetts. I invite those whom I please, and I think that every man has that right; and, further, any man who does not want to invite a man because of his color or slight acquaintance, or because of some peculiar temperament or any deformity, can decline to do so. That does not make them superior, nor does his declining to do so make them in any way inferior.

Mr. CLAUDE KITCHIN. That is a good answer.

Mr. GILLETT of Massachusetts. All right.

Mr. CLAUDE KITCHIN. I just want to ask you this question now.

Mr. GILLETT of Massachusetts. I will not yield now until I get through.

Mr. CLAUDE KITCHEN. It will be a very easy question.

Mr. GILLETT of Massachusetts. I want to draw the corollary from that. The corollary is this: I claim that I have the right to invite anybody I please, and I will say that every other man has the right to invite whom he pleases. But to say that because I invite some one whom it pleases me to invite, and others invite any other person whom they please, and I do not like, for me to say that it is a disgrace to him, is preposterous and absurd. A person can invite whom he pleases, and nobody can say simply because some one else has chosen to invite another person whom he dislikes, that that is a disgrace. That is the distinction I draw. That is the condition, I suppose, with all of us.

Mr. SLAYDEN. With the gentleman's permission, I would like to ask him two questions, simple questions. I do not want to make a statement. Does not the gentleman believe that any effort that the Caucasian race can put forward for the purpose of preserving race purity would be worthily done?

Mr. GILLETT of Massachusetts. Yes.

Mr. SLAYDEN. Then does not the gentleman from Massachusetts believe that race purity is endangered by social and scholastic intermingling?

Mr. GILLETT of Massachusetts. Oh, well; that is a scholastic question. I hardly feel at liberty to answer it. I suppose, as to race purity, Mr. Chairman, the very first trouble was when we brought into this country these negroes. Now we have got them here. Of course their presence does threaten race purity; but the question, to my mind, the way to solve it, is not by setting up superiority and inferiority, is not by claiming that a man disgraces himself when he invites a negro man to his table. That seems to me to be preposterous.

Mr. SLAYDEN. Will the gentleman permit me to make a statement?

Mr. GILLETT of Massachusetts. You will have plenty of time to make a statement later.

You are going back to the old, old, obsolete theory that it is blood that makes caste. It is not blood that makes caste. It does in Europe.

Mr. SLAYDEN. But blood does make caste in the United States.

Mr. GILLETT of Massachusetts. It does in some parts of the United States; but blood has no right to make caste. Why, we are all of us, I suppose, glad to have good blood and at the same time good blood does not amount to anything. I know I took some pride a while ago—it was foolish vanity, I suppose, but it rather pleased me—to run across in one of the early reports of Massachusetts the name of my great-grandfather as being a Federal judge who was deposed, put out by the Democratic party

when the Democratic party conquered Massachusetts, the last stronghold of Federalism. We are, I think, pleased when we run across an ancestor who was distinguished in any way, but we recognize, at least I do, that it is a foolish and weak vanity, and after all it does not amount to anything.

Lord Chesterfield used to say that it took three generations to make a gentleman. We know better than that. All of us who knew the late President of the United States knew, although he had no ancestry to boast of, that in his ideal union of dignity and courtesy, of self-respect and respect for others, he constantly manifested a perfection of manner that even Lord Chesterfield would have envied. We all recognize that it does not take any generations in America to make a gentleman. We have proved that too often, that any man, no matter what he springs from, may become a gentleman; that it is not an inherited right or caste right; that it simply depends upon the man's own cultivation and refinement and intelligence, and it seems to me Americans have got to stand upon that basis, and any section or any part of the United States that departs from it is laying for themselves a foundation of deterioration, and I am sorry that any gentleman as distinguished as the gentleman from Mississippi should get up and say it is a disgrace to the White House that a President invited a negro there. I do not know anything about the circumstances of it, but I assume, I suspect every impartial man will assume, it was a momentary impulse, just what any other man would have done had——

Mr. CLAUDE KITCHIN. I desire to say I am very glad to hear the gentleman from Massachusetts apologizing for——

Mr. GILLETT of Massachusetts. Indeed, I am not apologizing for the President. I may say for myself that if he had any reluctance to do it, if he did not wish to do it, if he did it because he thought the President of the United States ought to be high enough and enough above prejudice to treat one man as another no matter what the result was to him, I admire him for it. [Applause.] It was done in a big-hearted way, and done by a man who had birth and breeding and cultivation, so that nobody could dispute his being a gentleman; but I do not believe there was any such serious design in it. I have no doubt it was a mere accident, although I know nothing about it, and yet from that accident apparently have sprung great consequences.

The CHAIRMAN. The gentleman from Massachusetts has occupied one hour.

Mr. GILLETT of Massachusetts. I would like to have a few minutes more.

Mr. HEMENWAY. Mr. Chairman, I yield to the gentleman from Massachusetts time sufficient to conclude his remarks.

Mr. GILLETT of Massachusetts. I had no intention of occupying anything like this time and I am sure the House will recognize I have not used it all. Now, Mr. Page in his article remarks this about that incident: "The effect was so unexpected and so far-reaching that it astonished and perplexed the whole country." I think it did astonish us, but I think that Mr. Page, not being a politician and not seeing the purpose, did not recognize the real reason. I believe the reason the effect was so great was because about that time there was an election in the State of Maryland and that shrewd Democratic politicians there saw a chance to help their cause by exciting race prejudice, and so, by demagogic appeals, they created a feeling greater than anyone would have anticipated and which I have no doubt carried that State.

And yet in the State of Maryland they pretended that there was danger of negro domination when the negroes are in a small minority, and it was done for political purposes, and unfortunately succeeded.

Mr. GARDNER of Michigan. Will the gentleman from Massachusetts yield?

Mr. GILLETT of Massachusetts. Certainly.

Mr. GARDNER of Michigan. I want to interrupt the gentleman a moment to remark that in line with what he is now saying the president of the World's Fair Exposition at Chicago, an ex-minister to the court at Madrid, an honored ex-United States Senator, a man than whom no one has a higher standing in Michigan socially, invited Booker Washington to his home. He slept in his house; he sat at his table; and yet I never have heard it mentioned outside of the current item of news in the Detroit papers from that time to this. Why is it that no political capital has sought to be made out of it?

Mr. SLAYDEN. But this gentleman was not President of the United States.

Mr. GARDNER of Michigan. No; but he was worthy to be.

Mr. GILLETT of Massachusetts. Mr. Chairman, I think that is the reason that this incident was made so much of, simply that they saw in it an opportunity to make political capital, and gentlemen on the other side must excuse us if we occasionally have a suspicion that this preposterous claim of social superiority is not really genuine in thoughtful minds; that they know perfectly well that in this country race does not make superiority, but they seek by thus appealing to race prejudice to make their whole section solid politically, although they tell us conversationally that if it were not for that fact many of them would be Republicans. Now, that may be an ungrounded suspicion; I hope it is; but I think they must pardon us if we occasionally have this suspicion thrust upon us.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GILLETT of Massachusetts. Yes.

Mr. BARTLETT. The gentleman never heard it suggested also that there was politics in it, in that the delegates to the Presidential convention might be easier secured in that way than in the old way. [Applause on the Democratic side.]

Mr. GILLETT of Massachusetts. I never did, and I do not believe any honest man ever thought so.

Mr. MACON. Will the gentleman yield?

Mr. GILLETT of Massachusetts. Certainly.

Mr. MACON. The gentleman from Michigan a moment ago asked the gentleman from Massachusetts why it was that so much talk had been made about the President inviting Booker Washington to his table when there was nothing said about the gentleman in Michigan inviting him there to his table. I want to ask the gentleman from Massachusetts this question: Does not the President of the United States represent every man, woman, and child in the United States as the Chief Executive?

Mr. GILLETT of Massachusetts. Yes.

Mr. MACON. Then, sir, wouldn't it be natural for one that is representing me—may I not have the right to complain if that Chief Executive misrepresents me in his executive capacity when he invites negroes to the White House, which belongs to all of us——

Mr. GILLETT of Massachusetts. Doesn't it belong to the negro?

Mr. MACON. Yes; but—the gentleman in Michigan did not represent any of us, nobody but himself. But the Chief Executive in the White House represents all of us, and on that ground I believe that every true southerner resents it in that way.

Mr. BARTLETT. I understood the gentleman from Massachusetts to say that he did not believe that any honest man made the statement which I have heard.

Mr. GILLETT of Massachusetts. I said that I did not believe that any honest man believes it.

Mr. BARTLETT. I saw it suggested in one of the papers of the South, and also in some responsible paper in the North; whether they believe it or not I can not state.

Mr. GILLETT of Massachusetts. I do not believe that any honest man believes it. I think it is utterly preposterous, and I think anybody who thought a minute would say it was the most impolitic thing for the President to do.

Mr. LACEY. Mr. Chairman, will the gentleman allow a suggestion of another instance to go along with these others?

Mr. GILLETT of Massachusetts. Yes; if the committee is not too tired.

Mr. LACEY. We have a street-car line running from Washington to Mount Vernon by way of Alexandria. Not very long ago the daughter of Gen. Robert E. Lee was summarily arrested in the city of Alexandria and taken from the car by the police because she happened to go to the Jim Crow end of the car.

Mr. OLMSTED. And insisted upon staying there.

Mr. GILLETT of Massachusetts. Mr. Chairman, I am sorry so much has been said about this little incident, which I think was a very casual occurrence and did not deserve the publicity. I think it obtained its publicity and notoriety for political purposes. It is not the first time in our history that such a thing has happened. We remember a Presidency was lost once to the Republican party because of that phrase "Rum, Romanism, and rebellion," which at the moment attracted no attention, but which was taken up for political purposes and exaggerated and made a party cry. I think exactly the same thing happened in this case. That was picked up and exaggerated and made a party issue, and in this case also was extremely successful. I think for any man to say that act was disgraceful argues a very un-American method of looking at our social conditions.

Mr. SLAYDEN. Mr. Chairman, does the gentleman yield?

Mr. GILLETT of Massachusetts. Yes.

Mr. SLAYDEN. How does the gentleman account for the fact that in the North, where the negroes are permitted to vote, as I understand him, without interruption at all, they are denied the privilege of membership in labor unions and are denied practically in many instances the opportunity to gain a living, when no such prejudice obtains against them in the South?

Mr. GILLETT of Massachusetts. I am not aware of the fact.

Mr. SLAYDEN. It is a fact, if the newspapers have been telling the truth repeatedly from year to year. I make that statement again on the authority of the distinguished gentleman from New York [Mr. COCKRAN].

Mr. GILLETT of Massachusetts. It may be true, but that simply corroborates what I have been saying all the time, that there is race prejudice North as well as South.

Mr. SLAYDEN. Is it artificial?

Mr. GILLETT of Massachusetts. No; it is natural everywhere. But it is not natural that thoughtful, reflecting men should stimulate it. You may feel it, but every thoughtful, reflecting man knows that it is prejudice and that it is something that ought to be put down, that it is not wise, and he does not try to set it up as a canon for everybody to bow down to, but tries to repress it. That is the trouble I find with the South. I do not blame you for race prejudice. I have no doubt that all of us, if we were there, would feel it.

But what I criticise is the constant attempt to increase it and cultivate it and to apply social ostracism to everybody who does not bow down to it, and therefore to make it constantly more bitter and overwhelming. That is what I object to.

Mr. SLAYDEN. Does not the same race prejudice exist on the Pacific coast against the Chinese?

Mr. GILLETT of Massachusetts. Certainly.

Mr. SLAYDEN. And would it not exist in the South, or in Massachusetts, or elsewhere if the Chinese—a race possibly as alien to ours as the negro race—were scattered over this country in any considerable numbers?

Mr. GILLETT of Massachusetts. Certainly, Mr. Chairman. I do not mean to say that race prejudice is not genuine. I think I have made myself clear enough on that point. I agree that this race prejudice is perfectly genuine and far-reaching. The only thing I criticise is that men will not recognize that it is an unfortunate fact, that it ought to be done away with—will not join me in regretting that thoughtful men are not doing what they can to suppress it, instead of constantly doing what they can to artificially educate it, instead of using every effort of social and political influence to stimulate and increase it. That is my objection—not against race prejudice, but against the attempt to increase and spread that prejudice.

Now, Mr. Chairman, I have said infinitely more than I had the slightest idea of saying. As I said at the beginning, I certainly do not wish, by any word or act of mine, to stimulate sectional feeling. I appreciate very thoroughly, I think, the condition which faces the South, the terrible experiences it has undergone, and it is encouraging to see that some of the newspapers there are themselves apparently trying to modify this feeling. There is apparently an attempt in some quarters to mitigate it. I think such an effort ought to be shown in this House. Here are the leaders of opinion from the South: here are the men who are thoughtful, who are statesmen, who want to look at these facts as they exist, and who, it seems to me, ought to use every effort not to inflame or extend this feeling, but to temper it. Instead of that, the only speeches we hear here from the South are to defend and inflame it.

Mr. BURGESS. I should like to ask the gentleman from Massachusetts a question. He makes quite a grave charge against the South. He says that we are "playing politics" on the negro question.

Mr. GILLETT of Massachusetts. I did not charge that. I said there was sometimes excited in my mind a suspicion that such was the case. I carefully avoided making any such charge.

Mr. BURGESS. By innuendo you did make it.

Mr. GILLETT of Massachusetts. No; I said that there was sometimes excited in my mind a suspicion of that kind. I carefully avoided charging it.

Mr. BURGESS. Now, let me ask the gentleman this question: Is not this a case of "the pot calling the kettle black?" Does not the gentleman think that the least said from his standpoint about "playing politics" on the negro question, the better? [Applause on the Democratic side.] Let us be fair.

Mr. GILLETT of Massachusetts. I will be fair to the gentleman. If he alludes to me when he talks of "playing politics," I will tell him that in my district there is no appreciable colored vote. The colored vote makes no difference to me; but I think it no more than fair when such statements are made as were made on the other side that some one on this side should intimate that all of us do not acquiesce in that statement, and it should not be allowed to go without some contradiction. [Applause on the Republican side.]

Mr BURGESS. I do not pretend to know anything about the political conditions in the gentleman's district, and I can not undertake to enter into that personal question, but when by innuendo he makes this a political question, and says that it is the purpose of the South, in the position taken on the negro question, to do it for political or partisan purposes, I ask the gentleman whether it is not true that his party look upon the negro as a political asset to be played in their interest?

Mr. SLAYDEN. And the negro has been enfranchised for that purpose.

Mr. GILLETT of Massachusetts. As to the question of the negro having been enfranchised for that purpose——

Mr. BURGESS. I did not say anything about that.

Mr. GILLETT of Massachusetts. But another gentlemen did.

Mr. BURGESS. In speaking about the present agitation of this question I desire to say to the gentleman and to the House that no man living can be more anxious than myself to see a cessation of the bitterness that always arises between the two sides of the House when we go into this question, and, therefore, the less said about it, especially by those who do not live in the midst of southern conditions, and do not know of what they speak, the better for the country.

Mr. GILLETT of Massachusetts. Mr. Chairman, I quite agree with a little that the gentleman said—that the less said on this question the better, perhaps. I will admit that I hesitated a long time, and I questioned whether it was wise to say anything; but I have intended to speak with so much moderation and temperateness, suppressing much that I felt, so that it should not be considered that I was trying to stir up sectionalism. Whether I have succeeded or not, I shall have to leave to the House. No man himself knows about that; but I did not intend to do it in a political way, certainly, and I say it could have no advantage to myself; but I did think that when speeches had been made on the other side, as they have this session, announcing doctrines which it seemed to me were obsolete, which ought to have been abandoned long ago, which were preposterous and intolerant, it seemed to me it was proper that at least a moderate and temperate statement should be made expressing what I deeply feel, that those remarks ought not to be made, and that they indicate, I am sorry to say, that the South, instead of cultivating forbearance, instead of cultivating moderation, instead of toleration growing there, as I certainly thought it would after the abrogation of all so-called "force laws," and after the entire neglect on this part of the House to exclude, as they had the right to, delegations on that side whom we thought were unfairly elected, I had hoped that, since for many years the South has been left practically to deal with the question as it pleased, moderation would grow up on that side.

All Federal restraint has been removed, there has been no criticism from this side, no matter how much has been felt, and yet apparently in the South the social, political, and industrial possibilities of the negro are being constantly narrowed. It seems to me that in this Congress there has been great harshness of statement from that side of the House, and I thought I would take the responsibility, having no personal interest in it, to state as temperately as I could what I sincerely believe to be the earnest feeling of the great part of the North on this subject.

Mr. REEDER. Mr. Chairman, I want to ask the gentleman a question, if he will permit.

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT of Massachusetts. Yes.

Mr. REEDER. I want to bring out the fact that with the number of statements that have been made from the other side in regard to our President, whom the Republicans regard as one of the greatest that has ever been in the Presidential chair—I want to bring out the moderation of the North in not speaking of this matter heretofore, by asking this question: I want to ask the gentleman if he thinks there is a village or a small city in any part of the North where ten of the most prominent and most respected citizens would not regard it as an honor to invite Booker T. Washington to their tables if he were in their city?

Mr. GILLETT of Massachusetts. Of course the gentleman's opinion on that is probably more valuable than mine.

Mr. REEDER. I want to say to you that in my section I believe there would not be one out of a hundred who would not regard it as an honor to invite Booker T. Washington to their table were he to come to our cities or our towns. Now, when we feel that way I want to say that we feel that the President did not go out of his way; and when these accusations are made by the other side, we have been exceedingly temperate not to take the matter up with a good deal of energy.

Mr. GILLETT of Massachusetts. Mr. Chairman, I think I will let the gentleman put that statement in as his own.

I am very sorry to have detained the House so much longer than I expected.

Mr. BENTON. Mr. Chairman, I desire to ask how much time the gentleman from Massachusetts consumed?

The CHAIRMAN. Eighty-one minutes.

Mr. BENTON. I yield so much of ten minutes as he may desire to my colleague [Mr. DE ARMOND].

Mr. DE ARMOND. The gentleman from Massachusetts [Mr. GILLETT] has given the House the benefit of his studies in sociology and ethnology, and yet there are some people who will continue to believe that social distinctions may be properly based upon race. The gentleman from Massachusetts believes that race and color afford no basis for social distinctions. This merely

illustrates what has been said very often and believed very generally—that there is no accounting for some tastes. [Laughter.]

The only thing, it seems to me, that is worth commenting on in connection with this matter and which leads up to the one point on which I wish to speak for a short time is that the gentleman from Massachusetts confesses that prejudice, based upon color, operates to deprive him of a portion of the social advantages which he might otherwise enjoy. [Laughter and applause on the Democratic side.]

The gentleman from Massachusetts, Mr. Chairman, in order to illustrate some portions of his address, finds something suggestive of the mob spirit and some danger abroad of mob law in the course of this side a short time since upon two or three different occasions in endeavoring to secure an investigation of the Post-Office Department. The gentleman likens the course taken by those of us upon this side who think there ought to be such an investigation to a mob that overrides the law in order to do what, according to the conception of the mob, ought to be done, but which, according to the mob, will not be done soon enough or not done at all by the law.

Let us see for a moment what was done over here, and see whether there is real, grave danger that there will be inculcated from what we did very much of the mobocratic doctrine, and whether much of mob performance will follow from it. It is a matter of general public notoriety that over in the Post-Office Department a good many things have been done which ought not to have been done and that a good many things have been left undone which should have been done. An investigation inside of the Post-Office Department, directed by the head of that Department—not directed promptly, but reluctantly, and when there seemed to be no other course—has disclosed a great many irregularities and uncovered a good many crimes, and there is every reason to suppose and the belief is general that the surface only was scratched; that where one crime or irregularity was brought up and publicly exposed a dozen and perhaps a score remain to be exposed, corrected, and punished.

Under this condition of things an effort was made upon this side of the House—more than one effort—in an orderly and regular way to have a committee appointed and the Post-Office Department investigated. The committee to which the resolutions looking to that result were referred decided not to report them—took adverse action upon them. The majority side of this House has made it very evident by its acts of omission and acts of commission that it has distinctly determined that there shall be no investigation of the Post-Office Department if it has the power, by the use of technical and partisan rules, to prevent it. Under these circumstances an effort was made, more than once—and effort will be made more than once again before this session closes—to compel an investigation by resort to the best means available. Now, these efforts are characterized as prompted by a mob spirit and likened to the application of mob law. Let us see about it.

The gentleman from Massachusetts says that the one thing to be inculcated and observed above all others is regard for the letter of the law. The gentleman seems to lose the distinction, which I think is apparent to those who may look into the matter, between a law and a rule of this House for the government of the Members of this House in the transaction of our business here. These rules are supposed to be made—are made in theory—to aid in the regular disposition of business in the House. On this side they are not supposed to be properly designed to prevent the House from doing what it ought to do and what a majority of its Members are in favor of doing. Among the other rules is one which prevents the adoption on an appropriation bill against objection of a provision for an investigation of the Post-Office Department.

We propose here to have that investigation, if we can get it, and if it can not be secured in the regular way—not because the rules forbid it, for they do not, but because a partisan majority forbids it—the effort of the minority will be, as it has been and ought to be, to set aside the rule for the time being, in order to accomplish what ought to be accomplished, what could be accomplished under the rules if the majority were disposed to use them fairly, and with regard for the public good rather than for partisan interests.

The proposition was and is, simply and plainly, inasmuch as the resolution for investigation was not permitted and will not be permitted by the majority to come before the House in accordance with the rules, that the House avail itself of its rightful power to declare for an investigation, even if it be necessary in order to do it to set aside temporarily any rule that may stand in the way.

Does the gentleman from Massachusetts forget, or did he not think, that the disregard of the rights of the people, disregard of the necessities of the occasion, disregard of the public welfare, in denying, for partisan power and for partisan purposes, an investigation of this Post-Office Department, might in itself be a suggestion of sympathy with mob rule, and might itself be a very fruitful intimation that gentlemen upon his side of the House have very little regard for law and right when partisan interest is in the balance upon the other side? [Applause on the Democratic side.] If we can not have an investigation according to the rule, what difference about the rule being shoved aside temporarily in order to have an investigation anyhow, for the good of the country and the good of the service?

Now, what would there be about this investigation if it were ordered? We have not the power to appoint the committee; we have not the power to dictate the appointment of a single man upon it; we have not the power to keep a single member off of it; we are not trying to make up the committee; we are not trying to hamper the Speaker in appointing the committee.

Our position is simply that enough has been disclosed in reference to transactions in the Post-Office Department to make it an imperative legislative duty, a high, patriotic, American duty, to investigate that Department by a committee from this House. That is our position about it. We have sought in regular channels to reach the end. The partisan majority here block proceedings in the regular way, and when we then attempt in the only other way open to us to accomplish a result so much to be desired, and one against which honesty and patriotism ought to interpose no objection, on which side is the mob spirit? Our only chance for a vote for and against investigation is found in trying to set aside, temporarily, the rule with reference to whether or not a particular proposition is technically in order at a particular time. That is all there is about it, and the gentleman from Massachusetts, with no amount of discussion about sociology and ethnology, and as to taste in social affairs, based upon a disregard of color, can obscure the fact that we are trying to get an investigation and you prevent it. [Applause on the Democratic side.]

Mr. BENTON. Mr. Chairman, I yield fifty minutes to my colleague [Mr. CLARK].

Mr. CLARK. Mr. Chairman, I have no disposition to mix up in this debate on the subject of lynching; but I will tell the gentleman from Massachusetts [Mr. GILLETT] when lynchings will cease. Whenever the black man or yellow man or white man or red man ceases to commit rape, then lynchings will cease. [Applause on the Democratic side.]

Mr. Chairman, by accident or design two of the ablest Republican debaters in the House sit side by side—the gentleman from Ohio, General GROSVENOR, and the gentleman from Iowa, Colonel HEPBURN. They are veteran Representatives, each having served in Congress almost a fifth of a century.

> So they grew together,
> Like to a double cherry, seeming parted,
> But yet a union in partition;
> Two lovely berries molded on one stem;
> So with two seeming bodies, but one heart.

[Laughter.]

They are luminaries of the first magnitude in the Congressional galaxy—high priests in the temple of protection. Considering their high standing in their party and their great influence over Republican Members, each might without exaggeration or bad taste adopt the descriptio personæ which the centurion gives of himself in the eighth chapter of the gospel according to St. Matthew, which runs in this wise:

> For I am a man under authority, having soldiers under me: and I say to this man, go, and he goeth; and to another, come, and he cometh; and to my servant, do this, and he doeth it.

[Laughter.]

Consequently they are heard here gladly, while in the country at large Republicans who have neither time nor opportunity for independent investigation accept their statements and conclusions without cavil and with pathetic credulity. This is not the language of flattery, but is only a fair exposition of the status of these two conspicuous statesmen. We are all proud of their skill in mental pugilism—none more so than myself—even though many of us bear scars as testimonials of their prowess. [Laughter.]

Lord Bacon took all knowledge for his province. Our two friends are not so ambitious. The gentleman from Ohio, General GROSVENOR, takes prophecy as his peculiar domain, occasionally dipping into history as Silas Wegg dropped into poetry, while the gentleman from Iowa, Colonel HEPBURN, usually confines himself to history, with now and then an excursion into the realm of the imagination. [Laughter.]

The truth or falsity of a prediction can not be ascertained till after the event; therefore the gentleman from Ohio is on less dangerous ground when essaying the rôle of Elijah and Isaiah than is the gentleman from Iowa when speaking in his capacity as the Tacitus, the Sismondi, the Gibbon, or the Macaulay of our country.

A celebrated dictum of Aaron Burr was this:

Whatever is boldly asserted and plausibly maintained is law.

Our two friends appear to think that—

Whatever is positively stated and forcibly reiterated is argument.

Occasionally these two statesmen fall afoul of each other; but their spats are merely lovers' quarrels. They soon kiss and make up again, continuing to fight in pairs.

On the 1st day of December, 1903, the gentleman from Iowa, Colonel HEPBURN, in a fine burst of eloquence, said:

A little while ago—ten years ago—we used to pride ourselves on the fact that we produced 11,000,000 tons of pig iron. It used to be said that the production of iron indicated the status of a nation in its civilization and that those nations that were capable of the greatest production stood highest in the plane of civilization. We boastfully used to say, "Look! 11,000,000 tons." Last year—

Continued the gentleman—

we produced 44,000,000 tons of pig iron, and this year (1903) it is estimated that the magnificent results in the production of iron will reach the stupendous sum of 48,000,000 tons, a result, I say, direct and clear of the protection that we have had the wisdom to give to our labor in that direction.

The CONGRESSIONAL RECORD discloses the fact that that gorgeous passage was received with "Loud applause on the Republican side." And no wonder, for it was wild enough to arouse the least emotional person to enthusiasm.

He says that we produced 44,000,000 tons of pig iron in 1902. His Republican friends who applauded him will be astounded to learn—perhaps he will, also—that in 1902 we produced only 17,821,307 tons of pig iron, instead of 44,000,000, and that he overstated the amount by 26,178,693 tons, thereby multiplying our output of pig iron by more than two and one-half times what it really was.

Jonah's gourd vine has been considered the ne plus ultra of fast growers ever since he was ordered to start on his journey to Nineveh. Hereafter when anyone desires to indicate the most rapid growth of any particular thing, he will compare it not with Jonah's gourd vine, but with Colonel HEPBURN's pig iron. [Laughter and applause.]

This is the day of watered stocks, and Colonel HEPBURN simply fell into the evil habit of the times and watered his pig-iron statement liberally—so liberally in fact as to qualify himself for membership in the defunct shipbuilding trust. [Laughter.]

Did he do it with intent to deceive? Of course not, for he is an honest man. He did it from lack of information—merely that and nothing more. Likewise those enthusiastic but benighted Republicans who furnished the "loud applause" did so for lack of information. It was a clear case of the blind leading the blind and all tumbling into the ditch together.

The figures as I give them are taken from the Statistical Abstract and from a well-considered editorial in the Scientific American.

The gentleman from Iowa owes it to his own reputation and to the country to rise in his place and frankly confess that he inadvertently overstated our output of pig iron in 1902 by 26,178,307 tons, otherwise hundreds of Republican editors and orators, who regard him as an oracle, will be quoting his inflated and erroneous figures as arguments during the impending campaign, thereby deceiving the unwary voter.

In that same glowing and amazing speech Colonel HEPBURN said:

I live in a county of 24,000 people, a farming community. There is not a protected industry in that county.

I thank him for that last sentence—"there is not a protected industry in that county." By that one declaration, unwittingly uttered, no doubt, the gentleman from Iowa answers completely all the Republican speeches, editorials, and essays as to how the high tariff helps the farmers.

His is one of the finest agricultural counties that a crow ever flew over—almost as rich as those composing my district. Not his county only, but his entire district, produces corn and other cereals in profusion and of highest quality. His is one of the greatest corn-producing districts in America, and therefore in the world. About Shenandoah, in his district, they raise what they claim to be the finest seed corn on the whole face of the earth and sell it as high as $2 per bushel.

Is corn raising an industry? Most assuredly, and a vast one. Is it protected? The gentleman practically says, "No." The Dingley bill, together with Republican spellbinders and editors, says, "Yes;" and the fallacious theory that corn raising and kindred industries are protected has held Iowa in the Republican column for years.

The Dingley bill levies a tariff tax on corn of 15 cents per bushel of 56 pounds, and on corn meal of 20 cents per bushel of 48 pounds. The rates on other farm products are about the same.

When the farmer complains about the extortionate tariff rates on articles which he must buy, he is told by Republican leaders that he has no ground to kick; because by the tariff on corn and corn meal he is protected.

Mr. GROSVENOR. Will the gentleman yield for a question?

Mr. CLARK. Yes; with pleasure.

Mr. GROSVENOR. If there were no tariff on corn or corn meal, where would the competitive product come from—what country produces corn?

Mr. CLARK. That was precisely what I intended to ask the first Republican that rose to say that the tariff on corn and corn meal is really intended to keep out foreign corn and corn meal.

There is no corn belt except in the United States. They can raise oats, wheat, barley and rye in Canada, and some little corn. Canadian corn consists principally of nubbins. They can not raise such corn as grows in Colonel HEPBURN's district or in Judge SMITH's district or in my district or in any other good corn district in the United States. Now I want to ask the gentleman from Ohio a question; and if he can not answer it, I will give anybody else leave to answer it, and that is that if there is no corn to be brought into the country in competition with our corn, what did you put the tariff tax in that bill for? [Laughter and applause.]

Mr. GROSVENOR. If the gentleman will allow me, I suppose it would be a very good measure to use in reciprocity with some other country.

Mr. CLARK. Reciprocity! Go to! [Laughter.] I want to give you the figures. I will tell you what it was put in there for. It was put in there as a bait to catch gudgeons. [Laughter.]

How much corn is imported into the United States? In 1902, the last year for which I have the figures, we produced 1,522,519,891 bushels; exported 28,028,688 bushels; imported only 17,238 bushels. Think of the American farmer fearing competition in corn raising with such a showing as that! In 1901, in which there was a bumper crop of corn, the figures show a much greater disparity between production of corn and imports thereof. That year we produced 2,105,102,516 bushels; exported 181,405,473 bushels; imported only 5,169 bushels. There is scarcely a quarter section in Colonel HEPBURN's district or mine which will not produce that much corn in any fair crop year. Last year one of my constituents had 11 acres of corn which produced an average of 133 bushels and a fraction to the acre, and it wasn't an extra good season for corn. On 39 and a fraction acres he could have raised as much corn as we imported in 1901, and yet farmers are expected to whoop it up for the Republican candidates because they are protected from competition with foreign corn raisers.

After using the words which I have quoted, the gentleman from Iowa proceeded:

On the 1st day of last October there were $2,580,000 of deposits in the little banks of that county. Ninety-five per cent of those deposits belonged to the farmers, and they amounted to more than a hundred dollars for every man, woman, and child in the county.

All of which he attributed to the tariff, utterly ignoring the sunshine, the rich soil, the rain, the delightful climate, the favorable geographical location, and the labor of Democrats and Republicans alike in that great county. His is the "post hoc ergo propter hoc" argument by which any fallacy can be seemingly established.

The gentleman's memory was unusually bad on December 1, 1903, for he declared that for nearly seventy-two years, meaning from 1789 to 1861, both inclusive, "the country experimented with your methods," meaning thereby Democratic methods. If the departed spirits of the mighty dead take any cognizance of debates in this House, I wonder what Henry Clay, father of the "American system," so called—a palpable misnomer for a system old even in mediæval times—thought of that declaration by Colonel HEPBURN? What does anybody who has read even a handbook of American history think of it? Certainly it was a most reckless statement—very wide of the mark. Surely the Democrats ought not to be charged with what happened or failed to happen from 1789 to 1801—twelve years—for Washington belonged to no party, and old John Adams was a rank Federalist, a fierce hater of Democrats. It was under his Administration and for words written about him that that immortal Democrat, Mathew Lyon—the only man ever elected to the House of Representatives from three States, the maternal grandsire of Colonel HEPBURN—was clapped in jail under the sedition laws. Would to God that brave old Mathew's Democracy had descended along with his splendid talents to his distinguished grandson. [Applause.] When Colonel HEPBURN rebels against the Republican programme of unrighteousness, as he sometimes does, it is the unconquerable spirit of Mathew Lyon, the bosom friend of Thomas Jefferson and Andrew Jackson, stirring within his breast and refusing to be entirely exorcised.

Surely John Quincy Adams, William Henry Harrison, John Tyler, Zachary Taylor, and Millard Fillmore, with their Administrations, should not be charged to us. So that by that measurement the gentleman's seventy-two years dwindle to forty-eight.

No fair statement of the matter will take from Henry Clay and charge to Democrats what happened, good or bad, under his vari-

ous protective-tariff acts, beginning in 1824 and extending practically to the passage of the Walker Act in 1846.

The Walker Act, a Democratic measure, gave such satisfaction, the country so flourished under it, that in 1856 no party mentioned the tariff in its platform, and Mr. Blaine in his book accounts the period from 1846 to 1861 as the most prosperous long stretch of years in our annals.

In that same speech of the gentleman from Iowa [Mr. HEPBURN] there occurred the following dialogue with the gentleman from Mississippi [Mr. WILLIAMS]:

Mr. HEPBURN. Ah, compare prices. The gentleman from Mississippi is exercised because of the shelter that is given by the protective tariff to the steel trust. Why, steel is worth $24 a ton now. When you had your way about it, when the Democracy gave us our tariffs, when steel was introduced into this country under the Walker tariff, what did we pay for it? One hundred and sixty-five dollars per ton in New York for steel rails.

That was the price until encouragement to manufacture was given by the Republican party.

Mr. WILLIAMS of Mississippi. Can I ask the gentleman a question?

Mr. HEPBURN. Certainly.

Mr. WILLIAMS of Mississippi. Has not that same comparative reduction in the price of steel rails taken place in Great Britain and everywhere else in the world?

Mr. HEPBURN. Surely. [Applause on the Democratic side.] But it is the competition of the United States and the superior methods of the United States and the greater intelligence of the workmen of the United States, stimulated by Republican tariff, that has brought this reduction in price. [Loud applause on the Republican side.]

Once more the Republicans furnished the "loud applause," because they didn't know what they were doing.

The idea that Colonel HEPBURN really intended to convey, until Mr. WILLIAMS of Mississippi cross-examined him, was that the Walker tariff was responsible for steel selling at $165 per ton prior to the civil war and that the Dingley bill is responsible for its selling as low as $24 per ton now. Clearly the gentleman from Iowa was presuming on the ignorance of his hearers, and judging from the vociferous applause on the Republican side of the House, his presumption was well founded. It is perfectly apparent that if steel has gone down all over the world, gone down lower in Europe than America, as Colonel HEPBURN admitted when prodded by Mr. WILLIAMS of Mississippi, then it must be plain to even the dullest intellect that the lowering in price was not produced by American tariff laws, but by some cause operating generally throughout the world.

When catechised by Mr. WILLIAMS of Mississippi, Colonel HEPBURN tried to get out of the hole by asserting that the falling off in the price of steel was caused by "the competition of the United States, and the superior methods of the United States, and the greater intelligence of the workmen of the United States, stimulated by a Republican tariff."

That bald assertion may satisfy Republican Members of Congress and cause them to applaud, but it will not deceive any intelligent man elsewhere, for everybody that knows anything of the subject knows that the principal element in the reduction of the price of steel throughout the world was the invention in 1864 of the Bessemer process of making steel, which the Scientific American editorially declares—

was and will ever be the greatest invention in the history of iron and steel.

The Scientific American continues:

By this service—

The use of the Bessemer converter—

it was made possible during an operation of an extremely simple and inexpensive character and in a few minutes' time to convert common cast iron into steel. Steel, from costing as high as 6 or 7 cents a pound for the common grades, began steadily to decrease in cost until in the closing year of the nineteenth century steel billets, in lots of a hundred thousand tons, came to be sold at the rate of "3 pounds of steel for 2 cents." The entrance of the Bessemer converter marked the close of the iron age, and from this time on steel became the standard material of construction in all but a few limited classes of work.

It was not long before the Bessemer process was introduced into this country, and this fact, coupled with the period of general commercial prosperity which followed upon the close of the civil war, stimulated the development of the iron and steel industry so greatly that by the year 1872 the total production of pig iron had increased to 2,548,713 tons.

Unfortunately, the gentleman from Iowa is entirely wrong in his statements. I wish it were true that an American had invented the process which has so greatly cheapened steel, for I would like to see my countrymen win all the honors of this world. I do not believe it is possible for the gentleman from Iowa, with all his facility of utterance and power of expression, to frame a more patriotic sentence than that; but the plain truth of history is that Henry Bessemer, who invented the Bessemer process, was an Englishman. He was knighted for his invention and is known in history as Sir Henry Bessemer. If in England men were ennobled for bestowing blessings upon people instead of killing them, then Henry Bessemer, instead of having a baronetcy for his reward, would have had a dukedom, for with the single exception of Lord Bacon, father of the inductive philosophy, he contributed more to the comfort of his countrymen and his kind than any other Englishman that ever lived.

Even Colonel HEPBURN, with his disposition to claim everything for the protective tariff, will surely not claim that it was responsible for Sir Henry Bessemer or for his process of making cheap steel.

That Americans have improved the Bessemer process is true, and have thereby still further cheapened steel—facts at which we all rejoice, whether Democrats or Republicans.

The speech of the gentleman from Iowa, from which I have been quoting, warmed the cockles of the heart of the gentleman from Ohio and caused his face to shine. So, when Colonel HEPBURN concluded, General GROSVENOR arose and began his remarks by saying:

Mr. Speaker, I do not intend, in the time allotted to me, or in so much as I may use, to mar the beauty and symmetry and irresistible logic of the speech of the gentleman from Iowa.

There hasn't been anything as rich as that since Rev. Dr. Chadband ceased from stretching out his arms and unctuously exclaiming, "God bless you, my children!" [Laughter.]

When I was a boy back in the hill country of Kentucky, I attended a horse race at a crossroads village. A man wanted to bet and kept bawling, "Who will hold the stakes?" "I will hold them," said a stranger. "But who the deuce will hold you?" inquired the would-be bettor. [Laughter.]

General GROSVENOR indorsed Colonel HEPBURN's speech, but who indorsed the General? [Laughter.]

Before quitting this steel subject I wish merely to mention the preposterous theory of the very pleasant gentleman from Pennsylvania [Mr. OLMSTED] that the railroads pay for the steel rails which they use and that it is nobody else's business at what price they buy them. That sort of logic may be accepted in Pennsylvania, but it will not go anywhere else in the wide, wide world. Everybody knows that in the last analysis the passengers who travel on railroads and the shippers and consumers of the freight shipped over them pay for the rails, rolling stock, and everything else and for everybody used in conducting a railroad. And the pay is collected in advance—at least, usually. Uncle Sam contributes to the cost of steel rails, etc., for he ships his mail, military stores, and soldiers over the railroads in great abundance. Consequently he is interested in the cost of steel rails, as is every person that rides a mile on a railroad or ships a pound of freight.

Mr. OLMSTED. Will the gentleman from Missouri yield?

Mr. CLARK. Yes; certainly.

Mr. OLMSTED. The gentleman is aware, doubtless, that steel rails are higher now than before the present tariff bill was passed.

Mr. CLARK. Well, I suppose they are.

Mr. OLMSTED. And wages are higher.

Mr. CLARK. Yes.

Mr. OLMSTED. And yet the railroad rates are lower.

Mr. CLARK. The volume of business is greater, and therefore the profits are greater. What have you got to say to that? [Laughter.]

Mr. OLMSTED. There is an increase in the price of rails, an increase of wages, but notwithstanding all that your farmer pays a lower rate of transportation by about 12½ per cent than he did before.

Mr. CLARK. Suppose he does? Your proposition is that the railroads pay for the steel rails. They don't do anything of the sort. Rates have come down because of the volume of business and competition. Your Uncle Samuel is interested in the price of steel rails. He ships his supplies for the Army, his munitions of war, and his soldiers over the railroad, and you can risk your head on the proposition that he pays the highest rate that the traffic will bear. Therefore as legislators we are interested in cutting down the cost of steel rails, as citizens who use the railroads we have an interest in cutting it down, and I give it as my opinion, whether it is anybody else's or not, that it is an outrage for American steel rails to be sold in Europe and Asia for a less price than they are sold to the American people, who are made to pay the difference. [Applause on the Democratic side.]

Mr. LACEY. Mr. Chairman, will the gentleman from Missouri yield?

Mr. CLARK. Certainly.

Mr. LACEY. The gentleman announced his objection to the Dingley law. Would he repeal that law, and if he would, does he wish to return to the Democratic Wilson bill?

Mr. CLARK. You can not inveigle me into any discussion about the Wilson bill now. I have not time for that at present. I will tell you in a few minutes what our position is on the tariff question; I will come to that; I have got it all prepared for you. [Laughter.]

Mr. GROSVENOR. I wish the gentleman from Missouri would explain why an ad valorem tariff which amounts to more than 20 cents a bushel was put on corn in that remarkable instance.

Mr. CLARK. I will explain that to you also. The men that got up the Wilson bill simply took that rate from the McKinley bill. Where the framers of the McKinley bill got it I don't know. [Laughter and applause.] I have not traced its pedigree

any further back. It is absolute idiocy, but they borrowed it from the Republican party.

Mr. DALZELL. They were the Democrats who borrowed it?

Mr. CLARK. Some were Democrats and some were sort of Democrats. [Laughter.] Here is what I say about that: That the tariff on corn is a humbug and fraud, I care not who puts it into a bill.

Mr. DALZELL. I would like to ask the gentleman if the rates of the Wilson bill were put on corn for the same purpose that the gentleman states the rates were put in the Dingley bill, a bait to catch gudgeons?

Mr. CLARK. No; they were put in there because it was in the McKinley bill.

Mr. DALZELL. Well, they didn't follow the McKinley bill very closely. [Laughter on the Republican side.]

Mr. CLARK. The trouble was that they followed it too closely. If they hadn't followed it so closely, we would have succeeded in the election of 1894 and have had the Government ever since.

Mr. GROSVENOR. Now, will the gentleman yield?

Mr. CLARK. Yes.

Mr. GROSVENOR. What assurance can the gentleman give to the country that if the Democratic party should be put into power again they will not follow the Dingley bill?

Mr. CLARK. Because JOHN S. WILLIAMS, CLAUDE SWANSON, SAMUEL B. COOPER, SAM ROBERTSON, BOURKE COCKRAN, and CHAMP CLARK constitute the minority on the Committee on Ways and Means, and we are a new set of Democrats.

Mr. MCCLEARY of Minnesota. How does the gentleman know he will be appointed again?

Mr. CLARK. How do I know we will be appointed again? Of course we will be appointed. [Laughter and applause.]

Mr. DALZELL. But JOHN WILLIAMS will not be with you. He will be in the chair.

Mr. CLARK. Well, if he is in the chair, he will appoint the rest of us, especially me. [Laughter.] And if I happen to beat Mr. WILLIAMS for Speaker, I will appoint him. [Renewed laughter.] So we are going to have a Democratic Ways and Means Committee when we get into possession of this House.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Missouri whether he entertains the same views and stands in the same position to-day as regards the tariff that he did in 1897, when the Dingley bill was on its passage?

Mr. CLARK. Academically, yes. [Laughter on the Republican side.] Just exactly. Now, sit down until I answer you. [Laughter.] Academically, yes.

Mr. DALZELL. Will the gentleman allow me for a moment?

Mr. CLARK. Wait until I get through with the other Pennsylvanian. I heard the Hon. Thomas B. Reed state, on the floor of this House, that free trade is a beautiful theory; that it might do for England, but that we had not yet reached that state. Practically, as legislating for the country, with certain laws on the statute books and certain habits formed, I would not go to a free-trade basis, and before I get through, if I have the time, I will state the Democratic position exactly about cutting down the tariff rates.

Mr. DALZELL. Will the gentleman allow me now?

Mr. CLARK. Yes.

Mr. DALZELL. I want to know whether the gentleman on March 31, 1897, said on the floor of this House the following:

> I repeat, so that all men may hear, that I am a free trader, and proudly take my stand with Sir Robert Peel, Richard Cobden, John Bright, and Henry George. I may be an humble member of that illustrious company, but it is better to be a doorkeeper in the house of honest free traders than to dwell in the tents of wicked protectionists.

Mr. CLARK. Yes.

Mr. DALZELL. That is an accurate quotation?

Mr. CLARK. I think it is. It sounds like I would have put it. [Laughter.]

Mr. DALZELL. Does the gentleman still keep the same position?

Mr. CLARK. Theoretically, yes. [Laughter on the Republican side.]

I will tell you my position about it exactly. If a new continent should be discovered and I should be given charge of its government after it was populated, I would establish free trade.

Mr. LACEY. And not otherwise?

Mr. CLARK. Not otherwise? There is no sense in adding those words to it. I have stated the case. [Laughter.]

Mr. MCCLEARY of Minnesota. Will not the gentleman be good enough to define "free trade" as he uses that expression now?

Mr. CLARK. Free interchange of the products of the world.

Mr. MCCLEARY of Minnesota. Without a tariff on any import?

Mr. CLARK. In order to raise money to run the Government I would levy a revenue tariff. We are in a situation produced by the practice and theory of over a hundred years. The American people have fallen into the habit of raising a large part of the revenue by tariff taxes, and they seem to think it is easier to do it in that way than in any other. Therefore I would not go to the basis of free trade. I would cut down the exorbitant and outrageous exactions of the Dingley bill.

Mr. DALZELL. But, if the gentleman will allow me, we are in precisely the same condition to-day that we were when he made that declaration, so far as revenue is concerned.

Mr. CLARK. Oh, no; we are not.

Mr. DALZELL. Precisely.

Mr. CLARK. I made that declaration in 1897, and the Treasury was empty. Now the Treasury is overflowing, and if they will pare down the appropriation bills in this House as they ought to be pared down we could cut off two hundred millions of revenue and never miss it.

Mr. OLMSTED rose.

Mr. CLARK. Oh, wait a moment until I get through with Brother DALZELL.

Mr. WATSON rose.

Mr. CLARK. Wait until I finish with the gentleman from Pittsburg. Because we are in the habit of raising revenue by tariff taxes under both Republican and Democratic administrations, and because the constitutional provision for levying a direct tax is unfair, inasmuch as it makes it in proportion to the number of people in a State instead of in proportion to the property thereof, and inasmuch as the Supreme Court of the United States knocked the income tax in the head, to tell you the truth about it, I do not see any other way to raise a sufficient amount of revenue to run the Government except by tariff taxes and the internal-revenue system. That is the whole of it.

Mr. DALZELL. Mr. Chairman, before the gentleman gets away from that, I want to understand him. The gentleman says that he was for free trade in 1897 because there was no money in the Treasury, and that he is now for a moderate tariff while the Treasury is overflowing.

Mr. CLARK. Yes.

Mr. DALZELL. That is what the gentleman said a few moments ago. I will ask him whether he stands by that proposition?

Mr. CLARK. Yes. If the gentleman will give the rest of my sentence, and the rest of it was that if the appropriation bills in this House were pared down the way they ought to be you could dispense with two or three hundred millions of this revenue we spend here every session.

I say this, that theoretically the doctrine of free trade is right, but practically under our laws and our customs and our habits and our Constitution we must have a tariff to help raise money enough to run the Government; but in levying a tariff we want reasonable rates, not excessive rates. For that reason I am in favor of doing exactly what the gentleman from Mississippi [Mr. WILLIAMS] says. I am going to include his remarks in my speech.

Mr. DALZELL. Did not the same considerations apply in 1897?

Mr. CLARK. Certainly. If I had been making an extended speech in 1897 and had undertaken to explain the whole situation as I am doing now, I would have made identically the same declaration in 1897 that I am making here now.

Mr. OLMSTED. On March 31, 1897, according to the RECORD, you said, speaking of custom-houses:

> I would destroy every custom-house in America. If I had my way to-day, sir, I would tear them all down from turret to foundation stone.

Now, I would like the gentleman to state whether that was theoretical or academic, or whether the gentleman really meant it.

Mr. CLARK. It was both academic and theoretical. [Laughter.]

Mr. OLMSTED. And you also said that you were ready to abolish the whole diplomatic service of the United States.

Mr. CLARK. I think it would not be any loss to the public if the entire diplomatic establishment were abolished right now.

Mr. OLMSTED. Meaning custom-houses or diplomatic service?

Mr. CLARK. The diplomatic service, of course. I do not want to waste so much time on that point——

Mr. CHARLES B. LANDIS. In the same speech from which the gentleman from Pennsylvania has just read, the gentleman from Missouri said he would "rather be a doorkeeper in the house of the Lord than to dwell in the tents of the wicked." Was that meant to be considered as "academic?"

Mr. CLARK. That was taken from the Bible; the gentleman ought to read his Bible. [Laughter.]

Reverting to how the tariff on agricultural products affects farmers, I will quote certain pertinent remarks made in this Hall by an eminent Republican statesman—not a wild-eyed Democrat—the Hon. WILLIAM B. ALLISON, senior and perpetual Senator from Iowa. On March 24, 1870, he said:

> The agricultural interest, it will be seen, is much the largest interest in its aggregate product, as well as in the number of persons employed. I believe

that no one will claim that this large interest is directly protected. It is true that under existing laws there is a small duty upon wheat, barley, oats, and other agricultural products. But this does not afford any protection to the great wheat and grain producing sections of the country.

The gentleman from Ohio, Mr. Wilson, in discussing this question yesterday, stated truly that the cost of wheat in New England is about $1.70 per bushel, while in Illinois, Iowa, and Wisconsin, the price is about 65 cents per bushel. The Canada wheat is the only wheat which comes in competition with our own. Canada being nearer New England than the wheat-growing States more than makes up the duty in reduced transportation. What is true of wheat is equally true of other grains; therefore the farmer has no protection directly, and whatever benefit he derives is indirect and from the home market furnished for agricultural products. Unfortunately for the farmer the market price for his wheat is fixed by the price which the surplus will bring abroad or the price of wheat in London or Liverpool. At that market, where the surplus is sold and which fixes the value of the whole crop, he comes in competition with grain produced in Crimea, in Hungary, and in the region of the Baltic, from fields cultivated by what is known as "pauper labor."

But I am told that we must so legislate as to furnish a home market for all our agricultural products, and this can only be done by a high tariff. Anyone examining the subject will see that our agricultural products increase more rapidly than our population, so that if we do not export these products in the natural condition, we must do so by converting them into manufactured products when they are the cheapest, and the nation selling cheapest will control the market. This will exclude our highly taxed manufactured articles made from highly taxed materials from the markets of the world, although we have natural advantages possessed by no other nation. Hence our manufactured products are $10,000,000 less this last year than they were ten years ago. But our policy with reference to agriculture has a tendency to increase its products rapidly.

We give every man who will till the soil, whether native or naturalized, 160 acres of land. I do not condemn this policy. It is a policy which has developed the western portion of the country more than any other policy which could have been devised. But it is a policy the effect of which will be constantly to increase the agricultural products of the country, creating a surplus over and above the home consumption. That surplus must have a market somewhere, and that market will be found principally in Europe in its natural form or in the shape of flour, pork, beef, or some other concentrated product. This can only be avoided by such an adjustment of our industries as will make us large exporters of manufactured products, which is practically impossible under our heavy taxation, direct and indirect.

It is said by those who defend the present and proposed tariff that if we will wait long enough commodities will be cheapened. How long shall we be required to await this happy result when exactions under the tariff will be paid by the foreign producer? Certainly not until we can manufacture like articles cheaper than they can be made abroad. There are instances, doubtless, now where the tariff does not add to the cost of the articles to the consumer, depending on the character of the production, the particular place of production, and the relative cost of transportation to distant parts of the country; but this can not be true generally. A striking illustration of this untruth may be found in the cost of an article of large production and the raw materials of which are in great abundance, namely, iron, as set forth in a report made to the House by the committee appointed to take into consideration the cause of a decline in American commerce.

The testimony disclosed in that report shows that it is impossible for us to compete with the English in building ships. And why? Because the tariff by increasing the duty on iron has increased its cost. Now, if it has increased the cost of iron to the shipbuilder in this country, it has also increased its cost to every consumer in this country.

A few days ago the distinguished gentleman from Pennsylvania [Mr. DALZELL] delivered a carefully prepared speech in this House on reciprocity, which has been lauded by the "stand-pat" organs as the very best presentation of their case, and there can be no doubt that in that estimate of his argument they are correct, for he is one of the ablest men in public life. Personally he is a most delightful gentleman; intellectually he is the peer of any.

Mr. DALZELL. The gentleman will allow me to say that the gentleman from Mississippi [Mr. WILLIAMS] told me that that was one of the best speeches made in the House.

Mr. CLARK. Well, if the gentleman from Mississippi told you that he displayed very good taste. I will say that you can come as near making black appear white as any man on the face of the earth. I will give you that testimonial of Republican good character right now. [Laughter.]

During the course of his remarks the following colloquy took place between him and myself:

Mr. CLARK. I want to ask the gentleman three questions.

Mr. DALZELL. Does the gentleman expect me to answer all of them at once?

Mr. CLARK. No; you may answer them all at once or may answer them seriatim. Is not Hon. John A. Kasson, of Iowa, a Republican in good standing and an officer in a Republican Administration?

Mr. DALZELL. Well, he is known as a Republican. I do not know anything about his standing. [Laughter.]

Mr. CLARK. All Iowa Republicans are in good standing.

Mr. DALZELL. I would not like to certify to that.

Mr. CLARK. In the second place, did not Mr. Kasson, as the appointee of President McKinley, negotiate quite a number of reciprocity treaties which have been pigeonholed with great unanimity by the Senate?

Mr. DALZELL. I have already said so.

Mr. CLARK. Now, my third question is this: If the gentleman's statement here to-day properly expounds the present Republican position on the subject of reciprocity, then does not the transaction touching the Kasson treaties show that the Republican party has changed its base on reciprocity in the last seven years?

Mr. DALZELL. Not at all. The Republican party has been consistent from the beginning; it never agreed to any reciprocity treaty that involved anything except noncompeting articles. [Applause on the Republican side.] And it is because it has been consistent to its principles that those treaties have never been ratified, and, in my judgment, they never will be ratified by Republicans.

Mr. CLARK. The real reason those treaties have never been ratified is because McKinley died, is it not?

Mr. DALZELL. Oh, not at all.

He was trying to prove that the present Republican stand-pat position is the one occupied by President McKinley and the earlier Republican statesmen, while I was endeavoring to force him to admit that the stand-patters have departed from their old-time position.

In order to prove that he was advocating McKinley reciprocity the gentleman from Pennsylvania [Mr. DALZELL] quoted one-half of a sentence, and one-half only, from Mr. McKinley's first inaugural address, and two short, disconnected sentences from his Buffalo speech, not choosing in either case to quote the context. Now, here is what President McKinley said, and all that he said, in his first inaugural, on reciprocity:

In the revision of the tariff special attention should be given to the reenactment and extension of the reciprocity principle of the law of 1890, under which so great a stimulus was given to our foreign trade in new and advantageous markets for our surplus agricultural and manufactured products.

The brief trial given this legislation amply justifies a further experiment and additional discretionary power in the making of commercial treaties, the end in view always to be the opening up of new markets for the products of other lands that we need and can not produce ourselves and which do not involve any loss of labor to our own people, but tend to increase their employment.

In that address Mr. McKinley declared for an enlargement of Blaine's reciprocity scheme. And what was that scheme? Blaine's reciprocity, as he forced it into the McKinley bill, was in the following words:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the government of any country producing and exporting sugar, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides the product of or exported from such designated country as follows, namely:

And then follows the schedule of articles and the tariff rates which the President was authorized to place upon them.

That was the reciprocity which President McKinley favored March 4, 1897. Time went on. From his coign of vantage he took a wider view of the world and his ideas broadened, so that four and a half years later, in his great speech at Buffalo—which was his farewell address to the American people—he indicated that our old modus vivendi was too narrow and must be expanded. The keynote of that speech is this philosophic sentence:

We must not repose in fancied security that we can forever sell everything and buy little or nothing.

I here quote the whole passage from that speech from which Brother DALZELL quoted only two disconnected sentences. It is as follows:

Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems that we may be ready for any storm or strain.

By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. What we produce beyond our domestic consumption must have a vent abroad.

The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions and thereby make a greater demand for home labor.

The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

If, perchance, some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home why should they not be employed to extend and promote our markets abroad?

The fact that Mr. McKinley indorsed the Kasson reciprocity treaties furnishes proof positive that he was not in favor of reciprocity confined to noncompetitive articles, as the gentleman from Pennsylvania would have us believe.

What Republican will dare stand up in this House or elsewhere and assert that William McKinley was unsound on the subject of a protective tariff from a Republican standpoint? Yet, in transmitting to the Senate the reciprocity treaty which Mr. Kasson, his own appointee, negotiated with France, he used this language:

To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, a convention signed at Washington, on July 24, 1899, by the respective plenipotentiaries of the United States and France, under the authority conferred by section 4 of the act of Congress entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, December 6, 1899.

He might have killed that treaty by a pocket veto and withheld it from the Senate entirely. But he did nothing of the sort; he sent it to the Senate "with a view to receiving the advice and consent of the Senate to its ratification."

The Senate not having ratified this Franco-American treaty within the time limit, there was a new treaty negotiated extending the time, and Mr. McKinley sent the following message to the Senate:

In view of the pressure of important legislation before the Senate, it has been deemed expedient to extend for a period of twelve months the time prescribed for the ratification of the commercial convention between the United States and France, signed at Washington on July 24, 1899. To that end the respective plenipotentiaries of the two countries, on March 21, 1900, signed an additional and amendatory article, which I transmit herewith for the advice and consent of the Senate to its ratification.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, March 21, 1900.

What Republican Member of this House will stand up in this presence and say that Theodore Roosevelt is unsound on this protective-tariff question from a Republican standpoint? I would like to see the color of the hair and the cut of the eye of the Republican Member who will perform that caper at this particular juncture. By so doing the prospect for pie of any Republican Member would go where the woodbine twineth. It is true that Colonel Roosevelt is a civil-service reformer of high degree, but, also, like Collins's ram, he is a man of his own head. He will allow no Republican to question his party orthodoxy. He holds the whip hand. Republican statesmen, great and small, must dance to his piping. After he came into the Presidency, this Franco-American reciprocity treaty not having yet been ratified, he sent the following message to the Senate:

I transmit, for the advice and consent of the Senate to its ratification, a convention between the United States of America and the French Republic, signed at Washington on September 24, 1902, further extending the time within which may be exchanged the ratifications of the commercial convention between the two countries of July 24, 1899.

I also inclose a report from the Secretary of State submitting the convention for my consideration.

THEODORE ROOSEVELT.

WHITE HOUSE, *December 3, 1902.*

Who will dare say that President Roosevelt was not honest in sending that treaty to the Senate for ratification? Now, remember that the gentleman from Pennsylvania [Mr. DALZELL] says:

Republican reciprocity is reciprocity in noncompeting articles and in nothing else. [Applause on the Republican side.]

This Republican reciprocity means, according to Mr. DALZELL, therefore, when stated in plain, unequivocal words, that we are to give favorable tariff rates only on those imports which we can not produce ourselves.

Some of you will be very much surprised to learn that scores and scores of articles produced in France and in Algeria, which we also produce in the United States, were to be admitted into the United States at much below the Dingley rates under the provisions of the Franco-American reciprocity treaty negotiated by Mr. Kasson and indorsed and recommended for ratification by Presidents McKinley and Roosevelt. Here is the Franco-American reciprocity treaty in full, containing a complete list of the articles to be introduced into the United States, with the scale of reductions from the Dingley rates:

CONVENTION BETWEEN THE UNITED STATES AND FRANCE.

The United States of America and the French Republic, animated by a desire to facilitate and increase the commercial intercourse between the two countries, have agreed to conclude a reciprocal convention for that purpose, and have appointed their respective plenipotentiaries therefor, namely:

The President of the United States of America, Hon. John A. Kasson, special commissioner plenipotentiary, etc.; and

The President of the French Republic, His Excellency Jules Cambon, ambassador extraordinary and plenipotentiary, commander of the Legion of Honor, etc., etc., who, after having communicated to each other their respective full powers in good and due form, have agreed upon the following articles:

ARTICLE I.

It is agreed on the part of France that all articles of merchandise being the product of the soil or industry of the United States of America exported to France or Algeria (whether shipped directly to a French or Algerian port or arriving by way of an intermediate port) shall be admitted into France and Algeria upon payment only of the minimum rates of duty imposed on the like articles of any other origin; and no port or other charges of any kind shall be imposed upon such merchandise prior to entering into consumption unless they are such as are equally applied to importations from all foreign countries; and no prohibition or restriction of the importation of any of the products of the United States shall be made except such as shall equally apply to the like products in the like condition arriving from any other country. The right to provide sanitary measures against the introduction of pests or of infectious or contagious diseases is reserved.

The following articles of merchandise are excepted from the provisions of this article respecting the minimum rates of duty, namely:

French tariff No.
1. Horses.
37. Butter.
89ter. Lucerne and clover seed.
164. Fodder.
295. Cast iron.
476. Skins and hides prepared.
478 to 482. Boots and shoes, and parts of same.
488. Belts and cords and other leather articles manufactured for machinery.
524. Dynamos.
525. Machine tools.
536. Dynamo conductors, and parts.
536bis. Arc lamps known as "regulators."
91. Sugar.
163. Chicory roots, green or dried.
34. Eggs.
36. Cheese.
38. Honey.
347. Porcelain.
462. Cardboard, rough in sheets.

ARTICLE II.

Reciprocally, it is agreed on the part of the United States that the articles of merchandise, the product of the soil or industry of France or Algeria designated and described in the following schedule (whether shipped directly to a United States port or arriving by way of an intermediate port) shall be admitted into the United States on payment only of the reduced duties as declared and set forth in said schedule; and no port or other charges of any kind shall be imposed upon such merchandise prior to its entering into consumption except such as are equally applied to importations from all foreign countries; and no prohibition or restriction of the importation of any of the products of France or Algeria shall be made except such as shall equally apply to the like products in the like condition arriving from any other country. The right to provide sanitary measures against the introduction of pests or of infectious or contagious diseases is reserved.

Schedule of articles the product of the soil or industry of France and Algeria on which reduction of duties is conceded by the United States, together with percentage of concession upon the present duties thereon.

Articles.	As described in United States tariff act numbers.	Rate of reduction.
		Per cent.
Silk goods	384 to 391, inclusive	5
Cotton goods:		
Hosiery and knit goods	317, 318, 319	20
Suspenders, passementerie	320	5
Cotton fabrics mixed with silk	311	5
Plush and velvet	315	
Ready-made clothing	314	5
Laces	339	5
Articles of flax and hemp:		
Woven fabrics	346	10
Laces, embroidery, trimmings	339	10
Linen goods, ready-made	338, 345	10
Leather and skins:		
Gloves, excepting those known as schmaschen.	440 to 445, inclusive	10
Articles of Paris (fancy goods):		
Imitation jewelry	193, 408	10
Jewelry	434	5
Buttons	414	5
Brushes	410	10
Dice, chessmen, etc	417	10
Toys and playthings	418	20
Fans	427	10
Articles of amber, bone, ivory, mother-of-pearl, shell, meerschaum.	448, 449, 450, 459	15
Buckles	412	10
Articles of food:		
Prepared or preserved vegetables, pease, etc., including mushrooms.	241	10
Fruits preserved in sugar or spirits	263	10
Chicory, roasted or ground	280	5
Macaroni, vermicelli, and all similar preparations.	229	10
Nuts	272	20
Prunes	264	10
Olive oil	40	15
Chemicals:		
Colors and varnishes	44 to 59, inclusive	10
Coal-tar dyes or colors	15	20
Glycerin	24	10
Glue	23	10
Potash	62 to 66, inclusive	10
Soda	73 to 80, inclusive	10
Medicinal preparations	67, 68	10
Perfumery prepared with or without alcohol	2, 70	10
Soaps, including perfumed soaps	72	10
Ultramarine blue	52	10
Earthen and glass ware:		
Bricks and tiles, varnished	87 82, 4	10
Enameled or ornamented	88 82, 3	10
Bottles	90	15
Glass decanters and other glass vessels	100	5
Window glass and other glass	101 to 105, inclusive	10
Spectacles and glasses for spectacles	108 to 110, inclusive	10
Opera glasses, lenses, etc	111	10
Metal work:		
Cutlery	153, 155	10
Watchmakers' articles, clocks	191	15
Nails, spikes, points, needles	160 to 165, inclusive	15
Metallic pens	186	10
Penholders	187	10
Other goods and wares composed wholly or in part of manufactured metal not specifically provided for in the act.	193	10
Galloon, braid, embroidery, and other articles made wholly or partly of tinsel-wire, bullions or metal threads.	179	5
Paper:		
Copying, filtering, blotting, and surface-coated paper, or paper covered with metal or its solutions, parchment, sensitized paper for photographic purposes.	397, 398	10
Letter paper, hand-made	401	10
Envelopes	399	10
Blank books	403	10
Albums	404	10
Articles of paper	407	10

Schedule of articles the product of the soil or industry of France and Algeria on which reduction of duties is conceded by the United States, etc.—Cont'd.

Articles.	As described in United States tariff act numbers.	Rate of reduction.
		Per cent.
Feathers, etc., dressed for ornament, etc., and artificial flowers.	425 82	5
Wood and wooden furniture	208	10
Plants and seeds	251, 252, 254	20
Straw hats	409	10
Braids of straw or grass, etc., especially for making or ornamenting hats.	409	10
Cement	89	10
Furs not on the skin, for hats	426	20
Hats, including felt hats	370, 432	10
Musical instruments	453	15
Feathers, not dressed	425 81	20
Mineral waters	301	20
Liqueurs	302	10

ARTICLE III.

It is further agreed that should the United States concede upon any articles of merchandise described in the preceding schedule being the product of the soil or industry of any other country a lower rate of duty than that herein designated for the like articles being the product of the soil or industry of France or Algeria, such lower rate shall be applied of right and without delay to the like articles being the product of France or Algeria.

It is also agreed that any reduction of the duties provided by the tariff act of the United States, approved July 24, 1897, upon sparkling wines, or upon the articles of woolen manufacture described in paragraphs Nos. 366 to 382, inclusive, of said tariff act, being the product of the soil and industry of any other European country, which may after the date hereof be conceded to such country by the United States shall be immediately extended to the same articles being the product of the soil or industry of France or of Algeria.

ARTICLE IV.

Should either of the high contracting parties during the term of this convention by any legislative action so change the relative conditions of trade as existing at the date of this convention, to wit, France by increasing the minimum rates of duty herein stipulated for products of the United States, or the United States by increasing the reduced rates set forth in the foregoing schedule, or increasing the existing rates upon other French products, or either party by imposing new restrictions or prohibitions upon importations from the other, in such case the option is reserved to the other high contracting party to terminate its obligations under this convention after six months' notice to the other of its intention to arrest the operation thereof.

ARTICLE V.

This convention shall be duly ratified by the respective Governments so soon as practicable and within eight months from the date hereof, and the ratifications shall be exchanged at Washington; and it shall go into effect ten days thereafter, and shall, subject to the provisions of Aricie IV, continue in force for the term of five years from the date of such exchange of ratifications, unless one of the high contracting parties shall in the meantime have given notice to the other of its wish to terminate the same, in which case the convention shall be terminated twelve months from the reception of such notice by the other party. If neither high contracting party shall have given such notice before the expiration of five years, the convention shall continue in force from year to year thereafter until twelve months after such notice shall be given.

In witness whereof we, the respective plenipotentiaries, have signed this convention in duplicate, and have affixed our respective seals.

Done at Washington, this 24th day of July, A. D. 1899.

JOHN A. KASSON. [SEAL.]
JULES CAMBON. [SEAL.]

I call the attention of the House to the vast advantage that would have accrued to us under that treaty, for practically all of our products would have been admitted into France and Algeria at the minimum French tariff rates now existing or hereafter to be established.

Now, I will put it to the gentleman—he need not answer it now, but can answer it some other time, or he can answer it now, if he wishes to. That treaty negotiated with France is a sample of them all. It contains tens and hundreds of articles to be introduced from other countries that we raise or produce. For instance, silk goods, food products, cotton goods, straw hats, cement, furs, feathers not dressed, mineral waters, and hundreds of articles.

It lets in practically all American products whatsoever at the minimum French tariff rate that now exists or may hereafter be established. Noncompetitive articles! Why, the treaty we negotiated with Great Britain for Bermuda provides that Bermuda onions and Bermuda potatoes shall come in here either free or at a much lower rate than the Dingley tariff rate. So with Austria-Hungary; so with the South American states. One of them lets asphalt in free, and yet there is enough asphalt in the State of Utah to last the world for a thousand years. Talk about noncompetitive articles! It's utter nonsense.

Mr. DALZELL. Well, but if the gentleman will allow me, he is simply begging the question. He is talking here about treaties that have never been ratified and that I said never would be ratified as long as the Republicans were in power.

Mr. CLARK. Oh, no; but I am talking about treaties that William McKinley indorsed, that were negotiated by one of his agents; that John Hay, Secretary of State, indorsed; that Theodore Roosevelt, President of the United States, indorsed; that John A. Kasson indorsed.

Mr. DALZELL. I hope the gentleman will put into the RECORD what Mr. McKinley said about those treaties and what Mr. Roosevelt said about those treaties. I do not care about Mr. Kasson.

Mr. CLARK. I will read them right now, if you will give me more time.

Mr. GROSVENOR. I want to ask the gentleman a question, and he can answer it in connection with this. What authority has the gentleman from Missouri to say that because Mr. McKinley sent to the Senate these treaties that he indorsed them; and what right has he to say that the Secretary of State indorsed these treaties?

Mr. CLARK. The gentleman from Ohio understands the English language—no one better. Here is what Mr. McKinley said n his message transmitting it to the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification——

Mr. DALZELL. Certainly.

Mr. CLARK. Do you think that the President would send a treaty to the Senate that he was opposed to?

Mr. DALZELL. Why, that is the language of the Chief Magistrate sending treaties to the Senate ever since the time of George Washington.

Mr. CLARK. Do you believe there ever was a President of the United States a big enough fool to have a treaty negotiated and send it to the Senate for the purpose of having it ratified that he was not in favor of himself?

Mr. DALZELL. I do not think it is conclusive when he sends it to the Senate that he is in favor of it.

Mr. CLARK. Why, there never was any such an idiot as that in the White House.

Mr. DALZELL. I have seen no evidence that Mr. McKinley favored the Kasson treaties. I have heard the statement made and have seen it in print but have never had any evidence that was conclusive to my mind that Mr. McKinley had indorsed the Kasson treaties; and I challenge the gentleman from Missouri to quote a single Republican statesman who ever expressed himself in favor of reciprocity in competitive products.

Mr. CLARK. I am going to read you this message of the President.

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, a convention signed at Washington, etc.—

Being the Franco-American treaty.

I will leave it to the gentleman himself, I will leave it to any fair-minded man on the Republican side of this House, who has any regard for his reputation for veracity, to say if that recommendation does not imply that William McKinley was in favor of ratifying the reciprocity treaties. I will tell you what Thomas Jefferson did when a minister negotiated a treaty he did not like; he simply killed it by a pocket veto, and I have no doubt others have been killed in the same way.

Mr. WILLIAMS of Mississippi. There never was any President who ever sent any treaty to the Senate that he was not in favor of.

Mr. CLARK. As the gentleman from Mississippi suggests, there never was any President who sent a treaty to the Senate that he was not in favor of. He would be an idiot if he did; and Mr. McKinley was not an idiot. Theodore Roosevelt is not an idiot. He knows something about more things than any other human being I ever clapped my eyes on. [Laughter.] Mr. Kasson's act was Mr. Secretary John Hay's act, and Col. John Hay's act was President McKinley's act, and at the same time it was the act of the Republican party. You gentlemen can kick and squirm as much as you please, but you have departed from the McKinley faith.

Nobody ever heard a single syllable of this "stand-pat" theory until just after the Ohio election in 1901. Then General GROSVENOR was interviewed as to the reason for the great Republican victory, and in his enthusiasm he declared that among other things it meant that there was no more chance of the Dingley rates being cut down or tinkered with than there was to amend the Ten Commandments. That is what he said.

Mr. GROSVENOR. How did it come out?

Mr. CLARK. I will tell you how it came out. I saw you sit in your place and vote that we reduce the Dingley Act. Did you not?

Mr. GROSVENOR. I voted for reciprocity with the island of Cuba.

Mr. CLARK. Well, when you did, you were voting to cut down the tariff rates.

Mr. GROSVENOR. Not at all. I voted to make trade with Cuba, which is what you are in favor of.

Mr. CLARK. Did you vote for free coal?

Mr. GROSVENOR. I did.

Mr. CLARK. Was not that cutting down the tariff rates?

Mr. GROSVENOR. Just as I would propose to take money out of my pocket and give it to a man who was suffering with the cold to buy coal.

Mr. CLARK. Why not vote for it now?

Mr. GROSVENOR. Because you have learned the futility of the legislation yourself.

Mr. CLARK. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. CLARK (to Mr. HEMENWAY). Can you give me fifteen minutes?

Mr. HEMENWAY. I can give you ten.

Mr. CLARK. I thank the gentleman from Indiana [Mr. HEMENWAY] very much for his kindness and his courtesy. So what I was saying and what I repeat is that you have departed from the faith. I do not care what your faith is. You are entitled to any position you choose to take; but you ought to have courage enough to come out of the brush and acknowledge that you have changed your position.

An inspection of the reciprocity treaties negotiated with Great Britain, with Austro-Hungary, with Ecuador, with the Argentine Republic, with Honduras, and with other countries will show that the reciprocity recommended by Presidents McKinley and Roosevelt was not confined to noncompetitive articles, but extended also to competitive articles and very freely, too. If Republican reciprocity on February 29, 1904, the day on which the gentleman from Pennsylvania made his speech, was what he declared it to be, then a vast change has come over the spirit of the Republican dream since those two Republican Presidents sent those treaties to the Senate.

There is no man now in public life who can state a proposition more luminously, more tersely, or more comprehensively than my friend the Hon. JOHN SHARP WILLIAMS, of Mississippi, floor leader of the minority in this House.

The gentleman from Pennsylvania [Mr. DALZELL] says there is a Democratic reciprocity and a Republican reciprocity, and I have quoted his definition of Republican reciprocity. In his speech on Cuban reciprocity, Mr. WILLIAMS of Mississippi defined the Democratic position on reciprocity in the following language, and I commend it to all men possessing a sense of justice. It is an authoritative statement upon which we are willing to stand in the pending campaign and hereafter. Here it is:

The Democratic party believes that when on any articles that go to Cuba or any other people on the surface of the earth you get an agreement to reduce the burdens to their consumers by reducing the duties in their markets, you have conferred a benefit upon their consumers and also on the American producer, because you enable the consumer in Cuba or elsewhere, in any country entering into these reciprocal relations, to get the product at a cheaper price. That enables them to buy more of our product. That enables those who have been buying it to buy more, and enables those who have hitherto not been able to buy any to buy some, and that increases the volume of the consumption of American products and benefits the American producer by enabling him to sell more goods at the old profit, and thus both parties to the trade are benefited.

There is not even the shadow of a doubt that the gentleman from Pennsylvania [Mr. DALZELL] properly sets forth the present Republican position as to reciprocity, but it is the reductio ad absurdum. It is reciprocity whittled down to the little end of nothing—the play of Hamlet minus the Prince of Denmark. Articles which we do not produce are so few in number and so inconsequential in value when compared with those we do produce that reciprocity in noncompetitive articles only is a practical abandonment of the whole theory of reciprocity; it is a hollow mockery, a delusion and a snare, a stupendous confidence game upon the people. They ask you for bread and you give them a stone.

The initials of the Republican party should be changed from G. O. P. to G. O. H.—Grand Old Humbug.

The truth is that nobody ever heard an intimation of this stand-pat policy until after the election in Ohio in November, 1901. A day or two after the election the gentleman from Ohio [Mr. GROSVENOR] was interviewed as to the meaning of the overwhelming victory in his State. In exuberance of spirit he said, inter alia:

It means that there is no more prospect of the Dingley tariff rates being tinkered with than there is of amending the Ten Commandments.

That is the germ of the stand-pat doctrine.

There is an old saying, "Honor to whom honor is due." It is only fitting and proper that he should be given full credit for this new doctrine which is destined in the providence of God to destroy the Republican party utterly. His dictum has been modified through the formulas of "Let well enough alone," "Keep on letting well enough alone," and finally "Stand pat." But the idea which he expressed so epigrammatically is the essence of the creed of the stand-patters. It is apropos to state in this connection, that the most eloquent stand-pat speech ever delivered was by the gentleman from Michigan [Mr. WM. ALDEN SMITH]. The greatest triumph of an orator is to force applause from his opponents. That he did in abundance. A man who can grow eloquent in favor of standing pat, could grow eloquent about a grindstone.

To once more quote my friend JOHN SHARP WILLIAMS: "Republicans advocate sham reciprocity: Democrats advocate genuine reciprocity," a fact which sooner or later will percolate through the public mind.

I have another important witness to show the Republican change of base—for the worse.

The Washington Post is one of the most brilliantly edited newspapers in America. It is independent in politics, generally leaning toward the Republicans. On many things I do not agree with it; it is a stanch advocate of a protective tariff. No man can call it a free-trade organ without doing for himself what Dogberry ordered his clerk to do for him—write him down an ass. Last fall, in a very able editorial discussing a speech made by Senator FORAKER in opening the Ohio campaign and larruping the Republicans for not keeping their pledges, the Post used this this caustic language:

On various pressing questions as to which no specific promises were made in the platform of 1900 the Republican party is hopelessly divided. The most important of these is the tariff, and the division on that is radical. The gulf that yawns between the faction of which BABCOCK, DOLLIVER, and Cummins are leaders and the greater faction, led by ALDRICH, Hanna, and PAYNE, appears to be unbridgeable. In the absence of "any sincere programme of legislation" on this subject the party will in all probability continue to stand pat on a policy that repudiates Blaine, McKinley, and Dingley, and whose bitterest assailants are distinguished and lifelong Republicans.

A little later on the Post made the following remarks:

A question that ought to be of some moment to Republican leaders is whether or not they will put their party into the Presidential campaign as the perpetrator of a palpable and gigantic fraud in a matter of interest to all the people.

The Dingley tariff, as it was properly called in its infancy, but as it can not now be called with due respect to the memory of Nelson Dingley, contained in itself the promise of a very early reduction of sundry schedules. That measure included the Blaine reciprocity scheme, to which the Republican party was committed by every possible form of commitment. Mr. Dingley and his Republican associates on the Ways and Means Committee believed in reciprocity and imagined that all Republicans shared that belief. Not doubting that their bill would soon be revised by reciprocal agreements, they naturally and properly placed the rates at such a height that they would not be too low after the intended and expected cutting down. This is history, despite its denial by gentlemen who should have been more careful, and, as we have said, the placing of those schedules at a height which left a margin for reciprocity trading was just what the occasion demanded—was an exercise of sound, practical business sense.

But the retention of those schedules at that height is a fraud. That ugly word is the name that fits it. It is a fraud on the great mass of the American people, perpetrated in the interest of a comparatively small number. It is a repudiation of Republican policy and pledges and the reverse of a compliment to the memory of Blaine and of Dingley. To use the reciprocity scheme in order to put the schedules at an unnecessary and unfair altitude, and then to repudiate reciprocity and keep them there is the dangerous game which the "stand patters" are playing, not in the interests of protection, but to pander to the greed of monopolistic combinations, and it is the avowed intent of the leaders to go into the Presidential campaign with their party's record thus decorated!

Even as late as March 25 the Washington Post contained the following editorial, which all concerned can read with a good deal of profit and instruction:

Yesterday's issue of the Post contained copious extracts from a speech delivered by Senator ALDRICH to his constituents at a meeting of the Young Men's Republican Club of Providence on Wednesday evening. That it was a strong speech need not be said, for the senior Senator from Rhode Island has always confined his discussions of public questions to that class of efforts. That it was a frank and full statement of the issues upon which it touched can not be said with due regard for truth. As chairman of the Senate Finance Committee, Mr. ALDRICH is high authority on tariff and finance. No man knows better than he that his own party is all at sea on the tariff and at sixes and sevens on finance. But the Senator ignores the factional strife on those questions. He says:

"In the tariff the difference is between those who believe in the policy of affording legislative protection to American industries and labor and those who, under one pretext or another, oppose this policy; between those who believe that modifications of protective duties should be made by friends of the system as fast as changing conditions warrant and those who, on the other hand, believe that the structure should be destroyed or mutilated at once by direct or indirect assaults."

That is not a fair statement of "the difference." That is not the way in which Senator DOLLIVER or Representative BABCOCK would have put it. That is not the feeling which, for several years past, has been manifested by millions of Republicans in New England and the West in their loud demands for tariff revision on protective lines—tariff revision by the friends of protection, who have long been in complete control of the legislative department. The real difference, as these Republican revisionists would state it, is between the protection views of Blaine, McKinley, and Dingley and the astounding new departure of the stand-patters; between those Republicans who have been and still are demanding the reduction of duties promised and prepared for by the Dingley Act and those who have so persistently enforced the policy of standing pat on tariff schedules framed with a view to their prompt reduction by reciprocal arrangements.

Within the last few years a thrilling slogan has been given to Republicans. "Stand pat!" which is suggestive of the war cry of the old-time chevaliers d'industrie, "Stand and deliver!" And, mirabile dictu! in their ranks has arisen a tariff reformer who is causing Republican big wigs to have insomnia from pestering their heads in the vain endeavor to invent ways and means to squelch him or to "circumwent" him, as Weller pere would have said. His theory of tariff reform has been heralded far and wide as "the Iowa idea." His habitat is Des Moines, his name is A. B. Cummins, and he is Republican governor of the Hawkeye State, serving his second term, having been reelected last year after his "idea" had been thoroughly exploited.

A comet with a tail of fire 10,000,000 miles long did not create greater consternation among the ignorant and superstitious idolators of antiquity than this mild tariff reformer has carried into the ranks of the "stand-patters."

Stand-pat organs have applied to him all sorts of opprobrious epithets, most common among which is that of "traitor."

Nevertheless in 1903 he was renominated for governor by ac-

clamation by the Republicans of Iowa and reelected by an overwhelming majority, and, unless all the signs of the times fail, he will head the Iowa delegation to the Chicago convention.

If he is as bad a man as the stand-patters represent him to be, why was he reelected governor of one of the strongest Republican States in the Union? Was it out of superabundant tenderness for an erring brother, or was it because the Cummins following in Iowa is too strong to be turned down with impunity? Why is this "traitor" to Republicanism to go to Chicago as the bellwether of the delegation? Is it because he represents not only "the Iowa idea" but the true Republican idea also, or is it because the Iowa stand-patters fear him and would placate him at least till after the November election?

What is "the Iowa idea" as expounded by Governor Cummins? It is this, as expressed in the Iowa Republican platform of 1901, adopted by the convention which nominated him the first time:

We favor * * * any modification of the tariff schedules that may be required to prevent them becoming a shelter for monopoly.

That is the head and front of his offending. That is what has created such a flutter among the faithful.

Behold, how great a matter a little fire kindleth.

By advocating "the Iowa idea" Governor Cummins has become the bete noir of the stand-patters, and they would excommunicate him from the Republican church without delay and without ceremony were they not afraid that, like Samson, he would pull down the temple upon their heads as well as upon his own.

Here are a few excerpts from Republican organs, out of thousands which might be cited, showing the intense hatred entertained for him by the stand-patters:

Republican politics in the Hawkeye State is undoubtedly warming up to the boiling—perchance the boiling-over—point. The Red Oak (Iowa) Express, a stand-patter of the stand-patters, recently delivered itself of these red-hot remarks:

Mr. Blythe's statement to the effect that in order to restore harmony to the Republican party in Iowa at the present time he withdraws from the contest for a place as one of the delegates to the national convention and nominates Mr. Cummins as a delegate at large shows a good spirit, but it is not good politics. There should be no compromise at this time

Mr. Cummins has been compromised with before, and it is hoped most sincerely by the Express that he will be left at home when the honorable delegation starts for Chicago next June. When a man proves himself a traitor to those political principles that have gained him an office he should be hanged, politically speaking, the same as any other traitor The Republican party can not afford to compromise with a man who expounds such doctrine; neither can it afford to allow such a man a position of political trust, such as a delegate to the national convention must assume.

The American Economist, the organ of the Protective Tariff League, says:

If Governor Cummins is wise he will act upon the suggestions of the Burlington Hawkeye and the Sioux City Journal and stay away from the Chicago convention. The Hawkeye expresses the opinion that in view of the widespread demand for party unity but one honorable course remains open to Governor Cummins, viz, "to accept in good faith the opportunity to close up the breach and let Iowa be represented at Chicago as a unit for Roosevelt and the platform on which he will be nominated."

The Journal's suggestion is that in view of the positive manner in which he was turned down at the Polk County convention the indorsement by that convention of his candidacy as one of the delegates at large comes in the nature of a sort of left-handed compliment, and that finding that his tariff and reciprocity ideas are not those of the element that is certain to control the State convention the governor may decide to remain at home. Cheerful acquiescence in the will of the majority would be both prudent and tactful. Should Cummins carry out his threat of fighting for the chance of exploiting his theories as the Iowa member of the committee on resolutions it might be deemed necessary to reject him wholly as a dissentient and a disturber. He has played that rôle too long already. A voluntary retirement from the stage of national politics would seem to be his cue.

When I was a boy the children used to sing a song, two lines of which were:

Beauty is but skin deep,
Ugly to the bone.

That is a perfect description of the Republican condition to-day. Republican harmony, which they spell with a big, big "H," is only on the surface, while Republican dissension pervades the G. O. P. through and through. They may be able, by hook and by crook, to get together for this election, but that there will be a sloughing off of the party which will amount to a split in the near future is indicated by abundant evidence.

That Colonel Roosevelt will be nominated appears to be a certainty, but hundreds of thousands of Republicans will support him under protest. The "stand-patters" will make the platform, but a large minority will receive it sullenly. In fact, the reading-out process of the tariff-reform Republicans has already begun, as is evidenced by this editorial from the Moravian Falls (N. C.) Yellow Jacket:

Of all the funny two-legged animals that chew tobacco and walk on the forked end, those tariff-reform Republicans take the lead. By demanding tariff reform they actually take the position that it is necessary to destroy a part of our prosperity to prevent the Democrats from destroying it all. Reader, do you belong to that class of monstrosities? If you do, the proper place for you to trot is right over into the Democratic camp. All you lack of being a "good Democrat" is a tag and a tin rooster in your hat.

Very much of that sort of rancorous jabber will land hundreds of thousands of the most intelligent and patriotic Republicans in the Democratic camp. Perhaps they will come to us this year.

Last year the Iowa stand-patters and the advocates of "the Iowa idea" locked horns in their State convention and put forth this astounding sentence, among others: "Duties that are too low should be increased, and duties that are too high should be reduced." In all the range of political literature is there anything more preposterous than that? Certainly Talleyrand must have had the Iowa platform makers in mind when he cynically said:

Language is intended to conceal ideas.

And the old Latin author must have been thinking of them when he declared: "Parturiunt montes, ridiculus mus est—the mountains are in travail, a ridiculous mouse is the result."

"Duties that are too high should be reduced." Yea, verily. But what rates do the stand-patters admit to be too high. "There's the rub." Name any schedule you please and they declare at once that that particular schedule must not be touched or the whole tariff system will go to what Mr. Mantalini would denominate "the demnition bow wows."

Mr. WILLIAMS has introduced several bills to reduce rates which are palpably too high. They are all sleeping the sleep of death in that great tomb of tariff-reform hopes, the room of the Committee on Ways and Means.

I have introduced bills to cut the tariff on farming implements, salt, and other necessaries of life to the bone. My bills sleep in the same grave with those of my brother from Mississippi. Others have introduced similar bills, and they have all shared the same fate.

"Duties that are too high should be reduced!" Oh, yes; but I violate no confidence in stating that so long as Republican stand-patters rule the Congressional roost the tariff rate on no schedule whatsoever will be reduced.

Another thing about it while I am distributing honors. The most eloquent stand-pat speech ever delivered in this House was delivered by my friend Hon. WILLIAM ALDEN SMITH of Michigan, when he was leading the kickers on that side to run over the Republican machine in this House. The man that can grow eloquent in favor of the stand-pat doctrine can grow eloquent about a grindstone. [Laughter.] There is this much to the credit of Hon. WILLIAM ALDEN SMITH: He carries his nerve with him, and when the most of you Republicans got cowardly and voted for the Cuban reciprocity treaty he stood by his guns. [Laughter and applause on the Democratic side.]

Mr. WATSON rose.

Mr. CLARK. Are you from Iowa? [Laughter.]

Mr. WATSON. No; I am a Daniel come to judgment. [Laughter.] I want to ask the gentleman if he would like to have inserted in the body of his speech the prophecy that he made on the floor of this House on the 31st of March, 1897?

Mr. CLARK. No; the gentleman can insert that in his own speech. He can not insert it in mine. I am perfectly willing that the gentleman should insert any of my speeches in the RECORD, but I want him to wait until I have finished this speech.

THEIR OX GORED.

The American Publishers' Association a few weeks ago convened in New York and adopted unanimously resolutions calling on the Republican Administration to enforce the antitrust law against the paper trust. They also declared in favor of removing the tariff duties on pulp and white paper. Perhaps a majority of that association—certainly a large percentage—are Republicans, and their action would appear anomalous did we not remember Mark Twain's philosophy to the effect that human nature is very strong and that we all have a great deal of it in us. The members of the Publishers' Association, whether Republicans or Democrats, constitute no exception to the rule. Very much depends on whose ox is gored, and the paper and wood-pulp trust gores the ox of the Publishers' Association; hence this high kick. Of course the paper and wood-pulp trust is no worse than the salt trust, the nail trust, the coal trust, the lumber trust, the beef trust, and the whole brood of trusts.

When consumers of the articles controlled by trusts in general have raised a howl, these same Republican editors who now split the welkin with their protest against the extortions of the paper trust have looked on with a sardonic grin upon their faces, and with about as much sympathy for the victims as the old woman had for the live eels squirming in her hot skillet. In three Congresses I have introduced bills to place wood pulp, white paper, and all the ingredients used in their composition on the free list—one of the propositions now urged by the Publishers' Association as a remedy for trusts. Did the Republican members thereof aid me any? Not that anybody heard of. Now the iron enters their souls and I am glad of it. In the Fifty-fifth Congress they would have had to

line up only eight Republican Members to have passed my bill, for every Democratic Member would have supported it most heartily, and no one in his senses doubts for one moment that the Republican members of that association could have lashed that many Republican Representatives, and more, into supporting my bill.

The other day, in the Committee on Ways and Means, I called up my bill to place wood pulp, white paper, and the ingredients thereof on the free list. Lo and behold! Every Democrat in the committee voted for the bill and every Republican voted against it. The Republicans being in the majority, it was defeated.

All the Republican members of the American Publishers' Association are hereby most cordially and urgently invited to train their guns on Hon. SERENO E. PAYNE, chairman of the Ways and Means Committee, and his ten Republican brethren on that committee, and if they do not do so, they should forever hold their peace.

Commenting on the aforesaid resolutions of the American Publishers' Association, the New York Commercial remarks very pertinently:

It was to be expected that Democratic publishers would encourage such a movement, but it was hardly expected that men who are constantly preaching the benefits and advantages of protection would desert their colors merely because, for the moment, they might profit thereby. How much conviction will protection arguments in the journals published by these men be apt to carry hereafter?

On the 18th of this month the Republicans of Minnesota in convention assembled nominated a ticket and made a declaration of principles. In their platform they say:

We favor such modifications of tariff schedules as from time to time are required by changing conditions, and insist that such changes shall be made in line with the fundamental principle of protection.

That is a remarkable declaration—an effort to mix water and oil—an endeavor to ride two horses going in opposite directions—a palpable attempt to hold with the hare and run with the hounds. The first half is "the Iowa idea;" the last half is the stand-pat creed.

These Minnesota platform makers—artists in their line—

> Palter with us in a double sense;
> They keep the word of promise to our ear,
> And break it to our hope.

All Representatives are, of course, familiar with the Bible, and have read the twenty-seventh chapter of Genesis, in which is recorded that weird story describing the ingenious plan which Rebekah devised to enable her favorite son Jacob to secure from his father Isaac the blessing which was intended for his favorite son Esau. Isaac was old and his eyes were dim, so that he could not see, but his sense of feeling was still acute; and when Jacob presented himself to receive the blessing which did not belong to him, but to his hairy brother, Isaac, being somewhat suspicious, said unto Jacob:

Come near, I pray thee, that I may feel thee, my son, whether thou be my very son Esau or not.

And Jacob went near unto Isaac his father; and he felt him, and said: The voice is Jacob's voice, but the hands are the hands of Esau.

And he discerned him not, because his hands were hairy, as his brother Esau's hands; so he blessed him.

And he said, Art thou my very son Esau? And he said, I am.

Governor Cummins and Brother DALZELL, representing the extreme factions in the Republican party, will have to exercise all their senses of seeing, smelling, tasting, hearing, and touch to judge whether the Minnesota statesmen are Jacobs or Esau, and will even then find themselves in gravest doubt. [Laughter and applause on the Democratic side.]

The Des Moines Register and Leader, the Republican organ of Iowa, edited by Hon. George E. Roberts, President Roosevelt's Director of the Mint, not long ago contained these vigorous, not to say savage, editorial sentences touching the "stand-patters:"

When President McKinley announced that it was "our plain duty" to grant the Porto Ricans free entrance into the American market, the Ways and Means Committee of the House of Representatives at once took up this hue and cry for narrowing the field for American labor. Was it wise, they asked, to dump the sugar and other products of Porto Rico on the American market when our own citizens were engaged in producing these things, and to deprive the American laborer of his job?

It was with great difficulty that Republicans in Congress brought themselves to yield to the weight and influence of President McKinley's judgment and to consent that at the end of two years Porto Rico should be granted a free market exchange. Now, what has been the result? Has the influx of Porto Rican products narrowed the field of American labor? Porto Rican exports have jumped from two millions to several times that amount—we do not have the exact figures at hand—and yet the United States, like the individual who hires ten laborers in the place of two, has broadened its own domestic field of operations, for it is selling to Porto Rico in exchange more in proportion than Porto Rico sells to it, so that to-day the cash balance of trade in our favor is greater than our total sales to Porto Rico were ten years ago.

The individual who spends an afternoon in painting his own fence in order to save a half dollar, and thereby misses a hundred-dollar deal, is the exact type of the public man who to-day in the United States advises against the broadest commercial reciprocity on the theory that everything that we import narrows the field of domestic production. Such a spigot-watching policy makes misers of men and backwoods settlements of nations. No individual ever gained wealth or influence by it, and no nation ever developed its real resources. There is a philosophy in the old Bible injunction that "there is a scattering that yet increaseth, and a withholding of more than is meet," that is much deeper than a great deal of our modern-day statesmanship is able to realize.

Whenever our stand-pat friends get into a hole they resurrect "the bogy man" of free trade and hold him in terrorem over the heads of the American people.

Nobody knows better than they do that there is no free-trade party in the United States, and they ought to quit asserting that there is. We can all be honest even if we can't be great.

By the unanimous vote of the Democratic Members of this House Hon. JOHN SHARP WILLIAMS of Mississippi was at the beginning of the extraordinary session of this Congress made the minority leader, and he has demonstrated over and over again that he is a leader who leads. To use his own language, he has been constituted "the mouthpiece of the minority" on this floor. He speaks, therefore, by authority, and he speaks so clearly that even the most stupid can understand him.

His black plume, like the white plume of Henry of Navarre, points the way to victory—not a temporary victory in this arena, but to ultimate victory in the country at large.

In the February number of Everybody's Magazine, in a thoroughly considered and felicitously expressed article, he defines the Democratic tariff position—a definition which he has frequently given in practically the same shape in his speeches in this body. He says:

As to the tariff, the Democratic party stands for the principle that protectionism is a system of taxation whereby many are robbed in order that a few may be hothoused by legislation into artificial prosperity. The method whereby "protection" does this is by deflecting capital and labor from naturally profitable pursuits into pursuits made by legislation profitable, pursuits which without legislation would have been less profitable or perhaps not profitable at all.

The ultimate goal of Democratic striving is "tariff for revenue only;" but in the striving toward this goal common sense, good judgment, and conservatism will prevail, and time will enter as a factor. Perhaps it might be said that an ideal Democratic "tariff for revenue only" would consist in levying import duties upon all or nearly all imports, dividing them, however, into three classes: First, necessaries of life and necessaries of industries; second, comforts, and third, luxuries.

In one of his speeches he added that the rate on each particular class should be uniform—lowest on the first class, higher on the second class, highest on the third class.

In his magazine article he continues as follows:

The general principle that protectionism is wrong, morally wrong—a prostitution of government to private ends—should never be forgotten; the goal ought not to be lost sight of. At the same time friends of tariff reform would not strike down in a revolutionary way—"overnight," as the Germans say—all the scaffolding which the false system has erected. * * *

In this country, owing to the decision of the Supreme Court in the income-tax case, founded on the provision of the Constitution of the United States about direct taxes, the goal can not be, as it was in Great Britain, free trade. "A tariff for revenue to carry on a government economically and effectively administered" becomes the American tariff reformer's goal. It must be kept in mind until it is reached, but it must be reached by the exercise of wisdom and good sense. The tariff reformer who would do things recklessly or too suddenly would run the risk of destroying the very end which he had in contemplation, by furnishing object lessons which would not help him but would hurt him, and in consequence of which he and those of his opinion might be hurled out of place and deprived of the power of doing anything.

But it may be urged by the captious that Mr. WILLIAMS is a Democratic witness. To satisfy them I quote a Republican witness.

It is really refreshing to find a Republican editorial in a newspaper of any considerable influence and standing which tells any truth whatsoever about the Democrats; hence it is with great pleasure that I quote these lines from the Washington Star, which is a Republican paper from away back:

Mr. Alfred Mosely, a distinguished English capitalist who visited the United States last year for the purpose of investigating our industrial methods, conditions, and line of thought, has since his return home been giving his countrymen, through the medium of the press, the result of some of his observations. Speaking on the subject of the tariff, he tells them in substance that there is no free-trade party in this country and that the discussion of revising our customs schedules goes no further than "whether perhaps they (the American people) are not taxing themselves unnecessarily in certain industries."

This statement is so true that it is surprising to find it contradicted by an American newspaper, the New York Journal of Commerce, which declares that the Democratic party in this country is quite out of sympathy with the protective policy; that they make their free-trade programme the corner stone of their policy and can find little else to rest it on.

The Englishman has the right of this matter. There is no free-trade party in the United States. No man whose name is mentioned in connection with the Democratic nomination for President this year stands for free trade or for anything approaching it.

Every Republican orator in the United States ought to be compelled to commit that editorial to memory and repeat it to every audience he addresses; but will it be done? Not on your life! [Laughter.] They will go on repeating their stale canards with a great deal of gusto as long as they can wag their tongues.

We go forth to battle with "tariff reduction and genuine reciprocity" inscribed upon our banner.

Our appeal is to the great body of the people. To them we pin our faith without hesitation and without fear. [Prolonged applause on Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13352. An act transferring the county of Pierce, in the

State of Georgia, from the eastern to the southwestern division of the United States district court for the southern district of Georgia; and

H. R. 12904. An act providing for holding of courts of the eastern division of the northern Federal judicial district of Georgia at Athens, Ga.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4672) to authorize the New York, New Haven and Hartford Railroad Company to construct, maintain, and operate a bridge across the Connecticut River.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1618. An act granting an increase of pension to Thomas Herran;

S. 1572. An act granting an increase of pension to Isaac N. Hughey;

S. 1478. An act granting an increase of pension to Leroy R. Hawthorn;

S. 1310. An act granting a pension to Ella C. Tupper;

S. 716. An act granting an honorable discharge to Jacob Niebels;

S. 402. An act for the relief of James D. Vernay;

S. 329. An act granting an increase of pension to Bushnell B. Loomis;

S. 320. An act granting an increase of pension to Hiram W. White;

S. 208. An act granting an increase of pension to Alfred Kent;

S. 94. An act granting a pension to Alvin Rine;

S. 5028. An act granting an increase of pension to Charles W. Chargo;

S. 4919. An act granting an increase of pension to William C. Griffin;

S. 4899. An act granting an increase of pension to Laura M. Gilmore;

S. 4891. An act granting an increase of pension to Elizabeth G. Illsley;

S. 4846. An act granting an increase of pension to John Taylor;

S. 4842. An act granting an increase of pension to Siloam Williams;

S. 4817. An act granting a pension to Cornelia A. Thompson;

S. 4765. An act granting an increase of pension to Adrian Terry;

S. 4742. An act granting an increase of pension to Earl B. French;

S. 4648. An act granting an increase of pension to John T. Rader;

S. 4618. An act granting an increase of pension to William Varnes;

S. 4405. An act granting an increase of pension to Emma Thurston;

S. 4372. An act for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico;

S. 4343. An act for the relief of Talton T. Davis;

S. 4056. An act granting an increase of pension to George G. Wright, alias George Gravett;

S. 3938. An act for the relief of George H. White;

S. 3867. An act granting an increase of pension to Osmer S. Deming;

S. 3505. An act to amend the record of Maj. John Murphy;

S. 3030. An act granting an increase of pension to Charles O. Fargo;

S. 2950. An act to remove the charge of desertion from the military record of James B. Boyd;

S. 2711. An act granting an increase of pension to Fannie S. Moore;

S. 2423. An act granting an increase of pension to Benson C. Bellamy;

S. 2330. An act to correct the military record of Jacob McDowell;

S. 1989. An act granting an increase of pension to John McCabe; and

An act (S. 1654) for the relief of Theodore F. Northrop.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. HEMENWAY. I yield to the gentleman from Wisconsin [Mr. ADAMS].

Mr. ADAMS of Wisconsin. Mr. Chairman, in 1862 Congress enacted a law which was entitled "An act donating public lands to the several States and Territories which may provide agricultural colleges for the benefit of agriculture and the mechanic arts."

This act gave to each State and Territory 30,000 acres of the public domain for each Senator and Representative in Congress to which the States were entitled under the census of 1860. The law provided that each State claiming the benefits of the act should establish and maintain at least—

One college where the leading object shall be, without excluding other scientific and classical studies, including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

This law, wisely conceived in its purpose and in its details, laid the foundation of agricultural and industrial education in this country. It was a recognition of the modern idea of education, that men can be profitably educated by the State through a study of concrete things as well as by contemplation and study of abstract ideas. Under this act agricultural colleges were established in every State.

In 1883 Hon. C. C. Carpenter, of Iowa, introduced a bill providing for the establishment of State experiment stations which should be departments of the agricultural colleges. The measure did not become a law until introduced by W. H. Hatch in 1887, when it was pushed through Congress by that stalwart, aggressive, and intelligent friend of the agricultural interest.

The act of 1887 provided that each State which should establish an experiment station as a department of the agricultural college located therein should receive out of the proceeds of the sale of public lands by the Federal Government $15,000 each year. This act provided further:

That it shall be the duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals, the diseases to which they are severally subject, with the remedies of the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical compositions of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

The act required that the Secretary of Agriculture should furnish forms for the tabulation of results of investigations and generally to cooperate with the purposes and work of the stations. It also required that reports of the station work should be published at least once in three months, and that they should be mailed free of cost to newspapers and individuals engaged in farming.

Forty-eight States and Territories are each receiving $15,000 for experiment station purposes provided under the Hatch Act of 1887.

The bill now before Congress provides that the next annual appropriation to the stations shall be increased $5,000, and for a further increase of $2,000 each year for five years, until the total additional appropriation shall amount to $15,000 each year.

Secretary Wilson, in his report for 1903, calls specific attention to the work of the Iowa station, to the remarkable results obtained in corn-breeding experiments at the Illinois experiment station, and alludes to the investigations in the breeding of improved varieties of wheat at the Minnesota station, which station is attracting the attention of the entire wheat-growing world, and says:

"The amount of data published by the stations on many agricultural subjects is now very large, and the recent attempts which have been made to reduce this material to organized form in order that it may be utilized for purposes of agricultural education have shown that the stations are doing a great work in supplying the materials out of which a definite science of agriculture is being constructed and on which courses of instruction in agriculture of different grades can be successfully based.

"If our stations are to be continued on the broad basis on which they are at present organized, they must generally be supplied with larger funds for the general expenses of investigations, in order to conduct their work in a thorough and satisfactory manner. The States can and undoubtedly will supplement the national funds more fully as time goes on, but since the results obtained by the stations are in many cases of general value to the agriculture of the United States, it is worthy of consideration whether they should receive additional financial aid from the National Government. This supplemental aid should, if given, be granted under conditions which will insure its exclusive application to meet the expenses of agricultural investigations."

Dr. A. C. True, Director of Experiment Stations, Department of Agriculture, in his report for 1903, says:

These figures show conclusively that if our stations are to be continued on the broad basis on which they are at present organized, they must generally be supplied with much larger funds for the general expenses of investigations in order to conduct their work in a thorough and satisfactory manner.

The States can and undoubtedly will supplement the national fund more fully as time goes on; but since the results obtained by the stations are in many cases of general value to the agriculture of the United States, it seems proper that they should receive additional financial aid from the General Government, now that they have demonstrated their ability to stimulate and increase the agricultural production of the country. This supplemental aid should, of course, be granted under conditions which will insure its exclusive application to experimentation and which will stimulate the States to increase their contributions to the support of the stations.

The National Association of American Agricultural Colleges and Experiment Stations, which met at Atlanta, Ga., October 7 to 9, 1902, indicated its judgment in favor of increasing Government aid to the agricultural experiment stations by the adoption of the following resolution:

Whereas the sum provided by the Hatch Act of 1887 for the organization of agricultural experiment stations and the beginning of investigations in American agriculture has become insufficient for the questions now pressing for solution; and

Whereas the work of the stations during the fifteen years of their exist-

ence and the increased number of questions propounded for their solution are conclusive evidence of their public utility: Therefore, be it

Resolved, That the executive committee is hereby instructed, if in its judgment it should seem expedient, to urge upon Congress at the earliest practicable date that the appropriation to the several States under the Hatch Act be increased by the sum of $15,000 annually.

Only one-third of the increase asked for by that organization has been provided for in this bill. There is abundant reason for the appropriation of a larger amount. The appropriation has been placed at a modest figure for the purpose of securing its passage at this session, when as we all know, strong efforts are being made to keep appropriations within the narrowest possible limits.

The equipment of the various stations consists of experimental farms, buildings, machinery, laboratories, and live stock.

The experiment station farms range from 16 to 2,400 acres.

The following table, taken from advance slips of the report of Dr. A. C. True, of the Department of Agriculture, Director of Experiment Stations in that Department, gives the area of the agricultural college grounds and experiment-station farms in the several States and Territories. The experimental farms embrace all but a comparatively small portion of the areas here scheduled. It should be observed in this connection that the lands and buildings of the experiment stations have been contributed by the States, and that it is a very conservative estimate to place the value of the experiment-station farms, exclusive of the cost of the buildings thereon, at $4,000,000.

Area of agricultural-college grounds and experiment-station farms.

State or Territory.	Number of acres in farm and grounds.
Alabama (Auburn)	325
Alabama (Normal)	182
Arizona	465
Arkansas (Fayetteville)	155
Arkansas (Pine Bluff)	20
California	411
Colorado	600
Connecticut	300
Delaware (Newark)	16
Delaware (Dover)	97
Florida (Lake City)	353
Florida (Tallahassee)	160
Georgia (Athens)	125
Georgia (College)	86
Idaho	130
Illinois	695
Indiana	189
Iowa	841
Kansas	323
Kentucky (Lexington)	258
Kentucky (Frankfort)	310
Louisiana (Baton Rouge)	583
Louisiana (New Orleans)	104
Maine	373
Maryland (College Park)	286
Maryland (Princess Anne)	120
Massachusetts (Amherst)	404
Massachusetts (Boston)	16
Michigan	684
Minnesota	300
Mississippi (Agricultural College)	2,000
Mississippi (Westside)	300
Missouri (Columbia)	694
Missouri (Jefferson City)	40
Montana	215
Nebraska	332
Nevada	85
New Hampshire	343
New Jersey	105
New Mexico	270
New York	498
North Carolina (West Raleigh)	593
North Carolina (Greensboro)	125
North Dakota	640
Ohio	345
Oklahoma (Stillwater)	360
Oklahoma (Langston)	160
Oregon	193
Pennsylvania	400
Rhode Island	17
South Carolina (Clemson College)	1,136
South Carolina (Orangeburg)	130
South Dakota	400
Tennessee	272
Texas (College Station)	2,416
Texas (Prairieview)	1,500
Utah	116
Vermont	120
Virginia (Blacksburg)	410
Virginia (Hampton)	798
Washington	250
West Virginia (Morgantown)	130
West Virginia (Institute)	68
Wisconsin	400
Wyoming	416
Total	25,305

In the management of the stations there are 54 directors, 19 assistant directors, 3 special agents in charge, 160 chemists, 54 agriculturists, 27 agronomists, 39 animal husbandmen, 7 poultrymen, 79 horticulturists, 39 farm foremen, 34 dairymen, 56 botanists, 4 plant pathologists, 50 entomologists, 6 zoologists, 31 veterinarians, 10 meteorologists, 6 biologists, 6 physicists, 4 geologists, 23 bacteriologists, 11 irrigation engineers, 16 men in charge of substations, 27 secretaries, 12 librarians, 34 clerks and stenographers, and 50 persons employed as superintendents of grounds, buildings, apiaries, herdsmen, etc.—a total of 757 persons engaged in investigation work.

Three hundred and seventy-five station officers do some teaching in the colleges with which the stations are connected.

In 1903 371 annual reports and bulletins were published, and over 600,000 were directly supplied with reports of results of experiment-station work.

The following table, contained in the report of the Director of Experiment Stations for 1903, gives the lines of work carried on in each of the experiment stations:

Station.	Principal lines of work.
Alabama (College)	Botany; soils; analyses of fertilizers and food materials; field and pot experiments; horticulture; plant breeding; diseases of plants; feeding experiments; diseases of animals; dairying.
Alabama (Canebrake)	Soil improvement; field experiments; horticulture; floriculture; diseases of plants; diseases of animals; dairying.
Alabama	Field experiments; horticulture; diseases of plants; animal industry; dairying.
Arizona	Chemistry; botany; field experiments; improvement of ranges; horticulture, including date-palm culture; feeding experiments; irrigation.
Arkansas	Chemistry of foods; field experiments; horticulture; plant breeding; diseases of plants; feeding experiments; diseases of animals.
California	Physics; chemistry and geographical distribution of soils; bacteriology; fertilizers, fertilizer control; field crops; horticulture; botany; meteorology; technology of wine and olive oil, including zymology; beet-sugar chemistry; chemistry of foods and feeding stuffs; animal husbandry; entomology; dairying; drainage and irrigation; reclamation of alkali lands; animal and plant pathology.
Colorado	Chemistry; field experiments; horticulture; plant breeding; entomology; irrigation.
Connecticut (State)	Chemistry; analysis and inspection of fertilizers, foods, and feeding stuffs; inspection of Babcock test apparatus and nurseries; diseases of plants; horticulture; forestry; field experiments; entomology.
Connecticut (Storrs)	Food and nutrition of man and animals; bacteriology of dairy products; field experiments; horticulture; poultry experiments; dairying.
Delaware	Chemistry; bacteriology; field experiments; horticulture; diseases of plants; feeding experiments; diseases of animals; entomology; dairying.
Florida	Chemistry; field experiments; horticulture; feeding experiments; veterinary science; entomology.
Georgia	Field experiments; horticulture; entomology; pig feeding; dairying.
Idaho	Chemistry; physics; botany; field experiments; horticulture; entomology; feeding experiments.
Illinois	Chemistry; bacteriology; field experiments; horticulture; forestry; plant breeding; diseases of plants; diseases of animals; feeding experiments; entomology; dairying.
Indiana	Chemistry; soils; pot and field experiments; horticulture; feeding experiments; diseases of plants and animals; irrigation; dairying.
Iowa	Chemistry; botany; field experiments; horticulture; diseases of plants; feeding experiments; animal husbandry; entomology; dairying.
Kansas	Soils; horticulture; plant breeding; field experiments; feeding and digestion experiments; diseases of animals; entomology; dairying; extermination of prairie dogs and gophers.
Kentucky	Chemistry; soils; analysis of fertilizers, foods, and feeding stuffs; inspection of orchards and nurseries; field experiments; horticulture; plant breeding; animal husbandry; feeding experiments; diseases of plants; entomology; dairying.
Louisiana (Sugar)	Chemistry; bacteriology; soils and soil physics, field experiments; horticulture; sugar making; drainage; irrigation.
Louisiana (State)	Geology; botany; bacteriology; soils; inspection of fertilizers and Paris green; field experiments; horticulture; animal husbandry; diseases of animals; entomology.
Louisiana (North)	Chemistry; soils; fertilizers; field experiments; horticulture; feeding experiments; stock raising; dairying.
Maine	Chemistry; botany; analysis and inspection of fertilizers, concentrated commercial feeding stuffs, and creamery glassware; horticulture; diseases of plants; seed tests; food and nutrition of man and animals; poultry raising; diseases of animals; entomology; dairying.
Maryland	Chemistry; soils; field experiments; horticulture; plant breeding; diseases of plants; feeding experiments; animal breeding; diseases of animals; entomology; dairying.
Massachusetts	Chemistry; meteorology; analysis and inspection of fertilizers and concentrated commercial feeding stuffs; inspection of creamery glassware and nurseries; field experiments; horticulture; electro-germination; diseases of plants; digestion and feeding experiments; diseases of animals; entomology; dairying.

Station.	Principal lines of work.
Michigan	Chemistry; bacteriology; soils; field experiments; horticulture; diseases of plants; feeding experiments; diseases of animals; entomology; stable hygiene.
Minnesota	Chemistry; soils; field experiments; horticulture; forestry; diseases of plants; food and nutrition of man; plant and animal breeding; feeding experiments; diseases of animals; entomology; dairying.
Mississippi	Soils; fertilizers; field experiments; horticulture; animal husbandry; diseases of animals; entomology; dairying.
Missouri (State)	Chemistry; field experiments; horticulture; diseases of plants; feeding experiments; animal and plant breeding; diseases of animals; entomology; dairying; irrigation.
Missouri (Fruit)	Horticulture; entomology; inspection of orchards and nurseries.
Montana	Chemistry; meteorology; botany; field experiments; horticulture; feeding experiments; poultry experiments; entomology; dairying; irrigation.
Nebraska	Chemistry; botany; meteorology; soils; field experiments; horticulture; diseases of plants; forestry; feeding and breeding experiments; diseases of animals; entomology; irrigation.
Nevada	Chemistry; botany; soils; field experiments; horticulture; forestry; animal diseases; entomology; irrigation.
New Hampshire	Chemistry; field experiments; horticulture; feeding experiments; entomology.
New Jersey (State)	Chemistry; biology; botany; analysis of fertilizers, foods, and commercial feeding stuffs; pot and field experiments; horticulture; diseases of plants; food and nutrition of man; diseases of animals; entomology; dairy husbandry; soil bacteriology; irrigation.
New Jersey (College)	
New Mexico	Chemistry; botany; field experiments; horticulture; soils; feeding experiments; entomology; irrigation.
New York (State)	Chemistry; bacteriology; meteorology; fertilizers; analysis and control of fertilizers; inspection of feeding stuffs, Paris green, and creamery glassware; field experiments; horticulture; diseases of plants; feeding experiments; poultry experiments; entomology; dairying; irrigation.
New York (Cornell)	Chemistry; soils; fertilizers; field experiments; horticulture; diseases of plants; feeding experiments; diseases of animals; poultry experiments; entomology; dairying.
North Carolina	Chemistry; soils; field experiments; horticulture; plant diseases; animal husbandry; diseases of animals; poultry experiments; dairying; tests of farm machinery.
North Dakota	Chemistry; botany; field experiments; plant breeding; horticulture; diseases of plants; food analysis; feeding experiments; diseases of animals; dairying; tests of farm machinery.
Ohio	Soils; field experiments; horticulture; plant breeding; diseases of plants; breeding and feeding experiments; diseases of animals; entomology.
Oklahoma	Chemistry; field experiments; horticulture; forestry; botany; diseases of plants; animal husbandry; diseases of animals; entomology.
Oregon	Chemistry; bacteriology; soils; field crops; horticulture; diseases of plants; feeding experiments; entomology; dairying.
Pennsylvania	Chemistry; meteorology; analysis of fertilizers, foods, and feeding stuffs; horticulture; field experiments; feeding experiments; dairying.
Rhode Island	Chemistry; meteorology; soils; analysis and inspection of fertilizers and feeding stuffs; field and pot experiments; horticulture; poultry experiments.
South Carolina	Chemistry, analysis and control of fertilizers; field experiments; horticulture; plant breeding; diseases of plants; feeding experiments; veterinary science; entomology; dairying.
South Dakota	Soils; field experiments; plant breeding; diseases of plants and animals; animal husbandry.
Tennessee	Chemistry; soils; fertilizers; field experiments; horticulture; seeds; weeds; diseases of plants; feeding experiments; entomology; dairying.
Texas	Chemistry; meteorology; soils; field experiments; horticulture; feeding experiments; diseases of animals; irrigation.
Utah	Chemistry of soils and feeding stuffs; alkali soil investigations; meteorology; field experiments; horticulture; diseases of plants; breeding and feeding experiments; dairying; poultry experiments; irrigation; arid farming.
Vermont	Chemistry; botany; analysis and control of fertilizers and feeding stuffs; inspection of creamery glassware; field experiments; horticulture; diseases of plants; feeding experiments; dairying.
Virginia	Field crops; horticulture; bacteriology; analysis of foods; feeding experiments; veterinary science; entomology; cider and vinegar making; ferments.
Washington	Chemistry; botany; bacteriology; soils; field experiments; horticulture; plant breeding; diseases of plants; feeding and breeding experiments; oyster culture; diseases of animals; entomology; dairying; irrigation.
West Virginia	Chemistry; analysis and control of fertilizers; soils; field experiments; horticulture; diseases of plants; inspection of orchards and nurseries; feeding experiments; poultry experiments; entomology; dairying.
Wisconsin	Chemistry; bacteriology, soils, field experiments; horticulture; feeding experiments; dairying, drainage and irrigation.
Wyoming	Chemistry; geology; botany; meteorology; waters; soils; range improvement; fertilizers; field experiments; food analysis; breeding and feeding experiments; poultry experiments; entomology; irrigation.

This table indicates strongly the intensely practical character of the experiment-station work. It is made a part of the RECORD for the information of the House and the country.

There is not an agricultural experiment station in the United States that because of its work and the results of that work could not properly be made a subject of extended statement upon the floor of this House. But if the subject were taken up in detail, as it could be, it would involve an address as long as a speech upon the Panama canal question in that most deliberate body, the United States Senate.

It is almost unfair to the other stations to select the work of any particular station for illustration. The prime purposes of the stations has been not only to make two blades of grass grow where one grew before, but to produce two bushels of wheat where one was produced before; two bushels of corn where one grew before; two pounds of butter where one was made before, and generally to increase by intelligent methods the production of the American farms.

The Illinois station has done some remarkable work in corn selection and breeding. It is reducing the size of the cob and increasing the proportion of corn to the cob. It has undertaken to accomplish what, until recent years, has been regarded as an impossible work—the changing of the proportion of the nutrient elements contained in a kernel of corn. The defect in corn as a food for man and beast has been its extraordinarily large proportion of carbonaceous or fat and heat forming matter and its small proportion of nitrogenous elements, or bone and muscle and blood forming elements. In other words, it is not a properly balanced ration in itself. The Illinois station has succeeded in introducing from 5 per cent to 7 per cent more portein into some varieties of corn which it has developed. It has not only eliminated a portion of the cob and increased the quantity of the corn, but it is improving the quality—the commercial and digestive value of that grain. Its work has been so striking and effective that it has brought about the organization of the Illinois Corn Growers' Association, which is enlisting the interest of the farmers of that great corn-growing State in active and intelligent cooperation with the experiment station work. The practical results of the work of the Illinois Experiment Station in its improvement of corn has already meant an increase of millions of dollars to the corn growers of Illinois and will result in the addition of millions of dollars to the revenues of all the great corn-growing States.

Mr. Luther Burbank, the great plant breeder, is quoted by Prof. C. F. Curtiss, of the Iowa Experiment Station, as saying that it is an easy matter to produce a variety of grain that will yield a single extra kernel to the ear or to the head, yet this trifling increase to the agricultural crops of the country would amount to 5,200,000 bushels of corn, 15,000,000 bushels of wheat, and 20,000,000 bushels of oats. The experiment stations are doing precisely this kind of work.

The Iowa Experiment Station has done valuable work with forage plants and grasses and in feeding experiments designed for the increased production of meat and milk, which has been worth more to the farmers of that State than the Federal appropriation to the Iowa station would amount to in one hundred years.

The Minnesota and North Dakota experiment stations, working together, began the breeding of wheat twelve years ago. Two new varieties of distinct value have been distributed. One of these varieties has proved to be peculiarly adapted to northern Minnesota and to North Dakota, where it yields 15 to 20 per cent more than the common varieties. Five hundred thousand acres of this variety will be sown this year, and the increased yield, at a conservative estimate, will give an additional value to the crop of $2 per acre, or $1,000,000. The hard wheat milling qualities have not been lost in the development of this variety, while the yield has been materially increased. The second variety which has been developed is known as "Minnesota No. 169." It yields from 18 to 20 per cent more in an average year than the wheat which it displaces. It is of superior quality for milling purposes. Other varieties than those named are being developed by the Minnesota and North Dakota experiment stations which will still further increase the wheat yield of those and other Northwestern States.

The Minnesota station has developed a variety of flax which is 40 per cent longer in the straw than the old variety and may result in making the growth of flax fiber profitable in this country. The yield of flaxseed has also been increased through the introduction of new varieties.

The Minnesota station has produced a new variety of corn adapted to northern latitudes, and because of this the northern zone of the corn belt has been pushed 50 miles farther north in the last ten years.

A new variety of hardy alfalfa has been discovered by this station which promises to be useful among the forage crops of the North.

The Minnesota station has also done work of the greatest value in feeding experiments with dairy cattle, in distributing knowledge among the farmers of that State of the principles of breed-

ing, in encouraging the intelligent production of butter and cheese, and generally has been a powerful force, aiding in the rapid and profitable development of the agricultural interests of the State.

The Connecticut Experiment Station has changed the character of Connecticut wrapper leaf tobacco, and the Storrs Station, in the State of Connecticut, has been for ten years working to obtain definite knowledge of the ways in which the body is nourished and of the values and uses of foods. It has made valuable dietary studies and added materially to knowledge of the laws of nutrition and of the physiological requirements of the body.

Exhaustive tests of food values have been made by the Pennsylvania Experiment Station under the capable direction of Dr. H. P. Armsby.

This station was one of the first, if not the first, American station which demonstrated the effectiveness of the tuberculin test in indicating tuberculosis in cattle, and thereby aiding in stamping out that disease.

The Southern States are doing a work of increasing value to the farmers of the South. In Georgia, in Texas, in Arkansas, in Alabama, and in other Southern States they are teaching the cotton farmers of the South the one thing that they need to appreciate and to know more than anything else, the ways of restoring the worn-out cotton lands of the South. Those stations are the breeding grounds of ideas which will enrich southern agriculture. They are teaching the southern farmers the value of rotation of crops, of manures, of the kinds of commercial fertilizers that he needs. They are endeavoring to interest him in dairying, because the directors of those stations know enough to know that the foot of the cow, like the hoof of the sheep, is golden; that the path of the cow leads always to richer fields and in the direction of golden harvests. They know that where the dairy business is there is the greatest wealth and the greatest comfort in farm life, and they know that this is true because the cow is a mother and not a robber; that she gives back to the soil as much as she takes from it.

President H. C. White, of the Georgia Agricultural College, declares, and the statement is undoubtedly true, that as good dairy products can be produced in southern Georgia as in any State in the Union. The "New South" that is being talked about so much and upon which so much eloquence has been lavished is becoming a new South not because of political agitation, but because factories are springing up; southern cities are noisy with the whirr of machinery; the factory is being planted by the farm. The southern farmer is more and more finding a home market, and is being taught, through the agency of the experiment stations, to become a thinking machine instead of a guessing machine.

The race question is a serious question for the South. We of the North realize it. But some of us believe with Booker Washington that the welfare of the negro is best served when he devotes himself to industrial rather than political activities. Whether right or wrong—a question which I shall not here discuss—southern prejudice against political domination by the colored race stands like a wall of adamant against the encroachments of the race upon political power. But every motive of self-interest upon the part of the intelligent and dominant element in southern political and business life should and undoubtedly does favor the building up of manufacturing and agricultural enterprises to such an extent that they should absorb, and absorb profitably, the attention and the energies of the men who can wield the hammers, run the machinery, plow the land, sow the seed, pick the cotton, hew the wood, and bring the water in the industrial life of the South. The agricultural possibilities of the South are magnificent. The experiment stations are broadening the field for profitable farm work. They will increase the demand for and the profits of labor. As a matter of politics and economics they should receive the support of every intelligent friend of southern agriculture.

For fifteen years the California experiment station, among other things, has been working upon the problems of irrigation and the reclamation of alkali lands. It has accomplished great results. Its work has resulted in the reclamation of millions of acres hitherto unused. It has also done a most valuable work in horticulture for the interests of that great fruit-growing State. It has brought into California sixty new varieties of figs, and has discovered through its investigations that the superior quality of the foreign figs is largely because of a minute insect which transfers from the pollen of a wild flower to the fig blossom a certain element which improves in a wonderful degree the quality of the fruit.

The Kansas experiment station brought Kaffir corn into that State. In 1902 500,000 acres of land were planted to that variety, increasing materially the total corn production of the State.

In my own State Dr. S. M. Babcock has worked out a simple test to determine the value of milk, and to-day that test is being used in every civilized land. The dairy industry of the United States annually produces $500,000,000 worth of products. It is far under the true estimate to say that the Babcock test is responsible for 1 per cent of that income, or $5,000,000 annually, nearly what the Department of Agriculture costs each year. Farmers all over the United States not only now sell their milk upon the basis of butter fat which it contains, but they buy their cows upon the basis of their butter yield, as indicated by the Babcock test. Dean W. A. Henry estimates that the annual value of the increase in dairy production caused by the introduction of the Babcock test is $800,000.

The Wisconsin Experiment Station turned its attention some years ago to the discovery of some remedy to prevent smut in oats, which was destroying a considerable portion of the Wisconsin oat crop. It discovered that the treatment of such oats with a weak solution of formaldehyde was destructive to the smut. Last year 25,000 Wisconsin farmers adopted this practice, and the oat crop for that year has been recently stated at 96,000,000 bushels. It is undoubtedly true that at least 10,000,000 bushels were saved through the experiment-station discovery, which means a saving to the farmers of Wisconsin, a single State in a single experiment, of $5,000,000.

The Wisconsin Experiment Station brought into that State Manshury barley, materially increasing the barley yield, and Mediterranean wheat, materially increasing the wheat yield of the State.

It has made exhaustive feeding experiments, proving absolutely the possibility of so feeding pigs that the best quality of bacon can be produced, the ideal streak of lean and streak of fat found in the Irish bacon.

And the work of that station in connection with the work of the Kansas station has made so general the intelligent feeding of hogs for the production of bacon that Sir Thomas Lipton buys immense quantities of American bacon, ships it into European markets, labels it "Irish bacon," and obtains the Irish bacon price for it because it is something equally good.

The Wisconsin station has ascertained through exhaustive experiments that cheese can be well cured at a low temperature. The effect of this new knowledge will be to eliminate cheese-curing rooms and processes from the cheese factories of the entire country and the shipment direct of new cheese to cold-storage warehouses. The saving of labor and of money and the improvement in the average quality of cheese which will result from this knowledge will benefit very materially the cheese-producing industry.

Every experiment station in the land is the enemy of a poor cow. Every experiment station in the land is the friend and defender and promoter and distributer of good cows. Every experiment station in the land is the enemy of waste upon the farm. Every experiment station in the land teaches the farmer to take care of his machinery; teaches him sound lessons in tillage; teaches him to maintain the fertility of his soil, which is the capital stock in the farmer's bank; teaches him to keep cash accounts; teaches him cleanliness in the dairy; teaches him proper housing of stock; teaches him how to build in the cheapest and most desirable way silos where the whole corn crop—ears, stalks, and all—can go in a succulent state and become practically canned green feed for winter use, furnishing a succulent feed for all the animals of the farm, housed under cover in comfortable weather, and fed during the long months of a northern winter without going out of doors.

The experiment stations have driven the frauds out of fertilizers and by their inspections of those costly necessities to many American farms have saved millions and millions of dollars to the American farmers.

The experiment stations have been object lessons to the agricultural colleges under whose shadows they are.

The agricultural colleges have given new dignity, new value, and new profit to farm life. The agricultural college deals with ideas; the experiment station deals with facts. The students in the agricultural colleges go from the atmosphere of theory in the class room to the practical life of the experiment-station farm and see demonstrated before their eyes, beyond question or dispute, the truth or falsity of the theories of agriculture.

The agricultural experiment stations are training men to know definite things about the farm, and carry their knowledge not only to the agricultural colleges, but through their correspondence, through the publication of bulletins, through personal contact with the farmers of their several States in institute meetings, carry it directly to the people themselves.

The farm institute has become an established factor in the agricultural life of the nation. Farmers' institutes are held in every State. They have been called the common schools of agriculture, which go close to the farmer's home and the farmer's life, and by the inspiration of contact with men who do things and who know things, teach him the practical lessons of his business, stir his ambition, his self-respect, equip his mind, and make him a

greater producing factor in the nation's activities. One million farmers last year attended the farmers' institutes in the United States. In every State, among farmers of every community, there is a keen, active, appreciation of the teaching work which is being done by men who go out of the experiment stations with an equipment of ascertained facts, to drive their theories and philosophy home to the minds of the farmers.

In the publications of the Department of Agriculture, in the publications of the various State experiment stations last year, 4,000,000 pieces of agricultural literature were scattered among the 9,000,000 farmers of the United States. This work is valuable and needs broadening. The Federal Government, which has expended money for these stations so wisely and so profitably, can afford, now that they have grown and established themselves in the confidence of the farmers of this country, to give them the additional aid which they need to extend still further their scientific and practical researches. The men who run these stations are not Government officers working at high salaries a limited number of hours each day and dawdling away the hours in a perfunctory discharge of routine duties. They are men working for modest salaries, inspired by that enthusiasm which fruitful work always inspires in any man who is a man, and who realize keenly how greatly the farmers of the nation are being benefited by their work. Their representatives come here to Congress asking for an increase, not of their salaries but of their labors and responsibilities.

This agricultural experiment station work is not confined to this country. The first agricultural experiment station supported by government aid was established at Moecken, Germany, and will this year celebrate its fiftieth anniversary.

Russia has 102 agricultural experiment stations and three experimental forests. The Russian Government is not particularly affected by popular clamor. These stations have not been established because of the demands of the agricultural class. They have been established by a despotic government because of their very great value in developing the material resources of the Russian Empire.

Germany has 80 stations. That country has always led in the matter of agricultural education. With a population only a little over half of that of this country, it has more than one-third more experiment stations. They are established there not in obedience to a public demand, but because the statesmen of Germany wish to develop to the last degree the agricultural resources of that Empire, increasing its taxable wealth and providing, so far as possible, upon German soil the food of the people and the sustenance of the great armies of the Empire.

France has 71 and a system of agriculture which is not surpassed in the civilized world; Austria has 41; the British Islands have 30; little Belgium has 15; far-off Australia has 34; Sweden has 26; Switzerland has 10; Spain, the most effete monarchy in Europe, as might be expected, has only 4.

I have heard only two arguments against this bill. One is that it is paternalistic, and the other is that the States are not doing what they should, and should provide all the funds necessary for the proper development of the experiment-station work.

This bill is paternalistic. There is no question about it. So is the appropriation of $250,000 to exterminate the boll weevil, which was threatening the cotton industry of the South. The ghost of paternalism affects a great many gentlemen who do not happen to be benefited by the particular appropriation which they charge with being paternalistic. The boll-weevil appropriation was made to destroy an insect which existed in a single State—the State of Texas—and to a small degree in one other State. It was absolutely justifiable. It was preeminently to the credit of the Representatives of the northern Congressional districts that, so far as I know, to a man they supported that appropriation.

The Federal Government can well afford to use its financial power to protect and foster and build up the great cotton industry of the South. Cotton is still very nearly king in this country. It is the queen of our exports. When the Federal Government protects that industry from insects or any other material danger it can plead guilty to the charge of paternalism and glory in its guilt. If this Government is not strong enough to take care of its own the Federal Constitution ought to be amended. Not only were the cotton farmers of the South interested in that appropriation, but the farmers of the East and the West and the North had a direct business interest in it. If through any cause the cotton industry of the South should be obliterated, the millions of acres and millions of capital and hundreds of thousands of men employed in that industry would be turned into other lines of farm production, and the northern and eastern and western farmers would be finding in the markets of this country and of every country more corn, more wheat, more beef, and more dairy products, and therefore diminished prices.

The farming industries of this country stand together, or should stand together. Every new agricultural industry that is built up helps every other. Every old one that is maintained helps every other which exists or can exist. This Government has been wisely committed to the policy of spreading agricultural knowledge among the farmers of the nation. As a gentleman well said before the Committee on Agriculture a week ago, there is a good paternalism and a bad paternalism. The paternalism which benefits special interests to the prejudice of the general welfare is one thing. The paternalism which benefits special interests to the advantage of all others is another and entirely different thing.

We have made splendid progress in fifty years in manufacturing. In recent years our exports of manufactures have startled every manufacturing nation. The products of mines and forests and shops and factories have reached a total which stirs the pride of every American who rejoices in the upbuilding of America's industries and the increase of her wealth. But agriculture is still the greatest interest of the nation. It employs more people and produces more dollars than any other interest.

In 1887, when the original Hatch Act was passed, establishing the experiment stations, the total agricultural production of the United States was less than $3,000,000,000. In 1903, sixteen years after the passage of that act, the total agricultural production of the United States, according to the recent report of the Senate Committee on Agriculture, exceeded $5,000,000,000. No single agency has contributed more to this marvelous increase than the definite, practical, and fruitful work of the experiment stations. If a small appropriation of $240,000 is paternalism, then make the most of it. If the actual record of the stations indicates anything, it means that there will come back to the agriculture and the business of the United States hundreds, if not thousands, of dollars for every dollar carried in this appropriation.

In reply to the objection that the States are not doing enough, that they should carry the entire burden of these stations, permit me to call the attention of the House to the fact that the larger and wealthier States are contributing most generously to the experiment-station work.

The money provided for in this bill can be profitably expended in every station, but is particularly needed in the Southern States and in some of the newer Western States.

The State of Illinois has appropriated for use in the experiment station of that State in special lines of work $85,000 for the present year.

It should not be forgotten that the agricultural experiment stations are closely allied to the agricultural colleges, and that the States supplement the Federal appropriations largely, both for the stations and the colleges.

I submit herewith a statement, too elaborate to be read here, showing the manner in which the funds provided by the General Government for the experiment stations were expended during the past year. This covers the amount paid in salaries, labor, publications, heat, light and water, chemical supplies, seeds, plants and sundry supplies, fertilizers, feeding stuffs, tools, implements, machinery, furniture and fixtures, scientific apparatus, live stock, traveling expenses, contingent expenses, buildings, repairs, etc.

I also submit a table showing some State appropriations made in the last three years for the support of experiment stations. I will not take the time to read these tables, but will incorporate them in the RECORD.

Expenditures of agricultural experiment stations from United States appropriation for year ended June 30, 1903.

Station.	Amount.	Salaries.	Labor.	Publications.	Postage and stationery.	Freight and express.	Heat, light, and water.	Chemical supplies.	Seeds, plants, and sundry supplies.	Fertilizers.
Alabama	$15,000	$8,828.91	$1,367.62	$790.69	$147.58	$266.12	$308.29	$408.78	$867.81	$342.07
Arizona	15,000	8,259.64	1,874.15	1,147.13	136.60	188.06	135.95	163.93	223.75	429.04
Arkansas	15,000	7,374.86	2,168.45	704.05	303.41	397.04	86.51	282.63	974.53	.....
California	15,000	6,007.12	5,158.21	227.25	430.49	124.68	268.61	213.79	680.00	.....
Colorado	15,000	10,992.81	62.57	1,958.76	157.37	9.15	6.00	.....	86.05	.....
Connecticut:										
State	7,500	.....	.....	.....	.....	.....	.....	.....	.....	.....
Storrs	7,500	4,016.54	999.48	158.78	165.55	78.91	58.91	86.76	294.94	.....
Delaware	15,000	9,270.50	1,067.01	818.94	128.90	91.89	266.01	98.54	363.28	.....

Expenditures of agricultural experiment stations from United States appropriation for year ended June 30, 1903—Continued.

Station.	Amount.	Salaries.	Labor.	Publications.	Postage and stationery.	Freight and express.	Heat, light, and water.	Chemical supplies.	Seeds, plants, and sundry supplies.	Fertilizers.
Florida	$15,000	$7,655.36	$2,471.59	$308.61	$194.14	$212.77	$447.69	$104.69	$290.67	$346.39
Georgia	15,000	7,450.00	2,605.03	887.91	200.63	237.41	234.70	2.15	781.40	406.47
Idaho	15,000	7,878.15	3,085.27	836.55	21.80	91.93	871.76	139.81	181.61	9.58
Illinois	15,000	7,076.42	2,644.51	1,626.54	890.27	356.19	547.86	30.13	587.16	8.10
Indiana	15,000	7,253.48	3,410.81	757.13	103.45	90.92	220.52	3.59	515.31	----------
Iowa	15,000	7,875.94	2,412.70	1,504.07	536.17	289.71	230.72	246.90	908.67	----------
Kansas	15,000	8,190.58	3,388.54	430.50	113.80	283.01	9.10	28.82	483.16	----------
Kentucky	15,000	11,720.00	483.42	1,083.36	127.95	55.33	343.00	194.56	274.90	----------
Louisiana	15,000	7,120.51	3,196.33	1,423.50	383.01	215.30	226.90	85.54	311.85	152.49
Maine	15,000	7,939.45	1,808.42	22.75	278.74	149.12	954.60	177.96	502.14	142.80
Maryland	15,000	7,799.00	2,988.59	264.84	183.28	203.74	532.21	158.70	765.43	175.26
Massachusetts	15,000	6,829.37	3,216.52	860.08	309.32	130.65	355.77	----------	810.76	716.85
Michigan	15,000	6,764.06	2,971.67	186.29	307.64	312.82	----------	107.35	379.23	3.28
Minnesota	15,000	10,557.38	2,129.00	607.70	95.21	----------	48.53	----------	236.38	----------
Mississippi	15,000	7,480.53	1,457.05	1,519.07	100.64	258.14	102.73	.85	629.30	205.58
Missouri	15,000	6,174.58	2,930.45	1,045.75	389.53	490.58	248.84	66.17	797.47	24.10
Montana	15,000	8,818.50	2,218.85	1,568.87	250.21	356.25	284.67	217.00	499.15	40.80
Nebraska	15,000	8,774.69	1,200.00	1,229.87	506.60	83.16	----------	206.05	560.49	----------
Nevada	15,000	8,221.55	2 023.15	2,117.18	141.43	117.80	347.02	112.79	582.12	----------
New Hampshire	15,000	9,106.88	1,379.52	1,570.67	105.81	218.19	387.29	97.81	380.42	49.30
New Jersey	15,000	9,730.00	901.18	1,241.64	379.53	97.48	385.57	80.96	193.35	177.02
New Mexico	15,000	7,579.94	1,749.22	277.26	375.38	833.33	238.35	417.56	513.05	108.00
New York:										
State	1,500	120.00	----------	549.90	284.35	----------	125.00	41.95	47.50	144.50
Cornell	13,500	8,236.97	1,810.63	625.93	279.41	126.71	15.26	50.95	481.47	175.30
North Carolina	15,000	8,953.32	1,659.51	1,117.96	263.75	175.28	22.75	51.76	460.01	192.00
North Dakota	15,000	7,741.85	3,066.31	769.88	376.25	150.47	777.46	59.68	325.69	----------
Ohio	15,000	9,667.92	2,867.38	----------	41.41	----------	289.23	----------	948.73	381.92
Oklahoma	15,000	6,155.00	2,500.00	1,260.10	413.44	245.14	279.46	177.63	244.73	33.00
Oregon	15,000	10,569.25	2,006.05	93.32	117.37	172.99	----------	610.78	336.07	11.00
Pennsylvania	15,000	10,406.20	----------	174.13	338.36	----------	1,422.65	633.03	15.64	71.41
Rhode Island	15,000	7,794.97	2,334.53	----------	218.96	142.35	785.11	58.72	854.12	229.17
South Carolina	15,000	8,579.76	2,244.55	935.13	159.58	227.85	101.42	378.90	298.17	136.38
South Dakota	15,000	9,435.00	1,538.52	1,187.46	184.12	191.29	11.73	293.20	498.23	10.13
Tennessee	15,000	8,035.81	3,453.32	749.45	320.37	47.50	282.52	196.15	353.16	145.04
Texas	15,000	9,467.08	1,405.63	607.58	240.99	371.19	54.56	289.34	540.36	3.75
Utah	15,000	6,645.41	4,141.94	363.66	302.50	5.75	242.26	205.80	197.55	106.45
Vermont	15,000	6,682.23	2,775.78	799.13	465.19	66.95	442.74	287.27	141.10	75.61
Virginia	15,000	8,847.37	2,478.65	1,304.77	102.75	126.20	245.78	295.37	870.28	185.60
Washington	15,000	9,859.71	1,963.20	773.52	100.34	178.07	996.71	49.36	414.74	----------
West Virginia	15,000	11,541.36	----------	123.74	369.71	19.51	555.66	232.14	151.49	127.62
Wisconsin	15,000	8,357.97	1,874.88	279.92	116.25	429.12	228.77	136.93	1,720.31	1.50
Wyoming	15,000	6,085.60	3,120.03	1,494.52	507.44	224.40	708.94	223.42	536.86	5.15

Station.	Feeding stuffs.	Library.	Tools, implements, and machinery.	Furniture and fixtures.	Scientific apparatus.	Live stock.	Traveling expenses.	Contingent expenses	Building and repairs.
Alabama	$317.57	$500.45	$72.89	$118.37	$398.38	$17.25	----------	$15.00	$4 3.22
Arizona	454.58	7.33	679.95	96.66	80.60	582.45	$344.18	----------	135.94
Arkansas	803.30	168.26	22.50	----------	27.50	785.00	485.44	105.00	304.79
California	161.62	28.28	252.99	51.00	377.84	2.00	949.55	----------	58.57
Colorado	----------	16.00	15.00	58.09	392.56	----------	1,191.63	59.00	----------
Connecticut:									
State	----------	----------	----------	----------	----------	----------	----------	----------	----------
Storrs	29.50	35.20	2.00	154.21	582.06	80.50	366.76	15.00	374.30
Delaware	52.21	458.07	45.89	86.12	831.10	21.75	542.85	107.11	740.83
Florida	885.59	46.63	194.90	----------	294.20	105.00	267.50	42.10	532.17
Georgia	993.74	52.90	273.69	----------	16.40	----------	100.83	35.74	750.00
Idaho	198.15	115.27	379.32	80.75	47.50	5.00	170.50	140.00	758.94
Illinois	94.28	103.38	347.05	90.02	109.86	2.50	225.05	131.41	138.67
Indiana	1,014.29	117.97	588.69	----------	428.85	11.00	77.66	6.62	349.71
Iowa	----------	14.60	75.00	30.00	38.00	----------	68.02	19.50	750.00
Kansas	262.94	79.75	43.53	243.40	640.68	82.60	200.67	25.75	507.17
Kentucky	----------	360.66	40.85	2.90	100.38	----------	34.90	114.65	65.14
Louisiana	708.78	2 7.71	578.93	----------	26.71	241.35	----------	----------	----------
Maine	1,372.66	276.93	227.20	331.39	110.71	222.11	279.87	15.00	188.75
Maryland	300.50	285.58	304.04	113.60	158.41	360.00	228.08	15.00	993.94
Massachusetts	587.17	56.18	196.13	35.03	87.90	----------	105.50	121.00	530.77
Michigan	499.93	359.37	84.89	83.66	874.24	1,571.55	230.05	8.48	495.16
Minnesota	1,129.55	----------	60.25	----------	----------	186.00	----------	----------	----------
Mississippi	1,117.01	149.31	236.21	253.73	----------	422.50	243.38	15.00	748.97
Missouri	1,297.93	186.15	135.40	329.05	314.63	74.00	365.92	15.00	148.95
Montana	----------	235.18	237.71	300.00	107.21	----------	----------	65.00	----------
Nebraska	674.69	4.77	425.78	53.75	590.06	58.00	36.55	15.00	619.54
Nevada	----------	15.60	21.47	266.21	62.25	----------	523.29	31.50	401.84
New Hampshire	----------	316.87	25.14	70.50	382.44	----------	558.72	15.00	134.84
New Jersey	----------	550.33	130.00	100.50	191.95	----------	273.58	171.00	449.91
New Mexico	706.87	6.90	685.22	114.17	79.64	512.00	768.11	35.00	----------
New York:									
State	14.00	----------	----------	----------	----------	105.00	----------	67.80	----------
Cornell	18.22	78.71	85.57	425.36	385.89	300.00	265.31	54.00	145.11
North Carolina	550.90	51.27	262.62	----------	112.94	151.48	187.68	86.62	70.64
North Dakota	486.03	3.72	100.95	50.12	575.72	440.00	132.50	66.75	86.13
Ohio	245.34	----------	305.69	22.20	----------	50.00	102.25	15.00	52.93
Oklahoma	628.80	5.90	324.23	304.59	323.53	517.68	321.77	15.00	750.00
Oregon	392.87	75.16	229.05	----------	37.50	62.40	252.38	21.00	12.80
Pennsylvania	1,270.96	294.11	6.90	----------	131.75	60.98	180.46	43.89	49.59
Rhode Island	570.92	274.78	306.43	628.40	342.23	----------	203.80	16.00	264.51
South Carolina	84.57	194.66	121.65	58.60	75.10	227.65	574.54	15.00	586.50
South Dakota	443.59	15.76	302.92	192.58	362.15	74.10	258.32	15.00	5.99
Tennessee	123.49	275.27	278.33	112.50	63.04	----------	258.45	66.05	258.55
Texas	433.11	200.72	84.30	115.45	386.03	75.00	194.40	222.12	252.40
Utah	625.38	93.17	595.73	42.73	----------	1,026.86	265.90	----------	458.88
Vermont	1,178.24	99.00	104.63	127.35	409.51	----------	478.83	113.44	750.00
Virginia	----------	----------	----------	----------	183.84	----------	40.50	35.00	237.89
Washington	18.40	----------	26.80	----------	----------	----------	400.15	----------	249.00
West Virginia	61.69	520.66	129.00	12.40	1,231.51	45.00	283.51	15.00	----------
Wisconsin	75.70	498.60	64.82	----------	332.95	102.00	502.60	106.48	171.20
Wyoming	209.37	2.15	218.80	338.27	76.60	192.03	233.37	13.05	750.00

Some State appropriations for the support of experiment stations.

	Buildings, repairs, equipment, and printing.	Special investigations.	Support of substations.
1900.			
Maine	$3,500		
Michigan	a 15,000		$2,500
Missouri			15,000
New York (Geneva)	11,500		
Ohio	11,850	$13,500	5,600
Texas	a 35,000		5,000
Washington	a 85,000		
1901.			
Connecticut (State)		5,000	
Florida		5,000	
Illinois		46,000	
Indiana	a 70,000		
Kansas	5,000		3,000
Michigan			5,000
Minnesota	a 60,500		11,200
Missouri	b 83,500		
Nebraska	35,000	2,500	
New Jersey		3,000	
New York (Geneva)	8,500		
North Dakota	18,000		
Oregon	3,000		5,000
Oklahoma	a 54,000		
South Dakota	a 10,000		
Texas	a 31,000		17,500
Utah	108,000		6,000
Washington		1,250	11,300
Ohio			4,200
1902.			
Arizona	2,300		
Colorado	a 40,000		
Florida	a 60,000		
Iowa	a 55,000		
Kansas			32,550
Maryland	5,000		
Mississippi	a 40,000		13,000
Montana		2,000	
New Hampshire	a 30,000		
New Jersey	1,500		
North Carolina		5,000	
Ohio	3,750	17,000	10,000
Oregon			5,000
Pennsylvania		2,000	
Rhode Island	2,900		
South Dakota			1,000
Virginia	2,500		
Washington		1,250	8,000
Wisconsin	a 150,000		
1903.			
Arizona	11,000		
California	5,000	3,000	5,000
Idaho	5,000		
Illinois		85,000	
Kentucky	24,000		
Missouri	c 62,600		
Montana	26,500		
Nebraska	a 100,000		15,000
New Mexico	a 25,000		
North Dakota			5,000
Oregon	a 40,000		
Pennsylvania	a 100,000		
South Carolina	a 40,000		
Tennessee	10,000	600	
Utah	11,650		12,500
Wisconsin	10,000	4,000	
Total	1,512,050	196,100	198,250

a College and station.
b College and station, including $3,500 for station printing.
c College and station, including $10,000 for station maintenance.

In 1903 the States contributed to the agricultural colleges in appropriations for current expenses, buildings, and other special purposes $4,047,776.

Fifty-three thousand two hundred and fifty-two students have graduated from the colleges since the organization of the agricultural colleges. There are now 52,489 taking the various courses in the agricultural colleges.

In 1897 the appropriation to the Department of Agriculture was $3,182,902. The agricultural appropriation bill which recently passed the Senate carried in round numbers, $6,000,000. In seven years the appropriations for this Department have very nearly doubled.

The appropriations for the State experiment stations in seventeen years have not been increased a single dollar, while the States have greatly increased their financial aid.

In round numbers, France spends $9,000,000 annually for agricultural purposes; Austria, $9,000,000; Hungary, $9,400,000; Russia, $25,000,000, and the United States has expended an amount estimated at $11,000,000.

The expenditures of governments per acre of agricultural land are as follows: France, 9.8 cents; Austria, 13.2 cents; Hungary, 12.4 cents; Russia, 4 cents; the United States, 1.3 cents.

Government expenditures per capita of agricultural population are as follows: France, 52 cents; Austria, 69 cents, Hungary, 90 cents; the United States, 35 cents.

Agricultural experiment stations in different countries.

Country.	Area, square miles.	Number of stations.	Ratio of station to area.
Russia	8,660,325	102	1 to every 84,906 square miles.
Germany	208,830	80	1 to every 2,610 square miles.
France	207,054	71	1 to every 2,916 square miles.
Austria-Hungary	241,353	61	1 to every 3,956 square miles.
United States	3,602,125	60	1 to every 61,335 square miles.
Sweden	172,876	26	1 to every 6,645 square miles.
Italy	110,550	22	1 to every 5,025 square miles.
Belgium	11,373	15	1 to every 758 square miles.
Japan	147,655	15	1 to every 9,844 square miles.
Norway	124,130	12	1 to every 10,344 square miles.

I find that in 1903 Arizona appropriated $11,000; Connecticut, $24,000; Missouri, $62,000; Montana, $26,000; Nebraska, $100,000; Oregon, $40,000; Pennsylvania, $100,000, and South Carolina, $40,000.

I have a partial list of the appropriations made for buildings, repairs, equipment and furniture, special investigations, and the establishment of substations since 1900, which, in round numbers, foot up to $1,900,000.

This is a partial statement of the State aid given to these stations. A portion of the buildings provided for are used jointly by the agricultural colleges and the stations.

In 1902 the Federal appropriation amounted to $720,000, and the amounts received from the States directly and for permanent buildings and equipment, including what the stations received for fertilizer tests and for farm produce, amounted to $870,000, in round numbers.

The statement is not correct that the States are doing nothing for the stations. They have provided the land and the buildings, and many of them large annual appropriations.

This bill provides, first, that the increase of appropriations for these stations shall be $5,000 each; second, that an additional appropriation shall be made of $2,000 for each year for five years, until the total additional appropriation shall be $15,000 annually for each station.

The bill also provides that no portion of this money shall be used for the payment of salaries, the construction of buildings, or for the purchase or rental of lands. It is to extend the work of experimentation pure and simple. Nothing more and nothing less.

I have introduced this bill because I have seen the valuable results which have come from the experiment-station work in my own State, and have observed to some extent the fruitfulness of that work in other States.

When the bill was first introduced I addressed a letter to the director of each experiment station in the United States asking if the bill met his approval, and, if so, requesting him to state to me the reasons why his station needed the additional appropriation. Nearly all of these stations have responded.

I give the following quotations, indicating their work and needs, and would give the replies in detail if it would not require so much space in the RECORD:

UNIVERSITY OF MINNESOTA,
AGRICULTURAL EXPERIMENT STATION,
St. Anthony Park, Minn., March 16, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

MY DEAR SIR: Some reasons for the wisdom of this bill are offered herewith. The production of plants and animals in the country amounts to $4,000,000,000 annually. Experiments in breeding plants, in breeding and feeding animals, in dairying, in the general management of farms, in better cultivation of crops, and in combating the enemies of plants and animals prove that 20 per cent, or $800,000,000, can be added to the country's annual farm product at a cost of 1, or at the most a few, per cent of such increase. This has been done on millions of acres in the Northwestern States, where you and I are acquainted.

A comparatively small expenditure in Wisconsin and Minnesota in dairying has added many millions to the direct dairy profits in these States, and other millions through added soil fertility on dairy farms, making grain growing more profitable. Modest sums spent by the North Dakota and Minnesota experiment stations in breeding field crops have added millions of dollars of profit to the hundreds of thousands of acres now planted to the newly bred corn, wheat, and other crops, supplied to the farmers by the experiment stations. And the work of breeding plants and animals, commenced a dozen years ago, has only begun to give of its results already in hand to the farmers. This work has been reduced to a system comparable with organization of work in modern manufacturing. It has clearly proven to be a business in which $1 will produce a hundred dollars. Like the management of forests, it is a business for which public rather than private organization will secure the necessary long-continued efforts for the large final returns.

Plans for pushing animal improvement forward with the same effectiveness, and at the same relative expenditure, are also being formulated. America's strong soil, superior climate, unexcelled markets and bright people warrant the belief that we can breed the best pedigreed plants and animals in the world. Instead of buying seeds and pedigreed animals abroad,

we should lead in their improvement, and besides having the best with which to increase our own products, we should supply foreign markets with pedigreed seeds and plants.

Investigations have shown that our farms are not run under systematic plans, but that system can be introduced here as in other lines of business. These investigations alone, if extended to all of the States, would bring back a return many times greater than the whole sum this bill carries.

Experimenters are already saving vast sums to growers of plants and animals by devising methods of combating injurious insects and diseases.

In the aggregate the station workers are an able class of men, and, as they are connected with agricultural colleges, they have large numbers of young men in training, who could be employed to aid in enlarging the work now being done.

Many of the problems, as breeding plants, breeding animals, devising systems of crop rotations, developing cooperative organizations among breeders of plants and animals, cooperative dairying, etc., require long years of continuous effort. This bill would greatly assist in keeping strong men at their tasks till completed. There is a tendency for our best experimenters to be drafted into editorial chairs, into commercial enterprises, and into Government positions.

Our agricultural colleges and experiment stations are the last institutions the Government should stint, because here the national influence is placed near the people. By giving the station more means you will greatly assist them in their cooperation with the Department of Agriculture. Their work has grown to such an extent that most of them are unable to cooperate with the Department for a lack of money. Problems of a local State nature can best be wrought out by a strong State experiment and strong departmental bureaus in cooperation. National experts and local experts working together can do far more on most problems than national officers working alone or State officials working alone. Besides, there are many problems purely local in nature, which can best be worked out by the State stations, others of a general nature which the national department should undertake alone.

The experiment stations are the right arms of our agricultural colleges. Strengthen the station corps, and the faculty is strengthened in a way that enables agricultural education to emerge from the dominance of the older education directed almost wholly to building up city life. The Hatch bill of 1887 did more to bring our agricultural college faculties to a proper balance than anything that was ever done. General education has been too prone to look upon money appropriated for the education of our country people as so much more available funds for higher education in general and technical lines. The development of agricultural education has proven a difficult and slow process, but it is now succeeding grandly in most States.

The Secretary of Agriculture should be charged with the duty of requiring that this money should be used only in experimenters. But there is no harm in the strength of the experimenters being useful in promoting agricultural education throughout their States, that the results of their investigations might have avenues through agricultural colleges, agricultural high schools, and consolidated rural schools to all country people.

This bill is but another large step in supplying technical education to the farmers and country home makers of our country.

If I can assist, please command me.

Very respectfully, yours,

W. M. HAYS,
Agriculturist, Minnesota Agricultural Experiment Station.

ARKANSAS AGRICULTURAL EXPERIMENT STATION,
Fayetteville, Ark., February, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

MY DEAR SIR: This station needs an increase in its chemical force. The subjects directly relating to agriculture which it is the province of the science of chemistry to investigate are quite numerous and varied and require not only accurate scientific knowledge, but also many of them much time for reaching reliable results.

The department of horticulture, to which is attached pomology in a wide sense of that term, should be enlarged. The adaptation of large portions of this State to vegetable and fruit culture necessitate for their proper development a greater expenditure of funds than is now available.

A botanist, to give all his time to the study of plants, weeds, and fungous diseases, is needed.

Dairy husbandry, stock breeding, feeding, housing, etc., require much fuller development than can be given with our present means.

Rice culture, to which it is believed large sections of this State are well adapted, should be experimented upon.

Members of the station staff, so far as they can do so without seriously interfering with their duties at the station, should attend agricultural and horticultural meetings in the State, deliver lectures, and enlist a larger and more intelligent interest among farmers in scientific agriculture and in the work which the station is designed for and is endeavoring to do.

We have no emergency fund whatever for boll weevil, etc.

The amount appropriated when experiment stations were established is entirely inadequate for carrying on the work as it has developed.

Yours, truly,

W. G. VINCENHELLER, *Director.*

MAINE AGRICULTURAL EXPERIMENT STATION,
Orono, Me., January 25, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of January 18 and the copy of the bill to provide for an increased annual appropriation for agricultural experiment stations are duly received.

There are many reasons, in my judgment to warrant this increased endowment. In the first place, when the stations were established the number of men that were experienced in agricultural experimental work were few. The result was that young men recently graduated were employed at small salaries. The demand for this class of men, both in and outside of the experiment stations, has tended to increase salaries, so that our station, at least, finds itself embarrassed by too large a salary roll in proportion to its income.

On this account it is practically impossible to take up new lines of work or even prosecute the lines already established as vigorously as is desirable without abandoning important subjects of inquiry. For example, the fruit-growing industry of this State is very great; there have arisen many new problems along the lines of economic entomology and mycology; with the present income it is impracticable for the station to give these the needed attention.

Important as soil investigations are and as large appropriations as have been made for the Bureau of Soils of the United States Department of Agriculture, this station has no funds that can be used for such studies, and this in a State with great diversity of soil.

Economic forestry has been placed upon a scientific basis since the passage of the Hatch Act. There is hardly a farm in this State that has not its own private wood lot and there are many thousands of acres of forest. It is impossible to devote anything from existing funds to this important subject.

In the propagation and breeding of both animals and plants there is a large amount of work that should be done in this State. While we are doing something along these lines, more funds are needed in order to accomplish anything like what should be done.

For instance, in a large section of this State the growing of wheat is a new and important industry, and has led to the establishment of five-roller flour mills. Studies made by the station have shown that the wheat here grown is not as well adapted to bread making as it should and can be. Preliminary studies upon the breeding of wheat were undertaken, but for lack of funds had to be discontinued.

These are specimens of the needs for agricultural inquiry in Maine.

Possibly the following, which illustrates the confidence the people of the State have in the station and the eagerness with which they seek the results of experimental inquiry, may interest you. The State prints the station publications. The station mailing list had not undergone thorough revision for many years and had reached above 9,000 names.

Not wishing to impose upon State funds by publishing editions larger than needed, in July, 1902, we sent out a bulletin containing a notice that the name of the recipient had been taken from the mailing list, but would be replaced on request. With the exception of the official mailing list of the Office of Experiment Stations and the list of Maine newspapers, the entire station mailing list was canceled and destroyed.

Six months later there were about 8,000 names again on the station mailing list, and the number is now back to about the original number.

Yours, truly,

CHAS. D. WOODS, *Director.*

BERKELEY, CAL., *January 27, 1904.*

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: In response to your favor inclosing the bill, introduced by yourself, for the purpose of increasing the appropriation for the experiment stations, I would say that so far as this State is concerned, such increase is most urgently called for. California's area is so great, its climates and soils so varied, that this station has long been unable, even with the aid furnished both by the State directly and by the State university, to keep up with the constantly and rapidly increasing demand for investigations of all kinds bearing directly upon the infinitely varied problems which confront our farmers in the several widely diverse climatic regions of the State.

It is only through the aid received here and there from associations, private parties, and sometimes from counties and communities, that we have been enabled to even remotely satisfy some of the most pressing demands for the investigation of questions involving wide interests, both commercial and agricultural, and too frequently such assistance stops short when solutions are just in sight but not yet fully established. Withal, it has been almost impossible for this station to engage to any great extent in the investigation of general questions which concern the entire arid region and agricultural science at large. We are so beset with local demands that little time or money remains for the direct researches of wider scope, which are considered by many as the main object of the Hatch Act, and which are only indirectly touched by the elaboration of local questions that now mainly occupy the time of our working staff.

Yet with the increase of interest in progressive agriculture, brought about by the farmers' institutes, now provided for by the State, the farming population calls more and more for experimental investigation of practical problems, for the solution of which the knowledge we possess of the peculiarities of the several climatic and soil areas of the State qualifies us much better than can possibly be the case with explorers sent out by the Department of Agriculture, who, being usually impressed with the conditions existing in the Eastern States, must first familiarize themselves with those existing here.

It therefore seems to us that the most direct and effective way to benefit agriculture in the several States, and especially in the State of California, would be to strengthen first of all the State agricultural experiment stations by a material increase in the appropriation for their maintenance, such as is proposed in your bill, which I earnestly hope will receive favorable action by Congress.

Very respectfully and truly, yours,

E. W. HILGARD, *Director.*

HARRISBURG, PA., *January 27, 1904.*

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: The undersigned, constituting the executive committee of the Allied Agricultural Organizations of Pennsylvania, are gratified to learn that a movement is on foot under your leadership to increase the annual appropriation by Congress to the agricultural experiment stations.

These stations were founded nearly seventeen years ago. Since then they have thoroughly established themselves in the confidence of the agricultural community, and as a consequence steadily increasing demands are being made on them in all directions by the farmers of the several States for information, the value of which is by no means restricted by State lines. We feel, therefore, that it is a wise use of public funds to increase this appropriation and can assure you that in this respect we speak for the farmers of this State, who will most highly appreciate and actively support your efforts in their behalf.

Very respectfully, yours,

Nathan C. Schaeffer, Chairman Department of Public Instruction; N. B. Critchfield, Department of Agriculture; J. T. Rothrock, Department of Forestry; Hiram Young, State Agricultural Society; Jason Sexton, State Board of Agriculture; Gabriel Hiester, State Horticultural Association; M. N. Clark, State Grange; D. M. Onmake, State Alliance; S. F. Barber, Pennsylvania Dairy Union; W. C. Norton, State Breeders' Association; W. F. Wagner, Pennsylvania Jersey Cattle Club; Norris G. Temple, State Poultry Association; J. P. Sharpless, Guernsey Breeders' Association; J. Aldus Herr, Jersey Cattle Club of Lancaster County; H. V. White, the Pennsylvania State College.

ST. ANTHONY PARK, MINN., *February 2, 1904.*

Hon. H. C. ADAMS, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have looked over your bill very carefully and approve of it. I do not know of any legislation that could be had in Congress that would be of more value than the passage of your bill, and if there is any way I can cooperate with you in the matter that will be of assistance, do not hesitate to ask me.

Very cordially, yours,

W. M. LIGGETT,
Dean Department of Agriculture.

UNIVERSITY OF ILLINOIS,
COLLEGE OF AGRICULTURE
AND AGRICULTURAL EXPERIMENT STATION,
Urbana, Ill., January 26, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your favor of recent date, inclosing copy of H. R. 8678, and asking the reasons that in our State particularly can be urged in its behalf.

Replying I would say, although we are in this State fortunate enough to have a total of $100,000 a year for investigation work, yet most of it is to be expended along definite lines, leaving many subjects entirely untouched simply because no funds are available that are of such general application as to be used for anything but for special purposes. Such an increase as is contemplated in this bill would enable us to undertake many lines of work not yet touched, because of the fact I have just now stated.

In order that you may see exactly what is meant, permit me to present the following schedule of our appropriations for investigation work, showing the lines to which they are confined:

Soil investigation	$25,000
Corn investigation	10,000
Live-stock investigation	25,000
Horticultural investigation	10,000
Dairy investigation	15,000

It will be noted that aside from corn the crop side is practically not represented. The same is true of certain other lines that might be mentioned.

Very truly, yours,

E. DAVENPORT, *Director.*

GEORGIA EXPERIMENT STATION,
Experiment, Ga., January 21, 1904.

Hon. H. C. ADAMS, *Washington, D. C.*

MY DEAR SIR: I heartily approve of the bill to provide for an increase in the annual appropriation for the experiment stations, etc. I have previously seen a copy of it and carefully read it.

The reasons which lead me to approve this bill may be stated as follows: The Georgia Experiment Station, while nominally connected with the State College of Agriculture at Athens, is actually separated from the college by a distance of more than 100 miles. We are entirely dependent upon the original Hatch Act appropriation of $15,000. This appropriation is insufficient for the thorough equipment of the station for its work. We are able to have only five staff officers, when we could very usefully employ seven or eight if we had the money.

In addition, I may say that Georgia is one of the largest of the older States of the Union, and her agricultural conditions, owing to its geographical position, are varied, indeed. We ought to have two or three substations under the direction of the central station. We ought to have cooperative experiments conducted in different sections of the State. This we can not do with the limited appropriation now at our disposal.

We are not able to employ an expert entomologist or biologist, botanist or veterinarian, and several other professionals usually connected with experiment-station work. Even our chemist is only nominally so, as we are not able to pay a sufficient amount to justify the operation of a chemical laboratory at the station.

The salaries paid to the officers of the station are very moderate, the highest being only $2,000 (for the director), and no other salary is greater than $1,200 a year. This want of funds to properly compensate expert station workers has several times operated to our disadvantage in the loss of valuable men who were attracted to the Government work at Washington, or to some other richer stations North and East, by higher salaries.

An addition of $5,000 to our fund would mean very much indeed to us, while it would not amount to much at such stations as New York, Pennsylvania, Ohio, Wisconsin, South Carolina, Mississippi, etc., all of these stations having large appropriations from other sources than the Hatch fund. I wish to say that I very earnestly ask your approval of the bill when it comes to a vote.

I will add as an illustration that were this station enjoying a sufficient income from the Hatch Act or other sources, we would have long since established a substation in south Georgia for the development of sugar making, sugar-cane culture, and making of sirup.

Very truly, yours,

R. J. REDDING, *Director.*

EXPERIMENT STATION OF AGRICULTURAL AND
MECHANICAL COLLEGE OF ALABAMA,
Auburn, Ala., January 22, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: I have read with much satisfaction H. R. 8678, which you kindly sent me.

Answering your inquiry as to reasons why this bill should pass, especially as regards this State, I would say we have practically every reason that could be advocated by any experiment station. Its passage should be especially helpful in Alabama in enabling us to bring about such a diversification of the agriculture of this State as to prepare our farmers either to grow better varieties of cotton and by improved methods when the boll weevil reaches us, as it doubtless will, or else be prepared to make a living from a number of new crops or new farm industries now practically unknown to most of our farmers.

An improvement in the use of the $3,000,000 worth of commercial fertilizers annually used in Alabama would be effected if we had increased funds for local fertilizer experiments, and it would take only an insignificant improvement in this respect to repay many times the cost which would be incurred under your bill.

Yours, very truly,

J. F. DUGGAN, *Director.*

MISSISSIPPI EXPERIMENT STATION,
Agricultural College, Miss., January 29, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: I acknowledge receipt of your favor of January 18 inclosing a copy of House bill 8678, being a bill to provide for an increased annual appropriation for agricultural experiment stations. In reply I beg to say that should Congress see fit to increase the appropriations for experiment-station work that it would undoubtedly be of great value in this State. While we are enabled to do good with the present appropriation, still it is not sufficiently large to enable us to push the work as we would like to do and as would be best for the agricultural interests of the State. Necessarily we are compelled to pursue several lines of investigation, and the present appropriation gives rather limited means for any particular piece of work. With additional funds we could extend our present work with beef cattle so as to make it very much more efficient, as well as obtain important information with less delay. We could also extend our work on the soils of the State, which is desirable and for which the available funds at present are entirely inadequate for present demands.

I hardly know of anything that seemingly would be of more value to us than to be able to employ a good man to engage in plant breeding. Our funds are so limited that we are unable to engage in this work at all, and yet it is a very promising field for useful work in this State. What is said of plant breeding is also true of poultry. It is also a fact that an increased appropriation for this station would increase its efficiency and usefulness to a very much greater degree than would be indicated by the relative increase in the funds. I would like very much to see the bill be enacted into law, and I do not know of any way that more good could be done for the people of Mississippi.

Yours, very truly,

W. L. HUTCHINSON, *Director.*

TEXAS AGRICULTURAL EXPERIMENT STATIONS OF THE
AGRICULTURAL AND MECHANICAL COLLEGE,
College Station, Tex., January 29, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR MR. ADAMS: I have learned with pleasure, through your letter of the 18th instant, that you are introducing a bill to increase the Federal appropriation to the State experiment stations. As you ask me for reasons why this bill would be particularly beneficial to us in our State, I do not hesitate to write you fully in regard to it. In the first place, the $15,000 which we receive is not at all adequate to conduct the many experiments demanded of us because of the extent and variety of the resources of our State. The State is immense in size, with vast interests associated with farming, and there is great variety of conditions prevailing over such a large territory. For instance, there is a section of the State given almost wholly to rice culture; then the sugar lands which make up the sugar plantations; the cotton country, and then the horticultural portion of the State, devoted to fruit growing and truck gardening.

Still farther west and north we have the great cattle country, while in the southwest the sheep industry has assumed vast proportions. Being a new State, all these industries originate new problems. For instance, within the last five years the rice industry has assumed enormous development, and with its growth follow questions on the kinds of soil suited for it and the nature of the waters that may be used for irrigation. These features come within the department of our chemist. The growth of the crop and the new usage of the by-products are also immense fields for study. We can take any single crop in this State—rice, cotton, sugar—and as a matter of fact there should be an experiment station devoted wholly to the problems which arise from them.

There are also sections of our State that are going heavily into the growing of alfalfa, and we have to wrestle with problems connected with that crop. Such points are becoming cattle and sheep feeding centers, and from this fact other questions arise. How best to use our cotton-seed by-products, and our rice by products, and the molasses from the sugar mills in conjunction with crops that are grown on the farm are questions that have yet to be determined. In cattle feeding, hog feeding, and sheep feeding we gain very little by the experience of the other and older stations, because they do not have the feeds which we grow here. The utilization of Texas feeds by Texas cattle from the range and sheep from the plains is worthy of a single experiment station. We are being gradually driven to the point, owing to the immensity of our State, of establishing stations in different portions of the State.

The State supports two now in a small degree, but the demand for these stations is such that more money is badly needed to establish them. One reason why Texas should be specially considered in the Federal appropriation is that she is the keystone to the South, and consequently questions that are solved here in nearly all matters of prime importance would apply generally to all the Southern States. Being a new country and a large one, with immense industrial activity, we are very badly in need of funds to do something of practical importance to the various features of agricultural work which are springing up in our State.

I wish to congratulate you on being the author of this bill, and if you think I could be of any assistance to you by going more into details and giving you hard facts, you only have to command me.

Yours, very truly,

JOHN A. CRAIG,
Dean and Director.

THE UNIVERSITY OF TENNESSEE,
Knoxville, January 21, 1904.

Hon. H. C. ADAMS, M. C., *Washington, D. C.*

DEAR SIR: Your favor of the 18th instant has just been received inclosing a copy of a bill providing for an increase in the Federal appropriation to the State experiment stations. I am very much pleased with the bill and hope it will be enacted into a law by the present Congress.

As reasons why the bill should be supported by the people of this State, permit me to suggest the following:

First, the station has never received but one appropriation from the State; its funds are practically limited to the original $15,000, which is totally inadequate to meet the demands now made upon it. For example, we are expected to employ competent experts along several lines of agricultural research and pay these men living salaries and conduct original investigations. When $8,000 or $10,000 of the station fund is used for salaries, there is certainly not much left for original research.

This station has no entomologist, no veterinarian, no zoologist, etc. We can not employ these men and develop these departments without additional funds. Work along these lines is of the utmost importance to the people of the State. For instance, we have the cattle-tick problem to contend with. Our trucking interests are very large, and we need an entomologist to study ways and means for the destruction of insect pests. The boll weevil seems to be headed this way, and will call for the attention of at least one competent expert. Poultry raising is a great interest in the State. Nothing has been done along this line by the station because of a lack of funds.

We have in this State a great variety of soils and a diversity of crops. An agricultural map of the State should be made, also a complete soil survey and cooperative experiments carried on in various points where special industries are of paramount interest. Examples of these are found in the cotton, tobacco, truck, and fruit growing regions. There is hardly a State in the Union where the agricultural problems presented for solution are more complex or numerous. Yet it is clearly recognized that the station has rendered the farmers of the State the best possible service under the circumstances.

The additions to the station funds as provided for in your bill would enable us to develop the lines of research suggested and to reach out and help the farmers in every section of the State and to make investigations worth thousands of dollars to our people, and, best of all, to carry out through cooperative experiments on various farms in each county the results of the investi-

gations which have and will be made to the main station. For instance, the station ha developed several fine varieties of cereals, and is now striving to get them in the hands of leading farmers. This could be done almost immediately if a larger appropriation were available. Under the circumstances it will require several years. In the meantime the farmers are losing the benefits of the station work.

These are but a few of the examples of the many ways in which the experiment station, with the additional appropriation contemplated, would reach out and stimulate an interest in the agricultural industries of Tennessee.

Very respectfully,

ANDREW M. SOULE.

NEW HAMPSHIRE COLLEGE OF
AGRICULTURE AND THE MECHANIC ARTS,
Durham, N. H., January 22, 1904.

Mr. H. C. ADAMS, *Washington, D. C.*

MY DEAR SIR: Allow me to thank you for your letter of January 18, inclosing a copy of House of Representatives bill No. 8678. I am much interested in this measure and hope that it will pass.

Since the establishment of the experiment stations in 1887, under the terms of the Hatch Act, great good has resulted to the agricultural interests of the several States through the experimental work conducted by the State stations. At the time of their establishment the $15,000 appropriated annually to each station was ample, considering the fact that the work at that time was not organized and that there were few men qualified to undertake the work of agricultural research in a scientific and practical way. During recent years there has been developed trained specialists in all lines of agricultural investigation, and to-day the State stations are much better prepared to do work on a high grade than they ever have been. The most pressing need of the State stations at this time is additional appropriations for strictly investigation work, as is provided for under the terms of your bill.

We all rejoice in the splendid appropriations which have been made by Congress to the United States Department of Agriculture and appreciate the work the Department is doing for the farmer. Their appropriations have been increased rapidly. I understand that during the current year the Department has at its disposal between four and five millions of dollars. In comparison with this large amount the State stations receive in the aggregate only $760,000 annually. It would seem that the State stations have been neglected to a considerable degree in this respect. It seems reasonable to suppose that a State station is better prepared to deal with the agricultural problems of the State than is a distant organization. The State station men are called to all parts of the State on various duties, and are familiar with the agricultural problems in the State and are interested in the solution of these problems.

Furthermore, the greater part of our experiment stations are connected with the State agricultural and mechanical colleges, and any expenditure of the Government money in experiment-station work, therefore, has a large educational value to the students who are in attendance at the college, and, besides, it gives employment to many of these students who are enabled to make a part of their college expenses by their work for the experiment station.

I think you will find that your bill will meet with popular approval among the farmers all over the country and with experiment-station workers. If I can be of service to you, please call upon me.

Yours, very truly,

W. D. GIBBS,
President of the College and Director of Experiment Station.

NEW JERSEY AGRICULTURAL EXPERIMENT STATIONS,
New Brunswick, N. J., January 20, 1904.

Hon. H. C. ADAMS, *Washington, D. C.*

MY DEAR MR. ADAMS: In our own State we could use to very great advantage any extra funds provided for in the bill, for while our State has been quite generous in the matter of State appropriations for experiment-station work, nevertheless we feel that the work of investigation should be increased mainly along the lines of soil investigation, both from the chemical and the bacteriological standpoint, and the lines of plant diseases and remedies, study of insects and their destruction, the introduction and development of crops for the dairy, etc.

In the matter of the study of soils, I may say that at our station I established a department of soil chemistry and bacteriology three years ago, and the investigations along this line are more promising than any that have been conducted, and the field is practically unlimited. We have accumulated very little definite knowledge along this line, and it seems most desirable that an increasing amount of funds should be at the disposal of the different stations for the investigation of this subject as it applies to the conditions in the individual States. Such investigations would, in some degree at least, counteract the effect of some investigations that have been reported, which, in the judgment of leading chemists, are not based upon scientific data. The subject of plant diseases and their remedies is a matter of the greatest importance. Thousands of dollars are lost annually in our State by diseases of potatoes, melons, tomatoes, and fruits, which could be prevented if proper study had been given of the causes and remedies for the same. The same is true in the matter of the insects. While we have been doing most excellent work in many States, still the funds are not sufficient to enable us to cover the subject as it might be if we secured the appropriation provided for in your bill.

I shall be glad at any time to give you further or more detailed data along this line, and to assist in any or every way in my power in the passage of your bill.

Thanking you for the opportunity afforded me for doing so, I remain,

Very truly, yours,

E. B. VOORHEES, *Director.*

AGRICULTURAL EXPERIMENT STATION OF THE
RHODE ISLAND COLLEGE OF
AGRICULTURE AND MECHANIC ARTS,
Kingston, R. I., January 25, 1904.

Hon. H. C. ADAMS, M. C.,
Washington, D. C.

DEAR SIR: Replying to yours of the 18th instant, concerning the bill introduced by you for the purpose of providing an increased appropriation for the agricultural experiment stations of the United States, I will say that it seems to me that no more opportune measure has been introduced in Congress for a long time.

So far as concerns the experiment station in this State, I believe that it is almost the universal opinion of the farmers of Rhode Island that it has been of tremendous benefit. Unfortunately, the amount of the appropriation at present is too small to permit of our covering the field in a satisfactory manner. We are working in three lines, namely, poultry experiments, horticultural experiments, and field experiments. I regret that the amount at disposal has not been sufficient to render it possible to do all the chemical work in connection with the field experiments which should be done. Furthermore, there are many important crops which are grown in the State which should be experimented with more fully than in the past, particularly for the purpose of finding out the best manures for use upon the soils of different sections of the State.

The number of experimental plats upon the experiment station grounds should be increased in order to answer the questions which our farmers are raising and for the purpose of determining the best system of manuring and other general procedure in the growing of our most important crops.

Regarding our poultry experiments, I will say that our chief line of work is in the study of problems relating to incubation and brooding and feeding young chicks, particularly in the winter months. This line of work will tax most of the means which we have at our disposal, though we are endeavoring to do a little work in connection with the "black-head" disease of turkeys. This disease has practically ruined the turkey industry of this State, and promises to work similar havoc in the near future in States which have been practically free from it in the past. It is our desire to undertake more extensive work in this line for the purpose of ascertaining, if possible, how this disease can be checked, controlled, or entirely eliminated. This work would be possible if the appropriation were increased, but under the present conditions only a limited amount of money is available.

Our great greenhouse and market-garden interests in this State are very important and require that more work should be done in the line of studying plant diseases and in conducting actual experiments. There should also be a study of the best manner of growing plants under glass. The various horticultural interests in the State have repeatedly attempted to assist us in this work by means of resolutions requesting the State to do more for these interests, but it has been impossible with the money at our disposal.

These are only a few of the possible lines of investigation, but I think I have named enough to show that the appropriation provided for in the bill which you have introduced can be used to the utmost advantage. I sincerely hope, for the good of the agricultural interests of the United States, that the measure will be passed.

Very respectfully, yours,

H. J. WHEELER.

OHIO AGRICULTURAL EXPERIMENT STATION,
DEPARTMENT OF PLANT PHYSIOLOGY AND PATHOLOGY,
Wooster, Ohio, January 27, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: I find that I have overlooked the request, which accompanied the copy of your bill increasing the appropriations for the experiment stations, that I should give the reasons which make such an increase necessary. These reasons are: (1) That as the work of agricultural research progresses, and the people become more acquainted with its possibilities, the demand for the help which it can give constantly increases. (2) That the character of the work is constantly becoming more complex and, therefore, more costly. The problems which were first attacked were the more simple ones, but as the solutions of these are attained we find that beyond them lie others of even greater importance, but whose solutions involves an indefinitely greater outlay in the apparatus required for exact research and in the men qualified to conduct such research.

With the growth of the work there has been a corresponding growth in the ability of our farmers to profit by it. Consequently the work which was sufficient and satisfactory fifteen years ago is now entirely out of date, and for it must be substituted work of a very much higher grade.

For these reasons the endowment for research which was abundant fifteen years ago is altogether inadequate at the present date.

We find the annual expenditures of the Ohio station have increased from $15,000 in 1888 to $45,000 in 1903, and we are to-day further from meeting the demands of our farmers than we were fifteen years ago. I do not mean by this we are spending the money less wisely to-day than before. On the contrary, I believe that, so far as this point is concerned, the station work meets greater approval now than ever before.

Yours, truly.

CHAS. E. THORNE.

THE SOUTH DAKOTA AGRICULTURAL COLLEGE,
EXPERIMENT STATION,
Brookings, S. Dak., January 22, 1904.

Hon. H. C. ADAMS, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of January 18, inclosing copy of House bill 8678, or a bill for the purpose of increasing the annual appropriation now received by the different stations. I am delighted to know that you have decided to attempt to secure an additional appropriation for this work. We are heartily in favor of such an increase in the appropriation here, as we are hampered on all sides for funds. We are endeavoring to carry on six different departments with the $15,000. This sum could be spent in one department. Live stock is our principal industry here. We have diseases in this State affecting this industry, such as sheep scab and cattle mange, and if we were provided with funds we could try to show the people how to prevent them.

Our conditions are very different from those of any other State. The results obtained in feeding experiments in other climates are not applicable here. Practically nothing has been done to show the farmer the feeding value of our different grains, because we have had nothing to do it with. Five thousand dollars could be used in that department alone. Reports have it that the total sale of all products for the year ending June 30, 1903, from this State were $136,000,000. The same report claims that $47,000,000 of this was for live stock alone. To show the people at home how these diseases could be eradicated would be a benefit to the cattle industry of the United States, as a large per cent of our cattle are shipped into the older corn belt, where they are fed and then shipped to market. These, I think, are sufficient reasons why we should have a little more money from Congress. Trusting you will be successful in your effort, I remain,

Very truly,

JAMES W. WILSON.

KANSAS STATE AGRICULTURAL COLLEGE,
Manhattan, Kans., January 27, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: Your circular letter asking for ways in which this State will be especially benefited by an increase in the Federal appropriation to the State experiment stations has been brought before our station council. I assume that you prefer that specific lines of investigation be named rather than general statements.

(1) An important line of experimentation that has been developed but little in this State, for lack of funds, is that of plant breeding and improvement. This would undoubtedly be entered upon in a much more extended way if we had greater resources.

(2) In this State the question of diminishing returns in the way of crops is beginning to compel attention, and experiments in reference to maintaining soil fertility or renewing that already impaired are becoming a pressing need.

(3) Closely connected with this is the question of crop rotation, or the relation of crops to each other.

(4) Investigations concerning animal diseases are very expensive in many cases, and have been almost impossible thus far because of lack of funds. The large stock interests of the western half of this State make such investigations extremely important.

(5) Tests of field, orchard, and garden crops in a much more extended way are very desirable.

(6) We have not yet had means to make any investigations of the soils of the State. The need for this has not been great thus far, but the condition of agriculture is now such as to make investigations on this subject very desirable.

Other lines can doubtless be suggested, but in connection with the above I wish especially to point out that in a State of this size the results obtained at a single point are not of general application throughout the State, and were funds available we would, in all probability, conduct investigations at many different points, depending upon the subject. This would probably not take the form of establishing substations, but of sending our men to the various places at which it seemed advisable to make tests. For instance, in the origination of better varieties or the improvement of those already existing the work must be done for many regions in the State independently. The same is true of experiments in rotation, maintenance or restoration of soil fertility, etc. These experiments can not be conducted by farmers, but under our immediate supervision the assistance of representative farmers in various localities could doubtless be enlisted. It need scarcely be said that our entire force is heartily in favor of the bill which you have introduced.

Yours, truly,

J. T. WILLARD.

PURDUE UNIVERSITY AGRICULTURAL EXPERIMENT STATION,
Lafayette, Ind., January 28, 1904.

Hon. H. C. ADAMS,
Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: We are most heartily in sympathy with any movement in the direction of securing more funds for the stations. As you can see by referring to our annual report, which is just out of press, and a copy of which I am sending you under separate cover, the Indiana station is most desperately in need of more funds.

Very respectfully, yours,

ARTHUR GOSS, *Director.*

THE MONTANA AGRICULTURAL EXPERIMENT STATION,
Bozeman, Mont., February 9, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: I inclose herewith a statement of the needs for an increased appropriation for the experiment-station work in the State, prepared by a committee of the station staff. I might briefly list these points:

(1) The field of agriculture has broadened and the calls for help and the need for research very much increased the past ten to fifteen years, yet the funds of the stations have remained the same to a large extent. Much more funds are now needed and could be used to great advantage.

(2) In the arid West, particularly, we have practically to create a new agriculture because of the new and special problems of the country.

(3) We have arrived at a time when new and original lines of work are calling for attention. Thorough scientific work calls for a narrow field for the worker and better appliances for that work. This calls for more workers and larger and better equipment for the work.

(4) Many Western States comprise areas three to ten times the areas of Eastern States, and thus as great a difference in soil and climate, and often greater. Special problems in special districts should be studied in those districts at temporary or permanent substations. Their management and supervision call for additional help.

(5) We in the West are very distant from the center of agricultural and scientific thought and study. We must either buy this literature or have means to visit the libraries where it is to be found did we wish to keep abreast of the times.

(6) The Agricultural Department, of Washington, D. C., shows fully the benefits of increased appropriation. Imagine the condition of their work had their funds remained stationary for the past ten years. The Department has drawn to itself some of the best of the station workers. It is reaching out into the field of the State stations and attacking problems which, because of their great familiarity with the conditions, the State station could handle better and more cheaply did funds permit. Increased funds to the stations would permit of cooperation which would be mutually beneficial to both State and Federal experiment work.

(7) Experiments are conducted to answer local problems, but in their application the results have generally an interstate, frequently a national, and sometimes an international application. Our mailing list contains nearly as many names from outside the State as within the State, and moreover they go to all parts of the world. Thus, while serving the State we are also serving the nation in building up the greatest of the country's industries—agriculture.

Wishing you success in the matter, I am, very truly,

F. B. LINFIELD, *Acting Director.*

AGRICULTURAL EXPERIMENT STATION
OF THE NORTH CAROLINA COLLEGE OF
AGRICULTURE AND MECHANIC ARTS,
Raleigh, February 18, 1904.

Hon. H. C. ADAMS,
House of Representatives, Washington, D. C.

DEAR SIR: Long absence from the office in farmers' institute has prevented an earlier acknowledgment of your letter of January 18, regarding your bill for increasing the support of the agricultural experiment stations.

I am very much interested in this measure, and in its support I feel that I can not say more than that the experiment station has been the most effective means in this State for the advancement of our agriculture, which has made important strides within recent years. At the beginning experimental work was new. The field had to be explored and lines of work developed. The original appropriation was sufficient for this. Now that the work is well organized, demands are made on the stations for investigation in the various lines of agriculture beyond the means of the stations, and it is highly important that additional aid should be given the stations at this time to enlarge and prosecute new lines of work and to extend and carry out investigations now in progress.

Our board of agriculture, which is the board of control of the station, recognized this need for additional funds for the station in the resolution which I inclose, and which was passed at its last meeting.

I assure you of my high appreciation of your efforts in behalf of the stations and agricultural progress.

Very truly, yours,

B. W. KILGORE, *Director.*

THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION,
New Haven, Conn., February 8, 1904.

Hon. H. C. ADAMS,
United States House of Representatives,
Washington, D. C.

DEAR SIR: Replying to your note with reference to the bill providing for an increase of Federal appropriation to the agricultural stations, I think the reasons which can be urged in its behalf in this State are the same as those which can be urged everywhere. No one who was familiar with agricultural conditions here thirty years ago, and has watched the change, can fail to see in this State a great gain in the intelligence of our farmers, in their willingness to accept and put to practical use the teachings of science which bear particularly on their work, and in the effectiveness of their farming in consequence. Our farmers are necessarily most conservative; hence they are slow to take up with propositions of change in agricultural practice. The agricultural station has, however, won their confidence to a very large degree. That was the sine qua non—the first step. The station is now in a position to accomplish more in the interest of the farmer than ever before, if it has the means. Fruit raising, dairying, and tobacco growing in Connecticut have been almost revolutionized, chiefly as a result of the work done by agricultural stations in all parts of the country.

The station is fully organized, and the additional funds, if given, will be wholly used for increasing and diffusing agricultural knowledge. Certainly they are needed. The farmer is the "forgotten man." Food production, the vital thing for the nation, is regarded as a thing which may be left to the dull-witted, and the producer is a "mossback." But farming has got to be made scientific, as well as "practical," and the farmer has got to be as well equipped for his business as the financier, if the food production of this country is to keep pace with the demand for it.

I would like to call your attention to the fact that this State is not "lying down" on the General Government in this matter. Twelve years before the Hatch Act was passed our general assembly established an agricultural station, the first in the country, and to-day, in addition to the $15,000 received from the Hatch fund, the State itself appropriates yearly more than $19,000 for the uses of the State station.

Very respectfully, yours,

E. H. JENKINS.

MARYLAND AGRICULTURAL EXPERIMENT STATION,
College Park, Prince George County, Md., February 5, 1904.

Hon. H. C. ADAMS, *Washington, D. C.*

DEAR SIR: I have yours, with copy of bill to provide for an increased appropriation for the agricultural experiment stations. I am very much interested in this measure, and I believe that the amount which this appropriation would provide could be used to very great advantage to the people in our State. I feel confident that this amount could be used in the development of our corn, wheat, hay, and pasture lands, which would bring annually to our farmers 1,000 times the expense involved. We also could use a very considerable amount profitably in investigations, which would be of benefit to our large fruit and truck interests.

Very truly, yours,

H. J. PATTERSON, *Director.*

I have received numerous indorsements for this measure, and petitions are now on file for its passage by corn growers' associations, State horticultural societies, from the organizations of numerous experiment stations, from the board of regents of agricultural colleges, from the leading agricultural journals of the United States, from many granges, farmers' institutes, agricultural organizations, and from intelligent farmers all over the country who appreciate thoroughly the great public benefits which have come to the American farmer through the definite work of the experiment stations.

Every great statesman from the time of Washington when he delivered his message to Congress in 1796, in which he declared in favor of the establishment of a national board of agriculture to encourage investigation and experimentation, down to William McKinley, who was preeminently the friend of agriculture, and to the distinguished gentleman who now occupies the White House, and who has given his vigorous indorsement in characteristic manner to the work of agricultural education, has declared in favor of national aid for the development of our agricultural interests.

I do not ask the passage of this bill merely because there are so many farmers and they are so great a political force. I do not admire an agricultural demagogue or a man who flatters the farmer, tells him that he bears nearly all the burdens of the world and embodies all the virtues of the world, and who through this kind of talk seeks to make his own political fortunes. The farmer is no necessarily better than any other man, but he is as good as any other man when he is just as honest and just as industrious and just as intelligent. The business of farming itself confers no special dignity upon any man. The farmer is crowned with the dignity of labor when he carries into his work integrity, ambition, and good sense. There is dignity and honor in labor everywhere when it is properly performed. The man who pounds stone upon the street and does it as well as he can is upon the same roll of honor with the president of a great railway corporation who runs his business as well and as honestly as he knows how.

While the farmers have no monopoly of the virtues, the farm is still the breeding place of that physical and moral fiber which is needed not only upon the farm but in the centers of our political and business life.

The great majority of the men who have made splendid the

business and political history of the United States were born in farm homes.

The interests of every class of men in this country, whether laboring men, professional men, business men, or capitalists, are closely connected with the agricultural interest. When agriculture languishes every interest feels a corresponding depression. When the farmers are doing well all business prospers. The nation can well afford to encourage by reasonable appropriations the development and distribution of sound agricultural knowledge which carries with it greater profits to the farmer's business. Not only this, but one of the problems which has been most seriously discussed among the farmers of this country—the thinking men who run farms—is, How shall we keep a reasonable proportion of the best boys on the farms? The attractions of the city have been too powerful. The professions have become overcrowded. The urban population has increased in far greater proportion than the farming population.

It has been the fashion for bright boys to leave the farm and go into the professions of medicine or law or into commercial pursuits. It would be a misfortune to have this movement entirely stopped. But it has carried thousands of boys who are well fitted for plowing the fields, the sowing of grain, the husking of corn, and the breeding of stock into law offices, where they have been as much out of place as a city-bred and trained lawyer would be milking cows. When farm life is made sufficiently attractive, the farm will hold a reasonable proportion of the talent that is born there. That life will be made attractive when the knowledge comes which makes it profitable and adds to its intellectual satisfactions.

This Government is not throwing a sop to the farmer when it provides for his education. It recognizes his value as a productive factor of the State. It is providing through knowledge for the enrichment of his mind, the increase in the value of his property, and though this method adding to the taxable value of the nation's property from which national revenues must come.

I am fortunate in being able to ask your approval of a bill which engenders no question of class, which stirs no religious feeling, which is not sectional in any sense, and upon which political parties can not divide. It means better work in southern agriculture. It means better utilization of the rocky soils of New England. It means a more rapid development of the garden of the Mississippi Valley. It means a more rapid improvement of the agriculture of the great Middle States. It means a more rapid reclamation and settlement of millions of acres of the arid lands of the West.

The annual revenues of this Government now amount to over $700,000,000. Over $200,000,000 go to the Army and Navy in a time of profound peace. We give $5,000,000 to the St. Louis exposition and lend that enterprise $4,500,000 more. We spend about $13,000,000 a year upon rivers and harbors for the benefit of the commerce and trade of the whole people.

We can well afford, even upon the eve of a Presidential election, when appropriations are carefully scrutinized, to expend the amount provided for in this bill for the development of our great agricultural interests.

We are yet a long way from knowing everything about farming in this country.

In fifty years England has doubled the average of her wheat production per acre, running it from 14 bushels per acre to 28 bushels per acre. A similar increase is possible in the United States. The experiment stations develop and popularize the knowledge which makes it possible.

It is claimed by many students of human affairs that the population of the world is outstripping the food production of the world. That danger is not serious, because it is entirely possible through the application to the farm of educated and trained intelligence to double the average production of the millions of acres now cultivated by the American farmer.

I trust that this House will give a unanimous vote that the agricultural experiment stations, which are the nurseries of profitable farming and the graveyards of farm fallacies and errors, shall be strengthened and their educational power materially increased.

Mr. HEMENWAY. I now yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, judging by the character of the speech delivered in the House by my amiable friend from New York [Mr. FITZGERALD] some days ago, there is a likelihood that there will be much stress laid upon the record of individual candidates for the Presidency. For my own part I do not consider the record of a single individual, though holding the exalted position of President of the United States, as of such vital importance as the record of the party itself and the trend of events necessarily incident to the history and purposes of the party itself.

The Republican party can not be otherwise than the friend of labor. It has fought for free labor during its entire existence. It freed the slave; it furnished employment for labor; it lifted up the laboring man, and its last splendid achievement was when it transplanted labor from starvation, as it found it in 1897, and made it possible that it should attain the flourishing position it now occupies. But, catering to the taste of people to examine personal records to ascertain the acts of individuals, I shall furnish here to-day the record of the gentleman who will be the Republican candidate for President. It will furnish good reading for the campaign into which we are so rapidly moving. It will give our Democratic friends food for thought, and it will inspire the toiling man of the country with the pleasant consciousness that the old Republican party, the party of Lincoln, of Grant, of McKinley, of Hanna, is offering for the Presidency a man, a worthy successor to them all and who stands invincible in his record of fealty to the best interests of the laboring man of the United States.

LABOR RECORD OF THEODORE ROOSEVELT.

The most vital problem with which this country, and for that matter the whole civilized world, has to deal—

Said President Roosevelt in his first message to Congress—

is the problem which has for one side the betterment of social conditions, moral and physical, in large cities and for another side the effort to deal with that tangle of far-reaching questions which we group together when we speak of "labor."

EPITOME OF THEODORE ROOSEVELT'S FAVORABLE ACTION ON LABOR LEGISLATION.

As member of assembly in New York he voted for bills—
Abolishing tenement-house cigar making in New York City.
Restricting child labor in factories and workshops.
Regulating the labor hours of minors and women in manufacturing establishments.
Safeguarding the lives and limbs of factory operatives.
Regulating wage rates of laborers employed by municipalities.
Making employees preferred creditors.
Providing for building mechanics' liens.
Prescribing the lien rights of working women.
Protecting mechanics and laborers engaged in sinking oil or gas wells.
Abolishing contract child labor in reformatory institutions.
Creating a commission to examine into the operation of the contract system of employing convicts.
Establishing the bureau of labor statistics.
To promote industrial peace.
For a 5-cent fare on the New York City elevated railroad.
Incorporating the New York City Free Circulating Library.
For free public baths in New York City.
As governor of New York he approved these measures:
Creating a tenement-house commission.
Regulating sweat-shop labor.
Empowering the factory inspector to enforce the scaffolding law.
Directing the factory inspector to enforce the act regulating labor hours on railroads.
Making the eight-hour and prevailing-rate-of-wages laws effective.
Amending the factory act—
(1) Protecting employees at work on buildings.
(2) Regulating the working time of female employees.
(3) Providing that stairways shall be properly lighted.
(4) Prohibiting the operation of dangerous machinery by children.
(5) Prohibiting women and minors working on polishing or buffing wheels.
(6) Providing for seats for waitresses in hotels and restaurants.
Shortening the working hours of drug clerks.
Increasing the salaries of New York City school-teachers.
Extending to other engineers the law licensing New York City engineers and making it a misdemeanor for violating the same.
Licensing stationary engineers in Buffalo.
Providing for the examination and registration of horseshoers in cities.
Registration of laborers for municipal employment.
Relating to air brakes on freight trains.
Providing means for the issuance of quarterly bulletins by the bureau of labor statistics.
In addition to the foregoing, while governor of New York he recommended legislation (which the legislature failed to pass) in regard to—
Employers' liability.
State control of employment offices.
State ownership of printing plant.
Devising means whereby free mechanics shall not be brought into competition with prison labor.
As President of the United States he has signed bills—
Renewing the Chinese-exclusion act and extending its provisions to the island territory of the United States.
Prohibiting the employment of Mongolian labor on irrigation works and providing that eight hours shall constitute a day's labor on such projects.

Abolishing slavery and involuntary servitude in the Philippine Islands, violation of the act being punishable by forfeiture of contracts and a fine of not less than $10,000.

Protecting the lives of employees in coal mines in Territories by regulating the amount of ventilation and providing that entries, etc., shall be kept well dampened with water to cause coal dust to settle.

Exempting from taxation in the District of Columbia household belongings to the value of $1,000, wearing apparel, libraries, schoolbooks, family portraits, and heirlooms.

Requiring proprietors of employment offices in the District of Columbia to pay a license tax of $10 per year.

Creating the Department of Commerce and Labor and making its head a Cabinet officer.

Improving the act relating to safety appliances on railways.

Increasing the restrictions upon the immigration of cheap foreign labor and prohibiting the landing of alien anarchists.

While the labor problem in a very broad sense is as old as the human race itself, its modern form is a creation of steam and machinery, which have replaced local production within the home for family needs with factory production for a general market. In the course of this evolution the ownership of the tools and other means of production passed from their actual users to those who understood the needs of the market and possessed the ability to assemble materials, organize the workers, and dispose of the product where it was wanted. Formerly each worker was both capitalist and laborer, and, therefore, himself controlled the conditions under which he worked. But when the worker lost the ownership of his tools he could no longer control the conditions of employment; and it is his struggle to regain such control and to gain a larger share of the joint product of capital and labor that constitutes the modern labor problem. This is the problem that President Roosevelt in his first message to Congress described as the most vital problem with which the country has to deal. Few statesmen of this or any other country have grasped that problem as firmly as has Mr. Roosevelt. His contributions to its solution may be found not only in his addresses and writings, but also in his actions as a public official.

Theodore Roosevelt ever will be remembered as an official whose interest in the weal of the plain people never diminished from the day that he commenced his public career as member of assembly of the State of New York up to the present time. The principles of justice that governed his course in advocating the enactment of labor and reform legislation when he took part in the legislative proceedings at Albany in 1882, 1883, and 1884 were unswervingly maintained while he was governor of New York in 1899 and 1900, and have been conscientiously adhered to during his incumbency as President of the United States. By comparing the first important event connected with his life work with one of more recent date it will be readily observed how unvarying have been his views on matters of moment affecting the general community.

The initial event referred to occurred more than twenty years ago, when, in the interest of the public health, as well as the wage-workers in the tobacco industry, he vigorously opposed the continuance of the sweating system in the manufacture of cigars in tenement houses. The courageous spirit that prompted his attitude in that affair was demonstrated again in 1902, when, owing to his timely intervention in the celebrated anthracite coal strike, peace was restored, a terrible calamity to the country was averted, and an adjustment of the dispute finally resulted through the decision of the commission appointed by him. Not a few problems have reached solution by reason of the wisdom displayed by Theodore Roosevelt and other advanced thinkers whose support he has had in his unremitting efforts to induce the State to pass laws looking to the melioration of social conditions, and by pursuing this evolutionary plan of creating wise and sound regulations to obviate glaring inequalities in the industrial system the State has checked a growing spirit of unrest.

Deeds speak for themselves, and the facts enumerated below respecting his position on questions involving the well-being of the great body of working people are matters of official record well worth close perusal and careful consideration by men of thought and action who have at heart the stability of our republican form of government.

AS MEMBER OF THE NEW YORK ASSEMBLY.

New York State has developed an extensive system of labor and reform legislation. The movement that eventually brought about the enactment of these laws commenced in the fore part of the eighties, and Theodore Roosevelt helped to lay its foundation, being among the few eminent publicists who cooperated in that early effort to place upon the statute books the numerous acts that have since proved to be of so much benefit to wage-workers.

In 1882 he entered public life as member of assembly, and he also served in that capacity in 1883 and 1884. A student of economics, he had familiarized himself with the various phases of the labor question, and he was firm in the belief that the abuses which at that time existed in many employments could be eradicated by suitable enactments. With this end in view, he cast his influence on the side of public-spirited citizens and trade-unionists who during that period undertook to solve some of the social problems through legislative measures calculated to correct prevalent evils. Sweat-shop labor was a subject that received considerable attention in those days, while the restriction of child labor, the regulation of working hours of minors and women, the protection of life and limb, prison labor under the contract system, the better security of mechanics and laborers employed in the building industry, and the promotion of industrial peace were topics that occasioned serious deliberation on the part of the men who interested themselves in the welfare of the masses.

It was not altogether popular then to espouse a cause designed to bring about radical changes in industrial conditions, and the spectacle of this young statesman, although born and reared amid surroundings of affluence and luxury, actively identifying himself with a movement in which the working people were vitally concerned won for him the commendation of not only all labor advocates and social reformers, but likewise of that large portion of the populace in whose behalf he so zealously labored. His strong personality and energetic attitude imparted to the effort a needed impetus, and the outcome surpassed the expectations of even the most sanguine of those who were associated in that undertaking to uplift their fellows. The excellent labor record of Assemblyman Roosevelt is quite fully presented in the succeeding paragraphs.

ABOLITION OF TENEMENT-HOUSE CIGAR FACTORIES.

The first important measure in which Assemblyman Roosevelt became interested was introduced in the legislature of 1882. Its purpose was to improve the public health in New York City by prohibiting the manufacture of cigars or the preparation of tobacco in any form in rooms or apartments of tenement houses. The bill was presented at the request of the cigar makers' unions in the State, and was also indorsed by the State Workingmen's Assembly. It was contended by the labor organizations, "first, that these tenement-house cigar factories are a public nuisance; second, that they are detrimental to the educational interests of the State; third, that they are demoralizing in their influence on the community; fourth, that they are an illegitimate interference with a legitimate trade."

In the assembly the bill was referred to the committee on cities, which gave a hearing on the subject, and as a result a subcommittee consisting of five assemblymen, Mr. Roosevelt being among the number, was selected to investigate the tenement-house cigar factories in New York City. Many of these house shops were found to be in a filthy and insanitary condition, and this inquiry so thoroughly convinced Theodore Roosevelt that the system was a menace to the public health that he became an enthusiastic supporter of the measure to abolish it. It, however, was held up by the cities committee, and, on a motion that that committee be discharged from further consideration of the bill, the same to be placed on general orders, he voted in the affirmative. While the motion was carried, the bill did not pass at the session of 1882, but early in 1883 it was again considered and passed by both houses. Assemblyman Roosevelt spoke and voted in its favor. In his remarks advocating the abolition of the tenement-house shop he declared:

I have visited these pest holes personally, and I can assure you if smokers could only see how these cigars are made we would not need any legislative action against this system at all.

The Cigar Makers' Official Journal, published by the Cigar Makers' International Union, in its issue for February, 1883, printed the following editorial comment under the caption "Condemned by the legislature:"

The representatives of the people, both in the assembly and in the senate, have decided by overwhelming majorities that tenement-house cigar factories are a public nuisance, dangerous to the sanitary, moral, educational, and economic welfare of the Commonwealth. So conclusive were the arguments and evidence brought forward by Assemblymen George Francis Roesch and Theodore Roosevelt that the opposition was completely routed and defeated. The working classes and cigar makers in particular owe a debt of gratitude to those assemblymen and senators who have successfully fought for a great sanitary reform. Their names will go down to posterity as the friends of labor, as the promoters of a great improvement in the sanitary condition of the working classes.

So deeply interested in the matter was Mr. Roosevelt that he invoked the governor to approve the measure. Referring to the argument before that official, the Cigar Makers' Official Journal for March, 1883, contained this statement:

Tuesday, March 8, was the day which the governor had assigned for hearing the arguments of the opponents as well as of the friends of the bill, which aims at the prohibition of the manufacture of cigars in tenement houses used for dwelling purposes. * * * Mr. Theodore Roosevelt, the representative of the brownstone district of New York, was the first speaker in favor of the bill. He said that his district was not influenced by any trades unions; * * * but this bill was an exception to the rule. During the last session of the legislature he was appointed on a committee to investigate the tenement-house cigar factories.

At the start he was opposed to the bill, but the investigation convinced him that it was a good one. The houses, with hardly a single exception, were

in a most filthy condition. Children were crawling on stripped tobacco. Old men and women were crowded together in small, ill-ventilated rooms. He appealed to the governor to sign the bill. The representatives of the labor organizations, after a short deliberation, concluded not to speak on the subject, inasmuch as the whole ground had been ably covered and it was unwise to detain the governor any longer.

The bill was signed, but certain parts of the act were declared unconstitutional, and in 1884 a measure intended to meet the objections of the courts was introduced in the legislature. This was also favored by Mr. Roosevelt.

ABOLITION OF CONTRACT CHILD LABOR IN REFORMATORY INSTITUTIONS.

An important reform measure, which had the sanction of organized workers, was introduced in the assembly of 1882. It made it unlawful for the trustees or managers of any house of refuge, reformatory, or other correctional institution to contract, hire, or let the services or labor of children incarcerated in such institutions. Assemblyman Roosevelt voted in favor of the bill, and it subsequently became a law.

REGULATING WAGE RATES OF LABORERS EMPLOYED BY MUNICIPALITIES.

A bill was introduced in 1882 in the assembly to regulate the rate of wages in all cities of the State of over 150,000 inhabitants for laborers employed by or under municipal authorities. Mr. Roosevelt had always believed that the State and municipalities should be model employers by paying prevailing wage rates. He therefore favored this measure. A motion to recommit it to the committee on cities with instructions to strike out the enacting clause, thus killing it, met with his opposition, his vote being enrolled with those of thirty-three other assemblymen against the motion, which, nevertheless, was carried, fifty-six members voting in the affirmative.

SAFEGUARDING LIFE AND LIMB IN FACTORIES.

In 1882 there was a dearth of legislation relating to sanitation, safeguards against fire, and the guarding of machinery, hoistways, and elevators in manufacturing establishments. In that year the life-and-limb bill made its appearance in the legislature, being entitled "An act for the protection of working people and employees in the workshops and factories in the cities of this State." Mr. Roosevelt promptly joined the forces that sought the adoption of this salutary bill, which was also presented in 1883, when it again received his vote, and while cogent reasons for its enactment into law were advanced it did not then reach the statute books; but the thorough discussion of its meritorious features made a marked impression upon public opinion, arousing a sentiment that ultimately compelled the lawmaking powers to pass an act containing requirements that amply protected the lives and limbs of factory operatives.

FREE PUBLIC BATHS IN NEW YORK CITY.

Bills were introduced in the legislature in 1882 and 1883 for the construction and maintenance of free public baths in New York City. These conveniences were desired by the laboring people of that city, and consequently on each occasion Mr. Roosevelt's vote was recorded in favor of their erection.

ESTABLISHING THE BUREAU OF LABOR STATISTICS.

There was in 1883 a widespread agitation among workingmen for the establishment of a bureau of labor statistics in New York, and in that year a measure to create that department was presented in the legislature. Mr. Roosevelt was an ardent supporter of the bill. In due season it passed both houses and was signed by the governor. This law provided for the appointment of a commissioner, who was empowered to collect, assort, systematize, and present in annual reports to the legislature statistical details relating to all departments of labor, especially in relation to the commercial, industrial, and social condition of working people.

LIEN RIGHTS OF WORKING WOMEN.

For the further protection of female employees in New York City a bill was introduced at the 1883 session of the assembly. It provided for the enforcement of judgments obtained in any court by working women for work, labor, or services done, and Mr. Roosevelt's vote was registered in its favor.

5-CENT FARE ON THE NEW YORK CITY ELEVATED RAILROAD.

The people of New York City in 1883 took active steps to have the fare on the elevated railroad reduced from 10 cents to 5 cents. Commission trains were run at certain hours in the morning and evening, it was declared, "for the accommodation of the public and the laboring classes," upon which the fare was 5 cents, while during other portions of the day 10 cents was charged.

But the public wanted the lower rate to predominate at all hours, so a bill providing for the desirable reduction was drafted and introduced in the legislature. It passed the assembly and senate, Mr. Roosevelt voting with the majority in the former house. The governor, however, vetoed the measure, claiming that it was a violation of contract that was protected by the United States Constitution, which prohibited the passage of a law by any State impairing the obligation of contracts; and the executive also held that the State "must keep within the limits of law and good faith." Apparently moved by the popular demonstration for the proposed change in the fare, the elevated railroad management shortly afterwards voluntarily decreased it to 5 cents.

TO PROMOTE INDUSTRIAL PEACE.

A resolution that proved to be a prelude to the creation, a few years later, of the State board of mediation and arbitration was offered in the assembly of 1883. As it was the entering wedge to a plan to promote industrial peace, Mr. Roosevelt voted for its adoption. It directed the judiciary committee—

To examine and report upon the possible enactment of a practical and beneficial law, to be in the joint interests of capital and labor, and employees and employers, whereby the latter shall be required to give reasonable and timely notice of dismissals from service, except for moral or personal consequences, and of the reduction of wages, and the former a like timely and reasonable notice of any advance in wages and time for leaving work, the object and purpose of this inquiry being to prevent summary strikes from work without proper notice, and summary dismissal from work without a like notice, and to secure, if possible, such conferences and compromises as will establish friendly, just, and equitable relations to the advantage of both classes of citizens and to the people at large.

PROTECTION OF MECHANICS AND LABORERS ENGAGED IN SINKING OIL OR GAS WELLS.

During the legislative session of 1883 a bill was introduced in the assembly for the protection of mechanics and laborers. It was a lien measure to secure the wages of workmen employed in or about the sinking, drilling, or completing of any oil well, or any well sunk or drilled for oil or gas, or in the erection of any tank or other receptacle for oil, gas, or water. Mr. Roosevelt voted for its passage.

BUILDING MECHANICS' LIENS.

When the organized workers in the constructive industry succeeded in having submitted to the legislature of 1884 a mechanics' lien bill, the purpose of which was to prevent the loss of wages of men engaged in the construction or repair of buildings, they discovered a sincere adherent of their cause in Assemblyman Roosevelt. While they did not then succeed in carrying their project through, they were greatly encouraged by the support they received, and this inspired them to make another attempt in a subsequent year to secure legislation for the better security of mechanics and laborers who perform labor for building and other improvements on lands in New York State. Finally they attained their object.

INCORPORATING THE NEW YORK CITY FREE CIRCULATING LIBRARY.

With a view to giving the working people of New York City an opportunity to fully enjoy the advantages of such an institution, Mr. Roosevelt, in the assembly of 1883, voted to incorporate the New York Free Circulating Library.

FOR THE RESTRICTION OF CHILD LABOR.

In 1883 and 1884 the subject of child labor evoked considerable discussion in New York State. The Society for the Prevention of Cruelty to Children had made futile attempts to induce legislative action to restrict it.

Humane physicians expressed the opinion that the strength for perfect physical development of children of tender years employed in factories was diverted from its legitimate ends, thereby producing in adult life, if these children were fortunate enough to be spared to maturity, an impairment of the physical and mental organization; that confinement in poorly ventilated workrooms in constrained positions was unhealthful, tended to make the system more susceptible to attacks of diseases, and lessened the chances to rally from ordinary disorders incident to childhood; that the fatigue of labor was directly injurious by preventing free bodily exercise in the fresh air, and indirectly affected the sanitary condition of the child by substituting unnatural labor for natural exercise, and that these conditions caused the whole moral tone to suffer.

Educators were convinced that children thus employed were deprived of an opportunity to acquire an elementary education, that the standard of intelligence among them was astonishingly low, and that the pernicious system was fatal to the mental growth of the rising generation. The bureau of labor statistics investigated the question and found that a large percentage of the children in the State "were compelled either by their parents or the force of circumstances to spend a large portion of their young lives in factories, mills, or tenements, where but slight, if any, attention seems to be paid to those safeguards which are conducive to good health. If the present system of child labor is to be permitted to continue, it should be the first duty of the State to provide precautionary and effective means to secure the enforcement of proper sanitary regulations in factories, mills, or tenements where children are employed or domiciled."

Organized labor strenuously protested against the continuance of child labor, and resolved to invoke the legislature to pass a law that would abolish it. The State Workingmen's Assembly, in annual session at Albany in 1884, adopted a bill which provided that—

No child under 14 years of age shall be employed in any factory or workshop where goods are manufactured from the raw material, that no child

between the ages of 14 and 16 shall be so employed unless such child shall have attended within twelve months immediately preceding such employment some public day or night school or some well-recognized private school, such attendance to be for five days or evenings every week during a period of at least twenty consecutive weeks.

This measure also contained a section—

REGULATING THE LABOR HOURS OF MINORS AND FEMALES.

It provided that—

No minor or no female of whatever age shall be employed in any factory, workshop, or mill for a longer period than ten hours a day, and in no case shall the hours of labor exceed sixty in a week.

Provision was made for the appointment of a factory inspector to enforce the law, each violation being a misdemeanor punishable by fine or imprisonment in jail. This was introduced in the legislature of 1884, and Assemblyman Roosevelt ably supported it through its various stages. In 1883 he voted for a bill constructed on similar lines. Neither measure, however, was then incorporated in the State's code of laws, but the agitation thus begun in favor of this remedial legislation resulted in its passage in 1886.

MAKING EMPLOYEES PREFERRED CREDITORS.

Assemblyman Roosevelt voted for that beneficial act, passed in 1884, which made working people preferred creditors in case of insolvency of their employers. This law stipulated that in all assignments the wages or salaries actually owing to the employees of assignors at the time of the execution of the assignment shall be preferred before any other debt. In the event of the assets being insufficient to pay in full all the claims preferred they shall be applied to payment at the same pro rata to the amount of each such claim.

COMMISSION TO EXAMINE INTO THE OPERATION OF THE CONTRACT SYSTEM OF EMPLOYING CONVICTS.

Mr. Roosevelt voted for the bill, which became law in February, 1884, empowering the governor to appoint five persons to constitute a commission to examine into and report upon the practical operation of the contract system for the employment of convicts in State prisons, penitentiaries, and reformatories, as then required by law, and particularly as to the effect of such employment upon the community at large, upon prison management, and upon the discipline of prisoners, the commissioners to report their conclusions, with such recommendations as they deemed proper as to the best method of employing convict labor, to the legislature not later than March 1 of that year.

The commission was chosen on February 11, and as it had but sixteen days to inquire into the subject and report thereon was unable to accomplish the object for which it was created. An effort was made to continue its existence, and a bill was presented to amend the act so as to provide that the terms of the commissioners should continue until their report was made, at the earliest practical date consistent with the performance of their duties. Mr. Roosevelt voted for this proposition, but the measure was vetoed on the ground that it did not contemplate a report at that session of the legislature.

AS GOVERNOR OF NEW YORK.

While governor of New York, in 1899 and 1900, Theodore Roosevelt pursued the same consistent course in regard to the enactment of suitable labor legislation that he so persistently followed during his three years' career as member of assembly. Not only did he recommend the passage of new laws in the interest of the mass of the people, but he urged the necessity of amending existent labor statutes so as to make them more efficacious, and suggested the adoption of improved methods in order to insure their proper enforcement.

The development in extent and variety of industries has necessitated legislation in the interest of labor—

He wrote in his annual message to the legislature of 1899.

This legislation is not necessarily against the interest of capital; on the contrary, if wisely devised, it is for the benefit of both laborers and employers. We have very wisely passed many laws for the benefit of labor, in themselves good and for the time being sufficient, but experience has shown that the full benefit of these laws is not obtained, through the lack of proper means of enforcing them and the failure to make any one department responsible for their enforcement. In order that the desire of the people, definitely expressed in this wholesome legislation, shall be made effective, I recommend that the enforcement of the entire body of legislation relating to labor be placed under the board of factory inspectors. This would simplify the whole question of labor legislation and place the responsibility for its enforcement where it properly belongs and would also give the maximum efficiency of service with the minimum cost to the State. With a slight increase in the general force of factory inspectors this work can be done for the whole State and the object of the legislation be satisfactorily secured to the people.

ADDITIONAL FACTORY INSPECTORS RECOMMENDED AND PROVIDED.

Governor Roosevelt thereupon recommended "that the legislature provide for additional factory inspectors so as to bring the total number up to fifty." This suggestion was favorably considered by the legislature, and the number of deputy factory inspectors was increased from thirty-six to fifty.

EMPOWERING THE FACTORY INSPECTOR TO ENFORCE THE PROVISIONS OF THE SCAFFOLDING LAW.

In the same message Governor Roosevelt said:

Another important statute of this character relates to providing secure scaffolding in the erection of new buildings. The law on this subject is all that could be desired, but its enforcement is left to the city police, and as a matter of fact practically no provision is made for carrying it into effect. In New York City, where this law is most needed, police officers are unacquainted with the character and requirements of the law. Most of them, indeed, are not aware that the enforcement of this law is any part of their duty.

This recommendation resulted in the passage of an amendment to section 19 of the labor law, relating to the inspection of scaffolding, or slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any swinging or stationary scaffolding used in the construction, alteration, repairing, painting, cleaning, or pointing of buildings within the limits of a city, transferring the power of enforcing its provisions from the municipal police authorities to the factory inspector.

DIRECTING THE FACTORY INSPECTOR TO ENFORCE THE ACT REGULATING HOURS OF LABOR ON RAILROADS.

The message of Governor Roosevelt in 1899 also contained the following suggestion:

The law regulating the hours of labor on surface railroads is also an excellent provision against the tendency to work the men an almost unlimited number of hours. The enforcement of this law is left to the railroad commissioners. As they have no active force to use for such a purpose the law fails by default, except when individual citizens undertake the prosecutions. The employee himself will rarely or never complain for fear of being discharged.

In accordance with this recommendation authority to enforce the sections of the act relative to the hours of labor on steam, street, surface, and elevated railroads was conferred upon the factory inspector.

AN EIGHT-HOUR DAY AT PREVAILING RATES OF WAGES.

The law requiring an eight-hour day and a prevailing rate of wages for State employees—

Said Governor Roosevelt in his 1899 message to the legislature—

is not intrusted to any authority for enforcement. If this law is to remain on the statute books it should be enforced, and therefore the legislature should make it the particular business of somebody to enforce it.

Conformably with the wishes of the executive, the factory-inspection department was vested with the power to enforce this act, which was further amended so as to provide that—

Each contract to which the State or a municipal corporation is a party which may involve the employment of laborers, workmen, or mechanics shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or a part of the work contemplated by the contractor, shall be permitted or required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property.

Each contract for such public work hereafter made shall contain a provision that the same shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of this section, and no such person or corporation shall be entitled to receive any sum, nor shall any officer, agent or employee of the State or a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract which in its form or manner of performance violates the provision of this section.

UNECONOMIC, UNWHOLESOME, AND UNAMERICAN SWEAT-SHOP SYSTEM.

Governor Roosevelt's opinion concerning the evils of sweat-shop labor, that he formed while member of assembly as a result of his searching inquiry into the unhealthful tenement-house system of manufacturing cigars, did not undergo a change during the seventeen years that intervened between 1882, when the investigation was made, and 1899. In truth his views on the subject in the latter year, when he urged the legislature to adopt radical measures to suppress the harmful system, were even more pronounced than those to which he gave utterance while serving as an assemblyman. These were his ideas in 1899, as expressed in his annual message:

Another very important phase of this subject is the sweat-shop system, which is practically the conversion of the poorest class of living apartments into unwholesome pest-creating and crime-breeding workshops. Laws have been enacted by the legislature to suppress this vile phase of industrial life in our large cities by prohibiting the use of dwellings for the purposes of manufacture. Although the law is quite explicit and the intention of the legislature obvious, great difficulty has been experienced in its effective enforcement. It is everywhere agreed that this tenement-house or sweat-shop system is degrading to the unfortunate individuals engaged in it and to the social and moral life of the community in which it exists. How to enforce the law on this subject has perplexed the statesmen of other countries and States as well as our own.

The most effective and uninquisitive means yet devised for accomplishing this end is that recently adopted by Massachusetts, viz, providing that buildings used for manufacturing purposes must have a permit or license, such license or permit to be granted only on conditions that the appointment of the building fulfill the requirements of the law for manufacturing purposes. These permits or licenses ought to be granted by the board of factory inspectors, who should be held responsible for the proper inspection of the buildings and the enforcement of the law.

There are several reasons why this simple method would be effective. It would at once classify buildings used for manufacturing purposes, as a building so used without a permit would be violating the law. It would prevent much friction, because all requirements of the law would have to be fulfilled before the building was used. This would be a great advantage in

the erection of new buildings, as proper conveniences, including accessible fire escapes, guarded elevators, and other appointments would be required and easily furnished when new buildings were being erected or when old ones were being changed for manufacturing purposes.

Nor does this involve any radical innovation. It is simply applying the recognized principle upon which boards of health now everywhere act in requiring that the plans for erecting new buildings or alterations of old ones must be submitted to the building and health department and a certificate of approval granted before the building can be erected, alterations made, or the premises occupied. Legitimate manufacturers will not object to this, because they are desirous of furnishing safe and wholesome appointments for their employees. Only those who desire to evade the law and disregard the common demands of sanitation, domestic decency, and wholesome industrial methods will object, and it is these the law desires to reach.

I submit this to the serious consideration of the legislature, and suggest that an amendment to the law embodying this idea be adopted, to the end that the uneconomic, unwholesome, and un-American sweat-shop system shall disappear from our industrial life.

Though the governor's ideas were not embodied in their entirety in the law that ensued, it contained the essential features recommended by him. Its provisions made it unlawful to manufacture, alter, repair, or finish articles of clothing, feathers, artificial flowers, cigarettes, cigars, or umbrellas in a room or apartment in any tenement or dwelling house, or in a building situated in the rear of a tenement or dwelling house, without a license from the factory-inspection department.

Before any such license is granted—

The act provided—

an inspection of the room, apartment, or building sought to be licensed must be made by the factory inspector. If the factory inspector ascertain that such room, apartment, or building is in a clean and proper sanitary condition * * * he shall grant a license permitting the use of such room, apartment, or building for the purpose of manufacturing, altering, repairing, or finishing such articles.

Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than 250 cubic feet for each person employed between the hours of 6 o'clock in the morning and 6 o'clock in the evening, and * * * not less than 400 cubic feet for each person employed therein between the hours of 6 o'clock in the evening and 6 o'clock in the morning. Such license must be framed and posted in a conspicuous place in each room or apartment to which it relates. It may be revoked by the factory inspector if the health of the community or of the employees requires it or if it appears that the rooms or apartments * * * are not in a healthy and proper sanitary condition.

Every room or apartment in which any of the articles named * * * are manufactured, altered, repaired, or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the factory inspector for the purpose of ascertaining whether said garments or articles, or any part or parts thereof, are clean and free from vermin and every matter of an infectious or contagious nature. No person shall hire, employ, or contract with * * * any person not holding a license therefor to manufacture, alter, repair, or finish any of the articles named. * * *

Persons contracting for the manufacturing, altering, repairing, or finishing of any of the articles mentioned, * * * or giving out material for which they or any part of are to be manufactured, altered, repaired, or finished, shall keep a register of the names and addresses plainly written in English of the persons to whom such articles or materials are given. * * * Such register shall be subject to inspection by the factory inspector and a copy thereof furnished on his demand.

Articles prepared contrary to the provisions of this act "shall not be sold or exposed for sale by any person. The factory inspector shall conspicuously affix to any such article found to be unlawfully manufactured, altered, repaired, or finished a label containing the words 'tenement made.' * * * The factory inspector shall notify the person owning or alleging to own such article that he has so labeled it. No person except the factory inspector shall remove or deface any tag or label so affixed. If the factory inspector finds evidence of disease present in a workshop or in a room or apartment in a tenement or dwelling house, or in any room or apartment of a building in the rear of a tenement or dwelling house in which any of the articles named * * * are manufactured, altered, repaired, or finished, or in process thereof, he shall affix to such articles the label prescribed * * * and immediately report to the local board of health, who shall disinfect such article if necessary, and thereupon remove such label. If the factory inspector finds that infectious or contagious diseases exist in "tenement workshops," or that goods used therein are unfit for use he shall report to the local board of health, and such board shall issue such orders as the public health may require. Such board may condemn and destroy all such infected article or articles manufactured or in the process of manufacture under unclean or unhealthful conditions." Owners, lessees, or agents of tenements "shall not permit the use thereof for the manufacture, repair, alteration, or finishing of any of the articles mentioned in this article contrary to its provisions. If a room or apartment * * * be so unlawfully used, the factory inspector shall serve a notice thereof upon such owner, lessee, or agent. Unless such owner, lessee, or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice, or within fifteen days thereafter institutes and faithfully prosecutes proceedings for the dispossession of the occupant * * * who unlawfully manufactures, repairs, alters, or finishes such articles * * * he shall be deemed guilty of a violation of this article."

The law has worked admirably. From the time that it went into effect—September 1, 1899—according to the records of the New York bureau of factory inspection, up to September 30, 1903, the date of the issuance of the last annual report of that bureau, the efficiency of the act in interfering with sweat shops was fully illustrated by the fact that altogether 10,439 licenses were refused to applicants because of the insanitary condition of their living rooms or of other parts of the buildings, while 3,814 licenses were revoked for similar reasons. These latter house shops doubtless would now be in operation were it not for this law and the strict manner of its execution. In the time above mentioned there were 1,901 instances where goods were tagged in tenement workrooms wherein the law had been violated, and a large number of prosecutions and convictions have resulted from its enforcement. At the close of last September there were in New York State 30,890 licensed work places, which have undergone at least one critical inspection each year.

AMENDMENTS TO THE FACTORY ACT.

The following amendments to the factory act were approved by Governor Roosevelt in 1899:

Protecting employees at work on buildings.—When hoisting apparatus is used within a building in course of construction, contractors or owners shall cause the shafts or openings in each floor to be inclosed by a barrier at least 8 feet in height; and if a building be five stories or more in height, no lumber nor timber shall be hoisted on the outside of such building.

Regulating working time of females.—No female shall be employed in a factory before 6 a. m. and after 9 p. m., nor be required to work more than sixty hours per week.

Stairways to be properly lighted.—Stairways leading to workrooms shall be properly lighted, such lights to be independent of the motive power of a factory.

Prohibiting the operation of dangerous machinery by children.—Children under 16 years of age shall not be permitted to operate or assist in operating dangerous machines of any kind.

Women and male minors not permitted to work on polishing or buffing wheels.—No male child under 18 years of age nor any female shall be employed in operating polishing or buffing wheels.

Boiler inspection.—Directing the factory inspector to inspect boilers in factories in localities where no local laws prevail on the subject.

MECHANICS' LIENS.

During the legislative session of 1899 Governor Roosevelt affixed his signature to two measures amending the lien law. One of these amendatory acts provided that a lien for labor done shall continue for three months, unless an order be made by a court of record to continue it for a period not exceeding six months, upon the application of a lienor, and said court may grant a new order continuing the lien in each succeeding six months if in its discretion it shall be deemed just and equitable. This amendment was "declared to be a remedial statute, and is to be construed liberally to secure the beneficial interests and purposes thereof."

The other amendment included the mining of cement stone and the quarrying or cutting of limestone in the provision relating to liens for labor performed in quarrying, dressing, and cutting stone.

QUARTERLY LABOR BULLETINS.

To enable the bureau of labor statistics to properly disseminate the results of its investigations, Governor Roosevelt in 1899 approved a measure which provided the means for the compiling and publishing of quarterly bulletins by that bureau.

OTHER LABOR LEGISLATION APPROVED IN 1899.

Other labor legislation approved by Governor Roosevelt in 1899 was as follows:

Registration of laborers for municipal employment.—This was an amendment to the civil-service law, and stipulated that vacancies in the labor class in cities, which embrace unskilled laborers and such skilled laborers as are not included in the competitive or noncompetitive class, shall be filled by appointment from lists of applicants registered by municipal commissions, preference in employment from such lists to be given according to date of application.

Licensing of stationary engineers in Buffalo.—Prohibiting any person not duly licensed under such regulations as the Buffalo common council may prescribe from running any steam stationary engine. A marine engineer holding a United States license, on presenting the same to an examiner appointed for the purpose, shall be given a written examination, and if found qualified shall be granted a stationary engineer's license, but such marine engineer must be a resident of that city for three years before making such application, and is required to be a citizen of the United States.

Examination and registration of horseshoers.—Amending the law so as to apply its provisions to all cities of the State instead of to those of the first and second classes, as formerly. This article provides for a board of examiners, consisting of a veterinarian, two master horseshoers, and two journeymen horseshoers, who shall hold sessions in the several cities for the purpose of examining applicants desiring to practice as master or journeymen horseshoers. A person is not qualified to take such examination unless he has served an apprenticeship at horseshoing for at least three years. If he is shown to be qualified, the board shall issue to him a certificate stating his name and residence, the date of examination, when and where his apprenticeship was served, and that he is qualified to practice his trade.

TENEMENT-HOUSE REFORM.

Tenement-house conditions in the congested districts of New York City had become so dreadful that Governor Roosevelt felt impelled in 1900 to appeal to the legislature to take action toward remedying the evil effects of the system and in the interest of the dwellers in the dark and poorly ventilated rooms of these

houses, in which the health of the occupants was also menaced by foul cellars, airshafts, and courts, arising from the accumulation of filth. He dwelt as follows upon the subject in his annual message:

I urge that the legislature give particular attention to the need of reform in the laws governing the tenement houses. The tenement-house commission of 1894 declared that, in its opinion, the tenement-house laws needed to be revised as often as once in five years, and I am confident that the improvements in building materials and construction of tenements and the advance in sanitary legislation all demand further modification of existing laws. Probably the best course to follow would be to appoint a commission to present a revised code of tenement-house laws.

As a consequence of the foregoing recommendation a bill to create a tenement-house commission was introduced, and so necessary was immediate legislative interference deemed by the governor that he sent to the legislature the following emergency message recommending the passage of the measure:

There is before you a measure for the establishment of a tenement-house commission to look into the whole subject of the proper construction of tenement houses in the congested districts of our great cities of the first class. I earnestly hope that this bill may be enacted into law. It is probable that there is not and has not been before your body a measure of more real importance to the welfare of those who are least able to protect themselves and whom we should especially guard from the effects of their own helplessness and from the rapacity of those who would prey upon them.

There was held this year in New York a tenement-house exhibition, showing by maps and models the dreadful conditions which we are now striving to remedy, and the shape that the remedy shall take. One of the most striking features at this exhibit was the series of charts which showed the way in which disease, crime, and pauperism increased almost in geometrical proportion as the conditions of tenement-house life became worse—that is, as to overcrowding are added the evils of want of air, of light, of cleanliness, of comfort; in short, of all the decencies of life. These decencies are of course indispensable if good citizenship is to be made possible. The tenement house, in its worse shape, is a festering sore in the civilization of our great cities. We can not be excused if we fail to cut out this ulcer, and our failure will be terribly avenged, for by its presence it inevitably poisons the whole body, politic and social. At present in New York the conditions are in some respects worse, not better, than they were a few years ago, because now the authorities permit the erection of huge buildings, which, though less disreputable in appearance than the old tenement houses, are, because of their immense mass and inferior light and air shafts, worse from a hygienic standpoint.

Two classes of people are interested in perpetrating the present infamous conditions, viz, the class that owns the tenement houses and the class that builds them. The best owners and the best builders do not desire to perpetuate these conditions, but it is imperative to protect them from the competition of their less conscientious rivals.

Against this concrete and mercenary hostility to the needed reform we can marshal only the general sentiment for decent and cleanly living and for fair play to all our citizens. Too often the sufferer himself is dumb either because he can not express himself or because he does not know what remedy to advocate. In his interest, and in the interest of all our people, above all in the interest ot the State, whose standard of citizenship in the future is partly dependent upon the housing of children in the tenement-house districts of the present, we should see to the improvement of the conditions which now make the congested districts of our great cities a blot on our civilization. Great good was accomplished by the tenement-house commission appointed under a similar bill a few years ago. This good is now in part being nullified, and a new commission is urgently needed.

The bill passed, and Governor Roosevelt appointed representative citizens on the commission, which included sociologists, philanthropists, architects, builders, real estate owners and agents, a prominent labor leader in the building trades, and men who had been connected with the New York City health, building, and fire departments. The commission's report, which was submitted in 1901, accompanied by a bill proposing important changes in the methods of tenement-house construction, was a valuable document covering all sides of the housing problem. It reported that the worst feature of the New York tenement house was lack of air and light, which was directly responsible for the undue prevalence of tuberculosis, medical experts having testified that the number of deaths from that disease reached 8,000 annually and that one-third of these lives might be saved by providing a type of tenement house with sufficient light and ventilation. Another constant source of danger was the narrow air shaft, which acted as a flue in the spread of tenement-house fires and contagious diseases; and as most of the bedroom windows opened upon these air shafts, it was impossible to preserve privacy in a family which occupied rooms opposite those of another family.

Professional vice was found to exist in many tenements, being largely due to the irresponsibility of landlords. The findings of the commission impressed practical legislators, who succeeded in having the major part of their recommendations enacted into law. This act provides for the establishment of a tenement-house department in New York City, to which shall be submitted all plans for tenement houses, and whose approval must be obtained before such buildings can be occupied after completion, and also requires the appointment of a large corps of inspectors so that existing dwellings may be kept under surveillance.

The law diminishes the proportion of ground to be built over, and by thus increasing the unoccupied space on lots enlarges the amount of light and air that reaches dwellers, abolishes narrow air shafts, requires open courts, provides that rooms must open either upon an inner or outer court or upon the street or a yard (this also applying to public hallways); that in existing dwellings wooden panels in doors must be replaced with glass, or a suitable window shall be placed at the end of the hall leading to the outer air; that lights shall be kept burning all night upon the first and second floors of public hallways, and from sunset to 10 p. m. upon other floors; that there shall be a separate water-closet for each family; that courts, cellars, halls, and stairways shall be maintained free of rubbish and filth; prescribes how fire escapes shall be constructed and where they shall be located; stipulates that every disorderly woman residing in a tenement is to be treated as a vagrant and upon conviction committed to jail for a period of not more than six months, and any tenement house that shelters such disorderly person is liable to a penalty of $1,000, which becomes a lien upon the house and lot.

Besides structural changes in numerous old buildings, making them more suitable for human habitation, hundreds of new style tenements have been constructed under the act, and from their occupants' view point these new houses have proved entirely satisfactory, insuring for the first time to many tenants a sufficiency of air and light as well as sanitary conveniences. When it is considered that in a single year the tenement-house department made 269,691 inspections and recorded 138,270 violations of the statute, it is quite evident that the act has accomplished all that its promoters claimed for it, for these systematic inspections have produced decided improvements in housing conditions, resulting in the betterment of sanitary arrangements, thereby lessening the amount of sickness, and causing a decrease in the city's death rate. Another important outcome of the rigid enforcement of the tenement-house law has been the suppression of professional vice in these dwelling places.

SHORTENING THE WORKING HOURS OF DRUG CLERKS.

Steadfast in his purpose to give some relief to overworked drug clerks, Governor Roosevelt in 1900 called the attention of the legislature to the matter in the words following:

Owing to defects in the drug clerks' bill presented last year I was unable to sign it. I am, however, in hearty sympathy with the objects sought in the bill. I trust that a satisfactory bill may be presented this year and shall be glad to give such a bill my approval.

Upon this recommendation the senate and assembly passed "an act for the regulation of the working hours of pharmacists and drug clerks in cities of 1,000,000 or more inhabitants," and it received the governor's approval.

Under its provisions pharmacists or drug clerks shall not be required nor permitted to work more than seventy hours per week; that—

Nothing in this section shall prohibit them working six hours overtime during any week, for the purpose of making a shorter succeeding week: *Provided, however*, That the aggregate number of hours in any such two weeks shall not exceed one hundred and thirty-six hours. The working hours per day shall be consecutive, allowing one hour for each meal. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one full day off in two consecutive weeks. No proprietor of any drug store shall require or permit any clerk to sleep in any room or apartment in or connected with such store which does not comply with the sanitary regulations of the local board of health.

Failure to comply with the provisions of the act is deemed a misdemeanor.

SEATS FOR WAITRESSES IN HOTELS AND RESTAURANTS.

Approval was given by Governor Roosevelt in 1900 to a measure which required every person employing waitresses in a hotel or restaurant to "provide and maintain suitable seats for the use of such female employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health." To the factory inspector was delegated the power to enforce the provisions of this act.

AIR BRAKES ON FREIGHT TRAINS.

An amendatory act, signed by Governor Roosevelt in 1900, made it unlawful on and after January 1, 1901—

For any railroad or other company to haul or permit to be hauled or used on its line or lines within this State any freight train that has not a sufficient number of cars in it so equipped with continuous power or air brakes that the engineer or the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose. * * * Any railroad or other company hauling or permitting to be hauled on its line or lines any freight train in violation of the provisions of this act shall be liable to a penalty of $100 for each and every violation, to be recovered in an action to be brought by the attorney-general in the name of the people, * * * and it shall be the duty of the board of railroad commissioners of the State to notify the attorney-general of all such violations coming to its notice.

EXTENDING TO OTHER ENGINEERS THE PROVISIONS OF THE LAW LICENSING NEW YORK CITY STATIONARY ENGINEERS—A MISDEMEANOR FOR VIOLATING THE ACT.

In 1890 Governor Roosevelt gave his consent to two amendments to the act relative to the inspection of steam boilers and licenses of stationary engineers in New York City. The first of these, which was chapter 461, provided that "any person who has served as a marine or locomotive engineer or fireman to a locomotive engineer for a period of five years, and shall have been a resident of the State of New York for a period of two years," shall be eligible for examination for a license to act as a stationary engineer.

Chapter 709 was the other amendment, which made it a misdemeanor for "any person or persons violating any provision of this section or of any of its subdivisions."

INCREASING THE SALARIES OF NEW YORK CITY PUBLIC SCHOOL TEACHERS.

So deep was the interest manifested by the New York City public school teachers in the bill to regulate and increase their salaries that on March 14, 1900, Governor Roosevelt sent to the legislature a message certifying to the necessity of the immediate passage of the measure. It met with the approval of both houses and was signed by the governor, who filed with the act a memorandum pointing out that—

Its general purpose is admirable, and the best educators—the men most interested in seeing the public schools of the greater New York put upon a thoroughly efficient basis— * * * most earnestly favor the measure.

The law gave the department of education power to adopt by-laws to establish a uniform schedule of salaries for the teaching staff throughout all the boroughs and prescribed an equal annual increment of salary. It provided that a kindergartner or female teacher of a girls' class other than those teaching grades of the last two years in elementary schools shall, after sixteen years of service, receive not less than $1,240 per annum, and that a female teacher of a girls' class of the grades of the last two years shall, after fifteen years of service, receive not less than $1,320 per annum; that a female teacher of a girls' graduating class, female first assistant, or female vice-principal shall, after ten years of service, receive not less than $1,440 per annum; that a female teacher of a boys' or mixed class shall receive not less than $60 per annum more than a female teacher of a girls' class of corresponding grade and of years of service, and that a female teacher in elementary schools shall receive not less than $600 per annum, nor shall her annual increment be less than $40; that a male teacher of a class of the grades of the last two years shall, after twelve years' service, receive not less than $2,160 per annum; that a male teacher of a graduating class, male first assistant, or male vice-principal shall, after ten years' service, receive not less than $2,400 per year; that a male teacher shall receive not less than $900 a year, nor shall his annual increment be less than $105.

AMENDMENTS TO THE LIEN LAW.

Two amendments to the lien law were approved by Governor Roosevelt in 1900. The first related to building loan contracts, and provided that the same—

either with or without the sale of land, and any modification thereof must be in writing and duly acknowledged, and within ten days after its execution be filed in the office of the clerk of the county in which any part of the land is situated, and the same shall not be filed in the register's office of any county.

The second amendment was in regard "to the sale of property retaken by the vender under a contract of conditional sale." This sentence was added to section 116:

Unless such articles are sold within thirty days after the expiration of such period, the vender or his successor in interest may recover of the vender the amount paid on such articles by such vendee or his successor in interest under the contract for the conditional sale thereof.

MUNICIPAL OWNERSHIP OF RAPID-TRANSIT RAILWAYS.

There is now before your body a measure looking toward the securing of rapid transit for the city of New York. I deem it of very great importance that a scheme providing for rapid transit in the city should be passed at the earliest practicable moment. But it is even more important that this scheme should be one which will work for the ultimate benefit of the city. It does not seem to me wise that a franchise of this nature should be given in perpetuity. It would, of course, be best to have it owned by the municipality, although I would point out to the advocates of municipal ownership that it is doubly incumbent upon them to take the most efficient means of rebuking municipal corruption, and of insisting upon a high standard of continuous fidelity to duty among municipal employees. Only if the government of the municipality is honest will it be possible ever to justify fully the workings of municipal ownership.

These sentiments were expressed by Governor Roosevelt in a special message to the legislature, and in 1900 that body passed an amendatory measure, which received the governor's signature, extending the system of municipal construction of rapid-transit railways to any city of over 1,000,000 inhabitants formed by the consolidation of one or more cities and other territory. This amended act also made it lawful for the board of rapid transit railroad commissioners to locate the route of a railroad by tunnel under any river or waters, thus making possible the present extension of the rapid-transit system from the borough of Manhattan, New York City, under the East River to and through a large part of the borough of Brooklyn. The project will, when completed, afford considerable relief to people in the latter borough who live long distances from the centers of commerce and industry, carrying them to and from their homes, far removed from the densely crowded portions of the city, in comfort and in much less time than under the existing inadequate method of conveyance, besides encouraging many who now reside in the congested districts to seek dwelling places in less densely settled sections near the Brooklyn terminal of the new railway.

THE PRESIDENT AND THE WORKINGMAN—PERSONAL EFFORT THE FIRST REQUISITE OF SUCCESS.

The most extended discussion of the condition and interests of workingmen that Mr. Roosevelt has offered since he became President is contained in his address at the New York State Fair on Labor Day, 1903, which is printed elsewhere in this pamphlet. To appreciate his attitude one must read the entire address as well as the following quotations from other addresses and public papers.

Personal effort and the homely, old-fashioned virtues are the first requisites of order and progress in every community. Thus in an address at Kansas City, Mo., May 1, 1903, the President said:

No device that the wit of man can produce, no form of law, no form of association or organization among ourselves, can supply the lack of fundamental virtues, the presence of which has meant a great nation, the absence of which has meant the downfall of any nation since the world began. No smartness, no mere cleverness unaccompanied by the sense of moral responsibility, no governmental scheme, will ever supply the place of adherence to certain fundamental precepts put forth in the Bible and embodied consciously or unconsciously in the code of morals of every great and successful nation from antiquity to modern times. Always in any government, among any people, there are certain forces for evil which take many shapes, but which are rooted in the same base and evil characteristics of the human soul, in the evil of arrogance, in the evil of jealousy, of envy, of hatred, and to some people the appeal is made to yield to one set of evil forces, to some it is made to yield to another set, and the result is equally bad in such case.

The vice of arrogance, the vice of hate, and brutal indifference on the part of those with wealth to those who have none is a shameful and dreadful vice. It is not one whit worse than the vice of rancorous envy, of hatred, and jealousy on the part of those who are not well off for those who are better off. The man who by either practice or precept seeks to give to any man or to withhold from any man any advantage in war, or socially, or in the working of society, or in business because of his wealth or because of his poverty is false to the traditions of this Republic. We do not have to face the tremendous problems with which you of the years from '61 to '65 were brought face to face, but we have problems of our own.

THE PRESIDENT AND TRADES-UNIONISM

While intelligence and character still count as essential elements of success in individuals, there remains room for associated action in large enterprises where the individual is swallowed up in the multitude and personal contact of employer and employee is no longer possible. One of 5,000 wage-workers employed in a factory could never hope to induce the employers to reduce his hours of work from fourteen or sixteen to ten a day, but if all of the 5,000 workmen unite in such a request they may accomplish their object and affect a change so momentous in the lives of workingmen. The fact is that in large-scale production the workman is at a hopeless disadvantage in making an individual bargain with the employer. His only salvation lies in joining his fellow-workmen and making a collective bargain with the employer regarding wages and the conditions under which they shall work. In forming a union and choosing their officers and representatives the workmen are simply following the example of capitalists, who form a corporation and delegate their powers to directors or trustees.

THE NECESSITY OF TRADES UNIONS.

This fact is fully recognized by President Roosevelt in common with the political economists and other leaders of thought at the present time. Thus in his address at Sioux Falls, S. Dak., April 6, 1903, he declared that "much can be done by organization, combination—union among the wage-workers," and went on to explain the change that has come about in modern industry, as follows:

The wage-workers in our cities, like the capitalists in our cities, face totally changed conditions. The development of machinery and the extraordinary change in business conditions have rendered the employment of capital and of persons in large aggregations not merely profitable but often necessary for success, and have specialized the labor of the wage-worker at the same time that they have brought great aggregations of wage-workers together. More and more in our great industrial centers men have come to realize that they can not live as independently of one another as in the old days was the case everywhere and as is now the case in the country districts. Of course, fundamentally, each man will yet find that the chief factor in determining his success or failure in life is the sum of his own individual qualities. He can not afford to lose his individual limitation—his individual will and power, but he can best use that power if for certain objects he unites with his fellows.

Similarly, in his first message to Congress, in 1901, the President declared that "very great good has been and will be accomplished by associations of wage-workers when managed with forethought, and when they combine insistence upon their own rights with law-abiding respect for the rights of others. The display of these qualities in such bodies is a duty to the nation no less than to the associations themselves."

In his second message to Congress, in the year 1902, President Roosevelt elaborated this thought as follows:

This is an era of federation and combination. Exactly as business men find they must often work through corporations, and as it is a constant tendency of these corporations to grow larger, so it is often necessary for laboring men to work in federations, and these have become important factors of modern industrial life. Both kinds of federation, capitalistic and labor, can do much good, and as a necessary corollary they can both do evil.

Opposition to each kind of organization should take the form of opposition to whatever is bad in the conduct of any given corporation or union, not of attacks upon corporations as such nor upon unions as such, for some of the most far-reaching beneficent work for our people has been accomplished through both corporations and unions. Each must refrain from arbitrary or tyrannous interference with the rights of others. Organized capital and organized labor alike should remember that in the long run the interest of each must be brought into harmony with the interest of the general public, and the conduct of each must conform to the fundamental rules of obedience to the law of individual freedom and of justice and fair dealing toward all. Each should remember that in addition to power it must strive after the realization of healthy, lofty, and generous ideals. Every employer, every wage-worker, must be guaranteed his liberty and his right to do as he likes with his property or his labor so long as he does not infringe upon the rights of others.

It is of the highest importance that employer and employee alike should endeavor to appreciate each the view point of the other and the sure disaster that will come upon both in the long run if either grows to take as habitual an attitude of sour hostility and distrust toward the other. Few people deserve better of the country than those representatives both of capital and labor, and there are many such who work continually to bring about a good understanding of this kind, based upon wisdom and upon broad and kindly sympathy between employers and employed. Above all, we need to remember that any kind of class animosity in the political world is, if possible, even more wicked, even more destructive to national welfare, than sectional, race, or religious animosity. We can get good government only on condition that we keep true to the principles upon which this nation was founded, and judge each man, not as a part of a class, but upon his individual merits. All that we have a right to ask of any man, rich or poor, whatever his creed, his occupation, his birthplace, or his residence, is that he shall act well and honorably by his neighbor and by his country. We are neither for the rich man as such nor for the poor man as such; we are for the upright man, rich or poor. So far as the constitutional powers of the National Government touch these matters of general and vital moment to the nation, they should be exercised in conformity with the principles above set forth.

Developing the same thought, President Roosevelt, in his address at Kansas City, Mo., May 1, 1903, said:

In our complex relations of employer and employee, of one class with another class, of one section with another section, we can work out a really successful result only if those brought together make an honest effort each to understand his neighbor's viewpoint, and then an honest effort while working for his own interest to avoid working to the detriment of his neighbor. That is so obvious a truth that it is trite, but we need to act on it just the same. We need to act upon it, above all, in our industrial relations one with another. You are not going to make any new commandments at this stage which will supply the place of the old ones; the truths that were true at the foot of Mount Sinai are true now; the truths that were true when the Golden Rule was promulgated are true now.

Each man must work for himself. If he does not, there is no use of anyone working for him. Each man must work for himself, and each man must endeavor to do his best to get ahead for his own sake, for his wife and children, for those dependent upon him; but each man must work for himself with the full recognition of his duty to his neighbor or in the end he will bring disaster not merely to his neighbor, but to himself also. A wrong done is just as much a wrong if it is done by the little man against the big man as by the big man against the little man. It is just as much wrong if done by the capitalist to the laborer as by the laborer to the capitalist, and the man is no real friend of his country, no real friend of any set of people in the country, if he appeals to those people only from the standpoint of asking them to see that they get their full share and omits to ask them to remember to do full justice to others also. In the long run the wage-worker and capitalist will go down in common ruin if each does not honestly try to get on with and do justice to the other.

ELECTED TO HONORARY MEMBERSHIP BY THE BROTHERHOOD OF LOCOMOTIVE FIREMEN.

In September, 1902, the Brotherhood of Locomotive Firemen, assembled in annual convention at Chattanooga, Tenn., conferred upon President Roosevelt the degree of grand honorary membership, as indicated in the following report of the proceedings:

John F. McNorrell, of Columbus, Ohio, one of the grand officers, and a Democratic member of the legislature, moved that the degree of grand honorary membership be conferred upon President Roosevelt. The motion was referred to the committee on constitution and by-laws, whose recommendation was unanimous that the motion be adopted. The report of the committee was adopted by a unanimous rising vote amid great cheers.

The President thanked the convention for the compliment paid him, and Grand Master Sargent then gave him a pass which admits him to all meetings of the Brotherhood.

The President, in addressing the convention, declared that "organization is one of the laws of our social and economic development at this time. I believe emphatically in organized labor."

UNION LABOR IN GOVERNMENT WORK.

In his first message to Congress, in 1901, President Roosevelt recommended that "provision be made to render the enforcement of the eight-hour law easy and certain," and also that the Government should provide in its contracts that all work for it should be done under "fair" conditions.

By this expression it is understood that the President meant that no contract should be given or no contractor employed by the Government who would not agree to pay the union scale of wages; in other words, no contractor should, in any way, be allowed to obtain a contract from the Government by lessening the price paid the employees for their labor to a point less than the "fair" or union scale of wages or by working more than the usual number of hours per day which had been fixed for the trade.

While thus favoring the union standard of wages and hours in Government work the President recognizes the illegality of any discrimination for or against members of a union. Thus in the case of William A. Miller, who complained that he was removed from his position of assistant foreman in the Government Printing Office, in violation of the civil-service law, because he had been expelled from Local Union No. 4, of the International Brotherhood of Bookbinders, the President ordered Miller's reinstatement and explained the rule governing public employment in the following communication to Secretary Cortelyou, in whose charge the President placed the investigation:

OYSTER BAY, N. Y., *July 18, 1903.*

MY DEAR SECRETARY CORTELYOU: In accordance with the letter of the Civil-Service Commission of July 6, the Public Printer will reinstate Mr. W. A. Miller in his position. Meanwhile I will withhold my final decision of the whole case until I have received the report of the investigation on Miller's second communication, which you notify me has been begun to-day, July 13.

On the face of the papers presented, Miller would appear to have been removed in violation of law. There is no objection to the employees of the Government Printing Office constituting themselves into a union if they so desire, but no rules or resolutions of that union can be permitted to override the laws of the United States, which it is my sworn duty to enforce.

Please communicate a copy of this letter to the Public Printer for his information and that of his subordinates.

Very truly, yours, THEODORE ROOSEVELT.

HON. GEORGE B. CORTELYOU,
Secretary of Commerce and Labor.

OYSTER BAY, N. Y., *July 14, 1903.*

MY DEAR MR. CORTELYOU: In connection with my letter of yesterday, I call attention to this judgment and award by the Anthracite Coal Strike Commission to its report to me of March 18 last:

"It is adjudged and awarded that no person shall be refused employment or in any way discriminated against on account of membership or nonmembership to any labor organization, and that there shall be no discrimination against or interference with any employee who is not a member of any labor organization by members of such organization."

I heartily approve of this award and judgment by the Commission appointed by me, which itself included a member of a labor union. This Commission was dealing with labor organizations working for private employers. It is, of course, mere elementary decency to require that all the Government Departments shall be handled in accordance with the principle thus clearly and fearlessly enunciated.

Please furnish a copy of this letter both to Mr. Palmer and to the Civil Service Commission for their guidance.

Sincerely, yours, THEODORE ROOSEVELT.

HON. GEORGE B. CORTELYOU,
Secretary of Commerce and Labor.

Mr. Palmer, the Public Printer, on Wednesday, July 16, notified Mr. Miller that he had been reinstated and might report for duty any day.

On September 29, 1903, the President gave a hearing to members of the executive council of the American Federation of Labor on the subject of pending labor legislation, at which he announced his final decision in the Miller case and at the same time explained his preference for the "union shop" in private employment. The president of the American Federation of Labor in an address, issued on the succeeding day, to organized labor of America thus described President Roosevelt's attitude:

Replying to statements on the subject, President Roosevelt set forth that in his decision he had nothing in mind but a strict compliance with Federal, including civil service, law and that he recognized a difference between employment by the Government, circumscribed by those laws, and any other form of employment, and that his decision in the Miller case should not be understood to have any other effect or influence than affecting direct employment by the Government in accordance therewith. He furthermore made plain that in any form of employment excepting that so circumscribed he believed the full employment of union men was preferable either to non-union or open shops.

Following is the official account of the hearing:

SEPTEMBER 29, 1903.

Pursuant to the request of Samuel Gompers, president of the American Federation of Labor, the President granted an interview this evening to the following members of the executive council of that body: Mr. Samuel Gompers, Mr. James Duncan, Mr. John Mitchell, Mr. James O'Connell, and Mr. Frank Morrison, at which various subjects of legislation in the interests of labor, as well as Executive action, were discussed. Concerning the case of William A. Miller, the President made the following statement:

"I thank you and your committee for your courtesy, and I appreciate the opportunity to meet with you. It will always be a pleasure to see you or any representatives of your organizations or of your federation as a whole.

"As regards the Miller case, I have little to add to what I have already said. In dealing with it I ask you to remember that I am dealing purely with the relation of the Government to its employees. I must govern my action by the laws of the land, which I am sworn to administer and which differentiate any case in which the Government of the United States is a party from all other cases whatsoever. These laws are enacted for the benefit of the whole people, and can not and must not be construed as permitting discrimination against some of the people. I am President of all the people of the United States, without regard to creed, color, birthplace, occupation, or social condition. My aim is to do equal and exact justice as among them all. In the employment and dismissal of men in the Government service I can no more recognize the fact that a man does or does not belong to a union, as being for or against him, than I can recognize the fact that he is a Protestant or a Catholic, a Jew or a Gentile, as being for or against him.

"In the communications sent me by various labor organizations protesting against the retention of Miller in the Government Printing Office the grounds alleged are twofold: First, that he is a nonunion man; second, that he is not personally fit. The question of his personal fitness is one to be settled in the routine of administrative detail, and can not be allowed to conflict with or to complicate the larger question of governmental discrimination for or against him or any other man because he is or is not a member of a union. This is the only question now before me for decision, and as to this my decision is final."

In the foregoing statement of policy President Roosevelt merely reiterated his well-known conviction that the law must be administered with absolutely no discrimination. Thus, in his address at Butte, Mont., May 27, 1903, he declared that—

The law is no respecter of persons. The law is to be administered neither for the rich man nor for the poor man as such. It is to be administered for every man, rich or poor, if he is an honest and law-abiding citizen, and it is to be invoked against any man, rich or poor, who violates it, without regard to which end of the social scale he may stand, without regard to whether his offense takes the form of greed and cunning or the form of physical violence. In either case, if he violates the law, the law is to be invoked against him, and in so invoking it I have the right to challenge the support of all good citizens and to demand the acquiescence of every good man. I hope I shall have it; but, once for all, I wish it understood that even if I did not have it, I would enforce the law anyhow.

CUNNING AS WELL AS FORCE MUST BE SHACKLED.

In his recognition of unsocial and illegal action through cunning, President Roosevelt differs from those critics of workingmen who see crime in every act of intimidation or physical violence that occurs in the course of a strike or lockout, but fail to recognize the lawlessness of the men who obtain special privileges from legislatures and municipal councils or evade the pay-

ment of their just taxes. Thus, in an address at the Buffalo Independent Club, May 5, 1899, Governor Roosevelt declared that—

The rich man who gets a privilege through the legislature by bribery and corruption for any corporation is committing an offense against the community which it is possible may some day have to be condoned in blood and destruction, not by him, not by his sons, but by you and your sons.

And while the lawlessness of greed and cunning may lead to anarchy as surely as lawless physical violence, "it is far more difficult to deal with, but the effort to deal with it must be steadily made," as the President said in his Sioux Falls address, April 6, 1903.

But while fearlessly pointing out the lawless acts committed by a few rich men and by a few poor men, President Roosevelt does not join in the lamentations of those who despair of government by the people. On the contrary, he deprecates the fostering of hostility between classes. Speaking at Kansas City, Mo., May 1, 1903, of the wonderful industrial growth of the country under the leadership of able business men, he said:

Let us think carefully before by any act of folly on our part we destroy what has thus so marvelously been built up. It is easy enough to pull down. It is not so easy to rebuild or replace, and let us take serious thought from the history of the republics of old and avoid the rocks on which they foundered, and the chief rock, the chief danger in the path of the older republics, of the republics of antiquity and the republics of the middle ages, the chief danger came from the growth and encouragement of anything in the nature of fostered hostility. It will be an evil day for us when we let ourselves be persuaded to try to make this a government especially designed to help any one class save as that class includes its proportion of honest, thrifty, hard-working, decent-behaving citizens.

And it will be only a less evil day when any considerable portion of our people fail to remember that the object of this Government is to do justice, not to favor the rich man as such nor to discriminate against him as such; not to favor the poor man as such nor to discriminate against him as such, but to favor every man, rich or poor, if he is honest and behaves himself toward the State and his neighbors.

And, further, at Butte, Mont., May 27, 1903, he said:

This is not and never shall be a Government of a plutocracy; it is not and never shall be a Government by a mob. It is, as it has been and as it will be, a Government in which every honest man, every decent man, be he employer or employed, wage-worker, mechanic, banker, farmer, lawyer, be he who he may, if he acts squarely and fairly, if he does his duty by his neighbor and the State, receives the full protection of the law and is given the amplest chance to exercise the ability there is within him, alone or in combination with his fellows, as he desires.

THE POLICY OF STATE INTERVENTION.

While wage-workers have greatly improved their condition by uniting in fraternal organizations like trade unions, experience shows that such cooperation is not adequate to remove all the faults inherent in modern industrial relations. To stop child labor and regulate the work of women in the factories, for example, has always been regarded as the duty of the entire community and not the peculiar function of trade unions. The fact is that the very existence of trade unions depends upon the prevalence of a relatively high standard of life, which can only be secured by the action of the people through their constituted representatives.

Thus there is no cooperation among the garment makers of the sweat shops until government regulation and inspection have aided them in rising out of the degradation of their former homes in foreign countries and the slums of our cities. State intervention is therefore called for on the principle of equalizing opportunities. It does not abolish competition, which still remains the fundamental condition of social progress, but it raises competition to a higher level. Employer may still freely compete with employer in providing attractive commodities and in reducing their cost by inventing or introducing improved machinery and methods of production, but no employer may undersell his rival by using cheap child labor or otherwise exploiting the weakness or ignorance of the poor. The law thus favors the humane employer by protecting him from the competition of the inhumane employer. In President Roosevelt's own words:

PRINCIPLES OF STATE INTERFERENCE.

It is not possible empirically to declare when the interference of the State should be deemed legitimate and illegitimate. The line of demarcation between unhealthy overinterference and unhealthy lack of regulation is not always well defined and shifts with the change in our industrial needs. Most certainly we should never invoke the interference of the State or nation unless it is absolutely necessary, but it is equally true that where confident of its necessity we should not on academic grounds refuse it. Wise factory laws, laws to forbid the employment of child labor and to safeguard the employees against the effects of culpable negligence by the employer, are necessary not merely in the interest of the wage-worker, but in the interest of the honest and humane employer, who should not be penalized for his honesty and humanity by being exposed to unchecked competition with an unscrupulous rival.

In considering any proposed legislation in favor of wage-workers or others, the criterion should be the welfare of the entire community rather than the benefit of any class, as the President said in his Labor Day address at Syracuse:

Legislation to be permanently good for any class must also be good for the nation as a whole, and legislation which does injustice to any class is certain to work harm to the nation.

And, further, at Butte, Mont., in May, 1903:

The most unsafe adviser to follow is the man who would advise us to do wrong in order that we may benefit by it. That man is never a safe man to follow, but is always the most dangerous of guides. The man who seeks to persuade any of us that our advantage comes in wronging or oppressing another can be depended upon, if opportunity comes, to do wrong to us in his own interest just as he has endeavored to make us in our supposed interest do wrong to others.

THE AMERICAN STANDARD OF LIVING.

Under the American form of government the bulk of the legislation for the protection of wage-workers must be the work of the individual Commonwealths, and when he was governor of New York State Mr. Roosevelt, as has been already indicated, took an active part in promoting such legislation. But the Federal Government can accomplish a great deal for the maintenance of the relatively high standard of comfort that prevails in the United States by excluding the products of cheap foreign labor and also shutting out workmen from lower civilizations who are incapable of rising to the American standard of living. Such competition may be prevented by wise tariff and immigration laws, and on these questions the President expressed himself strongly in his first message to the Fifty-seventh Congress, under the date of December 3, 1901, in the following language:

With the sole exception of the farming interest no one matter is of such vital moment to our whole people as the welfare of the wage-workers. If the farmer and the wage-worker are well off it is absolutely certain that all others will be well off too. It is therefore a matter for hearty congratulation that wages on the whole are higher to-day in the United States than ever before in our history, and far higher than in any other country. The standard of living is also higher than ever before. Every effort of legislator and administrator should be to secure the permanency of this condition of things and its improvement wherever possible. Not only must our labor be protected by the tariff, but it should also be protected as far as possible from the presence in this country of any laborers brought over by contract or of those who, coming freely, yet repressent a standard of living so depressed that they can undersell our men in the labor market and drag them to a lower level. I regard it as necessary, with this end in view, to reenact immediately the law excluding Chinese laborers, and to strengthen it wherever necessary in order to make its enforcement entirely effective.

Our present immigration laws are unsatisfactory. We need every honest and efficient immigrant fitted to become an American citizen, every immigrant who comes here to stay, who brings here a strong body, a stout heart, a good head, and a resolute purpose to do his duty well in every way and to bring up his children as law-abiding and God-fearing members of the community. But there should be a comprehensive law enacted, with the object of working a threefold improvement over our present system. First, we should aim to exclude absolutely not only all persons who are known to be believers in anarchistic principles or members of anarchistic societies, but also all persons who are of a low moral tendency or of unsavory reputation. This means that we should require a more thorough system of inspection abroad and a more rigid system of examination at our immigration ports, the former being especially necessary.

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens. This would not keep out all anarchists, for many of them belong to the intelligent criminal class. But it would do what is also in point—that is, tend to decrease the sum of ignorance, so potent in producing the envy, suspicion, malignant passion, and hatred of order, out of which anarchistic sentiment inevitably springs. Finally, all persons should be excluded who are below a certain standard of economic fitness to enter our industrial field as competitors with American labor. There should be proper proof of personal capacity to earn an American living, and enough money to insure a decent start under American conditions. This would stop the influx of cheap labor and the resulting competition which gives rise to so much of bitterness in American industrial life, and it would dry up the springs of the pestilential social conditions in our great cities, where anarchistic organizations have their greatest possibility of growth.

Both the educational and economic tests in a wise immigration law should be designed to protect and elevate the general body politic and social. A very close supervision should be exercised over the steamship companies which mainly bring over the immigrants, and they should be held to a strict accountability for any infraction of the law.

CHINESE-EXCLUSION LAW RENEWED AND EXTENDED TO THE ISLAND TERRITORY.

Acting upon these recommendations, Congress renewed the Chinese-exclusion law and extended it to the island territory, where the system of contract labor had previously existed. This act prohibits the immigration of Chinese laborers from such island territory to the mainland of the United States, and from one portion of said island territory to another portion, but permits their transit from one island to another island of the same group.

A MORE STRINGENT IMMIGRATION LAW.

Congress also enacted, and President Roosevelt approved, a more stringent immigration law, the important amendments being as follows:

(1) Levying a duty of $2 (an increase of $1) for each and every passenger not a citizen of the United States or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico who shall come by vessel from any foreign country to any port within the United States, or by any railway or any other mode of transportation from foreign contiguous territory to the United States.

(2) Excluding from admission epileptics, and persons who have been insane within five years previous, and persons who have had two or more attacks of insanity at any time previously; anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law or the assassination of public officials.

(3) Providing that skilled labor may be imported if labor of like kind unemployed can not be found in this country.

(4) Any person who shall bring into or land in the United States, or who shall attempt, by himself or through another, to bring into or land here any alien not duly admitted by an immi-

grant inspector, or not lawfully entitled to enter, shall be liable to punishment by a fine not exceeding $1,000 for each alien so landed or attempted to be landed or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

(5) Each manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer of a vessel or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each alien.

(6) Any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund. In case the Secretary of Commerce and Labor shall be satisfied that an alien shall be found in the United States in violation of law, he shall cause such alien, within the period of three years after landing, to be taken into custody and returned to the country whence he came, at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien to this country, or, if that can not be so done, at the expense of the immigrant fund, and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came, shall be punished by the imposition of penalties prescribed by law.

(7) The Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and those two countries.

The President has caused the provisions of the act to be so carefully and vigorously enforced by improved methods of administration under Commissioner-General of Immigration Frank P. Sargent, the former grand master of the Brotherhood of Locomotive Firemen, that many hundreds of diseased and unfit foreigners seeking entrance to the United States have been deported to their former places of residence.

PUBLIC EMPLOYMENT.

The Government is itself a large employer of labor, and by the force of its example exerts a great influence upon other employers. President Roosevelt in his message to Congress has recommended legislation to establish the eight-hour day and "fair" wages on all public work, whether done by the Government itself or by contractors for the Government. Thus his first message to Congress in 1901 contained the following recommendations:

The National Government should demand the highest quality of service from its employees, and in return it should be a good employer. If possible, legislation should be passed in connection with the interstate commerce law which will render effective the efforts of different States to do away with the competition of convict contract labor in the open labor market. So far as practicable under the conditions of Government work provision should be made to render the enforcement of the eight-hour law easy and certain. In all industries carried on directly or indirectly for the United States Government women and children should be protected from excessive hours of labor, from night work, and from work under unsanitary conditions.

The Government should provide in its contracts that all work should be done under "fair" conditions, and, in addition to setting a high standard, should uphold it by proper inspection, extending, if necessary, to the subcontractors. The Government should forbid all night work for women and children, as well as excessive overtime. For the District of Columbia a good factory law should be passed, and as a powerful indirect aid to such laws, provision should be made to turn the inhabited alleys, the existence of which is a reproach to our capital city, into minor streets, where the inhabitants can live under conditions favorable to health and morals.

PROHIBITING THE EMPLOYMENT OF MONGOLIANS ON IRRIGATION WORKS AND APPLYING THE EIGHT-HOUR LAW TO SUCH PROJECTS.

On June 17, 1902, President Roosevelt approved a measure authorizing the Secretary of the Interior to cause to be let contracts for the construction, where practicable, of irrigation works. The act provides that eight hours shall be a day's labor on such projects and prohibits the employment of Mongolians thereon.

ABOLISHING SLAVERY IN THE PHILIPPINE ISLANDS.

President Roosevelt, on July 1, 1902, approved a bill which provided that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist" in the Philippine Islands.

The government of the islands is empowered to "grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service." It is "unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense and shall be punished by a fine of not less than $10,000."

MINE REGULATIONS IN TERRITORIES.

Through an amendatory act of Congress, signed by President Roosevelt on July 1, 1902, mine regulations in Territories have been greatly improved. These changes have bettered the sanitary condition of mines, thus insuring the preservation of the health of miners and other employees, besides affording additional protection to life and limb. The amended law requires that—

The owners or managers of every coal mine shall provide an adequate amount of ventilation of not less than 315 cubic feet of pure air per second, or 5,000 cubic feet per minute, for every fifty men at work in said mine, and in like proportion for a greater number, which air shall, by proper appliances or machinery, be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases. Whenever it is practicable to do so, the entries, rooms, and all openings being operated in coal mines shall be kept well dampened with water to cause the coal dust to settle, and that when water is not obtainable at reasonable cost for this purpose, accumulations of dust shall be taken out of the mine and shall not be deposited in way places in the mine where it would be again distributed in the atmosphere by the ventilating currents.

It is also provided that—

Owners, lessees, operators of, or any other person having the control or management of any coal shaft, drift, slope, or pit in the Indian Territory, employing twenty or more miners to work in the same, shall employ shot firers to fire the shots therein. Said shots shall not be fired to exceed one per day: at 12 o'clock noon in cases where the miners work but half a day, and at 5 o'clock in the evening when the mine is working three-quarters or full time, and they shall not be fired until *after* all miners and other employees working in said shafts, drifts, slopes, or pits shall be out of same. The violation of this act shall constitute a misdemeanor, and any person convicted of such violation shall pay a fine of not exceeding $500.

DEPARTMENT OF COMMERCE AND LABOR.

President Roosevelt gave his approval on February 14, 1903, to the Congressional bill creating the Department of Commerce and Labor and providing for the appointment by the President, with the advice and consent of the Senate, of a Secretary of Commerce and Labor, a Cabinet officer. The province and duty of the Department is to foster, promote, and develop the labor interests, the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, and the transportation facilities of the United States; and to this end it is vested with jurisdiction and control of several existing departments, bureaus, offices, and branches of the public service, specified in the statute.

A MODEL LABOR CODE FOR THE DISTRICT OF COLUMBIA.

While there are not many wage-workers in the District of Columbia to call for legal protection, President Roosevelt realizes that if Congress should enact a good labor code for the District it would be a model for the States and Territories, and, accordingly, in his second message to Congress he renewed his recommendations in favor of such legislation in the following language:

The District of Columbia is the only part of our territory in which the National Government exercises local or municipal functions, and where in consequence the Government has a free hand in reference to certain types of social and economic legislation which must be essentially local or municipal in character. The Government should see to it, for instance, that the hygienic and sanitary legislation affecting Washington is of a high character.

The evils of slum dwellings, whether in the shape of crowded and congested tenement-house districts or of the back-alley type, should never be permitted to grow up in Washington. The city should be a model in every respect for all the cities of the country. The charitable and correctional systems of the District should receive consideration at the hands of Congress to the end that they may embody the results of the most advanced thought in these fields. Moreover, while Washington is not a great industrial city, there is some industrialism here, and our labor legislation, while it would not be important in itself, might be made a model for the rest of the nation. We should pass, for instance, a wise employers' liability act for the District of Columbia, and we need such an act in our navy-yards. Railroad companies in the District ought to be required by law to block their frogs.

LICENSING EMPLOYMENT OFFICES IN THE DISTRICT OF COLUMBIA.

When he was governor of New York, Mr. Roosevelt called the attention of the legislature to the fact that "abuses have occurred in connection with the employment offices in the larger cities, which are now allowed to violate the law with impunity, the power of punishment lying with the local authorities." He therefore recommended the enactment of legislation requiring the keeper of any employment office to procure a license on the payment of a substantial fee, thus restricting the business to responsible parties and keeping it under the control of the State administration. As President, to insure Government supervision of employment agencies in the District of Columbia, he, on July 1, 1902, approved a measure which provides that "proprietors or owners of intelligence offices, information bureaus, registries, or employment offices, by whatsoever named called, shall pay a license tax of $10 per annum."

EXEMPTING FROM TAXATION IN THE DISTRICT OF COLUMBIA HOUSEHOLD EFFECTS TO THE VALUE OF $1,000, WEARING APPAREL, LIBRARIES, BOOKS, ETC.

According to a bill to which President Roosevelt affixed his signature on July 1, 1902, the following personal property is exempt from taxation in the District of Columbia: Household and other

belongings, not held for sale, to the value of $1,000, owned by the occupant of any dwelling house or other place of abode in which such household and other belongings may be located; also, libraries, schoolbooks, wearing apparel, articles of personal adornment, all family portraits, and heirlooms.

EMPLOYERS' LIABILITY LAW.

President Roosevelt has always expressed himself in favor of employers' liability laws under which workingmen suffering injury through the negligence of the employer or his agents might recover compensation for his injuries. While governor of New York he recommended the enactment of such a law, and in the preceding paragraph he recommended similar legislation for the protection of workmen employed in the Government navy-yards, as well as for the District of Columbia, and in fact wherever the jurisdiction of the United States is supreme. Many accidents would never occur if the employer had to compensate employees injured without fault of their own, as is required in most European countries.

SAFETY-APPLIANCE LAWS.

Another way in which workingmen may be protected from accidents is by requiring the employer to safeguard machinery. Federal legislation along this line has been restricted to transportation companies engaged in interstate commerce.

On March 2, 1893, the safety-appliance law, or the "car-coupler bill," as it is sometimes called, was passed by Congress. The main purpose of this legislation was protection for the lives and limbs of railway employees, and it has proved vastly beneficial to this class of wage-workers. The reports of the Interstate Commerce Commission show that in 1893, the year in which the law was passed, the casualties to railway employees, due to coupling and uncoupling cars, numbered 11,710 (433 deaths and 11,277 injuries), while in 1902, the first full year of the law's operation, the casualties numbered but 2,256 (143 deaths and 2,113 injuries), a decrease of more than 9,000 in the annual number of casualties of this character, notwithstanding that in 1902 there were over 20,000 more men at risk than there were in 1893.

The adoption of these appliances has also been of much benefit to the railroads, independently of their effect in adding to the safety of life and limb. Had it not been for the general adoption of automatic couplers and air brakes on freight trains it would have been impossible for the railroads during recent years to have met the wonderfully increased demands of traffic, as they have been met by the use of vastly heavier and more powerful locomotives, more capacious cars, and longer and infinitely heavier trains—trains that certainly could not have been safely handled with the appliances in general use when the law was enacted.

However, as has been the case with almost all laws of this character, experience disclosed certain defects in the law and showed that it was impossible to obtain the full benefit contemplated by the framers of the law without the enactment of certain amendments which were proposed. The President took a most active interest in this matter, calling attention to it in his message to Congress under date of December 2, 1902, as follows:

> The safety-appliance law for the better protection of the lives and limbs of railway employees, which was passed in 1893, went into full effect on August 1, 1901. It has resulted in averting thousands of casualties. Experience shows, however, the necessity of additional legislation to perfect this law. A bill to provide for this passed the Senate at the last session. It is to be hoped that some such measure may now be enacted into law.

The President rendered invaluable assistance in furthering the passage of the amended law, which finally passed both Houses of Congress and received the President's approval on March 2, 1903.

The necessity for this legislation had become imperative owing to a decision of the circuit court of appeals for the eighth circuit, which held:

(1) That the law did not require that locomotives or their tenders should be equipped with automatic couplers.

(2) That a car, having completed an interstate journey and laying over at a local point for the purpose of renewing or starting upon another interstate journey, was not in use in interstate traffic while so laying over, and in any event an empty car could not be considered as being used in interstate traffic.

(3) That if cars were equipped with automatic couplers which would couple automatically with other couplers of the same kind or type, the law had been complied with, that it was not necessary that cars should be equipped with couplers that would couple automatically with another make of coupler which might be adopted by another road.

The decision defeated the main purpose of the law—the establishment of uniformity and interchangeability of couplers all over the country.

The amended law removes all ambiguity concerning the points covered by the decision of the circuit court of appeals and cures the defects which Judge Sanborn deduced from the wording of the original law, besides adding other important provisions calculated to increase the safety of employees.

The original act applied to cars and trains used in moving interstate traffic, while the amended act applies to any common carrier engaged in interstate commerce by railroad in the Territories and the District of Columbia, its language being as follows:

> And shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type, and the provisions and requirements hereof and of said acts relating to train brakes, automatic couplers, grab irons, and the height of drawbars, shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section 6 of said act of March 2, 1893, as amended by the act of April 1, 1896, or which are used upon street railways.

It will thus be seen that under the amended law it is not necessary that a particular car or train be used in interstate commerce to bring it under the provisions of the law, but merely that the road itself be engaged in handling interstate traffic. Locomotives, tenders, snowplows, caboose cars, and all similar vehicles are also brought under the operation of the law. The law also requires that all trains on roads engaged in interstate commerce shall have at least 50 per cent of the cars in each train equipped with power or train brakes, and such brakes shall be used and operated by the engineer of the locomotive hauling such train, and the Interstate Commerce Commission may increase this minimum percentage on any road from time to time, after full hearing, as the circumstances and conditions of traffic may seem to require, the object being to do away with the necessity for men to traverse the tops of rapidly moving trains in all sorts of weather for the purpose of controlling their speed by means of the hand brakes.

THE PRESIDENT AND THE COAL STRIKE OF 1902.

The President has frequently emphasized the need of more sympathy between employers and employees and deprecated the cultivation of class feeling with its resulting antagonisms.

Very much of our effort in reference to labor matters—

He said at Sioux Falls in April, 1903—

> should be by every device and expedient to try to secure a constantly better understanding between employer and employee. Everything possible should be done to increase the sympathy and fellow-feeling between them, and every chance taken to allow each to look at all questions, especially at questions in dispute, somewhat through the other's eyes.
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> If met with a sincere desire to act fairly by one another, and if there is, furthermore, power by each to appreciate the other's standpoint, the chance for trouble is minimized. I suppose every thinking man rejoices when by mediation or arbitration it proves possible to settle troubles in time to avert the suffering and bitterness caused by strikes. Moreover, a conciliation committee can do best work when the trouble is in its beginning, or at least has not come to a head. When the break has actually occurred, damage has been done, and each side feels sore and angry, and it is difficult to get them together, difficult to make either forget its own wrongs and remember the rights of the other. If possible, the effort of conciliation or mediation or arbitration should be made in the earlier stages, and should be marked by the wish on the part of both sides to try to come to a common agreement, which each shall think in the interest of the other as well as of itself.
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> When we deal with such a subject we are fortunate in having before us an admirable object lesson in the work that has just been closed by the Anthracite Coal Strike Commission. This was the commission which was appointed last fall, at the time when the coal strike in the anthracite regions threatened our nation with a disaster second to none which has befallen us since the days of the civil war. Their report was made just before the Senate adjourned at the special session, and no Government document of recent years marks a more important piece of work better done, and there is none which teaches sounder social morality to our people. The commission consisted of seven as good men as were to be found in the country, representing the bench, the church, the Army, the professions, the employers, and the employed. They acted as a unit and the report which they unanimously signed is a masterpiece of sound common sense and of sound doctrine on the very questions with which our people should most deeply concern themselves. The immediate effect of this commission's appointment and action was of vast and incalculable benefit to the nation, but the ultimate effect will be even better if capitalists, wage-worker, and lawmaker alike will take to heart and act upon the lessons set forth in the report they have made.

The appointment of this commission, which resulted in the termination of the great coal strike of 1902, is perhaps President Roosevelt's most widely known and generally appreciated contribution toward the improvement of industrial relations. When the efforts of all other peacemakers had come to naught and the coal famine remained unbroken at the near approach of winter, Mr. Roosevelt, as a representative American citizen, pleaded with the operators and miners to terminate their dispute and resume the mining of coal. Public opinion supported his action so strongly that both sides to the dispute agreed to resume work and leave to a commission to be appointed by the President the determination of the conditions of employment concerning which they had been unable to agree. The President's commission not only adjusted the dispute in the coal regions, but in so doing formulated principles of very general application to the organization of industry at the present time. The immediate effect of the commission's appointment was, as the President has himself stated, "of vast and incalculable benefit to the nation, but the ultimate effect will be even better if capitalist, wage-worker, and lawmaker alike will take to heart and act upon the lessons set forth in the report" of the commission. The coal industry is typical of all the great industries of to-day that are organized on the principle of large-scale production, and its treatment of the labor problem is therefore highly illuminative.

ORIGIN OF THE STRIKE.

Under the influence of a vast stream of immigration of Poles, Hungarians, and Slavs into the coal regions during the last two or three decades wages had steadily declined. The American miners saw their own standard of living threatened by the lower standards brought from central Europe unless they could induce these newcomers to unite with them in an effort to put an end to the incessant underbidding for employment. In 1897 they brought their organization, the United Mine Workers, to such a state of perfection that it dominated the labor situation in the bituminous regions and met the employers' associations on an equality in the annual settlement of the terms of employment. In 1899 the organization spread to the anthracite regions and the next year was able to secure a 10 per cent advance in wages, after a comparatively short strike that was supported as heartily by the miners outside the union as by the minority at that time in the union.

As a consequence of this triumph a vast majority of the miners joined the organization, which thereupon sought to represent the miners in making terms with the employers' agents at annual conferences such as were held with the bituminous operators. The denial of this request by the officers of the mining corporations nearly brought on another strike in 1901, and when early in 1902 a similar request, accompanied with a demand for an advance in wages, etc., was once more denied, industrial peace could no longer be preserved. The operators even refused the union's offer to submit its demands to the arbitration of the National Civic Federation or other arbitrators, and a week later a delegate convention of the anthracite mine workers voted to continue the strike ordered on May 12. In obedience to this decision, says the commission, "nearly the entire body of mine workers, which numbers about 147,000, abandoned their employment and remained idle until the strike was called off by another convention," that is, until October 23, 1902.

ACTION OF THE PRESIDENT.

With the progress of summer and the failure of all mediatory efforts to adjust the differences between the miners and the operators the scarcity of fuel made itself felt. Many factories that were dependent upon anthracite had to shut down, throwing large numbers of working people out of employment, and the famine prices at which coal was sold almost prohibited its use for domestic purposes by the poorer families. As cold weather approached the President felt himself virtually compelled to act in order to avert unexampled distress throughout all eastern communities that depended upon anthracite coal for domestic heating purposes. On October 1 he telegraphed an invitation to the presidents of the five coal railroad companies, a prominent individual operator, and the president of the miners' organization to confer with him "in regard to the failure of the coal supply, which had become a matter of vital concern to the whole nation." To these seven persons, who met the President at the White House on October 3, Mr. Roosevelt said:

I wish to call your attention to the fact that there are three parties affected by the situation in the anthracite trade—the operators, the miners, and the general public. I speak for neither the operators nor the miners, but for the general public. The questions at issue which led to the situation affect immediately the parties concerned—the operators and the miners—but the situation itself vitally affects the public. As long as there seemed to be a reasonable hope that these matters could be adjusted between the parties, it did not seem proper to me to intervene in any way. I disclaim any right or duty to intervene in this way upon legal grounds or upon any official relation that I bear to the situation, but the urgency and the terrible nature of the catastrophe impending over a large portion of our people in the shape of a winter fuel famine impel me, after much anxious thought, to believe that my duty requires me to use whatever influence I personally can to bring to an end a situation which has become literally intolerable. I wish to emphasize the character of the situation and to say that its gravity is such that I am constrained urgently to insist that each one of you realize the heavy burden of responsibility upon him.

We are upon the threshold of winter, with an already existing coal famine, the future terrors of which we can hardly yet appreciate. The evil possibilities are so far-reaching, so appalling, that it seems to me that you are not only justified in sinking, but required to sink for the time being, any tenacity as to your respective claims in the matter at issue between you. In my judgment the situation imperatively requires that you meet upon the common plane of the necessities of the public. With all the earnestness there is in me, I ask that there be an immediate resumption of operations in the coal mines in some such way as will without a day's unnecessary delay meet the crying needs of the people.

I do not invite a discussion of your respective claims and positions. I appeal to your patriotism, to the spirit that sinks personal considerations and makes individual sacrifices for the general good.

At the conclusion of the President's remarks Mr. Mitchell replied as follows:

Mr. President, I am much impressed with what you say. I am impressed with the gravity of the situation. We feel that we are not responsible for this terrible state of affairs. We are willing to meet the gentlemen representing the coal operators to try to adjust our differences among ourselves. If we can not adjust them that way, Mr. President, we are willing that you shall name a tribunal who shall determine the issues that have resulted in this strike; and if the gentlemen representing the operators will accept the award or decision of such a tribunal, the miners will willingly accept it, even if it is against their claims.

The PRESIDENT. Before considering what ought to be done I think it only just to both of you—both sides—and desirable from my standpoint, that you should have time to consider what I have stated as to the reasons for my getting you together, and I shall trespass so far upon your good nature as to ask that this interview cease now and that you come back at 3 o'clock. I should like you to think over what I have stated, not to decide now, but give it careful thought and return at 3 o'clock.

The conference then adjourned until 3 o'clock.

The President then put an end to the interview and asked both parties to think over what he had stated and return in the afternoon. Upon reassembling the operators made long statements of their side of the case; but in reply to the President's inquiry whether they would accept Mr. Mitchell's proposition they answered "No." In response to a further question from the President they stated that they would have no dealings whatever with Mr. Mitchell looking toward a settlement of the question at issue and that they had no other proposition to make, save what was contained in the statement of Mr. Baer, which, in effect, was that if any man chose to resume work and had a difficulty with his employer, both should leave the settlement of the question to the judge of the court of common pleas of the district in which the mine was located.

In view of the growing public demand for the resumption of coal mining, however, the operators reconsidered their refusal to arbitrate their dispute with the miners, and a few days later proposed that it be settled by a commission of five, to be appointed by the President, and to be composed of an officer of the Army or Navy, an expert mining engineer, a United States circuit court judge from Pennsylvania, a sociologist, and a man who had been in the coal business. As the last-mentioned member would come from the ranks of the employers, the miners naturally demanded a modification of the operators' proposition, which should allow them a representative on the Commission.

When the Commission was appointed on October 16 it therefore consisted of six members, and by the subsequent addition of the United States Commissioner of Labor its final composition was as follows: Brig. Gen. John M. Wilson; Edward M. Parker, of the United States Geological Survey; Judge George Gray, of the United States circuit court of the eastern district of Pennsylvania; Bishop John L. Spalding, of the Catholic Church; Thomas H. Watkins, a retired coal operator; Edgar E. Clark, chief of the Order of Railway Conductors, and Hon. Carroll D. Wright. On October 21 a convention of the miners voted to submit all the questions at issue to this Commission and to resume work on October 23. The presidents of the anthracite-coal roads agreed to abide by the decision of the Commission, and in the course of its proceedings the leading independent operators and the nonunion miners also became parties to the arbitration agreement, so that the board's awards, when announced on March 18, 1903, covered virtually the entire anthracite mining industry.

All through their investigations and deliberations the conviction has grown upon the commissioners that if they could evoke and confirm a more genuine spirit of good will, a more conciliatory disposition in the operators and their employees in their relations toward one another, they would do a better and a more lasting work than any which mere rulings, however wise or just, may accomplish. Fairness, forbearance, and good will are the prerequisites of peace and harmonious cooperation in all the social and economic relations of men. The interests of employer and employees are reciprocal. The success of industrial processes is the result of their cooperation, and their attitude toward one another, therefore, should be that of friends, not that of foes; and since those who depend for a livelihood on the labor of their hands bear the heavier burdens and have less opportunity to upbuild their higher being, the men of position and education, for whom they labor, should lead them not more in virtue of their greater ability and capital than in virtue of their greater loving-kindness.

Where production is controlled despotically by capital there may be a seeming prosperity, but the qualities which give sacredness and worth to life are enfeebled or destroyed. In the absence of a trustful and conciliatory disposition the strife between capital and labor can not be composed by laws and contrivances. The causes from which it springs are as deep as man's nature, and nothing that is powerless to illumine the mind and touch the heart can reach the fountain head of the evil. So long as employers and employees continue to look on one another as opponents and antagonists so long shall their relations be unsatisfactory and strained, requiring but a slight thing to provoke the open warfare which is called a strike.

It is in this spirit the commission has made its investigation and submits its report and award, and it is in this spirit the award must be received by all the parties to the submission if it is to have the effect desired by them and by all good citizens.

THE INCREASE OF WAGES.

The four demands of the miners were for an increase of 20 per cent in the piece rates paid to contract miners, the rates to be based on weight of the coal instead of the carload, a reduction of 20 per cent (from ten to eight hours a day) in the hours of labor of workmen employed by the day, and the recognition of the union by the establishment of a joint trade agreement between the representatives of employers and employed. The commission compromised on the matter of wages by awarding an increase of 10 per cent, with additional increases under a sliding-scale system when the market price of coal rose above the existing level; a reduction in hours from ten to nine; the establishment of a joint board of conciliation, representing employers and employed, to decide disputed questions during the life of the award (to March 31, 1906). The advance in wage rates took effect November 1, 1902.

The commission found great difficulty in ascertaining the actual earnings of miners, owing to their irregular employment. It estimated the average annual income of the most highly paid class of employees—the contract miners or skilled hewers of coal—to

be about $560. This was in 1901, "a year of unusual activity in the anthracite field," as the commission states. The average number of days throughout the region on which the collieries started was about 260, and the miners worked about 236 days, which is much more ample employment than they had in other years. Even so their daily earnings (for 313 week days in the year) average only $1.80, which is not a large wage when compared with other skilled trades; and when the fearful hazards of their employment, exceeding even those of railroad men, are considered, such earnings seem quite modest. The miners also had little difficulty in proving that the 10 per cent increase won in 1900 had not improved their condition, since the cost of living had correspondingly increased since 1900.

Several merchants testified that the price of necessaries of life in the anthracite region had increased more than 20 per cent between 1900 and 1902, while the official statistics of the United States Department of Labor revealed an increase of 10 per cent in the price of food consumed by the average workingman's family. In view of all the circumstances, the commission awarded a 10 per cent increase in piece rates, to take effect November 1, 1902. Such rates are to be the minimum, and are to be increased with every increase in the price of coal above $4.50 a ton at tide water, at the rate of 1 per cent for each 5 cents per ton. While the base price is seldom likely to be exceeded, the sliding scale will give to the miners something like two-fifths of the advantage of an increase should the operators attempt to gouge the public, and is thus a protection to consumers as well as miners.

The increase in rates granted to contract miners will be shared by them with the laborers whom they hire to load their coal, paying therefor about 35 per cent of their gross receipts.

The laborers' earnings were estimated to be slightly more than 60 per cent of those of the real miners, or $350, in 1901. The commission also decided that the laborers should be paid directly by the company, instead of by the miners, the amount of their earnings as reported by the miners.

The miners and their laborers constitute about two-fifths of the mine workers, the remaining 60 per cent being men and boys employed chiefly in and about the breakers by the week, day, or hour, and commonly designated as "company men." In their case also the commission found that rates of wages were of little significance owing to irregular employment; thus, in 1901, the average number of days on which the breakers started was 258, but the average number of hours per start was only 7.6.

As the men are paid for a ten-hour day, they averaged only 196 full days in the year. The significance of the 10 per cent reduction in hours now appears, it being equivalent to an advance of 11⅛ per cent in wages. Thus the "company man" who received $1.50 per day really worked for 15 cents an hour on the old basis of the ten-hour day. On the new basis of the nine-hour day the wage of $1.50 a day means 16⅔ cents an hour, and yearly earnings will increase proportionately. The justice of this 11⅛ per cent increase will be appreciated when it is stated that the average earnings of adult men were under $400[a] in 1901, a year of exceptionally ample employment. Thus, in 1901 the average number of ten-hour days of employment was 196, as compared with 149 in 1897 and 148 in 1898.

The commission found it impracticable to establish a system whereby miners should be paid by the ton rather than by the car, but provided that the operators should permit miners to employ check weighmen to watch the weighing and docking of coal in their interest.

RECOGNITION OF THE UNION.

Notwithstanding the importance of the wage question, the really fundamental point at issue was the recognition of the right of collective bargaining—that is, the right of the workingmen to combine, and choose representatives to make an annual bargain or contract with the company officials (the representatives of the stockholders or employers) concerning the conditions of employment, as is the practice in the bituminous trade, on the great railway systems, and in large-scale manufacturing. While denying in terms the miners' demand for "the incorporation in an agreement between the United Mine Workers and the anthracite coal companies of the wages which shall be paid and the conditions of employment which shall obtain, together with satisfactory methods for the adjustment of grievances," the commission in effect sustained the miners by upholding the principle of collective bargaining and by establishing a joint board of arbitration, on which the representatives of the employees must inevitably be officers of the union.

The fundamental doctrine of trade unionism is supported by the commission in the following words:

> In the days when the employer had but few employees, personal acquaintance and direct contact of the employer and the employee resulted in mutual knowledge of the surrounding conditions and the desires of each. The development of the employers into large corporations has rendered such personal contact and acquaintance between the responsible employer and the individual employee no longer possible in the old sense. The tendency toward peace and good-fellowship which grows out of personal acquaintance or direct contact should not, however, be lost through this evolution to greater combinations. There seems to be no medium through which to preserve it so natural and efficient as that of an organization of employees governed by rules which represent the will of a properly constituted majority of its members and officered by members selected for that purpose, and in whom authority to administer the rules and affairs of the union and its members is vested.
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> The men employed in a certain line of work or branch of industry have similar feelings, aspirations, and convictions, the natural outgrowth of their common work and common trend or application of mind. The union, representing their community of interests, is the logical result of their community of thought. It encourages calm and intelligent consideration of matters of common interest. In the absence of a union the extremist gets a ready hearing for incendiary appeals to prejudice or passion when a grievance, real or fancied, of a general nature presents itself for consideration.
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> The claim of the worker that he has the same right to join with his fellows in forming an organization through which to be represented that the stockholder of the corporation has to join others in forming the corporation and to be represented by the directors and other officers seems to be thoroughly well founded not only in ethics, but under economic considerations. Some employers say to their employees: "We do not object to your joining the union, but we will not recognize your union nor deal with it as representing you." If the union is to be rendered impotent and its usefulness is to be nullified by refusing to permit it to perform the functions for which it is created and for which alone it exists, permission to join it may well be considered as a privilege of doubtful value.
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> Trades unionism is rapidly becoming a matter of business, and that employer who fails to give the same careful attention to the question of his relation to his labor or his employees which he gives to the other factors which enter into the conduct of his business makes a mistake which sooner or later he will be obliged to correct. In this as in other things it is much better to start right than to make mistakes in starting, which necessitate returning to correct them. *Experience shows that the more full the recognition given to a trades union the more businesslike and responsible it becomes. Through dealing with business men in business matters its more intelligent, conservative, and responsible members come to the front and gain general control and direction of its affairs. If the energy of the employer is directed to discouragement and repression of the union, he need not be surprised if the more radically inclined members are the ones most frequently heard.*
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> The commission agrees that a plan under which all questions of difference between the employer and his employees shall first be considered in conference between the employer or his official representative and a committee chosen by his employees from their own ranks is most likely to produce satisfactory results and harmonious relations, and at such conference the employees should have the right to call to their assistance such representatives or agents as they may choose, and to have them recognized as such.

But the commission also points out the obligations of union men, thus:

> In order to be entitled to such recognition the labor organization or union must give the same recognition to the rights of the employer and of others which it demands for itself and for its members. The worker has the right to quit or to strike in conjunction with his fellows, when by so doing he does not violate a contract made by or for him. He has neither right nor license to destroy or to damage the property of the employer; neither has he any right or license to intimidate or to use violence against the man who chooses to exercise his right to work, nor to interfere with those who do not feel that the union offers the best method for adjusting grievances.
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> The union must not undertake to assume or to interfere with the management of the business of the employer. It should strive to make membership in it so valuable as to attract all who are eligible; but in its efforts to build itself up it must not lose sight of the fact that those who may think differently have certain rights guaranteed them by our free government. However irritating it may be to see a man enjoy benefits to the securing of which he refuses to contribute, either morally or physically or financially, the fact that he has a right to dispose of his personal services as he chooses can not be ignored. The nonunion man assumes the whole responsibility which results from his being such, but his right and privilege of being a nonunion man are sanctioned in law and morals.

The commission declares that—

> The rights and privileges of nonunion men are as sacred to them as the rights and privileges of unionists. The contention that a majority of the employees in an industry, by voluntarily associating themselves in a union, acquire authority over those who do not so associate themselves is untenable. Those who voluntarily associate themselves believe that in their efforts to improve conditions they are working as much in the interest of the unorganized as in their own, and out of this grows the contention that when a nonunion man works during a strike he violates the rights and privileges of those associated in efforts to better the general condition and in aspirations to a higher standard of living.
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> The nonunion man, who does not believe that the union can accomplish these things, insists with equal sincerity that the union destroys his efforts to secure a better standard of living, and interferes with his aspirations for improvement. The fallacy of such argument lies in the use of the analogy of State government, under which the minority acquiesces in the rule of the majority, but government is the result of organic law, within the scope of which no other government can assume authority to control the minority. In all acts of government the minority takes part, and when it is defeated the government becomes the agency of all, not simply of the majority.
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> It should be remembered that the trade union is a voluntary social organization, and, like any other organization, is subordinate to the laws of the land and can not make rules or regulations in controvention thereof. Yet it at times seeks to set itself up as a separate and distinct governing agency and to control those who have refused to join its ranks and to consent to its government, and to deny to them the personal liberties which are guaranteed to every citizen by the Constitution and laws of the land. The analogy, therefore, is unsound and does not apply.
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> Abraham Lincoln said: "No man is good enough to govern another man without that other's consent." This is as true in trade unions as elsewhere, and not until those who fail to recognize this truth abandon the narrow attitude toward nonunion men and follow the suggestion made above—that is, to make their work and their membership so valuable and attractive that all who are eligible to membership will come under their rule—will they secure that firm and constant sympathy of the public which their general purposes seem to demand.

The commission stated its belief that with certain changes in its constitution the mine-workers' organization would merit recognition by the employers. At present the boys in the union constitute about 20 per cent of the membership, and the presence of

[a] The only average presented by the commission is one for 35,851 men and boys, namely, $377.76, but the detailed statistics seem to justify the foregoing estimate.

this immature element might readily lead to trouble by carrying a vote for a strike when the more conservative and experienced members might be opposed to it. The commission also believes that instead of a majority vote there should be required at least a two-thirds vote of all the delegates in a convention in order to begin a strike. Finally, the commission expresses a hope that—

When under the award the parties have faithfully obeyed its terms and thus learned to deal with each other, a trade agreement between operators and an anthracite mine workers' organization may commend itself to both sides. *We believe this, especially when it is considered that in other directions and in other industries such agreements have been made and adhered to for terms of years, completely avoiding strikes and labor controversies generally.* Of course here and there in the bituminous regions these agreements may not have worked with perfect satisfaction to both parties, and in some districts they have been abandoned after a brief trial. But, on the whole, the experience under them in this country and in England testifies to their great usefulness in preserving peace and harmony.

Meanwhile, during the life of the award, disputes arising between employers and employees are to be adjusted by a permanent joint committee or board of conciliation composed of three representatives of the operators and the same number of representatives of the miners. When this committee is unable to decide any question submitted, such question is to be referred to an umpire appointed by a judge of the United States circuit court. As the miners' representatives in each of the three districts are to be selected by the union whenever its membership comprises a majority of the mine workers in that district, the award is tantamount to the recognition of the union during the three years of its life.

THE RIGHT TO STRIKE AND THE RIGHT TO WORK.

Having thus vindicated the principles of unionism, the commission ruled that no operator should discriminate against union men in the matter of employment. It likewise ruled that union men should not discriminate against or interfere with nonunionists, pointing out that such discrimination on the part of either employer or employed constitutes a serious menace to the discipline of the miner, which, on account of the hazardous nature of the work, should be as nearly perfect as possible.

The right to strike the commission firmly upholds, but this does not include the right to persecute men who choose to work.

A strike set on foot with the view to the accomplishment of its purpose by intimidation or violence exercised against those who choose to remain at work violates the law from the beginning. Where, however, the strike itself is separable from the illegal violence and intimidation which in many cases accompany it, the legal liability for such violence and intimidation rests alone upon the individuals who commit the act, and those who aid, encourage, and abet them. Though no illegality of purpose is imputable to those inaugurating a strike, its existence, if it involve large numbers of men in a single community, tends of itself to produce disorder and lawlessness.

As has been said, the idle and vicious, who are in no way connected with the purpose or object of the strike, often unite with the less orderly of the strikers themselves in creating the deplorable scenes of violence and terror which have all too often characterized the otherwise laudable efforts of organized labor to improve its conditions. Surely this tendency to disorder and violation of law imposes upon the organization which begins and conducts a movement of such importance a grave responsibility. It has, by its voluntary act, created dangers, and should therefore be vigilant in averting them. It has, by the concerted action of many, aroused passions which, uncontrolled, threaten the public peace. It therefore owes society the duty of exerting its power to check and confine these passions within the bounds of reason and law. Such organizations should be the powerful coadjutors of government in maintaining the peace and upholding the law. Only so can they deserve and attain the respect due to good citizenship, and only so can they accomplish the beneficent ends which for the most part they are created to attain.

A labor or other organization whose purpose can only be accomplished by the violation of law and order of society has no right to exist.

The right to remain at work where others have ceased to work, or to engage anew in work which others have abandoned, is part of the personal liberty of a citizen that can never be surrendered, and every infringement thereof merits, and should receive, the stern denouncement of the law. All government implies restraint, and it is not less, but more, necessary in self-governed communities than in others to compel restraint of the passions of men which make for disorder and lawlessness. Our language is the language of a free people, and fails to furnish any form of speech by which the right of a citizen to work when he pleases, for whom he pleases, and on what terms he pleases can be successfully denied. The common sense of our people as well as the common law forbids that this right should be assailed with impunity. It is vain to say that the man who remains at work while others cease to work or takes the place of one who has abandoned his work helps to defeat the aspirations of men who seek to obtain better recompense for their labor and better conditions of life. Approval of the object of a strike or persuasion that its purpose is high and noble can not sanction an attempt to destroy the right of others to a different opinion in this respect, or to interfere with their conduct in choosing to work upon what terms and at what time and for whom it may please them so to do.

The commission censured both operators and miners for the disorder, violence, and lawlessness that accompanied the strike and culminated in three murders. It deprecated the employment by the mining companies of coal and iron policemen as militating against the very purpose for which they are employed—that of preserving peace and protecting property—while as a body they were men of good character, the commission found that there was a sufficient number of bad characters to discredit the efforts of the whole body. On the other hand, the strikers had permitted intimidation, riot, and bloodshed; men who chose to be employed or who remained at work were assailed and threatened, and they and their families terrorized and intimidated. While "the leaders of the union, and notably its president, condemned all violence and exhorted their followers to sobriety and moderation * * * the subordinate local organizations and their leaders were not so amenable to such counsels as to prevent the regrettable occurrences. It is in the power of a minority of the less responsible men and boys, together with the idle and vicious, unless properly restrained, to destroy the peace and order of any community, and absence of protection and of active resistance on the part of the better element means encouragement and license to this class."

BOYCOTTING AND BLACKLISTING.

The commission also condemned the practice of blacklisting and certain kinds of boycotting. It distinguished between a "primary" and a "secondary" boycott. The former "consists merely in the voluntary abstention of one or many persons from social or business relations with one whom they dislike. This might amount to a conspiracy at law if the ingredient of malicious purpose and concerted action to accomplish it were present," although the law on this point is uncertain. But when there is "a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of the victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law, and merits and should receive the punishment due to such a crime."

Examples of such secondary boycotts are not wanting in the record of the case before the commission. A young schoolmistress of intelligence, character, and attainments was so boycotted and her dismissal from employment compelled for no other reason than that a brother, not living in her immediate family, chose to work contrary to the wishes and will of the striking miners. In several instances tradesmen were threatened with a boycott; that is, that all connected with the strikers would withhold from them their custom, and persuade others to do so, if they continued to furnish the necessaries of life to the families of certain workmen who had come under the ban of the displeasure of the striking organizations.

This was carrying the boycott to an extent which was condemned by Mr. Mitchell, president of the United Mine Workers of America, in his testimony before the commission, and which certainly deserves the reprobation of all thoughtful and law-abiding citizens:

Closely allied to the boycott is the blacklist, by which employers of labor sometimes prevent the employment by others of men whom they have discharged. In other words, it is a combination among employers not to employ workmen discharged by any of the members of said combination. This system is as reprehensible and as cruel as the boycott, and should be frowned down by all humane men. Wherever it is practiced to the extent of being founded upon an agreement or concerted action, it, too, comes within the definition of the crime of conspiracy, and as such should be punished. There is also a civil remedy open to one who suffers from having been blacklisted, in an action against those who are a party to it, to recover damages compensatory of the injury received.

COMPULSORY INVESTIGATION.

The commission discussed various plans of adjusting great industrial disputes and pronounced against compulsory arbitration. It does not—

believe that in the United States such a system would meet with general approval or with success. Apart from the apparent lack of constitutional power to enact laws providing for compulsory arbitration, our industries are too vast and too complicated for the practical application of such a system.

We do believe, however, that the State and Federal Governments should provide the machinery for what may be called the compulsory investigation of controversies when they arise. The States can do this, whatever the nature of the controversy. The Federal Government can resort to some such measure when difficulties arise by reason of which the transportation of the United States mails, the operations, civil or military, of the Government of the United States, or the free and regular movement of commerce among the several States and with foreign nations are interrupted or directly affected or are threatened with being interrupted or affected.

The commission trusts that when the time during which its awards are to remain in force shall have elapsed, the relations of operator and employee will have so far improved as to make impossible such a condition as existed throughout the country in consequence of the strike in the anthracite region. Nevertheless the public has the right, when controversies like that of last year cause it serious loss and suffering, to know all the facts, and so be able to fix the responsibility. In order to do this power must be given the authorized representatives of the people to act for them by conducting a thorough investigation into all the matters involved in the controversy. This, of course, applies only to those cases where great public interests are at stake. It should not apply to petty difficulties or local strikes.

The chief benefit to be derived from the suggestion herein made lies in placing the real facts and the responsibility for such condition authoritatively before the people, that public opinion may crystallize and make its power felt. Could such a commission as that suggested have been brought to existence in June last, we believe that the coal famine might have been averted; certainly the suffering and deprivation might have been greatly mitigated.

THE PRESIDENT AND PROPERTY RIGHTS.

President Roosevelt's successful intervention in the coal strike met with the almost unanimous approval of the people, irrespective of their political affiliations. It was not until the commission's award had been made, and thought of the great disturbance nearly banished from the minds of the people, that criticism of his conduct, arising out of the resentment of the coal mine presidents and the desire to make political capital, began to appear, based on the allegation that his interference amounted to a modification of property rights. But the criticism was hushed almost as soon as it appeared by the declaration of Judge Gray, a member of the political party opposed to the President, that "the

President's action, so far from interfering with or infringing upon property rights, tended to conserve them." Judge Gray's statement, which appeared in a New York City newspaper September 1, 1903, was as follows:

I have no hesitation in saying that the President of the United States was confronted in October, 1902, by the existence of a crisis more grave and threatening than any that had occurred since the civil war. I mean that the cessation of mining in the anthracite coal country, brought about by the dispute between the miners and those who controlled the greatest natural monopoly in this country and perhaps in the world, had brought upon more than one-half of the American people a condition of deprivation of one of the necessaries of life, and the probable continuance of the dispute threatened not only the comfort and health, but the safety and good order of the nation. He was without legal or constitutional power to interfere, but his position as President of the United States gave him an influence, a leadership, as first citizen of the Republic, that enabled him to appeal to the patriotism and good sense of the parties to the controversy and to place upon them the moral coercion of public opinion to agree to an arbitrament of the strike then existing and threatening consequences so direful to the whole country. He acted promptly and courageously, and in so doing averted the dangers to which I have alluded.

So far from interfering or infringing upon property rights, the President's action tended to conserve them. The peculiar situation as regards the anthracite coal interest was that they controlled a natural monopoly of a product necessary to the comfort and to the very life of a large portion of the people. A prolonged deprivation of the enjoyment of this necessary of life would have tended to precipitate an attack upon these property rights of which you speak, for, after all, it is vain to deny that this property, so peculiar in its conditions, and which is properly spoken of as "a natural monopoly," is affected with a public interest.

I do not think that any President ever acted more wisely, courageously, or promptly in a national crisis. Mr. Roosevelt deserves unstinted praise for what he did.

EXTRACTS FROM THEODORE ROOSEVELT'S PUBLIC PAPERS AND ADDRESSES.

Under this caption are included extracts from the messages of Theodore Roosevelt while governor of New York and as President of the United States, besides excerpts from his most important addresses on the rostrum. These public papers and speeches cover a wide range of industrial subjects, and are replete with valuable suggestions as well as progressive ideas, extending through the gamut of economic thought. They stamp him as a man of broad views, one whose honesty, temerity, and activity in human affairs for the good of all make him worthy of the confidence and support of every right-thinking citizen.

IMPOSSIBLE TO OVERESTIMATE THE AMOUNT OF GOOD ACCOMPLISHED THROUGH ORGANIZED LABOR.

It must always be a peculiar privilege for any thoughtful public man to address a body of men predominantly composed of wage-workers, for the foundation of our whole social structure rests upon the material and moral well-being, the intelligence, the foresight, the sanity, the sense of duty, and the wholesome patriotism of the wage-worker. This is doubly the case now, for in addition to each man's individual action you have learned the great lesson of acting in combination. It would be impossible to overestimate the far-reaching influences of and, on the whole, the amount of good done through your associations. * * * In our cities, or where men congregate in masses, it is often necessary to work in combination—that is, through associations—and here it is that we can see the great good conferred by labor organizations, by trade unions. (Speech on September 3, 1900, at the Chicago Labor Day picnic.)

NECESSITY FOR LABOR UNIONS.

The most vital problem with which this country, and for that matter the whole civilized world, has to deal is the problem which has for one side the betterment of social conditions, moral and physical, in large cities, and for another side the effort to deal with that tangle of far-reaching questions which we group together when we speak of "labor." The chief factor in the success of each man—wage-worker, farmer, and capitalist alike—must ever be the sum total of his own individual qualities and abilities. Second only to this comes the power of acting in combination or association with others. Very great good has been and will be accomplished by associations or unions of wage-workers, when managed with forethought and when they combine insistence upon their own rights with law-abiding respect for the rights of others. The display of these qualities in such bodies is a duty to the nation no less than to the associations themselves. Finally, there must also be, in many cases, action by the Government in order to safeguard the rights and interests of all. Under our Constitution there is much more scope for such action by the State and the municipality than by the nation. But on points such as those touched on above the National Government can act. (Message to the Fifty-seventh Congress, in 1901.)

MUCH CAN BE DONE BY TRADE UNIONS AND SIMILAR ORGANIZATIONS.

Before us loom industrial problems, vast in their importance and their complexity. The last half century has been one of extraordinary social and industrial development. The changes have been far-reaching, some of them for good and some of them for evil. It is not given to the wisest of us to see into the future with absolute clearness. No man can be certain that he has found the entire solution of this infinitely great and intricate problem, and yet each man of us, if he would do his duty, must strive manfully, so far as in him lies, to help bring about that solution.

It is not as yet possible to say what shall be the exact limit of influence allowed the State or what limit shall be set to that right of individual initiative so dear to the hearts of the American people. All we can say is that the need has been shown on the one hand for action by the people in their collective capacity through the State in many matters; that in other matters much can be done by associations of different groups of individuals, as in trade unions and similar organizations, and that in other matters it remains now as true as ever that final success will be for the man who trusts in the struggle only to his cool head, his brave heart, and his strong right arm. These are spheres in which a comparatively free field must be given to individual initiative. (Chicago Labor Day speech, September 3, 1900.)

VITAL IMPORTANCE OF ASSOCIATION.

The more a healthy American sees of one's fellow-Americans the greater grows his conviction that our chief troubles come from mutual misunderstanding—from failure to appreciate one another's point of view. In other words, the great need is fellow-feeling—sympathy, brotherhood—and all this mutually comes by association. It is therefore of vital importance that there should be such association. (At Chicago Labor Day picnic, Sept. 3, 1900.)

MEN SHOULD STRIVE FOR THEIR BETTERMENT AND STAND FOR THEIR RIGHTS.

Many qualities are needed in order that we can contribute our mite toward the upward movement of the world—the quality of self-abnegation, and yet combined with it the quality which will refuse to submit to injustice. I want to preach the two qualities going hand in hand. I do not want a man to fail to try to strive for his own betterment; I do not want him to be quick to yield to injustice, but I want him to stand for his rights. (Address before the Railroad Branch of the Young Men's Christian Association at Topeka, Kans., May 1, 1903.)

ELEVATION OF LABOR.

Bills have come to me this winter that were not what I wanted them to be, but I felt that they were steps in the right direction and I approved them. I found out, and you must find out, that if you are going to accomplish things you must yield something of your own wishes to the wishes of others, else you will get nowhere. Take the labor law for instance. That had much that was crude in it and many things that were good. I believe we should, as fast as we can, elevate labor. Don't applaud what is a self-evident fact, gentlemen. Everybody believes that we should help our fellow-men, and I have tried to find out since I have been in public life how our fellow-countrymen could best be helped. I have found that there is a kind of help which is no help at all and some which offers a temporary benefit. But, because the labor law contained some bad features along with its good ones, should I have vetoed it? That bill in its basis is all right. (Address to the City Club, New York City, May 9, 1899.)

RAILROAD MEN MAKE GOOD SOLDIERS AND CITIZENS.

All kinds of honorable work entitle those following them to honor. For the last few weeks and for the next few every minute and every hour my safety depends upon how the railroad men do their work. Naturally, I take a peculiar interest in them. But we must take the same interest in all men who do their work well. If a man does his duty he is a good citizen and we should be proud of him. Just let me say one word especially to the railroad men. I recollect the last time I ever met General Sherman he told me that if he had to raise an army composed purely of one class he would take railroad men, because they developed four or five qualities that counted more than anything else—qualities of taking risks, of irregular hours (so that to be up at night does not strike them with horror), of accepting responsibility, and yet of obeying orders and obeying them at once, not wondering whether to turn the switch then or later, but turning it then, and in consequence the men have had that training which will make good soldiers, and when you make a really good soldier you will make a good citizen. We can not all be railroad men, but we can all be good citizens and show the same type of quality. (Address at Truckee, Cal., May 19, 1903.)

RAILROAD EMPLOYEES POSSESS CHARACTER AND QUALITIES OF COURAGE AND HARDIHOOD.

In our present advanced civilization we have to pay certain penalties for what we have obtained. Among the penalties is the fact that in very many occupations there is so little demand upon nerve, hardihood, and endurance that there is a tendency to unhealthy softening of fiber and relaxation of fiber, and such being the case I think it is a fortunate thing for our people as a whole that there should be certain occupations, prominent among them railroading, in which the man has to show the very qualities of courage, of hardihood, of willingness to face danger, the cultivation of the power of instantaneous decision under difficulties, and the other qualities which go to make up the virile side of a man's character. * * *

I greet this audience, this great body of delegates, with peculiar pleasure, because they are men who embody, and embody by the very fact of their presence here, the essential sets of qualities of which I have been speaking. They embody the capacity for self-help with the desire mutually to help one the other. You have got several qualities I like. You have got sound bodies. Your profession is not one that can be carried on, at least in some of its branches, very favorably without the sound body. You have got sound minds, and that is better than sound bodies, and, finally, the fact that you are here, the fact that you have done what you have done, shows that you have that which counts for more than body, for more than mind—character. Character—that is what tells in the long run, character—which is compounded of many different qualities; in the first place perseverance, resolution, refusal to be daunted. (Address before the railroad branch of the Young Men's Christian Association at Topeka, Kans., May 1, 1903.)

PROTECTION TO THE AMERICAN WORKINGMAN IN HIS STANDARD OF WAGES AND LIVING.

The one consideration which never must be omitted in a tariff change is the imperative need of preserving the American standard of living for the American workingman. The tariff rate must never fall below that which will protect the American workingman by allowing for the difference between the general labor cost here and abroad, so as to at least equalize the conditions arising from the difference in the standard of labor here and abroad, a difference which it should be our aim to foster, in so far as it represents the needs of better educated, better paid, better fed, and better clothed workingmen of a higher type than any to be found in a foreign country.

At all hazards, and no matter what else is sought for or accomplished by changes of the tariff, the American workingman must be protected in his standard of wages—that is, in his standard of living—and must be secured the fullest opportunity of employment. Our laws should in no event afford advantage to foreign industries over American industries. They should in no event do less than equalize the difference in conditions at home and abroad. The general tariff policy to which, without regard to changes in detail, I believe this country to be irrevocably committed is fundamentally based upon ample recognition of the difference in labor cost here and abroad; in other words, the recognition of the need for full development of the intelligence, the comfort, the high standard of civilized living, and the inventive genius of the American workingman as compared to the workingman of any other country in the world. (Address at Logansport, Ind., September 22, 1902.)

INCREASED PROSPERITY OF THE WORKINGMAN AND THE FARMER.

In speaking on Labor Day at the annual fair of the New York State Agricultural Association it is natural to keep especially in mind the two bodies who compose the major ty of our people and upon whose welfare depends the welfare of the entire State. If circumstances are such that thrift, energy, industry, and forethought enable the farmer—the tiller of the soil—on the one hand and the wage-worker on the other to keep themselves, their wives, and their children in reasonable comfort, then the State is well off, and we can be assured that the other classes in the community will likewise prosper. On the other hand, if there is in the long run a lack in prosperity among the two classes named, then all other prosperity is sure to be more seeming than real.

It has been our profound good fortune as a nation that hitherto, disregarding exceptional periods of depression and the normal and inevitable fluctuations, there has been on the whole from the beginning of our Government to the present day a progressive betterment alike in the condition of the tiller of the soil and in the condition of the man who by his manual skill and labor

supports himself and his family and endeavors to bring up his children so they may be at least as well off as and if possible better off than he himself has been. There are, of course, exceptions; but as a whole the standard of living among the farmers of our country has risen from generation to generation, and the wealth represented on the farms has steadily increased, while the wages of labor have likewise risen, both as regards the actual money paid and as regards the purchasing power which that money represents.

Side by side with this increase in the prosperity of the wage-worker and the tiller of the soil has gone on a great increase in the prosperity among the business men and among certain classes of professional men, and the prosperity of these men has been partly the cause and partly the consequence of the prosperity of farmer and wage-worker. It can not be too often repeated that in this country, in the long run, we all of us tend to go up or go down together. If the average of well-being is high, it means that the average wage-worker, the average farmer, and the average business man are all alike well off. If the average shrinks, there is not one of these classes which will not feel the shrinkage.

Of course there are always some men who are not affected by good times, just as there are some men who are not affected by bad times; but speaking broadly, it is true that if prosperity comes all of us tend to share more or less therein, and that if adversity comes each of us, to a greater or less extent, feels the tension. Unfortunately, in this world the innocent frequently find themselves obliged to pay some of the penalty for the misdeeds of the guilty, and so, if hard times come, whether they be due to our own fault or to our misfortune, whether they be due to some burst of speculative frenzy that has caused a portion of the business world to lose its head—a loss which no legislation can possibly supply—or whether they be due to any lack of wisdom in a portion of the world of labor, in each case the trouble, once started, is felt more or less in every walk of life. (Labor Day speech at Syracuse, N. Y., September 7, 1903.)

CARRY AMERICAN GOODS IN AMERICAN-BUILT SHIPS.

Shipping lines, if established to the principal countries with which we have dealings, would be of political as well as commercial benefit. From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American-built ships. (Message to Congress, December 3, 1901.)

AMERICAN WAGE-WORKERS TAKE KEEN PRIDE IN THEIR WORK AND WISH TO TURN OUT A PERFECT JOB.

American wage-workers work with their heads as well as their hands. Moreover, they take a keen pride in what they are doing, so that, independent of the reward, they wish to turn out a perfect job. This is the great secret of our success in competition with the labor of foreign countries. (Message to Congress, December 3, 1901.)

MAKING THE EIGHT-HOUR LAW OPERATIVE.

This bill carries out the recommendation made in my message to the legislature that the eight-hour law should be so amended as to make it effective. It will work on the whole an undoubted improvement. * * * The need of the passage of this law is evident. There is at present and has long been on the statute books an eight-hour law, but it is so easy of evasion that it has been largely inoperative. It is always detrimental to the best interests of the State to have a law on the statute books which pretends to do something and does not do it, and this of course is especially the case where it is highly important that the nominal end sought to be attained really should be attained. The general tendency toward an eight-hour working day has undoubtedly been healthful. * * * The permission to work overtime for additional compensation has resulted in such widespread evasion and nullification of the purposes of the law, especially among contractors, that it is wise to take it away in most cases. (Memorandum filed May 12, 1899, with approved assembly bill regulating labor hours on public work in New York State.)

WISE LABOR LEGISLATION IS OF MORE REAL BENEFIT TO THE COMMUNITY THAN ANY OTHER KIND OF LAW.

On no subject is it more important to have wise and sound legislation than where the interests of labor are concerned. When such legislation is good it probably accomplishes more real benefit to the community than can be accomplished by any other kind of law, but crude and hasty labor legislation either wholly fails to accomplish anything—being so drawn as to be ineffective—or else works harm instead of good to the very people supposed to be benefited. (Message to New York assembly, April 3, 1899.)

LEGISLATION TO SHIELD THE INTERESTS OF WAGE-WORKERS.

It is not only highly desirable, but necessary, that there should be legislation which shall carefully shield the interests of wage-workers and which shall discriminate in favor of the honest and humane employer by removing the disadvantage under which he stands when compared with unscrupulous competitors who have no conscience and will do right only under fear of punishment. (Address on "National Duties" at Minnesota State Fair, Minneapolis, September 2, 1901.)

AS MUCH THE STATE'S DUTY TO PROTECT THE WEAKER WAGE-WORKERS FROM OPPRESSION AS TO PROTECT HELPLESS INVESTORS FROM FRAUD.

During the past year very valuable labor measures have been enacted into laws, and they are well enforced. * * * Additional legislation will undoubtedly from time to time become necessary, but many vitally needed laws have already been put upon the statute books. As experience shows their defects these will be remedied. A stringent eight-hour labor law has been enacted. This is working well as a whole. In nothing do we need to exercise cooler judgment than in labor legislation. Such legislation is absolutely necessary, alike from the humanitarian and the industrial standpoints, and it is as much our duty to protect the weaker wage-workers from oppression as to protect helpless investors from fraud. (Annual message to the New York legislature January 3, 1900.)

LABOR LAWS HAVE WORKED WELL.

How far we shall go in regulating the hours of labor or the liabilities of employers is a matter of expediency, and each case must be determined on its own merits, exactly as it is a matter of expediency to determine what so-called "public utilities" the community shall itself own and what ones it shall leave to private or corporate ownership, securing to itself merely the right to regulate. Sometimes one course is expedient, sometimes the other. In my own State during the last half dozen years we have made a number of notable strides in labor legislation, and with a very few exceptions the laws have worked well. (Chicago Labor Day address, September 3, 1900.)

EFFECTIVE LEGISLATION AGAINST SWEAT SHOPS.

The Costello bill does not go as far as I should like to see it go, but it does not take an enormous stride in advance, representing the first really effective bit of legislation against the sweat shops which has been enacted in this State. It is in line with and to a large extent carries out one of the suggestions in my message to the legislature upon which I dwelt with particular emphasis. (Message to the New York assembly, April 3, 1899.)

The factory-inspection department of New York deals chiefly, of course, with conditions in great cities. One very important phase of its work during the last two years has been the enforcement of the antisweat-shop law, which is primarily designed to do away with the tenement-house factory. The conditions of life in some of the congested tenement-house districts, notably in New York City, had become such as to demand action by the State. As with other reforms, in order to make it stable and permanent it had to be gradual. It proceeded by evolution, not revolution. But progress has been steady, and wherever needed it has been radical. Much remains to be done, but the condition of the dwellers in the congested districts has been markedly improved, to the great benefit not only of themselves but of the whole community. (Address at Chicago Labor Day picnic, September 3, 1900.)

EMPLOYERS' LIABILITY.

The liability of employers to their employees is now recognized in the laws of most of the great industrial communities of the world. While employers ought not to be burdened to such an extent as to endanger ordinary business transactions, yet the State should, so far as possible, protect those employees engaged in dangerous occupations, and should see that every reasonable provision is taken to guard their rights. (Annual message to the New York legislature, January 3, 1900.)

CHEAPNESS SECURED UNDER THE PADRONE SYSTEM IS OBTAINED AT THE SACRIFICE OF GOOD CITIZENSHIP.

It is even more important to reach contractors who do the State work than to reach the public servants of the State proper. Cheapness secured by the employment of gangs of men under the padrone system is cheapness for which the State pays altogether too dearly, for it is obtained at the cost of the sacrifice of good citizenship. It is therefore just that the ordinary employee of the State and of contractors who do State work should work for but eight hours and should receive a rate of wages not less than that paid for other labor of the same kind where the structure is to be put up, this not interfering with the purchase of a finished product. (Memorandum filed May 12, 1899, with approved assembly bill regulating hours of labor on public work in New York State.)

THE STATE'S LABOR DEPARTMENTS SHOULD RECEIVE PROMPT AND CORDIAL COOPERATION IN EVERY ATTEMPT TO FULFILL THEIR RESPECTIVE DUTIES.

The bureau of labor statistics, the board of mediation and arbitration, and the factory inspectors' department must be brought to the highest standard of efficiency and usefulness. The work of these departments—to report the actual conditions of labor, to seek to establish harmonious relations between labor and capital, and to enforce such labor legislation as have met with the approval of the people of the State—is of supreme importance. The efficiency of their service concerns not only those immediately affected, but also the entire public, and they should receive our prompt and cordial cooperation in every attempt to fulfill their respective duties. (Annual message to the New York legislature, January 2, 1899.)

LABOR STATISTICS OF VITAL CONCERN TO ALL LEADING LABOR INTERESTS.

The bureau of labor statistics in collecting the material for its reports has received valuable aid from manufacturers and officers of labor organizations. The reports of the department must be practical, strictly accurate in all statements of fact, and based on investigations conducted in accordance with modern scientific methods. (Message to the New York Legislature, January 2, 1899.)

The experiment of publishing a quarterly bulletin by the bureau of labor statistics has worked excellently, and the bulletin should be continued and improved. (Message to the New York legislature, January 3, 1900.)

The bureau of labor statistics (of New York) has done more than merely gather the statistics, for by keeping in close touch with all the leading labor interests it has kept them informed on countless matters that were really of vital concern to them. Incidentally one pleasing feature of the work of this bureau has been the steady upward tendency shown during the last four years, both in amount of wages received and in the quantity and steadiness of employment. (Chicago Labor Day speech, September 3, 1900.)

STATE CONTROL OF EMPLOYMENT OFFICES.

Abuses have occurred in connection with the employment offices in the larger cities, which are now allowed to violate the law with impunity, the power of punishment lying with the local authorities. It would be well to require the keeper of any employment office to procure a license from the State, as in Minnesota and other States. This license should be granted on the payment of a substantial fee, and the business would thus be restricted to responsible parties and kept under the control of the State administration. (Annual message to the New York legislature, January 3, 1900.)

STATE OWNERSHIP OF PRINTING PLANT.

It may well be considered by you whether by the passage of an act establishing a State printing bureau, equipped with every modern device, the cost to the State of its printing might not be reduced. This item has become a large one in the State expenditure, and a trial of State ownership, if found to be economical, I would advise. (Message to the New York legislature, January 3, 1900.)

THE STATE SHOULD BE AN EXEMPLARY EMPLOYER.

It is wise for the State to set a good example as an employer of labor, both as to the number of hours of labor exacted and as to paying a just and reasonable wage. (Memorandum filed on May 12, 1899, with approved bill regulating working hours on public work in New York State.)

In New York * * * we determined that as an employer of labor the State should set a good example to other employers. We do not permit the people's money to be squandered or to tolerate any work that is not the best. But we think that while rigidly insisting upon good work we should see that there is fair play in return. Accordingly we have adopted an eight-hour law for the State employees and for all contractors who do State work, and we have also adopted a law requiring that the fair market rate of wages shall be given. I am glad to say that both measures have so far, on the whole, worked well. * * * The practical experiment of working men for eight hours has been advantageous to the State. Poor work is always dear, whether poorly paid or not, and good work is always well worth having, and as a mere question of expediency, aside, even, from the question of humanity, we find that we can obtain the best work by paying fair wages and permitting the work to go only for a reasonable time. (Address at the Chicago Labor Day picnic, September 3, 1900.)

FREE MECHANICS MUST NOT BE BROUGHT INTO COMPETITION WITH PRISON LABOR.

A recent decision of the court of appeals has decided unconstitutional the law which provides that there shall be a mark on prison-made goods indicating that they are such. This matter should receive the attention of the legislature in order that some means may be devised whereby the free mechanic shall not be brought into competition with prison labor. (Annual message to the New York legislature, January 2, 1899.)

IN LABOR DISPUTES MEDIATION IS PREFERABLE TO ARBITRATION.

In various trades the relations between labor and capital have frequently been adjusted to the advantage of both by conferences between intelligent

employers and reasonable workingmen. Such mutual understanding is in the highest degree desirable. It promotes industrial peace and general prosperity. Where disturbance exists, and before it has gone too far, the board of mediation and arbitration should seek to secure a fair settlement of the difficulties and a reestablishment of harmonious relations. It should also constantly endeavor to promote the extension of intelligent methods of settlement of labor disputes, so that, through the recognition by each party of the just rights of the other, strikes and lockouts may yield to wiser and more peaceful measures. (Message to the New York legislature, January 2, 1899.)

The work of mediation—that is, of settling the dispute before it has reached an acute stage—is even more important and successful than that of arbitration proper, after the strike is once on. This being so, it would be well to enact legislation which would compel parties to labor disputes to notify the board [of mediation and arbitration] of impending trouble or of strikes and lockouts. (Message to New York legislature, January 3, 1900.)

Where possible, it is always better to mediate before the strike begins than to try to arbitrate when the fight is on and both sides have grown stubborn and bitter. (Labor Day speech on September 3, 1900, at Chicago.)

ANTHRACITE COAL STRIKE COMMISSION ANXIOUS TO SEE RIGHT AND JUSTICE PREVAIL.

Our complex industrial civilization has not only been productive of much benefit, but has also brought us face to face with many puzzling problems—problems that are puzzling partly because there are men that are wicked, partly because there are good men who are foolish or shortsighted. There are many such to-day—the problems of labor and capital, the problems which we group together rather vaguely when we speak of the problems of the trusts, the problems affecting the farmers on the one hand, the railroads on the other. It would not be possible in any one place to deal with the particular shapes which these problems take at that time and in that place. And yet there are certain general rules which can be laid down for dealing with all of them, and those rules are the immutable rules of justice, of sanity, of courage, of common sense.

Six months ago it fell to my lot to appoint a commission to investigate into and conclude about matters connected with the great and menacing strike in the anthracite coal fields of Pennsylvania. On that Commission I appointed representatives of the church, of the bench, of the Army, representative of the capitalists of the region, and a representative of organized labor. They published a report, which was not only of the utmost moment because of dealing with the great and vital problem with which they were appointed to deal, but also in its conclusion initiating certain general rules in so clear and masterful a fashion that I wish most earnestly it could receive the broadest circulation as a tract wherever there exists or threatens to exist trouble in any way akin to that with which those commissioners dealt. All of them unanimously signed that report—all of them, as American citizens, anxious to see right and justice prevail. (Address at Omaha, Nebr., April 27, 1903.)

A GET-TOGETHER POLICY WILL TEND TO SOLVE INDUSTRIAL AND OTHER PROBLEMS.

Capital and wage-worker alike should honestly endeavor each to look at any matter from the other's standpoint, with a freedom on the one hand from the contemptible arrogance which looks upon the man of less means, and on the other from the no less contemptible envy, jealousy, and rancor which hates another because he is better off. Each quality is the complement of the other, the supplement of the other, and in point of baseness there is not the weight of a finger to choose between them. Look at the report signed by the Anthracite Coal Strike Commission, look at it in the spirit in which they wrote it, and if you can only make yourselves, make the community, approach the problems of the day in the spirit that those men, your fellows, showed in approaching the great problem of yesterday, any problem or problems will be solved. (Address at Omaha, Nebr., April 27, 1903.)

I have a great deal of faith in the average American citizen. I think he is a pretty good fellow, and I think he can generally get on with the other average American citizen if he will only know it. If he does not know it, but makes him a monster in his mind, then he will not get on with him. But if he will take the trouble to know him and realize that he is a being just like himself, with the same instincts, not all of them good, the same desire to overcome those that are not good, the same purposes, the same tendencies and shortcomings, the same desires for good, the same need of striving against evil; if he will realize all that, and if you can get the two together, with an honest desire each to try not only to help himself, but to help the other, most all our problems will be solved. (Speech at Topeka, Kans., May 1, 1903.)

TO HAVE THE SAME INTERESTS, NEEDS, AND ASPIRATIONS EVERY AMERICAN SHOULD UNDERSTAND AND WORK WITH HIS FELLOW-CITIZENS.

The first time I ever labored alongside of and got thrown into intimate companionship with men who were mighty men of their hand was in the cattle country of the Northwest. I soon grew to have an immense liking and respect for my associates, and as I knew them, and did not know similar workers in other parts of the country, it seemed to me then the ranch owner was a great deal better than any eastern business man, and that the cow puncher stood on a corresponding altitude compared to any of his brethren in the East.

Well, after a little while I got thrown into close relations with the farmers, and it did not take long before I had moved them up alongside of my beloved cowmen, and made up my mind that they really formed the backbone of the land. Then, because of certain circumstances, I was thrown into intimate contact with railroad men, and I gradually came to the conclusion that these railroad men were about the finest citizens there were anywhere around. Then, in the course of some official work, I was thrown into close contact with a number of the carpenters, blacksmiths, and men in the building trades—that is, skilled mechanics of a high order—and it was not long before I had them on the same pedestal with the others.

By that time it began to dawn on me that the difference was not in the men, but in my own point of view, and that if any man is thrown into close contact with any large body of our fellow-citizens it is apt to be the man's own fault if he does not grow to feel for them a very hearty regard and, moreover, grow to understand that on the great questions that lie at the root of human well-being he and they feel alike.

Our prime need as a nation is that every American should understand and work with his fellow-citizens, getting into touch with them, so that by actual contact he may learn that fundamentally he and they have the same interests, needs, and aspirations. (Labor Day address at Chicago, September 3, 1900.)

THE MASS OF AMERICANS DO NOT WANT CHARITY, BUT DESIRE TO HOLD THEIR OWN IN THE WORLD.

It ought not to be necessary for me to warn you against mere sentimentality, against the philanthropy and charity which are not merely insufficient, but harmful. It is eminently desirable that we should none of us be hard-hearted, but it is no less desirable that we should not be soft-headed. I really do not know which quality is most productive of evil to mankind in the long run, hardness of heart or softness of head. Naked charity is not what we permanently want. There are, of course, certain classes, such as young children, widows with large families, or crippled or very aged people, or even strong men temporarily crushed by stunning misfortune, on whose behalf we may have to make a frank and direct appeal to charity, and who can be the recipients of it without any loss of self-respect. But taking us as a whole, taking the mass of Americans, we do not want charity, we do not want sentimentality, we merely want to learn how to act both individually and together in such fashion as to enable us to hold our own in the world, to do good to others according to the measure of our opportunities, and to receive good from others in ways which will not entail on our part any loss of self-respect. (Address before the Young Men's Christian Association, Carnegie Hall, New York City, December 30, 1900.)

NO ROOM FOR THE WILLFULLY IDLE.

Throughout our history the success of the home-maker has been but another name for the upbuilding of the nation. The men who with ax in the forests and pick in the mountains and plow on the prairies pushed to completion the dominion of our people over the American wilderness have given the definite shape to our nation. They have shown the qualities of daring, endurance, and far-sightedness, of eager desire for victory and stubborn refusal to accept defeat, which go to make up the essential manliness of the American character. Above all, they have recognized in practical form the fundamental law of success in American life, the law of worthy work, the law of high, resolute endeavor. We have but little room among our people for the timid, the irresolute, and the idle; and it is no less true that there is scant room in the world at large for the nation with mighty thews that dares not to be great.

Sometimes we hear those who do not work spoken of with envy. Surely the willfully idle need arouse in the breast of a healthy man no emotion stronger than that of contempt, at the outside no emotion stronger than angry contempt. The feeling of envy would have in it an admission of inferiority on our part, to which the men who know not the sterner joys of life are not entitled. Poverty is a bitter thing, but it is not as bitter as the existence of restless vacuity and physical, moral, and intellectual flabbiness, to which those doom themselves who elect to spend all their years in that vainest of all vain pursuits—the pursuit of mere pleasure as a sufficient end in itself. The work may be done in a thousand different ways, with the brain or with the hands, in the study, the field, or the workshop. If it is honest work, honestly done and well worth doing, that is all we have a right to ask. (Address at Minneapolis, September 2, 1901.)

A POUND OF CONSTRUCTION IS WORTH A TON OF DESTRUCTION.

It ought to be no less unnecessary to say that any man who tries to solve the great problems that confront us by an appeal to anger and passion, to ignorance and folly, to malice and envy, is not, and never can be, aught but an enemy of the very people he professes to befriend. In the words of Lowell, it is far safer to adopt "all men up" than "some men down" for a motto. Speaking broadly, we can not, in the long run, benefit one man by the downfall of another. Our energies can, as a rule, be employed to more better advantage in uplifting some than in pulling down others. Of course there must sometimes be pulling down, too. We have no business to blink at evils, and where it is necessary that the knife should be used, let it be used unsparingly, but let it be used intelligently. When there is need of a drastic remedy, apply it, but do not apply it in the mere spirit of hate. Normally, a pound of construction is worth a ton of destruction. (Address to the Young Men's Christian Association, in New York City, December 30, 1900.)

SPURN THE LEADERSHIP OF THOSE WHO SEEK TO EXCITE CLASS ANTAGONISM.

People show themselves just as unfit for liberty whether they submit to anarchy or to tyranny, and class government, whether it be the government of a plutocracy or the government of a mob, is equally incompatible with the principles established in the days of Washington and perpetuated in the days of Lincoln. * * *

The reason why our future is assured lies in the fact that our people are genuinely skilled in and fitted for self-government, and therefore will spurn the leadership of those who seek to excite this ferocious and foolish class antagonism. The average American knows not only that he himself intends to do about what is right, but that his average fellow-countryman has the same intention and the same power to make his intention effective. He knows, whether he be business man, professional man, farmer, mechanic, employer, or wage-worker, that the welfare of each of these men is bound up with the welfare of all the others, that each neighbor to the other is actuated by the same hopes and fears, has fundamentally the same ideals, and that all alike have much the same virtues and the same faults.

Our average fellow-citizen is a sane and healthy man who believes in decency and has a wholesome mind. He therefore feels an equal scorn alike for the man of wealth guilty of the mean and base spirit of arrogance toward those who are less well off, and for the man of small means who in his turn either feels or seeks to excite in others the feeling of mean and base envy for those who are better off. The two feelings, envy and arrogance, are but opposite sides of the same shield, but different developments of the same spirit. Fundamentally, the unscrupulous rich man who seeks to exploit and oppress those who are less well off is in spirit not opposed to, but identical with, the unscrupulous poor man who desires to plunder and oppress those who are better off. The courtier and the demagogue are but developments of the same type under different conditions, each manifesting the same servile spirit, the same desire to rise by pandering to base passions, though one panders to power in the shape of a single man and the other to power in the shape of a multitude. So likewise the man who wishes to rise by wronging others must by right be contrasted, not with the man who likewise wishes to do wrong, though to a different set of people, but with the man who wishes to do justice to all people and to wrong none.

The line of cleavage between good and bad citizenship lies not between the man of wealth who acts squarely by his fellows and the man who seeks each day's wage by that day's work, wronging no one and doing his duty to his neighbor; nor yet does this line of cleavage divide the unscrupulous wealthy man who exploits others in his own interests from the demagogue or from the sullen and envious being who wishes to attack all men of property, whether they do well or ill. On the contrary, the line of cleavage between good citizenship and bad citizenship separates the rich man who does well from the rich man who does ill, the poor man of good conduct from the poor man of bad conduct. This line of cleavage lies at right angles to any such arbitrary line of division as that separating one class from another, one locality from another, or men with a certain degree of property from those of a less degree of property.

The good citizen is the man who, whatever his wealth or his poverty, strives manfully to do his duty to himself, to his family, to his neighbor, to the State; who is incapable of the baseness which manifests itself either in arrogance or in envy, but who while demanding justice for himself is no less scrupulous to do justice to others. It is because the average American citizen, rich or poor, is of just this type that we have cause for our profound faith in the future of the Republic.

Ours is a government of liberty, by, through, and under the law. Lawlessness and connivance at lawbreaking, whether the lawbreaking take the form of a crime of greed and cunning or of a crime of violence, are destructive not only of order, but of the true liberties which can only come through order. If alive to their true interests, rich and poor alike will set their faces like flint against the spirit which seeks personal advantage by

overriding the laws, without regard to whether this spirit shows itself in the form of bodily violence by one set of men or in the form of vulpine cunning by another set of men. (Speech at New York State Fair, at Syracuse, on Labor Day, September 7, 1903.)

ONE LAW ONLY, ALIKE FOR THE RICH AND THE POOR.

Let the watchwords of all our people be the old familiar watchwords of honesty, decency, fair dealing, and common sense. The qualities denoted by these words are essential to all of us, as we deal with the complex industrial problems of to-day, the problems affecting not merely the accumulation but even more, the wise distribution of wealth. We ask no man's permission when we require him to obey the law, neither the permission of the poor man nor yet of the rich man. Least of all can the man of great wealth afford to break the law, even for his own financial advantage, for the law is his prop and support, and it is both foolish and profoundly unpatriotic for him to fail in giving hearty support to those who show that there is in very fact one law and one law only, alike for the rich and the poor, for the great and the small.

Men sincerely interested in the due protection of property and men sincerely interested in seeing that the just rights of labor are guaranteed, should alike remember not only that in the long run neither the capitalist nor the wage-worker can be helped in healthy fashion save by helping the other, but also that to require either side to obey the law and do its full duty toward the community is emphatically to that side's real interest.

There is no worse enemy of the wage-worker than the man who condones mob violence in any shape, or who preaches class hatred, and surely the slightest acquaintance with our industrial history should teach even the most shortsighted that the times of most suffering for our people as a whole, the times when business is stagnant and capital suffers from shrinkage and gets no return from its investments are exactly the times of hardship and want and grim disaster among the poor. If all the existing instrumentalities of wealth could be abolished, the first and severest suffering would come among those of us who are least well off at present. The wage-worker is well off only when the rest of the country is well off, and he can best contribute to his general well-being by showing sanity and a firm purpose to do justice to others.

In his turn the capitalist, who is really a conservative, the man who has forethought as well as patriotism, should heartily welcome every effort, legislative or otherwise, which has for its object to secure fair dealing by capital, corporate or individual, toward the public and toward the employee. Such laws as the franchise-tax law in this State, which the court of appeals recently unanimously decided constitutional—such a law as that passed by Congress last year for the purpose of establishing a Department of Commerce and Labor, under which there should be a bureau to oversee and secure publicity from the great corporations which do an interstate business—such a law as that passed at the same time for the regulation of the great highways of commerce, so as to keep these roads clear on fair terms to all producers in getting their goods to market—these laws are in the interest not merely of the people as a whole, but of the propertied classes. For in no way is the stability of property better assured than by making it patent to our people that property bears its proper share of the burdens of the State, that property is handled not only in the interest of the owner, but in the interest of the whole community.

In other words, legislation to be permanently good for any class must also be good for the nation as a whole, and legislation which does injustice to any class is certain to work harm to the nation. (Labor Day address at New York State Fair, in Syracuse, September 7, 1903.)

CORPORATIONS ARE BENEFITED WHEN REQUIRED TO OBEY THE LAW.

Every man who has made wealth or used it in developing great legitimate business enterprises has been of benefit and not harm to the country at large. This city has grown by leaps and bounds only when the railroads came to it, when the railroads came to the State, and if the State were now cut off from its connection by rail and by steamship with the rest of the world its position would, of course, diminish incalculably. Great good has come from the development of our railroad system, great good has been done by the individuals and corporations that have made that development possible, and in return good has been done to them, and not harm, when they are required to obey the law. (Address at Spokane, Wash., May 27, 1903.)

OPENS ARMORIES FOR THE RECEPTION OF HOMELESS PEOPLE IN NEW YORK CITY DURING THE BLIZZARD OF 1899.

Before I make my formal speech I ask your permission to say one thing. Since coming to New York this afternoon there has been very vividly brought home to me, what perhaps all of you have realized the last two or three days, the terrible distress this unprecedented weather is causing, and, although I can not say I had exactly warrant in law for what I have done, yet I trust that the senator will see that the legislature supports me. I have directed the commander of the State guard, Major-General Roe, to throw open five of the armories, those of the Eighth, Ninth, Twelfth, Sixty-ninth, and Seventy-first Regiments, which were in the parts of the city where we thought the greatest distress could with most celerity be relieved, to throw open those five armories for the reception of destitute and houseless people. And the general has notified the police headquarters to instruct all the precinct commanders that the armories were open, so that in case there is not elsewhere accommodation for those without homes in this bitter weather they can find shelter there. (Response to the toast "The State of New York," at the Lincoln Club dinner, in New York City, February 13, 1899.)

[Address of President Roosevelt at the State fair, Syracuse, N. Y., September 7, 1903 (Labor Day).]

In speaking on Labor Day at the annual fair of the New York State Agricultural Association, it is natural to keep especially in mind the two bodies who compose the majority of our people and upon whose welfare depends the welfare of the entire State. If circumstances are such that thrift, energy, industry, and forethought enable the farmer, the tiller of the soil, on the one hand, and the wage-worker, on the other, to keep themselves, their wives, and their children in reasonable comfort, then the State is well off, and we can be assured that the other classes in the community will likewise prosper. On the other hand, if there is in the long run a lack of prosperity among the two classes named, then all other prosperity is sure to be more seeming than real.

INCREASE OF WEALTH AND COMFORT IN THE UNITED STATES.

It has been our profound good fortune as a nation that hitherto, disregarding exceptional periods of depression and the normal and inevitable fluctuations, there has been on the whole from the beginning of our Government to the present day a progressive betterment, alike in the condition of the tiller of the soil and in the condition of the man who, by his manual skill and labor, supports himself and his family, and endeavors to bring up his children so that they may be at least as well off as, and if possible better off than, he himself has been. There are, of course, exceptions, but as a whole the standard of living among the farmers of our country has risen from generation to generation, and the wealth represented on the farms has steadily increased, while the wages of labor have likewise risen, both as regards the actual money paid and as regards the purchasing power which that money represents.

Side by side with this increase in the prosperity of the wage-worker and the tiller of the soil has gone on a great increase in the prosperity among the business men and among certain classes of professional men, and the prosperity of these men has been partly the cause and partly the consequence of the prosperity of farmer and wage-worker. It can not be too often repeated that in this country in the long run we all of us tend to go up or go down together.

If the average of well-being is high, it means that the average wage-worker, the average farmer, and the average business man are all alike well off. If the average shrinks, there is not one of these classes which will not feel the shrinkage. Of course there are always some men who are not affected by good times, just as there are some men who are not affected by bad times.

But speaking broadly, it is true that if prosperity comes all of us tend to share more or less therein, and that if adversity comes, each of us, to a greater or less extent, feels the tension. Unfortunately, in this world the innocent frequently find themselves obliged to pay some of the penalty for the misdeeds of the guilty, and so if hard times come, whether they be due to our own fault or to our misfortune, whether they be due to some burst of speculative frenzy that has caused a portion of the business world to lose its head—a loss which no legislation can possibly supply—or whether they be due to any lack of wisdom in a portion of the world of labor, in each case the trouble once started is felt more or less in every walk of life.

THE GOOD OF ONE IS THE GOOD OF ALL.

It is all-essential to the continuance of our healthy national life that we should recognize this community of interest among our people. The welfare of each of us is dependent fundamentally upon the welfare of all of us, and therefore in public life that man is the best representative of each of us who seeks to do good to each by doing good to all; in other words, whose endeavor it is, not to represent any special class and promote merely that class's selfish interests, but to represent all true and honest men of all sections and all classes and to work for their interests by working for our common country.

We can keep our Government on a sane and healthy basis, we can make and keep our social system what it should be, only on condition of judging each man, not as a member of a class, but on his worth as a man. It is an infamous thing in our American life, and fundamentally treacherous to our institutions, to apply to any man any test save that of his personal worth, or to draw between two sets of men any distinction save the distinction of conduct, the distinction that marks off those who do well and wisely from those who do ill and foolishly. There are good citizens and bad citizens in every class as in every locality, and the attitude of decent people toward great public and social questions should be determined, not by the accidental questions of employment or locality, but by those deep-set principles which represent the innermost souls of men.

The failure in public and in private life thus to treat each man on his own merits, the recognition of this Government as being either for the poor as such or for the rich as such, would prove fatal to our Republic, as such failure and such recognition have always proved fatal in the past to other republics. A healthy republican government must rest upon individuals, not upon classes or sections. As soon as it becomes government by a class or by a section it departs from the old American ideal.

DANGER OF CLASS GOVERNMENT.

It is, of course, the merest truism to say that free institutions are of avail only to people who possess the high and peculiar characteristics needed to take advantage of such institutions. The century that has just closed has witnessed many and lamentable instances in which people have seized a government free in form, or have had it bestowed upon them, and yet have permitted it under the forms of liberty to become some species of despotism or anarchy, because they did not have in them the power to make this seeming liberty one of deed instead of one merely of word.

Under such circumstances the seeming liberty may be supplanted by a tyranny or despotism in the first place, or it may reach the road of despotism by the path of license and anarchy. It matters but little which road is taken. In either case the same goal is reached. People show themselves just as unfit for liberty whether they submit to anarchy or to tyranny; and class government, whether it be the government of a plutocracy or the government of a mob, is equally incompatible with the principles established in the days of Washington and perpetuated in the days of Lincoln.

Many qualities are needed by a people which would preserve the power of self-government in fact as well as in name. Among these qualities are forethought, shrewdness, self-restraint, the courage which refuses to abandon one's own rights, and the disinterested and kindly good sense which enables one to do justice to the rights of others. Lack of strength and lack of courage unfit men for self-government on the one hand, and on the other brutal arrogance, envy, in short, any manifestation of the spirit of selfish disregard, whether of one's own duties or of the rights of others, are equally fatal.

In the history of mankind many republics have risen, have flourished for a less or greater time, and then have fallen because their citizens lost the power of governing themselves and thereby of governing their state; and in no way has this loss of power been so often and so clearly shown as in the tendency to turn the government into a government primarily for the benefit of one class instead of a government for the benefit of the people as a whole.

Again and again in the republics of ancient Greece, in those of mediæval Italy and mediæval Flanders, this tendency was shown, and wherever the tendency became a habit it invariably and inevitably proved fatal to the state. In the final result it mattered not one whit whether the movement was in favor of one class or of another. The outcome was equally fatal, whether the country fell into the hands of a wealthy oligarchy which exploited the poor or whether it fell under the domination of a turbulent mob which plundered the rich.

In both cases there resulted violent alternations between tyranny and disorder, and a final complete loss of liberty to all citizens—destruction in the end overtaking the class which had for the moment been victorious, as well as that which had momentarily been defeated. The death knell of the Republic had rung as soon as the active power became lodged in the hands of those who sought, not to do justice to all citizens, rich and poor alike, but to stand for one special class and for its interests as opposed to the interests of others.

AMERICAN IDEALS OF JUSTICE.

The reason why our future is assured lies in the fact that our people are genuinely skilled in and fitted for self-government, and therefore will spurn the leadership of those who seek to excite this ferocious and foolish class antagonism. The average American knows not only that he himself intends to do about what is right, but that his average fellow-countryman has the same intention and the same power to make his intention effective. He knows, whether he be business man, professional man, farmer, mechanic, employer, or wage-worker, that the welfare of each of these men is bound up with the welfare of all the others; that each is neighbor to the other, is actuated by the same hopes and fears, has fundamentally the same ideals, and that all alike have much the same virtues and the same faults.

Our average fellow-citizen is a sane and healthy man, who believes in decency and has a wholesome mind. He therefore feels an equal scorn alike for the man of wealth guilty of the mean and base spirit of arrogance toward those who are less well off and for the man of small means who in his turn

either feels or seeks to excite in others the feeling of mean and base envy for those who are better off. The two feelings—envy and arrogance—are but opposite sides of the same shield, but different developments of the same spirit. Fundamentally, the unscrupulous rich man who seeks to exploit and oppress those who are less well off is in spirit not opposed to but identical with the unscrupulous poor man who desires to plunder and oppress those who are better off.

The courtier and the demagogue are but developments of the same type under different conditions, each manifesting the same servile spirit, the same desire to rise by pandering to base passions, though one panders to power in the shape of a single man and the other to power in the shape of a multitude. So likewise the man who wishes to rise by wronging others must by right be contrasted, not with the man who likewise wishes to do wrong, though to a different set of people, but with the man who wishes to do justice to all people and to wrong none.

GOOD AND BAD CITIZENS.

The line of cleavage between good and bad citizenship lies, not between the man of wealth who acts squarely by his fellows and the man who seeks each day's wage by that day's work, wronging no one and doing his duty by his neighbor; nor yet does this line of cleavage divide the unscrupulous wealthy man, who exploits others in his own interest, from the demagogue, or from the sullen and envious being who wishes to attack all men of property, whether they do well or ill. On the contrary, the line of cleavage between good citizenship and bad citizenship separates the rich man who does well from the rich man who does ill, the poor man of good conduct from the poor man of bad conduct. This line of cleavage lies at right angles to any such arbitrary line of division as that separating one class from another, one locality from another, or men with a certain degree of property from those of a less degree of property.

The good citizen is the man who, whatever his wealth or his poverty, strives manfully to do his duty to himself, to his family, to his neighbor, to the State; who is incapable of the baseness which manifests itself either in arrogance or in envy, but who while demanding justice for himself is no less scrupulous to do justice to others. It is because the average American citizen, rich or poor, is of just this type that we have cause for our profound faith in the future of the Republic.

Ours is a government of liberty by, through, and under the law. Lawlessness and connivance at lawbreaking—whether the lawbreaking take the form of a crime of greed and cunning or of a crime of violence—are destructive not only of order, but of the true liberties which can only come through order. If alive to their true interests, rich and poor alike will set their faces like flint against the spirit which seeks personal advantage by overriding the laws, without regard to whether this spirit shows itself in the form of bodily violence by one set of men or in the form of vulpine cunning by another set of men.

Let the watchwords of all our people be the old familiar watchwords of honesty, decency, fair dealing, and common sense. The qualities denoted by these words are essential to all of us as we deal with the complex industrial problems of to-day, the problems affecting not merely the accumulation but even more the wise distribution of wealth. We ask no man's permission when we require him to obey the law, neither the permission of the poor man nor yet of the rich man. Least of all can the man of great wealth afford to break the law, even for his own financial advantage, for the law is his prop and support, and it is both foolish and profoundly unpatriotic for him to fail in giving hearty support to those who show that there is in very fact one law, and one law only alike for the rich and the poor, for the great and the small.

MUTUAL INTERESTS OF CAPITAL AND LABOR.

Men sincerely interested in the due protection of property, and men sincerely interested in seeing that the just rights of labor are guaranteed, should alike remember not only that in the long run neither the capitalist nor the wage-worker can be helped in healthy fashion save by helping the other; but also that to require either side to obey the law and do its full duty toward the community is emphatically to that side's real interest.

There is no worse enemy of the wage-worker than the man who condones mob violence in any shape or who preaches class hatred; and surely the slightest acquaintance with our industrial history should teach even the most short-sighted that the times of most suffering for our people as a whole, the times when business is stagnant, and capital suffers from shrinkage and gets no return from its investments, are exactly the times of hardship, and want, and grim disaster among the poor. If all the existing instrumentalities of wealth could be abolished, the first and severest suffering would come among those of us who are least well off at present. The wage-worker is well off only when the rest of the country is well off; and he can best contribute to this general well-being by showing sanity and a firm purpose to do justice to others.

In his turn the capitalist who is really a conservative, the man who has forethought as well as patriotism, should heartily welcome every effort, legislative or otherwise, which has for its object to secure fair dealing by capital, corporate or individual, toward the public and toward the employee. Such laws as the franchise-tax law in this State, which the court of appeals recently unanimously decided constitutional—such a law as that passed in Congress last year for the purpose of establishing a Department of Commerce and Labor, under which there should be a bureau to oversee and secure publicity from the great corporations which do an interstate business—such a law as that passed at the same time for the regulation of the great highways of commerce so as to keep these roads clear on fair terms to all producers in getting their goods to market—these laws are in the interest not merely of the people as a whole, but of the propertied classes. For in no way is the stability of property better assured than by making it patent to our people that property bears its proper share of the burdens of the state; that property is handled not only in the interest of the owner, but in the interest of the whole community.

WELFARE OF ALL THE CRITERION OF CLASS LEGISLATION.

In other words, legislation to be permanently good for any class must also be good for the nation as a whole, and legislation which does injustice to any class is certain to work harm to the nation. Take our currency system for example. This nation is on a gold basis. The Treasury of the public is in excellent condition. Never before has the per capita of circulation been as large as it is this day; and this circulation, moreover, is of money every dollar of which is at par with gold. Now, our having this sound currency system is of benefit to banks, of course, but it is of infinitely more benefit to the people as a whole, because of the healthy effect on business conditions.

In the same way, whatever is advisable in the way of remedial or corrective currency legislation—and nothing revolutionary is advisable under present conditions—must be undertaken only from the standpoint of the business community as a whole; that is, of the American body politic as a whole. Whatever is done, we can not afford to take any step backward or to cast any doubt upon the certain redemption in standard coin of every circulating note.

Among ourselves we differ in many qualities, of body, head, and heart; we are unequally developed, mentally as well as physically. But each of us has the right to ask that he shall be protected from wrongdoing as he does his work and carries his burden through life. No man needs sympathy because he has to work, because he has a burden to carry. Far and away the best prize that life offers is the chance to work hard at work worth doing, and this is a prize open to every man, for there can be no work better worth doing than that done to keep in health and comfort and with reasonable advantages those immediately dependent upon the husband, the father, or the son.

NO ROOM FOR THE IDLER.

There is no room in our healthy American life for the mere idler, for the man or the woman whose object it is throughout life to shirk the duties which life ought to bring. Life can mean nothing worth meaning unless its prime aim is the doing of duty, the achievement of results worth achieving. A recent writer has finely said: "After all, the saddest thing that can happen to a man is to carry no burdens. To be bent under too great a load is bad; to be crushed by it is lamentable; but even in that there are possibilities that are glorious. But to carry no load at all—there is nothing in that. No one seems to arrive at any goal really worth reaching in this world who does not come to it heavy laden."

Surely from our own experience each one of us knows that this is true. From the greatest to the smallest, happiness and usefulness are largely found in the same soul, and the joy of life is won in its deepest and truest sense only by those who have not shirked life's burdens. The men whom we most delight to honor in all this land are those who, in the iron years from 1861 to 1865, bore on their shoulders the burden of saving the Union. They did not choose the easy task. They did not shirk the difficult duty. Deliberately and of their own free will they strove for an ideal, upward and onward across the stony slopes of greatness. They did the hardest work that was then to be done; they bore the heaviest burden that any generation of Americans ever had to bear; and because they did this they have won such proud joy as it has fallen to the lot of no other men to win, and have written there names forevermore on the golden honor roll of the nation.

As it is with the soldier, so it is with the civilian. To win success in the business world, to become a first-class mechanic, a successful farmer, an able lawyer or doctor, means that the man has devoted his best energy and power through long years to the achievement of his ends. So it is in the life of the family, upon which in the last analysis the whole welfare of the nation rests. The man or woman who as bread winner and home maker, or as wife and mother, has done all that he or she can do, patiently and uncomplainingly, is to be honored and is to be envied by all those who have never had the good fortune to feel the need and duty of doing such work.

The woman who has borne, and who has reared as they should be reared, a family of children has in the most emphatic manner deserved well of the Republic. Her burden has been heavy, and she has been able to bear it worthily only by the possession of resolution, of good sense, of conscience, and of usefulness. But if she has borne it well, then to her shall come the supreme blessing, for in the words of the oldest and greatest of books, "Her children shall rise up and call her blessed;" and among the benefactors of the land her place must be with those who have done the best and the hardest work, whether as lawgivers or as soldiers, whether in public or in private life.

THE SECRET OF AMERICAN SUCCESS.

This is not a soft and easy creed to preach. It is a creed willingly learned only by men and women who, together with the softer virtues, possess also the stronger; who can do, and dare, and die at need, but who, while life lasts, will never flinch from their allotted task. You farmers and wage-workers and business men of this great State, of this mighty and wonderful nation, are gathered together to-day, proud of your State and still prouder of your nation, because your forefathers and predecessors have lived up to just this creed.

You have received from their hands a great inheritance, and you will leave an even greater inheritance to your children and your children's children, provided only that you practice alike in your private and your public lives the strong virtues that have given us as a people greatness in the past. It is not enough to be well-meaning and kindly, but weak; neither is it enough to be strong, unless morality and decency go hand in hand with strength.

We must possess the qualities which make us do our duty in our homes and among our neighbors, and in addition we must possess the qualities which are indispensable to the make-up of every great and masterful nation—the qualities of courage and hardihood, of individual initiative and yet of power to combine for a common end, and above all, the resolute determination to permit no man and no set of men to sunder us one from the other by lines of caste or creed or section. We must act upon the motto of all for each and each for all. There must be ever present in our minds the fundamental truth that in a republic such as ours the only safety is to stand neither for nor against any man because he is rich or because he is poor, because he is engaged in one occupation or another, because he works with his brains or because he works with his hands.

We must treat each man on his worth and merits as a man. We must see that each is given a square deal, because he is entitled to no more and should receive no less. Finally we must keep ever in mind that a republic such as ours can exist only in virtue of the orderly liberty which comes through the equal domination of law over all men alike, and through its administration in such resolute and fearless fashion as shall teach all that no man is above it and no man below it.

Mr. Chairman, the subject of the record of the forthcoming candidates, whoever they may be, on the two great tickets of the country for President touching the labor question will be very important and will attract great attention during the campaign. I therefore have no hesitation in placing in the RECORD as a part of my speech and with my entire approval the record of our candidate for the Presidency upon this most important topic. There is no question in my mind but that above all others Theodore Roosevelt will loom up as the special friend of labor and the laboring man. He may not have fulminated from the bench the platitudes that have been placed in the RECORD coming from one of the candidates, but he has done things, and the man who does something these times is the most important of them all. I point with great pleasure to the record of Theodore Roosevelt in this behalf. I challenge criticism. I challenge disapproval. I call for approval by the American people. I also point to the record of the Republican party upon other questions.

Slavery.—The great revolution which exalted labor and freed the country from the curse of slavery was accomplished by the Republican party, against the fiercest opposition possible by the combined forces of the Democrats and their allies. Still true to its original ideals of freedom, the Republican party, after a lapse of forty years since the emancipation proclamation of Lincoln, abolished slavery in the Philippine Islands. (Act passed by a Republican Senate and Republican House and signed by President Roosevelt July 1, 1902.)

Involuntary servitude of foreigners.—In 1874 the Forty-third Congress, which was Republican in both Houses, prohibited under heavy penalties the holding to involuntary services of any person forcibly kidnaped in any other country.

Peonage.—The act abolishing this kind of forced labor was passed by the Thirty-ninth Congress, when both Houses were Republican by a large majority, March 2, 1867.

The cooly trade.—The legislation prohibiting the cooly trade is the work of the Republicans. The original law was passed by the Thirty-seventh Congress and approved February 19, 1862, amended February 9, 1869, by the Fortieth Congress, and further amended March 3, 1875, to provide for its enforcement, as recommended by President Grant in his message of December 7, 1874. When Hawaii became a Territory of the United States a Republican Congress abolished the existing system of cooly contract labor. (Act passed by the Fifty-sixth Congress and signed by President McKinley April 30, 1900.)

IMMIGRATION.

The Republican party has favored the American standard of living, not only by abolishing compulsory labor, but also by excluding the products of the cheapest foreign labor through protective tariffs and by restricting the immigration of unassimilable elements from other races. The act of 1875 closed our doors to the paupers and criminals of Europe, and the exclusion act of 1882 stopped the immigration of the Chinese. Upon the annexation of Hawaii in 1898 the immigration of Chinese thereto was prohibited by a Republican Congress, as was the migration of those already in Hawaii from the islands to continental United States. In President Roosevelt's Administration the Chinese-exclusion laws have been extended to the entire island territory of the United States. (Act passed by the Fifty-seventh Congress and approved April 29, 1902.)

The importation of foreign laborers under contract was first prohibited in 1885, but, owing to defective provisions for enforcing the law, continued almost unchecked until the amendments made in President Harrison's Administration. (Acts of the Fifty-first Congress, which was Republican in both branches, and of the Fifty-second Congress, signed March 3, 1891, and March 3, 1893, respectively.)

The Republican party has increased the restrictions upon the immigration of cheap foreign labor in the new law of 1903. (Act passed by the Fifty-seventh Congress, both Houses being controlled by the Republicans, and signed by President Roosevelt March 3, 1903.)

CONVICT LABOR.

The law abolishing the contract system of labor for United States convicts passed the House March 9, 1886, and the Senate February 28, 1887. All the votes against the bill were Democratic.

The law providing for the construction of new United States prisons and the employment of convicts therein exclusively in the manufacture of such supplies for the Government as can be made without the use of machinery was passed by the Fifty-first Congress, which was Republican in both branches, and signed by President Harrison. (Chapter 529 of the acts of 1890-91.)

The importation of goods made by convicts in foreign countries was prohibited in the Fifty-third Congress, but it remained for a Republican Congress to direct the Secretary of the Treasury to make regulations for the law's enforcement. (Act passed by the Fifty-fifth Congress and signed by President McKinley July 24, 1897.)

SAFETY OF WORKMEN.

Protection of seamen.—This was accomplished by the Forty-second Congress, when both Houses were Republican, and the Forty-third Congress, also Republican.

Inspection of steam vessels.—Accomplished by the Fortieth Congress, which was controlled by the Republicans.

Inspection of coal mines in the Territories.—Provided for by the Fifty-first Congress, both Houses being under the control of the Republicans; approved by President Harrison.

Safety appliances on railways.—The original act providing for automatic couplers and power brakes on locomotives and cars used in interstate traffic was passed by the Fifty-second Congress, and signed by President Harrison March 2, 1893. Owing to decisions of the courts, new legislation became necessary, and the Fifty-seventh Congress (Republican) passed a greatly improved law, which was signed by President Roosevelt March 2, 1903.

Accidents to be reported.—The Fifty-sixth Congress (Republican) passed a law requiring common carriers to make monthly reports of accidents to the Interstate Commerce Commission. (Approved by President McKinley March 3, 1901.)

THE EIGHT-HOUR LAW.

The first eight-hour law in this country was enacted by the Fortieth Congress and approved by President Grant in 1868. It applied to all artisans and laborers employed by the Government.

In the Fiftieth Congress (1888) the eight-hour day was established for letter carriers. The bill passed the Senate, which was Republican, without division.

In President Harrison's Administration the eight-hour law was extended to include persons employed by contractors on public works. (Chap. 352 of the acts of 1892.)

DEPARTMENT OF LABOR.

The act creating the United States Bureau of Labor was passed by the Forty-eighth Congress (1884) and signed by President Arthur. In the Fiftieth Congress (1888) the Bureau was removed from the Department of the Interior and made an independent Department of Labor, all the votes cast against the bill being Democratic. In 1903 a Republican Congress established the Department of Commerce and Labor and made its head a Cabinet officer.

BOARDS OF ARBITRATION.

Act passed at the Fifty-fifth Congress (Republican) and signed by President McKinley June 1, 1898.

INCORPORATION OF NATIONAL TRADE UNIONS.

Provided for by act of Congress in 1886, without division in either House.

LABOR LEGISLATION IN REPUBLICAN AND DEMOCRATIC STATES.

There is no better way of judging the merits of a political party than by the laws which are passed by the legislators who are elected to office from its ranks. With regard to legislation for the protection of the workers, much remains to be done before they receive their full measure of protection and justice; but, as can be shown by the statistics of the different States, nearly all protective labor legislation in the United States was first enacted by Republican States and then adopted by way of imitation by the Democratic States. At the present time the proportion of Republican States having protective labor legislation is much greater than that of Democratic States. This is plainly shown in the tables.

Labor bureaus.—There are few agencies which have done more toward giving a clear insight into the problems of labor and capital, that have brought employer and employee nearer together, that have furnished the laboring people with facts for arguments in favor of protective legislation, than bureaus of labor and labor statistics. The table shows that at present there are 33 State labor bureaus in the United States. Of these, 23 are in Republican States and 10 are in Democratic States. Reducing these figures to a proportionate basis, we find that 23 out of 28 Republican States, or 82 per cent, have labor bureaus; 10 out of 17 Democratic States, or 59 per cent, have labor bureaus.

Factory-inspection service.—It is well known to all working people that protective labor laws are practically a dead letter in any State unless there is a factory-inspection service organized for the purpose of searching out and bringing to justice persons who violate such laws. It is easy enough to enact protective legislation, but it is another thing to enforce it. If a State, therefore, enacts such laws and fails to organize a service for their enforcement, it is betraying those whom it pretends to favor. Let us again observe the tables: We find that twenty-one out of twenty-eight Republican States, or 75 per cent, have established factory-inspection services. We also find that three out of seventeen Democratic States, or 18 per cent, have factory-inspection services. In examining the other subjects of labor legislation which follow we must not lose sight of the fact that only three of the Democratic States have factory-inspection services organized for the purpose of carrying out the provisions of the labor laws which will be under consideration.

Inspection of mines.—Public inspection of mines is required on the same grounds as inspection of factories. The tables show that fifteen of the twenty-eight Republican States and nine of the seventeen Democratic States have established this service.

Child labor in factories.—Ever since the introduction of the factory system, over a century ago, the greatest sufferers from the greed of inconsiderate and cruel employers have been the helpless children, who often at a tender age are placed in factories and are ruined physically, morally, and mentally by their work, their surroundings, and their loss of opportunity for education. It is a principle recognized in all civilized countries that children under 12 years of age should not be employed in factories, and in nearly all European countries laws have been passed placing a limit of 12 or 14 years upon such child labor. In our country thirty-one out of the forty-five States prohibit the employment of children under 12 years of age from working in factories. Of these thirty-one States twenty-one are Republican and ten are Democratic. In other words, 68 per cent of all the Republican States and only 32 per cent of the Democratic States have laws prohibiting children under 12 years of age from working in factories.

Child labor in mines.—Twenty-four States prohibit the employment of children under 12 years of age in mines. Of these, sixteen are Republican and eight are Democratic States.

Woman labor.—Next to children, the greatest victims of abuse

by greedy employers when unrestrained by law are women. Investigations have shown that their condition is sometimes pitiful where employers are given free scope in their employment. Their protection in the interest of humanity and morals has also been the subject of legislation in nearly all civilized countries. In the United States, twenty-seven States have legislated upon this subject. Of these twenty-seven States, twenty-two are Republican and five are Democratic! Reducing these figures to a proportionate basis, we find that 82 per cent of the Republican States and only 19 per cent of the Democratic States have laws regulating woman labor.

Seats for females in shops.—Legislation on this subject needs no comment. Any man who has a daughter or sister employed in a shop or store, and every physician, knows what a hardship it is to a woman to be compelled to stand all day at a bench or behind a counter. Fortunately, in thirty-one States legislation has been enacted requiring employers to provide seats for females. Of these thirty-one States, twenty-three are Republican and eight are Democratic.

Sweat-shop legislation.—There is no greater menace to the health of the working people, and nothing which tends more to lower and degrade human beings, than to crowd them together in small, filthy workshops, where they are often compelled to work, eat, and sleep without regard to health or morals, and where the hours of labor are often so long that the victims, who are usually foreigners unacquainted with our language, are shut out from all opportunities for education or betterment of any kind. The scenes observed in these shops by official investigators have been revolting beyond description. Long ago efforts were made to regulate these so-called "sweat shops," and twelve States have enacted laws looking to this end. Of these twelve States, eleven are Republican and one is Democratic. Nothing more need be said on this point.

Truck system.—This legislation prohibits employers from paying their employees in scrip or orders on their company stores and which are not redeemable in cash. At present twenty-three States have such laws in force, of which fourteen are Republican and nine are Democratic, or 61 per cent of all the Republican and 39 per cent of all the Democratic States.

Mediation and arbitration.—State boards of mediation and arbitration have been established in fifteen States to aid in the adjustment of industrial disputes. Of the fifteen boards eleven are in Republican States and only four in Democratic States.

Free employment bureaus.—One of the great needs of wage-workers who are engaged for only a week or day at a time is some agency that will assist them in obtaining a situation when they are out of work. Private agencies have so frequently exploited their poverty by extorting registration fees for situations that are never procured, that churches and charitable societies now support free employment agencies in many leading cities. A few years ago State and municipal governments also entered the field and now there are public employment bureaus (free) in fourteen States, of which twelve are Republican and only two Democratic.

Employers' liability laws.—Since the introduction of steam and machinery workingmen are exposed to such great risks of death and injury that enlightened States have enacted legislation which requires employers to furnish safe work places and appliances, and make them responsible, in damages, for any injury that may befall an employee through their negligence. Twenty-seven States now have employers' liability laws, most of them relating to railways. Of the twenty-seven States fifteen were Republican and twelve Democratic in the last national election.

Eight-hour law.—For many years labor organizations have been endeavoring to secure legislation prohibiting labor on Government works or public contracts for over eight hours per day. They have succeeded thus far in securing such legislation in twenty-three of the forty-five States of the Union. Of these twenty-three States, sixteen are Republican and seven are Democratic. In other words, of the twenty-eight Republican States, 60 per cent have enacted the eight-hour law, and of the seventeen Democratic States only seven, or 41 per cent, have yielded to the demands of the labor organizations in this regard.

Labor legislation in Republican and Democratic States.

IN REPUBLICAN STATES.

States having laws in force January, 1904.	Bureau of labor.	Inspection of factories.	State boards of arbitration.	Free employment bureau.	Inspection of mines.	Employer's liability laws.	Eight-hour laws.	Child-labor age limit in—		Women's work regulated.	Seats for women.	Truck system prohibited.	Sweating system regulated.
								Factories.	Mines.				
California	Yes.	Yes.	Yes.	No	No	Yes.	Yes.	12 years		Yes.	Yes.	Yes.	No.
Connecticut	Yes.	Yes.	Yes.	Yes.	No	Yes.	Yes.	14 years		Yes.	Yes.	No	Yes.
Delaware	No	Yes.	No	No	No	No	Yes.			Yes.	Yes.	No	No.
Illinois	Yes.	Yes.	Yes.	Yes.	Yes.	No	Yes.	14 years	14 years	No	Yes.	(b)	Yes.
Indiana	Yes.	Yes.	Yes.	No	Yes.	Yes.	Yes.	14 years	14 years	Yes.	Yes.	Yes.	Yes.
Iowa	Yes.	Yes.	No	No	Yes.	Yes.	No		12 years	No	Yes.	Yes.	No.
Kansas	Yes.	Yes.	No	Yes.	Yes.	Yes.	Yes.		12 years	No	Yes.	Yes.	No.
Maine	Yes.	Yes.	No	No	Yes.	No	No	12 years		Yes.	No	No	No.
Maryland	Yes.	No	Yes.	Yes.	Yes.	Yes.	Yes[a]	[c]14 years	12 years	Yes.	Yes.	(b)	(b)
Massachusetts	Yes.	Yes.	Yes.	No	No	Yes.	No	14 years		Yes.	Yes.	No	Yes.
Michigan	Yes.	Yes.	Yes.	No	Yes.	No	No	14 years		Yes.	Yes.	Yes.	Yes.
Minnesota	Yes.	Yes.	Yes.	Yes.	No	Yes.	Yes.	14 years	14 years	Yes.	Yes.	No	No.
Nebraska	Yes.	Yes.	No	Yes.	No	No	Yes.	10 years		Yes.	Yes.	No	No.
New Hampshire	Yes.	No	No	No	No	No	No	12 years		Yes.	Yes.	No	No.
New Jersey	Yes.	Yes.	Yes.	No	Yes.	No	No	14 years	14 years	Yes.	Yes.	Yes.	Yes.
New York	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	14 years		Yes.	Yes.	Yes.	Yes.
North Dakota	Yes.	No	No	No	No	Yes.	No	12 years	12 years	Yes.	No	No	No.
Ohio	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	14 years	15 years	Yes.	Yes.	(b)	Yes.
Oregon	Yes.	Yes.	No	No	No	Yes.	No	14 years	14 years	Yes.	No	No	No.
Pennsylvania	Yes.	Yes.	No	No	Yes.	No	Yes.	13 years	16 years	Yes.	Yes.	(b)	Yes.
Rhode Island	Yes.	Yes.	No	No	No	Yes.	No	12 years		Yes.	Yes.	No	No.
South Dakota	No	No	No	No	Yes.	No	No		14 years	Yes.	No	No	No.
Utah	Yes.	No	Yes.	No	Yes.	Yes.	Yes.		14 years	Yes.	Yes.	No	No.
Vermont	No	No	No	No	No	No	No	10 years		Yes.	No	Yes.	No.
Washington	Yes.	Yes.	No	Yes.	Yes.	No	Yes.	14 years	14 years	Yes.	Yes.	Yes.	No.
West Virginia	Yes.	Yes.	No	Yes.	Yes.	No	Yes.	12 years	12 years	Yes.	Yes.	Yes.	No.
Wisconsin	Yes.	Yes.	Yes.	Yes.	No	Yes.	Yes.	14 years	14 years	Yes.	Yes.	Yes.	Yes.
Wyoming	No	No	No	No	Yes.	No	Yes.		14 years	Yes.	Yes.	Yes.	No.
Total (28 States)	23	21	11	12	15	15	16	21	16	22	23	14	11

IN DEMOCRATIC STATES.

Alabama	No	No	No	No	Yes.	Yes.	No	12 years	12 years	No	Yes.	No	No.
Arkansas	No	No	No	No	Yes.	Yes.	Yes.	12 years	14 years	No	No	Yes.	No.
Colorado	Yes.	No	Yes.	No	Yes.	Yes.	Yes.	14 years	14 years	Yes.	Yes.	Yes.	No.
Florida	No	No	No	No	No	Yes.	No			No	Yes.	No	No.
Georgia	No	No	No	No	No	Yes.	No			No	Yes.	Yes.	No.
Idaho	Yes.	No	Yes.	No	Yes.	No	Yes.		14 years	No	No	No	No.
Kentucky	Yes.	Yes.	No	No	Yes.	No	No	14 years	14 years	No	No	Yes.	No.
Louisiana	Yes.	Yes.	Yes.	No	No	No	No	12 to 14 years.		Yes.	Yes.	Yes.	No.
Mississippi	No	No	No	No	No	Yes.	No			No	No	No	No.
Missouri	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	14 years	12 years	No	Yes.	Yes.	Yes.
Montana	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	14 years	14 years	No	No	Yes.	No.
Nevada	No	No	No	No	No	No	Yes.			No	No	No	No.
North Carolina	Yes.	No	No	No	Yes.	Yes.	No	12 years	12 years	No	No	Yes.	No.
South Carolina	No	No	No	No	No	Yes.	No	11 years	11 years	No	Yes.	Yes.	No.
Tennessee	Yes.	Yes.	No	No	Yes.	No	Yes.	14 years	14 years	No	No	Yes.	No.
Texas	No	No	No	No	No	Yes.	No	12 years	16 years	No	No	Yes.	No.
Virginia	Yes.	No	No	No	No	Yes.	No	12 years	12 years	Yes.	Yes.	Yes.	No.
Total (17 States)	10	3	4	2	9	12	7	12	8	5	8	9	1

[a] City of Baltimore.

[b] Held to be unconstitutional.

[c] After May 1, 1904; 12 years, May 1, 1905.

WAGES IN THE UNITED STATES AND EUROPE.

Owing to the vastly superior resources of the United States and the wise legislation which has protected American industries and thereby maintained the American standard of living, wages in the United States are, on the average, about twice as high as in Europe. The following table shows the average daily wage in certain cities of Europe and America, according to statistics gathered by the United States Bureau of Labor:

Year.	Great Britain (27 quotations).	Paris, France (21 quotations).
1870	$1.30	$1.06
1876	1.40	1.12
1886	1.39	1.26
1896	1.49	1.33
1902	1.45	1.34

Year.	Liege, Belgium (11 quotations).	United States (255 quotations).
1870	$0.695	$2.20
1876	.63	2.18
1886	.63	2.47
1896	.66	2.46
1902	.65	2.50

The latest comparative statistics of wages are contained in an official report made by the statistical office of the board of trade, and published by order of Parliament in August, 1903. The data relate to years between 1895 and 1902 (mainly to years between 1898 and 1901) and pertain to fifteen skilled occupations in the chief city and other cities in the United States, Great Britain, France, and Germany, and the totals are as follows (corrected to a standard year):

Country.	Average weekly rates for 15 skilled trades in—	
	Chief cities and towns.	Other cities and towns.
	s.	s. d.
United States	75=$18.00	69 4=$16.65
Great Britain and Ireland	42= 10.00	36 0= 8.65
France	36= 8.65	22 10= 5.50
Germany	24= 5.75	22 6= 5.40

It therefore appears that the average wage for the fifteen trades is nearly twice as high in New York as in London and more than twice as high as in Paris and three times as high as in Berlin. In the smaller cities the superiority of the United States is equally marked, as may be seen in the following comparison:

	Germany.	France.	Great Britain.	United States.
Capital cities	100	151	175	315
Other cities and towns	100	100	159	307

The fact that wages in the United States range three times as high as in Germany in the skilled trades is accompanied by similar evidence for unskilled labor. Thus the German Government reports on workingmen's insurance against sickness and accident (a compulsory system conducted by the Government) showed that on January 1, 1902, the average daily wage of adult male laborers in the thirty-three large cities was only 67 cents, in fifty-eight small cities (places with a population of from 10,000 to 20,000 each) 52 cents, while in the agricultural districts it was 49 cents in the west and 33 cents in the east.

The figures for the fifteen skilled trades included in the official English report are given below with the American equivalents:

Average weekly rates of wages current in some recent years, adjusted where necessary to make figures relate to the same standard year.

[Reduced to United States currency.]

Occupation.	In leading cities.				In other cities.			
	New York.	London.	Paris.	Berlin.	United States.	Great Britain.	France.	Germany.
Building trades:								
Carpenters	$19.82	$10.50	$9.80	$8.00	$17.60	$9.15	$5.65	$5.20
Masons	28.80	10.50	8.20	----------	20.35	9.37	5.19	6.61
Painters	20.94	8.75	8.30	----------	17.58	8.39	5.19	----------
Plasterers	25.78	12.80	----------	----------	21.00	9.39	5.23	6.61
Plumbers	22.38	10.34	8.64	----------	23.70	9.15	5.19	----------
Metal trades:								
Blacksmiths	15.00	9.12	9.50	5.02	18.00	8.61	5.78	5.11
Brass molders	18.00	8.64	----------	6.36	15.90	8.61	----------	4.79
Machinists (fitters)	15.00	9.12	8.64	5.38	12.68	8.37	5.19	4.81
Machinists (turners)	16.94	9.12	5.68	5.74	12.68	8.37	5.78	4.81
Pattern makers	18.00	10.08	10.52	5.02	16.50	8.85	5.43	5.05
Woodworking:								
Cabinet makers	16.80	10.25	6.81	5.38	13.96	8.49	5.78	5.41
Coopers	17.38	10.08	7.60	5.54	12.62	8.61	4.71	5.44
Upholsterers	18.00	10.76	10.36	6.78	13.25	8.61	6.18	6.71
Printing:								
Compositors	19.00	9.12	8.06	6.36	13.50	7.71	5.78	5.51
Lithographers	25.00	9.60	9.84	6.46	20.46	8.13	7.02	5.67

The English report notes that a comparison of family earnings is less unfavorable to Europe owing to the fact that more women and children become wage-earners there than in America. On the basis of the investigation of the United States Department of Labor in 1891, covering the textile, iron and steel, coal, and glass industries, the Blue Book arrives at the following relative figures:

Comparison of family incomes.

	Germany.	France.	Great Britain.	United States.
British income taken as 100	69	83	100	123
German income taken as 100	100	120	145	178

The average family income was 23 per cent larger than that in Great Britain, 48 per cent larger than that in France, and 78 per cent larger than that in Germany. But since 1891 wages have risen more rapidly than in France or England.

In the following series of tables wages in Europe and the United States are compared for each of the great branches of industry—agriculture, manufacturing, and transportation.

AGRICULTURE.

The following table shows that the wages of farm laborers in the Northern States of this country are fully 50 per cent higher than in England. The low rates in the South bring down the average for the entire country considerably, thus:

Year.	England.			United States.						
	Average cash wages.		Average monthly earnings.	Average monthly wages, without board, in—						
	Per week.	Per month.		United States.	Eastern States.	Middle States.	Southern States.	Western States.	Mountain States.	Pacific States.
	s. d.									
1875	13 6½	$14.08	$17.33	$19.87	$29.00	$27.00	$15.28	$23.34	----------	$49.98
1879	13 3½	13.80	17.05	16.42	21.36	20.24	12.65	19.81	----------	40.11
1885	13	13.52	16.77	17.97	25.30	23.19	14.27	22.27	$30.24	37.78
1890	13 ¼	13.56	16.81	18.33	26.64	23.62	14.77	22.01	31.94	34.87
1895	13 2¾	13.76	17.01	17.69	29.00	23.80	12.71	21.82	30.04	31.68
1898	13 8¼	14.26	17.51	19.38	27.87	23.15	13.49	22.44	33.95	33.64
1899	13 11	14.47	17.72	20.23	28.76	23.91	13.80	23.75	35.15	35.69

Sources.—The Ninth Annual Abstract of Labor Statistics (p. 66), published by the British labor department; Wages of Farm Labor in the United States, published by the United States Department of Agriculture.

The monthly earnings of English agricultural laborers is stated only for the year 1898; for the other years it has been computed by making the same allowance as in 1898. Wages in the United States are in currency, which in 1875 was at a discount ($114.90 in currency=$100 gold).

BUILDING TRADES, UNITED STATES, ENGLAND, AND FRANCE.

Wages and hours in principal building trades of New York (Manhattan Borough), London, and Paris.

Occupation.	Rate of wages per hour in—			Weekly hours of labor in—		
	New York, 1903.	London, 1903.	Paris, 1900.	New York, 1903.	London, 1903.	Paris, 1901.
	Cents.	*Cents.*	*Cents.*			
Bricklayers	65	21	19	44	50	54
Carpenters	56¼	21	18	44	50	60
Painters	50	18	16	44	50	54
Plasterers	62½	23	20	44	50	60
Plumbers	53½	22	15	44	47	60
Stone masons	50	21	16	44	50	54
Masons' and plasterers' laborers	40½	14	10	44	50	60

London rates from the Ninth Annual Abstract of Labor Statistics, published by the British labor department; New York rates furnished by the New York State department of labor; Paris rates from Bordereaux de Salaires en 1900 et 1901, published by the French bureau of labor.

In some of the trades the rate here given is a standard recognized by associations of employers and workmen; in others it is only the prevalent rate.

MANUFACTURING.

Owing to fluctuations in employment and the varying proportion of women and child workers, the calculation of the average annual earnings of factory employees is always difficult. The following figures are mere estimates, but are derived from the most trustworthy sources and may be accepted as a reasonably close approximation to the actual relative compensation of factory operatives in the leading manufacturing countries.

Average yearly income of men, women, and children employed in manufacturing industries.

Country.	Inquiry.	Date.	Amount of employment in year.	Average annual earnings.
United States	Census	1900	Full time	$438
Great Britain and Ireland.	Wage census	1885–86	do	230
France	do	1893	290 days	210
Germany	Insurance statistics.	1901		201
Austria	do	1890	300 days	150

The method by which the American average wage is computed assumes that every employee worked steadily throughout the year, and is therefore slightly higher than it should be for comparative purposes, but in any event the average would remain near $400, which is notably higher than that in any European country. The fact that the proportion of women and children employed in American factories (about 23 per cent) is smaller than the proportion abroad also tends to exalt the American average, as it properly should. In the English wage statistics about 40 per cent of the employees were women and children and in the French about 26 per cent.

The relative earnings of men, women, and children in American and British factories are shown separately below:

Country.		Men.	Women.	Lads and boys.	Girls.
Great Britain and Ireland	Weekly	$5.95	$3.10	$2.20	$1.54
	52 weeks	309.40	161.20	114.40	80.00
United States, 52 weeks		490.90	278.03	152.22	

Rates of wages in New York and London in certain trades at end of 1902.

[Sources: London, Ninth Annual Abstract of Labor Statistics; New York, Twentieth Annual Report of New York Bureau of Labor Statistics.]

	New York.	London.
Iron and steel trades:		
Boiler makers	a $2.80 / b $3.00 to 4.00	b $1.12 to $1.92
Blacksmiths	3.50 to 4.50	1.56
Iron molders	2.75 to 4.00	1.60
Machinists	2.75 to 4.00	1.56
Pattern makers	3.50	1.72
Shipwrights	3.50	1.68
Metals:		
Brass molders	2.75 to 3.00	1.44
Brass finishers	2.50 to 2.75	1.44
Printing:		
Compositors—		
Book and job	3.16⅔	1.56
Weekly papers	3.16⅔	1.56
Daily papers—		
Day	4.00	
Night	4.50	
Furniture:		
Cabinetmakers	3.78	1.68
Upholsterers	2.50 to 3.50	1.62 to 2.16

a Inside. b Outside.

Great Britain and Ireland—Weekly rates of wages, October, 1886.

[From general report on the wages of manual labor classes in the United Kingdom, Parliamentary Blue Book C—6, 889, 1893, p. 476.]

Weekly rates.	Numbers.				Percentages.			
	Men.	Women.	Lads and boys.	Girls.	Men.	Women.	Lads and boys.	Girls.
Half-timers			9,581	18,238			11.9	27.2
Under 10s. ($2.43)	498	39,235	39,861	30,500	0.1	25	49.7	62.5
10s. to 15s. ($2.43 to $3.65)	8,456	75,646	26,059	4,321	2.4	50	32.5	8.9
15s. to 20s. ($3.65 to $4.87)	76,382	27,969	4,655	698	21.5	18.5	5.8	1.4
20s. to 25s. ($4.87 to $6.08)	119,402	8,215	97	15	33.6	5.4	.1	
25s. to 30s. ($6.08 to $7.30)	86,137	198			24.2	1		
30s. to 35s. ($7.30 to $8.52)	41,121				11.6			
35s. to 40s. ($8.52 to $9.73)	15,120				4.2			
Above 40s. ($9.73)	8,712				2.4			
Total	355,828	151,263	80,253	43,772	100	100	100	100
Average	24s. 9d. / $5.95	12s. 11d. / $3.10	9s. 2d. / $2.20	6s. 5d. / $1.54				

Average annual earnings of men, women, and children employed in factories in 1885.

Yearly earnings.	Number.	Proportion.
Of and above—		*Per cent.*
£70 ($340.66)	62,841	7.8
£60 to £70 ($292 to $340.66)	67,330	8.2
£50 to £60 ($243.33 to $292)	268,295	32.8
£40 to £50 ($194.66 to $243.33)	67,818	8.2
Under £40 ($194.66)	349,892	43
Total	816,106	100

Average, £47 equals $228.73.

FRANCE.

Wages, hours, etc., in Paris and suburbs in 1893.

[From Salaires et Durée du Travail dans l'Industrie Française, Vol. IV.]

Industry.	Average daily—		Average number of working days in the year.	Percentage of women and children in total working force.
	Hours of labor.	Wages.		
Food products	11	$0.96	300	28
Chemical products	10½	.91	321	20
Paper and rubber products	10½	.86	295	33
Printing and publishing	10	.98	298	38
Hides and leather	10½	.92	292	40
Textiles	10½	.73	302	54
Clothing, millinery, etc	10½	.83	280	55
Wood manufactures	10	1.24	298	4
Furniture	10	1.20	295	16
Iron and steel	10½	1.16	290	5
Foundry and machine-shop products	10½	1.23	277	5
Metal products, copper, etc	10½	1.07	286	24
Gold, silver, etc	10	1.05	289	38
Stone working	10	1.08	293	15
Excavation and construction	9½	1.22	253	1
Glass, brick, pottery	10½	.82	297	31
Transportation, etc	9½	1.03		22
All industries	10½	1.02	290	26
Outside of Paris	10½	.68	290	28

BELGIUM.

Daily wage rates of adult workers employed in manufacturing and mechanical industries (including transportation) according to the industrial census of 1896.

Daily rates.	Men (over 16 years).	Women (over 16 years).
Less than 20 cents		6,609
20 cents, but under 30 cents	20,851	22,420
30 cents, but under 40 cents	28,638	21,349
40 cents, but under 50 cents	62,195	13,429
50 cents, but under 60 cents	87,011	5,302
60 cents, but under 70 cents	100,367	2,253
70 cents, but under 80 cents	65,781	652
80 cents, but under 90 cents	50,874	241
90 cents, but under $1.00	21,134	80
$1.00, but under $1.10	13,832	43
$1.10, but under $1.20	5,776	10
$1.20, but under $1.30	3,668	9
$1.30, but under $1.40	1,653	3
$1.40 or more	4,357	9
Total	467,511	74,661

GERMANY.

Average yearly earnings of workers employed in industrial establishments, according to the returns of employers to the government bureau for the insurance of workingmen.

Year.	Marks.	Dollars.
1886	642	153
1891	651	155
1896	686	163
1897	706	168
1898	733	174
1899	751	179
1900	778	185
1901	804	191

RAILWAY LABOR.

The average yearly earnings of all railway employees in the United States, according to the Interstate Commerce Commission, have ranged between $565 and $570 in the last six or eight years. Reports from twenty-seven companies, employing more than 90 per cent of all the railway men in Great Britain and Ireland, showed that in the first week of December, 1902, the average earnings were $6, which would make the average yearly income not more than $312. On the state railways of Prussia the average annual wages of the employees in the budget of 1898–99 were $335, exclusive of shopmen and trackmen, whose earnings, being considerably smaller, would, if included, bring down this average. In France more than 80 per cent of the railway employees receive less than $1 per day, the average in fact being about 75 cents, which would make the annual earnings lie between $230 and $270, according to the number of working days.

In Prussia the locomotive engineers begin at $286 a year and may attain $523. In the United States engineers average $3.78 a day and $1,200 a year. Firemen—Prussia, from $238 to $357 a year; United States, $2.16 a day and $667 a year. Conductors—Prussia, from $190 to $286 a year; United States, $3.17 a day and $1,004 a year. In Prussia the railway employees are entitled to pensions and other Government privileges, but of course allowances therefor would not add more than 5 or 10 per cent to their earnings.

UNITED STATES.

[From Statistics of Railways of the United States, published by the Interstate Commerce Commission.]

Year ended June 30—	Number of employees on June 30.	Amount of salaries and wages (to 90 per cent of all employees).	Average yearly earnings.[a]
1895	735,034	$445,508,261	
1896	826,620	468,894,531	$561.80
1897	823,476	465,601,581	564.33
1898	874,558	495,055,618	583.10
1899	928,924	522,997,896	579.95
1900	1,017,653	577,264,841	593.16
1901	1,071,169	610,713,701	584.75
1902	1,189,315	676,028,592	598.25

[a] The Interstate Commerce Commission does not publish average yearly earnings, and these figures have been calculated by dividing total wages and salaries by the mean number of employees at the beginning and at the end of each year.

RAILROAD TRANSPORTATION.[a]

[From the bulletin of the New York department of labor for December, 1903.]

Average daily compensation of specified classes of employees, 1892 to 1902.

Classes of employees.	1892.	1893.	1894.	1895.	1896.	1897.
General officers	$7.83	$8.10	$9.71	$9.01	$9.19	$9.54
Other officers			5.75	5.85	5.96	5.12
General office clerks	2.23	2.25	2.34	2.19	2.21	2.18
Station agents	1.82	1.83	1.75	1.74	1.73	1.73
Other station men	1.68	1.65	1.63	1.62	1.62	1.62
Enginemen	3.68	3.68	3.61	3.65	3.65	3.65
Firemen	2.08	2.06	2.03	2.05	2.06	2.05
Conductors	3.08	3.10	3.04	3.04	3.05	3.07
Other trainmen	1.90	1.92	1.89	1.90	1.90	1.90
Machinists	2.29	2.31	2.21	2.22	2.26	2.23
Carpenters	2.08	2.10	2.02	2.03	2.03	2.01
Other shopmen	1.72	1.73	1.69	1.70	1.69	1.71
Section foremen	1.76	1.75	1.71	1.70	1.70	1.70
Other trackmen	1.22	1.22	1.18	1.17	1.17	1.16
Switchmen, flagmen, watchmen	1.80	1.82	1.75	1.75	1.74	1.73
Telegraph operators and dispatchers	1.92	1.96	1.93	1.98	1.93	1.90
Employees—account floating equipment	2.03	1.96	1.97	1.91	1.94	1.86
All other employees and laborers	1.69	1.70	1.65	1.65	1.65	1.64

Classes of employees.	1898.	1899.	1900.	1901.	1902.	Number of employees, 1902.
General officers	$9.73	$10.03	$10.45	$10.97	$11.17	4,816
Other officers	5.21	5.18	5.22	5.56	5.60	5,039
General office clerks	2.25	2.20	2.19	4.19	2.18	87,570
Station agents	1.73	1.74	1.75	1.77	1.80	33,478
Other station men	1.61	1.60	1.60	1.59	1.61	105,433
Enginemen	3.72	3.72	3.75	3.78	3.84	48,318
Firemen	2.09	2.10	2.14	2.16	2.20	50,651
Conductors	3.13	3.13	3.17	3.17	3.21	35,070
Other trainmen	1.95	1.94	1.96	[b]2.00	2.04	91,393
Machinists	2.28	2.29	2.30	2.32	2.36	29,145
Carpenters	2.02	2.03	2.04	2.06	2.08	51,698
Other shopmen	1.70	1.72	1.73	1.75	1.78	136,579
Section foremen	1.69	1.68	1.68	1.71	1.72	35,709
Other trackmen	1.16	1.15	1.22	1.23	1.25	281,075
Switchmen, flagmen, watchmen	1.74	1.77	1.80	[b]1.74	1.77	50,489
Telegraph operators and dispatchers	1.92	1.93	1.96	1.98	2.01	28,244
Employees—account floating equipment	1.89	1.89	1.92	1.97	2.00	7,426
All other employees and laborers	1.67	1.68	1.71	1.69	1.71	147,201
Total						1,189,315

[a] Based on the reports of the statistician of the Interstate Commerce Commission.

[b] Switching train crews transferred from "Switching," etc., to "Other trainmen." Change slightly affects enginemen, etc.

GREAT BRITAIN AND IRELAND.

Number and per cent of men (adults) employed by principal railway companies, at specified weekly rates of wages, 1891.

[From Bulletin of United States Department of Labor, January, 1899.]

Weekly rate of wages.	Number.	Per cent.
Under 10s. ($2.43)	210	0.1
10s. to 15s. ($2.43 to $3.65)	8,186	2.6
15s. to 20s. ($3.65 to $4.87)	123,962	39.4
20s. to 25s. ($4.87 to $6.08)	90,472	28.8
25s. to 30s. ($6.08 to $7.30)	49,307	15.7
30s. to 35s. ($7.30 to $8.52)	20,732	6.6
35s. to 40s. ($8.52 to $9.73)	8,953	2.8
40s. to 45s. ($9.73 to $10.95)	9,974	3.2
45s. to 50s. ($10.95 to $12.17)	1,397	0.4
50s. to 60s. ($12.17 to $14.60)	891	0.3
60s. ($14.60) or over	433	0.1
Total	314,530	100.0

More than one-half of the employees receive under $6.08 a week, and the most numerous class are those who earn from $3.65 to $4.87 weekly. The British board of trade, on the basis of these reports, estimated the average annual earnings of adult males to be $296.37 in England and Wales and $291.50 in Great Britain and Ireland.

Average weekly earnings of British railway employees in the first week of December.

[From Ninth Annual Abstract of Labor Statistics, by the British labor department.]

	Number of companies.	Number of employees.	Average wages.
			s. d.
England and Wales	15	383,883	25 5½=$6.10
Scotland	5	45,240	23 1½= 5.55
Ireland	7	19,306	19 3½= 4.65
1902, United Kingdom	27	448,429	24 11½= 6.00
1901, United Kingdom	27	440,557	25 0½= 6.01
1900, United Kingdom	27	440,347	25 0¾= 6.02
1899, United Kingdom	27	431,858	25 3 = 6.06
1898, United Kingdom	27	412,304	24 7¾= 5.92
1897, United Kingdom	27	398,108	24 4¼= 5.86

FRANCE.

[From Bulletin of the United States Department of Labor, January, 1899.]

Railway employees in France, 1898.		Railway employees in the United States, 1890.	
Daily wages.	Per cent of total.	Daily wages.	Per cent of total.
1.25 francs ($0.241) or under	0.31	Under $0.21	0.29
1.26 to 2.25 francs ($0.243 to $0.434)	1.33	$0.21 to .40	.26
2.26 to 3.25 francs ($0.436 to $0.627)	28.44	.41 to .60	.83
3.26 to 4.25 francs ($0.629 to $0.820)	32.40	.61 to .80	1.49
4.26 to 5.25 francs ($0.822 to $1.013)	18.06	.81 to 1.00	4.25
5.26 to 6.25 francs ($1.015 to $1.206)	10.04	1.01 to 1.20	21.69
6.26 to 7.25 francs ($1.208 to $1.399)	4.02	1.21 to 1.40	21.59
7.26 to 8.25 francs ($1.401 to $1.592)	1.96	1.41 to 1.60	15.08
8.26 to 9.25 francs ($1.594 to $1.785)	1.16	1.61 to 1.80	11.40
9.26 to 10.25 francs ($1.787 to $1.978)	.66	1.81 to 2.00	9.22
10.26 to 15.25 francs ($1.98 to $2.943)	1.47	2.01 to 3.00	11.54
15.26 francs ($2.945) or over	.15	3.01 or over	2.26
Total	100.00		100.00
5.25 francs ($1.013) or under	80.54	1.00 or under	7.22
5.26 to 10.25 francs ($1.015 to $1.978)	17.84	1.01 to 2.00	78.98

GERMANY.

Annual wages of employees of Prussian State railways, 1896-97.

[From Bulletin of United States Department of Labor, January, 1899.]

Shopman, average $256.42.
Trackmen, average $182.31.
All other employees (1898–99 $335.10), $318.68.
Locomotive engineers begin at $285.60; maximum, $523.
Locomotive firemen begin at $238; maximum, $357.
Conductors begin at $190.40; maximum, $285.60.
Night watchmen begin at $166.60; maximum, $214.20.

THE TREND OF WAGES IN RECENT YEARS.

The Bulletin of the New York State Department of Labor for December, 1903, has the following editorial comment on the trend of wages in recent years:

The Bulletin contains a compilation of statistics published by the Federal and other State bureaus of labor to show the tendency of wages in recent years. All the statistics reveal a decline in wages after 1892, but the decline continued for a longer period in some States than in others, depending on the predominating industries of each and also in part upon the month of the year to which the statistics relate. As a general rule the lowest point in the decline was reached in 1895 or 1896, but whatever improvement began then remained unimportant until 1898. Since 1898 the rise in wages has been both important and widespread, so that by 1902 wages had generally reached a higher level than in 1892, the best year of the preceding decade.

In Massachusetts factories, for example, average yearly earnings rose from $396 in 1886 to $452 in 1892, declined to $413 in 1894 and $420 in 1898, and rose to $460 in 1902. In Wisconsin, average annual earnings of factory employees rose from $363 in 1883 to $426 in 1892, declined to $376 in 1894, and rose again to $422 in 1901. In Pennsylvania the 1892 average was surpassed as early as 1899. In striking agreement with the wage statistics of State bureaus are the statistics of unemployment furnished by the Cigar Makers' International Union of America. In 1890 this organization paid to its members out of work (but not on strike) the sum of $22,760.50 in benefits. In 1892 the amount declined to $17,461, but in 1893 it increased 400 per cent, and for three years, 1894–1896, it stood at about $175,000 annually. In 1897 it fell to $117,471, and thereafter steadily declined to only $21,071 in 1902, which, considering the increase in membership (more than 33 per cent), compares favorably with 1892.

The statistical compilation considered in the foregoing analysis appears at pages 445–454 of the New York department of labor's December bulletin and is subjoined:

The recent report of the United States Census Office on wages of factory operatives in 1890 and 1900 alludes to the inevitable incompleteness of statistics for such widely separated periods, in view of which the following statistics of wages in the last decade have been collated from the reports of State bureaus of labor statistics. To supplement these figures two tables are also given containing statistics published by Federal bureaus and covering agriculture, manufacturing, and transportation.[a]

[a] In close agreement with these official statistics are the figures published by the Cigar Makers' International Union of America on the amount annually expended for out-of-work benefits to its members. This fund is distinct from the strike and sick benefits and therefore registers the conditions of employment accurately.

Wages in the United States.

Year.	Manufacturing and mining.[a]	Agricultural.[b]
1890		98.6
1891	100.0	100.0
1892	100.3	
1893	99.32	102.6
1894	98.06	95.4
1895	97.88	95.1
1896	97.93	
1897	98.96	
1898	98.79	104.2
1899	101.54	108.7
1900	103.43	

[a] Based on reports from 148 establishments in 26 industries, representing 192 occupations. 1891 taken as 100. U. S. Dept. of Labor Bulletin No. 30, September, 1900.

[b] Relative wages of farm labor per month without board. 1891 taken as 100. Based on statistics in U. S. Dept. of Agriculture Bulletin No. 22, 1901.

Cigar Makers' International Union expenditure for out-of-work benefits.

1890	$22,760.50	1895	166,377.25	1899	38,037.00
1891	21,223.50	1896	175,767.25	1900	23,897.00
1892	17,460.75	1897	117,471.40	1901	27,083.70
1893	89,402.75	1898	70,197.70	1902	21,071.00
1894	174,517.25				

ILLINOIS.

[From the Eleventh Biennial Report of the Bureau of Labor Statistics (1900).]

Statistics compiled from reports of 627 identical manufacturing establishments.

Year.	Average number of wageworkers employed.			Aggregate wages.	Average annual earnings.	Increase (per cent.)
	Male.	Female.	Total.			
1895	20,056	2,410	22,466	$9,800,033	$436.22	
1897	21,059	2,508	23,567	10,335,919	438.58	0.5
1899	25,804	3,362	29,166	13,876,259	475.77	8.5

IOWA.

[From Tenth Biennial Report of Bureau of Labor Statistics, 1901-2, p. 449.]

Year.	Establishments.	Average number of employees.				Aggregate wages.	Nominal annual average.
		Men.	Women.	Children.	Total.		
1896	1,752	40,854	7,732	687	49,273	$17,369,662	$352.71
1898	1,625	45,006	9,800	623	55,429	19,623,892	354.03
1900	1,285	41,893	9,281	(a)	51,175	21,145,961	413.20
1902	1,627	47,857	11,812	2,630	b62,299	26,654,504	c434.80

[a] Not separately reported.

[b] No wage account reported for 996 of this number, hence 996 is to be deducted in calculating average income.

[c] The nominal annual average earnings of adult males in 1901 were $501.91; of adult females, $241.40; of children under 16 years, $122.85.

MASSACHUSETTS.

[From reports of Bureau of Statistics of labor on statistics of manufactures.]

NOTE.—In order to preserve an accurate basis for comparisons the Bureau each year omits establishments that did not report in the preceding year. To illustrate: In 1901 the Bureau reported the average earnings of all employees in factories that made comparative returns in 1900 and 1901 to be $449.63, as stated in the first column. But in the 1902 report the factories reporting were not precisely the same as those included in the preceding year, and a new average income was computed for 1901—namely $449.69, as stated in the second column—which, compared with 1902 average, revealed a gain of $10.29 in the last-mentioned year. As a general rule, little variation is to be noticed in the two averages for any one year.

Year.	Average annual earnings as stated in the report of the—		Increase or decrease in average yearly earnings.				Average number of days worked.
	Current year.	Next succeeding year.	Amount.		Percentage.		
			Gain.	Loss.	Gain.	Loss.	
1886		$395.89					
1887	$396.14	394.79	$0.25		0.06		
1888	402.45	413.19	7.66		1.94		
1889	419.17	426.82	5.98		1.45		
1890	433.56	437.93	6.74		1.53		
1891	441.90	445.49	3.97		.91		296.78
1892	452.21	450.59	6.72		1.51		297.14
1893	434.17	436.13		$16.42		3.64	277.36
1894	421.81	412.56		14.32		3.28	275.63
1895	421.59	425.39	9.03		2.19		291.42
1896	425.16	426.66		.23		.05	279.43
1897	421.69	422.26		4.97		1.16	283.33
1898	421.48	419.91		.78		.18	286.28
1899	427.71	427.60	7.80		1.86		294.14
1900	439.57	441.61	11.97		2.80		290.43
1901	449.63	449.69	8.02		1.82		292.78
1902	459.98		10.29		2.29		296.09

Year.	Estimated average yearly earnings of—		
	Adult males.	Adult females.	Minors (under 21 years of age).
1899	$523.34	$324.72	$219.34
1900	530.82	334.70	228.33
1901	542.23	342.68	231.85
1902	552.66	353.36	244.24

NEW YORK.

EXPLANATORY NOTE.—The following table gives the results of two separate investigations which are not strictly comparable. The first investigation, made in 1896, shows that after the middle of 1892 wages declined. The second investigation, covering 3,553 identical establishments, reveals a slight fall in wages between 1895-96 and 1896-97. After the middle of 1897 employment and wages increased in a striking manner, and this very increase renders it difficult to calculate an average annual wage. The statistics indicate that the total amount paid out in wages by the 3,553 manufacturers between July 1, 1897, and July 1, 1898, was $151,279,010; but at the beginning of the period they were paying wages to 304,376 workers and at the end to 326,090. It is therefore obviously incorrect to call either $464 ($151,279,010 divided by 326,090) or $497 (the same amount divided by 304,376) the average yearly earnings. The fact is no satisfactory method has yet been discovered of computing the average income when the number of employees fluctuate in this way. The least objectionable method of calculation on the basis of these figures is to divide the total wages by the mean number of employees, 315,233 (one-half the sum of 304,376 and 326,090), which yields an average wage of $480. Similar calculations for 1897 and 1899 yield the averages $459, and $477, as expressed in brackets.

Annual wages of persons employed in manufacturing industries.

[From Fourteenth and Seventeenth Annual Reports of the Bureau of Labor Statistics, 1896 and 1899.]

Date.	Total amount paid in wages.	Firms concerned.	Persons employed on June 1 (or June 30).	Crude average wage of persons employed at end of each annual period.
May 31, 1891	$93,257,541	1,721	200,333	$466
May 31, 1892	100,616,011	1,824	215,830	466
May 31, 1893	109,073,849	1,986	236,908	460
May 31, 1894	99,052,129	2,154	225,137	440
May 31, 1895	110,427,159	2,290	253,139	436
June 30, 1896	141,184,845	3,553	299,957	471
June 30, 1897	138,577,878	3,553	304,376	455 [a 459]
June 30, 1898	151,279,010	3,553	326,090	464 [b 480]
June 30, 1899	162,645,649	3,553	356,278	457 [c 477]

a $138,577,878 divided by 302,166, the mean of 299,957 and 304,376.
b $151,279,010 divided by 315,233, the mean of 304,376 and 326,090.
c $162,645,649 divided by 341,184, the mean of 326,090 and 356,278.

Since 1897 the New York bureau has collected statistics of actual earnings of wageworkers through the officers of workingmen's organizations, reaching in this way 150 wage-earners where one could have been reached by means of individual schedules. As a large proportion of the members of trades unions are well-paid artisans and mechanics of the building trades, their earnings of course average much higher than those of factory employees already given. The New York statistics are based on quarterly reports collected twice a year and thus cover one-half of each year:

Average earnings of organized workingmen, 1897–1903.

Year.	January-March.	July-September.	Average for three months.	Estimated average for one year.	Estimated number of days of employment in year.
1897	$145	$174	$163	$650	254
1898	164	175	169	678	255
1899	172	197	187	747	273
1900	176	182	179	718	265
1901	183	194	189	756	274
1902	184	197	191	765	278
1903	186	190	188	753	278

Experience has shown that earnings in the six months April-June and October-December run about the same as in the six months for which statistics are collected, so that it is not erroneous to estimate the year's earnings on that basis. Between 1897 and 1903 the average yearly earnings of men increased $103 (from $650 to $753), or 16 per cent. As a matter of fact, the real increase was much larger, for the membership of trades unions more than doubled in the above-mentioned period and the new members almost invariably belonged to trades or lived in localities where they worked for lower rates of wages than the old members. As a consequence of these additions the average daily wage appeared to be stationary after 1899, while as a matter of fact it was almost universally advancing. In 1901, for example, 47,585 members of unions obtained advances averaging $1.97 a week, while only 2,968 suffered reductions in weekly wages—and these were principally due to the establishment of shorter hours of work. In 1902, again, 93,225 trades-unionists secured increases in wages averaging $1.78 a week, while only 3,329 sustained decreases. Considering these facts, it seems quite conservative to say that wage rates increased at least 10 per cent between 1897 and 1903. In that period employment increased as follows.

Percentage of working time in which organized working men and women were employed and idle.

Year.	Employed.	Idle.
	Per cent.	Per cent.
1897	69.7	30.3
1898	76.0	24.0
1899	82.0	18.0
1900	79.5	20.5
1901	82.8	17.2
1902	86.6	13.4
1903	86.1	13.9

The duration of employment in 1903 was therefore 24 per cent greater than in 1897. Assuming that rates of wages increased only 10 per cent in the same interval, their gain in earnings would be 36 per cent. This is doubtless larger than the increase enjoyed by workers in manufacturing industries.

The following tables show the—

Prevailing daily rates of wages in the building industry of New York City (Manhattan Borough) from 1883 to 1903.

Year.	Bricklayers and masons.	Carpenters.	Housesmiths.	Laborers.		Painters and decorators.
				Masons'.	Plasterers'.	
1883	$4.00	$3.50	$2.75	$2.50	$3.00	$2.50-4.00
1884	4.00	3.50	2.75	2.50	3.00	2.50-4.00
1885	4.00	3.50	2.75	2.50	3.00	3.00-4.00
1886	4.00	3.50	2.75	2.50	3.00	3.12-4.00
1887	4.00	3.50	2.75	2.75	3.00	3.12-4.00
1888	4.00	3.50	2.75	2.25-2.75	----------	3.50-4.00
1889	4.00	3.50	2.75	2.25-2.75	----------	3.50-4.00
1890	4.50	3.50	2.75	2.25-2.75	----------	3.50-4.00
1891	4.00-4.50	3.50	2.00-2.75	2.40-2.50	2.50	3.50-4.00
1892	4.00	3.50	2.00-2.75	2.40-2.50	2.50	3.50-4.00
1893	4.00	3.50	2.00-2.75	2.40-2.50	2.75	3.50-4.00
1894	4.00	3.50	2.00-2.75	2.40	2.75	3.50-4.00
1895	4.00	3.50	2.00-2.75	2.40	2.75	3.50-4.00
1896	4.00	3.50	2.00-2.75	2.40	2.75	3.50-4.00
1897	4.00	3.50	2.50	2.40	2.75	3.00-4.00
1898	4.00	3.50	2.50-2.80	2.40	2.75	3.00-4.00
1899	4.40	3.50-4.00	2.80-3.50	2.64	3.00	3.00-4.00
1900	4.40	4.00	3.20-3.50	2.64	3.00	3.00-4.00
1901	4.80	4.00	3.76	2.64	3.00	3.00-4.50
1902	5.20	4.50	4.00	2.80	3.25	a 3.50-4.50
1903	5.20	4.50	4.50	2.80	3.25	a 3.50-4.50

Year.	Plasterers.	Plumbers and gas fitters.	Roofers.	Sheet-metal workers.	Steam fitters.	Tile layers.
1883	$4.00	$3.00-3.50	$3.00	$2.00-3.00	$3.00	----------
1884	4.00	3.50	3.50	2.00-3.00	3.50	----------
1885	4.00	3.50	3.50	2.00-3.00	3.50	$3.50
1886	4.00	3.50	3.50	2.50-3.50	3.50	3.50
1887	4.00	3.50	3.50	2.50-3.50	3.50	3.50
1888	4.50	3.50	3.50	3.00	3.50	3.50
1889	4.00	3.50	3.50	3.25	3.50	3.50-4.00
1890	4.00	3.50	3.50	3.25	3.50	3.50-4.00
1891	4.00	2.75-3.75	3.50	3.25	3.50	4.00
1892	4.00	2.75-3.75	3.50	3.25	3.50	4.00
1893	4.00	2.75-3.75	3.50	3.25	3.50	4.00
1893	4.00	2.75-3.75	3.50	3.25	3.50	4.00
1895	4.00	2.75-3.75	3.50	3.25	3.50	4.00
1896	4.00	2.75-3.75	3.50	3.25	3.50	4.00
1897	4.00	3.75	3.50	3.25-3.50	3.50	4.00
1898	4.00	3.75	3.50	3.25-3.50	3.50	4.00
1899	4.50	3.75	3.50	3.50	3.75	4.00
1900	4.50	3.75	3.50	3.75	4.00	4.50
1901	4.50	3.75	3.75	3.75	4.00	5.00
1902	5.00	4.25	4.00	4.00	4.00	5.00
1903	5.50	4.25	4.00	4.00	4.00	5.00

a Amalgamated reports painters' wages $4; the Brotherhood, $3.50 and $4. Amalgamated reports decorators' wages $4.50. Decorators received the higher rate throughout the entire period.

Prevailing daily rates of wages for paving and stonecutting in New York City (Manhattan Borough), 1883 to 1903.

Year.	Paving.	Freestone.	Granite.	Marble.
1883	$4.00	$4.50	$3.50	$2.50
1884	4.00	4.50	3.50	2.50
1885	4.00	4.50	3.50	$2.50-3.00
1886	4.00	4.50	3.50	2.50-3.00
1887	5.00	4.50	3.50	2.50-3.00
1888	5.00	4.50	3.50	2.50-3.00
1889	----------	4.50	4.00	3.50
1890	----------	4.50	4.00	3.50
1891	4.50	4.50	4.00	3.50
1892	4.50	4.50	4.00	3.50
1893	4.50	4.50	4.00	3.50
1894	4.50	4.50	4.00	3.50
1895	4.50	4.50	4.00	3.50
1896	----------	4.50	4.00	3.50
1897	4.50	$3.50 and 4.50	4.00	4.00
1898	4.50	3.50 and 4.50	4.00	4.00
1899	4.50	3.50 and 4.50	4.00	4.00
1900	4.50	3.50 and 4.50	4.00	4.00
1901	4.50	3.50 and 4.50	4.00	4.50
1902	4.50	4.00-5.00	4.00	4.50
1903	4.50	4.00-5.00	4.50	5.00

PENNSYLVANIA.

[From the Twenty-ninth and Thirtieth Annual Reports of the Bureau of Industrial Statistics, 1901 and 1902, pages 258 and 392, respectively.]

Year.	Returns from 354 establishments.			Returns from 771 establishments.			
	Employees	Average yearly earnings.	Yearly gain (+) or loss (−).	Employees.	Average yearly earnings.	Yearly gain (+) or loss (−).	Per cent of increase.
1892	136,882	$491.90					
1893	122,278	464.66	−$27.24				
1894	109,3-3	413.15	− 51.51				
1895	127,361	445.78	+ 32.63				
1896	118,092	441.29	− 4.49	129,240	$382.47		
1897	121,281	429.90	− 11.39	134,918	383.14	+$1.67	0.4
1898	137,985	454.52	+ 24.62	150,990	401.89	+17.75	4.6
1899	154,422	506.27	+ 51.75	173,302	437.37	+35.48	8.8
1900	136,814	509.43	+ 3.16	184,623	439.97	+ 2.60	.6
1901	156,424	544.80	+ 35.37	191,153	450.44	+10.47	2.4
1902				203,927	482.68	+32.24	7.2

RHODE ISLAND.

[From the annual reports of the Bureau of Industrial Statistics.]

Wages in the textile industries, 1893-1901.

Year.	Average annual earnings as stated in the report of the—		Increase or decrease.				Number of reports tabulated.
	Current year.	Following year.	Amount.		Percentage.		
			Gain.	Loss.	Gain.	Loss.	
1893		$364.62					
1894	$327.33	324.41		$37.29		10.23	121
1895	363.73	339.97	$39.32		12.12		123
1896	313.69	319.20		26.28		7.73	135
1897	317.22	a 336.13	18.02		5.65		135
1898	a 329.23	323.75		a 6.90		2.05	151
1899	347.07	348.71	17.32		5.25		175
1900	376.57	378.11	27.86		7.99		186
1901	384.89		6.78		1.79		188

a Corrected figures.

NOTE.—The average number of employees in the 188 factories considered in 1900-1901 was 47,600 in 1900 and 48,600 in 1901, and their aggregate wages were $17,998,136 and $18,707,183, respectively.

WISCONSIN.

[From Ninth Biennial Report of the Bureau of Labor and Industrial Statistics, 1899-1900, pages 235-238.]

Average annual earnings in factories, 1883-1901.

Year.	Average number employees.	Total wages.	Average yearly earnings.	Yearly gain (+) or loss (−).
1883	39,360	$14,268,213	$363.00	
1885	38,797	13,710,417	354.00	−$9.00
1887	62,935	23,710,866	377.00	+23.00
1888	71,218	28,416,694	399.00	+22.00
1889	80,504	32,575,944	405.00	+ 6.00
1890	80,880	33,125,213	410.00	+ 5.00
1891	94,089	38,023,247	404.00	− 6.00
1892	90,936	38,235,878	426.00	+22.00
1893	96,540	37,327,810	381.00	−45.00
1894	83,642	31,409,244	376.00	− 5.00
1895	85,767	32,993,707	384.00	+ 8.00
1896	80,051	31,749,822	397.00	+13.00
1897	87,534	36,583,044	418.00	+21.00
1899	79,871	31,515,194	394.58	+16.90
1900	80,150	32,983,769	411.48	
1900	78,632	32,378,588	412.00	+10.00
1901	82,775	34,863,674	422.00	

Percentage of factory employees whose daily wages were less than $1 and $1.50 or over.

Year.	Less than $1.	$1.50 or over.
	Per cent.	*Per cent.*
1888	17.06	49.25
1891	15.32	54.56
1893	16.00	52.67
1894	18.67	43.89
1895	18.33	43.40
1896	18.55	45.07
1897	19.77	43.40

LOWER PRICES IN THE UNITED STATES THAN IN ENGLAND.

The claim is often made that while wages are higher in the United States the cost of living is correspondingly cheaper in Great Britain. That this statement is erroneous can be proved by official statistics obtained simultaneously in both countries. In 1892 the Senate Committee on Finance made an extensive report on "Retail prices and wages" in leading cities of the United States and Europe at different periods from June, 1889, to September, 1891. Among the cities considered in this report were St. Louis, Mo., and Manchester, England, cities for which wage comparisons have just been made.

A comparison of the prices of articles of identically the same description, obtained at the same time, namely, June, 1889, and September, 1891, in both cities, shows that instead of the necessary commodities of life being higher in the United States than in England they are, on the contrary, as a rule much lower. This is shown in the table which follows. A glance at this table shows that most of the necessary food products, such as bread, eggs, lard, bacon, roast beef, hams, mutton, milk, starch, and canned vegetables, were much lower in St. Louis than in Manchester, while the prices of the few remaining food products averaged about the same in both countries.

With regard to clothing and cloth goods, we find that men's hosiery, cotton shirts, sheetings, shirtings, and cotton and woolen dress goods of the same description and quality were cheaper in St. Louis than in Manchester; that carpets, flannels, and cotton underwear averaged about the same, and that only in the case of men's hats was there any decided difference in favor of the Manchester purchaser.

Household articles, such as earthenware, glassware, and cutlery, were nearly the same in price in St. Louis as in Manchester, with a very slight difference in some cases in favor of the latter city. On the other hand, furniture costs from about one-fifth to one-half as much in the United States as in Great Britain, so that for the cost of one bedroom set in Manchester one could buy from two to three sets in St. Louis, and for the cost of one dining table at Manchester a whole dining-room set could be bought in St. Louis.

But the question may be asked, "If the American workingmen earn so much more and pay so much less for what they consume, why are they not all wealthy and contented?" The answer may be found in the statement of the eminent French scientist, Prof. Emile Levasseur, in his work on "L'Ouvrier Americain" (The American Workingman). After summing up the conditions of labor in America as compared with Europe he says that wages in the United States are about double the wages in Europe; that objects of ordinary consumption by working people (excepting dwelling houses) cost less in the cities of the United States than in those of Europe; *that the American workingman lives better than the European; that he eats more substantially, dresses better, is more comfortably housed and more often owns his dwelling, spends more for life insurance and various social and beneficial associations, and, in short, has a much higher standard of life than the European workingman.*

Retail prices of commodities of ordinary consumption in St. Louis, Mo., and Manchester, England, in June, 1889, and September, 1891.

[Compiled from the report of the Senate Committee on Finance on "Retail prices and wages."]

	St. Louis, Mo.		Manchester, England.	
	June, 1889.	September, 1891.	June, 1889.	September, 1891.
Food products:				
Bread, best quality of bakers' per pound	$0.04	$0.04	$0.04½	$0.05½
Butter, best creamery do	$0.22 to .30	$0.25 to .30	.22½	.26½
Eggs, not limed, and from vicinity	.12 to .12½	.18 to .20	.18½	.24½
Lard, pure leaf per pound	.09 to .10	.09 to .10	.16½	.18½
Meal, oat, per pound	.03½ to .05	.03 to .05	.04½	.04½
Meat, bacon, per pound	.10½ to .12½	.11 to .15	.20½	.18½
Meat, beef, canned corn, No. 2 size, per can	.18 to .25	.20 to .25	.20½	.18½
Meat, beef, roasting, cuts of, per pound	.05 to .08	.05 to .08	$0.16½ to .20½	$0.16½ to .20½
Meat, ham, per pound	.08½ to .18	.08½ to .15	.11½ to .18½	.13½ to .20½
Meat, mutton, shoulder, per pound	.05 to .10	.05 to .08	.14½ to .16½	.16½ to .18½
Milk, fresh, per quart	.05 to .06	.05 to .06	.06	.06
Rice, Carolina prime, or similar grade, per pound	.08 to .10	.07½ to .10	.08	.08
Sugar, granulated, per pound	.07½ to .10	.04½ to .05½	.05	.05
Vegetables, canned, corn, standard No. 2 size, per can	.08 to .10	.08½ to .10	.13½	.13½
Vegetables, canned, peas, standard No. 2 size, per can	.10 to .15	.10 to .15	.23½	.22½
Vegetables, canned, tomatoes, standard No. 3 size, per can	.08 to .10	.08½ to .10	.11½	.10½

Retail prices of commodities of ordinary consumption in St. Louis, Mo., and Manchester, England, in June, 1889, and September, 1891—Continued.

	St. Louis, Mo.		Manchester, England.	
	June, 1889.	September, 1891.	June, 1889.	September, 1891.
Cloth and clothing:				
Carpets, ingrain, standard, per yard	$0.75 to $0.90	$0.85 to $0.90	$0.91½	$0.79
Flannels, twilled scarlet, all wool, 3-4, per yard	.50 to .50	.25 to .45	.31½ to .37½	.31½ to .37½
Hats, men's derby, medium grade, each	2.00 to 3.00	1.90 to 2.50	.85½	.85½
Hosiery, men's cotton socks, mixed, per pair	.10 to .15	.10 to .15	.24½	.24½
Linen goods, men's cotton shirts, linen bosoms, 8 by 15 inches	.50 to .75	.50 to .75	1.09½	1.09½
Sheetings, brown standard, per yard	.07½ to .08½	.07½ to .08½	.09	.09
Shirtings, bleached, 4-4, per yard	.08½ to .10	.08½ to .09	.13½ to .18½	.13½ to .18½
Underwear, cotton shirts, Balbriggan, 34. gage	.35 to .65	.35 to .75	.46½	.46½
Underwear, cotton drawers, Balbriggan, 34. gage, per pair	.35 to .65	.35 to .75	.46½	.46½
Women's dress goods, cotton-warp cashmere, per yard	.25	.23 to .25	.24½ to .36½	.24½ to .36½
Women's dress goods, all-wool cashmere, per yard	1.00	1.00	1.21½	1.21½
Miscellaneous:				
Soap, best family, per pound	.06 to .06½	.06 to .06½	.07	.06
Starch, ordinary laundry, per pound	.03 to .05	.04½ to .05	.07	.07
Quinine, per ounce	.50 to .75	.50 to .75	1.46	.85½
Earthenware, teacups and saucers, white granite, with handles, per dozen	.65 to 1.25	.65 to 1.25	.85½	.85½
Furniture, bedroom set, ash or elm, 3 pieces (bedstead, bureau, and washstand)	18.50 to 30.00	18.50 to 25.00	a 51.22	a 51.22
Furniture, tables, dining, plain oak extension, each, 5-foot	3.15 to 7.50	3.15 to 8.00	a 18.25	a 18.25
Furniture, tables, kitchen, plain wood, 4-foot	1.50 to 2.00	1.50 to 1.75	a 4.01½	a 4.01½
Glassware, tumblers, common pressed, ½-pint, per dozen	.40 to .60	.40 to .60	.42½	42½
Knives and forks, table, iron handles, per dozen, each	.50 to 1.10	.50 to 1.10	a .93½	93½
Lamp chimneys, A-Sun, each	.05 to .10	.05 to .10	.05	.05

a Prices in Liverpool. Manchester prices not quoted.

Mr. HEMENWAY. I now yield to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. I simply desire leave of the House to extend my remarks in the RECORD.

There was no objection.

Mr. HEMENWAY. I now yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, I desire to avail myself of this occasion for a few minutes to go back a little into history. When my friend from Missouri [Mr. CLARK] was making his very brilliant and able speech on the tariff a little while ago, I asked him how he stood upon the Wilson Act; if he would repeal the present tariff and revive the last Democratic measure. I want to read an extract from a speech made by another great Missourian on the 30th day of January, 1894, upon the Wilson bill. All will remember that as a period when this country was enduring the hardest times that we have ever known, and those hard times continued down to the campaign of 1896 and yielded only to the Dingley law. The Wilson bill was being considered in the House, and over its head was a Democratic halo of hope. Here is what an eminent Missourian said on that occasion. I read from the RECORD of the second session of the Fifty-third Congress, page 405:

> The passage of the bill [Wilson bill] will mark the dawn of a brighter day, with more of sunshine, more of the songs of birds, more of that sweetest music, the laughter of children, well-fed, well-clothed, well-housed.
>
> Can we doubt that in the brighter, happier days to come good, ever-handed, wholesome Democracy shall be triumphant? God hasten the era of equality in taxation and in opportunity. And God prosper the Wilson bill, the first leaf in the glorious book of reform in taxation, the promise of a brightening future for those whose genius and labor create the wealth of the land and whose courage and patriotism are the only sure bulwarks and defense of the Republic. [Applause.]
>
> As we scan it [the bill] we see the light breaking, and what a bow of promise we behold reflected on its pages. It is but the beginning, a first step on rough ground; but it starts us in the right direction and by the right road. Soon we shall travel fast and journey far.

Such was the brilliant peroration of Hon. DAVID DE ARMOND, of Missouri, when the Wilson bill was passed in 1894. We know how well fed, well clothed, and well housed the people were under that law. We know how it stimulated "the laughter of children." We know what the people did to "that glorious book of reform" when they got a chance in 1896. The voters thought the Democracy "had traveled fast and journeyed far" enough. We know and rejoice that the Dingley bill took its place in 1897. And now my friend from Missouri [Mr. CLARK] calls attention to the fact that the railroad companies can pay better wages and pay a higher price for steel rails and still make money at the old rates, because, he admits, the business of the country has been so immensely developed under the Dingley law. [Loud applause on the Republican side.]

Mr. HEMENWAY. I yield thirty minutes to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, after the somewhat stormy and vociferous eloquence of the gentleman from Missouri [Mr. CLARK] I shall discuss a very plain and simple question, and that is the Government Printing Office. If there are any Members of the House who are interested in the question of Government printing and its expense, I should be glad to have their attention, and I should also be glad if those who are not interested would allow me quiet during the remarks that I am to make. Mr. Chairman, the growth of the Government Printing Office and in the expenses of Government printing is perhaps not realized by most Members of the House. I have looked at the data for the Forty-seventh Congress. That was twenty years ago. The entire expense of Government printing at that time was about $2,400,000. Coming down ten years to the Fifty-second Congress, there had been no material increase in the expense of Government printing. It was still about $2,400,000 to $2,500,000. But when we come ten years further down, to the Fifty-seventh Congress, we find that the expense of Government printing has gone up from $2,500,000 to about $6,200,000. In other words, in ten years the expense of Government printing has increased about 150 per cent.

Now, I need not say that there has been no increase either in wealth or in business that would correspond to the vast increase of expense in Government printing, and I think it is perhaps worth while to consider, at no very great length, I hope, what are the reasons of that increase and how far it deserves to be considered and to be checked.

There are some items that may well excite our interest. I find that for the year ending June, 1902, this Government expended for pictures alone—some of them pictures of officials and other persons who wanted their faces to be known to the public, some of them fancy pictures and all sorts of pictures—over $250,000, and a good deal more last year. We pay for pictures as much as the salaries of fifty Congressmen. Perhaps the pictures are worth the services of the Congressmen, but certainly, Mr. Chairman, an item so large as this strikes one with surprise.

Now, this growth in expense is due to a number of things which are worth, perhaps, some little consideration from the Members of the House; because, while we are giving so much time to the increases which we make in Government expenses, it is worth while to give a little time to see if in some place there can not possibly be a reduction.

The first explanation for the great cost of Government printing lies in the fact that the Government does its own printing. Government printing is like all other Government enterprises. I have taken pains to ascertain with some degree of accuracy the relative expenses of printing, and with reasonable accuracy I can say that it costs the Government for a given amount of printing 25 per cent more than the same work done in private offices would cost.

Now, of course, Mr. Chairman, no one for one moment would think of attempting to remedy this by changes in the hours of Government employees or by changes in the wages of Government employees. The thing is as it is; but certainly it is worthy of consideration by gentlemen who, on both sides of the House, at some time suggest as a remedy for the evils of trusts, or as a remedy for the evils of monopolies, that the Government should absorb other and further industries, that this one branch of Government enterprise costs on an average 25 per cent more than it would in the hands of private parties. Take the railroads, Mr. Chairman, for example: There is not a railroad system in the United States of America, no matter how rich, no matter how high a rate of dividends it pays, that would not go into the hands of a receiver if its operating expenses were increased 25 per cent. In other words, Mr. Chairman, there is not a railroad system in the United States that, if its ratio of expense were increased by its being operated by the Government, as the expenses of the Printing Office are increased by its being operated by the Government,

would not either land in the hands of a receiver or be operated by the Government at a net loss. So much we may consider as we go by.

Now, a word more in reference to the operation of the Printing Office. I am not here to criticise. I am not familiar enough with the subject to criticise, though I have given it some study since I have been on the Printing Committee. But there are some subjects as to which I think a word should be said. There is one thing that is a marvel to me, and I think it is to many Members of the House, and that is why during all the years that have passed typesetting machines have not been used in the Government Printing Office. I saw the other day that Mr. Ricketts testified or stated that the use of typesetting machines would diminish by 30 per cent the number of employees in the Government Printing Office necessary to do that branch of the work. Why these machines have not been used, why they are not now purchased, I have never heard any explanation. I should suppose that the Committee on Appropriations could order their purchase.

I have spoken to members of the Appropriations Committee and I have been told by them that the Government Printer had authority to make the purchase, and I have been told by others, in behalf of the Government Printer, that the time had not yet come, that the value of these machines had not yet been sufficiently established. Now, Mr. Chairman, when every printing office of any size in the United States of America has so far tested these machines as to find them profitable for use in private business, their value has been sufficiently established, and certainly if the Government is to operate any branch of business it should be operated upon business principles. If the Government had a farm, would it be expected that the corn would be cut and gathered without the use of binders and reapers? Why the same argument should not apply to the use in the Printing Office of every device which is used in private enterprises is a question which is deserving of consideration at the hands of the Committee on Appropriations or any other appropriate committee.

Mr. GILLETT of Massachusetts. Will the gentleman allow me to make a suggestion?

Mr. PERKINS. Certainly.

Mr. GILLETT of Massachusetts. I simply wish to suggest to the gentleman that the Government Printer made the statement which he has quoted, but this year the Government Printer said that the time had come. Consequently I suppose they will be installed.

Mr. PERKINS. Well, it seems to me that the time certainly has come. To some it seemed that the time had long ago come, and I am glad that in the opinion of all it has now been reached.

Now, there is another thing respecting the Government printing, and that applies to many of the branches of Government expenditure, which accounts, as I think, to a large extent for the undue increase in Government expenses. Our Government has become a very large one. There are 80,000,000 of people, and there is an expenditure of $700,000,000 or $800,000,000, and the size and the multiplicity of the items brought before the Committee on Appropriations is, of course, very large. Now, we all of us know that there is no chief of any bureau of this Government or any other government who does not naturally, necessarily, by the operation of common laws of human nature, think that his branch of the government is the one important thing; that the one thing for which appropriation committees exist is to enlarge the field of his operations, to furnish it a larger publicity and a larger force.

That being so, Mr. Chairman, it seems to me that it is perhaps questionable—and with all deference I make the suggestion to those who have had much more experience in Congressional life than I have had—whether we are not becoming mere clerks to register the requests of a bureau of a department. They tell us what they want, we make a mild reduction, and then grant their request. Take, for instance, this item of printing. I see in the sundry civil bill which we are now to pass upon there is appropriated something over $6,000,000 for printing. Now, I will venture to say, and I say it in no carping sprit, that there is not one member of the committee, with all the great duties that devolve upon them of reporting appropriation bills aggregating three or four hundred millions of dollars, who can give any explanation of where this $6,000,000 goes.

The Department of State comes in and asks so much, the War Department asks so much, the Agricultural Department asks so much, and it is a physical impossibility for the Appropriation Committees, with all the duties devolving upon them, to give any details or explanation of where the money goes and for what it is required. Take that one item of printing, that costs $6,000,000. It is more than some of the small and prosperous States in Europe spend for their entire annual expenditures. It would be better if that item and all items of printing were sent to one committee that could have such opportunities for investigation that if there was a possibility of reducing the expense, if there was a possibility of knowing whether the Departments were intertwining and interlacing with each other, that committee could investigate and intelligently report on the items.

I want to say in no spirit of carping that as to this item for printing the committee reporting it knows nothing except that demands for these amounts are filed by the Departments. Work can be duplicated; a bureau in the Agricultural Department can be sending out substantially the same information as a bureau in the Department of Commerce, and no one be much the wiser. It is the theory, and it ought to be the practice of this Government, that Congress should fix the expenditures of the nation, and not that they should be fixed by a great number of officials, each one trying to get all he can and regarding the development of his branch as the one thing most important to the country.

Let us see how these demands have grown. I have made a few figures which I shall not weary the House long with. But I see, for instance, that ten years ago the Department of State asked for $18,000; the Navy Department asked for $70,000; the Post-Office Department asked for $200,000. In ten years every one of these Departments has doubled the amount. The Navy Department has more than doubled its demand on the public Treasury for the item of printing alone. I do not believe, Mr. Chairman, that within ten years, if proper supervision were exercised, it would have been necessary for every Department of the Government to double the amount which it receives for the item of printing.

Now, let me say another word, Mr. Chairman, in reference to our procedure, where I think a just criticism can be made. If anyone will look back over the history of the last few years he will find almost every year deficiency appropriations for printing and for Heaven knows how many other things. So far as I can make out, in many Departments they go on and spend what they see fit. The amount appropriated by Congress is not large enough to satisfy the views of chiefs of bureaus who want to publish reports and of chief clerks who occasionally favor us. Apparently the Departments spend money without any reference to the amounts allowed. They spend all they have in a few months, so they are absolutely penniless for the balance of the year, and Congress makes up the deficiency. It is useless to scold about this condition of affairs.

Now, my friend, the friend of us all, the chairman of the Committee on Appropriations, said that the Departments ought not to exceed the amounts of moneys that were allowed to them. Certainly they ought not. But, Mr. Chairman, there is only one way by which you can stop a Department in spending more money than is appropriated for it, and that is to refuse to appropriate for deficiencies.

Suppose a man has a boy at school, and the boy in six months spends his entire allowance, and his father says to him, "You ought not to do this; you ought not to be so extravagant; you must not spend so much money," and then proceeds to furnish the additional amount of money in order to defray the boy's expenses through the next six months. Will he do better next year? Cut off the boy's allowance so for six months he has nothing and after that he will make the money hold out. You must treat a Government Department in precisely the same way. If it is known absolutely that the expenses of any branch must be kept within the amount appropriated by Congress the amount will be kept down. But if it is known that if the entire amount is expended Congress will grant an additional sum beyond the first appropriation, then it is absolutely certain that the amount will be expended.

Now, Mr. Chairman, I want to say a few words more on another branch of this business. This subject is too large to be treated by any bill that I could introduce; but I have introduced and there will be reported from the Committee on Printing a bill aimed to stop some small amounts of Government waste, and really I should feel very much obliged to the Members of this House if they will take interest enough to consider and pass that bill. I will tell you two or three things that I have sought to remedy in a very small way by conferences with people in the Printing Office and the document room and elsewhere, who are familiar with these questions. Here is an item of $10,000 that might be saved. Ten thousand dollars is not very much, but, after all, the duty is upon every honest legislator to save $10,000 if he can.

I will tell you how this is wasted, and I know it by the statements of Mr. Grayson, whom we all know. There are, for instance, under the law as it is, printed of every bill, including every private bill, and of reports made upon private bills, I think, about 600 copies. Mr. Grayson tells me that 100 is as much as is ever required; and of course, if by any strange chance there should be a special demand for reports on a private bill for more than 100 copies, they can be furnished, because the type is

still set up at the office. Every morning at the document room, if any Member of Congress is curious enough to go and see, he will see parcels brought in of four or five hundred copies of reports on pension bills, copies of reports on every private bill, which the boys dump into waste-paper baskets as they come in, without even opening them. From eight to ten thousand dollars would be saved by limiting to the requirements of the office, as shown by experience, in the numbers of copies of bills and of reports on private bills. Nobody has paid any attention to this, though Mr. Grayson says that for a long time he has lamented it.

Besides this, you can go down in the basements of this building and you will see piles and piles and piles of papers and pamphlets and books, for every one of which the Government has paid, and which are of no more value than the sand upon the great desert in the West.

Mr. MAHON. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. PERKINS. Certainly; I am always delighted to answer questions.

Mr. MAHON. My experience is, as the gentleman has said, that hundreds of thousands of copies of reports of the Ordnance Department and the Quartermaster Department running up into the hundreds are printed and put to the credit of Members of Congress. I do not get one request in a year for some of those documents, and they are down in the basement rotting away. Now, I want to make this suggestion: Those are reports which are not read by the public generally. Why not publish a sufficient number of them to furnish the Departments, and then a few more copies for outside use, and in this way I think we could cut the appropriation down to $3,000,000. I have investigated it, and I am satisfied that millions of dollars are wasted in public documents which are rotting in the basement. Nobody wants them, and they would not read them if they were sent to them.

Mr. GAINES of Tennessee. Mr. Chairman, I am very glad to hear the gentleman talk about this matter, and the gentleman from Pennsylvania as well. It is almost an everyday thing, and particularly when I get home, that I get documents which I have to try to give away.

Mr. MAHON. And you can not do it?

Mr. GAINES of Tennessee. No; that is true; no one wants them, and yet they are handsomely bound, more handsomely bound than your law books or any other lawyer's law books who practices law in the United States, and it is an outrage upon other appropriations that should be made and to the thousands of claimants in this country whose claims are not paid, to spend the people's money in printing and binding them thus. Instead of doing this, throwing the people's money away in that manner, we ought to quit such work and appropriate money in a way so that the people will be glad to get the printed matter.

Mr. PERKINS. Any waste to the people's money is an outrage.

Mr. GAINES of Tennessee. And this is one way it is wasted.

Mr. PERKINS. The gentleman is entirely right——

Mr. GAINES of Tennessee. We can take this and extend the rural free-delivery system and a whole lot of other good things the people need and beg for.

Mr. SULZER. And increase the letter carriers' pay.

Mr. PERKINS. Yes.

Mr. GAINES of Tennessee. There are a great many things we could do with this money which will be far better for the people and reflect more credit on Congress than such performances.

Mr. PERKINS. Now, I want to say one or two words along this line, and give a few figures to the Members of the House as to how much this waste, this absolute waste, is. Some Members perhaps know that four years ago the superintendent of the folding room was requested to prepare a list of books, bound and unbound, which, in his opinion, were entirely worthless.

Certainly he made a most conservative estimate, because he put in the list of books that may have some value a vast number of books that, in my judgment, have no possible value. But even allowing for that, it appeared at that time that there were on hand, filling up the vaults of the Capitol that might be used for some useful purpose, more than a quarter of a million books. These books are of no value to any man under God's heaven, but they are books for which the United States had to pay. They cost the Government probably half a million dollars, and they fill up the cellars of the Capitol with rubbish. They are of no use to us and they are of no use to our constituents and of no use to anybody.

That thing has gone on still more rapidly, and in the bill I have introduced I have endeavored to cut down the amount of printing of a few things where it seemed to be so manifestly right that I hoped no Member of the House would object. Here, for instance—and this is only for the last four years—are a few figures: There have been placed to the credit of Members of Abridgments of Messages 36,000 copies. How many copies do you suppose have been sent out by all the Members of this House? About 5,000 copies. In other words, there is a distribution to Members, as is shown by actual test, seven times as large as is required. Now, gentlemen, that is waste; it is almost criminal waste. There have been given Members for distribution during the last four years of Labor Reports 14,000, and only 4,000 sent out; of Educational Reports, 20,000, and 5,000 sent out; of Statistical Abstracts, 11,000, and 2,000 sent out.

Mr. OTJEN. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. OTJEN. Are not these documents that you have referred to valuable documents if Members would send them out when they are first published?

Mr. PERKINS. They are not valuable to many people. They are of small value to anybody except to a small number. As the gentleman from Pennsylvania has well suggested, these could get their distribution from the bureaus, for certainly there should be some distribution to the bureaus, where those interested could get them. There is not a man on this floor who, try as hard as he can to send out books, can not send them all out.

We could get a more satisfactory distribution if all the copies of some documents were left with the document room or the bureaus, for then the few Members who have occasion to use them could get what they wanted, and the rest of us would not be bothered with what we do not want. That, for instance, is true of eulogies of deceased Members. Instead of the distribution being made equally, it would be better to give the bulk of them to the Representatives of the State in which the deceased Member lived. To some extent we accomplish this by writing letters to the other Members, but each one of us knows what a nuisance this is. After all, there is not a man here who has not to his credit hundreds of eulogies that he does not want and nobody else wants.

Mr. OTJEN. The gentleman has mentioned the report of the superintendent of education. I have made a practice of sending those to members of school boards, and they find they are very useful.

Mr. PERKINS. There is some demand for them. We must remember another thing, of course; you could take Shakespeare's works or any good book and if the Government of the United States would publish it and distribute it free, you could get demands without end, but the Government is not in that business. So when you move to reduce the amount of some publication a Member somewhere will say that for his district he wants all the copies that are credited to him and a few more.

But, Mr. Chairman, Government printing must be regulated on reasonable terms. If the demand for any publication is so small as to be confined to one or two districts, and you find the books distributed, compared with the great number undistributed, are costing the Government $50 a book, I take it that no Member will say that the demands of his constituents are so overpowering that he is justified in insisting upon the publication. It is not right to have the Government spend five or ten thousand dollars a year in publishing a report in order that one or two Members may give away half a dozen copies. The constituents would be just as happy without the books, and if it is costing the Government $25 or $50 a volume for the few sent out, manifestly that is too high for them.

Now, this bill I have introduced reduces the Government printing by perhaps $100,000. As I said, it is not much, but it is something. I have reduced, first, the number of documents sent to the document room unbound, which are simply taken and thrown from the hand of the boy who brings them into the waste-basket that receives them, because everybody knows that nobody wants them.

Mr. MANN. What documents does the gentleman refer to?

Mr. PERKINS. Five or six hundred copies of private bills and reports on private bills.

Mr. MANN. The gentleman doesn't mean the ordinary public bills?

Mr. PERKINS. Oh, no.

Mr. MANN. The gentleman's remark would seem to cover everything that went into the document room.

Mr. PERKINS. I refer to documents that experience has shown there is no demand for.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PERKINS. I ask for three minutes more, Mr. Chairman.

Mr. BENTON. I will yield the gentleman three minutes more.

Mr. PERKINS. I want to say a word or two more, because in this bill I have cut off the publication of a few things that it seems to me there is no reason this Government should print.

Here are the reports of the Bureau of American Republics. I do not believe that 10 per cent of the Members of this House know that such a book as the report of the Bureau of American Republics is published at all. I do not believe that book is of any value to any merchant in the United States, that there is any information in it that he can not get from some other place; but because years ago that Bureau was organized and a direction put in the law to publish those reports, every year the Government of the United States pays $22,000 for publishing the reports of the Bureau of American Republics, which I do not believe are worth 22 cents to anybody. I think things of that sort we can safely and profitably cut off.

When the Government's expenses are increasing in so many directions let us indulge in the rare luxury of making a little saving. Such changes will not throw a single man out of employment, but they will prevent the cost of the Printing Office increasing at the fabulous rapidity of the last few years. It is a good thing for the Printing Office as well as for the Government. As one of the most intelligent employees there told me, if the cost of Government printing went on increasing as it had done, the Government Printing Office would be broken down by its own weight. I venture to hope that while we are spending $700,000,000 the House will be willing to consider, and perhaps to pass, a modest bill which will save the country about $100,000 a year and harm no Member and no citizen. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, and had further insisted upon its amendments to the bill (H. R. 10670) making appropriation for the support of the Army for the fiscal year ending June 30, 1905, and for other purposes, numbered 16, 22, 23, 25, 29, 49, 50, and 51, disagreed to by the House of Representatives; had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. QUARLES, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 11711. An act granting an increase of pension to Jerome J. Hinds.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. BENTON. Mr. Chairman, I yield thirty minutes to the gentleman from Kentucky [Mr. TRIMBLE].

Mr. TRIMBLE. Mr. Chairman and gentlemen of the committee, I ask your indulgence for a few minutes while I briefly discuss, in my opinion, one of the most intensely interesting and important measures that is now pending before this body. It is not the question of equality between whites and blacks that my distinguished colleague from Massachusetts has just so eloquently discussed; it is not a question of appropriating hundreds of millions of dollars of the people's money for building war ships and maintaining standing armies to destroy human life, but it is a question of humanity that involves the hopes, peace, prosperity, and happiness of 400,000 men who are to-day engaged in the culture of tobacco in the United States, and of a million and a half of women and children who are dependent upon them for the necessaries of life.

I desire to make a positive and direct assertion, and I ask that it be challenged by any Member on the floor of this House, be he Democrat or Republican—for this is not a partisan question—that by reason of the internal-revenue laws of this country, which are to-day curbing by restrictions, regulations, and placing a tax of 6 cents upon every pound of tobacco that grows out of the ground before it can be properly prepared in its raw or unadulterated state by the producer to conveniently reach the consumer, that hydra-headed monster, the tobacco trust, which arbitrarily fixes the price on the raw product and manufactured article, is grinding these people into the very depth of poverty and industrial degradation. I say to you that by reason of the absolute monopoly of the tobacco business by the trust the Government is to-day virtually paying a bounty of 6 cents upon every pound of tobacco manufactured. When Congress reduced the tax from 12 cents to 6 cents a pound it benefited neither the consumer nor the producer, but practically put into the coffers of the Consolidated American and Continental Tobacco companies last year eighteen millions of dollars.

To help defray the expenses of the Spanish-American war, on July 1, 1898, the tax on manufactured tobacco was increased from 6 to 12 cents per pound, and the manufacturers advanced the price of said article accordingly. In July, 1902, that tax was reduced to 6 cents per pound; yet the manufacturers of tobacco in this country have not reduced the price of the manufactured article a single cent and are paying less for the raw product.

Had the Government retained the tax of 12 cents a pound upon tobacco, instead of collecting $18,000,000 of revenue from this source last year, as shown by the annual report of the Commissioner of Internal Revenue, it would have collected $36,000,000. I do not make this declaration from hearsay. I hold in my hands the invoices of the leading brands of tobacco manufactured by the tobacco trust, which show that to-day they are asking and selling for identically the same price the same brands of tobacco as when the tax was 12 cents a pound, notwithstanding the tax has been reduced to 6 cents a pound.

Mr. Chairman, the tobacco planters and the people who are depending upon them for a living are crying for relief, but no relief can come to this class of farmers until Congress shall have repealed this tax. Shall we do it and relieve them of this onerous burden, or shall we turn our ears away from the truth and refuse to hear the petitions of this sorely oppressed class of our citizens, and, in refusing to hear them, add insult to their injuries, deride their importunities, and curse them in their calamities? They come to you with their petitions and prayers and ask you to give the product of their fields the same privilege that is given every other staple that grows out of the ground. Put the tobacco planter upon the same plane as the man who grows cotton, corn, wheat, and oats, and every other product that comes out of the earth. It is claimed that tobacco is a luxury, and, therefore, ought to be taxed. Upon this question there is a difference of opinion. If it is a luxury, it is about the only one the poor man can enjoy. In my opinion it is one of the necessaries of life to the world at large. You may go where you will, you may circle this great round globe, and wherever you find the poor laboring man at work you will find him with his pipe and tobacco. It is his solace. It is as necessary almost to his comfort and happiness as the food that goes into his mouth.

Mr. Chairman, for the sake of argument, let's admit that tobacco is a luxury. No one who ever toiled in or knows anything about its cultivation will for a moment say that it is a luxury to produce. It requires more ceaseless toil to produce it than any other crop that grows out of the earth. It requires from twelve to sixteen months to grow and market a crop of tobacco. The plant beds are sown in February and March. The crop is transplanted in May and June. It is cut and put in the barn in August and September, and after going through a drying and curing process for from four to six months is stripped and prepared for market. Therefore, if tobacco be a luxury, it is in its consumption and not in its production. That you may understand more fully the deplorable conditions of this class of farmers, I submit to you resolutions adopted by a mass meeting of tobacco growers of Kentucky and Tennessee, held at Guthrie, Ky.

We, the tobacco growers and dealers of Kentucky and Tennessee, in convention assembled at Guthrie, this, the 25th day of January, 1904, do hereby petition and most respectfully represent:

That in the midst of the vaunted prosperity said to be deluging the other parts of our blessed country the tobacco-raising sections are in the very throes of calamity, the people hard up, farm laborers in want, nobody prospering, everything languishing.

That the effect of the revenue laws relating to tobacco has been to bring to the verge of ruin one of the richest counties God has made, destructively damaging to landlords and farmers, distressingly impoverishing to tenants and laborers, by placing it within the power of buyers and corporations to fix the price and combine to control it; that no other county in the United States has been so oppressed, having its natural fertility and wealth-producing powers rendered nil; that no other product of the soil is thus taxed and singled out for trusts to prey upon; that no other people are ground to powder by permission of the law.

That the effect of the law is to destroy competition among buyers and limit the growers' market; that if the grower were permitted to stem and twist his product and sell it in any quantity anywhere, in any quantity to anybody, he could thus reach the consumer and there would result a wider market, competitive demand, and living prices.

That under the prevailing system the grower can only sell a small quantity in the hand; that all the people about him to whom he might sell are growers like himself, or nearly all, and therefore he has no one to whom he might sell; that the small quantity he might sell would not justify him going into nontobacco regions to find customers; that he therefore has no one else to sell his crop to except the combined agents; that there is no longer competition in buying, the leading tobacco markets of the world have been abandoned by the army of buyers and agents from abroad, from all the principal countries of Europe, who sat daily around the tobacco boards and bid against each other; that the auction rooms are dismantled and abandoned, and where activity and prosperity once surged is now desolation and emptiness; that a few buyers for corporations, all in combination, alone remain to fix the price and take as much or as little as they wish; that there is no one else to whom they may sell—no exemption, no rivalry—and the result is that prices rule barely above the starvation point.

That the revenue law is directly responsible for this by depriving the grower of the right to sell his product to consumers stemmed and twisted into a shape that can be handled and used and in amount that would be any considerable part of the country's product; that to take off the handcuffs and allow him to stem and twist and sell it without limitation will create competition and bring tobacco to its worth.

That it is demonstrable, at least in the tobacco regions that we represent, that this suggestion will not decrease the revenues; but even if it does, even if it cost millions, is the Government warranted in punishing its people for revenue? Is it fair and just to select us from among all other tillers of the soil for unmerited punishment through unjust taxation?

Therefore we earnestly petition and pray the Congress of the United States to so amend the revenue laws as to permit any person (farmer, merchant, or dealer) to sell leaf tobacco in the hand, leaf tobacco stemmed, leaf tobacco stemmed and twisted, not mixed with any foreign ingredient or flavoring, to the consumer or to the trade in any quantity free of any tax whatever.

F. G. EWING, *Chairman.*
R. E. COOPER.
F. W. DAWNEY.
W. F. FLOWERS.
C. C. REYNOLDS.
J. W. DUNN.
C. P. WARFIELD.

I am asked what will give relief. My answer is the passage of H. R. 3574, which I introduced in the first session of the present Congress, which reads as follows:

A bill for the relief of farmers and tobacco growers of the United States.

Be it enacted, etc., That farmers and growers of tobacco shall hereafter have the right to sell tobacco in the raw or unadulterated state, of their own growth, in any quantity, either in the leaf, twist, or such other form as they may wish, free from any tax or charge, or being in any manner subject to statutory regulation on the part of the Government of the United States.

This bill has been published and submitted through the press to the tobacco growers in every section of the country in the United States where tobacco is grown. The Kentucky legislature adopted resolutions requesting Congress to pass this bill. In has been indorsed by the White Burley Tobacco Growers' Association and more than 50,000 petitioners from every section of the country. Its passage will prevent the arbitrary fixing of the price of raw leaf or the manufactured product. It will be an equitable, automatic governor of prices, protecting producer and consumer and working no injury to the manufacturer who is satisfied with a legitimate profit on his capital. We do not ask you to take the tax off the manufactured article. We ask you to let the grower stem and twist his crop, and thereby put it in a convenient form to reach the consumer without paying this onerous and iniquitous tax. We say that because of this tax we have but one buyer in this country, one buyer from foreign countries, and because of this tax a foreign corporation is robbing the American tobacco growers every year on an average out of $14,000,000. You ask how this is done.

I will tell you how it is done. A foreign corporation cooperates with an American trust to control the price of tobacco. We ship annually on an average 350,000,000 pounds of tobacco to foreign countries. That tobacco is to-day being bought for 4 cents a pound, 2 cents a pound less than it costs to produce it. And why? Because the grower has to sell to the trust, there being no other buyer, or let it rot in his barn. Not a pound of tobacco should leave these shores for less than 8 cents a pound, which is but a fair living price. This foreign corporation to-day pays for 350,000,000 pounds of tobacco $14,000,000, when, if you will repeal this iniquitous tax and give us an opportunity to reach the consumer, that same tobacco would bring from foreign countries $28,000,000 instead of $14,000,000.

Mr. GAINES of Tennessee. Mr. Chairman, I will ask the gentleman if Mr. Yerkes does not state that this tax of which the gentleman is speaking does not produce any revenue to the Government?

Mr. TRIMBLE. Not one dollar of revenue is gotten by the Government from raw stemmed or unstemmed leaf tobacco which is exported.

Mr. GAINES of Tennessee. It serves as a restriction and a burden, however, on the tobacco grower's tobacco when a nonproducer buys it of the grower and then sells to the people. Then the nonproducer must pay 6 cents per pound tax.

Mr. TRIMBLE. It does.

Mr. GAINES of Tennessee. And does not produce a particle of revenue.

Mr. TRIMBLE. Here is some tobacco in its raw or natural state, just as it comes off the stalk and ready to sell to the manufacturer or exporter, for they are virtually the only buyers the grower can conveniently reach. That tobacco can now be sold to the consumer, provided the man who grows that tobacco delivers it with his own hands; but although that tobacco may be grown on my own farm, I can not sell it to a consumer and deliver it to him by a hired man or an agent. I submit a letter from the Commissioner, that you may understand the construction of the law and the hardship on the grower in this report. It reads thus:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, D. C., April 7, 1903.

SIR: In your letter dated 2d instant you present several questions concerning the sale of leaf tobacco by and for farmers who raise the tobacco, or who receive the same from tenants, or who buy the same while it is growing in the fields, and also whether a number of farmers may employ an agent to travel from place to place and sell the tobacco for them.

GROWER CAN NOT DELEGATE AUTHORITY TO SELL FOR HIM.

In reply you are informed that a farmer or grower of tobacco may sell tobacco of his own growth or raising, or that which he receives from his tenants as rent for land, without restriction as to the quantity sold or the business of the person to whom the tobacco is sold and delivered. This privilege is one which the farmer or grower can not delegate to another person.

My bill allows him to "delegate"—sell by another person, his agent.

The Office has decided that where a grower of tobacco sells his crop before it is severed from the land to another person, the purchaser would not be privileged to resell the tobacco to consumers without payment of the tax.

My bill allows free trade in leaf tobacco.

A farmer or grower of tobacco may place his tobacco in the hands of a qualified dealer in leaf tobacco to be sold by him on commission, and such dealer must sell the tobacco only to other qualified leaf dealers or to qualified manufacturers of tobacco or cigars, or to persons who buy leaf tobacco in packages for export.

My bill removes this restriction.

Any arrangement made by a farmer, or a number of farmers, with another person to sell and deliver his or their tobacco for him or them while traveling from place to place would be in violation of law. An agent who is paid a stipulated salary may travel and solicit orders for the sale of tobacco raised by another person, but he may not deliver the tobacco to purchasers; nor can he sell tobacco on commission, or receive as compensation for his services the difference between the price as fixed by the farmer and the selling price.

My bill abrogates these limitations.

All tobacco sold by an agent for the farmer who raised the tobacco must be delivered by the farmer, and not the agent, directly to the person who purchased the tobacco; and a farmer must sell his tobacco in the condition in which it was cured on the farm, and can not stem, twist, plait, roll, sweeten, or otherwise manipulate it for sale to consumers.

Respectfully,

J. W. YERKES, *Commissioner.*

If I take the stem out of that tobacco and make it into a twist—you see, this is in a dry state, so that it can not be handled—so that the consumer can smoke or chew it, then I have to pay a tax of 6 cents a pound to the Government, although I grow the tobacco on my own farm. No other product of the farm is restricted by such an abominable and infamous law. The tax on tobacco is the only tax levied on an agricultural crop. Mr. Chairman, tobacco was the first and at one time the only legal tender known to our country, and from the foundation of the Government until the war between the States it enjoyed free trade, and what was then known as the tobacco sections of the country were full of beautiful farms dotted over with elegant homes, the people were thrifty, prosperous, and happy. The great civil war came on. The Government needed both money and men to subdue the little band of gray-coated boys who were fighting for what they thought was right. It was then, July, 1862, that the present internal-revenue system was established. Blaine, in Twenty Years of Congress, says:

It was one of the most searching, thorough, comprehensive systems of taxation ever devised by any government. Spirituous and malt liquors and tobacco were relied upon for a very large share of revenue, a considerable sum was expected from stamps, and 3 per cent was exacted from all annual incomes over $600 and less than $10,000, and 5 per cent—afterwards increased to 10 per cent—on all incomes exceeding $10,000. Manufactures of cotton, wool, hemp, iron, steel, wood, stone, earth, and every other material were taxed 3 per cent. Banks, insurance and railroad companies, telegraph companies, and all other corporations were made to pay tribute. The butcher paid 30 cents for every beef slaughtered, 10 cents for every hog, 5 cents for every sheep. Carriages, billiard tables, yachts, gold and silver plate, and all other articles of luxury were levied upon heavily. Every profession and every calling, except the ministry of religion, was included within the far-reaching provisions of the law and subjected to tax for license.

Bankers and pawnbrokers, lawyers and horse dealers, physicians and confectioners, commercial brokers and peddlers, proprietors of theaters and jugglers on the street, were indiscriminately summoned to aid the National Treasury. We were levying "taxes upon every article which enters the mouth or covers the back or is placed under the foot; taxes on everything which is pleasant to see, hear, feel, smell, or taste; taxes upon warmth, light, and locomotion; taxes on everything on the earth and waters under the earth; taxes on everything that comes from abroad or is grown at home; on the sauce which pampers man's appetite and on the drug that restores him to health; on the ermine which decorates the judge and the rope which hangs the criminal; on the poor man's salt and the rich man's spice; on the brass nails of the coffin and the ribbons of the bride.

The system of internal revenue, of which the foregoing is no exaggeration, proved in all respects effective. Congress rendered the taxes more palatable and less oppressive to the producer by largely increasing the duties on imports by the tariff act of July 14, 1862, thus shutting out still more conclusively all competition from foreign fabrics. The increased cost was charged to the consumer, and taxes of fabulous amount were paid promptly and with apparent cheerfulness by the people. The internal revenue was bounteous from the first, and in a short period increased to a million of dollars per day for every secular day of the year. The amount paid on incomes for a single year reached $73,000,000.

Mr. Webster said that "Hamilton smote the rock of national resources and abundant streams of revenue gushed forth." Since the war all the hardships imposed upon home industries and products by this drastic measure have been repealed with the single exception of tobacco, which for more than forty years has carried a tax of from 2 to 40 cents a pound, thereby converting hundreds of millions of dollars into the Treasury.

Date of acts imposing tax on tobacco and rates of tax.

Tobacco	Rate of tax per pound.	Acts imposing tax.	Acts repealing tax.	Length of time rates were in force.
	Cents.			*Mos.*
Smoking, made exclusively of stems	2	July 1, 1862	Mar. 3, 1863	6
Do	5	Mar. 3, 1863	June 30, 1864	16
Smoking, prepared with all the stems in	5	July 1, 1862	do	22
Cavendish, plug, twist, fine-cut, valued at not over 30 cents per pound	10	do	Mar. 3, 1863	6
Cavendish, plug, twist, fine-cut, valued at over 30 cents per pound	15	do	do	6
Cavendish, plug, twist, fine-cut, and manufactured tobacco of all descriptions, except smoking tobacco	15	Mar. 3, 1863	June 30, 1864	16
Snuff	20	July 1, 1862	do	22
Smoking, made exclusively of stems	15	June 30, 1864	July 13, 1866	25
Smoking, prepared with all the stems in, and fine-cut shorts	25	do	Mar. 3, 1865	9
Cavendish, plug, twist, etc., and fine-cut chewing	35	do	do	9
Snuff	35	do	do	9
Twisted by hand	30	Mar. 3, 1865	July 13, 1866	16
Smoking, of all kinds, not otherwise provided for	35	do	do	16
Cavendish, plug, twist, etc., and fine-cut chewing	40	do	do	16
Snuff	40	do	July 20, 1868	40
Smoking, not sweetened, stemmed, or butted	15	July 13, 1866	do	24
Twisted by hand, etc., and fine-cut shorts	30	do	do	24
Smoking, sweetened, stemmed, or butted	40	do	do	24
Chewing	40	do	do	24
Chewing, etc., smoking, etc., part of the stems removed	32	July 20, 1868	June 6, 1872	47
Smoking, exclusively of stems, etc	16	do	do	47
Snuff	32	do	Mar. 1, 1879	129
All kinds, except snuff, cigars, cheroots, and cigarettes	20	June 6, 1872	Mar. 3, 1875	32
Do	24	Mar. 3, 1875	Mar. 1, 1879	50
All kinds, except cigars, cheroots, and cigarettes	16	Mar. 1, 1879	Mar. 3, 1883	48
Do	8	Mar. 3, 1883	Oct. 1, 1890	91
Smoking and manufacutured tobacco and snuff	6	Oct. 1, 1890	June 13, 1898	90
Manufactured tobacco and snuff	12	June 13, 1898		

I am asked why, if this tax is such a hardship, relief has not been asked before this time. I will tell you. In the first place, the tobacco-tax question has been agitated more or less for the last twenty years, but that you may understand the deplorable condition under which the grower of tobacco now labors and the combination of circumstances, or, I might say, the artificial means used, by which every grower of tobacco is reduced to a condition of serfdom which is becoming unbearable and which ought not to be allowed to exist in any government, and which will continue indefinitely unless relief by the passage of a measure which will take Government restrictions, regulations, and tax off of the product in its raw or unadulterated state in any form—in other words, give tobacco the same rights and privileges that corn, wheat, cotton, and other products of the earth now enjoy—it would be necessary for me to refer you to the conditions existing before the organization of the tobacco trust and a brief summary of the history of that organization and its present method of doing business.

A few years ago the manufacture of tobacco in all of its forms and the sale of the manufactured article was in the hands of many thousand different individuals and corporations, each competing with the other in the purchase of the raw material and the sale of the manufactured article. Prices then were controlled alone by the law of supply and demand, and the growers received a fair price for their labor and a reasonable income on the capital invested, and the consumer only paid a fair price for the manufactured article.

In 1890 the American Tobacco Company was organized under the laws of New Jersey, with an immense capital, for the ostensible purpose of manufacturing tobacco in all of its forms, but with the real design of crushing out all competition in buying tobacco in its raw condition and in selling the manufactured article. How well it succeeded the present condition of the tobacco business and the general uprising of the people in opposition to the methods of the trust clearly indicate. Immediately after its organization it began to purchase competing tobacco factories in this and foreign countries, and paying for them in stock in the new concern at fabulous prices, many times more than these factories were worth. It engaged in the manufacture of tobacco in competition with other factories, and as it progressed in business whenever a formidable competitor was encountered it would be offered the alternative of favorable inducements to join the trusts or forced into bankruptcy by ruinous competition.

In December, 1898, a similar concern was organized under the laws of New Jersey, known as the Continental Tobacco Company, with a capital equally as great as the American Tobacco Company, which engaged in the business of absorbing minor factories in the same way as the American had done. While the Continental was apparently a competitor of the American, yet it was known that the promoters of the Continental were the same as the organizers of the American.

These two concerns continued as separate organizations until June, 1901, when another corporation, known as the Consolidated Tobacco Company, was organized by the same persons and for the same purposes that its predecessors had been formed, with a capital representing more millions than was ever conceived of by the Count of Monte Cristo in his wildest hallucinations.

A short time after the organization of the Consolidated Tobacco Company it acquired 88 and 90 per cent of the common stock of the American and Continental companies, respectively, which gave it control of these concerns, with all the factories engaged in the manufacture of plug, smoking tobacco, snuff, and cigars, and the wholesale and retail establishments engaged in selling tobacco, cigars, snuff, etc., which they had acquired. After this gigantic combination was formed the Consolidated Tobacco Company began a war of extermination against all independent factories which had not been absorbed by the American and Continental companies, and which were liable to compete with it in business.

In a short time a great majority of these independent concerns were either driven out of business or were forced to sell their plants to the trust, the result of which was that at the close of the year 1901 the Consolidated Tobacco Company owned and had control of 80 per cent of all the tobacco factories engaged in the manufacture of tobacco in any form in the United States and in many foreign countries.

The capital stock of this colossal combination, including stock of minor corporations owned and controlled by it, amounted to one-half billion of dollars. How much of this was watered stock no one other than the promoters will ever know, and they will never tell. Notwithstanding this unheard-of capitalization, this gigantic concern, in December, 1901, less than seven months after its organization, declared and paid a dividend of 20 per cent on its entire capital stock, and this, it will be remembered, was shortly after the close of the Spanish-American war, when the tax on manufactured tobacco was 12 cents per pound, and since the reduction of the tax from 12 to 6 cents per pound the trust has made no change in the price it pays for the raw tobacco or the price at which it sells the manufactured article.

To enable this corporation to make an annual dividend equal to one-fifth of its entire capitalization, real and fictitious, the trust forces the growers to sell their tobacco to it at less than the cost of production, with labor at from 50 to 75 cents per day, and sells the manufactured article to the consumer at from six to ten times more than it allows the growers for it. When it is understood that in the manufacture of tobacco a large amount of cheap, low-grade sugar, molasses, and licorice, worth only a few cents per pound, is worked into the raw material to make the manufactured article, some idea of the immense profits realized by the trust may be understood.

Under the internal-revenue laws of the United States, which we are attempting to modify, if a grower takes the stem out of the tobacco grown by him, so that it may be twisted and put into a convenient form and sold direct to the consumer, all the laws applicable to the manufacturers of tobacco becomes applicable to him, and he is required to pay a Government tax of 6 cents per pound thereon.

Under the laws the grower is denied the right to make advantageous disposition of his crop, and is thereby placed at the mercy of the trust. The situation is simply this: The trust owns and controls 80 per cent of all the tobacco factories of the world, consuming 80 per cent of all the tobacco produced in the United States, and it therefore, with the assistance of the laws of the Government, forces every producer to sell to it, as I have shown, thus destroying every vestige of competition of the purchase of tobacco in its raw state, as well as the sale of the manufactured article. The consequence is that the trust under present conditions has the power to arbitrarily fix the price of every pound of tobacco that it purchases or sells without regard to its real value.

The growers of tobacco do not ask the aid of the law to destroy the trust, nor do they ask the aid of the law to force the trust to deal with them fairly and on business principles; but they do ask that the law be so modified that they may be allowed to prepare their tobacco in its pure, raw, or unadulterated state in any form they deem most convenient to reach the consumer; and after being

so prepared all persons shall have the right to buy and sell the same without Government tax, restrictions, or regulations. Under these conditions they can compete with the trust and sustain themselves without the aid of the Government. [Applause.]

Why should a grower of tobacco be required to pay a heavy tax for the privilege of preparing the product of his land so that it may be sold to the consumer? The argument in favor of such a law is no more plausible than to say a farmer should not shuck his corn, thrash his wheat, gin his cotton, or make bacon out of his hogs without paying such a tax.

We are aware the trust will oppose the passage of a measure of this character and will use the argument which at first blush seems plausible and contend that the passage of the law would deprive the Government of a large amount of revenue. In answer to this argument, we insist that the amount of revenue which the Government would be deprived of by the passage of this bill would be inconsiderable, for the reason that if a grower were allowed a market for his tobacco other than the trust affords the trust would be forced to meet competition and pay a fair price. And no grower of tobacco, when he could sell it at a fair price in the "hand," could ever afford to take the time and trouble to twist and stem it so as to sell it to the consumer. Under ordinary circumstances they would always prefer to sell direct to the manufacturer, but if the trust should undertake to unjustly oppress the grower, as it is now doing, by fixing the price of tobacco in the hands of the growers in its unstemmed condition at less than it is worth or out of proportion to what it charges for the manufactured article, the grower could, as a matter of self-defense, seek another market by selling to the consumer, independent of the trust.

Mr. GAINES of Tennessee. Will the gentleman from Kentucky permit me to ask a question?

Mr. TRIMBLE. Certainly; with pleasure.

Mr. GAINES of Tennessee. I want to ask the gentleman from Kentucky how much, in his opinion, it would depreciate the revenue to give the farmer the right to stem and twist and give absolute free trade in tobacco in its raw and unadulterated state?

Mr. TRIMBLE. I am glad the gentleman has asked the question. I will read from the hearing before the Ways and Means Committee in regard to this bill. Mr. Yerkes, Commissioner of Internal Revenue, was asked the same question you have asked me, and his response was:

> It is very difficult, Mr. Chairman, for me to say exactly what amount of tax the Government would lose by the enactment of the second section, even after as thorough examination as I could make by correspondence with the collectors throughout the United States, and by examining all the records to which we have access and trying to reach an accurate statement as to the amount of tax annually secured by the Government through the 6 cents per pound levied on the twisted tobacco as distinguished from other forms of manufactured tobacco. But I do not believe the Government receives to-day more than $700,000 or $750,000 per year as the result of the tax upon twisted manufactured tobacco.

Mr. Chairman, I regret to say that in the hearing before the committee considering this bill it seemed the only object of the committee (and I say this with due deference to the gentlemen of the committee) was to ascertain not what would be the best interest of the growers, but how it would affect the revenue of the Government. Just think of that—and I am going to address myself to the Republicans of this House, because you absolutely dominate and control legislation; therefore the responsibility for the passage of this measure rests upon your shoulders. No law can come from this House unless you say it shall be the law [applause], and I want the tobacco growers of the United States, who constitute one of the great class of farmers who produce the wealth and pay the taxes of this country in times of peace, and fight its battles in time of war [applause], to know if they do not get relief it will be the fault of the Republican Members of this House. [Applause.] It will be because they love the trust more than the welfare of the people. [Applause.] My Republican friends, I want you to listen to the admonition of that martyred statesman and patriot, Abraham Lincoln, the greatest of all Republicans, when he warns you "not to put the dollar above the man."

When you take the position that you can not give relief to these suffering people because it will reduce the revenue, you "do put the dollar above the man." [Applause.] You weigh human misery in the balance and deliberately put a price upon human happiness [applause], for I tell you as I stand upon this floor, pleading for the welfare of the tobacco growers of the United States, I do not speak to you from the standpoint of a kid-glove politician. [Applause.] I live among them; I mingle with them; I am one of them; I know them in their comings and their goings, in their hopes and their fears, their trials and disappointments, and I tell you these people are to-day sorely oppressed and are being ground between the upper and nether millstone of Government and monopoly, the Government holding their hands while monopoly robs them of the fruits of their toil, reducing men, women, and children to a condition worse than Russian peasants and Mexican peons and filling this God-blessed but man-cursed land of ours with bloated plutocrats and hungry paupers. [Applause.] Remember, Mr. Chairman, that this nation is indebted to the farmer more than to any other class of people for all that it has been, for all it is to-day, and for all it can ever hope to be, for it is he, with his brain and brawn, sweat and toil, who tills the soil and from its fertility brings forth this nation's primary wealth. I appeal to you not to destroy him, for Goldsmith well expressed it when he said:

> Princes and lords may flourish or may fade,
> A breath can make them, as a breath has made,
> But a bold peasantry, a nation's pride,
> When once destroyed can never be supplied.

[Applause.]

Should Congress grant the relief asked, the trust would be forced to allow the grower, in addition to the price it now pays, a part of the unreasonable profits which it is realizing under present conditions. Therefore it will never be to the interest of the growers to stem their tobacco, and they will sell it to the trust and the Government will receive the same or practically the same amount of revenue from the manufacture of tobacco that it now collects. The passage of such a measure will act as a wholesome check on the trust in fixing the price of manufactured tobacco, as well as in allowing a fair and reasonable price to the grower. In other words, it will prevent the arbitrary fixing of the price of raw leaf or the manufactured product. It will be an automatic, equitable governor of prices, protecting both producer and consumer and working no injury to the manufacturer who is satisfied with a legitimate profit on his capital. The law of supply and demand will be allowed to govern prices between growers, manufacturers, and consumers, to which no honest person ought to object.

For the sake of argument, suppose the claim of the trust that by the passage of the measure the Government will lose a considerable amount of money in the way of taxes. We contend that no government is justified in impoverishing a certain class of her people for the sake of collecting taxes on any commodity of agriculture or should so frame its laws that in order to collect such taxes a gigantic trust would be fostered and given a monopoly of the purchase of the raw material and sale of the manufactured articles of such an important product as tobacco. We contend that but for the laws as they now exist the Consolidated Tobacco Company could not maintain this monopoly of the tobacco business, in all of its branches, in the United States, as it is doing to-day, by means of which it is unjustly oppressing hundreds of thousands of the best and most loyal citizens of the Government and depriving them of the means of providing the necessaries and comforts of life for themselves and families.

These people ask no exclusive privilege. They contend that the trust has taken advantage of the revenue laws, and by means thereof have destroyed all competition among the purchasers of tobacco, and by reason of these conditions the trust arbitrarily fixes any price it sees proper at which the grower shall sell his tobacco, whether it be one-half or one-fourth of its value, and thereby unjustly convert to its own use innumerable millions of dollars in the way of profits, more than the Government can ever hope to realize in the way of taxes.

The growers of Burley tobacco now have an organization for the purpose of securing from the trust a fair price for their tobacco, and representatives of this organization have had repeated conferences with the managers of the trust, seeking to bring about better conditions. The officers of the trust admitted that they were not paying the growers what their tobacco was worth, nor what, as they claim, they would like to pay them for it, but they contend that if they paid them what their tobacco was worth one year, the next year the growers would raise such a large crop that the business of the trust would be disorganized, and other interests would engage in the manufacture or rehandling of tobacco in opposition to the trust, by reason of which the trust could not handle or manage their business as successfully as under present conditions. The representatives of the Growers' Association offered to conform to any reasonable conditions that the trust might see proper to impose, all of which was declined by the trust, and the growers were given to understand that the trust would fix whatever price it saw proper on the tobacco, and the growers could raise tobacco at the price fixed by the trust or could go out of business, thus admitting that the trust controls the size of every crop of tobacco by the price it fixes on the tobacco in its raw condition.

It is a well-known fact that every year as soon as the time for preparing tobacco beds or setting the tobacco out arrives after the growers have sold their tobacco there is a very decided increase in the market price, but as soon as the new crop in the hands of the growers is ready for market the price drops back to the price at which the trust determines the grower shall sell.

To discontinue raising tobacco will work a great hardship in

many instances, especially in the Burley territory. Burley tobacco, as you know, can only be produced in about forty counties in the world, and about thirty-five of these are in Kentucky, two or three in Ohio, and about the same number in Indiana, which are contiguous to central Kentucky, which is peculiarly adapted to raising this tobacco. The demand for this particular type of tobacco is increasing in every part of the world, and the soil which produces it is being rapidly impoverished each year. Besides, these farmers at a great expense have built barns in which to cure the tobacco, and for them to be forced to discontinue raising it would entail a great loss. Under favorable conditions raising Burley tobacco would be the most profitable business in which these farmers could engage, and for this reason farmers have for several years continued raising it and submitting to the oppression of the trust, hoping some means would be adopted for their relief.

Mr. GAINES of Tennessee. The gentleman said a while ago that when the war tax of 12 cents a pound was collected on this manufactured tobacco the manufacturers sold it at the same price for which they are to-day selling it, when the tax is only 6 cents a pound.

Mr. TRIMBLE. That is exactly what I said. I have here the original invoices of tobacco manufactured by the American Tobacco Company, showing that they sold the Star brand at 42 cents a pound on May 29, 1902. I have here another invoice showing that they sold this same Star brand on the 4th of March, 1904, at 42 cents a pound. The Government has reduced the tax from 12 cents to 6 cents a pound, which reduces their expense just 6 cents upon every pound manufactured, but neither the producer nor consumer has derived any benefit by the reduction.

As I have stated, last year this Government collected on manufactured tobacco in internal revenue, at 6 cents a pound, $18,000,000 in round numbers. Had the tax been 12 cents a pound it would have collected $36,000,000, and nobody would have been the worse. Thus you practically give these tobacco manufacturers a bounty of $18,000,000; and at the same time you are tying the hands of the tobacco producers, while they are being robbed by this gigantic monopoly.

Mr. HILL of Connecticut. One question, if the gentleman pleases. If the consumer did not get the benefit of the reduction from 12 cents a pound to 6 cents a pound, why does the gentleman think he would get the benefit of a reduction from 6 cents a pound to nothing?

Mr. TRIMBLE. The gentleman does not seem to comprehend the meaning of this measure, and certainly the language is plain enough. Its object is not to reduce or in any way interfere with the revenue on manufactured tobacco, but to remove Government restrictions, regulations, and tax from raw tobacco, either stemmed or twisted. If we are allowed to go into the open market with the price of the product controlled simply by the law of supply and demand, we ask nothing more; but to-day, by reason of Government regulations, we have but one buyer; the price of the product is controlled by one firm, which arbitrarily fixes the price of both the raw and the manufactured article.

Mr. HILL of Connecticut. The gentleman knows that I am in sympathy with his view. I am asking simply for information. If the reduction of the tax from 12 to 6 cents a pound gave the consumer no benefit——

Mr. TRIMBLE. Not a dollar——

Mr. HILL of Connecticut. Why may not a reduction from 6 cents a pound to nothing work in the same way? Has the gentleman the figures showing the price that the producer of the tobacco was receiving when the tax was 12 cents a pound?

Mr. TRIMBLE. I have not the identical figures here, but I know the facts are as I am stating them. I am a producer of tobacco myself.

Mr. HILL of Connecticut. Then what did you get for your tobacco?

Mr. TRIMBLE. In a part of the country the tobacco is cheaper than ever. In certain other districts the price is nominal. I will tell the gentleman the reason. The fact to be recognized is the competition. I believe that if you would to-day give, not to the farmers, the producers, but to the product, a free, unrestricted, untaxed trade, allowing the tobacco to be sold in any form while it is in the raw or unadulteratad state; if you would allow it to reach the consumer in that form, I do not believe that the revenue of the Government would be reduced, but there would be created a healthy competition.

Mr. HILL of Connecticut. Let me ask the gentleman again whether he can give us figures showing the price that the producer received for his tobacco when it was taxed 12 cents a pound and the price which he realizes now, when it is taxed 6 cents a pound?

Mr. TRIMBLE. I can not give the gentleman the exact figures; but I will tell him that now the price of the raw leaf tobacco of the dark type is 4 cents a pound, and it can not be raised for less than 6 cents.

Mr. FLOOD. In that part of the tobacco-growing country which I represent the price of tobacco has gone down during the past six years about 4 cents a pound. If the gentleman would give me the time, I could explain the reason of this.

Mr. STANLEY. Mr. Chairman, may I have the attention of the gentleman from Connecticut? What was his question?

Mr. HILL of Connecticut. The question I asked was this: The gentleman seems to be working on the theory that with the tax at 12 cents a pound the reduction to 6 cents went entirely to the trust. Now, the question I asked was whether the taking off the remaining 6 cents would not allow that 6 cents equally to go to the trust? Would the producer get the benefit? I asked as an illustration of that if the gentleman would not quote the price that he as a producer received when the tax was 12 cents a pound, and also quote the price which he gets now with the tax at 6 cents a pound. The gentleman from Virginia states that the price is about 4 cents a pound less now than it was then, and that the price is about 4 cents a pound. Now, it seems to me likely to work out in this way, that if there was a reduction of 4 cents a pound to the producer as the result of taking off the 6-cent tax, and if the price was now 4 cents a pound, theoretically, at least, he would not get anything if the other 6 cents a pound was taken off.

Mr. STANLEY. It would operate in this way: By taking this tax off twisted tobacco entirely the benefit of the reduction of that would inevitably go to the trust wherever the trust sold the twist. But the farmer can make a better twist for less money than the trust can, because he can make it at home without additional expense.

Mr. HILL of Connecticut. The gentleman is not talking about twisted tobacco, but raw tobacco.

Mr. STANLEY. On raw tobacco it will operate in the same way. If the trust sells it, the trust will get the benefit of it, and if the farmer sells it, the farmer will get the benefit of it, and our theory is that the farmer will beat the trust on it.

Mr. TRIMBLE. In answer to the gentleman's question, I want to say to you that raw leaf tobacco is cheaper to-day than it was when the tax was 12 cents a pound. Now, when we are asking to take the tax off and give us unrestricted, unregulated, untaxed trade in the raw leaf, we are not striking at the trust, but we want competition. If you will give us the chance that we have not got to-day, I as a tobacco grower can twist my tobacco and sell it, a thing which I can not do to-day. To-day I can not twist my own tobacco and give it away. The Government comes in and says, "When you take the stem out of your tobacco in its raw state or in any other form, you become a manufacturer, and you are subject to all the rules and restrictions of a manufacturer." Now, if you take the restrictions and the regulations of the Government tax off the raw leaf and let the farmer twist it, he can go to the crossroads merchant, the city grocery, the mining camp, the cotton plantations of the South—he can go to the consumer direct and sell it; but to-day he is restricted, and he must go to the tobacco trust for his market and ask the tobacco trust, "What can you give us for our tobacco?" And there is no alternative except to sell it to the tobacco trust.

Mr. BOUTELL. Will the gentleman yield for a question?

Mr. STANLEY. If my colleague [Mr. TRIMBLE] will yield.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. TRIMBLE. Certainly.

Mr. BOUTELL. I should like to ask the gentleman whether his attention was called to an article in this morning's Post headed "Tobacco prices high—Advance of $1 per 100 pounds in Petersburg market—Expectation of a short crop," etc.? In the dispatches from Petersburg and Danville it speaks rather as if the farmers were dictating to the trust instead of the trust dictating to the farmers. It says one purchaser got a thousand dollars for a load, and so on.

Mr. TRIMBLE. Well, I suppose we all know that the farmer dictates to the trust and everybody else in this country! [Laughter.] We all know that. At least an effort is made in some of our campaigns to make people believe that the trusts do not hurt anybody, but that they are organized for the welfare of the common people. [Laughter.]

Mr. BOUTELL. The question I should like to ask my friend from Kentucky is whether this applies to any certain kinds of tobacco?

Mr. TRIMBLE. It does. I will tell you about tobacco.

Mr. BOUTELL. Because we are very much interested in the question.

Mr. TRIMBLE. Tobacco grows on a stalk—from five to twenty leaves on each stalk. The leaves of a crop of tobacco, according to their quality, sell from one-half cent up. The general average

is what we are talking about. I have seen a hogshead of tobacco sell for $30 a hundred, and I have seen other tobacco, raised on the same place, that would not bring a dollar a hundred.

Mr. LAMB. That increase in price that is spoken of there is a temporary thing anyway.

Mr. GAINES of Tennessee. The gentleman is speaking about Danville tobacco. The Danville tobacco is not an export tobacco, whereas the dark tobacco that is raised in Kentucky and Tennessee is exported—about 80 or 90 per cent of it—and that export tobacco business is controlled by the tobacco trust absolutely, as much so as you control your hat or your horse.

Mr. STANLEY. Will the gentleman from Illinois yield for a question?

Mr. BOUTELL. With the consent of the gentleman who has the floor [Mr. TRIMBLE]. This matter having come up, I am very much interested in it.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. TRIMBLE] yield?

Mr. TRIMBLE. Yes, for a moment, as my time is very limited.

Mr. BOUTELL. It would take too much of the gentleman's time.

Mr. STANLEY. I will just make this statement. I have seen this article in the Post time and again. That applies to a particular kind of light leaf, very rare, and used in making wrappers. That tobacco is sometimes sold for 30 and 40 cents a pound—not one-hundredth part of the gross tobacco which we want to relieve. That does not apply to this tobacco. I would like if the gentleman would explain why it is absolutely necessary that this restriction should be removed from this tobacco so that it may be sold and so that it can be handled in this State.

Mr. TRIMBLE. Tobacco can not be conveniently handled in that shape, except in hogsheads and bales for the manufacturer. In the hand the farmer now has the right to sell tobacco in that state to the consumer, provided it is in the hand.

Mr. GAINES of Tennessee. Just state what that is.

Mr. TRIMBLE. This is a hand of tobacco; and all we ask is the right to sell the tobacco in the same condition, after taking out that stem and twisting it into a shape that it can reach the consumer and be convenient for use. In other words, tobacco in the shape that I exhibit is like wheat in the bundle. You might as well ask the farmer to sell wheat without being thrashed, so as to reach the consumer, as to ask a farmer to sell his tobacco in that shape.

Mr. GAINES of Tennessee. Mr. Yerkes said this about giving the growers the right to stem: "I do not know whether it is necessary to give the stemming privilege to the growers." What do you say about that?

Mr. TRIMBLE. Mr. Jo Washington, one of the witnesses before the committee, said: "I do not think it would do any good." But I think it would do a great deal of good. It would be another step toward twisting.

It would give us more liberty in handling our crop, and that is what we are fighting for. We now have a right to stem our tobacco provided it is sold to an exporter. If Congress gives free and unrestricted trade in stemmed leaf tobacco, and the great Committee on Ways and Means has in its goodness of heart agreed to favorably report a bill of this character, the additional privilege to stem without twisting would be advantageous, as the speculators and independent buyers could then prepare their purchase for export; and if the exporter did not buy it, he could then dispose of it on the local market without paying tax; but if the law should stand as it now is, if he did not sell to the exporter, he would have to pay the manufacturer's tax.

Mr. GAINES of Tennessee. England buys most of our export tobacco stemmed, so as to avoid paying the tax on the stem. Now, to give our people the right to stem would give them a chance to put more value into their tobacco, would it not?

Mr. TRIMBLE. I am not very well acquainted with the export business, as very little of the tobacco in my section of the State is exported; but I understand the chief object in stemming for the foreign trade is to save the freight on the stem, which is about 3½ per cent of the gross weight of the tobacco.

Mr. GAINES of Tennessee. There is a tax of 82 cents on tobacco in England.

Mr. TRIMBLE. Mr. Chairman and gentlemen of the committee, it is your duty as patriots to come to the relief of the tobacco planters of this country. [Democratic applause.] You are the guardian of the people and should not ignore the rights of the toilers that Dives may add to his fortune. The true statesman tries to make all men equal before the law, to accord like opportunity in the field of industry, and insure to each the full usufruct of his labor. This is no partisan question. Both Republicans and Democrats are engaged in this work. In fact, three-fourths of the people who are engaged in the cultivation of tobacco in the dark-tobacco district are negroes, and you have expressed great friendship for them. I tell you that the negroes who are dependent upon the culture of tobacco to-day are in a worse fix than when they were chattel slaves, because then their masters fed, clothed, sheltered them, and doctored them in their sickness, but to-day the tobacco trust feeds them on half rations and lets them go hungry, wretched, and ragged, and has no compassion for them. [Applause on the Democratic side.]

I appeal to my Republican friends to come to their relief, and I say, Mr. Chairman, that from all over this land—North, South, East, and West—the appeals and petitions of the tobacco growers come to you praying for relief. They come to this Congress and ask you to relieve them of this onerous, iniquitous, and unjust burden. They do not want your sympathy, they spurn your charity; they ask only even-handed justice, that they may have an opportunity to earn their bread in the sweat of their face [applause on the Democratic side], that the fruits of their own labor may go into their own pockets and not into the coffers of a heartless, greedy trust, who would steal the very nozzle of the nursing bottle in the mouths of their babes, and I tell you I know what I am talking about. [Applause on the Democratic side.]

Such universal weeping, wailing, and gnashing of teeth among the tobacco growers of the United States is certainly without parallel in the history of our country. Thousands and tens of thousands of these honest toilers of the soil are asking: "What shall I do to be saved from the most frightful of all Gehennas, the hell of want."

With them this is the great problem of life, and the goal of their ambition is to solve it. By day and by night their pitiable condition worries, burdens, haunts, and curses them; the dark cloud which hangs over and around them seems to have no silver lining; they are completely discouraged, yet they relax not their energies, but, on the contrary, are forced to work with all the more earnestness and desperation, hoping and praying for the dawn of a brighter day, that they may provide themselves and families with the necessaries and comforts of life.

Mr. Chairman, let us send the glad tidings to the tobacco fields of Kentucky, Virginia, Tennessee, and other States engaged in its production that this great staple is to be relieved from tax from this time forth. It will give bread and cheer to these toiling thousands and will let the sunshine of prosperity pour into their humble homes. [Applause on the Democratic side.]

APPENDIX.

Acreage, production, and value of tobacco in the United States in 1902.

State.	Acreage.	Yield per acre.	Production.	Price per pound.	Total value.
	Acres.	*Pounds.*	*Pounds.*	*Cents.*	
New Hampshire	131	1,650	216,150	16	$34,584
Vermont	191	1,800	343,800	14	48,132
Massachusetts	4,755	1,560	7,417,800	15	1,112,670
Connecticut	12,725	1,712	21,785,200	16	3,485,632
New York	8,040	1,250	10,050,000	8	804,000
Pennsylvania	17,260	1,275	22,017,955	6	1,321,078
Maryland	34,081	625	21,300,625	6	1,278,038
Virginia	182,350	754	137,703,250	7	9,573,848
North Carolina	219,263	650	142,520,950	7	9,976,466
South Carolina	34,912	734	25,625,408	7	1,793,779
Georgia	2,050	670	1,373,500	19	260,965
Florida	3,079	530	1,631,870	30	489,324
Alabama	648	400	259,200	24	62,208
Mississippi	175	500	87,500	18	15,750
Louisiana	89	375	33,375	20	6,675
Texas	269	650	174,850	22	38,467
Arkansas	1,405	640	899,200	12	107,904
Tennessee	59,830	650	38,889,500	6	2,333,370
West Virginia	4,676	635	2,969,230	7	207,848
Kentucky	382,194	800	257,755,240	6	15,465,312
Ohio	62,949	885	55,709,865	7	3,899,691
Michigan	302	765	231,030	8	18,482
Indiana	7,469	835	6,236,615	7	436,563
Illinois	1,311	650	852,150	7	59,650
Wisconsin	48,422	1,340	64,885,480	7	4,541,984
Missouri	2,140	850	1,819,000	11	200,090
United States	1,030,734	797.3	821,823,963	7	57,563,510

Tobacco products manufactured during calendar year 1902 (not including cigars and cigarettes).

	Pounds.
Quantity of plug and twist produced	185,730,781
Quantity of fine-cut chewing tobacco produced	12,065,617
Quantity of smoking tobacco produced	101,130,733
Total quantity of tobacco produced	298,933,131
Quantity of snuff produced	18,682,341
Total production	317,615,472
Total production for 1901	313,891,391
Increase in production	33,724,081

TOBACCO DIVISION.

The total revenue derived from taxes imposed and collected on domestic and imported tobacco manufactures, paid by stamps, during the last fiscal year ended June 30, 1903, amounted to $43,513,616.85, not including $1,193.39, miscellaneous collections.

The net increase in collections from cigars and cigarettes was $2,333,917.37, as compared with the collections for the previous fiscal year, and a decrease of $10,538,558.97 in the amount collected from tobacco and snuff. The total net decrease in collections for the last fiscal year, as compared with the previous year, was $8,204,641.60.

The total collections of revenue from each source during the fiscal year ended June 30, 1903, were as follows:

From manufactured tobacco	$18,640,052.20
From snuff	1,130,455.00
From cigars, taxed at $3 per thousand	20,359,171.60
From cigars, taxed at 54 cents per thousand	345,869.93
From cigarettes, taxed at $1.08 per thousand	2,743,594.89
From cigarettes, taxed at 54 cents per thousand	265,425.17
From cigarettes, taxed at $3 per thousand	29,041.06
Total collections	43,513,616.85

There was a decrease in the amounts collected from the following sources, as compared with the previous year:

Tobacco	$9,972,584.95
Snuff	565,974.02
Small cigars, taxed at 54 cents per thousand	65,053.55
Cigarettes, taxed at $3 per thousand	2,122.61
Total	10,605,716.13

There was an increase in collections from the following sources:

Cigars, taxed at $3 per thousand	$2,048,029.35
Cigarettes, taxed at $1.08 per thousand	286,044.03
Cigarettes, taxed at 54 cents per thousand	67,001.15
Total increase from these sources	2,401,074.53

The total net decrease in collections from all sources for the last fiscal year, as compared with the previous year, amounted to $8,204,641.60, as first above stated.

Table showing amount of unmanufactured leaf tobacco exported from June 30, 1892, to 1902.

Countries.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.	1902.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*	*Pounds.*
Austria-Hungary			16,577		459,837	127,475		478,410	124,735	273,937	248,060
Azores, and Madeira Islands	2,778	3,000	8,877	45,562	14,735	2,962	4,020	7,320	1,795	43,486	2,620
Belgium	15,957,831	11,975,133	17,327,262	24,602,773	23,505,518	25,802,119	15,062,753	17,246,480	17,122,797	18,950,320	16,478,225
Denmark	225,328	105,052	207,617	242,305	116,493	72,805	242,816	239,779	113,021	22,810	472,563
France	39,682,650	39,309,405	38,253,534	34,943,161	33,702,243	23,762,881	22,016,203	23,656,171	38,584,488	37,751,056	31,822,220
Germany	45,343,477	52,977,915	46,649,172	51,311,070	53,603,152	64,304,001	53,787,518	44,216,962	52,525,167	45,421,823	45,735,544
Gibraltar	563,758	657,866	1,062,595	1,586,140	1,429,618	937,496	1,715,727	407,310	598,885	216,712	169,425
Italy	30,056,355	27,473,115	24,484,406	24,542,652	32,218,201	27,472,628	23,432,941	27,397,587	38,372,301	42,030,464	29,948,766
Malta, Gozo, etc					45,111	35,650		10,025	336,656	612,635	60,750
Netherlands	12,728,481	13,528,560	15,235,069	17,765,213	19,148,254	26,480,855	18,282,505	21,170,683	19,932,942	20,486,826	17,724,812
Portugal	230,610	2,657,256	1,354,080	5,091	274,271	82,964	82,155	1,258,936	288,433	550,961	81,853
Russia on Baltic and White Seas							960		6,800	2,200	8,739
Russia on Black Sea									7,000		
Spain	22,802,875	12,611,810	30,054,113	26,202,432	21,274,165	19,304,506	6,807,068		13,772,478	18,056,915	14,542,342
Sweden and Norway	1,629,755	317,668	393,632	351,493	923,522	1,200,705	677,837	726,354	2,272,022	1,241,331	1,136,703
Switzerland							200			3,371	
Turkey in Europe											9,659
United Kingdom	53,830,373	66,421,354	71,935,879	89,618,817	79,063,780	89,664,950	88,366,290	85,395,232	121,793,251	93,011,808	98,727,959
Bermuda			100						13,573	2,720	1,915
British Honduras	18,625	42,775	15,535	5,508	17,965	34,220	71,004	58,641	95,990	105,959	116,942
Dominion of Canada:											
Nova Scotia, New Brunswick, etc	512,785	389,422	447,788	506,884	392,931	345,910	246,746	363,226	195,796	251,867	153,155
Quebec, Ontario, Manitoba, etc	6,344,151	10,174,812	11,625,300	11,320,954	10,074,651	14,504,792	6,501,652	12,147,346	9,373,700	10,037,068	11,412,228
British Columbia	20,172	34,286	33,287	22,069	40,165	67,775	35,041	57,393	112,754	49,178	60,174
Newfoundland and Labrador	329,212	206,887	388,331	142,814	342,686	216,462	336,206	111,599	273,395	224,067	266,639
Central American States:											
Costa Rica	25,118	51,090	56,150	135,200	145,880	82,920	131,625	90,620	138,059	102,180	88,452
Guatemala	35,939	21,200	560	500	13,642	525	6,950			3,273	1,300
Honduras	4,865	4,100	8,375	7,915	27,239	14,060	4,035	3,915	3,336	14,560	2,281
Nicaragua	16,969	32,719	38,477	35,678	9,452	6,610	4,315	26,000	17,499	59,698	14,507
Salvador	2,750	1,000		5,730		232					1,225
Mexico	725,919	845,925	1,354,152	1,968,085	2,195,111	1,458,871	1,814,085	1,827,430	2,686,758	1,890,083	2,077,510
Miquelon, Langley, etc	16,720	3,900	400	1,600	1,600	1,520	2,400	1,600	2,459	1,800	1,700
West Indies:											
British	968,313	1,399,015	1,278,868	1,393,910	1,433,547	1,310,541	1,424,907	1,142,954	1,283,051	1,115,622	1,182,660
Cuba	2,000						17,339	54,214	498	7,500	
Danish	163,888	123,824	150,239	88,478	122,749	118,915	188,422	100,240	123,819	147,271	135,983
Dutch	49,434	48,592	54,508	35,985	179,010	53,292	78,804	115,872	128,291	87,022	32,004
French	653,714	706,310	447,685	476,229	528,460	487,917	452,500	533,360	494,495	430,806	376,204
Haiti	897,519	960,089	1,005,507	946,909	797,212	749,991	1,039,307	811,692	922,935	879,076	850,653
Porto Rico	14,100								2,055		
Santo Domingo				2,520					250		110
Argentina	301,325	254,868	89,610	21,839	108,368	67,790	236,146	357,071	261,984	252,947	93,313
Brazil	9,704	82,223	69,257	3,065	55,563	18,302	44,994	41,556	22,453	44,696	17,440
Chile					1,245		872	350	5,508		
Colombia	548,632	335,600	11,365	21,845	22,230	18,236	56,020	46,789	89,606	102,533	272,884
Ecuador			2,000		1,200	700					
Guiana—											
British	785,475	528,283	511,875	585,218	697,277	485,468	621,139	517,748	483,301	505,402	591,687
Dutch	114,134	156,909	132,670	112,498	125,830	118,171	146,893	127,519	116,861	136,844	123,480
French	57,663	42,067	46,545	18,360	42,010	38,070	49,367	59,794	59,291	52,200	70,707
Peru									7,605		
Uruguay	241,716	107,375	158,763	482,546	215,469	232,976	188,772	188,540	195,457	153,889	15,432
Venezuela	38,553	115,720	120,385	192,339	119,871	219,339	118,719	133,462	230,233	86,472	21,831
Chinese Empire		1,360	19,380	9,092	10,980	110,800	226,366	486,188	459,469	272,237	270,594
East Indies—British	15,495	4,500	49,840	7,621		82,343	9,814	32,318	20,037	17,150	96,438
Hongkong					1,656	12,448	230			12,528	53,188
Japan			11,067	73,512	237,041	861,677	2,751,246	24,198,879	3,104,472	2,249,706	4,618,433
Korea											70,848
Russia, Asiatic							1,045				
British Australasia	2,170,531	1,334,203	1,352,676	1,934,715	2,093,300	1,607,531	2,246,127	2,701,334	3,765,957	4,825,441	4,949,626
German Oceania								3,080			
Hawaii	11,758	605	917	546			290	1,295			
Philippine Islands									928		580
British Africa	1,017,995	1,046,635	1,216,053	1,022,214	938,839	1,749,536	1,504,393	2,803,222	2,630,760	3,308,191	4,309,579
Canary Islands	473,081	511,261	602,448	650,961	577,290	828,548	276,022	518,071	687,279	329,213	656,729
French Africa	905,648	634,927	316,315	359,882	158,176	528,185	785,078	449,553	598,802	425,519	407,841
German Africa									1,600		6,730
Liberia	38,595	17,780	48,780	3,250	5,216	4,555	5,235	3,655	11,655	15,210	60,340
Portuguese Africa	10,881	962	300	1,000	7,530	37,430	34,960	36,900	111,558	9,600	91,281
Spanish Africa							31,174			34,495	
Turkey in Africa—Egypt		810									
All other Africa						30,290	750	1,500	17,650		9,390
All other British			2,290	21,055							
Total	240,716,150	248,367,258	268,791,312	293,805,855	287,700,301	305,978,292	252,258,902	272,421,295	334,604,210	306,900,934	291,369,700

Table showing value of unmanufactured leaf tobacco exported from June 30, 1892, to 1902.

Countries.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.	1902.
Austria-Hungary			$1,400		$40,324	$9,800		$54,090	$12,688	$28,000	$24,000
Azores, and Madeira Islands	$330	$350	1,173	$4,621	613	471	$534	962	189	3,720	460
Belgium	1,538,266	1,170,599	1,685,144	2,405,300	2,204,176	2,283,179	1,226,991	1,521,879	1,467,748	1,701,732	1,488,396
Denmark	20,470	10,565	20,767	23,685	11,699	7,237	20,635	26,635	11,637	1,389	46,910
France	2,681,731	2,859,543	3,024,688	2,901,098	2,614,605	1,832,903	1,724,682	1,918,024	2,993,118	3,062,819	2,654,924
Germany	3,827,996	4,465,886	3,767,617	3,862,971	3,908,284	4,574,725	4,140,900	3,808,748	4,911,382	3,831,579	4,189,979
Gibraltar	42,222	46,696	71,164	118,899	93,903	59,044	113,470	26,876	44,249	19,651	10,841
Italy	2,370,283	2,235,971	2,067,877	2,283,908	2,874,473	2,632,730	2,620,882	3,287,543	3,605,692	4,457,976	3,118,123
Malta, Gozo, etc					7,355	2,852		302	14,853	29,730	4,230
Netherlands	801,899	1,063,294	1,028,215	1,081,203	1,107,534	1,506,131	1,047,117	1,512,306	1,302,841	1,497,861	1,265,391
Portugal	18,760	225,043	118,346	500	21,394	5,894	5,660	118,443	29,085	38,533	6,365
Russia on Baltic and White Seas							96		888	220	800
Russia on Black Sea									750		
Spain	1,185,700	798,800	1,634,074	1,506,018	988,140	738,730	298,997		661,842	946,167	908,062
Sweden and Norway	200,715	29,325	52,769	32,069	84,653	136,566	42,953	80,087	201,695	117,813	121,603
Switzerland							25			303	
Turkey in Europe											1,500
United Kingdom	5,229,335	6,790,147	7,357,287	9,266,515	8,239,451	8,119,248	8,572,298	7,808,850	10,957,441	8,803,283	9,415,527
Bermuda			12						1,032	425	307
British Honduras	1,397	3,603	1,435	510	1,448	2,617	7,257	7,081	8,408	10,247	13,363
Dominion of Canada:											
Nova Scotia, New Brunswick, etc	44,120	39,761	46,861	72,802	50,488	39,938	33,997	27,268	31,630	34,969	20,488
Quebec, Ontario, Manitoba, etc	1,252,594	1,505,933	1,057,781	1,003,629	1,012,167	1,478,318	631,019	1,206,598	902,533	970,302	1,142,326
British Columbia	7,414	8,045	7,274	4,832	8,461	9,965	9,655	12,149	17,799	14,538	15,960
Newfoundland and Labrador	31,917	17,890	43,064	15,116	26,802	18,154	24,931	5,362	15,318	14,769	19,279
Central American States:											
Costa Rica	2,901	5,334	6,791	17,588	18,885	11,953	20,156	14,251	22,565	16,902	14,223
Guatemala	5,048	2,779	60	55	2,043	44	2,012			352	122
Honduras	579	424	1,004	964	2,559	1,387	472	446	427	1,482	327
Nicaragua	2,025	5,098	3,933	3,745	1,254	751	880	2,846	2,285	4,571	1,021
Salvador	240	106		628		35					765
Mexico	82,690	116,053	114,225	156,778	109,685	109,152	135,636	142,485	182,938	135,207	195,817
Miquelon, Langley, etc	2,381	470	48	113	192	179	295	185	337	218	212
West Indies:											
British	76,183	128,422	120,051	118,156	132,930	113,555	131,392	110,814	115,584	105,788	106,840
Cuba	262						1,230	6,499	100	750	
Danish	7,362	9,717	12,898	7,332	9,764	9,083	14,661	7,561	9,750	11,291	10,792
Dutch	7,408	7,652	8,129	4,732	23,408	7,904	12,148	15,646	17,221	11,550	4,571
French	53,098	56,394	38,390	37,996	43,580	37,193	35,482	44,637	33,430	35,258	30,928
Haiti	99,988	110,331	112,774	105,542	92,101	83,693	116,732	84,502	85,988	81,855	78,084
Porto Rico	1,841								185		
Santo Domingo				295						35	24
Argentina	13,385	11,973	5,133	1,795	6,996	5,020	12,984	24,673	23,394	18,827	6,731
Brazil	886	7,981	7,530	286	6,420	1,733	5,996	5,453	3,496	6,250	2,453
Chile					210		180	50	687		
Colombia	65,901	43,107	1,089	2,525	2,745	2,405	8,057	6,309	13,107	15,078	39,042
Ecuador			90		120	81					
Guiana:											
British	54,279	44,493	41,785	45,626	50,996	35,210	47,917	40,476	42,642	40,639	51,499
Dutch	9,255	13,753	10,975	9,355	9,167	8,315	11,358	10,611	9,218	11,410	11,691
French	6,411	4,383	4,768	1,885	3,998	3,250	4,520	5,427	6,179	5,555	7,923
Peru									804		
Uruguay	14,803	8,256	12,222	37,151	20,621	15,440	15,174	15,806	14,485	12,285	2,655
Venezuela	7,516	19,970	19,966	23,017	17,973	28,547	15,053	19,840	29,711	15,932	4,561
Chinese Empire		175	1,039	1,055	690	6,952	18,116	35,899	44,473	24,859	27,842
East Indies—British	1,553	500	4,820	1,143		8,953	2,407	3,606	2,885	2,229	16,723
Hongkong					280	1,600	25			1,780	6,784
Japan			820	7,340	12,948	55,124	197,036	2,414,482	322,362	228,210	508,985
Korea											10,888
Russia, Asiatic							592				
British Australasia	314,723	214,244	213,818	268,079	286,213	253,807	332,369	374,259	546,809	703,894	749,127
German Oceania								616			
Hawaii	2,246	115	185	130			55	272			
Philippine Islands									275		190
British Africa	88,675	100,988	114,223	93,197	82,296	148,985	143,022	230,542	241,501	324,442	469,375
Canary Islands	38,555	47,115	59,795	55,225	45,940	61,066	54,364	52,549	62,979	30,923	58,783
French Africa	84,210	61,605	30,914	33,340	13,171	38,530	75,677	41,826	56,734	40,621	39,590
German Africa									432		685
Liberia	3,313	1,627	4,119	268	420	355	427	311	875	1,584	5,653
Portuguese Africa	979	87	30	100	700	2,853	2,977	3,985	9,723	800	9,305
Spanish Africa							2,686			2,963	
Turkey in Africa—Egypt		81									
All other Africa						1,950	50	200	1,687		751
All other British			175	2,659							
Total	20,303,245	22,292,704	22,939,356	25,622,776	24,405,245	24,513,597	21,924,337	25,170,771	29,163,086	27,475,466	26,881,641

ANOTHER IMPORTANT MEETING OF BURLEY TOBACCO GROWERS HELD IN THIS CITY ON THE 25TH—EXECUTIVE COMMITTEE MET AT LELAND HOTEL ON THE 24TH—IMPORTANT BUSINESS TRANSACTED—ASSOCIATION BEGINS HANDLING 1903 CROP DECEMBER 1.

Pursuant to a call of President W. B. Hawkins, the executive committee of the Burley Tobacco Growers' Association met at the Leland Hotel, in this city, Tuesday, November 24. Many important questions were up for discussion, and all arrangements to begin the handling of the 1903 crop were completed. The meeting was adjourned at 4.30, to meet at Jackson Hall Wednesday.

About 150 growers assembled at Jackson Hall Wednesday morning. The meeting was called to order by President W. B. Hawkins, who in a few words stated the object of the meeting. Reports as to the progress in writing stock for the association in the various counties were read, and it was learned that much work has been done within the past ten days.

Enough stock had been raised to guarantee the success of this mammoth undertaking. After several matters of importance were acted upon the meeting was declared open for discussion. Several discussions were made, questions asked and answered, and different views on the different subjects were expressed by members present, which was of great benefit to those present.

Mr. C. C. McChord was appointed a committee of one to draw up a bill of sale to be signed when the crop was delivered to the association. These will be placed in the hands of the different county boards as soon as printed. The following resolution was offered and passed:

"*Be it resolved*, That every member of the association be urged to subscribe for the Kentucky Observer, the official organ of the association."

All members present were urged to notify every grower in their respective counties that the association would be ready to receive this year's crop on December 1, and the executive committeeman of each county was instructed to make all arrangements for the receiving of the crop.

In the House of Representatives, November 17, 1903, Mr. TRIMBLE introduced the following bill; which was referred to the Committee on Ways and Means, and ordered to be printed:

"A bill for the relief of the farmers and tobacco growers of the United States.

"*Be it enacted, etc.*, That farmers and growers of tobacco shall hereafter have the right to sell tobacco in the raw or unadulterated, of their own growth, in any quantity, either in the leaf, twist, or such other form as they may wish, free from any tax or charge, or being in any manner subject to any statutory regulation on the part of the Government of the United States. All statutes in conflict herewith are hereby repealed."

"Whereas only a few years ago the tobacco produced in this country was all manufactured by many factories scattered over the land, each factory a competitor in the open market for its raw material; and

"Whereas at this time 80 per cent of all these factories have been purchased

by one gigantic trust called the tobacco trust, thus virtually cutting off all competition; and

"Whereas the law regulating the tax on manufactured tobacco has been so construed by the Commissioner of Internal Revenue to include tobacco in the raw state, as subject to the tax of 6 cents per pound; and

"Whereas this construction has worked and does work a great injustice to the farmer who raises the tobacco, in that he has no market for his product other than to sell to one man, because, as before stated, the great tobacco trust controls more than 80 per cent of all factories in the United States:

"Now, we, the tobacco growers in the State of Kentucky, do by this petition call the attention of Congress to the gross injustice done by said law or construction of said law to the producers of tobacco and pray for relief, and ask that the bill now pending (H. R. 3574) for the relief of the farmer and tobacco grower of the United States be passed, and to take effect from its passage."

The above was adopted by the tobacco growers in convention assembled in this city on Tuesday, November 24, and it was recommended that every tobacco grower write to the Hon. SOUTH TRIMBLE, at Washington, D. C., thanking him for his advocacy of the farmers' interest.

During the delivery of the above speech,

The CHAIRMAN. The time of the gentleman from Kentucky, as extended, has expired.

Mr. TRIMBLE. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. BENTON. Mr. Chairman, I now yield to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. Mr. Chairmnn, for the first time in the history of our country it is asserted that the Republican party is the enemy of trusts. From the time the war tariff was passed in 1861 Republican tariff schedules have carefully nurtured monopolies, and it was thought that this policy had been carried to its extreme limit in the McKinley tariff of 1890, but it reached its highest development in the Dingley tariff of 1897. The antitrust law of 1890 was passed by both political parties, and both parties have made attempts to enforce its provisions. But the Dingley tariff bred trusts one hundred times faster than the slow machinery of the law could destroy them, even though all the energies of the Government were bent to destroy them.

After 1897 the formation of industrial trusts flourished as it never did before. Foreign competition was excluded by the high tariff, and if domestic competition could now be removed by combinations of industries these combinations could charge the public any price they pleased up to the point of what "the market would bear." The prospect of profits to be made by charging exorbitant prices for the necessaries of life and the materials of industry was so alluring that the formation of industrial trusts became the absorbing passion of the captains of industry. Industry after industry was seized by capital, and combination of industries was followed by combination of combinations. The entire field was swept in the mad rush for wealth, and all but a few unimportant industries were seized by the giants' power. Meanwhile the manufacturers saw the hope of cheaper raw materials vanish, the consumer saw prices of food and clothing and fuel mount higher and higher, and the small merchant and frugal mechanic saw the door of business opportunity closing against them.

The trusts, in these years of Republican administration, had attained their greatest power and practised their cruelties upon The people unrestrained by law. The beef trust forced prices up so high that beef was beyond the reach of persons of small means. The coal trust forced up the price of coal, and thousands were threatened with sickness and even death. And the Standard oil trust, taking advantage of the high price of coal, forced up the price of oil, thus depriving many of cheap fuel. The steel trust made the prices of its product so high that the building industry came to a standstill, and all the industries dependent upon the products of that trust paid vast tribute to it and helped to earn dividends on its well-watered stock. In short, the trusts ran riot under the license to plunder the people which the Republican party granted them in 1897, and the trusts in 1900 purchased by campaign contributions a promise from the Republican party that their tariff shelter would not be taken from them.

Now, there is one way to restrain the trusts that is more potent than all others, and that is by reducing the tariff. No one ought to object to a reduction to such a point as to provide sufficient competition to enable Americans to buy American products at prices at least as cheap as Europeans buy them. From 1897 until now the Democratic party has demanded tariff reduction, and the Republican party has denied it. Our manufacturers want cheaper coal, iron, lumber, and hides, and our people want cheaper and better food and clothing. But the Representative from Pennsylvania [Mr. DALZELL] tells us we can not have reciprocity with Canada, because the Republican party is opposed to it, and the Republican members of the Ways and Means Committee vote solidly against the Democratic bill for free raw materials for our industries.

Now, this refusal to help the people in the only way the trusts really fear is strangely inconsistent with your claim that you have deserted the trusts and gone over to the side of the people.

But the country will be glad if you have really begun a campaign of hostility to the trusts. No political party was ever better equipped for the accomplishment of this purpose. You have the President, the Senate, and the House, and you have sufficient time between now and election day to begin this work. And you need not go outside of your own ranks to secure information as to the methods of the trusts. Mr. Perry Heath could give you much information which he gathered as national committeeman and as a post-office official. The Secretary of the Treasury stood on the same platform with the Senator from Rhode Island recently and declared the Republican party the enemy of trusts. As "general manager" of the Republican party it might be well to consult the Senator from Rhode Island as to the best mode of attacking the sugar trust and the Standard Oil Company. The senior Senator from Pennsylvania could be counted on to devise a scheme to destroy the coal trust, and the Senator from Michigan, former Secretary of War, would delight in a campaign against the beef trust. The senior Senator from New York would abandon temporarily his contest for control of New York and join with the junior Senator from New York in framing a plan to punish railroads that violated the laws.

With a President of such strong purpose, surrounded by such a competent corps of advisers, the trusts should soon be driven to extremity; and the Administration should begin at once, for the Attorney-General has said he will not "run amuck," and this has been construed as the declaration of a truce with the trusts. Unless something is done at once the trusts will believe that the Northern Securities Company has been made a scapegoat, and they will feel assured that the usual campaign contributions will purchase immunity from prosecution. So the President must press on and serve notice on the trusts that they can not purchase a further license to strangle competition and thereby plunder the community. If this warfare is not begun now the people will know that it will not begin after the election if the Republican party is successful therein, and the people will realize that the Administration waged just enough war against the trusts to convince the plain people that it was on their side and against the trusts, but not quite enough war to prevent the trusts from paying their usual contributions to the Republican campaign fund, as the price of further license to violate the law.

You should not rest content with this one decision in your seven years of Administration. There is still an unexpended balance of $475,000 which is at the disposal of the Attorney-General for the prosecution of trusts; and although he says that "this appropriation should be made available for the enforcement of the laws of the United States generally," because "vast portions of the public lands have been dishonestly acquired through frauds, perjuries, and forgeries, and by similar means the laws relative to the proper administration of the Post-Office Department and other branches of the public service have been grossly violated," still we hope that it will not require all of this $475,000 to punish the officials who have been guilty of plunder under this Administration, so that there will be nothing left to complete the prosecution of the trusts which the Republican party has just begun. Nor should you rely upon making party capital out of the dissenting opinions of the justices of the Supreme Court, for you will remember that it is not long since criticism of a former decision of that court was denounced by your party as an attack upon the court itself. There are limits beyond which the exigencies of politics should not force us, and a decent respect for the highest tribunal of the land should cause you to refrain from indorsing the insinuation that partisanship caused a division among the members of the Supreme Court.

Now, the Democratic party has proposed a practical remedy for the abuses of industrial trusts, and if placed in power will apply that remedy. It will also enforce existing law and seek to amend that law so as to make it more effective. It stands ready to give the country a President who respects the law, whose lifetime veneration of its majesty will insure its vigorous administration at his hands.

In 1902 the grasping avarice of the coal trust caused a situation that was well described by the supreme court of Pennsylvania when it said, speaking of a combination that existed prior to this one:

> This combination has a power in its confederated form which no individual action can confer. The public interest must succumb to it, for it has left no competition free to correct its baleful influence. When the supply of coal is suspended the demand for it becomes importunate and prices must rise. Or if the supply goes forward, the price fixed by the confederates must accompany it. The domestic hearth, the furnaces of the ironmaster, and the fires of the manufacturer all feel the restraint, while many dependent hands are paralyzed and hungry mouths are stinted. The influence of a lack of supply or a rise in the price of an article of such prime necessity can not be measured. It permeates the entire mass of the community and leaves few of its members untouched by its withering blight.

The President had implored the coal trust to arbitrate its differences with its workmen, but the trust had spurned his recommendations. Then a great man arose in the community, whose

record as Secretary of State and Attorney-General lent authority to his words, and denounced the coal trust for its unblushing violation of law. This declaration of Richard Olney focused the attention of the country on its criminality, and shortly after that the trust receded from its arrogant position and agreed to arbitrate with its employees. He it was who maintained the dignity of this nation by insisting on the preservation of the Monroe doctrine when the most powerful nation in the world threatened to violate it. He it was who from his commanding position as Attorney-General intervened in a suit before a circuit court of the United States and gained recognition of labor's right to organize. In his ability, courage, judicial balance, and calm temperament, as shown in his record of statesmanship and diplomacy, lies the best guaranty of peace and honor with all nations and happiness and prosperity at home.

The country turns for relief to the Democracy. The Democracy contains within it many men capable of guiding the destinies of our nation. None within its ranks are more gifted or more trustworthy than this distinguished son of Massachusetts. The country needs a President who will compel a return to former standards of official honesty and propriety, and who will not find it necessary to instruct the members of newly created commissions that their official standard of conduct must be higher than that which now exists in the several Departments of this Government.

We need a return to economy in administration, which Republican policies persistently ignore. We need a revision of the tariff in the interest of the people and not in the interest of protected manufacturers and trusts. We need a standard of international fair dealing that will restore confidence in the American nation and insure respect for the Monroe doctrine, which our retention and exploitation of the Philippine Islands and our sharp practice with Colombia in the canal negotiation have done much to destroy. We need an Executive who will observe the law himself and who will not authorize Departments to usurp the legislative function. And above all we need an Executive upon whom we can depend for the preservation of peace with all the nations of the world.

Mr. BENTON. Mr. Chairman, I now yield fifty minutes to the gentleman from Mississippi [Mr. BYRD].

Mr. BYRD. Mr. Chairman, some weeks ago I introduced House bill No. 12694, intended to aid the farmers by removing the protective duties that range from 20 to 60 per cent on agricultural machinery, implements, and a few other necessaries incident to the life of the farmer. This bill, I understand, was turned down by the Ways and Means Committee a few days ago on a strict party vote. This measure I believe to be just, and it should receive the earnest consideration of this body. Agriculture is our chief source of national wealth. The estimated value of the food and kindred products of the American farms in 1903 was more than $2,300,000,000, and in the last decade 30,000,000,000 pounds of cotton, valued at about $2,500,000,000, were exported and sold to maintain our international financial parity.

One need not be learned in political economy to know that the financial success of the farmer is directly dependent upon buying and selling on the same terms and in the same market. Bartering is his most beneficial method of commerce, and when denied this privilege, by law or otherwise, his prosperity is seriously impaired. To deprive him of this right in any country is indefensible, but to deny it to him in this country of equal rights to all men is little less than tyranny. To tax one to upbuild the industry of another is legalized robbery, excusable only in a half-civilized despotism, yet we find it to be the chief rule of administration in this Government.

Since the inception of the American protective-tariff system the farmer has often been compelled to drink the bitter dregs of penury, in order that a policy intended from its beginning to enrich the few at the expense of the many might be exploited, and we must concede that it has served its mission well, breeding millionaires and trusts by the hundreds in every period of its existence. To-day it is holding high carnival in this temple of American liberty. Its every devotee, from its lord protector in the White House to the billingsgate political ward bummer, is imbued with its divinity far more than they are with the teachings of that Holy One who taught that every man should eat bread by the sweat of his brow.

Mr. Chairman, from the effects of this ideal Republican policy I have witnessed hardships almost too incredible for belief. I have seen magnificent estates, which were once the abode of baronial magnificence and splendor, plastered with mortgages, and finally pass at the auction block from the possession of the owner into the hands of heartless syndicates, notwithstanding they were as fertile as the valley of the Nile, and, had they been in any other land, would have been transmitted from generation to generation, clustered about with the sacred legends of ancestral history. I have seen the inmates of these once palatial homes reduced to extreme poverty, becoming tenants in the ideal mansions of their fathers. Their broad acres, though fertile and tilled to the verge of exhaustion, could not yield a sufficiency to appease the greed of the Shylocks of protection.

Passing to the more humble farmer, the yeoman of the land, I have seen him toiling from ten to fourteen hours a day, year after year, and his tender children dragged from the schoolroom to drive a plowshare in the scorching southern sun. I have seen him die, his home sold for debt, and his wife and children scattered and reduced to miserable degradation.

In summing up the hardships visited upon the American farmer by this policy of protection, I am forcibly reminded of the miserable condition to which the same policy reduced the English agriculturist fifty years ago, as given in the reported speeches of Mr. Cobden. Listen to what a few of the many thousands of these defenseless people said to the agents of the English Government concerning the destitution to which they were reduced. One witness said:

> If women and boys who labor in the fields suffer in their health at all, it is not from the work they perform but the want of food. The food they eat is not bad of its kind, but they have not enough of it, and more animal food would be most desirable; but with the present rate of wages it is impossible. Their low diet exposes them to certain kinds of diseases, more particularly to those of the stomach.

Another:

> Our common drink is burnt crust tea. We also buy about a half a pound of sugar a week. We never know what it is to get enough to eat. At the end of the meal the children would always eat more. Of bread there is never enough, the children always asking for more at every meal.

Another:

> Our poor live on the borders of destitution. * * * From one year's end to another there are many laboring families that scarcely touch in the way of food anything but bread and potatoes, with now and then some bacon. Bread in almost every cottage is the chief food of the children.

These are miserable pictures, indeed; yet I have seen their prototypes in different sections of the South within the last few years. It is a very common scene among the 6,000,000 negroes of the South who till the soil for a living. The wages received by both white and colored farm laborers are wholly inadequate to provide the necessaries of life, being only $10 or $12 per month, while the industrial laborers receive from $2 to $4 per day for their wages. And the few negroes who have acquired little homes realize so little therefrom in the way of profits that they have scarcely been able to provide sufficient food and clothing for their wives and children. And here permit me to say that if the Republican party were as much concerned about their right to live as human beings should live as it claims to be about their right of suffrage they long since would have been in much better condition—would have expanded in intelligence along with their prosperity, and would have freed themselves of many crimes begotten of poverty. It is claimed that the Democrats of the South deprive them of their votes, but the Republicans, year after year, have robbed them of their bread, and they should long hesitate before shaking their "gory locks" again. [Applause.]

A few years ago in my home town I observed an old negro entering a grocery store to invest his day's wages as a farm laborer—50 cents—in bacon. In a few moments he came out with a small roll wrapped in brown paper. Coming up to me, he said, "Boss, what does this mean that I can't get more to eat for my day's work? This won't make two meals for myself, wife, and six children." I said, "Uncle, you have heard about the Republicans who have been 'raising cain' about your right to vote so long. A few years ago they put a tax of 5 cents a pound on bacon, and a few of them in Chicago who make all the meat got together and advanced the price 5 cents per pound, in order to get the benefit of this tax, and this is why you have to pay 14 cents for all you eat." After reflecting a moment the old negro raised his head, with tears in his eyes, and said, "Boss, them Yankees am fools. If dis goes on dar ain't going to be no niggers here to vote." [Applause.]

But it is contended that if these conditions ever existed they have passed; that the farmer now, too, is prosperous; that he has a market for his produce, and that the Republican Administration is responsible for his prosperity, and that his sole duty is to "stand pat" and let well enough alone.

But what produced this little wave of agricultural prosperity, and how long will it continue? Do we not all know that it was caused by a shortage in the world's supply of cotton and by an increased demand for food products beyond the sea? This temporary boom in the prices of farm products has imparted new life and new energy in all of our industrial pursuits, thereby proving the indispensability of the farm as a factor in our national existence. [Applause.] The Dingley law has been in operation since 1897, and the most direful hardships that were ever realized by the southern farmer were in 1898 and 1899, when he was compelled to sell his cotton crop at about 5 cents per pound. The following will show the price of his product on the 1st day of November for each year since 1897, when the Dingley law went into effect: 1898, 4¼ cents; 1899, 7 cents; 1900, 9 cents; 1901, 7 cents; 1902, 7 cents,

and 1903, 10 cents. This shows that the average price has only been about 7½ cents per pound, and it is conceded by the best authorities that on account of the advance on the necessaries of life incident to the reign of protection and trust the cost of production is at least 7 cents per pound, leaving the farmer's profit at one-third of 1 cent. The cost of living since 1897 has increased more than 30 per cent, as is demonstrated by the following statement from R. G. Dun & Co., published by the approval of the Government, and showing the value of a year's necessaries if purchased on the 1st day of January of each year: January 1, 1898, $72; January 1, 1899, $82; January 1, 1900, $95; January 1, 1901, $95; January 1, 1902, $101; January 1, 1903, $100, and January 1, 1904, $100.

From this it seems impossible for the present wave of prosperity to long continue in the agricultural districts unless the Government comes to the rescue and reduces the cost of production by removing the tax from agricultural implements, machinery, and other necessaries of life, the price of which is now only affected by the conscience of heartless trusts, which are largely organized and perpetuated under the thieving schedules of the tariff law. [Applause.] It is impossible for the farmer to conjecture the price he will realize for the crop now being planted. He does not know whether it will be profitable or unprofitable. In approximating its worth he must consider the ravages of the boll weevil of Texas and the locusts of Kansas; he must number the showers that fall on the plains of Europe and watch the irrigation of the cotton fields in Egypt; he must number the fields reclaimed from the wilderness in Africa, note the labor troubles in Europe, and the duration and destructive results of the Japo-Russian war.

All these varying conditions and much more must be considered in approximating his profits from the present crop. Should the world's supply of cotton be above its consumption, as was the case in 1898, and which is altogether probable, this commodity will again drop in price to 5 cents per pound, and should the foreign demand for wheat be less than our surplus the western farmer will again realize only 40 cents a bushel for his product. This is true because the price of the whole is always measured by the value of the surplus in a foreign market. This is an economic axiom, self-evident, and can not be successfully contradicted. [Applause.]

But turn to the other side of the question, and ask if there is any uncertainty about the price the farmer must pay for the necessaries incident to his occupation. The McCormicks, the Carnegies, and other trust magnates have long since prescribed the terms by which he must live and ply his humble avocation; and their decree is as unalterable as the "laws of the Medes and Persians." They have determined the amount and fixed the price of his raiment and food, and with the insignia of the trusts they have stamped his nails, his wire, his plows, his reapers, and many other of his indispensable necessaries. [Applause.]

Notwithstanding the products of his labor are exposed for sale in a market where the whole world meets in competition, he is compelled to buy within a protected wall where the will of one or two men alone fix the price of all he must purchase. The same parties who have arranged an unchangeable trust price for him compel him to pay any amount of profit they please, while they sell the same articles in foreign markets, where they encounter competition, at from 20 to 100 per cent less than he is charged for the same. We find, as I will show further on, that when they charge him $11 for a cultivator, they would charge the Mexican only $8.40; when he pays $14 for a plow the Englishman would buy it for $12.60; when he pays $22 for a sewing machine the Brazilian could buy it for $17.50, and when he pays $7 per dozen for shovels the Russians could buy them for $5.75, and so on throughout the whole list of articles needful for his well-being as a farmer.

Now, Mr. Chairman, in the light of this showing, is it not a fact that the agricultural consumer is bound hand and foot and is being robbed as effectually as though he were being sacked by the wildest band of highwaymen that ever roamed the western plain? Is the man who compels you at the point of a rifle to surrender your money any more a robber than the millionaire who plants himself behind the thieving walls of the existing tariff law and demands the pound of flesh next to the farmer's heart, who reduces the farmer's wife and children to hardships in order that he may exploit his millions to the world and live and die in a brownstone mansion? [Applause.]

It is perfectly manifest that the duty levied on the articles mentioned is being prostituted and used as a tool by the trusts to rob the home consumer, and it is also equally certain that the full amount of this duty under the manipulation of these Shylocks is being extracted above a legitimate profit.

We find that in 1903 $22,000,000 worth of agricultural machinery was sold to foreigners; we also find that about eighty-eight millions, or four times as much, was sold to the home consumer, and it is estimated that of the latter sum at least $17,000,000 was a bonus paid by the farmers to the trusts and manufacturers by virtue of the existing duty. In like manner they were robbed on the $21,000,000 they paid for sewing machines and on the $30,000,000 they paid for nails, wire, piping, and kindred products. Now, if you will calculate the amounts stolen from them in this manner since the infamous Dingley bill went into operation, you will find that the American farmer has contributed enough to the trusts and millionaires to more than build the isthmian canal. [Applause.]

The per capita wealth of Mississippi is only about $143, Arkansas $144, Alabama $155, and Tennessee $170, notwithstanding they include the most fertile agricultural and valuable timber and mineral lands in the world; while, on the other hand, the per capita wealth of Pennsylvania is $559, Michigan $590, Rhode Island $950, and Massachusetts $1,419. Why is this? Why has the farmer been shackled in poverty for the past fifty years, while his manufacturing brother has prospered to the extent of turning to gold almost everything he has touched? There can be no answer except the one is being robbed to enrich the other; and, too, the Republican party is a joint heir in this legacy of shame. It is the highwayman that makes the farmer "stand pat" while the manufacturers and trusts filch his pockets. [Applause.]

To more fully demonstrate how the home consumer is being held up and robbed by the trusts, let me quote from an article that recently appeared in one of our journals. It says:

On November 12 the Iron Age quoted American steel bars in England at 8?s., or less than $2 per ton, and in America at $1.42½, or $31.92 per ton. The same number of the Iron Age tells us that American steel beams, plates, angles, channels, and rivet steel are being sold in Canada at from $9 to $11 per ton less than the prices charged here.

The Iron Age of December 17 enumerates a great number of articles of American make which are sold largely in South Africa. Nearly all are sold there at prices far below those charged here. Thus it appears that shovels, which our shovel trust sells here at 90 cents each, are sold there at 36½ cents. This Iron Age also contains information showing that the United States Steel Corporation was early in January offering steel billets in Lancashire, England, at 75s. per ton. Deducting $5 for freight and other transportation costs, the trust gets about $14 per ton for billets for export, while its price to American consumers is $23.

The American manufacturers, mostly in big corporate trusts, guard their export prices so well that it has become next to impossible to obtain export price lists or catalogues in this country. Recently Henry Russell & Co., of Sheffield, England, dealers in files and tools, wrote a letter, which says:

"As an illustration of the unfair manner in which the home buyers of files are treated by the United States of America manufacturers, I inclose you herewith a comparison of the prices charged to the buyers in the United States of America with those offered by the same manufacturers here."

Some of the prices on the list inclosed follow:

Files.	Price per dozen.		Per cent difference.
	England.	United States.	
Flat bastard, 4 inches	$0.34	$0.92	170
Flat bastard, 6 inches	.50	1.07	114
Flat bastard, 10 inches	1.08	1.75	62
Hand bastard, 4 inches	.38	.92	142
Hand bastard, 6 inches	.62	1.07	73
Hand bastard, 10 inches	1.20	1.87	44
Half round bastard, 4 inches	.24	1.20	255
Half round bastard, 6 inches	.50	1.52	204
Half round bastard, 10 inches	1.08	2.27	109
Round bastard, 4 inches	.34	.75	121
Round bastard, 6 inches	.50	.87	74
Round bastard, 10 inches	1.08	1.40	30
Square bastard, 4 inches	.34	.95	179
Square bastard, 6 inches	.50	1.15	130
Square bastard, 10 inches	1.08	1.85	71

But in order to show you how fully and completely the farmer is being robbed on almost everything incident to his humble occupation, I desire to quote the following figures showing the prices that he must pay, and also what the foreigner must pay on the same articles. This statement is made up of data furnished by an expert, who was employed to secure the same for the late Democratic campaign committee:

Articles.	Domestic price.	Export price.
Cultivators	$11.00	$8.40
Plows	14.00	12.60
Axes, per dozen	8.25	7.20
Kettles	1.40	.85
Wire nails, per 100 pounds	2.25	1.35
Horse nails, per pound	.17	.14
Barbed wire, per 100 pounds	3.00	2.00
Sewing machines, medium	22.00	17.50
Axle grease, per gallon	5.40	4.50
Fruit presses	11.00	8.82
Meat choppers, average	2.00	1.50
Rakes (shanks), per dozen, average	1.75	1.40
Saws, per dozen, average	15.00	12.00
Shovels, per dozen, average	7.00	5.75
Hoes, per dozen, average	13.00	10.00

These figures proclaim the condemnation of this iniquitous protective tariff policy far more eloquently than the human tongue can speak. They show that this trust-breeding system is indefensible, tyrannical, and not intended for revenue purposes, but to enrich the rich. The Government derives no revenue from the importation of this class of goods. They are not imported in sufficient amounts for consideration, nor is the tax needful to enable any of our manufacturers of this class of articles to compete with foreigners, because, unlike any other country, we have the raw material—the iron, the coal, and the timber—on the same mountain side. [Applause.]

What justification can there be in longer perpetuating such an infamous policy? Has it come to this that 40,000,000 farmers must be taxed without limit? Upon what hypothesis of right is it predicated? Has the farmer not played his part well in the great drama of our national existence? Did he not in blood write our liberty on the snows at Valley Forge? Was he not foremost in the charges of Sumter and Marion, in the swamps of Georgia and Carolina? When our President was a fugitive, when our capital was sacked and burned, when these classic hills were under the martial step of the proud Briton, and when our northern army had cowardly surrendered or scattered like wild beasts to the mountains, who was it that dared to die on that historic battlefield far to the South in order that the nation's flag might be purged of the stains of shameful cowardice and might once again float transcendently in the heavens? [Applause.]

Who filled the ranks of the Spartan bands of Crockett, Travis, and Houston; that drove the bloody savage and the treacherous Mexican far to the sunset, planting a lone glittering star in the southern sky to herald the advent of the new-born Republic? Who were more abundant in that intrepid army that marched with Scott and Taylor through fire and blood and scorching sands to gather trophies from the palace of the Montezumas, and to spread the map of this Republic to the golden shores of the Pacific? [Applause.]

Sirs, we may extend to him the basest ingratitude; we may shackle him in the pinions of misfortune by unjust taxation; we may rob him of his humble home and make him a fugitive of poverty in the land of his fathers to appease our avaricious greed, but remember that we can no more blot his deeds of valor, devotion, and chivalry from our country's history without dimming its brightest pages than we can strike the constellations from the heavens without impairing the beauty of the universe. [Applause.]

Mr. Chairman, not only is the farmer being impoverished by this infamous policy at home, but it is rapidly closing his most extensive and profitable markets abroad. By realizing such enormous profits from the home consumer the trusts and manufacturers are enabled to undersell the foreigner in his own country, and this is done with the delibe ate purpose to further satiate his greed by destroying all free competition. If you doubt this, listen to the following, credited to a writer in the Pittsburg Gazette, published in the very hothouse of protection:

> The time is coming when the present duty on steel manufactures will either be removed or materially reduced. Before this comes a wise management will see that we are firmly intrenched in our home markets and that no foreign manufacturer can enter them. This can best be done by so underselling him in his own markets that he will have no profits to invest in betterments. It is only by maintaining prices here that we can afford to undersell the foreigner in his own market. This may be regarded as a cold-blooded policy. It will shock many people who do not know that many of our manufacturers have been built up under it.

The truth here expressed has reached across the sea, and the present English ministry is upon the verge of dissolution, being driven from power by the cries of popular vengeance against the American industries.

But, we ask, how is it possible for our manufacturers to pay American wages, ocean freights, and then undersell the Englishman in his home market? Let me explain. By the same authority above quoted it was stated that the American Steel Trust could make steel rails at $12 per ton, and by adding $3 profit we find that they can be profitably made and sold at $15; but the December report of Commerce and Finance says that from May, 1902, to the date of the report steel rails were sold at the fixed price of $28 to American consumers. This unchangeable and outrageous profit-making price destroyed all foreign competition, there being no record of any rails imported into this country during the year 1903.

The Germans and Belgians who furnished the same character of goods to Mexico and South Africa at $24 per ton, including ocean freights, were, by tariff duties to the amount of $7.80 per ton, prohibited from entering this rich field of commerce. The American manufacturer, in order to receive $28 per ton, had only to add the $5 per ton freight that would have to be paid by a foreign competitor and the $7.80 duty under the Dingley bill to his legitimate price of $15 per ton, to make $27.50 per ton, which is only 50 cents less than his fixed price.

From this we are forced to the conclusion that the whole amount of the duty now levied on this class of goods is gobbled up at the expense of the American consumers by the trusts and manufacturers, and that in this manner the American consumer is robbed on the hundreds of millions of dollars for steel rails used by our railways. And right here let me say that this enormous profit to the trusts and manufacturers is not only a tax on the railroads, but it is likewise a tax on the whole American people; more largely on the farmers whose freight must be fixed by the railroad with a view of discharging this enormous debt, and, too, this debt will prove an unending burden. This generation will pay the interest on the bonds issued to cover this extra cost of construction, and when we have all passed away the same bonds will be re-issued, and our children will be taxed in a like manner to pay the interest on the same, and so on through all of the generations to come. [Applause.]

From these figures it is perfectly clear that on every ton of rail sold the manufacturers or trusts realize above a legitimate profit $13 per ton, and we are not surprised that they are thereby enabled to destroy foreign competition. Suppose they sell 400 tons at $13 profit to American consumers, we find that they realize $5,200. Then, should they sell 400 tons, the same amount, to the English railway at $10 per ton, being $2 less than first cost, they would lose $800. By deducting $800 losses from the $5,200 profit, we find that the seller realizes the net sum of $4,400 profit on 800 tons of rails, plus the satisfaction of having inflicted a deadly blow to their foreign competitor.

This method of gathering profits from home consumers and destroying foreign competition is true as to all the iron and steel schedules of the Dingley law and is likewise true as to all the agricultural implements and machinery enumerated in the foregoing schedules, the sale price of which is fixed by the harvester trust, organized under the name of the International Harvester Company, chartered under the laws of New Jersey in 1892 with a capital stock of $120,000,000, and is composed of six or more independent companies. This combination largely sold in 1893 at less than home prices reapers, mowers, cultivators, and plows to the amount of $3,617,430 to Russia, $1,680,439 to Germany, $1,020,053 to British Africa, $1,558,836 to Australia, and $15,075,358 to other foreign countries.

Now, if this is true, as we have shown, what reason can there be for longer perpetuating tariff tax on this class of articles? It is not needed for revenue; none are ever imported. According to the report from the Department of Commerce and Finance not a dollar of revenue was derived from these sources during the past year, 1903. Then why should it be continued? For what purpose do we retain it? Where is the authority to levy any tax except for revenue? It can not be claimed that it is needed to enable this trust to justly compensate its employees, for a business backed by such enormous wealth, separated from all serious competition by an ocean, and having for a market a continent at home and the world abroad can not be otherwise than prosperous and fully able to take care of all of its wage-earners.

This method of robbing at home and underselling abroad is rapidly revolutionizing the fiscal policy of England, that has for more than half a century been founded upon the bed rock of free trade, and that great market that has been free and open to the world and in which we sold nearly one-half of our exported agricultural products in 1893, and for many years prior to that time, is about to be closed by protective duties to save the English industries threatened largely by the American trusts.

The Right Hon. Joseph Chamberlain, late secretary of the English colonies and the author of this retaliating policy, has all his life been an adherent of the Cobden theory of free trade and justifies his present position by pleading national self-defense.

The Edinburg Review or Critical Journal quotes him as recently saying:

> Protection enables foreign countries to dump in England—that is, sell to us below cost price, and recoup themselves by high prices in their home markets. By this process, sufficiently continued, they can destroy a particular industry and then raise their prices. Iron and steel at present are threatened in this way.

Again, he says:

> The old ideas of free competition are changed. We are face to face with great combinations and enormous trusts, having behind them gigantic wealth. Even the industries and commerce which we thought to be peculiarly our own are in danger. * * * At the present time the Empire is being attacked on all sides, and in our isolation we must look to ourselves. We must draw closer our international relations—the ties of sentiment, ties of sympathy; yes, ties of interest.

But if this policy of English retaliation, as outlined by Mr. Chamberlain, extended only to the imposition of duties on our manufactured and trust-controlled articles shipped to that country, it would not be so far-reaching in its damaging results, and, too, it would carry with it the approval of all who believe in righteous retribution; but we understand that it is the purpose of the advocates of that doctrine to levy a duty upon imported agricultural products. It contemplates a general tariff law with pref-

erential schedules and rates to the English colonies and dependencies, which is to be reciprocal, to the end that the colonial markets are to be saved for the manufacturers of England, and the market of the mother country is to be saved for the agricultural and other products of the colonies.

Listen to what Mr. Chamberlain says is the true intent of this policy:

If, however, our colonies develop further their present protectionist policy, the colonial market also will be gradually closed to us. Hence it is wise, while we can, to secure preferential treatment in their markets, which we can do by giving them preferential treatment in ours. This involves the taxation of food.

What does he mean by using the expression, "This involves the taxation of food?" Is it not his purpose to place a tax upon American meat, corn, and wheat in order to provide a protective market for like products from Canada, Australia, and other colonies? In the event that he does succeed and does place a duty of something like 50 per cent on all the food products of this character not produced in the colonies, what would be its effect upon our western farmers, who in the year 1903 sold in that market alone $180,000,000 worth of these products? Where would he find another market in which to sell such a large share of his annual surplus? Is it not reasonable to conclude that a large per cent of it would decay in the bins and packing houses of the West? But we are confronted by those who say that if they live they must eat, and that as they have depended on us for their food supply for the past half century they must continue to do so.

But, Mr. Chairman, we should not forget the fact that the wheat-growing area of middle and western Canada, as yet practically undeveloped, is quite as large as our western grain belt, and is so fertile that many of our western farmers are flocking there in search of homes.

The Duke of Argyle, in a recent article on the resources of Canada, says:

Both by soil and climate Canada is specially adapted to agriculture. Within the last few years its agricultural importance has greatly increased, and when the great prairies are brought into cultivation Canada will be one of the chief agricultural countries in the world. * * * Within a period of thirty years Canada has stretched from the Atlantic to the Pacific, and the territory now under her control is very little inferior in extent to that of the great Republic to the south, and contains within itself all the elements of a prosperous future. * * * The great Northwest, still in the very infancy of its development, is destined to give the confederation several provinces outside of Manitoba, as large and productive as Minnesota, and to be the principal wheat-growing district of Canada.

Hon. John Charlton, a member of the Canadian Parliament, in a recent article in the North American Review, says:

In the Canadian northwest, as yet practically untouched, is a wheat-growing area as large as eight States like Illinois. Where now there are a few hundred thousand inhabitants, there will be teeming millions, and the 60,000,000-bushel wheat crop of the present year will be swollen to a figure that will make this great region the granary of food-purchasing nations.

This being true, and with a preferential right in the English market, it is altogether probable that the wheat-growing area of that country and the annual shipments therefrom will equal ours within the next few decades.

Not only have our food products been listed for taxation by the advocates of this commercial upheaval in England, but we find that cotton is also to be protected by a preferential system of taxation with the colonies. Mr. Boyle, our consul-general at Liverpool, speaking in a late report on this subject, says that Mr. Chamberlain is an advocate of the taxation of cotton, so as to enable the industry to be developed in the colonies to the extent of relieving England from absolute dependence on the American cotton fields. In this report he says:

The significant growth of the new "imperial sentiment" among the British people has led to the desire to produce within the Empire as much as possible the things the Empire consumes. There is now a widespread and profound belief among the cotton spinners of this country that the only salvation of our trade is British-grown cotton.

To this end the British Cotton Growers' Association is experimenting in cotton growing in all of the English colonies.

Mr. Chamberlain, the ex-colonial secretary, has taken a great interest in the movement, and through him the aid of the governors of the colonies has been obtained. We call your attention to the following excerpts from this report of Mr. Boyle, showing the cotton-producing area of the English colonies and dependencies:

It is claimed that West Africa and Nigeria have an area of land suitable for cotton growing equal to that of the cotton-producing districts of the Southern States of America. * * * Several gins and 100 tons of seed were sent to Lagos in 1902. There were 4,000 acres under cultivation, and since then the acreage has increased to 30,000 acres. * * * Years ago cotton was exported from Lagos to the value of $380,000 per year. * * * It is believed that cotton can now be grown as cheaply as in the United States.

Last year an expert from Greenville, Miss., was sent to Free Town, Sierra Leone. * * * The expert there professes great hopes for the future of indigenous cotton, which he believes to be equal if not superior to middling American.

Early this year a practical cotton grower went to Gambia to give instructions in conducting experiments. The results from the American and Egyptian seeds are reported as satisfactory.

In the last annual report of the British commissioner of Central Africa the details of exports were interesting as containing the first mention of the export of cotton. Last spring 600 acres were under cotton cultivation, and it is expected that there will be 4,000 acres.

Efforts are being made to revive the cotton-growing industry in Jamaica. Sea-island seed has been procured from the United States Department of Agriculture. Sea-island cotton is a native of Barbados, and the Government has undertaken to encourage its cultivation.

BRITISH GUIANA.

The governor of this colony says that cotton grows wild there, and from time immemorial it has been cultivated by the Indians. In the early years of the last century from six to ten million pounds of cotton were exported annually.

Cotton grows in a wild state throughout British Honduras. American growers are negotiating for the purchase of land for cotton cultivation. * * * It is believed that India could easily produce an additional million of bales.

AUSTRALIA.

Attention is being paid to the question in Central Queensland, and experiment stations are being established.

The consumption of Egyptian cotton is increasing in England. In 1890 the United Kingdom imported 1,618,448 hundredweight, and in 1902 the amount was 3,168,697 hundredweight. * * * The wonderful system of water storage and irrigation recently established on the Nile under British auspices has greatly increased the acreage of cotton cultivation. It is said that the Egyptian cotton this year will be 98,000,000 pounds more than last year. It is claimed that there are millions of acres of cotton-growing land in the Sudan.

Thus it appears that the cotton-growing area of the English colonies and other countries under her immediate control is equal to about one-quarter of the habitable globe, and if we will consider for a moment the wonderful fertility of many sections of this vast domain and the mighty wealth and energy of the progressive people who are enlisted in the development of this great industry, and if we will further consider the fact that in a few years at least the producers of cotton in this territory will, in all probability, have preferential right to market their product in England, the greatest cotton-consuming country in the world, we are astounded at the probable rapidity with which this profitable industry will be developed within the very near future. [Applause.]

An additional profit of 4 or 5 cents a pound over foreign competitors will have the effect to multiply the production in these fields many millions of bales annually.

If a monopoly of the iron and steel trust market, produced by tariff taxation, has made it possible for a little blacksmith shop situated on the banks of a Pennsylvania river in 1860 to evolve into the mightiest trust and corporation ever known to the world, how long will it take for a similar system of taxation, monopolizing the English market, to make the valley of the Nile, the plains of Sudan, the isles of the sea, and other colonies and dependencies to become as white as the driven snow with this gold-bearing fleece?

Mr. Chairman, if we continue this policy of spoliation at home and destruction abroad until we make certain the adoption of this policy of retaliation by the English Government, if we make it possible for the only free market which is great enough to consume nearly one-half of our exported agricultural products to be closed by taxation, we will have visited upon the farmers of this country an injustice and calamity more far-reaching and damaging than the destruction of the civil war. [Applause.]

However fast our population may increase, and however fast our spindles may multiply, they can never keep pace with the ever-increasing production of our farms; and when we contemplate, for a moment, that with the whole world as our market in the past the farmer was scarcely able to realize a small margin of profit from his labor, and that not until within the last few years have the prices of his products been above the cost of production, and that when the great English market is closed to him, and all the paupers of India, the negroes of Africa, and the fellahin of Egypt are engaged without numbers and without limit to compete with him in the production of his chief product, we can see no escape but ruin for him.

Should this become true, we will see his cattle running wild on the plains, his corn burning for fuel, his cotton rotting in the field, his home mortgaged, his children being reared in poverty and ignorance, and the horrors of serfdom haunting his little ones.

The Europeans, especially the English, are importers, while the American farmers are the exporters of agricultural products, and it is as vitally important for them to have a monopoly of that market as it is for the manufacturers to have a trust on this.

It is claimed that competition here impoverishes the latter. In the same manner will competition there impoverish the former. The price the farmer receives for the surplus of his products in a foreign market is "the leaven that leavens the whole of his production." [Applause.]

The 10,000,000 bales of cotton produced in 1903 brought about $50 per bale, because that was the price paid for the surplus in foreign markets, and the many millions of bushels of wheat grown by the western farmer sold for about $1 per bushel, because the foreign bread consumer was willing to pay that price for the amount he exported. And so it is with all of the agricultural products produced in excess of home consumption. The influence of every flurry in the foreign market is noted in every

exchange in America, just as the waves of the sea are broken by lashing the rocks of the opposite shore. [Applause.]

The startling increase of our agricultural surplus renders the question of providing foreign markets one of vital importance. Of this class of goods, in 1893 we exported $600,000,000 and in 1903 $900,000,000, an increase of $300,000,000 in one decade. Farm products amounted to 62 per cent of all our goods sold in a foreign market and shows that they are the direct cause of the enormous balance of trade annually resulting in favor of America from her foreign dealings, and it further shows that they are adding more to our gold supply than is realized from any other commercial source.

The farm is an exhaustless source of national wealth, and is susceptible of marvelous development if it could only receive fair and just treatment at the hands of the Government.

The farmer is not a beggar. He does not want preferential treatment. He only wants an equal chance in the race of life. He only wants the Government to draw the hands of the thieves and robbers from his pockets. [Applause.] He only wants to be permitted to expend his "sweat and blood" for comforts for his wife and children, and not to further enrich the parasites of protection. He believes the Government should abandon its trust-breeding policy that has robbed him for fifty years. He believes it should dispel the gloom that overhangs his richest market across the sea by removing the "damnable" causes of that industrial revolution which lurk on our own shores. He believes instead of its Navy and diplomacy being used to intermeddle in foreign wars and in exploiting the doctrine of imperialism, that these mighty agencies should be used in opening the barricaded markets of the world to his ever-increasing products, to aid in carrying his bread and cotton to the hungry and naked millions in every quarter of the globe, and that the Government in refusing him these just demands is his enemy, and not his friend. That instead of aiding him in the race of life, it adds to the destruction of his prosperity, and instead of giving him an equal showing in the pursuit of happiness, it exposes him as a feeble victim of the mighty and the strong. [Loud applause.]

In the beginning of the present tariff policy of Germany the welfare of her agricultural classes was zealously guarded. Testimony was taken to show what effect this schedule and that schedule would have on the cost of production, and to what extent, if any, they would impair their rights in the markets of the world. The same policy has been pursued by the French Government, and I dare say that a more contented and happy people do not exist than the agriculturists who dwell in the vine-clad homes of France.

The rights of our farmers have not been so regarded. It seems that their welfare has not been consulted in shaping any of the policies of this great Republic, and if they have succeeded to any degree it has been through their heroic energy and the benedictions of Heaven, and not through any governmental favors. They have not been invited to any of your tariff hearings; they have not been asked how much the tax on agricultural necessaries increased their cost of production or how much profit they have been realizing on their immense crops. Mr. Schwab has been here to defend the steel trust, Mr. Havemeyer to protect his millions invested in the sugar trust, and Mr. Mitchell, or other representatives of the labor unions, have been here to speak for their rights. Cæsar has spoken for Cæsar, Brutus for Brutus, and Cassius for Cassius, but there has been no one to speak for Rome. [Applause.]

I desire to say to the opposition in this House that your party has never been the friend of the farmer, though he has been your most valiant supporter. You would not have been in power to-day but for the prosperity brought to the country by the wonderful crops he has made and exported. Had he failed in a crop last year or had his prices been greatly reduced we would to-day have been in the midst of a fearful panic, and your party would have been trembling for its existence.

Notwithstanding this benediction, you have never advocated a policy that did not involve his impoverishment and ruin, and all of your legislation in his behalf has been deceptive and elusive. Under the pretense of fostering his prosperity you levied a tax of 25 cents per bushel on wheat, knowing full well at the time you did it that he had no competition in our wheat market, that no one wanted to bring wheat to a country where they made millions for export. You might as well say that hades needs protection on fire, or that the ocean needs the April shower to swell its volume, as to say that the wheat growers need a protective tariff to enhance the price of their product. [Applause.]

What possible good could come to the grower of our common cotton were you to levy a tax of $10 per bale on all that might be imported? Everybody knows that we export 6,000,000 bales per year. An advocate of such a policy would be denounced as a fraud or an imbecile. Likewise, gentlemen, you practiced your deceptive art on the western meat producers when you imposed a duty of 5 cents a pound on bacon and hams and 2 cents on imported beef. In persuasive tones you told them that this tax would enhance the price of their cattle and hogs, when many of you knew full well that the only purpose it could serve and did serve was to enable Swift, Armour, and other packers to create the meat trust and deprive millions of our poor people of the use of this essential article of food.

Here is how it affected the farmer. Listen: In January, 1899, beef sold at $10.50 per barrel and Texas steers at $5.25 per hundred, and in January, 1903, beef had advanced to $18.50 per barrel and Texas steers were selling at about $4 per hundred. For a few weeks in the summer of 1902 beef cattle advanced to $6 or $7 per hundred, but by September of the same year it was down to about $4.50, and it has since remained at about that price. And thus it was when the farmers "asked you for bread, you gave them a stone; and when they asked for a fish, you gave them a serpent."

The history of the Republican party is a romantic story of triumphant delusion and deception. It has long "served the devil in the livery of heaven." Pretending to be the champion of freedom, it has enslaved the weak to the strong and the poor to the rich. Boasting of having severed the shackles of slavery from the negro, it has forced upon him the manacles of an industrial servitude that has kept him in the direst poverty for half a century. Claiming friendship for the laboring man, you are "standing pat" while there are annually coming into this country to compete for his bread-earning occupation 600,000 Hungarians, Austrians, and Italians, the most degraded pauperized blood of Europe. Advocating honesty in the public service, it is as dumb as the dead to the demands of the American people for the searchlight of investigation to be turned on the suppressed glaring frauds in the Post-Office Department. And professing a statesmanship liberal enough to encircle the welfare of all Israel, it legislates only for the proud Pharisees of spoliation and greed, the irrepressible barnacles of the trust.

Mr. Chairman, popular government becomes a tyranny when not administered upon the principles of equal and exact justice to all the governed, and statesmanship is a misnomer when not broad enough to compass all the rights of all the people in all the sections and in all the prospective years of national existence. A governmental policy launched for the gratification of the avarice of the minority, regardless of the welfare of the majority, eventually ruins either its promoters or those over whom it is promulgated. [Applause.]

Mr. Chairman, when President McKinley was inaugurated for a second term a feeling of hopeful satisfaction spread throughout the country. The people believed he was sincere in fostering the doctrine of protection that had made him great, but they had the utmost confidence in his integrity, and believed his statesmanship was broad enough for him to recede from his former position on this great question if convinced that it was no longer a desirable national policy, and in this belief I am sure they did not misjudge him, for in the last and greatest speech of his life, made at Buffalo the day before he was stricken down by the bloody assassin, he said:

> What we produce beyond our domestic consumption must have a vent abroad. The excess must be relieved through a foreign outlet, and we should sell everywhere we can and buy wherever the buying will enlarge our sales and productions, and thereby make a greater demand for home labor.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good-will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

These great sentiments were not idly expressed; they were carefully considered; every word and every sentence was intended to express just what he said, and we believe he intended to announce his purpose to abandon our policy of "exclusiveness" produced by protection and to convert the nation into a commercial world power. Not only was he speaking to the American people, but to the representatives of all of the American republics.

But this great man has gone to his reward; his mantle of power has fallen upon another, who, when he assumed the reigns of Government, announced to the world that he would follow the policy outlined by his illustrious predecessor. The people were still hopeful; they remembered that Mr. Roosevelt was once a member of the Cobden Free Trade Club of England, the most ultra antiprotection organization in the world, and that he had also been a member of the Free Trade Club of New York and had repeatedly said that he "would die for free trade;" and that one of his admiring friends, Doctor Schurman, as late as 1891, proposed as a campaign slogan for 1904 the "Three R's—Roosevelt, Reciprocity, and Reduction of the Tariff." And their expectant hopes ran high along this line when they heard him say at Denison, Iowa, June 2, 1902:

> I think you will do me the justice to say that I do not say what I do not mean. I never said anything off the stump that I would not say on the stump

To further inspire the people with the hope of relief, in his message of December 3, 1901, he said:

The natural line of development for a policy of reciprocity will be in connection with those of our productions which no longer require all of the support once needed to establish them upon a sound basis.

Again he said:

Wherever the tariff conditions are such that a needed change can not with advantage be made by the application of the reciprocity idea, then it can be made outright by lowering the duties on given products.

Observe the striking similarity between this and what Mr. McKinley said on reciprocity in his Buffalo speech. He said:

If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

And just here permit me to call your attention to this theory of reciprocity, outlined by both President McKinley and President Roosevelt. They evidently pointed out this as the true theory of reciprocity and as one of the means by which the excessive protective duties should be repealed; and it was under this conception of the doctrine that the celebrated Kasson treaties, now dying at the hands of the Republican Senate, were negotiated. What an immeasurable difference between this enunciation of Republican reciprocity and that outlined by the distinguished gentleman from Pennsylvania [Mr. DALZELL], who declared that "Republican reciprocity is reciprocity in noncompeting articles and in nothing else."

How widely divergent, too, is the warning counsel of Mr. McKinley, who said that "commercial wars were unprofitable," to the sentiment daily expressed in the applause of the Republicans of this House at the slightest mention of the name of Mr. Chamberlain, the author of the threatened disastrous commercial war between this country and England.

Returning to Mr. Roosevelt, we find that at one time he was very much opposed to the trusts and was willing to use the strong arm of the law to suppress them, saying in his message of 1901:

There is a widespread conviction in the minds of the American people that the great corporations known as trusts are in certain of their features and tendencies hurtful to the general welfare.

Again, on the 4th day of July, 1902, in discussing the subject of trusts in a speech at Pittsburg, he said:

It is a little difficult to set clearly before us all the evils; but I think that those gentlemen, and especially those gentlemen of large means, who deny that the evils exist are acting with great folly.

From these and other declarations of the President, it was evident that in the beginning of the Administration he desired to follow the doctrines of tariff reform, reciprocity, and trade expansion outlined in Mr. McKinley's dying message to the American people; but in September, 1902, the Republican leaders, becoming alarmed at this revolutionary tariff reform and antitrust policy, sent Senator ALDRICH and others to Sagamore Hall, the President's home by the sea, to bridle him in his wild and reckless course. They must have done their work well, and have prescribed to him the terms of his political existence; they must have convinced him that he and the tariff-protected barons were too powerful and strong not to live in peace, for on the 20th day of the same month we find him speaking in Cincinnati, and in this speech he flops over, soul and body, to the defense of the trusts and protection. Speaking of the trusts, he says:

Now, it matters very little whether or not we like these new conditions. * * * Our likes and dislikes have very little to do with the matter. The new conditions are here. They have produced both good and evil. We can not get rid of them, even if it were not undesirable to get rid of them. * * * It remains true that the real evils connected with the trusts can not be remedied by any change in the tariff laws. The trusts can be damaged by depriving them of the benefits of a protective tariff only on condition of damaging all their smaller competitors and all the wageworkers employed in the industry.

In commenting upon the sudden change in the President's policy, the New York Journal of Commerce and Commercial Bulletin a few weeks afterwards said:

That speech may be regarded as the result of the advice of the Senators who lately conferred with him (the President) at Sagamore Hall.

Such is the varied record of our President on these great political issues. He now "stands pat" in perfect obedience to the will of the "bosses." Indeed, it seems that when he would do good evil was always present. His insatiable craze to "bestride the narrow world like a Colossus" evidently produced this change of policy. He has permitted his inordinate ambition to drive from his memory the principles of political rectitude and civic virtue that adorned his former life, and to-day we find him playing the rôle of the "cuckoo" and "dreaming of the hour" when he can more fully exploit his ideal views of imperialism. [Applause.]

Mr. Chairman, going back to my subject, and in conclusion, let me urge the majority to report this bill and pass it, thereby giving a living profit to those who till the soil, and strike one blow at the monsters of the trusts before folding your tents to return to the people. Do this, and with one accord millions of our common people will rise up and sing your praises. But if you are determined in your policy of inertia, let me charge you that there is a limitation to the patience of an outraged people—a line beyond which political oppressors should fear to go.

Dangerous, indeed, is the process of converting into gold the "sweat and blood" of a brave, proud people to fill the coffers of the rich. One is blinded by selfish ignorance who assumes that they will submit to a base injustice until becoming beggars at the gates of Dives. The American is too proud for such humiliation; the same blood that nerved him for every emergency of the past will urge him to victory in a coming political revolution. All may be well with you now; you may possibly be able to collect "monkeys" enough to bridge the stream in November, but that will be your last victory unless you change your policy. The sky appears rosy to-day, but an ominous cloud may hang on the horizon of to-morrow. Remember that the heedless boy scaled the cliffs, and the thoughtless maiden chanted the lullabies of love in the shadows of Mount Pelee in the same hour that nature was marshaling her forces to baptize a city in a revolution of fire. [Loud applause on the Democratic side.]

During the delivery of the above speech,

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GILBERT. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The Chair will state, under order of the House, the control of the time is with the gentleman from Indiana [Mr. HEMENWAY] and the gentleman from Missouri [Mr. BENTON].

Mr. BYRD. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. CLARK. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is the objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. BRANTLEY. Mr. Chairman, the purpose of my argument is not to defend "peonage;" it is not to indorse slavery, involuntary servitude, or crime of any kind. It is simply to raise the question of jurisdiction in cases where Federal courts assume to try individuals for the alleged offense of depriving other individuals of their liberty, denominating same as "peonage." I submit that "peonage" does not exist in Georgia, or in any other State, and I submit that neither under the Constitution of the United States nor the statutes of the United States is there any authority for the "peonage" trials that have been had and are still being had in the South. That instances occur in the South where individuals trespass upon the liberty of other individuals is unfortunately true, but I apprehend that it is also unfortunately true that such instances occur in other sections of the Union.

The South is neither better nor worse in this regard than any other part of our common country. That such individual or isolated instances occur or that numerous instances of the kind occur would not constitute a system or a condition of peonage. Trespasses upon property and upon life itself unfortunately occur in the South and throughout the Union, but does the fact of the trespasses confer jurisdiction upon the Federal courts to try the trespassers? It is the duty of the States to protect their citizens in life, liberty, and property. If one citizen of a State in the commission of a private wrong deprives another citizen of either one of these three great rights, the right, the duty, and the power to punish him is vested solely in the State.

Because the trespass is upon liberty is no reason why the jurisdiction of the State is less than when the trespass is upon life or property. For Federal courts to assume jurisdiction to try private citizens of a State for lawlessly trespassing upon the liberties of other private citizens of the same State is an unwarranted assumption of power and jurisdiction, and is as much an invasion and attack upon the sovereignty of that State as would be an act of Congress delegating such jurisdiction. At least such is my belief and my contention, and such I will undertake to demonstrate.

THE LAW AGAINST PEONAGE.

The Revised Statutes deals with peonage as follows:

Section 5526 reads:

Every person who holds, arrests, returns, or causes to be held or returned, or in any manner aids in the arrest or return of any person to a condition of peonage shall be punished by a fine of not less than $1,000 nor more than $5,000, or by imprisonment not less than one year nor more than five years, or by both.

Section 5527 reads:

Every person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the preceding section shall be liable to the punishments and penalties therein prescribed.

Section 5532 provides that, in addition to the foregoing penalties, persons convicted of peonage shall be disqualified from holding any office of any profit or trust under the United States.

Section 1990 reads:

The holding of any person to service or labor under the system known as "peonage" is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States, and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary servitude or labor of any persons as peons in liquidation of any debt or obligation, or otherwise, are declared null and void.

Each of these sections refers to the act of March 2, 1867, as the authority for its existence, and when we read the act of March 2, 1867, we are at a loss to understand why these sections of the Revised Statutes are so widely separated and why they appear as if each was a separate enactment of Congress. The act of March 2, 1867, found in volume 14, United States Statutes at Large, page 546, the same being chapter 187, does not explain the matter, but the same does state the law and the whole law against peonage. The said act reads as follows:

An act to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States.

Be it enacted, etc., That the holding of any person to service or labor under the system known as "peonage" is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States, and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons in liquidation of any debt or obligation, or otherwise, be and the same are hereby declared null and void; and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any other manner aid in the arrest or return of any person or persons to a condition of peonage, shall, upon conviction, be punished by fine not less than $1,000 nor more than $5,000, or by imprisonment not less than one nor more than five years, or both, in the discretion of the court.

SEC. 2. *And be it further enacted*, That it shall be the duty of all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the foregoing section of this act; and any person or persons who shall obstruct or attempt to obstruct, or in any way interfere with or prevent the enforcement of this act shall be liable to the punishments and penalties hereby provided, and any officer or other person in the military service of the United States who shall so offend, directly or indirectly, shall on conviction before a court-martial be dishonorably dismissed from the service of the United States, and shall thereafter be ineligible to reappointment to any office of trust, honor, or profit under the Government.

Approved March 2, 1867.

The reading of this act fails to inform us what constitutes "peonage," and fails to clearly enlighten us as to what evil Congress was seeking to remedy. It is important, therefore, to turn to the

HISTORY OF THE LEGISLATION.

A reference to the proceedings of the Senate at the second session of the Thirty-ninth Congress, found in the Congressional Globe, volume 38, part 1, page 239, on January 3, 1867, shows that Mr. Sumner offered this resolution:

Resolved, That the Committee on the Judiciary be directed to consider if any further legislation is needed to prevent enslavement of Indians in New Mexico, or any system of peonage there, and especially to prohibit the employment of the Army of the United States in the surrender of persons claimed as peons.

A letter from N. H. Davis, Assistant Inspector-General, United States Army, was read, as follows:

LAS CRUCES, *August 22, 1865.*

The commanding officer of Fort Selden will allow and assist, if necessary, the bearer, Don Pedro Garcia, and retain and take in his charge his peon, Antonio Rodriguez, at said post.

By command of General Carleton.

N. H. DAVIS,
Assistant Inspector-General, United States Army.

A further letter from General Davis, specifically ordering Capt. J. H. Whitlock, commanding Fort Selden, N. Mex., among other things, as follows:

You are hereby directed so far to aid in the rendition of peons when claimed by their masters, or there is a reasonable cause to believe that they have deserted them, as not to allow them to remain on the military reservation—

was read.

These letters were claimed as justification for the resolution, and the evil complained of in the discussion this day was limited solely to New Mexico. The resolution, after debate, was referred by unanimous consent, not to the Committee on the Judiciary, but to the Committee on Military Affairs (see p. 241), showing that the object of the Senate was to get at the army officers who were assisting in upholding peonage.

On January 26, 1867 (see Congressional Globe, vol. 38, pt. 2, p. 764), in the proceedings of the Senate, Mr. Wilson asked and, by unanimous consent, obtained leave to introduce a bill (S. 543) to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States, and the same was referred to the Committee on Military Affairs and Militia.

On January 28, 1867 (see p. 789, same volume), Mr. Wilson, from the Committee on Military Affairs, reported the bill with an amendment.

On February 19, 1867 (vol. 38, pt. 3, p. 1571, of the Congressional Globe), Mr. Wilson called up the bill, offered a substitute therefor, which substitute is the identical language of the law as it passed. The substitute was adopted and the bill passed. (See p. 1572.)

In the discussion Mr. Wilson was asked to define peonage, and he did so (p. 1571). He said:

It is a condition of modified servitude which we have inherited from Mexico. It exists in New Mexico at this time, the only part of the country where I know it does exist. In some cases it is voluntary, but in most cases forcible. In the larger towns it is disappearing, but in a portion of the country it still exists, and what is more, officers of the United States, military and civil, have been carrying it out. The object of this bill is to arrest it—to make it the duty of the civil and military officers of the United States to put an end to the system, and not support it. * * * It is a system of modified servitude which is carried on to a great extent in New Mexico, and especially to a lamentable extent with the Indians. A great many Indians are captured and forcibly held in servitude.

Mr. Lane (p. 1571) gave this definition:

By the laws of Mexico, which were existing in New Mexico at the time of the conquest, peonage was established. The system was simply this, as I understood it, that where a Mexican owed a debt his creditor had a right to his labor and services until the debt was paid. The debtor became a domestic servant, and he and his family were supported by the creditor, and the peonage never ended until the debt was discharged. It was a kind of servitude for debt which the committee thought was inconsistent with our institutions. We simply say by this bill that peonage shall be abolished, and the creditor shall be left to all his legal means of collecting his debt, but he shall not hold the peon in slavery.

Mr. Lane further said:

If the Senator will pardon me one moment, I will say that the creditor can not sell the peon, but he can transfer him as he would a mule or a horse and give his services to anybody else. It is a system of serfdom worse than the Russian system ever was.

Mr. Doolittle said:

The sum and substance of the testimony was that probably there were about 2,000 Indians held in New Mexico under that system. But, sir, you will recall the testimony of Judge Benedict, the chief justice of the Territory. He stated that the question having arisen before the United States court in New Mexico upon a habeas corpus it was decided that these persons were free, and the court had discharged them upon habeas corpus. The court had decided that there was no power in the law of New Mexico which would hold a person against his will in servitude; but he stated as a practical fact that these persons remained in the families and in the service of their former masters or employers. Not knowing their rights, not being in a position to go into court to assert their rights, or not having a desire to do so, they were generally remaining in the families of their masters, and probably there were about 2,000 of them in the Territory. * * * Then, as to the system of peonage, it is true that by the law of Mexico, before we acquired the Territory of New Mexico, the system of peonage existed there, a system by which a person indebted to another is compelled specifically to perform labor until the debt is discharged.

The debtor has the privilege under their law of hiring himself out to another man; to get another man or master, if you please, to purchase the debt, and then he goes along with his debt to another master, but as long as the debt remains he is compelled to serve. According to the custom of that country, with that class of people, in the development of civilization which they have attained, the practical fact was that almost always when one desired to hire out the first thing the laborer desired to do was to get in debt to his master, and get in debt as much as he could, and go and live with him. * * * It is a system of serfdom. I understood, however, from the chief justice of the Territory that in the decision which was given by the court they had decided against the power to hold these persons against their will. They were not compelled to remain any longer than they desired to remain, but, as a practical fact, they do reside with the landholders throughout New Mexico to a considerable extent.

Mr. Buckalew (p. 1572) said:

There is no doubt of our jurisdiction in the Territory of New Mexico to enact such a law as the one proposed. I have some knowledge of this system, and I think the necessity of this law is evident. Eventually the courts will weed out this system in that Territory and do it effectually, but it will remain lingering there for a considerable time, unless Congress shall interpose by a law of this kind. Upon the publication of such a statute in that Territory, the whole system will fall to the ground at once.

When we turn to the proceedings of the House, we find that on March 2, 1867, this bill was, upon motion of Mr. Bingham, put upon its passage and passed without debate and without division.

It will be a help to us also to seek—

FURTHER DEFINITIONS OF PEONAGE.

The Standard Dictionary defines "peon" as follows:

A common laborer; a servant; specifically, in Spanish America, one who is bound to serve his creditor until the debt is paid.

And defines "peonage" as "the state of a peon."

Webster's Dictionary defines "peon:"

A day laborer; a servant; especially in some of the Spanish-American countries, a debtor held by his creditor in form of qualified servitude to work out a debt.

And defines "peonage" as "the condition of a peon."

Worcester's Dictionary defines "peon" as—

In Mexico, a day laborer; usually a laborer held in servitude until a debt is discharged; a bondsman for debt.

And defines "peonage:"

The state of peons. Slavery as it exists in Mexico.

The Century Dictionary defines "peon:"

A day laborer; specifically in Spanish America a species of serf compelled to work for his creditor until his debts are paid.

And defines "peonage" as—

A form of servitude existing in Spanish America. It prevailed especially in Mexico.

The International Encyclopedia (vol. 13, p. 918), after describing peonage, its practice, etc., in Mexico, says:

Though in a legal sense the institution long since disappeared, the name of "peon" is still used to designate the laborer of native or mixed blood, and through his ignorance and credulity many of the worst features of the system are yet fastened upon him. The system as then prevailing in Mexico survived in New Mexico and Arizona a few years after the annexation of the Southwest to the United States, but was removed by national enactment March 2, 1867. Recent revelations have shown that the worst features of the convict-labor systems of the South, especially as applied to negro prisoners, closely parallel some of the most flagrant evils of early Spanish-American peonage, and consequently that term has been used, though not with strict accuracy, to designate the condition of these convicts.

Black's Law Dictionary (edition A. D. 1891) defines "peon" as follows:

In Mexico, a debtor held by his creditor in a qualified servitude to work out the debt; a serf. In India, a footman, a soldier, an inferior officer, a servant employed in the business of the revenue, police, or judicature.

Anderson's Dictionary of Law (edition 1889) defines "peonage" as follows:

The state or condition of a peon. In Mexico, a debtor held in servitude until he has worked out his debt.

A still further definition is given by Judge Jones, of Alabama, in 123 Federal Reporter, page 673. The learned judge there says:

Peonage was not slavery as it formerly existed in this country. The peon was not a slave. He was a free man with political as well as civil rights. He entered into the relation from choice, for a definite period, as a result of a mutual contract. The relation was not confined to any race. The child of a peon did not become a peon, and the father could not contract away the services of his minor child, except in rare cases. The peon, male or female, agreed with the master upon the nature of the service, the length of its duration, and compensation. The peon, then, became bound to the master for an indebtedness founded upon an advancement in consideration of service.

Section 5526 of the Revised Statutes, quoted in the foregoing, is the authority that certain Federal courts rely upon as justifying them in seizing individual citizens of the States for the alleged offense of depriving other citizens of the State of their liberty. These citizens are not charged with acting as officials or officers of the State or of any other government. They are not charged with acting under or by virtue of any act, law, resolution, order, regulation, or usage of any State, but they are charged as individuals committing a private wrong upon other individuals, which wrong, through some process of reasoning wholly unintelligible to me, is denominated "peonage."

Now, in order to get at the true meaning and intent of section 5526 we must read it in connection with section 1900, and we must construe it by construing the entire act of 1867, for here is found the complete expression of the legislative will on the subject of "peonage." We must also go further and read the Senate debates in order that we may gather the intention of the lawmakers, for it is the legislative will in connection with the legislative intent that makes the law.

Pursuing this method of investigation, we must conclude, first, that the purpose of the act of 1867 was specifically to abolish "peonage" in New Mexico and to punish persons guilty of "peonage" in New Mexico, and, generally, to make "peonage" unlawful anywhere in the United States.

The debates conclusively show the purpose of the lawmakers; and the second section, directing that "it shall be the duty of all persons in the military or civil service in the Territory of New Mexico," and nowhere else, "to aid in the enforcement" of the first section, shows that the purpose of the lawmakers was carried out in their enactment. In the light of the Senate debates the words "arrest" and "return" clearly were intended to apply to Army officers. It is urged, however, that the words "or in any Territory or State of the United States" appear in the act and that this language was authorized by the thirteenth amendment to the Constitution then in force, and that therefore the penal provisions of the act are leveled against citizens of the States and may be enforced by the United States courts. Let us see how the language quoted is used in the act. We find that the first section of the act, after declaring the "system known as peonage" to be unlawful, says:

And the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States, and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons in liquidation of any debt or obligation or otherwise be, and the same are hereby, declared null and void.

And then follows the penal provisions of the section, in which the word "State" does not occur. Now, what does this act do? It does three things. First, it makes the "system" of peonage unlawful, and abolishes and prohibits the "system" in all the States and Territories; second, it makes null and void in New Mexico, and in all the States and Territories, "all acts, laws, resolutions, orders, regulations, or usages" then or thereafter established by which the voluntary or involuntary service or labor of persons as peons in liquidation of a debt or obligation is permitted, and third, it provides a punishment for holding, arresting, or returning a person to "a condition of peonage."

Construing the act as a whole, it couldn't be contended that the second section of same, directing all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the first section, could apply to the first and second things that the act does.

Persons in New Mexico couldn't aid in preventing a "system" of peonage or a "law" authorizing peonage from existing in the several States. They were, therefore, directed to aid in enforcing the law only in New Mexico, to wit, the penal or third provision of the law, which provision was intended to apply only to the Territories and specifically intended to apply to New Mexico. Clearly, therefore, the true intent and meaning of this act, so far as the States were concerned, was to prevent them from establishing a "system" of peonage, or from enacting, maintaining, or enforcing "laws, resolutions, orders, regulations, or usages" by which peonage could be enforced.

So far as the States are concerned, the act is directed specifically against them as States; the only individuals it is directed against are the individuals in the Territories. That such is the meaning of the act is patent from the reading of it, and that Congress intended no other meaning to be given it is fully and completely shown by the debates preceding its passage. I go further, however, and maintain that any other construction of the act will be fatal to its validity. I maintain, and will herein cite the authorities in justification thereof, that to construe the penal provisions of the act as applicable to individuals in a State would make the law void for want of constitutional power in the Congress. In my view the construction I give the act is one so imperatively demanded by reason as to call for no authority on construction; but I cite:

If a section of an act of Congress admits of two interpretations, one of which brings it within and the other presses it beyond the constitutional authority of Congress, it is the duty of the Supreme Court to adopt the former construction, because a presumption never ought to be indulged that Congress meant to exercise or usurp unconstitutional authority, unless that conclusion is forced upon the court by language altogether unambiguous. (12 Peters, 72.)

Just here, and before proceeding to the citation of authorities on the main question, I call attention to the very important fact that the act, construing it as a whole, is not directed against individuals acting independently of a "system," "law," "usage," or "regulation," no matter where the individuals reside, whether in a State or in a Territory.

The title of the act is "to abolish and forever prohibit the system of peonage in the Territory of New Mexico and other parts of the United States." In the outset, therefore, it is announced that it is a "system," not individual acts, that is prohibited. The act proceeds to make the "system known as peonage" unlawful and prohibits it. It then recognizes that the "system" it is seeking to abolish is one arising by "law, regulation, or usage," etc., and proceeds to make all such laws, regulations, or usages null and void; but it will be noted that the act does not make null and void any law, regulation, usage, etc., by which there is maintained merely the voluntary or involuntary service or labor of a person in liquidation of a debt or obligation. The act requires more than this to make the law, regulation, or usage void. It contains the words "as peons."

The thing that is made null and void is the law, regulation, or usage that permits or authorizes persons to be held in the voluntary or involuntary service or labor "as peons" in liquidation of a debt or obligation. After these inhibitions against the acts of States, the act then proceeds, without even the intervention of a period, "and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, etc., any person or persons"—to what? To involuntary service? No. To peonage? No; but returned "to a condition of peonage," shall be punished, etc.

We must of necessity read this language in connection with what precedes it, and thus reading it we know that a "condition of peonage" means a "system known as peonage." It means "the voluntary or involuntary service or labor of a person as a peon in liquidation of a debt or obligation or otherwise," which is obtained "by virtue" of an "act, law, resolution, order, regulation, or usage, established, maintained, or enforced" by a State or Territory.

It follows, therefore, that before a person can "hold, arrest, or return" another to a "condition of peonage" the "system" of peonage must exist, and must exist by virtue of some "act, law, resolution, usage," etc., maintained or enforced by the State or Territory.

"Peonage," it is clear from this act, is something authorized, recognized, or maintained by the State or Territory. An individual can not create it. Once created by the State or Territory, the

individual can "hold" or "return" a person to it, or "arrest" a person who has fled from it, and this is the thing that is made criminal for him to do. The act of 1867 abolishes the "system," makes null and void laws then or thereafter enacted that authorize it, and at the same time makes it a penal offense for any person to hold or return a person to the "system" thus abolished.

The act is thus aimed only incidentally at the individual. Its real purpose was to make null and void the laws authorizing the "system," and to abolish the "system," and as a means to that end provision was made to punish the individual. Clearly, therefore, preliminary to punishing the individual the "system" must be shown as existing and as existing by virtue of some law or usage maintained or enforced by the State or Territory. An individual acting as an individual and independently of any law, regulation, or usage maintained or enforced by his State or Territory could not be guilty of "peonage." His offense under such circumstances, if he deprived another person of his liberty, would be the invasion of the private rights of one individual by another individual. It would be a private wrong. It would be just such a crime or wrong as the local law might prescribe, and a crime for the local law to punish, and one over which Congress would have no jurisdiction.

We have, therefore, two conclusions from a careful reading of the act of 1867, either one of which is sufficient to deny the Federal court's jurisdiction to punish individuals in the State of Georgia for the alleged offense of "peonage." First, the penal provision of the act, from the letter and language of the act itself, is directed against individuals in the Territories, and is not applicable elsewhere; second, this penal provision is not directed against individuals anywhere whose acts are outside and independent of a "system" of peonage established, maintained, or enforced by some act, law, resolution, order, regulation, or usage of a State or Territory, and no such "system" being alleged or shown to exist in Georgia, the offense of holding, arresting, or returning a person to a "condition of peonage" can not exist in Georgia.

Having shown that the natural and ordinary construction of the act of 1867 is sufficient in itself to deny the Federal courts jurisdiction in the States to punish for the alleged offense of "peonage," I now proceed to demonstrate that this natural construction is the only legal construction that can be given the act, and that Congress has no power to provide for the punishment of a private wrong by one citizen of a State against another citizen of the same State. It necessarily follows, therefore, that if Congress never intended to provide such a punishment, and could not, even though it intended to do so, that no such punishment is provided by the act of 1867.

The argument is made, as I have suggested, that the thirteenth amendment to the Constitution justifies the use of the word "State" in the act; and the word "State" being in the act, the act in its entirety is applicable to all States and Territories and the citizens thereof. The thirteenth amendment is as follows:

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

I first call attention to the point already made that the act of 1867 only applies to States as States. It abolishes a certain "system" in the States and makes it unlawful, and annuls and makes void all laws that authorize it. The act attempts to go no further than that, so far as the States are concerned, and as to whether it can constitutionally go that far depends entirely upon whether "peonage" is such slavery or involuntary servitude as the thirteenth amendment prohibits. Certainly there is no other provision of the Constitution that would permit Congress to abolish a system of "peonage" in the States; and if "peonage" is a form of servitude less than the slavery and involuntary servitude prohibited by the thirteenth amendment, it would not be abolished in the States by the act of 1867, assuming that it existed in the States, for the act to that extent would be void.

It is interesting in this connection to note that this act solemnly says, "The system known as peonage is hereby declared to be unlawful and the same is hereby abolished and forever prohibited." Now, when Congress made this declaration the thirteenth amendment was in force. The President's proclamation announcing its ratification was made December 14, 1865. This amendment, the Supreme Court has said, "by its own unaided force and effect abolished slavery and established universal freedom." The court says it is "self-executing." Therefore, when the act of 1867 was passed the things prohibited by the thirteenth amendment were already unlawful and were already abolished. Isn't it absurd to suppose that Congress undertook in 1867 to make by a Congressional act slavery and involuntary servitude unlawful and to abolish them, and to make any law of a State authorizing them null and void?

Such a declaration by Congress in 1867 did not add to the force and effect of the thirteenth amendment. It is not the act of 1867 that prohibits the States from recognizing slavery. It is the thirteenth amendment that makes the prohibition, and with the act of 1867 repealed the States would be just as powerless to establish slavery as they are with it in existence. Are we not to presume that Congress knew all this when it passed the act of 1867? If we do so presume, then we must further presume that when Congress in 1867 said the "system known as peonage" is "hereby" made unlawful and is "hereby" prohibited and abolished, Congress had in mind something that was not slavery and something that was not unlawful involuntary servitude. This view is strengthened by the definitions of "peonage" hereinbefore given, in which it is most frequently referred to as a "qualified form of servitude," and, following this line of reasoning, we reach the conclu ion that in the opinion of Congress "peonage" did not come within the definition of slavery or involuntary servitude.

It is not important to the proposition maintained by me whether Congress did or did not have the power to make null and void any State law authorizing "peonage," because there is no contention and couldn't be that any such State law exists. It does follow, however, that if Congress had no power to make State "peonage" laws void, still less would it have power to provide punishment for an individual in a State for the offense of "peonage."

But, recurring to the thirteenth amendment in connection with the act of 1867, these conclusions, from all that has been stated, are inevitable:

First, that in passing the act of 1867 Congress was not undertaking to legislate the thirteenth amendment into a statute—

(*a*) Because the terms "slavery" and "involuntary servitude" do not appear in the act.

(*b*) Because the act uses the term "voluntary service," which the thirteenth amendment does not authorize.

(*c*) Because to the term "voluntary or involuntary service or labor of any persons" is added "as peons," showing that Congress was dealing with something separate and apart from the "involuntary servitude" named in the thirteenth amendment.

Second, that the thirteenth amendment was not necessary to give Congress jurisdiction to pass the act of 1867, so far as concerned its application to the Territories, because, as to the Territories, Congress had plenary power.

I now wish to direct attention to the specific reasons why Congress could not and can not pass a law providing a punishment for citizens of a State committing the alleged offense of "peonage" against other citizens of the same State.

There being no law, resolution, order, or usage of the State by which "peonage" is maintained, established, or enforced, the act of a citizen in depriving another citizen of his liberty, call the offense "peonage" or any other name, is merely the act of an individual. The wrong is a private wrong, and the power to punish for it is vested exclusively in the State. Such punishment comes within the police power of the State, and Congress has no jurisdiction to punish same. Our system of government is a dual one. We have a National Government and a State government. Each has certain powers, duties, and jurisdictions, and each is sovereign in its proper sphere. The Government of the United States is one of enumerated powers. The ninth amendment to the Constitution reads:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The tenth amendment reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Now, specifically as to what powers were reserved by the States and the people and denied to the United States Government by the foregoing amendments, I quote 14 Howard, 17:

The power to make municipal regulations for the restraint and punishment of crime, for the preservation of the health and morals of her citizens, has never been surrendered by the States or restrained by the Constitution of the United States.

9 Wallace, 41, says:

No power is conferred by the Constitution upon Congress to establish mere police regulations within the States.

1 Wheaton, 304, 326, says:

The Government of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given, or given by necessary implication.

16 Wallace (Slaughterhouse Cases), 82, says:

Under the pressure of all the excited feeling growing out of the war our statesmen still believed that the existence of the States, with powers for domestic and local government, including the regulation of civil rights, the rights of persons and of property, was essential to the perfect working of our complete form of government.

92 U. S., 542, seventh headnote, says:

Sovereignty for the protection of life and personal liberty within the respective States rests alone with the States.

113 United States, 31, in speakng of the fourteenth amendment, says:

But neither the amendment, broad and comprehensive as it is, nor any other amendment was designed to interfere with the power of the State, sometimes termed its "police power," to prescribe regulations to promote the health, peace, morals, education, and good order of the people, etc.

95 United States, 672:

But an act committed within a State for a good or bad purpose, or whether with an honest or criminal intent, can not be made an offense against the United States unless it have relation to the execution of a power of Congress or to some matter within the jurisdiction of the United States. An act not having such relation is one in respect to which the State can alone legislate.

106 United States, 629 (Harris case), involved the constitutionality of section 5519 of the Revised Statutes. The court held the same unauthorized by the thirteenth, fourteenth, and fifteenth amendments or by any other provision of the Constitution. The court says (p. 643):

A private person can not make constitutions or laws, nor can he, with authority, construe them, nor can he administer or execute them. The only way, therefore, in which the private person can deprive another of equal protection of the laws is by the commission of some offense against the laws which protect the rights of persons, as by theft, burglary, arson, libel, assault, or murder. If, therefore, we hold that section 5519 is warranted by the thirteenth amendment, we should, by virtue of that amendment, accord to Congress the power to punish every crime by which the right of any person to life, property, or reputation is involved. Thus, under a provision of the Constitution which simply abolished slavery and involuntary servitude, we should, with few exceptions, invest Congress with power over the whole catalogue of crimes.

Again, on page 644, speaking of second section, Article IV, of the Constitution, the court said:

It was never supposed that the section under consideration conferred on Congress the power to enact a law which would punish a private citizen for an invasion of the rights of his fellow-citizens conferred by the State of which they were both residents on all its citizens alike.

In 140 United States, 554, the court said:

The power of the State to impose restraints and burdens upon persons and property in conservatism and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the General Government, nor directly restrained by the Constitution of the United States and essentially exclusive. In short, it is not to be doubted that the power to make the ordinary regulations of police remains with the individual States and can not be assumed by the National Government, and that in this respect it is not interfered with by the fourteenth amendment.

Cooley's Constitutional Limitations, 706, says:

In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States, and it can not be taken from them, either wholly or in part, and exercised under legislation of Congress. Neither can the National Government, through any of its departments or officers, assume any supervision of the police regulations of the States.

Again, in 704, the same writer says:

The police of a State, in a comprehensive sense, embraces its whole system of internal regulations by which the State seeks not only to preserve the public order, but also to establish for the intercourse of citizens with citizens those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights and to insure to each the uninterrupted enjoyment of his own so far as is reasonably consistent with a like enjoyment of rights by others.

Pomeroy on Constitutional Law (p. 154) says:

Those affairs which are local, which affect the individual citizen in his private capacity, abstracted from his relations to the whole political society, are managed by the separate State governments which were found in existence and left remaining in existence by the same Constitution.

The contention is made, however, that the thirteenth amendment prohibits slavery and involuntary servitude and gives Congress power to enforce the prohibition by appropriate legislation, and therefore that Congress has the power to punish a citizen in a State for the offense of slavery and the offense of involuntary servitude. We are concerned just now not so much with the question of the power of Congress to enact such punishment as we are with the question whether or not the act of 1867 is the exercise of such power by Congress. We have shown, as I think, conclusively that Congress in said act did not intend and did not attempt to exercise such power.

I now submit further, as the authorities to follow will demonstrate, that the only way by which Congress could exercise such power would be by an act directed against those who practiced slavery or involuntary servitude under and by virtue of a State law; and the act of 1867 not being directed in that way, the same is not "appropriate" legislation under the thirteenth amendment.

What is slavery? The Supreme Court, in 163 United States, 542, gives this definition:

Slavery implies involuntary servitude, a state of bondage, the ownership of mankind as a chattel, or at least the control of the labor and service of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and service.

With this definition before us we can the more easily appreciate the force of the following declaration made by the Supreme Court in 109 United States, 20:

It is true that slavery can not exist without law any more than property in lands and goods can exist without law, and therefore the thirteenth amendment may be regarded as nullifying all State laws which establish or uphold slavery.

In the light of this announcement from the Supreme Court, saying without a law authorizing it there is no slavery, how can it be lawful or constitutional for Congress to provide a punishment for an individual charged with slavery, the charge being against him as an individual and independent of any State law authorizing his conduct? Can such a law by any possibility be held appropriate legislation under the thirteenth amendment, or under any other provision of the Constitution?

It is said, however, that it is against "peonage" that the act of 1867 is directed, and not against legalized slavery. I submit that there is no distinction between slavery and peonage possible to be made under the thirteenth amendment. If peonage comes within the operation of the thirteenth amendment, it is because and only because it is slavery. We must remember, too, that the only justification for enforcing the act of 1867 in Georgia is given in the claim that the act is authorized by the thirteenth amendment. Therefore to claim one rule for slavery and another rule for peonage is to beg the whole question. But let us see about "peonage."

In the Slaughterhouse Cases (16 Wallace, 72) the court says:

Undoubtedly, while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery, now or hereafter. If Mexican peonage or the Chinese cooly labor system shall develop slavery of the Mexican or Chinese race within our territory, this amendment may safely be trusted to make it void.

The headnote says:

While the thirteenth article of amendment was intended primarily to abolish African slavery, it equally forbids Mexican peonage or the Chinese cooly trade, where they amount to slavery or involuntary servitude.

Here we have the declaration from the very highest source that the only peonage affected by the thirteenth amendment is that which develops or amounts to slavery or involuntary servitude. Consequently the same rule applies to peonage that applies to slavery; and the rule as to slavery being, if there is no law to authorize it there is no slavery; it necessarily follows, if there is no law to authorize "peonage," there is no peonage. In this connection, if we will recur to the Senate debates and to the entire act of 1867, we will again learn that this act was directed against a "system" that was maintained, enforced, and established by law—to wit, by the Mexican law. Senator Doolittle said:

It is true that by the law of Mexico before we acquired the Territory of New Mexico the system of peonage existed there.

The act being intended and being directed only against a "system" recognized by law, and our Supreme Court having said that this "system" can not exist except by law, where does a United States district court in Georgia get authority or jurisdiction, without allegation that a peonage law exists, and without proof that it exists, to punish a citizen of Georgia for the offense of peonage? The act of 1867 confers no such authority under any possible construction, and the thirteenth amendment confers no such authority under any legislation appropriate or otherwise that has ever been enacted by Congress.

We know that Congress has never passed a law providing punishment for slavery or for involuntary servitude in those terms, and we learn from the authorities above referred to why Congress has not done so. There could be no occasion or reason for Congress to do so unless some State subsequent to the thirteenth amendment had undertaken by its laws to maintain slavery; and, more than this, the offense could not be defined and could not exist unless some State did retain or enact a law maintaining slavery. No State having done this, Congress has never acted.

If Congress did act, its action would of necessity be directed not against an individual acting as an individual, but acting as an officer or in some public capacity or under and by virtue of the State law. This will be patent from the authorities to follow. My contention now is that the act of 1867 was not and is not an exercise of the power, whatever it may be, that Congress has under the thirteenth amendment. The contention is made, however, that the thirteenth amendment is broad and comprehensive, and that it acts upon individuals as well as States.

Let us see the exact language used by the Supreme Court in this regard. In the civil rights cases reported in 109 United States, the court, in referring to the thirteenth amendment, on page 20, says:

By its own unaided force and effect it abolished slavery and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit, and such legislation may be primary and direct in its character, for the amendment is not a mere prohibition of the State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

Again, on page 23, the court says:

Under the thirteenth amendment, the legislation, so far as is necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not.

Again, on page 20, the court says:

But it has a reflex character also, establishing and decreeing universal civil and political freedom throughout the United States; and it is assumed that the power vested in Congress to enforce the article by appropriate legislation clothes Congress with power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.

Whatever the contention may be as to the exact meaning of this language, there are two facts already established that makes its meaning of no importance to our contention. The one is that this same decision announced that without a law authorizing it there can be no slavery, and the other is that there is no law in Georgia recognizing slavery or peonage. It follows, therefore, that no matter what Congress may have the power to do, a citizen of Georgia can not be held guilty of an offense that he can not commit. Our real concern, however, is not what Congress might do under the language quoted, but what Congress has done.

No matter how broad the language quoted, it can not and does not add to the words and meaning of the act of 1867. I have already shown what that act is and what it means. I wish now to show that the very decision quoted from sustains my construction of the act and sustains further my proposition that the only individual in the State who can be acted on penally by the thirteenth amendment (and I care not how the amendment may otherwise affect him) is the individual who practices slavery or involuntary servitude as a part of a "system" and as an official or under and by virtue of a law or usage recognized and maintained by the State.

The first witness I will call is Mr. Solicitor-General Phillips, who filed the brief for the Government in the case under consideration and who speaks as to the system. On page 7 of the report his brief reads:

Granting that by involuntary servitude, as prohibited in the thirteenth amendment, is intended some institution—viz, custom, etc.—of that sort, and not primarily mere scattered trespasses against liberty committed by private persons, yet, considering what must be the social tendency in at least large parts of the country, it is "appropriate legislation" against such an institution to forbid any action by private persons which in the light of our history may reasonably be apprehended to tend, on account of its being incidental to quasi public occupations, to create an institution.

It is well to note that the court disagreed with the conclusion drawn from his premise.

The next witness I will call is Mr. Justice Harlan, who disagreed in part from the conclusions of the majority of the court. In his dissenting opinion (p. 36) he said, as to the individual:

Congress, therefore, under its express power to enforce that amendment (thirteenth) by appropriate legislation, may enact laws to protect that people (African) against the deprivation because of their race, of any civil rights granted to other freemen in the same State, and such legislation may be of a direct and primary character, operating upon States, their officers and agents, and also upon at least such individuals and corporations as exercise public functions and wield power and authority under the State.

I then call attention to the opinion of the majority of the court, holding that the first and second sections of the act of Congress under consideration were void. These sections provided a punishment for individuals who denied equal accommodations to all citizens at inns, theaters, on public conveyances, etc. The contention was made that denying the same accommodations to negroes as was given to whites was to affix or maintain a badge or incident of slavery upon the negro and was therefore in violation of the thirteenth amendment. The contention was, of course, also made that it was in violation of the fourteenth amendment. The majority of the court in their opinion adverted to the act of 1866, reenacted in 1870. This was the act intended to give full force and effect to the thirteenth amendment, and it may be well to quote it here. Said act reads:

That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States, and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall have the same right in every State and Territory of the United States to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, hold, and convey real and personal property and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishments, pains, and penalties, and to none other, any law, statute, ordinance, regulations, or custom to the contrary notwithstanding.

SEC. 2. That any person who under color of any law, statute, ordinance, regulation, or custom shall subject or cause to be subjected any inhabitant of any State or Territory to the deprivation of any right secured and protected by this act, etc., shall be punished, etc.

The court in the opinion we are quoting from says, on page 16, in speaking of this act of 1866:

But the penal part by which the declaration (in the first section) is enforced and which is really the effective part of the law retains the reference to State laws by making the penalty apply only to those who should subject parties to a deprivation of their rights under color of any statute, ordinance, custom, etc., of any State or Territory.

Further, in the same opinion, page 15, the court holds that the fourth section of the act it is then considering, which section provides a punishment against any person charged with summoning jurors in a State who shall exclude or fail to summons a citizen on account of race, color, or previous condition, is constitutional, but says:

But a moment's attention to its terms will show that the section is entirely corrective in its character. Disqualifications for service on juries are only created by the law, and the first part of the section is aimed at certain disqualifying laws * * * and the second clause is directed against those who in assuming to use the authority of the State government carry into effect such a rule of disqualification.

Note this language, "Disqualifications for service on juries are only created by the law," and therefore the man who acts under the authority of the State government can be punished. Note that the man who acts under color of "law, statute, ordinance" of State or Territory is punished under the act of 1866, and then note that the man who acts as an individual in denying equal accommodations at inns, theaters, etc., can not be punished. Then apply this to slavery. It, too, is "created only by the law." It follows, therefore, that only the person who practices slavery under the authority of his State government can be punished by Federal statute. He can not practice it in any other way. If, as an individual, he deprives another individual of his liberty, he commits a private wrong, for which he is amenable only to his State.

If anything more were needed to demonstrate the correctness of this contention it is found in the civil rights act of 1866, just quoted. The significance of this act lies in the language of the second section, which expresses the Congressional interpretation of the thirteenth amendment, to the effect that the power to punish under this amendment is limited to those individuals who act under color of law, statute, ordinance, etc., of any State or Territory. We are thus sustained in our contention by both Congressional and Supreme Court interpretation.

If it be suggested, however, that Congress did not recognize any such interpretation in the act of 1867 and did not limit same to individuals acting under color of law, the answer is that in that act Congress was legislating for the Territory of New Mexico, and the limitation was not necessary, for the power of Congress there was plenary.

The mere fact that Congress did not place the same limitation in the act of 1867 that it placed in the act of 1866, is in itself a powerful, if not convincing, argument that Congress in 1867 was not attempting to reach persons in the States. To give the act of 1867 the construction we insist upon is to maintain for New Mexico, the only part of the United States in which "peonage" existed, a just and wholesome law, but to give it the construction that some Federal courts have given it is to do violence to the legislative intent, to the ordinary meaning of words, to all rules of construction, to the Constitution itself, and is to defeat and annul an otherwise beneficent law.

But, pursuing the subject yet further, I invite attention to some other amendments of the Constitution to be considered in connection with the thirteenth amendment. The fifth amendment, among other things, says:

Nor shall any person * * * be deprived of life, liberty, or property without due process of law.

The fourteenth amendment, among other things, says:

Nor shall any State deprive any person of life, liberty, or property without due process of law.

Clearly this part of the fourteenth amendment is an inhibition against the States, but equally clear is it that the part of the fifth amendment quoted is not. Now, if Congress, under the thirteenth amendment, the same merely saying that involuntary servitude, except as a punishment for crime, shall not exist within the United States, can punish a citizen of a State for holding another citizen of the same State in involuntary servitude, when in doing so he acts as an individual and without authority of law, why can not Congress punish the citizen of a State who wantonly takes the life of another citizen of the same State?

The victim of the murderer is deprived of his life "without due process of law," and the murderer has violated the Constitution just as much as the person has who holds another in involuntary servitude and, in addition, has committed a much more serious crime. To hold another in involuntary servitude is to deprive him of his liberty. Then why not punish the individual who does this by act of Congress under the fifth amendment, as well as under the thirteenth amendment?

You may well say you can not punish him under the fourteenth amendment, because that amendment is directed specifically against the States, but the fifth amendment is not so directed. Why not punish him under that? The reason you can not do so is stated in 123 United States, 166, as follows:

That the first ten articles of amendment were not intended to limit the powers of the State governments in respect to their own people, but to operate on the National Government alone, was decided more than a half century ago, and that decision has been steadily adhered to since.

To the same effect is 153 United States, 538; 164 United States, 158; 175 United States, 174.

In other words, the fifth amendment, being one of the first ten,

is merely a limitation on the United States Government itself. It is a part of the bill of rights necessary to the liberty of a free people. It is the declaration of the people that their Government shall not deprive them of life, liberty, or property except by due process of law. I have called attention, however, to the language of the fifth amendment to show how easy it is to enter upon fallacious reasoning as to the thirteenth amendment.

Now I want to consider the fifth, the thirteenth, and the fourteenth amendments together. It is certainly competent to consider the thirteenth and fourteenth together, and, indeed, the fifteenth, for the Supreme Court has said that the thirteenth, fourteenth, and fifteenth amendments are each part of one general scheme to give freedom and liberty to the negro race and to place this race on an equality with the white race in all civil rights.

Now, the fifth, the thirteenth, and the fourteenth amendments each deals with human liberty. The fifth is an inhibition against the power of the United States Government to deprive a person of liberty except by "due process of law;" the fourteenth is an inhibition against the power of State governments to deprive a person of liberty, except by "due process of law;" the thirteenth is but an enlargement of the inhibition contained in the fifth and fourteenth amendments—it applies to both the State and the National governments and says that neither of them, even with "due process of law," shall deprive a person of liberty, if such deprivation amounts to slavery or involuntary servitude, except as a punishment of crime.

That the thirteenth amendment in its prohibitory phase is not directed against individuals, but is directed against government, State and National, must be true, because we have already seen that slavery can not exist except through law, and law necessarily means government. That the thirteenth amendment in its declaratory phase does not apply to individuals we have seen in the opinion of the Supreme Court in the civil-rights cases. The court says:

> The amendment is not a mere prohibition of the State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States.

Also:

> The legislation so far as is necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude may be direct and primary, operating upon the acts of individuals, whether sanctioned by State legislation or not.

In other words, the prohibitory feature is against laws, State or national, that uphold slavery. The declaratory feature ignores State lines, breaks down the barriers of police power, enters the States and declares freedom and liberty to exist there, and that any "proper" legislation operating upon the individual, and "necessary" to give him freedom, Congress may enact, "whether sanctioned by State legislation or not."

The declaratory feature says that notwithstanding a State has the power to regulate the intercourse of its citizens, the one with the other, and to prescribe a rule of conduct for them, whether or not a State declares its citizens to be freemen, they are freemen, "without the legislative sanction of the State" as well as with it.

When we deal, however, with the prohibitory feature of the amendment, we find, as already stated, that of reason and necessity this is directed against the States, and any punishment that Congress may enact in pursuance of the amendment must be under that phase of it which prohibits and can in reason, law, and logic be directed only against those who invoke, or claim, or in some way seek to justify their conduct by the laws, rules, regulations, or usage of their State government. It would be the veriest waste of time for Congress to pass a law that no State shall establish slavery or involuntary servitude. The thirteenth amendment has already said that, and under that "self-executing" amendment no State can legally and constitutionally establish slavery.

Congress can not say that whoever practices slavery shall be punished, for that would be to state no offense, because nobody can practice slavery without the help of his State. The thirteenth amendment makes such help by the State of no avail to him who invokes it, for it is this help that the thirteenth amendment prohibits, but it must be invoked for the amendment to apply.

What Congress can do and all that Congress can do is to say whoever practices slavery "by the help of his State" shall be punished, but Congress has never so much as said that. The act of 1867, if it were otherwise applicable to Georgia, does not read that way; and even if it read that way, a conviction could not be had in Georgia under it, because the offense, as thus defined, could not be proven.

Having thus demonstrated, as I think, clearly and satisfactorily that the prohibitory feature of the thirteenth amendment is directed only against the States, and that being the only feature of the amendment that concerns us in this discussion, I now want to direct attention to some further opinions of the Supreme Court that I think pertinent and applicable to the contentions herein made and conclusive of their correctness. These opinions relate largely to the fourteenth amendment, but I have already shown that both the thirteenth and fourteenth amendments relate to liberty and are each a part of one general scheme, and I think these opinions directly in point as to the effect, meaning, and power of Congress under any limitation or prohibition of power against the States that is expressed in the Constitution.

109 United States, 17:

> In this connection it is proper to state that simple rights, such as are guaranteed by the Constitution against State aggression, can not be impaired by the wrongful act of individuals, unsupported by State authority in the shape of laws, customs, or judicial or executive proceeding. The wrongful act of an individual, unsupported by any such authority, is simply a private wrong, or a crime of that individual.

The court was speaking of the fourteenth amendment, and speaking of this also, the court says (p. 11):

> It is State action of a particular character that is prohibited. Individual invasion of individual rights is not the subject-matter of the amendment.

Further (p. 11):

> It does not authorize Congress to create a code of municipal law for the regulation of private rights, but to provide modes of redress against the operation of State laws and the action of State officers, executive or judicial, when these are subversive of the fundamental rights specified in the amendment.

Also:

> It does not invest Congress with power to legislate upon subjects which are within the domain of State legislation.

Also (p. 13):

> Such legislation can not properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to succeed them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case.

Further, the court said (p. 14), in speaking of the act of Congress requiring the furnishing of equal accommodations at inns, theaters, etc.:

> It applies equally to cases arising in States which have the justest laws respecting the personal rights of citizens and whose authorities are ever ready to enforce such laws as to those which arise in States that may have violated the prohibition of the amendment. In other words, it steps into the domain of local jurisprudence and lays down rules for the conduct of individuals in society toward each other and imposes sanction for the enforcement of those rules without referring in any manner to any supposed action of the State or its authorities.
>
> If this legislation is appropriate for enforcing the prohibitions of the amendment, it is difficult to see where it is to stop. Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of life, liberty, and property?

In 16 Wallace, 78:

> The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character * * * the argument has a force that is irresistible, etc.

Harris case (106 U. S., p. 629): This case involved the constitutionality of section 5519 of the Revised Statutes, which section provided a punishment:

> If two or more persons in any State or Territory conspire or go in disguise upon the highway or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws, etc.

This statute, in this opinion, is held unconstitutional, and the entire opinion is valuable and to the point. It is held that neither the thirteenth, fourteenth, or fifteenth amendments to the Constitution, or section 2 of Article IV of the Constitution, authorized this statute, and that no other provision of the Constitution authorized it.

As to the fourteenth amendment, the court says (p. 638):

> It is perfectly clear from the language of the first section that its purpose was to place a restraint upon the action of the States.

And again, on page 639, the court says:

> Where the State has been guilty of no violations of its provisions, where it has not made or enforced any law abridging the privilege or immunities of citizens of the United States, nor none of its departments has deprived any person of life, liberty, or property, without due process of the law, or denied to any person within its jurisdiction the equal protection of the law; when, on the contrary, the laws of the State, as enacted by its legislative and construed by its judicial and administered by its executive departments, recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress.

United States *v.* Cruikshank et al. (92 U. S., p. 542), the first headnote:

> The duty of a government to afford protection is limited always by the power it possesses for that purpose.

The third headnote:

The Government of the United States, although it is within the scope of its powers supreme and beyond the States, can neither grant nor secure to its citizens rights or privileges which are not expressly or by implication placed under its jurisdiction. All that can not be so granted or secured are left to the exclusive protection of the States.

The eighth headnote:

The duty of protecting all of its citizens in the enjoyment of an equality of rights was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right.

100 United States, 339:

Whoever by virtue of his public position under a State government deprives another of life, liberty, or property without due process of law, or denies or takes away the equal protection of the laws, violates that inhibition. (Fourteenth amendment.)

136 United States, 436; 137 United States, 624; 127 United States, 678:

The fourteenth amendment to the Federal Constitution was not designed to interfere with the power of the State to protect the lives, liberties, and property of its citizens and to promote their health, peace, morals, education, and good order.

139 United States, 463:

By the fourteenth amendment the powers of States in dealing with crime within their borders are not limited, except that no State can deprive particular persons or classes of persons of equal and impartial justice under the law, etc.

We learn throughout these opinions that the protection of the lives, liberties, and property of citizens rests upon the States; that this duty was originally assumed by the States and remains there, and consequently was not assumed by and does not vest in the United States Government, and that so long as the States do not violate the inhibitions against them fixed by the Constitution these inhibitions impose no duty and confer no power upon Congress.

If the act of 1867 means what some of the Federal courts say it means, and if it be true that "mere scattered trespasses against liberty by private persons" may be punished in the Federal courts under an act of Congress that is valid, then we may well ask, in the language of the Supreme Court, "Why may not Congress, with equal show of authority, enact a code of laws for the enforcement and vindication of all rights of liberty and property?" And we may also ask, "Why not make Congress take the place of the State legislatures and succeed them?"

I think it entirely proper now to direct attention to the Georgia law on the subject of slavery and liberty; to show our constitution, our statutes, and their interpretation by our supreme court. Preliminary to this, however, I direct attention to a further expression of opinion by the Supreme Court of the United States. The court, in 103 U. S., 370, said:

A State must recognize as binding an amendment to the Constitution of the United States and enforce it within its own limits, without reference to any inconsistent provisions in its own constitution or statutes.

The State of Georgia has complied with this mandatory declaration. She has recognized the thirteenth amendment as binding, and she has enacted a constitution and competent laws to enforce it, and, in my judgment, has enforced her laws as well as any State in the Union.

The Supreme Court further, in the opinion quoted from (p. 389), said:

The presumption should be indulged in the first instance that the State recognizes as its plain duty an amendment of the Federal Constitution from the time of its adoption as binding on all its citizens and every department of its government, and to be enforced within its limits without reference to any inconsistent provisions in its own constitution or statutes.

This is an indirect, though none the less emphatic and correct, announcement that Georgia was looked to, under our system of government, to enforce the thirteenth amendment; that the duty of enforcing it devolved upon her; that the National Government should assume, in the first instance at least, that she would enforce it, and impliedly that it would be time enough for Congress to undertake its enforcement when Georgia failed to do it. The presumption was well indulged so far as Georgia is concerned. She has recognized and enforced the amendment.

So well has she discharged the obligations resting upon her, and so well have all the slave States done so, that Congress has not until this hour found any reason, necessity, or excuse for providing a punishment against anybody for using the power or authority of his State to practice slavery or involuntary servitude.

It has remained for certain of the Federal courts in their eager reach for power to not only ignore the presumption suggested and directed by the Supreme Court, but to ignore as well the constitutions and laws of their respective States and to ferret out a Territorial law that for thirty years and more has been recognized only as a Territorial law, and through and by what I believe to be misconstruction and misinterpretation—and I charge nothing more than this—to distort same into a law that Congress never dreamed of enacting, that Congress has never found any necessity for enacting, and into a law that, if Congress had enacted it, would clearly be invalid.

THE GEORGIA LAW.

The Georgia constitution prescribes (Code, sec. 5714):

Slavery.—There shall be within the State of Georgia neither slavery nor involuntary servitude, save as a punishment for crime after legal conviction thereof.

The constitution further says (Code, sec. 5718):

There shall be no imprisonment for debt.

Further (Code, sec. 5763):

Legislative acts in violation of the constitution or of the Constitution of the United States are void, and the judiciary shall so declare them.

In 72 Georgia, 69, third headnote, the court held:

If the plaintiff hired a person of full age to the defendant and received from him the note in suit for the services of the person so hired, this was an illegal transaction, and the note so given was void as being contrary to public policy and in violation of the thirteenth amendment of the Constitution of the United States and of paragraph 17 of the bill of rights in the constitution of Georgia.

In 74 Georgia, 247, the court held:

Besides, we are not aware of any power possessed by a court of equity or any other court to compel a party to perform personal service for another which he had contracted to perform but was unwilling to render. This would reduce him to involuntary servitude, not as punishment for crime, but for an alleged breach of contract, and would be directly in the teeth of the constitution

In 95 Georgia, 538, the court holds:

The county authorities have no power to hire out convicts sentenced under the provisions of section 4310 to a private individual, whether, being so hired, they be worked in chain gangs or otherwise, and so much of the acts of the legislature embodied in sections 4814, 4815, 4820, 4821 (e) of the code as authorizes such a hiring is repealed by the act of August 11, 1879. (Code, 4310.)

In 45 Georgia, 128:

Where A advances $20 to a laborer on the promise of the latter to work it out, and the laborer afterwards refuses to do so, he is not guilty of the offense of being a common cheat and swindler.

In part 3 of the code of Georgia, the same being the penal code, we find the following section (109):

Every person who forcibly abducts or steals away any person without lawful authority or warrant from this State or any county thereof, and sends or conveys such person beyond the limits of the State, or a county thereof, against his will is guilty of kidnaping.

The punishment (sec. 111) is not less than four years nor more than seven years' confinement in the penitentiary.

SEC. 106. False imprisonment is a violation of the personal liberty of a person and consists in confinement or detention of a person without sufficient legal authority.

And a penalty is provided therefor.

SEC. 123. If any person or persons, by threats, violence, or intimidation or other unlawful means shall prevent or attempt to prevent any person or persons in this State from engaging in, remaining in, or performing the business, labor or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 124. If any person or persons, singly or together, or in combination, shall conspire to prevent or attempt any person or persons by threats, violence, or intimidation from engaging in, remaining, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 125. If any person or persons, singly or by conspiring together, shall hinder any person or persons who desire to labor, from so doing, or hinder any person, by threats, violence, or intimidation, from being employed as a laborer or employee, such offender shall be guilty of a misdemeanor.

Sections 128, 129, 130, 131, 132, 133, and 134 cover the law against employers blacklisting employees.

In the early part of this argument or discussion I quoted from the International Encyclopedia, but not with the intention or purpose of indorsing the reference therein to the convict-labor systems of the South. I apprehend that the "recent revelations" referred to by the writer were from the brain of some prejudiced or unduly biased person. Whether the convict systems of the South, however, are good or bad is not germane to the question that I have been attempting to discuss.

I have been endeavoring to present a purely legal question, and I made the quotation from the encyclopedia as an authority for whatever it might be worth, from one evidently none too friendly to the South, that even a convict system—a system necessarily founded on law and a part of government, and, according to him, a bad system—that even the worst features of this bad lawful system do not amount to "peonage."

How much less excuse is there, therefore, to call the act of an individual and the act of a mere private citizen "peonage?"

My attention has been called, since the preparation of this argument, to an opinion on "peonage," delivered by Judge W. T. Newman, of the United States district court for the northern district of Georgia, and I add same hereto, together with the "notes" of the reporter. I am glad to find in Judge Newman such excellent support of the views I have presented, or at least for some of

them. The opinion of Judge Newman was rendered in the case of United States *v.* Eberhart et al., and is found in Federal Reporter, volume 127, No. 1, pamphlet form, issued March 10, 1904.

The following is the opinion:

The indictment charges the defendants with certain acts in restraint of the personal liberty of named persons of African descent, and characterizes these acts as peonage, and charges the defendants with holding the persons named as peons, and with returning them to a condition of peonage, in violation of the act of Congress of March 2, 1867 (chap. 187, 14 Stat. L., 546; Rev. Stat., sec. 5526; U. S. Comp. St., 1901, p. 3715). The act of Congress named, entitled "An act to abolish and forever prohibit the system of peonage in the Territory of New Mexico, and other parts of the United States," was aimed at a system.

Its purpose was to abolish and forever prohibit the system known as "peonage," as it existed in New Mexico and elsewhere. A full discussion of this system and how it came to exist in New Mexico will be found in the case of Jaremillo *v.* Romero (1 N. M. 190). It came with the territory ceded to the United States by the treaty with Mexico after the Mexican war. It was part of the system of the people inhabiting that territory. The clear purpose of the act was to deal with this system by abolishing it and prohibiting a return to it. An examination of the act will show that this is true beyond question. No such system as this ever existed in Georgia. African slavery existed, but this was the ownership of Africans and persons of African descent as chattels. There could not be, therefore, in Georgia, any such thing as holding persons under this system of peonage or returning them to it.

It would be the merest perversion of this act to attempt to apply it to an ordinary case of restraint of personal liberty, and the case is not strengthened by the charge that the person so restrained is of African descent. However wrongful and illegal some of the acts charged in the indictment may be, they can not be punished under the statute named. The purpose of this act, as stated, was to abolish this system of peonage and to render null and void all acts, laws, resolutions, orders, regulations, or usages in New Mexico or elsewhere which established or which sought to establish this system. The penal part of the act will not be enlarged beyond the scope and purpose of the act as above indicated. The penalty is for holding under, or for arresting or returning to, this condition of peonage. A person must have been held under this system or arrested and returned to it; that is, to a preexisting condition of peonage.

MEXICAN PEONAGE.

It may be added that even if the act of Congress on which this indictment is based could be held applicable in Georgia the acts set out in the indictment are nothing like the old system of peonage. That system seems to have been, even as it came from Mexico, a voluntary system of labor and of servitude. The individual, in the beginning at least, voluntarily assumed this service. He was afterwards, it is true, held to the service against his will until his contract was discharged, and he could be held under it or by the custom and usages of the country arrested and returned to it.

Certain it is that by the act of the Territorial legislature of New Mexico of 1852 (Laws 1851-52, p. 184), which was probably in force when the act of Congress was passed, the service must have been voluntarily entered into (Jaremillo *v.* Romero, supra.) So that both under the old system of peonage, as it came from New Mexico, and also as it was embodied in the statute law of New Mexico, the contract was entered into freely and voluntarily by the servant. The act of Congress on which this indictment is based is inapplicable in Georgia, and, even if applicable here, the facts set out in the indictment are not such as make a case under the act. To merely characterize acts in restraint of personal liberty as peonage is not sufficient to make them such—certainly not under this act of Congress.

REPORTER'S NOTES.

The foregoing opinion was filed in 1899, but has not before been published. Since this decision Judge Jones of the northern district of Alabama has taken what seems to be a different view of the matter, in some respects at least, as shown in his "Response to questions by grand jury." (In re Peonage cases, 123 Fed., 671.) It is understood that Judge Speer, of the southern district of Georgia, and Judge Swayne, of the northern district of Florida, have also held differently, but in cases which, so far as known, have not been reported. Circuit Judge Shelby had a peonage case before him on habeas corpus. (In re Lewis, 114 Fed., 963.) Judge Shelby states, however, in reference to the question involved here that it "need not now be decided." Cases on writ of error, from the northern district of Florida, are pending in the circuit court of appeals for the fifth circuit, but have not yet been heard.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WILLIAMS of Mississippi. Did the gentleman from Ohio make any remarks this morning?

Mr. GROSVENOR. I did. This is the same document about which the gentleman from Mississippi and I have had conversation.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the gentleman from Ohio and I had an agreement and I shall not object provided I have the same unanimous consent. I wish to insert an article in the RECORD and make a few comments in connection with it in reply to what the gentleman from Ohio is to put in.

The CHAIRMAN. Is this a request to print documents, or is it a general leave to extend remarks?

Mr. GROSVENOR. I will state, Mr. Chairman, my proposition to the House. Some days ago the gentleman from Mississippi put into the RECORD properly a newspaper article from the Brooklyn Eagle, which was the product of a correspondent. I received an editorial from the same paper with a request that it might go into the RECORD. I consulted the gentleman from Mississippi, and he stated that he had an article from the New York World which he desired to put into the RECORD as an answer to that. That is our proposition.

Mr. WILLIAMS of Mississippi. And to say a few words in answer to that article from the Eagle which the gentleman proposes to insert.

The CHAIRMAN. The gentleman from Ohio and the gentleman from Mississippi, respectively, ask unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14416, the sundry civil appropriation bill, and had directed him to report that the committee had come to no resolution thereon.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am instructed to submit the report of the conferees on the army bill and a statement to be printed in the RECORD under the rule. I will state that it is only a partial agreement.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10670) making appropriations for the Army for the fiscal year ending June 30, 1905, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 5, 6, 7, 9, 10, 11, 12, 19, 20, 21, 24, 34, 35, 38, 42, 47, 54, and 57.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 8, 13, 17, 18, 26, 28, 30, 31, 32, 33, 36, 37, 39, 41, 44, 45, 46, 48, 53, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 74.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: On page 6, line 14, of the bill strike out the word "fifty;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said amendment and insert in lieu thereof the following: "eighty-one thousand and six hundred;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the following: "the Adjutant-General's section and the Record and Pension section of," and in line 31 of said amendment, before the word "military," insert the word "the," and after the word "brigadier-general," in line 34 of said amendment, insert the following: ": *Provided further*, That when the office of Military Secretary with the rank of major-general shall hereafter become vacant, it shall not be filled with said rank, and thereafter the chief of the Military Secretary's Department shall have the rank of a brigadier-general with the title of the Military Secretary, and there shall be only one officer above the rank of colonel in the said department," and in line 42 of said amendment strike out the words "Adjutant-General" and insert in lieu thereof the following: "Military Secretary: *Provided further*, That the chief of the Military Secretary's Department shall be a member of the Board of Commissioners of the United States Soldiers' Home;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Of the matter inserted by said amendment strike out the words "seventy-six thousand two hundred" and insert in lieu thereof the following: "forty-five thousand eight hundred;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: After the word "audit," in line 14 of said amendment, insert the following: ", and the Secretary of War may hereafter authorize the assignment to duty in the office of the Paymaster-General of such paymasters' clerks, now authorized by law, as may be necessary for that purpose;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: After the word inserted by said amendment insert a comma; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out all the matter inserted by said amendment and insert in lieu thereof the following: ": *Provided*, That of the appropriation for construction and repair of hospitals not more than forty thousand dollars shall be used for the enlargement or construction of a hospital at any one post;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Of the matter inserted by said amendment strike out the word "thirty-nine" and insert in lieu thereof the word "forty-five;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "direct that the same;" and in the same line, after the word "presented," insert the following: "by direction of the President and;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: After the word "accounts," in line 14 of said amendment, strike out all of the matter inserted by said amendment; and the Senate agree to the same.

Your conferees report a disagreement on the following amendments: Nos. 16, 22, 23, 25, 29, 49, 50, and 51.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

REDFIELD PROCTOR,
J. V. QUARLES,
F. M. COCKRELL,
Managers on the part of the Senate.

Statement to accompany report of conference on H. R. 10670.

Amendment No. 1 refers to contingent expenses in the Office of Chief of Staff; and the Senate recedes.

Amendment No. 2 is a limitation on the use of the contingent fund; and the House recedes.

Amendments Nos. 3 and 4 simply refer to the things appropriated for in the School of Submarine Defense, at Fort Totten, N. Y., without changing the amount; and the House recedes.

Amendments Nos. 5, 6, and 7 refer to professional books of reference, periodicals, and newspapers; and the Senate recedes from all three amendments.

Amendment No. 8: Alaskan cable; House recedes.

Amendments Nos. 9, 10, 11, and 12 are changes simply in the language of the bill; and the Senate recedes from all five amendments.

Amendment No. 13 refers to the repayment to Maj. William H. McArthur of money paid wrongfully without any fault on his part; and the House recedes.

Amendment No. 14: The House recedes, and agrees to the same with an amendment reducing the number of quartermaster-sergeants to two hundred.

Amendment No. 15: The House recedes, and agrees to the same with an amendment making the amount appropriated correspond with the number of quartermaster-sergeants authorized.

Amendment No. 16 refers to an increase in the enlisted force in the Signal Corps; and the conferees report a disagreement.

Amendment No. 17 designates where the chief clerk can be employed; and the House recedes.

Amendment No. 18 is simply the insertion of the words "per annum;" and the House recedes.

Amendments Nos. 19, 20, and 21 refer to an increase of clerks at headquarters; and the Senate recedes.

Amendments Nos. 22 and 23 refer to an increase of clerks; and the conferees report a disagreement.

Amendment No. 24 refers to an increase of general-service messengers; and the Senate recedes.

Amendment No. 25 refers to the total amount appropriated; and the conferees report a disagreement until an agreement has been reached on the number of clerks.

Amendment No. 26 is simply an insertion of a comma; and the House recedes.

Amendment No. 27 refers to the consolidation of the Adjutant-General's Department and the Record and Pension Office under the title of "Military Secretary's Department;" and the House recedes from its disagreement, and agrees to the provision with amendments, the principal amendment being to make the rank of the senior of the consolidated bureau a major-general only during the active service of the present incumbent.

Amendment No. 28 refers to an increase in the Corps of Engineers; and the House recedes from its disagreement.

Amendment No. 29 refers to advancement of retired officers; and the conferees report a disagreement.

Amendment No. 30 is a limitation on retired officers acting as clerks or other civil employees in the Departments of the Government; and the House recedes.

Amendment No. 31 relates to computed length of service in the retirement of enlisted men; and the House recedes.

Amendment No. 32 is verbal; and the House recedes.

Amendment No. 33 inserts the words "and twenty-one," and is necessary to cover the appropriations following; and the House recedes.

Amendment No. 34 relates to the army nurses; and the Senate recedes.

Amendment No. 35 relates to the claim of Maj. E. W. Halford; and the Senate recedes.

Amendment No. 36 cuts off extra pay of troops serving in Hawaii and Porto Rico; and the House recedes.

Amendment No. 37 cuts off additional pay of officers serving in Hawaii and Porto Rico; and the House recedes.

Amendment No. 38 makes the Porto Rican regiment consist of three battalions; and the Senate recedes.

Amendment No. 39 provides for officering the two battalions; and the House recedes.

Amendment No. 40 refers to pay of officers of the line of the two battalions of the Porto Rican regiment; and the House recedes and agrees to same with an amendment.

Amendment No. 41 simply makes a paragraph, made necessary by the insertion of amendment No. 39; and the House recedes.

Amendment No. 42 is the appropriation for pay of the enlisted force of the Porto Rican regiment; and the Senate recedes.

Amendment No. 43: The House recedes, and agrees to the same with an amendment authorizing the Secretary of War to use the paymaster's clerks in his discretion in the Department.

Amendment No. 44 refers to the amount appropriated for subsistence; and the House recedes.

Amendment No. 45 simply protects officers in the use of the horses owned by them; and the Houses recedes.

Amendment No. 46 refers to the amount appropriated for supplies for the Quartermaster's Department; and the House recedes.

Amendment No. 47 provides for barracks on the Isthmus of Panama; and the Senate recedes.

Amendment No. 48 refers to the amount appropriated for the Army and its supplies; and the House recedes.

Amendment No. 49 is for the construction of a military wagon road in Alaska; and the conferees report a disagreement.

Amendment No. 50 is for locating and constructing a military trail in Alaska; and the conferees report a disagreement.

Amendment No. 51 is to authorize the construction of a bridge across the Spokane River; and the conferees report a disagreement.

Amendment No. 52 is verbal; and the House recedes with an amendment.

Amendment No. 53 exempts from the appropriation officers' quarters at the Army and Navy Hospital at Hot Springs, Ark.; and the House recedes.

Amendment No. 53 refers to the amount appropriated for the construction and repair of hospitals; and the Senate recedes.

Amendment No. 54 relates to the segregation of amounts for hospitals at certain posts; and the House recedes from its disagreement, and agrees to the same with an amendment limiting the amount which can be appropriated at any one post.

Amendment No. 56 relates to the appropriation for shooting galleries and ranges; and the House recedes from its disagreement, and agrees to the same with an amendment increasing the amount from $39,500 to $45,500, with the Senate receding from its amendment No. 57, appropriating $10,000 for a rifle range at Fort Riley, Kans., making the amount of the appropriation less than the amount appropriated by the Senate.

Amendment No. 58 is for the purchase of materials for the manufacture of metallic ammunition; and the House recedes.

Amendment No. 59 relates to the amount appropriated for the manufacture and purchase of ammunition for the Army; and the House recedes.

Amendment No. 60 relates to medals of honor; and the House recedes from its disagreement, and agrees to the same with an amendment simply making clear how these medals are to be presented.

Amendment No. 61 makes immediately available appropriation for field artillery for the several States; and the House recedes.

Amendments Nos. 62, 63, 64, 65, 66, 67, 68, 69, and 70 are simply changing the phraseology of the bill, leaving the total amount appropriated in these clauses the same as appropriated by the House; and the House recedes from all the amendments.

Amendment No. 71 relates to military stores sold to the Philippine Islands; and the House recedes.

Amendment No. 72 relates to bookkeeping of the Ordnance Department, and the sale of parts of serviceable arms to American inventors and designers; and the House recedes.

Amendment No. 73 relates to an adjustment of accounts between the civil government of the Philippine Islands and the Government of the United States; and the House recedes from its disagreement, and agrees to the same with an amendment striking out all after the end of line 2, page 52 of the printed bill.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

PRINTING OPINIONS IN NORTHERN SECURITIES COMPANY VS. UNITED STATES.

Mr. PERKINS. Mr. Speaker, I present the following privileged report.

The Clerk read as follows:

Resolved, That there be printed for the use of the House of Representatives 14,000 copies of the opinion of the Supreme Court of the United States, with concurring and dissenting opinions, in the case of the Northern Securities Company and others *v.* The United States, delivered March 14, 1904.

Mr. GAINES of Tennessee. Mr. Speaker, I reserve a point of order for the purpose of asking the gentleman if he will not amend the resolution so as to include the opinion of Judge Thayer and his associates in the court below?

Mr. PERKINS. The resolution provides only for printing the opinions of the Supreme Court.

Mr. WILLIAMS of Mississippi. Will the copies under this request go to the folding room, so that Members will get their share of them? If not, I will ask the gentleman to amend his resolution so that they may go to the folding room.

Mr. PERKINS. Under the resolution 14,000 copies are for use of the Members of the House, to be divided equally, which will give each Member about thirty-five copies.

Mr. WILLIAMS of Mississippi. And they will go to the folding room?

Mr. PERKINS. Yes.

Mr. GAINES of Tennessee. May I ask the gentleman to amend his resolution so as to include the opinion of Judge Thayer and his associates?

Mr. PERKINS. I can not do that, Mr. Speaker.

Mr. GROSVENOR. That is not valuable.

Mr. GAINES of Tennessee. It is valuable, as the Supreme Court of the United States has affirmed it, and the opinion is able.

The question was taken; and the resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the last vote was laid on the table.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1572. An act granting an increase of pension to Isaac N. Hughey—to the Committee on Invalid Pensions.

S. 1310. An act granting a pension to Ella C. Tupper—to the Committee on Invalid Pensions.

S. 716. An act granting an honorable discharge to Jacob Niebels—to the Committee on Military Affairs.

S. 402. An act for the relief of James D. Vernay—to the Committee on Military Affairs.

S. 329. An act granting an increase of pension to Bushnell B. Loomis—to the Committee on Invalid Pensions.

S. 320. An act granting an increase of pension to Hiram W. White—to the Committee on Invalid Pensions.

S. 208. An act granting an increase of pension to Alfred Kent—to the Committee on Invalid Pensions.

S. 94. An act granting a pension to Alvin Rine—to the Committee on Invalid Pensions.

S. 5028. An act granting an increase of pension to Charles W. Chargo—to the Committee on Invalid Pensions.

S. 4919. An act granting an increase of pension to William C. Griffin—to the Committee on Pensions.

S. 4899. An act granting an increase of pension to Laura Gillmore—to the Committee on Invalid Pensions.

S. 4891. An act granting an increase of pension to Elizabeth G. Illsley—to the Committee on Invalid Pensions.

S. 4846. An act granting an increase of pension to John Taylor—to the Committee on Invalid Pensions.

S. 4842. An act granting an increase of pension to Siloam Williams—to the Committee on Invalid Pensions.

S. 4765. An act granting an increase of pension to Adrian Terry—to the Committee on Invalid Pensions.

S. 4742. An act granting an increase of pension to Earl B. French—to the Committee on Invalid Pensions.

S. 4648. An act granting an increase of pension to John T. Rader—to the Committee on Invalid Pensions.

S. 4618. An act granting an increase of pension to William Varnes—to the Committee on Pensions.

S. 4372. An act for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico—to the Committee on Interstate and Foreign Commerce.

S. 4343. An act for the relief of Talton T. Davis—to the Committee on Military Affairs.

S. 4056. An act granting an increase of pension to George G. Wright, alias George Gravett—to the Committee on Invalid Pensions.

S. 3938. An act for the relief of George H. White—to the Committee on Military Affairs.

S. 3503. An act to amend the record of Maj. John Murphy—to the Committee on Military Affairs.

S. 3030. An act granting an increase of pension to Charles O. Fargo—to the Committee on Invalid Pensions.

S. 2950. An act to remove the charge of desertion from the military record of James B. Boyd—to the Committee on Military Affairs.

S. 2711. An act granting an increase of pension to Fannie S. Moore—to the Committee on Invalid Pensions.

S. 2423. An act granting an increase of pension to Benson C. Bellamy—to the Committee on Invalid Pensions.

S. 2350. An act to correct the military record of Jacob McDowell—to the Committee on Military Affairs.

S. 1989. An act granting an increase of pension to John McCabe—to the Committee on Invalid Pensions.

S. 1654. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 2650. An act to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy—to the Committee on Naval Affairs.

S. 1618. An act granting an increase of pension to Thomas Herran—to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3015. An act to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 3761. An act ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street;

H. R. 9777. An act granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city;

H. R. 8335. An act to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28;

H. R. 9791. An act granting a pension to Abram Claypool;

H. R. 56. An act to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes;

H. R. 11449. An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River;

H. J. Res. 113. A joint resolution for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory;

H. J. Res. 55. Joint resolution providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903; and

H. J. Res. 133. Joint resolution providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw from the files of the House, without leaving copies, was granted to Mr. DANIELS, the papers in the case of William D. Hall, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. HUFF, leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. H. Pershing, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Ohio River below the mouth of Green River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with accompanying communications, a draft of a bill to permit a right of way to the Oahu Railroad and Land Company through the military reservation of Kahauiki, district of Kona, Oahu, Hawaiian Islands—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting statement of useless documents accumulated in his Department—to the Joint Committee on Disposition of Useless Papers in Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAWNEY, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the Senate (S. 276) to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark, in the years 1804, 1805, and 1806, and for other purposes, reported the same with amendment, accompanied by a report (No. 1965); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BONYNGE, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 1223) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 1966); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1750) to provide an American register for the British ship *Pyrenees*, reported the same without amendment, accompanied by a report (No. 1963); which said bill and report were referred to the Private Calendar.

Mr. BURKE, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 4662, reported in lieu thereof a resolution (H. Res. 275) for the relief of the heirs of John Baxter, accompanied by a report (No. 1967); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12772) to restore certain officers of the United States Army to their proper places on their respective lineal lists, reported the same adversely, accompanied by a report (No. 1964); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 14455) granting a pension to George A. Fan Joy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8708) granting an increase of pension to David C. Posey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOON of Tennessee: A bill (H. R. 14498) to declare, enlarge, and define the jurisdiction of the United States courts in certain cases, and for other purposes—to the Committee on the Judiciary.

By Mr. ZENOR: A bill (H. R. 14499) to extend the provisions of existing pension laws to the Indiana State Militia, known and designated as the "Indiana Legion," and to the widows, children, and dependent relatives of deceased members of the Indiana Legion who rendered service to the United States during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 14500) to ratify and confirm the present right of way of the Oahu Railway and Land Company through the military reservation of Kahauiki, Territory of Hawaii—to the Committee on Military Affairs.

By Mr. McDERMOTT: A bill (H. R. 14501) to provide for the erection of a monument to the memory of Maj. Pierre Charles L'Enfant—to the Committee on the Library.

By Mr. COOPER of Wisconsin: A bill (H. R. 14502) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes—to the Committee on Insular Affairs.

By Mr. GROSVENOR: A bill (H. R. 14532) to amend certain sections of Title LII of the Revised Statutes of the United States, entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A bill (H. R. 14533) to change and fix the time for holding the district and circuit courts for the northern division of the eastern district of Tennessee—to the Committee on the Judiciary.

By Mr. ZENOR: A joint resolution (H. J. Res. 138) authorizing the Secretary of War to pay certain employees, clerks, copyists, stenographers and typewriters, laborers, workmen, workwomen, and mechanics, in the Quartermaster-General's Office and at United States Government depots of the Quartermaster's Department, for additional work performed in excess of their customary and regular hours per day under the rules and regulations thereof—to the Committee on War Claims.

By Mr. BURKE, from the Committee on Indian Affairs: A resolution (H. Res. 275) referring to the Court of Claims the bill H. R. 4662—to the Private Calendar.

By Mr. MIERS of Indiana: A resolution (H. Res. 276) authorizing the Committee on Appropriations to provide in the general deficiency appropriation bill for the payment to Marsellus Butler of $100—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL of California: A bill (H. R. 14503) for the relief of Joseph Gallagher, postmaster at Davisville, Cal.—to the Committee on Claims.

Also, a bill (H. R. 14504) granting a pension to John Q. Adams—to the Committee on Pensions.

Also, a bill (H. R. 14505) granting a pension to John Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14506) granting an increase of pension to Peter C. Dufour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14507) granting an increase of pension to Alden Youngman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14508) granting an increase of pension to John Brady—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 14509) for the relief of James G. Field, surgeon in the United States Navy—to the Committee on Naval Affairs.

By Mr. CRUMPACKER: A bill (H. R. 14510) granting an increase of pension to Daniel M. Graves—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 14511) granting an increase of pension to Robert R. Keys—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 14512) granting an increase of pension to Thomas L. Sweeney—to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 14513) for the relief of Harvey S. Miller—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 14514) for the relief of Thomas F. Tobey—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 14515) granting an increase of pension to George R. Brumblay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14516) granting a pension to Emma Goddard—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 14517) granting a pension to Lillie A. Schoppaul—to the Committee on Pensions.

Also, a bill (H. R. 14518) granting a pension to Henderson Evins—to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 14519) granting an increase of pension to George R. Thayer—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 14520) granting a pension to J. H. McGraw—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 14521) granting an increase of pension to Samuel H. Phillips—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 14522) directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, assistant quartermaster-general, United States Army, in favor of John Wanamaker—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 14523) granting an increase of pension to Richard McCandliss—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 14524) granting a pension to Jennie A. Brown—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14525) granting a pension to Sylvester Ray—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 14526) granting an increase of pension to Sarah Yeager—to the Committee on Invalid Pensions.

By Mr. TAYLOR: A bill (H. R. 14527) for the relief of Rittenhouse Moore—to the Committee on Claims.

By Mr. WANGER: A bill (H. R. 14528) granting an increase of pension to John C. Umstead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14529) to authorize the President to place the name of John Roop on the retired list of the United States Navy with the rank of first assistant engineer, United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 14530) for the relief of George W. Flack—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 14531) granting an increase of pension to P. A. Gatchell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Greenleaf Woman's Christian Temperance Union, of Rising City, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Elsie Bradshaw, of Beaver, Utah, and Ella P. Collins, of Los Angeles, Cal., against sale of cigarettes to minors—to the Committee on the Judiciary.

By Mr. BEDE: Petition of residents of Duluth, Minn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BELL of California: Petition of A. R. Wilson and others, of Watsonville, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Sacramento and St. Helena, Cal., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Sacramento (Cal.) Typographical Union, No. 46, in favor of the passage of an eight-hour law—to the Committee on Labor.

By Mr. BONYNGE: Resolutions of Grand Army of the Republic Posts Nos. 1, 2, 3, 5, 10, 18, 22, 46, 53, 63, 81, 88, 96, 100, 105,

S. 4842. An act granting an increase of pension to Siloam Williams—to the Committee on Invalid Pensions.

S. 4765. An act granting an increase of pension to Adrian Terry—to the Committee on Invalid Pensions.

S. 4742. An act granting an increase of pension to Earl B. French—to the Committee on Invalid Pensions.

S. 4648. An act granting an increase of pension to John T. Rader—to the Committee on Invalid Pensions.

S. 4618. An act granting an increase of pension to William Varnes—to the Committee on Pensions.

S. 4372. An act for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico—to the Committee on Interstate and Foreign Commerce.

S. 4343. An act for the relief of Talton T. Davis—to the Committee on Military Affairs.

S. 4056. An act granting an increase of pension to George G. Wright, alias George Gravett—to the Committee on Invalid Pensions.

S. 3938. An act for the relief of George H. White—to the Committee on Military Affairs.

S. 3503. An act to amend the record of Maj. John Murphy—to the Committee on Military Affairs.

S. 3030. An act granting an increase of pension to Charles O. Fargo—to the Committee on Invalid Pensions.

S. 2950. An act to remove the charge of desertion from the military record of James B. Boyd—to the Committee on Military Affairs.

S. 2711. An act granting an increase of pension to Fannie S. Moore—to the Committee on Invalid Pensions.

S. 2423. An act granting an increase of pension to Benson C. Bellamy—to the Committee on Invalid Pensions.

S. 2330. An act to correct the military record of Jacob McDowell—to the Committee on Military Affairs.

S. 1989. An act granting an increase of pension to John McCabe—to the Committee on Invalid Pensions.

S. 1654. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 2650. An act to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy—to the Committee on Naval Affairs.

S. 1618. An act granting an increase of pension to Thomas Herran—to the Committee on Invalid Pensions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3015. An act to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 3761. An act ceding certain land appertaining to the custom-house at St. Joseph, Mo., for use as a street;

H. R. 9777. An act granting to the city of Port Angeles, State of Washington, for park purposes, certain portions of the Government reserve in said city;

H. R. 8335. An act to amend an act entitled "An act to determine the sessions of the circuit and district courts of the United States for the eastern district of Wisconsin," approved March 31, 1892, chapter 28;

H. R. 9791. An act granting a pension to Abram Claypool;

H. R. 56. An act to authorize the State of South Dakota to select school and indemnity lands in the ceded portion of the Great Sioux Reservation, and for other purposes;

H. R. 11449. An act to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River;

H. J. Res. 113. A joint resolution for the printing of 5,000 copies, with accompanying maps and illustrations, of the report of the governor of New Mexico to the Secretary of the Interior for the year ending June 30, 1903, and the printing of 1,000 copies of the latest map of said Territory;

H. J. Res. 55. Joint resolution providing for the publication of the reports of the Board of Managers and Inspectors of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1903; and

H. J. Res. 133. Joint resolution providing that the bulletins of the Bureau of American Ethnology be printed in octavo.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw from the files of the House, without leaving copies, was granted to Mr. DANIELS, the papers in the case of William D. Hall, Fifty-eighth Congress, no adverse report having been made thereon.

To Mr. HUFF, leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. H. Pershing, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HEMENWAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of the Ohio River below the mouth of Green River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with accompanying communications, a draft of a bill to permit a right of way to the Oahu Railroad and Land Company through the military reservation of Kahauiki, district of Kona, Oahu, Hawaiian Islands—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting statement of useless documents accumulated in his Department—to the Joint Committee on Disposition of Useless Papers in Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TAWNEY, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the Senate (S. 276) to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Meriwether Lewis and William Clark, in the years 1804, 1805, and 1806, and for other purposes, reported the same with amendment, accompanied by a report (No. 1965); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BONYNGE, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 1223) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 1966); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FORDNEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 1750) to provide an American register for the British ship *Pyrenees*, reported the same without amendment, accompanied by a report (No. 1963); which said bill and report were referred to the Private Calendar.

Mr. BURKE, from the Committee on Indian Affairs, to which was referred the bill of the House H. R. 4662, reported in lieu thereof a resolution (H. Res. 275) for the relief of the heirs of John Baxter, accompanied by a report (No. 1967); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12772) to restore certain officers of the United States Army to their proper places on their respective lineal lists, reported the same adversely, accompanied by a report (No. 1964); which said bill and report were ordered laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 14455) granting a pension to George A. Fan Joy—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8708) granting an increase of pension to David C. Posey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOON of Tennessee: A bill (H. R. 14498) to declare, enlarge, and define the jurisdiction of the United States courts in certain cases, and for other purposes—to the Committee on the Judiciary.

By Mr. ZENOR: A bill (H. R. 14499) to extend the provisions of existing pension laws to the Indiana State Militia, known and designated as the "Indiana Legion," and to the widows, children, and dependent relatives of deceased members of the Indiana Legion who rendered service to the United States during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 14500) to ratify and confirm the present right of way of the Oahu Railway and Land Company through the military reservation of Kahauiki, Territory of Hawaii—to the Committee on Military Affairs.

By Mr. McDERMOTT: A bill (H. R. 14501) to provide for the erection of a monument to the memory of Maj. Pierre Charles L'Enfant—to the Committee on the Library.

By Mr. COOPER of Wisconsin: A bill (H. R. 14502) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes—to the Committee on Insular Affairs.

By Mr. GROSVENOR: A bill (H. R. 14532) to amend certain sections of Title LII of the Revised Statutes of the United States, entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: A bill (H. R. 14533) to change and fix the time for holding the district and circuit courts for the northern division of the eastern district of Tennessee—to the Committee on the Judiciary.

By Mr. ZENOR: A joint resolution (H. J. Res. 138) authorizing the Secretary of War to pay certain employees, clerks, copyists, stenographers and typewriters, laborers, workmen, workwomen, and mechanics, in the Quartermaster-General's Office and at United States Government depots of the Quartermaster's Department, for additional work performed in excess of their customary and regular hours per day under the rules and regulations thereof—to the Committee on War Claims.

By Mr. BURKE, from the Committee on Indian Affairs: A resolution (H. Res. 275) referring to the Court of Claims the bill H. R. 4662—to the Private Calendar.

By Mr. MIERS of Indiana: A resolution (H. Res. 276) authorizing the Committee on Appropriations to provide in the general deficiency appropriation bill for the payment to Marsellus Butler of $100—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

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Also, a bill (H. R. 14504) granting a pension to John Q. Adams—to the Committee on Pensions.

Also, a bill (H. R. 14505) granting a pension to John Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14506) granting an increase of pension to Peter C. Dufour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14507) granting an increase of pension to Alden Youngman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14508) granting an increase of pension to John Brady—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 14509) for the relief of James G. Field, surgeon in the United States Navy—to the Committee on Naval Affairs.

By Mr. CRUMPACKER: A bill (H. R. 14510) granting an increase of pension to Daniel M. Graves—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 14511) granting an increase of pension to Robert R. Keys—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 14512) granting an increase of pension to Thomas L. Sweeney—to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 14513) for the relief of Harvey S. Miller—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 14514) for the relief of Thomas F. Tobey—to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 14515) granting an increase of pension to George R. Brumblay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14516) granting a pension to Emma Goddard—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 14517) granting a pension to Lillie A. Schoppaul—to the Committee on Pensions.

Also, a bill (H. R. 14518) granting a pension to Henderson Evins—to the Committee on Pensions.

By Mr. KETCHAM: A bill (H. R. 14519) granting an increase of pension to George R. Thayer—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 14520) granting a pension to J. H. McGraw—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 14521) granting an increase of pension to Samuel H. Phillips—to the Committee on Invalid Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 14522) directing the issue of a check in lieu of a lost check drawn by Col. John V. Furey, assistant quartermaster-general, United States Army, in favor of John Wanamaker—to the Committee on Claims.

By Mr. MIERS of Indiana: A bill (H. R. 14523) granting an increase of pension to Richard McCandliss—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 14524) granting a pension to Jennie A. Brown—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 14525) granting a pension to Sylvester Ray—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 14526) granting an increase of pension to Sarah Yeager—to the Committee on Invalid Pensions.

By Mr. TAYLOR: A bill (H. R. 14527) for the relief of Rittenhouse Moore—to the Committee on Claims.

By Mr. WANGER: A bill (H. R. 14528) granting an increase of pension to John C. Umstead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14529) to authorize the President to place the name of John Roop on the retired list of the United States Navy with the rank of first assistant engineer, United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 14530) for the relief of George W. Flack—to the Committee on Military Affairs.

By Mr. MONDELL: A bill (H. R. 14531) granting an increase of pension to P. A. Gatchell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Greenleaf Woman's Christian Temperance Union, of Rising City, Nebr., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Elsie Bradshaw, of Beaver, Utah, and Ella P. Collins, of Los Angeles, Cal., against sale of cigarettes to minors—to the Committee on the Judiciary.

By Mr. BEDE: Petition of residents of Duluth, Minn., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BELL of California: Petition of A. R. Wilson and others, of Watsonville, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of citizens of Sacramento and St. Helena, Cal., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Sacremento (Cal.) Typographical Union, No. 46, in favor of the passage of an eight-hour law—to the Committee on Labor.

By Mr. BONYNGE: Resolutions of Grand Army of the Republic Posts Nos. 1, 2, 3, 5, 10, 18, 22, 46, 53, 63, 81, 88, 96, 100, 105,

106, 109, and 110, Department of Colorado and Wyoming, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. CROMER: Petitions of A. J. Hinshaw and many others, of Union City, Ind., and Charles L. Hawkins and 50 others, of Parker, Ind., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Cigar Makers' Union No. 274, of Anderson, Ind., against the passage of the anticoupon bill (H. R. 6)—to the Committee on Ways and Means.

Also, petition of Carl Miller and others, of New Mount Pleasant, Ind., asking for the defeat of the post-office bill as reported by the committee and that the carriers be permitted to act as agents for newspapers—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Farmers' Institute of Cass County, Ind., in favor of bill H. R. 8678—to the Committee on Agriculture.

By Mr. DAVEY of Louisiana: Petition of New Orleans Typographical Union, No. 17, in favor of the enactment of the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of New Orleans Typographical Union, No. 17, in favor of the passage of an eight-hour bill—to the Committee on Labor.

Also, petition of John I. Adams & Co., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of John I. Adams & Co., in favor of certain amendments to bill S. 4319—to the Committee on Interstate and Foreign Commerce.

By Mr. DEEMER: Resolutions of Lodge No. 386 and Helpers' Division No. 142, Brotherhood of Boiler Makers and Iron-ship Builders, of Jersey Shore, Pa., in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Rev. P. M. Alfoin and 36 others, of Rockford, Ill., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of the Patent Law Association of Chicago, against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. GOULDEN: Resolution of the Drug Trade Section of the New York Board of Trade and Transportation, in favor of a reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRIFFITH: Paper to accompany House bill to increase the pension of Capt. George R. Bramblay—to the Committee on Invalid Pensions.

Also, petition of Charles H. Lommel and 16 others, of Lawrenceburg, Ind., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HINSHAW: Petition of S. V. Brewer Post, No. 323, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HITT: Resolution of U. S. Grant Circle, No. 20, Ladies of the Grand Army of the Republic, of Rochelle, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Mr. KLINE: Petition of Yeager Furniture Company, of Allentown, Pa., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. KALANIANAOLE: Resolution of Honolulu Chamber of Commerce, Honolulu, Hawaii, urging the passage of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. McNARY: Petition of Hovey & Harding, of South Boston; F. L. and J. C. Codman, of Boston, and 7 others, in favor of increasing the salary of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Division No. 13, Ancient Order of Hibernians, of Walpole, Mass., and petition of William H. Flynn, of Walpole, Mass., in favor of a bill for the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. MAHON: Papers to accompany House bill for the relief of Samuel H. Phillips—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: Papers to accompany bill granting a pension to Richard McCandless—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Papers to accompany House bill to declare, enlarge, or define the jurisdiction of the United States courts in certain cases, and for other purposes—to the Committee on the Judiciary.

By Mr. NEVIN: Petition of Lawrence E. Wilson and others, praying for relief for the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. PATTERSON of Tennessee: Memorial of the Daughters of the American Revolution and the Maury Memorial Light-House Commission, relative to a light-house memorial in memory of Mathew Fontaine Maury—to the Committee on the Library.

By Mr. PORTER: Resolution of a Republican convention of Virginia, indorsing the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, letters from Christy & Christy, patent attorneys, and the McConway & Forley Company, of Pittsburg, Pa.; the Patent Law Association, of Chicago; Kay, Totten & Winter, and Joseph M. Nesbit, of Pittsburg, Pa., against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

Also, petition of Eli Hemphill Circle, No. 40, Ladies of the Grand Army of the Republic, of Tarentum, Pa., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Picking Naval Garrison, No. 4, Army and Navy Union of the United States, relative to the naval retirement bill—to the Committee on Naval Affairs.

Also, petition of the citizens' committee of San Miguel, Cal., relative to the purchase of army training camps—to the Committee on Military Affairs.

By Mr. RAINEY: Petition of Rev. Thomas O'Hara and 56 others, of Pittsfield, Ill., in favor of a memorial monument in memory of Commodore John Barry—to the Committee on the Library.

Also, petition of L. F. Bright and 53 others, of Barry, Ill., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RIDER: Resolution of the Patent Law Association of Chicago, Ill., against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. ROBINSON of Arkansas: Paper to accompany bill H. R. 12105, granting an increase of pension to James A. Lowe—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of Rev. N. C. Howard and 100 others, of Terrell, Tex., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of soldiers of Bronson, Moran, and Redfield, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SCUDDER: Resolution of citizens' associations of Jamaica, N. Y., in favor of bill H. R. 11129—to the Committee on Rivers and Harbors.

Also, resolution of officers of Suffolk County (N. Y.) Agricultural Society, in favor of improving the harbors and channels of Long Island—to the Committee on Rivers and Harbors.

By Mr. SIMS: Resolution of the Chattanooga Central Labor Union, in favor of the passage of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

By Mr. SNOOK: Paper to accompany bill H. R. 4771, granting a pension to Aaron Taylor—to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of the Patent Law Association of Chicago, Ill., against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. TRIMBLE: Petition of residents of Kentucky, in favor of the enactment of bill H. R. 3574, for the relief of farmers and tobacco growers—to the Committee on Ways and Means.

SENATE.

TUESDAY, *March 29, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

THE COMMITTEE ON THE JUDICIARY.

Mr. HOAR. I ask unanimous consent that the Committee on the Judiciary may have leave to sit during the sessions of the Senate.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Judiciary Committee be allowed to hold sessions during the sessions of the Senate. Is there objection? The Chair hears none, and that order is made.

DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, schedules of papers, documents, etc., on the files of the Interior Department December 31, 1900, not needed in the transaction of public business and of no permanent value or historical interest which have not been disposed of, together with a communication from the Commissioner of Indian Affairs, showing the accumulation of such papers in his office since that time. The communication and accompanying papers will be referred to a Joint Select Committee on the Disposition of

Useless Papers in the Executive Departments, and the Chair appoints the Senator from Alabama [Mr. PETTUS] and the Senator from Kansas [Mr. LONG] as the committee on the part of the Senate.

PRINTING FOR DISTRICT OF COLUMBIA COMMITTEE.

The PRESIDENT pro tempore. Some time in February there was an order passed authorizing the printing of certain documents for the use of the Committee on the District of Columbia. The order did not include certain plans, specifications, and maps which the committee is desirous shall also be printed. Is there objection to the printing of those specifications and maps? The Chair hears none, and the order is made.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Mount Monadnock Lodge, No. 371, Brotherhood of Boiler Makers and Iron-ship Builders, of Keene, N. H., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Trades and Labor Assembly, American Federation of Labor, of Nashua, N. H., praying for the passage of the so-called "eight-hour bill," and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Manchester, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of Edward R. Cogswell, jr., of Cambridge, Mass.; of H. A. Treller, of Green Bay, Wis.; of Newton J. Tharp, of San Francisco, and of Henry M. Greene, of Los Angeles, in the State of California; of Edward Kneezell, of El Paso, Tex.; of the Society of Beaux Arts Architects of New York City; of the Society of Illustrators of New York City; of the Buffalo Chapter, American Institute of Architects, of Buffalo, and of Henry S. Jacoby, of Ithaca, all in the State of New York, praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. HOAR presented a petition of General James L. Bates Post, No. 118, Department of Massachusetts, Grand Army of the Republic, of Swampscott, Mass., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Appalachian Mountain Club, praying for the purchase of a national forest reserve in the White Mountains of New Hampshire; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petitions of Charles K. Cummings, of Boston; John Lavalle, of Boston; Charles E. Guild, of Boston, and Walter Channing, of Brookline, all in the State of Massachusetts, praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented a petition of Rock River District, No. 2, Independent Order of Good Templars, of Milton, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 483, United Brotherhood of Carpenters and Joiners, of San Francisco, Cal., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

Mr. DUBOIS presented petitions of the Ladies' Union of Clyde Congregational Church, of Kansas City, Mo.; of the Woman's Parliamentary Club of Port Angeles, Wash.; of the Village Improvement Association of Cranford, N. J., and of sundry citizens of Chicago, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. STONE presented a petition of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Western Retail Implement and Vehicle Dealers' Association, of Abilene, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Jewell Circle, No. 12, Department of Missouri, Ladies of the Grand Army of the Republic, of Lamar, Mo., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Helpers' Division No. 52, Brotherhood of Boiler Makers and Iron-ship Builders, of Moberly, Mo., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. McENERY presented the affidavit of Alexander Gaal, of New Orleans, La., to accompany the bill (S. 4456) granting an increase of pension to Alexander Gaal; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a petition of the Woman's Christian Temperance Union of Kansas City, Mo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. SPOONER presented a petition of Helpers' Division No. 61, Brotherhood of Boiler Makers and Iron-ship Builders, of Superior, Wis., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the board of supervisors of Winnebago County, Wis., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Rock River District, No. 2, Independent Order of Good Templars, of Wisconsin, and of sundry citizens of Racine, Wis., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of Lumpers, Boxers, and Derrickmen's Branch, No. 50, Quarry Workers' International Union, of Barre, Vt., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented petitions of Stannard Post, No. 2; of Ethan Allen Post, No. 3; of James M. Warner Post, No. 4; of Hooker Post, No. 5; of A. E. Burnside Post, No. 6; of Ransom Post, No. 7; of Sedgwick Post, No. 8; of Cambridge Post, No. 10; of John T. Sennatt Post, No. 12; of Brooks Post, No. 13; of Roberts Post, No. 14; of C. J. Ormsbee Post, No. 18; of J. H. Woodard Post, No. 20; of Edwin Dillingham Post, No. 22; of Johnson Post, No. 23; of Ellsworth Post, No. 25; of Dudley Post, No. 28; of Stow Post, No. 29; of O. O. Howard Post, No. 33; of E. H. Stoughton Post, No. 34; of William C. Tracy Post, No. 35; of Cummings Post, No. 37; of Colonel H. A. Eaton Post, No. 38; of A. L. Pike Post, No. 41; of George A. Custer Post, No. 42; of C. B. Lawler Post, No. 44; of Waterson Post, No. 45; of Old Brigade Post, No. 47; of Baxter Post, No. 51; of W. J. Fuller Post, No. 52; of J. H. Bosworth Post, No. 53; of Daniel Leller Post, No. 61; of Woodbury Post, No. 63; of Frontier Post, No. 70; of Jesse A. Jewett Post, No. 73; of Hazen Post, No. 74; of G. W. Quimby Post, No. 76; of Erastus Buck Post, No. 78; of George C. Randall Post, No. 82; of R. S. Sherman Post, No. 86; of I. B. Richardson Post, No. 92; of Orville Bixby Post, No. 93; of William H. Boynton Post, No. 94; of U. S. Grant Post, No. 96; of Henry Freeman Post, No. 98; of George G. Meade Post, No. 99; of Charles P. Clark Post, No. 103; of Isaac Blake Post, No. 104; of Hancock Post, No. 105; of George S. Gale Post, No. 107; of A. E. Leavenworth Post, No. 108; of Walter C. Dunton Post, No. 110; of William Wells Post, No. 113; of George H. Phelps Post, No. 114; of Stephen F. Spaulding Post, No. 115, and of A. T. Mayer Post, No. 116, all of the Department of Vermont, Grand Army of the Republic, in the State of Vermont, praying for the enactment of a service-pension law; which were referred to the Committee on Pensions.

Mr. QUAY. I present the memorial of Andrew John, in behalf of the people of the Seneca Nation of New York Indians, remonstrating against the confirmation of the so-called "John Quilter lease." I move that the memorial be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4697) conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark., to report it with amendments. I should like to ask to have the bill taken up and considered, but I will not make the request now, because the Senate is so thin.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 3228) making it a felony to make impressions or counterfeit the great seal of the United States, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 4162) providing for the appointment of a Solicitor for the

Post-Office Department and abolishing the office of Assistant Attorney-General for the Post-Office Department, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4306) relating to the competency of witnesses in the United States courts, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3540) to limit the jurisdiction of the district and circuit courts of the United States, reported adversely thereon; and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself on the 18th instant, proposing to appropriate $130,629.67 to reimburse the directors of Providence Hospital, in the District of Columbia, for expenses incurred in the reconstruction of the hospital buildings, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying bill, referred to the Committee on Appropriations; which was agreed to.

Mr. MALLORY, from the Committee on the District of Columbia, to whom was referred the bill (S. 3532) to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved July 19, 1897, reported it with amendments, and submitted a report thereon.

Mr. MCCUMBER (for Mr. BURTON), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8479) granting a pension to James H. E. Guest;

A bill (H. R. 9574) granting an increase of pension to John H. Lennon;

A bill (H. R. 10340) granting an increase of pension to George F. Major;

A bill (H. R. 6973) granting an increase of pension to Simeon Billings;

A bill (H. R. 8715) granting an increase of pension to Alice A. Siverd;

A bill (H. R. 12094) granting an increase of pension to James T. McKinstry;

A bill (H. R. 5912) granting an increase of pension to Alexander S. Bowen;

A bill (H. R. 6062) granting an increase of pension to Alvin Gray;

A bill (H. R. 5888) granting an increase of pension to Mary Irene Rosenthal; and

A bill (H. R. 12202) granting an increase of pension to John Baughman.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4244) to incorporate the Washington Sanitary Housing Company, reported it with an amendment, and submitted a report thereon.

Mr. MCCOMAS, from the Committee on the Judiciary, to whom was referred the bill (S. 4196) to provide for the distribution of the reports of the United States circuit court of appeals and of the circuit and district courts, reported it with amendments, and submitted a report thereon.

Mr. FORAKER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2654) to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia," reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4938) regulating the use of telegraph wires in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9682) granting an increase of pension to Philip Loney;

A bill (H. R. 10839) granting an increase of pension to John Conrad Dirschner;

A bill (H. R. 10841) granting an increase of pension to Elizabeth De Baugh;

A bill (H. R. 9079) granting a pension to Elizabeth Davison;

A bill (H. R. 7792) granting an increase of pension to Lazarus Minnich;

A bill (H. R. 12491) granting an increase of pension to Peter Scott;

A bill (H. R. 12363) granting an increase of pension to Charles H. Barnard;

A bill (H. R. 6931) granting a pension to Sarah A. McCann;

A bill (H. R. 6530) granting an increase of pension to Thomas Williams;

A bill (H. R. 6966) granting an increase of pension to Roxana S. Ker;

A bill (H. R. 8481) granting an increase of pension to Maggie E. Carter;

A bill (H. R. 9929) granting an increase of pension to Frederick K. Bryan;

A bill (H. R. 11011) granting an increase of pension to John Linn; and

A bill (H. R. 10924) granting an increase of pension to Cline Morris.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. QUAY on the 5th instant, removing the restriction in the existing law limiting the cost of a site for a public building at Oklahoma City, Okla., reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 4955) to provide for the appointment of an additional assistant appraiser at the port of Boston, reported it with an amendment.

He also, from the same committee, reported an amendment providing that all limitations as to the amount of subsidiary silver coinage that are outstanding are hereby removed, intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

L. S. WATSON MANUFACTURING COMPANY.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 5188) for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass., to report it without amendment.

Mr. HOAR. I ask unanimous consent that the bill may now be put on its passage. It is only three or four lines long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the L. S. Watson Manufacturing Company, of Leicester, Mass., $423.17, being the amount of the fines paid by them by reason of an undervaluation of certain heddles imported by them.

Mr. HOAR. I understand it is desired that a brief statement of the bill should go into the RECORD. I can state it in about two sentences if I may be allowed to do so. I know all about it.

The gentlemen named in this bill are near neighbors of mine. I have known the family for three generations. They are men of the very highest respectability. They made a small importation of heddles, a device used in manufacturing machinery which they manufacture, and after the heddles came over they received a letter from their correspondent in England that the price had fallen very much, and they did not know whether to make out the invoice at the higher price which the goods had hitherto borne or at the lower price.

These people went to the collector of the port and told him the facts, and said they would like to make their invoice at the higher price and then apply for a remission of the duty. The deputy collector at Worcester, where I live, said: "You can not do that; there is no law that permits you to do it. You put in a pro forma invoice at the lower price, and then if it turns out that you are not entitled to import the article at that price, you can afterwards pay the difference." So they did, and the matter went on, and they learned afterwards that they were mistaken in supposing that they were entitled to the benefit of the fall.

This matter never would have been heard of or thought of by the collector or anybody else, but the importers went voluntarily to the custom-house and paid the deputy the difference in duty. It was sent to the custom-house in Boston, of which Worcester is a branch, and the collector there said: "There is not any discretion whatever in the law. You will have to pay a fine. The only way to be will be for me to report the matter to the Secretary of the Treasury and ask him to remit it."

The Secretary of the Treasury, on examining the matter, said the law was imperative; that they had made too low a valuation, and that there was no power, except in an act of Congress, to prevent him from exacting a fine, but that he would write a letter stating that the matter was without their fault; that the fine ought not to be exacted; that there was no blame on their part whatever, and that he only exacted the fine because the letter of the law was imperative. The amount is only two or three hundred dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. PERKINS introduced a bill (S. 5299) granting an increase of pension to Ellen F. Fish; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCCOMAS introduced a bill (S. 5300) for the refunding of money paid for stamps by the distillers of Baltimore city, Md., upon whisky destroyed in the fire of February 7 and 8, 1904, and

for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. MONEY introduced a bill (S. 5301) for the relief of the Christian Church of Corinth, Miss.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 5302) granting a pension to Sarah B. Atwater Ward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 5303) to pay Elizabeth A. Ballew $100 for cattle taken by United States soldiers in October, 1865; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5304) for the relief of the heirs of George T. Howard; which was read twice by its title, and referred to the Committee on Claims.

Mr. PETTUS introduced a bill (S. 5305) for the relief of T. F. Crawford; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5306) to amend certain sections of Title LII of the Revised Statutes of the United States, entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes; which was read twice by its title, and, with the accompanying papers, which were ordered to be printed, referred to the Committee on Commerce.

Mr. PLATT of Connecticut introduced a bill (S. 5307) to wind up the affairs of the Seminole tribe of Indians, in Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SPOONER introduced a joint resolution (S. R. 66) directing the Secretary of the Treasury to adjust the claim of certain enlisted men of the Second Wisconsin Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS submitted an amendment proposing to appropriate $50,000 for the improvement of the grounds within the Presidio Military Reservation at San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a station on the Pacific coast for the investigation of problems connected with the marine fishery interests of that region, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

He also submitted the following amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate $200,000 for the purpose of removing the quarantine station at San Diego, Cal., to a new site, and the erection thereon of buildings, wharves, and other improvements;

An amendment proposing to appropriate $15,000 to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;

An amendment authorizing the establishment of a life-saving station at or near Halfmoon Bay, south of Point Montara and near Montara Reef, California;

An amendment proposing to appropriate $225,000 for the construction of a steam vessel for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii;

An amendment proposing to appropriate $200,000 for the construction of buildings necessary for an immigrant station at the port of San Francisco, Cal.;

An amendment providing for the establishment of a life-saving station at Nome, Alaska, and extending the thirteenth life-saving station district to include the coast of Alaska;

An amendment proposing to appropriate $5,500 for the construction of quarters for a light keeper at Cape Mendocino, California;

An amendment providing that the light vessels now being built in New York and New Jersey shall be delivered to the inspector of the twelfth light-house district at San Francisco, and providing for the payment of the unexpended balances for building the same; and

An amendment proposing to appropriate $12,000 for establishing a fog-signal station at Quarry Point, Angel Island, Bay of San Francisco, California.

Mr. BARD submitted an amendment proposing an appropriation for the purpose of acquiring title to certain land in California in order to preserve the groves of mammoth trees known as the Sequoia gigantea, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Idaho, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAY submitted an amendment proposing to appropriate $90,000 for constructing, equipping, and outfitting a light-ship to be placed at the outer bar of Brunswick, Ga., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. NELSON submitted an amendment providing that the Light-House Board shall arrange the ocean, Gulf, lake, and river coasts of the United States into light-house districts, not exceeding eighteen in number, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $130,000 for the construction, under the direction of the Secretary of Commerce and Labor, of a light-house and buoy tender for use in the eleventh light-house district, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $180,000 for the purchase of a military post at or near Columbus, Ohio, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUARLES submitted an amendment proposing to appropriate $75,000 for establishing, under the direction of the Secretary of Commerce and Labor, at or near the city of Milwaukee, Wis., a depot for the engineer of the ninth light-house district, including the purchase of a site therefor, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McCOMAS submitted an amendment proposing to appropriate $30,000 for acquiring, under the direction of the Secretary of the Treasury, a suitable site for a depot for the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $200,000 for continuation of building of the custom-house, Baltimore, Md., etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SISSETON AND WAHPETON BANDS OF INDIANS.

On motion of Mr. GAMBLE, it was

Ordered, That the decision of the Court of Claims No. 22324, the Sisseton and Wahpeton Bands of Dakota or Sioux Indians *v.* The United States, be printed as a document and referred to the Committee on Indian Affairs, to accompany S. 5178.

ADULTERATED FOODS, DRUGS, ETC.

Mr. HEYBURN. I offer a resolution which I ask may be read and lie on the table, subject to call.

The resolution was read, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to make a report to the Senate of all investigations of adulterated foods, drugs, and liquors made under the provisions of paragraph 2 of the act of March 1, 1899, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1900."

The PRESIDENT pro tempore. The Senator from Idaho asks that the resolution may lie on the table subject to his call. Is there objection? The Chair hears none, and that order is made.

Mr. HEYBURN. I offer a resolution, which I ask may also lie on the table subject to call.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to send to the Senate a statement as to all examinations of medicines and drugs made under the provisions of sections 2933, 2934, 2935, 2936, 2937, 2938, and 2939 of the Revised Statutes of the United States at the port of New York during the last calendar year.

The PRESIDENT pro tempore. The Senator from Idaho asks that this resolution may lie on the table subject to his call. Is there objection? The Chair hears none, and that order is made.

PEEDEE RIVER (S. C.) IMPROVEMENT.

Mr. LATIMER submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and required to cause to be made forthwith a survey of that portion of Great Peedee River, in the State of South Carolina, lying between the Atlantic Coast Line Railroad bridge, in Marion County, and the city of Cheraw, with a view to improve the navigation of that part of said river by cutting across several bends or loops, thereby shortening the length and deepening the channel at those points, and that report be made as to the practicability of said work and its probable cost.

REGULATION OF BATHS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 10063, "An act to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. H. GALLINGER,
H. C. HANSBROUGH,
THOMAS S. MARTIN,
Managers on the part of the Senate.

J. W. BABCOCK,
S. W. SMITH,
Managers on the part of the House.

The report was agreed to.

MISBRANDING OF SALMON FISH.

Mr. FULTON. I ask unanimous consent to call up and have considered at this time the bill (S. 220) prohibiting the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, any misbranded salmon fish prepared or intended for use as an article of food. The bill has been heretofore read.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. GALLINGER. I think the bill had better be read again. I have certainly forgotten it, if it was ever read.

The PRESIDENT pro tempore. The bill has heretofore been amended. The bill, then, will be read as amended.

Mr. KEAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Alger,	Dolliver,	Kean,	Newlands,
Allee,	Dryden,	Kearns,	Overman,
Allison,	Dubois,	Kittredge,	Perkins,
Bacon,	Elkins,	Latimer,	Pettus,
Ball,	Fairbanks,	Lodge,	Platt, Conn.
Bard,	Foraker,	Long,	Proctor,
Beveridge,	Foster, La.	McComas,	Quarles,
Blackburn,	Foster, Wash.	McCumber,	Quay,
Burnham,	Frye,	McEnery,	Scott,
Burrows,	Fulton,	McLaurin,	Simmons,
Clay,	Gallinger,	Mallory,	Smoot,
Cockrell,	Gamble,	Martin,	Spooner,
Culberson,	Gibson,	Millard,	Stewart,
Cullom,	Hansbrough,	Mitchell,	Stone,
Daniel,	Heyburn,	Money,	Teller,
Dick,	Hoar,	Morgan,	Warren.
Dillingham,	Hopkins,	Nelson,	

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present. The Secretary will read the bill as amended.

The bill as amended was read, as follows:

Be it enacted, etc., That the introduction into any State or Territory or the District of Columbia or Alaska, from any other State or Territory or the District of Columbia or Alaska, or from any foreign country, or shipment to any foreign country, of any salmon fish prepared or intended for use as an article of food which is misbranded within the meaning of this act is hereby prohibited; and any person who shall knowingly ship or deliver for shipment from any State or Territory or the District of Columbia or Alaska, or to any State or Territory or the District of Columbia or Alaska, or to any foreign country, or who shall knowingly receive in any State or Territory or the District of Columbia or Alaska, or who, having knowingly received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person, any such misbranded salmon fish, or any person who shall knowingly sell or offer for sale in the District of Columbia or Alaska or the Territories of the United States any such misbranded salmon fish, or who shall knowingly export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $200 for the first offense, and for each succeeding offense not exceeding $300, or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 2. That for the purposes of this act salmon fish shall be deemed to be misbranded if the package containing it, or its label, shall bear any statement regarding the species of the salmon fish therein contained, or the river or other body of water or locality where the fish therein contained was caught or the season when caught, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory or District or locality therein in which such fish was caught or canned, pickled, cased, boxed, barreled, or otherwise packed.

Mr. TELLER. Mr. President, is the bill before the Senate?

The PRESIDENT pro tempore. It is before the Senate as in Committee of the Whole under unanimous consent. An objection can be made at any time.

Mr. TELLER. I do not desire to object to this bill. I desire simply to say a word or two whenever the Senate is in a condition where one can be heard. I know something of the bill, because I have a copy of it before me. Otherwise I should not know anything about it, nor could anyone else.

The PRESIDENT pro tempore. The Senate will please be in order. The bill was read as amended. Quite a large number of amendments were made on a former day.

Mr. TELLER. I merely wish to say that I presume the amendments will be acceptable. I do not intend to enter into any discussion of the bill. It is in keeping with other legislation before the Senate now, which I suppose we will have up in a day or two. I only want to call the attention of the Senate to the bill as it came from the committee, which indicates to me that at least the committee which had the bill in charge reported it without any serious consideration whatever.

The bill as it came from the committee, and as it would have passed the Senate but for an objection, would have made it possible for every person buying a can of salmon anywhere in the United States to be proceeded against by the General Government for buying a misbranded can of salmon. It would have enabled any informer, any person so disposed, to have brought every purchaser of salmon and every seller of salmon in the United States before some officer of the United States for an infringement of this law.

Mr. FULTON. Will the Senator allow me to interrupt him?

Mr. TELLER. I will.

Mr. FULTON. Do I understand the Senator to say that the bill applies to purchasers of salmon at retail?

Mr. TELLER. The bill speaks for itself.

Mr. FULTON. I call the Senator's attention to the fact that it applies only to those who purchase salmon in bulk; and I also call the Senator's attention to the fact that the amendments have, I think, removed every objection to the bill.

Mr. TELLER. I am not speaking about the amendments, if the Senator will allow me to proceed.

Mr. FULTON. I beg the Senator's pardon.

Mr. TELLER. I could have objected to the bill and have put it over. I did not propose to do that.

Mr. FULTON. The Senator, then, is not objecting to the bill as amended?

Mr. TELLER. I am speaking of the bill as it came from the committee. I am speaking of the bill as it came very near passing the Senate. I am speaking of it as I am going to refer to other bills that have passed or will pass the Senate without any attention whatever on the part of the Senate.

This bill is called up this morning, and not 3 per cent of the Senate are paying any attention to the bill; and they would not if it should have passed. The bill has been amended because there was objection to it the other day. The committee can take no merit to themselves for the amendment. The amendment has made a great improvement in the bill. The bill made it possible to prosecute any person who should not knowingly sell a misbranded can of salmon, whether it was in bulk or whether it was not. In my judgment, Mr. President, the seller of a single can of salmon might have been brought in and prosecuted under the measure as it came from the committee. I do not affirm that the mover of the bill intended any such purpose, but the careless way in which these things are done is what I want to call attention to this morning.

Mr. President, for myself I do not believe in national legislation that interferes with business and commerce in the buying and selling of the products of the country unless it is a case where there is a considerable demand for it. Because there may be an abuse in some section of the country it does not justify us to fill our statute books with statutes that are practically statutes in restraint of trade and commerce.

Of course it will be an offense under this statute, when it becomes a law, for a man who catches salmon in some stream in Alaska to brand it as coming from the Columbia River. That is a fraud, of course, on the purchaser. It may be that the salmon is just as good when taken from that stream as when taken from the Columbia River, but the Columbia River salmon may have a reputation that the other does not have. No great harm is done in such a case. It is not a case of misbranding food that has been poisoned or improperly put up. It is not one of those cases where, in my judgment, the evil to be remedied is one that calls for national legislation.

The bill as amended will doubtless remove some of the objections that I and other Senators who looked at it had; and yet, notwithstanding that, in my opinion, it is a class of legislation which ought to be avoided.

Mr. SPOONER. Mr. President, I should like to ask the Senator from Oregon what is the specific evil, if there be one, sought to be remedied by this bill?

Mr. FULTON. The evil sought to be remedied is this: As the Senator is aware, all along the Pacific coast there are many streams frequented by salmon, and on each of those streams, or most of them, will be found packing houses engaged in the business of canning the salmon and packing it. Several of the streams are noted for the superior quality of the fish that frequent their waters, and those fish have a high reputation in the market, while

other and smaller streams are frequented by a very inferior quality of fish; they are easily taken and taken at little expense. The takers and packers of the inferior fish have for many years—I do not say that all of them, but some of them—been engaged in the practice of packing the fish and labeling them as being the superior quality of fish.

For instance, Columbia River salmon are the best known and admittedly the finest salmon in the market. Those are the Columbia River royal chinook salmon. The next grade to that, and scarcely inferior, is what is known as the Puget Sound sock-eyed salmon. Both of these fish have a high standing in the market and command a better price than any other salmon fish. Yet there are put up every year thousands of inferior salmon which are labeled as being these superior fish.

Now, the false labeling is not confined to the packers, but the purchasers in the East buy the salmon by carloads unlabeled. They have the salmon shipped to them unlabeled. They then furnish their own labels, and they represent them as being the first-class fish, when, of course, they are inferior. A fraud is thereby perpetrated on the consumer and on many of the retail sellers of the salmon. I have in mind a case that came within my own personal knowledge a few months ago, where a grocery firm in one of the eastern cities contracted with a firm of packers of salmon in Alaska to pack them 2,500 cases of Alaska salmon and to label them "Puget Sound fancy sock-eyed salmon."

As the Senator from Colorado says, the evil to be remedied is not so great as one where poisonous articles are put in food or articles deleterious to health, but the evil is a very considerable one; and it seems to me there can be no legitimate objection to the bill, because it is simply in the interest of honest trade and honest representations and branding.

Mr. SPOONER. Mr. President, I agree very much with the Senator from Colorado that Congress is passing too many laws rather paternalistic in their character and tending somewhat to restrict trade in articles which are innocuous in themselves.

I have had some difficulties about this bill, which I looked over at the request of the Senator from Oregon. So far as the misbranding of Alaska salmon is concerned, that is a matter with which Congress may very properly deal in a criminal enactment, because there is no legislature in Alaska, and we legislate as completely for Alaska as we do for the District of Columbia. I think an act ought to be passed prohibiting, with adequate penalties, the misbranding of Alaskan salmon as Columbia River salmon, to prevent the fraud which was suggested by the Senator from Oregon.

Of course, so far as the State of Washington is concerned, and so far as the State of Oregon is concerned, those States are absolutely supreme in their legislative power as to police regulations, and those States do not need at all to invoke the exercise of Federal power to prevent the misbranding of salmon or other commodities within those States by citizens of those States. That is strictly the business of the State.

Now, the Senator suggests another difficulty. He wants to have this bill passed in order to prevent consignees in the East who have received salmon properly branded from perpetrating a fraud upon the local markets by misbranding there. That is not interstate commerce, as I understand it.

Mr. FULTON. Will the Senator allow me?

Mr. SPOONER. Certainly.

Mr. FULTON. The large houses in the East—we will say in Chicago or New York—buy in large quantities, and then they distribute throughout the different States. A New York house may buy 10,000 cases of salmon. That house distributes those cases of salmon throughout the South, the East, and the North in different States. There is where the interstate-commerce principle would be involved.

The PRESIDENT pro tempore. The Chair takes this opportunity to remind Senators that on any bill which is taken up from the general Calendar between the close of the routine business and 2 o'clock discussion is to be limited under Rule VIII to five minutes, and only one speech by one Senator.

Mr. SPOONER. I have exhausted, I infer from the gentle intimation of the Chair, my five minutes.

The PRESIDENT pro tempore. The Senator had not.

Mr. TELLER. Mr. President, can the bill be objected to under the rule now?

The PRESIDENT pro tempore. At any time.

Mr. TELLER. I object to the further consideration of the bill, if that rule is to be applied.

The PRESIDENT pro tempore. Objection being made, the bill retains its place on the Calendar.

Mr. FULTON. I appeal to the Senator from Colorado to allow the bill to be proceeded with.

Mr. TELLER. I wish to suggest to the Senator that if he wants his bill to be proceeded with, he must move to take it up, and then it will not be under the five-minute rule.

Mr. FULTON. Then I move that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Oregon moves that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The motion was agreed to.

Mr. FAIRBANKS. That does not displace the unfinished business?

The PRESIDENT pro tempore. It does not. The bill is before the Senate as in Committee of the Whole.

Mr. TELLER. I understand that the Senator from Wisconsin has the floor.

Mr. SPOONER. Mr. President, I had about concluded what I intended to say. The whole subject—I do not speak with respect to this bill only, but of the constant attempts to pass bills of this nature—leads me to think that we ought to very carefully scrutinize such bills. I am not certain at all that this bill does not need an amendment, which I have not had time to draw.

Mr. PLATT of Connecticut. I should like to call attention to one clause in this bill for the purpose of having it explained. I shall have to read more than I wish to call attention to. Beginning on line 2, page 2, I find this language:

> And any person who shall knowingly ship or deliver for shipment from any State or Territory or the District of Columbia or Alaska, or to any State or Territory or the District of Columbia or Alaska, or to any foreign country, or who shall knowingly receive in any State or Territory or the District of Columbia or Alaska, or who, having knowingly received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person, any such misbranded salmon fish—

shall be punished, etc. That is, the persons in a State who have received salmon, which has been sent into the State, knowing it to be misbranded, will be punished under United States laws, and not under State laws.

Mr. FULTON. Mr. President——

Mr. PLATT of Connecticut. One moment, please. What I wish to call attention to is this: Whether we can enact laws to punish in the States persons for offering to sell or for selling misbranded fish which they know to be misbranded? I wish to call attention to that. I do not say whether we can or not.

Mr. FULTON. Mr. President——

Mr. McCUMBER. May I just answer the question propounded by the Senator from Connecticut?

Mr. FULTON. Certainly.

Mr. PLATT of Connecticut. I shall be very glad to have the Senator from North Dakota do so.

Mr. McCUMBER. I think it has been decided in a large number of cases that the jurisdiction of Congress, under the clause of the Constitution which gives Congress control over interstate commerce, gives it authority not only over the moving of an article from one State to another but over the article itself during the time it is being transferred from one State to another, as long as it remains in the original unbroken packages, and may prohibit its sale in the original unbroken packages; that after the original package has been broken, then it becomes the property of the State and subject to the local jurisdiction of the State; but so long as it remains in unbroken packages Congress, by appropriate legislation, may control its disposition.

Mr. TELLER. I have a general objection to this kind of legislation. I do not care to go into it in detail, because it seems to be the policy nowadays to indulge in such leg slation.

Even if the Senator from Oregon [Mr. FULTON] is correct about the evils to be remedied, this bill is certainly a violation of the rights of the States. He suggests that it is the custom to send large quantities of salmon to New York and there they are misbranded. When a consignee has the salmon in his control, all power, so far as the United States Government is concerned, ceases, and it has nothing further to do with it, whether it is in an unbroken package or a broken package. If they send the salmon into Connecticut, then they may bring themselves within the interstate-commerce act or the power of the General Government in that particular. But suppose they sell the salmon in New York City—it would not be an unusual thing for a large dealer to sell a carload there—and whether it is sold to wholesalers or to individual purchasers it would be the same thing; there can be no offense against the United States law by such an act as that.

Mr. President, this bill is not properly drawn; it is not carefully drawn; it is not drawn with that care that we should take in dealing with such important questions.

This is not a mere technical question; it is not a very small question when Congress assumes the power to interfere with the commerce of a State, when Congress says to the people of a State you can not sell under this condition, that, or the other. We have no control over that, unless we can bring the matter under the provisions of the Constitution with reference to commerce between the States. This bill goes beyond that. Of course, it may be true that the courts would say if anybody was indicted under

this bill, if it should become a law, that it was invalid in that particular.

But, Mr. President, the Congress of the United States ought to be careful as to the character of its legislation touching the rights of the States and the rights of people within the States. This is a sample, and a fair sample, of the modern system of legislation. We have had some other legislation of the same character at this session.

I have no doubt, Mr. President, that this bill will pass, though it is aimed at an evil of which nobody ever heard, except perhaps it might be the Senators from Oregon and possibly the Senators from some other States in that vicinity. It may be very questionable whether there is any evil in it or not.

Mr. MITCHELL. Does the Senator from Colorado deny that an unbroken package, which comes within the purview of the commercial clause of the Constitution, on its way through several States, does not still remain under the purview of that provision after it reaches its destination so long as it remains an unbroken package?

Mr. TELLER. I do not deny that.

Mr. MITCHELL. Very well.

Mr. TELLER. I do not deny that courts have decided as to that——

Mr. SPOONER. If the Senator will allow me——

Mr. TELLER. I was going to say that it was not where the party buys it with the intention of shipping it, but where the party buys it for his use, for the purpose of breaking the package or selling it in the package if he sees fit. The interstate commerce ceases when it gets into his personal possession. I understand that.

Mr. SPOONER. I understand the courts to hold that where a package has been in interstate commerce and has been delivered to the consignee in a State Congress has no legislative control over it so as to punish within the State for any misuse of it. My recollection is that the decision went to that extent.

Mr. MITCHELL. That was as to liquor. We have a statute on the statute books to-day, and an attempt is now being made to amend it, perhaps a proper one, which relates to liquors. The Supreme Court of the United States held that as to one of those interdicted packages after it arrives within the State boundary it can be by the State destroyed, but this only by virtue of an act of Congress permitting it, or for the moment conceding this power to the State.

Mr. TELLER. Under the State law?

Mr. MITCHELL. That is after the liquor has been received by the consignee. But without this provision of Congress given the State the package unbroken would remain an interstate package. In other words, an interstate package remains subject to the commercial clause of the Constitution after it reaches its destination State, so long as the original package is unbroken.

Mr. SPOONER. The Senator refers, I suppose, to the original-package decision?

Mr. MITCHELL. Yes.

Mr. SPOONER. But the court held in that case that after the article reached the consignee in the State, until the original package was broken it was subject to the interstate-commerce law, and after the passage of the Wilson bill it was under the State law. But I never heard of any decision of the Supreme Court of the United States that it was within the power of Congress, after an article had been carried from State to State and had been delivered in the original package to the consignee, to impose penalties for its use or misuse by the consignee in the State.

Mr. TELLER. That is, while it remains in his possession; until he puts it in transit again.

Mr. FULTON. I ask if the original-package decision was not to this effect: First, that so long as the article remains in the original package it is still the subject of interstate commerce and not subject to State control and regulations. That was the law until Congress passed the act consenting that when the original package has reached the State it might become subject to its police regulations. That is my recollection.

Mr. SPOONER. The courts long ago held that an original package, after it had been received by the consignee, became subject to the taxing power of the State. That decision has never been departed from at all; but it is true that under that decision the State has the right to impose taxes under the legislation of Congress.

Mr. FULTON. They held that the article was not subject to seizure until delivered to the consignee.

Mr. SPOONER. Yes; then Congress passed the Wilson Act, under which the decision of the Supreme Court was made—I have always doubted the correctness of it—that after the article was delivered to the consignee in the original package it was subject to State law, if he offered it for sale in the State, but never beyond that.

Mr. TELLER. And subject to the police powers of the State.

Mr. SPOONER. Certainly.

Mr. TELLER. Mr. President, I do not think there is any authority anywhere that would say that when a man buys salmon and delivers it into his warehouse it is any longer subject to the interstate-commerce laws or under the control of Congress. It can be founded on no principle whatever. If such goods are in the warehouse but temporarily and the consignee starts them again, thus placing them in interstate commerce, the interstate law comes in and takes effect.

Mr. PLATT of Connecticut. That is, if he starts the goods to go out of the State.

Mr. TELLER. If he starts them out of the State; say from New York to Connecticut.

Mr. PLATT of Connecticut. But he can send them anywhere in the same State.

Mr. TELLER. He can send them the length and breadth of the State of New York without any interference from anybody except the State.

Mr. FULTON. If the Senator will allow me, I do not think there is anyone who is making any different contention. I do not think it is contended, and I do not think the language of this bill would justify the contention, that the consignee would incur any of the penalties of this law by falsely labeling after receiving the salmon and selling it within the State where he received it.

Mr. PLATT of Connecticut. But he incurs a penalty by selling it within the State where he receives it without any false label.

Mr. FULTON. Not by this bill.

Mr. PLATT of Connecticut. Let us see. The bill reads—

or who shall knowingly receive—

That is, from outside of the State or Territory—

shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any person any such misbranded salmon fish—

Shall be punished.

Mr. FULTON. That is, if the Senator will allow me, salmon that was shipped to him misbranded, which was an article of interstate commerce when he received it and was misbranded.

But I was speaking a moment ago to the illustration offered by the Senator from Colorado [Mr. TELLER], when he was suggesting that a man might receive salmon properly branded or nonlabeled, falsely label it, and then sell it within his own State. I say this bill does not reach such a case as that. This bill does cover the case, however, of a person receiving from another State falsely branded or labeled articles, then offering to sell them or receiving them for sale or offering to sell them.

Mr. HOAR. I should like to ask the Senator a question somewhat in the line of what the Senator from Connecticut [Mr. PLATT] was saying. I ask whether, under the language in lines 9 and 10, when this thing passes through ten hands in a State, could not each one of those ten persons, under this bill as it is now, be punishable under it, if he has knowingly received misbranded fish, or even if any one of those people has put a false brand on those received from another State? The bill says where a man may have received salmon fish from another State, anywhere——

Mr. FULTON. That relates back to another State.

Mr. HOAR. I know that is what it means to do, but I want to see whether it does. I am afraid the Senator is wrong.

Mr. FULTON. I think not. This is the language of the bill:

And any person who shall knowingly ship or deliver for shipment from any State or Territory or the District of Columbia or Alaska, or to any State or Territory or the District of Columbia or Alaska, or to any foreign country, or who shall knowingly receive in any State or Territory or the District of Columbia or Alaska, or who, having knowingly received, shall deliver in original unbroken packages for pay or otherwise, or offer to deliver to any other person, any such misbranded salmon fish, or any person who shall knowingly sell or offer for sale in the District of Columbia or Alaska or the Territories of the United States any such misbranded salmon fish, etc.

The language is "any such"——

Mr. HOAR. It seems to me my honorable friend is awfully overworking that word "such."

Mr. FULTON. I think that word "such" is performing a good and proper function, and a very plain one, because it relates back strictly to the salmon which has been prohibited, and the prohibited salmon is the salmon that has been misbranded. If the shipment is into another country, it says, "any such salmon"—that is, any such misbranded salmon.

Mr. HOAR. I understand that. In other words, any person who introduces into a State a misbranded article, or any person who knowingly ships from a State a misbranded article, or any person who sells within a State to another man such misbranded article—the word "such" would not grammatically imply that it was a misbranded article that had already been once subject of an offense.

Mr. FULTON. Will the Senator allow me right there?

Mr. HOAR. In a moment. The fact of misbranding an article implies that it is a fraudulent article. It seems to me, with all deference to the Senator, that it is hardly worth while to resist

the introduction of a single word where the introduction of such a word might prevent difficulty and doubt about the matter.

Mr. FULTON. If the Senator will offer such language as will accomplish that, I shall be very glad to accept it.

The PRESIDENT pro tempore. Will the Senator from Colorado [Mr. TELLER] inform the Chair whether or not he has the floor?

Mr. TELLER. I supposed I had it.

Mr. HOAR. May I have the opportunity of moving an amendment?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. TELLER. I do.

Mr. HOAR. I move to insert after the word "fish," in line 10, the words "so unlawfully imported into any State or Territory." That will cure the whole difficulty.

Mr. FULTON. I will accept that amendment.

Mr. TELLER. Mr. President, if a man knowingly receives misbranded salmon under this proposed act, he incurs a penalty. He pays that penalty. The property is his absolutely. Now, what right does Congress have to say, "It is true this article was unlawfully transported, but the man has paid the penalty for that; and if he sells this property to anybody in his neighborhood, he shall pay another penalty?"

I submit, Mr. President, to the lawyers of this Senate that this bill is not one that ought to be passed.

Mr. FULTON. I do not understand the Senator's point. Will the Senator please be a little more clear?

Mr. TELLER. I do not know that I can make it any clearer than I have done.

Mr. FULTON. It is doubtless due to my own dullness; but if the Senator will restate it, perhaps I may be able to understand it.

Mr. TELLER. The trouble grows out of the fact that there is not a disposition here to maintain the distinction between the right of this Government to make offenses in the States and offenses in the Territories. We are unlimited in our power over Alaska, but we are limited absolutely in our power over the States. The only power that we can assert in a matter of this kind is where an article is the subject of interstate commerce. When it ceases to be the subject of interstate commerce it is no longer under the jurisdiction or control of the United States, and the man who has illegally transported it to his warehouse and paid the penalty for such illegal act can not, because it was illegally transported there, in addition to that be compelled to pay a penalty for selling it. That is what you have provided for in this bill.

Mr. President, no bill of this character should pass until it has had the careful consideration of this Senate and the careful consideration of a committee. We are filling our statute book with laws that can not be defended; and when another proposed measure comes here, we are cited to another statute that we have passed on some other occasion by unanimous consent and practically without any consideration of this body; and I assume, Mr. President, it receives, if anything, less consideration in another place.

The enactment of this bill may not lead to a great deal of commercial disturbance; it may be one of those things that will be a violation of law on our part and yet no great disaster follow; but step by step we are destroying the relations between the States and the General Government in reference to commerce, as we ar in reference to almost everything else.

Mr. SPOONER. Just a word, Mr. President. I agree with the Senator from Colorado [Mr. TELLER] in his contention and with the Senator from Connecticut [Mr. PLATT] as to what I think the unconstitutionality of one provision of this bill, although I would not say that all the provisions of the bill are obnoxious to constitutional requirements. I do not understand that the Supreme Court of the United States ever has held, and I do not believe that the Supreme Court of the United States ever can hold, that it is in the power of Congress, after an article has been transported into a State and delivered to the consignee, so as to become commingled, as the court in many cases has said, with the general mass of property in the State and subject to taxation by the State, to punish a man for anything he does with reference to it in the State, unless, perhaps, it be when putting the article immediately again into interstate commerce.

About that there might be question; but it seems to me very clear, assuming this bill to be entirely constitutional so far as it relates to interstate commerce proper, that after these misbranded salmon have arrived at their destination, have been delivered to the consignee, and have become his absolute property, so that he can be taxed on them, so that they are subject to levy for the payment of his debts, it is beyond the power of Congress to prohibit him by a penal law, enforcible in the Federal courts, from selling them or giving them away in the State.

Mr. FULTON. Does the Senator mean that the power of Congress ceases to regulate or control an article of merchandise that has passed from one State into another after it has been delivered to the consignee?

Mr. SPOONER. Yes; after it has been delivered to the consignee.

Mr. FULTON. Then it seems to me, according to the Senator's contention, the only time Congress has any control over it is when it is in transit.

Mr. SPOONER. Congress has control of it until it has ceased to be an article of interstate commerce.

Mr. FULTON. That would practically leave Congress without power to enforce any law that it may pass, if it can not deal with an article from the point of starting. For instance, Congress may say that a certain article may not enter into interstate commerce——

Mr. SPOONER. Congress may punish——

Mr. FULTON. If the Senator will allow me, there certainly are some articles which Congress has the power to prohibit from entering into interstate commerce, or at least from entering into interstate commerce in certain conditions. If Congress can not provide for the seizure of that article on its delivery, then any article that can run the gantlet and get from one State to another over the transportation lines is perfectly safe.

Mr. SPOONER. No, Mr. President; Congress has a right to regulate interstate commerce. Congress has a right to punish the violation of a law which Congress may lawfully enact as to interstate commerce, no matter where or in what State the person may be found who has violated the Federal law. That is unquestioned.

Mr. FULTON. I will ask the Senator, then, if that be true and the article is sent in violation of that act of Congress, why may not Congress seize the article or deal with the party who knowingly violated the law?

Mr. SPOONER. Congress may deal with an article so long as it is interstate commerce.

Mr. FULTON. Or deal with the party who knowingly receives and sells such an article.

Mr. SPOONER. Or deal with the party who has violated the act of interstate commerce. But how long is the article to be considered a part of interstate commerce?

Mr. FULTON. Well, certainly as long as we can go to the other end and say when does it begin. The Supreme Court has just held that interstate commerce begins in one instance when you invest money in the stock of a corporation that is engaged in interstate commerce.

Mr. SPOONER. Mr. President, the Supreme Court has decided over and over again where interstate commerce, dealing with the article of commerce itself, began. They decided it in the New Hampshire case. They decided where it begins, and they decided where it ends. Let me ask the Senator this question: Congress makes certain regulations relative to the transportation of nitroglycerin. That is a very dangerous article—dangerous to commerce while it is being transported—dangerous to life. It is a part of commerce while being transported from State to State. Does the Senator contend that Congress would have the power to provide the manner in which nitroglycerin should be stored in the State after it has been delivered to the consignee?

Mr. FULTON. No, sir.

Mr. SPOONER. And had ceased to be a part of interstate commerce?

Mr. FULTON. No, sir; because that is entirely aside from the question——

Mr. SPOONER. Does the Senator claim that if the pure-food bill passes, as I presume it will——

Mr. FULTON. Will the Senator allow me to say why the instance he suggests could not be credited to interstate commerce? In the case of nitroglycerin, the Senator asked, can Congress provide how it shall be stored after it arrives in the State to which it is destined?

Mr. SPOONER. Why not?

Mr. FULTON. I say no. Why——

Mr. SPOONER. Why not, so long as it is in the original package?

Mr. FULTON. It has gone through pursuant to the rule of interstate commerce; and if it goes there in compliance and in conformity to those rules, Congress has nothing further to do with it; but if it shall go there contrary to the rules of interstate commerce, Congress may prohibit the keeping of it there.

Mr. SPOONER. Take misbranded butter. Butter lasts longer than fish; sometimes too long. If this is proper legislation to apply to salmon, it is proper legislation to apply to all food and other products transported from State to State or from a Territory to a State.

Mr. MCCUMBER. May I ask the Senator a question?

Mr. SPOONER. Certainly.

Mr. McCUMBER. On what ground did the Supreme Court hold in the Bowman case that the State of Iowa had no authority by its legislative act to prohibit the sale of liquors in original, unbroken packages? Was it not upon the ground that Congress had legislated upon the matter, and that the article itself was a subject of interstate commerce so long as it was in its original, unbroken package? Was it upon any other ground than that? And if that be true, does it not establish the fact that Congress has control over it as long as it is in the original, unbroken package and not resold in the State?

Mr. SPOONER. The Senator states the opinion with fair accuracy, not, I think, with entire accuracy, although I have not read it for a long time, but I have always supposed that that decision had some relation to the subjects which ordinarily come within the police power of a State, the manufacture and sale of liquor being one of them.

Mr. HOAR. That applies only to the original consignee, as I recollect it.

Mr. SPOONER. Certainly, it applies only to the original consignee. It did not attempt to prevent, as I recollect it, a disposition by the original consignee of the original package.

Mr. FULTON. That is all this does.

Mr. SPOONER. I do not think that is——

Mr. HOAR. Will the Senator do me a great favor by permitting me to make a suggestion?

Mr. SPOONER. I am very happy to do so.

Mr. HOAR. Possibly it may clear up the situation, at least in my own mind. Do the Senators from Oregon and North Dakota contend that a box of Cuban cigars, imported into this country five years ago, sold by the original consignee, given by the purchaser to a friend, put in his drawer for six months, and then given to somebody else, and then sold perhaps a half dozen times over, is still within the jurisdiction of the United States?

Mr. McCUMBER. I will say for one that I do not maintain that contention. I do contend——

Mr. HOAR. Then, if that be true, the doctrine which the two Senators have maintained is only that the State can deliver to the original consignee, and that the original consignee has a right to receive it as a part of interstate commerce, and that that right would be fruitless and the interstate commerce destroyed unless he were permitted to sell it in the original package or to keep it. When he breaks the original package himself, or when he parts with the ownership or control of it, then interstate commerce is over and State commerce begins, and that is precisely the rule.

There is an old New Hampshire case—and although I do not remember its name, the Senator from Wisconsin, who remembers the decisions so accurately, will—where the question came in this wise. Judge Bradley delivered the decision. A farmer was driving some cattle which he had bought in Canada, and was delaying so that they would not get to his farm until after the 1st of May in order to escape taxation. I do not remember how the case was decided. It was not a package in that case, but a drove of cattle. It was held that until that drove of cattle had got to the town which was the end of their journey and had become scattered they could not be taxed.

Mr. McCUMBER. I will say to the Senator that one must draw his conclusions not from a single decision, but from the tendency of all of the cases decided by the Supreme Court on this subject. The Supreme Court did hold in the Bowman case that as long as the property was in the hands of the original consignee in unbroken packages it was not subject to the police power or the law of the State of Iowa. They so held upon the only ground I can possibly conceive they could hold it, that so long as it was in unbroken packages and in the hands of the original consignee—that is, before it had been disposed of and had gone into the mass of the property of the State—it was a subject of interstate commerce, and therefore the laws of Congress would control it.

Now, to meet that very point Congress passed another law making liquors, for instance, subject to the jurisdiction of the State law as soon as they passed into the State, and under that law another case came up. It was the Rahrer case, with which I am certain the Senator from Wisconsin is familiar. In that case the Supreme Court, following its original reasoning, held that while an article was in an original unbroken package and in the hands of the original consignee the power of Congress to deal with it could not be denied; that notwithstanding the fact that this was a power of Congress, Congress could declare, and it had declared, by that enactment that the moment the article reached the State it should become subject to the laws of the State.

It seems to me impossible to draw any other conclusion from these two decisions than that, considering them both together, the Supreme Court has held that so long as the article which has been transported from one State to another is in the hands of the original consignee and is in an unbroken package and has not become scattered and become a part of the property of the State, Congress still has control over it. That is as far, I think, as the Supreme Court has gone; but I think it has clearly established that, because in the Rahrer case the decision states clearly that the question on which that case is decided is when an article is an article of interstate commerce and when it ceases to be interstate commerce, and they held it ceased to be interstate commerce when it had been scattered and had gone out of the hands of the original consignee or when the original package was broken, and until that time Congress had control of it. That is my understanding of the rule of those two cases.

[At this point Mr. FULTON yielded to several Senators for the transaction of morning business.]

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair will state to the Senator from Oregon that there is an amendment pending to the bill under consideration, which was offered by the senior Senator from Massachusetts. No action has been taken upon it.

Mr. HOAR. That was agreed to.

Mr. FULTON. To which bill does the Chair refer?

The PRESIDING OFFICER. The bill now under consideration.

Mr. FULTON. That was agreed to.

Mr. HOAR. It was accepted.

Mr. FULTON. It was accepted and agreed to.

The PRESIDING OFFICER. The Chair was informed by the clerks at the desk that no record had been made of the agreement to the amendment.

Mr. HOAR. Let the Chair now state that the amendment is agreed to.

The PRESIDING OFFICER. If there be no objection, the amendment proposed by the Senator from Massachusetts is agreed to. The Chair hears none, and it is agreed to.

Mr. ALDRICH. I am informed that there is upon the President's desk a communication from the Secretary of the Interior.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of the Interior, which will be read for the information of the Senate. It is in response to Senate resolution 151.

The Secretary proceeded to read the communication.

Mr. FULTON. Mr. President, I ask how long is the communication?

The PRESIDING OFFICER. The Chair is informed that it will take about ten minutes to read it.

Mr. FULTON. Then, if I understand my rights, I have the floor, and that can not be interjected. I may be mistaken.

The PRESIDING OFFICER. The Senator can, of course, insist upon his rights, but it has always been a courtesy that has heretofore been observed in the Senate to lay before the Senate a communication called for by a Senate resolution and responded to by the head of a Department. It has always been regarded as being in order. However, the Chair will be pleased to entertain suggestions on the subject.

Mr. FULTON. If I may have ten minutes' additional time, I have no objection. But the time is very limited in which this bill can be considered.

Mr. ALDRICH. Of course, if the Senator wants to proceed, and have the communication read after he has finished his argument, there is no objection to that.

The PRESIDING OFFICER. If the Senator objects, the communication will temporarily lie on the table.

Mr. FULTON. Mr. President, I am not going to take up much time. I merely wish to submit a few observations. I am very anxious, if possible, to have this bill submitted to a vote before the hour of 2 o'clock. I simply wish to say that I have not contended, nor do I think the bill would bear the construction, that any article mentioned therein will be subject to its penalty after it has left the hands of the consignee; but to contend that Congress, under the power to regulate interstate commerce, may not deal with articles of merchandise after they have been delivered to the consignee in the State in which they have been shipped, and while yet in the unbroken package, is simply to strip Congress of all power and authority to exercise the grant or delegation to it to regulate interstate commerce.

The very fact that the Supreme Court has held that Congress can protect the consignee to the extent of allowing him to receive the article before the State laws can take hold of it shows that the authority of Congress extends to the time of the receipt of the article of interstate commerce by the consignee. And if it extends that far, then it follows, it seems to me, logically that Congress may regulate still the manner in which the article shall be disposed of within certain limitations by the consignee. That is, if Congress has the power to say that the consignee has the right to receive these goods and not be interfered with in the reception of them by the operation of any State law, then it follows that the jurisdiction of Congress extends over the goods up to the time they are delivered to the consignee. If that be true, then it follows that Congress has the power to punish the consignee if he

shall receive them in violation of the regulations of interstate commerce.

Can it be said that Congress has the power to protect the consignee in his right to receive the goods shipped under interstate commerce, and yet that Congress has not the power to punish the consignee for receiving them in violation of the rules of interstate commerce?

Mr. SPOONER. I have not so contended.

Mr. FULTON. No; I do not understand that the Senator has contended for that, but it seems to me that that is the logical deduction from some of the contentions which have been made.

I wish to call the attention of Senators to what was said by the Supreme Court in the case of Gibbons *v.* Ogden:

> That the power of Congress to regulate commerce among the States and with foreign nations is the power "to prescribe the rule by which the commerce is to be governed;" that such power "is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution;" that "if, as has always been understood, the sovereignty of Congress though limited to specified objects is plenary as to those objects, the power of commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

Then again:

> In Cohens *v.* Virginia (6 Wheat., 264, 413), this court said that the United States were for many important purposes "a single nation," and that "in all commercial regulations we are one and the same people;" and it has since frequently declared that commerce among the several States was a unit and subject to national control.

Now, Congress has the same power over interstate commerce that the States have over domestic commerce. To the same extent that a State may regulate domestic commerce or the commerce within its own territory the General Government may regulate interstate commerce.

I said a moment ago, and I wish to correct that, too, because I went too far, that the Supreme Court had lately held that interstate commerce commenced in one instance when parties subscribed to stock in a corporation. Of course, that was an exaggeration of what the court held. The court held in that case that, where they were proceeding against the parties for a conspiracy, subscribing for the stock in the Northern Securities Company and taking that stock was an overt act which is one step in furtherance of the conspiracy which had been entered into to restrain interstate commerce.

The court dealt with those parties and restrained them from holding that stock under the provision of the Constitution which authorizes Congress to regulate interstate commerce.

Now, it seems to me clear that if Congress may say to individuals, "You shall not subscribe to shares of stock in a corporation, or at least you shall not vote the shares of stock in a corporation which you entered into and formed for the purpose of restricting or restraining interstate commerce, because under our power to control interstate commerce we must of necessity have the power to restrain you from taking any initiatory steps that will tend to restrain it," it follows conclusively and logically that the Congress may go to the other end of the route and say: "If you shall receive any goods that are shipped as articles of interstate commerce in violation of the laws of Congress, you shall be subjected to a penalty."

That is all this bill does, and nothing more. I submit that there can be no good reason—I say it in all deference to the Senators who seem to be opposed to it—offered why this legislation should not be had. It is simply in the interest of honest trade, honest commerce. Why there should be any objections to it I can not understand. There is no penalty imposed here for any person unless he shall knowingly violate the provisions of the proposed act. If he knowingly violates them he ought to be punished. If he knowingly puts forth goods branded falsely or labeled falsely he ought to be punished, and under no other circumstances can he be punished if this bill shall become a law.

Mr. SPOONER. Mr. President, I do not care to take any time in the discussion of this matter, but——

Mr. ALDRICH. There is an executive communication which ought to be read, if it would not delay the Senator too much.

Mr. SPOONER. I think it ought to be read, Mr. President.

PENSION ORDER OF THE INTERIOR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of the Interior; which was read:

DEPARTMENT OF THE INTERIOR,
Washington, March 28, 1904.

The PRESIDENT PRO TEMPORE,
United States Senate.

SIR: Replying to Senate resolution No. 151, I have the honor to state that an order has recently been issued regulating the administration of the act of June 27, 1890. It is not considered, however, that this Department has the authority to enlarge the provisions of that act or in any way to affect its just interpretation or that the order referred to does either. A copy of the order is contained in the report of the Acting Commissioner of Pensions, transmitted herewith.

As some misunderstanding with reference to the interpretation and purpose of this order has existed, a brief review of pension legislation and the administration thereof in this Department is submitted for the purpose of showing that the order referred to is clearly within executive authority and in conformity with existing law and the methods which have heretofore prevailed in its administration.

Before the act of June 27, 1890, no pensions were granted except upon proof that the death or disability for which the pension was sought resulted from actual service. This act, however, provided that any person who had served ninety days or more and who had been honorably discharged should receive a pension of not less than six nor more than twelve dollars per month, if proof were furnished that he was suffering from a permanent disability, not the result of vicious habits, which incapacitated him "from the performance of manual labor in such a degree as to render him unable to earn a support."

Disability, partial or complete, to perform manual labor is the sole measure of the right to a pension under this act. The element of manual labor is fundamental. If, in the adjudication of a pension claim, it shall be determined that the applicant's pensionable disabilities render him wholly incapacitated for manual labor, his pension rating will be accordingly, even though the applicant may be then occupied, with distinguished usefulness, in some field of intellectual endeavor.

It is well understood that there is a natural decay of the physical powers, due solely to age, which impairs man's capacity to "earn a support" by his own manual labor.

Not only does the act itself provide that "each and every infirmity shall be duly considered," but the decisions under it uniformly recognize the principle that disabilities due to senility alone are pensionable.

By an order (No. 241) issued by the Pension Bureau in September, 1893, a copy of which is transmitted herewith, it was determined that "in a case in which the pensioner has reached the age of 75 years his rate shall not be disturbed if he is receiving the maximum ($12), and if he is not a pensioner he shall receive the maximum for senility alone, if there are no special disabilities shown."

In the case of applicant Patrick Carroll the Department in February, 1893, decided that "old age or senility is a legal disability under the act of June 27, 1890, and the surgeons should have given their estimate of the amount of disability arising therefrom for the performance of manual labor and the earning of a support thereby."

In July, 1895, in the case of applicant Jacob Rinkle, the Department affirmed the above named order No. 241.

Later, in July, 1897, in the case of Francis Frank, it was held by the Department that "a claimant for pension under the act of June 27, 1890, who has attained the age of 65 years shall be entitled to at least the minimum rate of pension provided by that act."

Although age, in connection with other disabilities, has always been considered in determining pension ratings under the act, there has never been any uniform rule for rating the infirmities due to the element of age with the exception of the two classes named. Such ratings therefore seem to have been governed by the varying opinions of the many who have been occupied with that duty, thereby imparting to that feature of pension administration something of uncertainty and inequality.

To this fact, together with the growing importance of age conditions, is due in considerable measure the necessity for action on the line of this order specifically defining, as far as practicable, ratings from the best attainable data for infirmities due to senility.

In the administration of the pension laws and the consideration of the immense number of cases that are pending under every act it is impossible to secure uniformity and expedition in decisions without laying down convenient rules for the weighing of evidence and prima facie presumption which long experience justifies. This has been the uniform course of the Pension Bureau since its establishment.

The order in question merely lays down as a convenient rule of decision and a rebuttable presumption of fact that one who is otherwise entitled and is 62 years of age is partially disabled from earning a livelihood by his hands, that one who is 65 is more disabled for manual work, that one who is 68 is in a still greater degree incapable of earning a support by manual labor, and that one of 70 is completely disabled in this regard. Certainly such a presumption is justified by general experience in actual life.

When it is understood that in the adjudications under this act age has always been considered a factor in connection with other disabilities, and when it is further considered that for more than ten years there has been an established rating (the maximum allowed by law) based solely on the age of 75 years, and that for nearly seven years there has been an established rating (the minimum provided by law) based alone on the age of 65 years, it will be apparent how largely problematical must be any estimate of increase of expenditures under the order of March 15, 1904.

The Acting Commissioner of Pensions has given attentive consideration to the second paragraph of the resolution, and by reference to his report it will be seen that he estimates that the order of March 15, 1904, will result in an increased expenditure annually of $5,400,000.

Attention is particularly invited to this branch of the Commissioner's report, which, while it shows the processes by which this result is reached and that it is the best approximation to accuracy practicable, reveals the fact that the calculation is to some extent necessarily speculative.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., September 2, 1903.

Order No. 241.

The circular of June 12, 1893, in respect to rating case under the act of June 27, 1890, is withdrawn.

Hereafter in affixing rates under this act the medical referee or the medical officer in the board of revision shall weigh each disability and determine the degree that each disability or the combined disabilities disables the claimant from earning a support by manual labor, and a rate corresponding to this degree shall be allowed.

In cases in which the pensioner has reached the age of 75 his rate shall not be disturbed if he is receiving the maximum, and if he is not a pensioner he shall receive the maximum for senility alone, if there are no special pensionable disabilities shown.

WM. LOCHREN, *Commissioner.*

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, March 21, 1904.

The Honorable the SECRETARY OF THE INTERIOR.

SIR: In compliance with the accompanying resolution of the United States Senate I have the honor to inclose a copy of the order dated March 15, 1904, which is probably the one referred to by that honorable body.

This order does not, in the opinion of this Bureau, enlarge "the pension act of June 27, 1890, and amendments as to disabilities of applicants for pension," but simply construes said act in its application to the granting of pensions thereunder.

Inability to earn a support by manual labor, from any cause, is the guide to rating. "Pensions not exceeding $12 per month and not less than $6 per month, proportioned to the degree of inability to earn a support," is the wording of the law.

Special diseases and disabilities are not the only factors that produce inability to perform manual labor. The bodily infirmities natural to advancing age must be recognized in considering claims under the law. Manual labor alone enters into consideration, and to determine the degree of inability to earn a support thereby is a difficult problem to solve in such a way as to distribute pensions equitably to deserving applicants unless some rule for the guidance of the Bureau is adopted.

While it is an established fact that men of great age retain their intellectual capacity and mental activity in the highest degree, it is also an established fact that the man who earns his support by hard manual labor finds, at the age of 62, his ability diminishing and employment difficult to obtain.

The amount the order will "increase pensions annually, and particularly when the same shall become fully operative," can be only roughly estimated.

There are supposed to be living to-day about 875,000 ex-Union soldiers of the civil war. Of these are pensioned under the act of July 14, 1862, known as the "general law," about 265,000, and under the act of June 27, 1890, about 428,000, aggregating 693,000, which, deducted from the whole number of survivors, leaves 182,000 who have not applied for pension. To state definitely how many of this number failed to serve the required ninety days and receive final honorable discharge would be impossible. One-fourth seems a fair estimate and reduces the number to 136,500. To say that 75,000 of these have reached the age of 62 and will apply seems a reasonable estimate. If these 75,000 are all placed on the rolls at $6 a month, or $72 a year, the output for pensions will be increased $5,400,000 annually.

The pension roll is diminishing rapidly, owing to deaths of beneficiaries; and in all probability this decrease will offset any gains caused by claims of soldiers who have reached the age of 65 and upward.

I have the honor to remain, your obedient servant,

J. L. DAVENPORT, *Acting Commissioner.*

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
March 15, 1904.

Order No. ——.

Whereas the act of June 27, 1890, as amended, provides that a claimant shall "be entitled to receive a pension not exceeding $12 per month and not less than $6 per month proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown to be rated;" and

Whereas old age is an infirmity the average nature and extent of which the experience of the Pension Bureau has established with reasonable certainty; and

Whereas by act of Congress in 1887, when thirty-nine years had elapsed after the Mexican war, all soldiers of said war who were over 62 years of age were placed on the pension roll; and

Whereas thirty-nine years will have elapsed on April 13, 1904, since the civil war, and there are many survivors over 62 years of age: Now, therefore,

Ordered, (1) In the adjudication of pension claims under said act of June 27, 1890, as amended, it shall be taken and considered as an evidential fact, if the contrary does not appear, and if all other legal requirements are properly met, that when a claimant has passed the age of 62 years he is disabled one-half in ability to perform manual labor and is entitled to be rated at $6 per month; after 65 years at $8 per month; after 68 years at $10 per month, and after 70 years at $12 per month.

(2) Allowances at higher rate, not exceeding $12 per month, will continue to be made as heretofore, where disabilities other than age show a condition of inability to perform manual labor.

(3) This order shall take effect April 13, 1904, and shall not be deemed retroactive. The former rules of the office fixing the minimum and maximum at 65 and 75 years, respectively, are hereby modified as above.

E. F. WARE,
Commissioner of Pensions.

Approved.

E. A. HITCHCOCK, *Secretary.*

[Senate resolution No. 151, Fifty-eighth Congress, second session.]

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

First. Whether an order has recently been issued enlarging the pension act of June 27, 1890, and amendments, as to disabilities of applicants for pensions; and if so, to send to the Senate a copy of said order.

Second. By what amount, if any, will said order probably increase pensions annually, particularly when the same shall become fully operative.

The PRESIDENT pro tempore. The communication will be printed and lie on the table.

Mr. ALDRICH. I suggest that it be referred to the Committee on Pensions.

The PRESIDENT pro tempore. The Chair had it placed on the table for the reason that the question is as yet unsettled as to which committee will act upon this matter. The resolution of the Senator from Tennessee [Mr. CARMACK] proposes that the Judiciary Committee shall act upon it, and there is a motion pending that it be referred to the Committee on Pensions.

Mr. CARMACK. The resolution is still on the table, and I ask that the communication be separately printed.

The PRESIDENT pro tempore. It will be printed, and if there is no objection it will lie on the table, which will give Senators everything they wish without referring it to either committee.

Mr. GORMAN. That is right.

MISBRANDING OF SALMON FISH.

The Senate as in Committee of the Whole, resumed the consideration of the bill (S. 220) prohibiting the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, any misbranded salmon fish prepared or intended for use as an article of food.

Mr. SPOONER. Mr. President, I assure the Senator from Oregon that I have no hostility to this bill, but as a legal proposition it has attracted attention in debate here this morning, and I should like to give it further examination. I hope the Senator will not press it to passage this morning.

Mr. FULTON. Mr. President, I am certain the Senator has no design regarding the bill other than to get it perfected, and I am not going to press the bill any further this morning for several reasons. In the first place, I shall not press it because the Senator has asked me not to do so; and, in the next place, I could not if I would, because the hour has arrived when I shall have to let it go over. I wish to ask the Chair, however, whether, if the bill now goes to the Calendar, an order can be made so that it can be called up hereafter?

The PRESIDENT pro tempore. It goes back to the Calendar.

Mr. MITCHELL. My colleague can give notice that he will call it up.

The PRESIDENT pro tempore. It can, of course, be called up from the Calendar in the same way the Senator called it up to-day, whenever the Calendar is before the Senate.

Mr. FULTON. Then I will at some future time move to take up the bill again.

INDIANA STATE BOARD OF AGRICULTURE.

Mr. FAIRBANKS. There are a few minutes remaining before the morning hour expires, and I ask unanimous consent for the consideration of the bill (H. R. 7402) for the relief of the Indiana State board of agriculture.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I should like to hear an explanation of the bill.

Mr. FAIRBANKS. The buildings and grounds of the Indiana State board of agriculture——

Mr. COCKRELL. Let the report be read. It is a short report.

Mr. FAIRBANKS. Very well, the facts will be found in the report, which may be read.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the following report, submitted by Mr. WARREN on the 2d instant.

The Committee on Claims, to whom was referred an act (H. R. 7402) for the relief of the Indiana State board of agriculture, have considered the same and hereby report it back to the Senate, recommending its passage without amendment.

The act proposes to authorize and direct the Secretary of War to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use, occupation, and damage of the buildings and grounds of this claimant by the military authorities and forces of the United States during the war with Spain, and to certify to the Secretary of the Treasury the amount, if any, equitably due the claimant from the United States.

House Report No. 24, Fifty-eighth Congress, second session, is adopted by your committee and made a part of their report, as follows:

"The Committee on War Claims, to whom was referred the bill (H. R. 7402) for the relief of the Indiana State board of agriculture, submit the following report:

"A favorable report on this case was made by this committee in the Fifty-seventh Congress. The facts involved are set forth in that report, which is adopted and made part of this report, a copy being hereto appended.

"Your committee recommend the passage of the bill."

[House Report No. 867, Fifty-seventh Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 11781) to appropriate money to pay the claim of the Indiana State board of agriculture, submit the following report:

It is alleged that in 1898, during the war with Spain, United States military authorities took possession of the buildings and grounds of the Indiana State board of agriculture and used them for quarters for volunteer soldiers from April 26, 1898, until December 1, 1898; that the property was kept in good condition down to the use and occupation by United States troops; that when the property was vacated by the said soldiers the buildings and grounds were greatly damaged, and for which the said board of agriculture asks an appropriation of $9,037.50 to reimburse them for the use, occupation, and damage to the property.

The claim was filed in the War Department under the provisions of the act of June 6, 1900, but after the time had expired for filing claims under the terms of said act.

It seems to your committee that an investigation by the Secretary of War, or under his direction, is a matter of necessity before intelligent action can be had upon this case. The history of the transaction is susceptible of proof, and, while this is true, the committee desire the benefit of such proof outside of the ex parte statements of the petitioners.

The committee report herewith, as a substitute for H. R. 11781, a bill conferring power upon the Secretary of War to have the case investigated through the Quartermaster's Department and to report the result, with his recommendation thereon, to the Secretary of the Treasury for his action in the premises, and recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUILDING FOR DEPARTMENT OF STATE, ETC.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from New Hampshire

[Mr. GALLINGER] to the amendment of the committee, which will be read.

The SECRETARY. In section 3, on page 6, line 8, after the word "architects," insert:

The successful architect shall receive compensation in full, for plans, specifications, and detailed drawings, not to exceed 2½ per cent of the total cost of said building, and shall also—

So as to read:

That the construction of said building shall be in charge of the Secretary of State, the Attorney-General, and the Secretary of Commerce and Labor, who are hereby authorized and directed to select and adopt plans for the said building, and to make contracts for its construction, after proper advertisements and the reception of bids; and, if they shall invite plans by competition among architects, the successful architect shall receive compensation in full, for plans, specifications, and detailed drawings, not to exceed 2½ per cent of the total cost of said building, and shall also pay to the person submitting the two sets of plans next in order of merit to those selected such sums as, in their judgment, shall be proper compensation for their preparation. The cost of said building, exclusive of site, shall not exceed $5,000,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments to be offered to the amendment?

Mr. COCKRELL. Let us hear the amendment read that has just been agreed to.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the amendment to the amendment.

The PRESIDENT pro tempore. Does the Senator desire the amendment to the amendment to be regarded as an open question?

Mr. GORMAN. Yes, sir.

Mr. TELLER. I think we had better leave it open for the present.

The PRESIDENT pro tempore. It will be regarded as an open question.

Mr. SPOONER. Mr. President, I should like to ask the Senator from Indiana a question.

This bill, to which I have given no attention, provides for the construction of a building to cost, exclusive of the cost of site, not to exceed $5,000,000, for the use of the Department of State, the Department of Justice, and the Department of Commerce and Labor. I wish the Senator would tell me, if he will, what is the sum of the rent paid by the Government now each year for the buildings occupied by the Department of Justice and the Department of Commerce and Labor, and also, if the Senator will be good enough, what necessity exists for a new building for the Department of State or additional accommodations for the Department of State.

Mr. FAIRBANKS. I will be very glad to inform the Senator. The report which accompanies the bill gives——

Mr. SPOONER. I was absent when the bill was debated on a former occasion.

Mr. FAIRBANKS. I was going to say the report of the committee is very complete. It shows fully the urgent needs of the principal Departments for additional accommodations.

The State Department, as every Senator knows who has had occasion to visit it, is in very inadequate, cramped quarters, and there has long been a demand by that Department that more ample and suitable accommodations should be provided.

The State Department, as everyone knows, occupies a part of the War, State, and Navy building. The space occupied, when vacated by it, could be occupied by either the War or Navy Department, both of which are obliged to rent considerable space. If they are permitted to occupy the quarters now occupied by the State Department, there will be less rent to be paid to private landlords.

The Department of Justice is now paying rent at the rate of $25,200 per annum. The Attorney-General has for several years called attention to the fact that that great Department is improperly provided for. Very valuable records are in imminent danger of destruction by fire. Records, the loss of which would involve an immense sum to the United States, are in continual peril.

The Department of Justice is occupying several different buildings. If the Senator will indulge me a minute, I will turn to the report of the Attorney-General. He says:

The Department has been occupying rented quarters since 1899, when its building on Pennsylvania avenue was condemned and torn down.

During the past year it became necessary to rent an additional building, and the Department now has its official force distributed in seven buildings, including the quarters occupied by the Spanish Treaty Claims Commission and the space in the Court of Claims building occupied by the library.

The Department of Commerce and Labor is a new Department, as all are aware, and is now paying an annual rent amounting to $59,359.84. We are advised by the Secretary of this Department in his report to the Secretary of the Treasury as follows:

At the beginning of the coming fiscal year the Department of Commerce and Labor will consist of twelve organizations, transferred to it from other branches of the public service, two new bureaus, and the office proper of the Secretary—in all, fifteen organized offices.

Mr. SPOONER. How many has it now?

Mr. FAIRBANKS. In all, fifteen organized offices.

Mr. SPOONER. Now?

Mr. FAIRBANKS. Now; that is, at the beginning of the fiscal year. I read from the report of the Secretary of the Treasury dated February 23, 1903.

Mr. ALLISON. That is on July last.

Mr. FAIRBANKS. Yes; the Senator is correct.

Mr. SPOONER. It is fifteen now.

Mr. FAIRBANKS. Yes.

Mr. SPOONER. Are they accommodated by the proposed building?

Mr. FAIRBANKS. Not fully. It would require an entire building to accommodate the Department of Commerce and Labor. The proposed building will be insufficient to fully accommodate the three Departments.

Mr. SPOONER. Has the Senator ever known of a public Department of the Government in Washington that was adequately accommodated?

Mr. FAIRBANKS. I think the method in which the business has been transacted heretofore will bear me out in the statement that it never has been adequately accommodated; and if the opposition to this bill prevails, it will be a good many years before it will ever be adequately accommodated.

The Committee on Public Buildings and Grounds is endeavoring to correct the great evil that has long existed. As the Senator, of course, very well understands, there is no reason in the world why Congress should not make adequate provision for all the Departments of the Government.

The Senator was not here, I think, the other day when this question was before the Senate. The statement was then made that the Government is now paying out for rent of quarters in the District of Columbia $316,249.84 per annum, and it goes on increasing.

Not only that, but it is well understood that with the various Departments scattered here and there throughout the city it is impossible to get as good, efficient work out of the clerical force of the different Departments as it is where the forces are all housed in one building, where the work can be systematized and properly overlooked.

It will take some years before the building contemplated can be completed and ready for occupancy. Another building should soon follow this one. The Government should go on with the construction of public buildings in the District of Columbia so as to save the enormous drain upon the Treasury that is now going on and which has been going on for several years in the way of extravagant contributions to private property owners. It is a shame that the Government is obliged to appeal to private property owners to house its Departments. Do I answer the Senator sufficiently?

Mr. SPOONER. Yes, the Senator answers me, and the Senator must not assume, because of my question, that I am in disagreement with him as to the policy of constructing adequate buildings for the discharge of the public business.

Mr. FAIRBANKS. Oh, no, Mr. President. I knew the Senator by his question was not suggesting any opposition to the policy I have outlined. I simply took occasion, in answering his very proper question, to call attention anew to the general subject.

Mr. SPOONER. I was ill when this bill was under consideration heretofore by the Senate. I wanted to know something about the amount of money which the Government is paying each year for the accommodation of these three Departments outside of the public buildings.

I have had some doubt, Mr. President, about the comparative merits of different propositions; I do not mean different sites, but as to the buildings to accommodate public business which ought first to be entered upon by the Congress. I had supposed, until otherwise informed by the Senator from Indiana [Mr. FAIRBANKS], that the State Department, while not having perhaps sufficient quarters such as the Department of State of a Government like this should have, was fairly well accommodated. The Department of Justice, I suppose, is not. The Department of Labor, which is a newly established Department—what it is doing outside of the bureaus which were transferred to it, I am not advised; it is young, and probably is not as large as it will be—but I had supposed that it is adequately, within fair limits, provided for.

I think there is an imperative necessity, Mr. President, for Congress to engage in the erection of buildings on Capitol Hill. I do not know of any Department of this Government, the members of which work more hours, and work harder, than the legislative department; and there certainly is no department of the Government which is so inadequately provided for as to office accomodation, and all that, as the legislative department of the Government. Of course a building is being erected which will provide adequate office accommodations for Members of the

House of Representatives, but the provision for the Senate is a disgrace to this country. I wish more Senators were here to hear that statement.

Mr. HOAR. The absent Senators are, I suppose, down in the terrace.

Mr. SPOONER. I presume some of them are down in the lunch room looking after their stomachs; which I think is all proper enough.

Mr. ALLISON. Many of them are engaged in committee work.

Mr. SPOONER. Some of them are in committee rooms. But, Mr. President——

Mr. FORAKER. Mr. President, I was not present when the Senator from Wisconsin made the statement to which he refers, and we all did not hear it. So I should be obliged to the Senator if he would make the statement again. I always follow him as closely as I can, but sometimes, as the Senator knows, we are unavoidably interrupted in our attendance here on the floor.

Mr. SPOONER. I made the statement that the provision, or rather the want of provision, for the accommodation of Senators as to offices is a disgrace to the country. We have a large number of Senators—more on the Democratic side probably than on the Republican side, though I am not certain as to that—housed in the Maltby Building. They are obliged to walk from that building to attend roll calls. While I do not wish to say anything in regard to that building which would cause a feeling of discomfort or disquiet among the men who occupy it, I venture to say—for I think it ought to be said—that it ought not to be occupied. A report which has been made to the Senate by the Superintendent of the Capitol shows it. As chairman of the Committee on Rules, which assigns accommodations to Senators, I have been anxious and disturbed from day to day by the occupancy of that building under existing circumstances.

As to Senators who are in the crypt below, I have only to say that it is not a good place for men to work. There may be here and there a room which is free from dampness, but I believe it is not a fit place for Senators to do the work which presses upon the Senators who do work, and most of the Senators do work. I believe that one of the most important duties for Congress to perform, and that, too, before it adjourns, is to set in motion, by adequate appropriation, a plan to erect a building, whether it be by enlarging the Capitol, which can be done so as to enhance its architectural beauty, and afford thirty-three additional rooms in which Senators can, without detriment to their health or danger to life, transact the public business; or by the erection of a building relatively situated to the Capitol and to the Senate Chamber as is the building which is to be constructed for the accommodation of the Members of the other House to that end of the Capitol.

Senators will find a model complete—the Senator from Iowa [Mr. ALLISON], the Senator from Missouri [Mr. COCKRELL], and I inspected it the other day in the Capitol—of this enlargement which has been planned. I will ask the Senator from Iowa, who is the author of it?

Mr. ALLISON. The plan is the original plan of the architect of this Capitol, Mr. Walter. It has been brought out in miniature for the purpose of showing what the building would be when completed.

Mr. SPOONER. I do not myself take kindly to it, for I have had an opportunity to see some——

Mr. GORMAN. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. SPOONER. Certainly.

Mr. GORMAN. I should like to inquire of the Senator from Wisconsin whether the model to which he refers for the extension of the middle east front of the Capitol is Mr. Walter's plan?

Mr. SPOONER. Yes.

Mr. ALLISON. I am told—if the Senator from Wisconsin will excuse me once more——

Mr. SPOONER. Certainly.

Mr. ALLISON. That that whole question has been thoroughly considered by the House of Representatives on a resolution which has resulted in the collection of material for a document, which will be printed and on our tables on next Saturday, which covers the entire question of the enlargement of the Capitol under the plan of Mr. Walter—the original sketches and the final plan made by him.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. Certainly.

Mr. NEWLANDS. I ask the Senator from Wisconsin whether this extension of the Capitol will accommodate all Senators who are now occupants of the Maltby addition or of the basement below this building?

Mr. SPOONER. The extension of the Capitol will furnish thirty-three rooms, and, with such improvements as might be made, would enable each Senator to have a room in this building. I am not speaking, however, about the Maltby Building simply with reference to its inconvenience to Senators. It is a graver matter than that, as Senators will see if they will read the report made by Mr. Woods, and I have also talked with him on the subject.

Mr. NEWLANDS. I would ask the Senator whether it would not be better to enlarge the Capitol building than to construct a new building to accommodate Senators?

Mr. SPOONER. I am not mentioning this for the purpose of antagonizing this bill, but I felt it to be a duty to bring it to the attention of the Senate; and if we are not to enter upon any very elaborate or costly plan of public buildings just at this time, I think that perhaps this might be deferred, and certainly there is an overwhelming necessity for added provision as speedily as possible for the safe accommodation of Senators.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. Certainly.

Mr. HEYBURN. I should like to ask the Senator a question. I have not seen or heard of the model to which he has referred. Is it too large to be brought in here during the consideration of this question in order that we might see it?

Mr. SPOONER. It is too large. It is a perfect model of the whole Capitol as it would be with this proposed enlargement.

Mr. HEYBURN. I feel a keen interest in this question, inasmuch as I am one of those unfortunate folk located so far away that we can not retire to our committee rooms for the purpose of doing any work while the Senate is in session.

Mr. SPOONER. I was located there nominally for two years, but would not spend any time there.

Mr. FAIRBANKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. SPOONER. Certainly.

Mr. FAIRBANKS. I simply rose to observe that the bill before the Senate does not in any wise antagonize that proposition.

Mr. SPOONER. It does not antagonize that proposition unless it involves so much money and our committal to the expenditure of so much money as in the judgment of Congress to perhaps preclude Congress, having reference to the present condition of the finances of the country, from at the same time making provision for Senators.

Mr. FAIRBANKS. I would direct the honorable Senator's attention to the fact that it will in effect cost the Government nothing to erect the buildings necessary for the accommodation of the business of the Departments. We are now paying out enormous sums as rent. If the Government were to issue 2 per cent bonds to the amount of fifteen millions and erect buildings for the accommodation of the Executive Departments of the Government in the District of Columbia, the interest on the bonds would be less than the annual rentals now paid out. This is not a case where the Government is spending money and getting nothing in return.

Mr. SPOONER. Mr. President, I am tired—I have been here for nearly fifteen years—of appropriations, appropriations for public buildings in the city for the Executive Departments of the Government and leaving the Supreme Court, the head of one of the three great coordinate, independent branches of the Government, housed as it is housed here, and leaving members of the Senate without either adequate, safe, or convenient accommodations to enable them, practically at their own expense, to transact public business of the most complicated character and requiring the most constant labor and attention. I do not think——

Mr. FORAKER. Mr. President——

Mr. SPOONER. I do think—if the Senator will permit me a moment longer—referring again to this enlargement of the Capitol, if we could enlarge the Capitol, and properly provide for the Supreme Court of the United States at the same time, perhaps, providing for the Department of Justice, there would be, without an additional building outside of the Capitol, adequate and safe accommodations for all the Senators now and, I hope, hereafter ever to come into this Capitol, and I never want any to come here from outside of the United States. I hope, Mr. President, while not perhaps strictly germane to the bill, and while not intended to antagonize the bill—it is for Senators to decide what they will do—I hope sincerely this Congress will not adjourn until it has made some provision for the accommodation of Senators.

Now I yield to the Senator from Ohio.

Mr. FORAKER. I rose at the time I did, in the first place, to get some information, which I am hoping the Senator will give us.

Mr. SPOONER. I beg the Senator's pardon for not having yielded before.

Mr. FORAKER. That is all right. What I wanted to know was whether or not any estimate has been given as to the cost of this proposed enlargement?

Mr. SPOONER. The estimate is $2,500,000.

Mr. FORAKER. Then why can we not provide for that enlargement at almost any time? I think every Senator and almost every Member of the House of Representatives would approve a measure of that character. I have heard it talked about ever since I have been in the Senate, and always only in one way—that is, favorably. We know what the manifest necessity is.

Mr. SPOONER. I wish Senators would take the trouble to look at that model.

Mr. FORAKER. I know in a general way about it. I have not seen that model, but I have seen pictures of it, and I know that it is an improvement that ought to be made. I felt mortified and humiliated when I heard a Senator who has a room in the Maltby Building tell us the other day that for a considerable period now that building has been condemned, that it is liable to fall, and that they have been prohibited from carrying books up into their rooms which they wanted to use in their work because it would endanger their lives and put in jeopardy all who are connected with that building.

Mr. SPOONER. The building, I think, is in no danger of falling. I think at one time it was a dangerous structure in that regard; but improvements have been made there, and I am told by the Superintendent of the Capitol that his fear is not from that, but if fire should occur in that building there would be very little chance of escape for those who were in the upper stories of the building.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. SPOONER. I yield.

Mr. NEWLANDS. Will the Senator permit me to state that my impression is that at the last session of Congress the House of Representatives provided in the sundry civil appropriation bill an appropriation for the extension of the Capitol, and I believe that provision was stricken out of that bill at the instance of the Senate conferees. So I understand that the House is quite disposed to go on with the extension of the Capitol, and in that view there will be no trouble at all about securing legislation if it is desired by the Senate.

Mr. SPOONER. I think that is true; but it is for the Senate to consider what is the best plan. The extension of the Capitol would not absolutely provide for Senators.

Mr. NEWLANDS. I understood from the Senator that the enlargement of the Capitol would furnish sufficient additional rooms to meet the requirements of Senators.

Mr. SPOONER. Well, it could be done. The rooms, however, would not be large, but with the Supreme Court removed from the Capitol the space would be ample.

Mr. NEWLANDS. Then would it not be better to provide that Senators should have rooms in the Capitol and the Supreme Court an additional building somewhere on an adjacent square?

Mr. SPOONER. I have always believed that it was the obvious duty of Congress to not neglect the Supreme Court any longer, but to afford them a building that would befit the dignity and power of that tribunal—the head of the judicial department of the Government. But that, of course, would take a long time in construction. The enlargement of the Capitol, I think we were told, could be made in two years.

Mr. TELLER. How long?

Mr. SPOONER. In about two years; and that it would cost $2,500,000.

Mr. HEYBURN. Mr. President, I would state to the Senator that there are thirty-two Senators housed in the Maltby Building; so that the addition would provide for all of them.

Mr. TELLER. Mr. President, I want to indorse what the Senator from Wisconsin [Mr. SPOONER] has so well said about the necessity of providing suitable accommodations for Senators. I have myself had some experience in this connection. I spent two years in the Maltby Building and two years in the basement of the Capitol. When I first came to the Senate I did not have any room at all. We are in a somewhat better condition than we were twenty-five years ago; but still Senators are not properly provided for.

A great many people seem to think that to provide a room for a Senator is a sort of luxury. No Senator can do his duty here properly unless he has a place where he can go to consult books and to prepare himself for the ordinary duties of the Senate. He must do that at home if he has not a place in the Capitol. It is often convenient to come here in the morning to committee meetings, and if, perhaps, the committee gets through before the Senate convenes, the Senator may retire to his committee room and complete considerable work before it is time to come to the Senate. If the Senate adjourns at an unusually early hour, he can retire to his committee room and do his work there. I have myself found that it is an absolute necessity to have a place where I could have a library of some kind, not only here, but in my quarters, wherever they may be, what I consider my home in this city.

I do not know anything about the plan for the Capitol—that is to say, I am not familiar with it, and I do not express any opinion in regard to it; but I think there ought to be something done that will give every Senator a reasonably respectable room, where he is not in danger of being burned up or in danger of the building falling on him. If there should happen to come up a big storm, I think any man who was in the Maltby would have to take his chances of injury in that regard.

Mr. GORMAN. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maryland?

Mr. TELLER. I yield to the Senator.

Mr. GORMAN. The Senator is a member of the Committee on Appropriations. I saw a statement in the newspapers—I do not know about its correctness, and I am asking for my own information—that when provision was made for a building to accommodate the Members of the House of Representatives provision was also inserted in the same appropriation bill looking to the construction of a building on this side of the Capitol for Senators. I ask the Senator what is the reason that that item was dropped at that time?

Mr. TELLER. I will leave that to the chairman of the Committee on Appropriations, who can speak more intelligently as to it than I can, as I was not a member of the subcommittee.

Mr. ALLISON. What is the Senator's inquiry?

Mr. GORMAN. I interrupted the Senator from Colorado to inquire why it was that the provision inserted in the sundry civil appropriation bill, as I understand, for the construction of a building on the north side of the Capitol was left out at the time provision was made for a building for the House of Representatives at the other end of the Capitol.

Mr. ALLISON. Senators will understand that in the consideration of the sundry civil appropriation bill last year in the Committee on Appropriations the time was very limited. There was a difference, I will say—I do not wish to interrupt the Senator from Colorado——

Mr. TELLER. I wish the Senator would go on. I think this matter ought to be taken up and ought to be discussed.

Mr. ALLISON. There was a difference in the Committee on Appropriations, and I think in the Senate, as to what should really be done with reference to furnishing additional facilities for Senators. Although at that time, as has been so well expressed by the Senator from Wisconsin [Mr. SPOONER], the situation seemed to be urgent, the Senate Committee on Appropriations, as I remember, recommended that the House provision for the extension of the Capitol should be stricken out, and that there should be inserted a provision looking to a building separate and distinct erected northeast of the Capitol, fronting the square. That provision was stricken out by the Senate, and a provision was inserted for the preparation of a general plan for a separate building to be erected northeast of the Capitol.

When the bill came into conference the House conferees very much desired that the construction of the building for the House of Representatives should be entered upon; and while they were providing in that bill for the construction of that building on the south side of the Capitol, the reason given by them was that it was impossible under any circumstances for the Members of the House to be accommodated by an extension of the present Capitol building. They stated that a separate building for the House of Representatives was necessary in any event; but they also favored the extension of the Capitol as a method of providing for the Senate rather than a separate building, and they went so far as to say that of the estimated seventy rooms in this extension of the Capitol the Senate could be provided with a sufficient number of them to accommodate every Senator, including those in the Maltby Building and those in the terrace.

So that when these two propositions came to the conference it was agreed and a provision was inserted either in the sundry civil bill or in another bill—I think in another bill—that a carefully prepared plan and model of the Capitol extension should be made, and that also there should be a compilation of the several plans and projects of the old Architect, Mr. Walter. In accordance with that provision in the bill of last year the model has been completed, which has been referred to by the Senator from Wisconsin, and is now visible to Senators in the upper part of the Capitol where the old library was once housed. An estimate, I am told, has been made covering the cost of this extension, amounting to in the neighborhood of $2,500,000, as was stated by the Senator from Wisconsin.

There has also been prepared a complete history of the details respecting the construction of the Capitol and, I believe, with illustrations. That document will be laid upon our tables, I think, on Saturday next. I had occasion to make an inquiry

about it a few days ago in connection with some other matters in the sundry civil appropriation bill, and I was told that that document would be printed so that we could receive it here on Saturday next.

The situation as respects the Capitol extension last year was such that the Senate committee was not in possession of sufficient information regarding the effect of the extension upon the general appearance of the Capitol. It was stated by some members of the Senate that it would have the effect to impair the general exterior appearance of the Capitol and injure to some extent the east front, but so far as a layman or a nonexpert could judge, I think it would add very greatly to the east front of the Capitol to make this extension. That is the situation about it, as I understand, at this time. I am sorry to have interrupted the Senator from Colorado so long.

Mr. TELLER. I should like to ask the Senator whether this plan of extension makes any provision for the elevation of the Dome?

Mr. ALLISON. No; it does not.

Mr. TELLER. It leaves it as it is?

Mr. ALLISON. The plan makes no change in the Dome.

Mr. NEWLANDS. Do I understand the Senator from Iowa to say that about seventy rooms will be added by this extension?

Mr ALLISON. The detail plan discloses sixty-six very comfortable rooms, and I understand, without having official information upon the subject, that the House, being provided with this large building below, are willing to give us more than the number which would be allotted to us if we made the center of the Dome the line between the two Houses.

Mr. NEWLANDS. The arrangement, then, would contemplate the Senate having more than one-half of the rooms?

Mr. ALLISON. Yes.

Mr. NEWLANDS. Would it be sufficient, then, for the new States of Oklahoma and Arizona, if they are admitted?

Mr. ALLISON. Of course, with that detail I am not quite familiar. There will be sufficient room for the Representatives of one or two States; and I would not like to go into the question whether we are going to have two or four States, or whether we are to have any of our outlying possessions converted into States in the near future. But there certainly would be room enough for any probable increase in the number of Senators.

Mr. NEWLANDS. I simply inquired for the purpose of ascertaining whether beyond any contingency the extension of the Capitol would do away with the necessity of building an office building at the northeast corner.

Mr. ALLISON. I think there is no doubt that we shall have room enough without at any time in the near future building a structure on the northwest corner.

Mr. COCKRELL. I find in the sundry civil appropriation bill, at the last session of the Fifty-seventh Congress, February, 1903, that the Committee on Appropriations struck out the entire provision for the House building, and in order to put the whole thing into the hands of the conference committee inserted this provision:

Provided, That the Superintendent of the Capitol is directed to prepare a general plan for the construction of a separate building for the use of the Senate for offices and committee rooms to be located northeast and near by to the Capitol, and to estimate the cost of the same, a report thereon to be made to Congress on the 7th day of December, 1903.

That put the whole matter into conference between the two Houses.

Mr. ALLISON. And both provisions, I will remind the Senator, went out in conference and another provision was inserted providing for a model of this extension.

Mr. TELLER. I understand that the House building is going on now?

Mr. ALLISON. Yes.

Mr. TELLER. The House will be provided by existing legislation with a proper place for Members' rooms.

This question, Mr. President, has been before the Senate for at least twenty-five years. I recall very well years ago, when there was a propcsition to extend the west side of the building, before the present improvements were made. Subsequently the present scheme was adopted. I think that cost us about a million dollars, if I am not mistaken. More than a million dollars, Senators say.

Aside from the fact that it has been useful as a place to put in machinery, I do not think anybody has ever had any use for it or any idea that it was an improvement to the Capitol. At least I have never found anybody who did when they were questioned on the subject. The Senator from Nevada suggests to me that it may have been an architectural improvement. I am not a judge of those questions. I do not know that I care to go into it, except to say that I myself always felt that it dwarfed the Capitol and was of no benefit whatever to the Capitol. I thought the Capitol was much more handsome from that side before the addition than it is now, and a little change could have been made then, I believe, to the front which would have made it very much more in taste, or, at least, what I believe to be in accordance with good taste, than it is to-day.

The Senator from Indiana says that this bill which we are considering, or at least which we will consider pretty soon, does not antagonize the proposition which the Senator from Wisconsin and others favor, that there should be some arrangement for the accommodation of the Senate. That has been the cry every time we have brought up this question—that there was something more important. Evidently the Committee on Public Buildings thinks it more important when it brings in here a bill to expend five or six million dollars on a building and probably a million or a million and a half on the ground for the accommodation of Departments that are very much better served to-day than the Senate is served. And the only excuse is that the Government is paying out a large amount of money for rent. That is true. Three hundred thousand dollars is a great deal of money. But when you consider the vast expenditures of this Government it sinks into utter insignificance. I would willingly save it, and I believe it my duty to help save it, even if it were very much less than that, if it is possible to do so, but there are other things of more importance than the question of saving money.

In the first place, I do not think it is wise to carry out the scheme of this bill, which is to take the square immediately north of the State Department, or the square immediately north of the Treasury Department, and I do not know which is to be taken, and nobody else knows or will know, I suppose, until the commission consisting of the Attorney-General and the Secretary of State and the Secretary of Commerce and Labor shall determine. This bill leaves it absolutely to those three officers.

Mr. FAIRBANKS. I wish to correct the Senator a little at that point.

Mr. TELLER. If I am in fault, I desire to be corrected.

Mr. FAIRBANKS. Of course the Senator would not intentionally misstate the provisions of the bill. There are four additional members of the commission on location. The President pro tempore of the Senate, the chairman of the Committee on Public Buildings and Grounds of the Senate, the Speaker of the House, and the chairman of the Committee on Public Buildings and Grounds of the House are members in addition to the three Cabinet officers mentioned by the Senator.

Mr. TELLER. That is immaterial, because this commission will settle where the building is to be. We abandon our right to determine that question, and turn it over to this committee. I am not in favor of doing that. I admit that there ought to be some additional buildings built. I do not hesitate to say that we have been derelict for many years in not building them. It seems to me a great deal more important that the Supreme Court of the United States should have a reasonable place in which to do its business, which it has not to-day, than it is that the newly created Secretary of the Department of Commerce and Labor should have a place to discharge his multifarious duties, which the Senator from Wisconsin seems to think are somewhat in the clouds, and I guess they are, for if anybody will take the pains to look at the law under which that Department was created he will see that the extent of the jurisdiction and authority of that Department is limited only by the amount of money Congress may appropriate.

It has fifteen bureaus, of fifteen divisions now, and if the ambition of the head of that Department is carried out and he faithfully executes the provisions of the law itself, he will have a hundred divisions in the next five years, and then he will not exceed at all the provisions of the act, which is the most liberal of all the acts that have ever passed since I have been in public life.

If there is anything that the Secretary of the Department of Commerce can not do it would take a man with a search warrant to find what it is, provided Congress will give him the money. He can supersede, and he is attempting to supersede, and he will supersede, if he carries out the plans of the Department as I understand them, the law department of this Government and the consular bureaus. He will have the world traversed by men getting information which hitherto the consuls and consuls-general and commercial agents of the Government under the State Department obtained. So, if there is a necessity to provide for this particular Department, you want to strike out everything else in this bill and allow that Department to take possession of this whole building, for it will not be too big.

I have never known authority to be given to anybody since I have been in public life that they did not increase it and want more. I have never known a Department of the Government that had a large force that did not want more. I have never known a Department to come to the legislative branch of the Government at any time for authority that it did not get it, or for an additional appropriation, if they wanted it. So I assume we are going on to extend not only the Department of Commerce, but undoubtedly the State Department and the War Department and everything else, and I do not believe that anybody now here is justified in saying that this building, when put up, will afford accommodations such as we ought to provide.

That brings me to the suggestion whether it would not be good, wise business for us to have a commission composed not of the

heads of these Departments alone, but of some of them, with some of the architects of the country, and with some men who are not architects, but have common sense, to determine what will be the probable necessities of this country not only for buildings to-day, but what they will be in the next fifty years.

That is why I now object to passing this bill creating one building for three Departments. I do not know but that there is a necessity for a building; but at all events we can rent buildings, and if we pay the rent the Departments will be better housed and better protected in their interests than we are here. Of course if we would not rent rooms for them there might be a necessity for haste in this matter. I do not know how many buildings are going to be built, but I should say from my experience since I have been here that there will be a great many million dollars invested in public buildings.

When I first came to Washington the State and Navy Department building, which had cost ten or twelve million dollars, was not yet completed. I believe one part of it was occupied and a part of it was still in process of construction. That is a little more than a quarter of a century ago. Now that building is not big enough for two Departments of the Government, and it was supposed when we built it that it would be big enough, practically, for all.

The Navy Department was then considered a small Department, spending a few million dollars a year. It has become a great Department, spending now a hundred million dollars a year, and next year it will spend a hundred and twenty-five million dollars, and if the plans already laid out by the Navy Department are carried out, Senators who are on this floor will live to see it $200,000,000 a year.

Mr. President, it seems to me it would be the course of wisdom to create a commission and say to them: "Now, at the next session of Congress tell us something about the wants and necessities of this Government. Look back and see what the Government has been doing in the last fifty years, and see what its growth and extension have been, and determine what it will want in the next fifty years." Of course I know it will be a difficult question to determine what is to be the future growth of this land of ours. I know we may continue to progress and grow in wealth and numbers, and it seems to me that that is the normal and proper thing to expect. Since we escaped threatened dissolution in this country it seems to me that when you look to the future—and when I speak of that I do not mean in my lifetime or in yours, but in the next one hundred and fifty or two hundred years—we ought to increase in numbers; we ought to increase in wealth; we ought to increase in everything that makes a nation great and strong and gives it a proper place in the world.

This, Mr. President, is our national capital. It is the place that was founded as the seat of government by the consent of the States and was withdrawn from the operations of State laws, and Congress alone was given power to regulate affairs in this District. It was believed when it was laid out that it would be the great capital of a great nation, and yet I doubt whether there lived then a man who, if he had been called upon to tell us what would be the power and wealth of the nation to-day, would have dared to predict the condition that now exists. It ought to be the greatest capital of the world. It not only ought to represent the wealth, but it ought also to represent the intelligence of this great country of ours.

When I came here twenty-seven years ago last fall, having but a slight acquaintance with this capital, having been here only a few times in my life, I said to my associate who came with me, "While I am in this body I intend to vote for every appropriation that comes before the Senate that will make this the handsomest and best city in the world;" and in the years that I have served here I have never failed to give a vote looking in the direction of making this city such that every American who came here would look upon it with pride, and feel that he had a capital city that represented the great strength and wealth and intelligence of the American people. I want a capital city so that whenever a man comes from abroad he will be properly impressed, and I would not have any other city in the world exceed us in beauty and loveliness, if I had my way.

Since I have been here I have heard complaints of the expense of this District. I have heard complaints of the expense of building streets and avenues and opening avenues of intercourse with the outside suburban towns. I have heard some complaint of the extravagance of the buildings. I remember that a few years ago there was in the Senate much feeling that we should retrench and that we were spending too much money, and this body then instructed the Interior Department to build a building for the use of the Pension Office alone, and they said it should be built of brick and of iron, and it should have no ornamentations, and no expense should be incurred in that direction. It was provided that the Secretary of War and the Secretary of the Interior and General Meigs should locate it upon some public ground.

It was thought that the Government could not afford to buy a place to put the building. And so the Secretary of War and the Secretary of the Interior hunted through this city and found themselves simply confronted with the question, "Shall we put it down where the market now is, or in that neighborhood, or shall we put it upon Judiciary Square?" Then we marred that square with a building which in its architectural character is a disgrace to the city of Washington. In its inside it is the best building for the public service in the city. With respect to the outside, if I had my way I would pull it down, or I would adorn it with a better roof, and I would spend a little money in making a handsome building of it.

Mr. President, I have said this leading up to the question whether we are not premature when we insist now upon going on and determining that this building shall be built where this bill provides; whether there is not a necessity that we should do something toward getting rid of a condition on the great Avenue that is absolutely disgraceful to this capital. Walk down from here to the Peace Monument. Cast your eye to the right. In front of this Capitol, in sight of it, there are insanitary buildings—buildings that would be torn down in almost any second-class city in the country because of their unhealthy condition and character.

I do not know whether we ought to take hold of this thing and compel the citizens who have such buildings to tear them down and build others, but I do believe it would be wisdom on our part to buy that square, not simply to get rid of those old buildings, but in part to get rid of them. I believe it would be wisdom on our part to commence at the Botanical Gardens and buy every square until you reach the Sherman Monument below the Treasury Department. Nay, more, if I had my way I would remove every building on the lower side of the Avenue. I would take every one out, and when the depot shall be taken away I would make one continuous mall, save and except the buildings that might be put on the line of the Avenue for the use of the Government.

Senators will say that is a great expense. Mr. President, it will not cost a tithe of what Paris spent to beautify that city under Louis Napoleon, and there is not a Frenchman anywhere who is not proud of that act. Nobody has ever regretted it. The French tore down old buildings of hundreds of years' standing and put up buildings of fine character, and made great, wide streets where there had been narrow ones. I do not know how much it would cost. It will not cost much more than this scheme—I do not say that the committee have adopted it; I do not say the chairman has espoused it—to put all these buildings around Lafayette Square. In my judgment it will cost less; and if you put them there you will have the contrast between these worthless buildings on the Avenue and these fine buildings up there. What does the foreigner who comes here, when he walks or rides up the Avenue, think of the buildings on the left-hand side?

Contrast them with the Treasury Department and the State Department and the White House, which, even with some objections that I have to it just now, is a creditable building.

I should like to have a commission tell us what it would cost. I should like to have a commission tell us what kind of buildings we ought to put there. Then, Mr. President, one by one, as we need them, I would build them there. I am not alarmed if some one tells me it would cost $25,000,000. It will not, except for the buildings. I should like to see lining that avenue buildings which would comport with the dignity and character of this nation. I know that when the Avenue was laid out it was expected that it would be lined with fine buildings. It has not been. When you have removed the buildings on the lower side and replaced them by respectable buildings of the Government, the buildings on the other side will be removed, and they, too, will be replaced by buildings for business purposes worthy and creditable to the city.

Mr. President, I think myself that we want in this immediate vicinity a place for the Supreme Court of the United States. I believe the Supreme Court ought to be on the square where this great Library of ours is.

That brings me to say a word about the Library. I see in the committee's report that eleven years after the Library movement was inaugurated the Library was completed. When I entered the Senate the Library question was a rife one. It was then being considered, and again and again the House sent us bills for a cheap library, and the records will show that every time any of those cheap bills came over I gave my vote against it, because I believed when we built a library it should be a library upon which the world could look with pleasure. I think I can say to-day that of all the libraries of the world there is not one that compares with it in elegance. There are some greater ones, but none can exceed it in appointments for the proper dispatch of business. It cost six million three hundred and some odd thousand dollars.

Not an American citizen has walked into it since it was built who has not felt that the money was well expended; and if you distribute the great amount you are paying here for buildings and for beautifying the city, there is not a self-respecting American citizen anywhere who will not approve of it.

So I do not intend to vote for this bill. I intend to vote for the amendment submitted by the Senator from Maine [Mr. HALE], who I regret is now ill and unable to be here, and I hope it may be adopted. We could get a commission. I do not know whether that commission is just such as it ought to be.

I have not paid much attention to it, but let a commission come here with a report, and let us determine the question—not a committee of this body alone, not this body in the hour of an expiring Congress, but this body and the other body, representing the great intelligence of the nation and the will of the American people. Let them say what shall be the character of this city. Now is the crucial and critical time. If you do not do it now you will not do it at all. If we go on in the way we have been going, erecting buildings here and buildings there, and especially if you attempt to put these buildings around Lafayette Square, the condition that I think is disgraceful to the American people will continue indefinitely here.

I know there are things more important to a nation than even its capital, but, Mr. President, a nation that does not have pride in its capital is on the downward road to death. A nation that does not feel an interest in the place where its legislature meets and where its executive lives is not a healthful people.

Mr. President, I sometimes get discouraged. I sometimes think that we are departing from the lessons and the teachings of the fathers. But after all I have a hope and a belief that if for a little while we shall forget some of the fundamental principles of government, we will not forget them in the long run, and my hope in that is in the pride of the American people in their country. Patriotism, it is said, consists in love of country. Mr. President, there is no patriotism if there is not love, and pride goes with love. You do not love a nation unless you can respect it.

So, Mr. President, I say I believe this is a question that ought to attract the attention of the Senate. It is a question that we ought to put our best effort on. It is a question that the American people will back us up in if we but do our duty as it ought to be done.

Mr. NELSON. Mr. President, in many respects, it seems to me, we have been very prodigal in the management of some of our public affairs in this District. We have in many instances rented buildings where we had no occasion to rent them, and we have put up buildings where we ought not to have built them. Of the first I will give you an illustration.

A few years ago the Department of Justice occupied quarters to the north of the Treasury Department near Riggs Bank, close to the Lafayette Theater. We had a very good building there, owned by the Government and occupied by the Department of Justice. For some inscrutable reason it was pulled down, and since that time we have been paying an enormous rent for the Department of Justice.

But, Mr. President, what I rose to call particular attention to is this scheme, which in one form or another has appeared here in Congress, of putting all our public buildings in the swamp on the south side of the avenue. Some days ago I took occasion to go over to the chart room or the map room in the Congressional Library, and I found King's topographical map of the city of Washington of 1803. I wish Senators would go and examine that map and look at it. From that map it appears that there was quite a stream here at the foot of Capitol Hill, known as the Tiber, crossing the Avenue between First and Second streets, going south as far as B street SW., making a loop and then back again up toward the Avenue and down to the river. From Sixth street down to the river it was a wide, open estuary, where the tide ebbed and flowed, and a part of the ground where the market stands to-day was in the bed of that stream. That stream was first canalized—made into canals. They made one canal running south with two forks leading into the Eastern Branch. Then they made the main branch down into a canal and covered it.

As a matter of fact, nearly all the territory between Fourteenth street and the south side of Pennsylvania avenue and the Mall is either the bed of the old Tiber or it is swampy and made ground. On the west of it, somewhere between Thirteenth and Fourteenth streets, there was a litttle stream that came in from the west. All that bog has been built up; the river has been filled up; the Tiber has been filled up, and the swamps adjoining them. And now Senators propose calmly and deliberately that we shall put all our public buildings on that swampy and made ground when we have such an abundance of good firm ground in the city of Washington.

I venture to say that quite a fortune, enough to put up a respectable building, was spent in securing a foundation for the building for the Post-Office Department. A great fortune was spent there in getting foundations. If you go to the southeast corner of the White Lot, you will find there engraved how high the flood came up. If we should ever have such another flood, all the basement of the Post-Office Department building would be flooded.

To me, with the fact that we have so many places of good high ground in this city, it is perfectly monstrous. If that unsightly place below the Avenue ought to be purged, and I concede that it ought, it ought not to be purged by putting costly public structures down into that muddy hole. We ought to raze the buildings so that the grass may grow on all of it, and let the Mall run up clear to the Avenue. But, for God's sake, let us put our buildings on terra firma, on good ground.

Look at the Post-Office building now, in that region down there. It is a big building. If it had been on suitable ground it would have been a commanding building, an imposing structure, and we would all have been proud of it. Down there, with its surroundings, in the midst of a lot of hobos of buildings, as I might say, it looks to be a very poor and dilapidated building indeed. Why should we put the Government to the task of going down there and building great, immense, expensive buildings right in that swampy, made ground.

Mr. President, it seems to me, if we have the welfare of our country at heart, if we want to do what is just, if we want to be economical and manage our public trust as becomes us, the last thing we ought to do in the world is to pile up our buildings in a row in that swampy, made ground along the Avenue. We have plenty of good high ground here where our public buildings can be erected.

As I said a moment ago, if that space south of the Avenue ought to be purged to make the city look better, let us clear off the buildings, sow it in grass, make a beautiful mall of it, plant fine trees there, and extend it. That will be the proper way, but not to inject all of our public buildings in a row down on that swamp and in that muddy place.

That is the way it looks to me, Mr. President. I do not care about taking up the time of the Senate. I ask Senators to go over to the Library and look at the old topographic map of King of 1803, and they can see that what I have said to you is correct.

Mr. TELLER. Mr. President, we have already put two buildings on the Avenue. We have the Post-Office building on the Avenue, and we have the municipal building planned for the Avenue—that is, close to the Avenue; it fronts on the Avenue.

Mr. QUARLES. If it will not disturb the Senator, I wish to ask him, referring now to the building which he speaks of as the municipal building, on the lots we have known in our committee as the "power-house-site lot," does he know what it cost to get a foundation there for that power house?

Mr. TELLER. I know it cost a good deal. It cost a good deal for the Post-Office Department. I understand that.

Mr. QUARLES. If I may add, our committee was informed that it cost over $100,000 to get a foundation there for the old power house.

Mr. TELLER. Mr. President, I know something about the old canal. I recollect very well when there was a canal there. I know something of the character of the ground around the market, because, as Secretary of the Interior, in connection with the Secretary of War and General Meigs, we were required to find out whether we could put a foundation there. We found that we could, but it was in a place where we felt we could not afford to put a public building, and much as we disliked to invade Judiciary Square, we had to do that.

Now, Mr. President, there is not any trouble to get foundations, and good foundations. The foundation of the Post-Office Department building is a perfect one. There has been no settling of the building. It is somewhat expensive, but, then, large buildings always are expensive in their foundations.

And it is not a swamp, as the Senator from Minnesota says. There was some swamp down there, but as to an overflow, it never need overflow if we do our duty to this city and take care of the river as we ought to take care of it. The overflow came from the penurious treatment of this District by Congress.

Mr. President, as to the great flats down there, since I have been here a distinguished citizen of this city offered to build them up and bring them up to grade if the Government would give him the land when he got through, and they would not do it. If there has been a flood here we are to blame for it, and it is within our power to prevent a recurrence of that kind. That is one of the things we ought to do, and it is one of the things we will certainly do if we tear out those old buildings and extend the Mall down to the neighborhood of the Avenue and then line it with proper buildings.

Mr. President, I should be willing myself to pull out the buildings on the lower side of the Avenue and bring them all up to it if we did not put a building upon it. Having commenced putting buildings upon it, it would mar it as a mall, and it ought to be, in my judgment, lined with buildings of such a character that the Government of the United States will be able to conduct its business in them and that the citizens who come here will be proud of the Government buildings.

Mr. FAIRBANKS. Mr. President, I wish to say but a word.

The debate thus far has disclosed a great diversity of opinion as to what should be done to meet a condition which must be met. It has always been difficult to secure buildings in the District of Columbia because of the great divergence of opinions.

The debate upon this bill has not been singular in that it has disclosed many contrary opinions, for every bill that has been brought in with respect to buildings in the District of Columbia has disclosed the same conflicting views.

What we propose may not be the best thing to do. It seems, however, to a committee that is charged with the responsibility of providing buildings for the Government service that this is, on the whole, the best that can now be done.

As I said the other day, my judgment is that the Government owes it to itself to secure square 167, immediately west of Lafayette Place. That square is either to be occupied by the Government or for private or corporate business purposes. A dignified, classic building, such as the Senator from Colorado [Mr. TELLER] would construct, will be built there, or apartment houses or business houses, which will detract seriously from the beauty and the majesty of the very heart of the Republic.

The purchase of that square, Mr. President, does not exclude the possibility of carrying out the very enterprise which the honorable Senator suggests and prefers. This one building is but a small step toward providing for the reasonable demands of the Government.

Whenever a proposition like this is made, one of the ways to sidetrack it has been to suggest a commission. It is an easy way of avoiding the practical question. It postpones it. It leaves it open for further debate.

Mr. President, I believe I am not discharging my duty unless I do all that I can do to build buildings imperatively required by every consideration of sound business policy and stop the drain of over a quarter of a million dollars a year upon the Treasury of the United States for the rental of inadequate buildings in the District of Columbia.

In order to be liberal in this matter, I offered an amendment upon the floor of the Senate on behalf of the committee providing that the commission should take into consideration the feasibility and the desirability of acquiring property south of the Avenue and east of Fifteenth street upon which to locate this building. I have no prejudice whatever in the matter; I simply want to be making progress according to the best lights I can command.

There is a difference, an honest difference, of opinion as to whether we should locate this building north of the Avenue or south of it. The differences of opinion are not for the mere purposes of disagreement; we all understand that.

The Senator speaks about accommodating the Senate with office rooms and committee rooms. I thoroughly agree with him as to the necessity and the advisability of so doing. This does not stand in the way of anything of that sort.

I agree also that it is the part of wisdom to provide accommodations for the Supreme Court, one of the great departments of the Government, a department of great dignity and great power. There should be a building provided for that great tribunal in full keeping with its dignity and power. The honorable Senator and I do not disagree as to that.

The difficulty that confronts us is this: We all know that it is impossible to provide for all these urgent necessities at the same time. We have got to go at these questions in a practical way. We have got to approach them in a way to accomplish results. If we can not provide for all at once, let us provide for some. We may disagree as to which is the most urgent. There is ample ground for honest difference there. The committee, exercising its best thought and its best judgment, has determined it to be the part of wisdom to provide first for the accommodation of those great Departments that are paying out thousands and tens of thousands of dollars a year for the rent of insufficient accommodations for the public business.

The committee of which the honorable Senator is a distinguished member—a committee commanding the unquestioned confidence of the Senate—in 1903 authorized a building for the National Museum to cost the sum of three and one-half million dollars. By the construction of that building not a dollar is saved to the Government in the way of cutting off rents. Our committee does not believe that that was the wisest policy.

The Appropriations Committee believed it the best policy. If our committee had exercised its judgment upon that question it would have taken the three and one-half million dollars and put up a building for some of the Departments for which we are paying out as rent these enormous sums upon appropriation bills at each session of Congress. It is a mere matter of opinion. It is an honest difference of opinion.

The bill before the Senate comes from the Committee on Public Buildings and Grounds. There is no divided opinion among the members of that committee with respect to it. The committee is a unit earnestly in favor of its passage.

Mr. President, without detaining the Senate unduly, I ask permission to incorporate as a part of my remarks extracts from the report of the Committee on Public Buildings and Grounds in support of the bill before the Senate, and also an extract from the estimate of appropriations for the present Congress, showing the enormous sums that are paid out in the District of Columbia for the rent of property for the accommodation of the public business.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Indiana.

Mr. FAIRBANKS. The committee adopted the report it made to the Fifty-seventh Congress, first session, in support of a bill to acquire block 167 to be used for executive offices and for the Department of State and the Department of Justice. The following are among the most material portions of the report:

At a hearing before your committee the Supervising Architect estimated that the building and site together would probably cost not to exceed $7,000,000.

* * * * * * *

STATE DEPARTMENT.

Accompanying the report as an appendix is a letter from the Hon. David J. Hill, Assistant Secretary of State, pointing out the necessity of immediately providing additional space for that Department.

He says:

"The general offices of the Secretary of State and his assistants have long been felt to be entirely inadequate for the purpose for which they are intended. At present the Secretary of State occupies an office to which there is no anteroom and in connection with which there is no provision for his private secretary or for private conferences. As a consequence of this deficiency of accommodations it is impossible to carry on private or confidential conversations with Senators, Representatives, or other officers of the Government without the danger of constant interruption. The only provision for those who await an interview is the common corridor, where the awaiting visitor, whether lady or gentleman, must stand in full public view, surrounded by the messengers and others moving through the building."

And further:

"What has just been said of the accommodations provided for the Secretary of State is true also of those provided for his three assistants, who, with the subdivision of the business of the Department, which is a necessary consequence of its growth, and in view of the necessity of receiving large numbers of callers, should be provided each with a waiting room, a retiring room, and a room for the private secretary, in addition to the principal office room. The most awkard situations have grown out of the conditions at present existing, and officers of the Government have been obliged to depart without communicating their private business because they could not communicate it without giving it publicity."

Up to the present time the State Department has been able to conduct its business in the present quarters without renting outside space, but valuable records and files are crowded out into the corridors, and within a few weeks the Secretary of State found it impossible to accept a deposit of valuable records because there was no safe place in the Department not occupied in which they could be stored.

This is only one instance of the embarrassment that has resulted from the present overcrowded condition of the Department—an embarrassment that must necessarily be increased as the Department grows. There is no question with the committee that it is the duty of the Government to provide for keeping safely the valuable records of the State Department within that Department's own building. The Department is reduced, however, to the extremity of having to rent additional space, and that step is now under consideration. A safe depository will have to be found outside the building for important state papers.

In a recent report of the work of the State Department, William H. Michael, chief clerk, says:

"The work of the Department has increased over 80 per cent in the last ten years without any essential increase in its working force. Both the force and the available working space in the Department will have to be increased very considerably within a short time in order to meet the absolute necessities of the service."

In this connection it was authoritatively stated that whenever this increase in the force is made additional space will have to be rented, for the present building can not accommodate the increase.

The Department has long considered it wise and proper that provision should be made for the holding of international commissions. It has found great difficulty and embarrassment in securing suitable private accommodations when necessary.

DEPARTMENT OF JUSTICE.

In the Fifty-fifth Congress, third session, Congress provided for the erection of a new Department of Justice by an act approved March 3, 1899. The necessity for this action was recited in the preamble, as follows:

"Whereas the building now occupied by the Department of Justice is too small for the purpose and is unsafe, overcrowded, and dangerously overloaded and has been so pronounced after examination by the proper officials of the Treasury Department."

If the necessity existed at that time for a new building for that Department, it has been emphasized since by the fact that the old quarters have been vacated and torn down, and, because of unforeseen complications, no steps have been taken toward the erection of a new building. The act has, by common consent of the executive officers, remained unexecuted, and the Department of Justice is located in private quarters not suited to the purpose, and for which high rent is paid. The principal difficulty in the way of executing the act of March 3, 1899, was the inadequate appropriation. It was found that $1,000,000, the limit of cost fixed in the act, was not sufficient to construct a building adapted for the purpose.

The Attorney-General asked for an increase of the limit to $1,900,000, but Congress did not deem it advisable to increase it, and the officers charged with executing the law regarded it wiser to wait until such time as Congress in its judgment should see fit to provide more money than to erect a building that must prove insufficient to meet even the immediate needs of the Department, and which made no provision for the future. A letter from the Attorney-General is appended to this report.

WAR AND NAVY DEPARTMENTS.

As suggested elsewhere, by providing for the State Department in the new building, the War and Navy Departments will be enabled to occupy to good advantage the space thus to be vacated. The increase in the official and clerical forces of these two Departments has been such during recent years that both are greatly congested and urgently require additional accommodations. The condition in the Navy Department has become so serious that

the Secretary of the Navy recently created a board to investigate and report upon the necessity of additional space. The report of the board shows that more space is imperatively required. The letter of the Secretary of the Navy is appended hereto.

The letter of the Secretary of War appended to this report directs attention to the overcrowded condition of the War Department and shows that the health of the employees is endangered by existing conditions, and that the convenient and ready dispatch of the public business is interfered with. Corridors are occupied by clerks and public documents to the confusion and embarrassment of the public service.

In the event the building proposed is erected and the space occupied by the State Department is divided between the War and Navy Departments in proportion to their respective forces "it would enable the War Department," says the Secretary of War, "to give up some of its rented buildings and relieve its present overcrowded condition in that building."

It is obvious that the War and Navy Departments will not be fully accommodated by the removal of the State Department, as contemplated, but each will be enabled to secure some considerable measure of relief.

It is interesting in this connection, by way of comparison, to consider the cost of sites of several of the principal public buildings erected by the Government.

The site for the post-office and subtreasury at Boston cost $1,329,095; at Cincinnati, $708,026; post-office and court-house, Chicago, Ill., $1,259,385; post-office and court-house, Philadelphia, $1,573,867; St. Louis, Mo., custom-house and post-office, $368,882; New York custom-house (old) site, $1,000,000; New York custom-house (new) site, $2,240,718; Washington City post-office, $651,215.

It will be instructive to compare the estimated cost of the building provided for by the accompanying bill with the cost of some other Government buildings. The United States Treasury building cost $6,470,090; the post-office building in the city of Washington, D. C., $2,585,835; the Congressional Library building, $6,343,000; the State, War, and Navy Department building, $10,038,482. The estimated cost of the building contemplated in the accompanying bill is from $5,000,000 to $6,000,000. It should be borne in mind that the cost of site is not included in the amounts above mentioned.

It should be observed that the cost of the building for the Department of Justice authorized by act of Congress March 3, 1899, was limited to $1,000,000. But subsequently, as heretofore observed, the Attorney-General found it was impossible to construct a creditable building within this limit, and an increase of $500,000 was asked. The accompanying bill is intended to provide for the accommodation of three great Departments of the Government at a cost, exclusive of site, of from $5,000,000 to $6,000,000, or, in round numbers, from $1,000,000 to $4,000,000 more than has been found necessary to erect a suitable building for the Department of Justice alone on the present site, which occupies but a fraction of a block, the residue of which is occupied by private and corporate interests.

An examination of the history of some of the great Department buildings in Washington discloses the fact that they have been constructed after the most tedious and protracted delays.

About fourteen years elapsed from the time discussion began for the erection of the extension of the Treasury building until it was completed and occupied.

It was about eleven years after the discussion of the necessity for a new Congressional Library building began until the building was ready for use.

Some seventeen years elapsed in considering the necessity of the construction of the State, War, and Navy building and in the actual construction.

It should be borne in mind that even after the requisite authority of Congress is granted much time will be consumed in actual construction. It required about eight years to construct the Washington City post-office; three and a half years to build the Philadelphia mint, where the conditions were exceptionally favorable; six years to build the New York post-office, and the Chicago post-office, authorized about six years ago, is still incomplete.

It would seem that the time had come to take some decisive step toward making better and ampler provision to meet the necessities of the great Executive Departments of the Government. Entire relief will not be secured by the passage of the measure before the Senate, but that very considerable relief will be afforded is manifest. Competent architects have advised the committee that the three Departments contemplated by the present bill may be well accommodated for the present, and for a reasonable time in the future at least, in the same building.

The committee is of the opinion that no more suitable dedication of block 167 could be made than is proposed in the pending bill, bringing into close communion with each other those Departments of the Government most closely allied.

It may be well to remember that in providing for the actual needs of the Government service in the accompanying bill the building proposed is in entire harmony with the plans of the park commission for the permanent improvement of Washington, as is shown by a letter from Senator McMillan, chairman of the Committee on the District of Columbia, which is appended to this report. It should be borne in mind, however, that the building to be erected is not to be constructed for the purpose of promoting such plans or committing the Government to them in any measure. The committee merely adverts to the fact that in acquiring the site proposed to meet the immediate and imperative necessities of the public service the property acquired will be in harmony with and not contrary to the plans mentioned, and that should such plans be approved in the future nothing will have been done under the pending bill which will conflict with or impair them in any respect.

The rapid growth of the country has naturally greatly increased the necessity for additional accommodations for the transaction of the public business in Washington. This is perfectly manifest to everyone who has had to do with public affairs. Efficiency and economy require that the facilities should be at all times adequate. A prudent and successful business concern keeps pace with its expanding necessities, but the Government has pursued a contrary policy, and almost every Department in Washington is greatly crowded, and private property is occupied and has been occupied for many years in various portions of the city to accommodate the overflow.

If the Government were to spend a reasonable amount annually to provide for the increasing and reasonable requirements of its own business, the amount would seem to be comparatively small, but when the necessities are allowed to accumulate, the appropriations when finally made seem to be unnecessarily large. Delay in making needed improvements is not wise economy. They must ultimately be made, and when made the Government must pay the enhanced cost of property required therefor.

It is poor policy for the Government to pay tribute to the owners of private property for the accommodation of its business—property which is poorly suited to the speedy and economical dispatch of the public business.

The committee is of the opinion that buildings erected in Washington for the accommodation of the executive business of the country should be so built as to stand for many years to come. They should be of such architecture and of such material as will be in entire harmony with the strength and dignity of the nation. There will be comparatively few such buildings, and they should be made to reflect credit upon the country and be objects of admiration to the people and physical manifestations of the country's progress and grandeur to those from abroad who may visit the national capital.

* * * * * * * *

DEPARTMENT OF JUSTICE,
Washington, D. C., February 4, 1902.

SIR: Your letter of the 31st ultimo asks me, on behalf of the Committee on Public Buildings and Grounds, for any information I may be able to give it "as to the necessity of additional accommodations for the Department of Justice and as to the advisability of accommodating the Department in a building to be devoted to the chief executive offices, the Department of State, and the Department of Justice, the same to be erected upon block 167, Washington, D. C.," and I reply to the two points in the order given:

First. As to the necessity for additional accommodations. As to this, I think nothing more is required than has already been said, unless I say, in addition to what was presented to Congress at the time the original bill for the erection of a new building was under consideration, that at the time temporary quarters were provided for the Department of Justice and its old building torn down it was supposed that the erection of a new building would be begun within a reasonable period. Since then, however, it was found necessary to relieve the crowded condition of the temporary quarters by renting the building adjoining that occupied by the Department on K street NW., known as 1000 Vermont avenue, as well as a suite of rooms in the Bond Building. With these additions the quarters now occupied by the Department will probably be sufficient to accommodate it until the proposed new building can be erected.

Second. As to the advisability of accommodating the Department in a building to be occupied by the chief executive offices, the Department of State, and the Department of Justice, to be erected upon block 16., I say that it would greatly facilitate the transaction of public business to have the Department of Justice so close to the executive offices and the Department of State, with both of which it has occasion to communicate frequently. The proposed site is a convenient of access to the Treasury, War, and Navy Departments, with which the Department of Justice is also obliged to be in constant communication, as that in which the site of the former Department building is located on the east side of Lafayette Square. It seems evident, also, that it should be cheaper to erect one building of the proper character in which to house these three Departments than to build three buildings of the same character, though smaller, to accommodate them separately.

Respectfully,

P. C. KNOX, *Attorney-General.*

Hon. CHARLES W. FAIRBANKS,
Chairman Committee on Public Buildings and Grounds, United States Senate.

WAR DEPARTMENT,
Washington, February 19, 1902.

DEAR SIR: In reply to your letter of the 18th instant, I have the honor to advise you that since the beginning of the Spanish-American war we have had a temporary force which now consists of about 600 persons, of which only about 40 belong to the insular division, the remainder being distributed elsewhere in the Secretary's Office and among the various bureaus of the Department, excepting the office of the Chief of Engineers and the Record and Pension Office. Our annual estimates for the ensuing fiscal year contemplate the continuation of this force, and it is not believed that it will be practicable for a long while to come to decrease this number materially.

This increase in the force necessitated the renting of three buildings outside of the State, War, and Navy Department building—to wit, the Lemon Building, New York avenue, between Seventeenth and Eighteenth streets; premises No. 532 Seventeenth street, for the depot quartermaster's office and others, and the premises known as No. 1744 G street, for the Ordnance Department and others. In addition we have for a number of years rented for the Record and Pension Office premises Nos. 610 Seventeenth street and 1712 G street, and 1814 G street for the Army Dispensary.

The space now allotted to the War Department in the State, War, and Navy Department building is crowded to an extent that is believed to be detrimental to the health of the employees and is known to be unfavorable for administrative purposes. For a long time we have been compelled to use portions of the corridors on nearly every floor from basement to garret, not only for the storage of records and publications, but as well for the use of clerks. If provision should be made for the State Department in the new Executive, State, and Justice building, and assuming that the space thereby vacated in the State, War, and Navy Department building would be divided between the War and Navy Departments in proportion to the numbers of their respective forces, it would enable the War Department to give up some of its rented buildings and relieve its present overcrowded condition in that building.

Very respectfully,

ELIHU ROOT, *Secretary of War.*

Hon. CHARLES W. FAIRBANKS,
United States Senate.

NAVY DEPARTMENT, *Washington, February 20, 1902.*

DEAR SIR: Replying to your letter of February 18, I have to state that the Navy Department and Marine Corps now pay $9,960 per annum for quarters outside of the State, War, and Navy Department building.

Since the rooms now occupied by the Navy Department in this building were assigned to it the number of officers, clerks, draftsmen, etc., has been doubled, the number employed when assigned being 276 and the number employed at the present time 550. The recapitulation of reports from various bureaus as to the necessity for providing additional room shows that there is required for—

	Square feet.
Officers and clerks	28,370
Draftsmen	5,500
Storeroom	4,400
Blue-printers	1,400

Making a total of 39,770 square feet of additional space.

The Department has appointed a board to thoroughly look into this subject, and I will take pleasure in sending you the result of this board's finding as soon as prepared.

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. CHARLES W. FAIRBANKS, *Washington, D. C.*

SENATE OF THE UNITED STATES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D. C., February 22, 1902.

MY DEAR SENATOR: I have read the substitute bill which you propose to report, authorizing the construction of a building for the Executive offices, the Department of State, and the Department of Justice on the side immediately west of Lafayette Square.

In response to your request for a statement it gives me pleasure to say that the proposed site is entirely in harmony with the plans that have been reported from the Senate Committee on the District of Columbia for the improvement of the park system of Washington. Further, the construction of a building on the site proposed has many advantages, not only because of the proximity of the site to the other executive buildings, but also because

the location will provide for an adequate setting for the building and will be one more step in the development of a group of executive buildings so placed that each will enhance the dignity of the others.

The design for the proposed new building, as prepared by Mr. George B. Post, of New York, is said by Mr. Charles F. McKim, a member of the park commission and the president of the American Institute of Architects, to represent in a remarkable degree those qualities of plan and façade which should characterize our Government architecture.

In conclusion, I know of no one thing that will advance the proposed improvement of Washington to a greater extent than will the construction of such a building as has been planned on the site selected.

Very truly, yours,

JAMES MCMILLAN.

Hon. CHARLES W. FAIRBANKS,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

DEPARTMENT OF COMMERCE AND LABOR.

Since the preparation of the foregoing report, the Department of Commerce and Labor has been created and is now occupying temporary quarters. This Department is an important one, and it is very essential that adequate preparations should be made, and at an early date, for its accommodation. Its needs have been fully set forth by the Secretary in a communication to the Secretary of the Treasury, under date of February 23, 1903, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, February 23, 1903.

SIR: I have the honor to request that the following estimate for the construction of a suitable building for the Department of Commerce and Labor be transmitted to Congress:

At the beginning of the coming fiscal year the Department of Commerce and Labor will consist of twelve organizations, transferred to it from other branches of the public service, two new bureaus, and the office proper of the Secretary—in all, fifteen organized offices.

These offices will be housed, under present arrangements, in ten or more different buildings. The Census Office is on B street, between First and Second streets NW.; the Coast and Geodetic Survey is on New Jersey avenue, near B street SE.; the Bureau of Foreign Commerce is in the State, War, and Navy building. Between these limits of about a mile and a half east and west and about one-third of a mile north and south are distributed the remaining organizations of the Department.

The Light-House Board and the Bureau of Navigation are at 719–721 Thirteenth street NW.; the National Bureau of Standards on New Jersey avenue, near B street SE.; the Immigration Bureau, the Steamboat-Inspection Service, and the Alaska Seal and Salmon Fisheries in the Treasury building; the Commission of Fish and Fisheries at Sixth and B streets SW.; the Department of Labor at Fifteenth street and New York avenue NW.; and the Bureau of Statistics at 1333 F street NW. Quarters for the office of the Secretary of Commerce and Labor and for the new Bureaus of Manufactures and Corporations have not yet been chosen. The delay, inconvenience, and expense in the transaction of daily business by so scattered an organization will be evident at once both to Congress and to the commercial and industrial interests of the country.

The annual rent during the current fiscal year for only four of these organizations (Department of Labor, Census Office, Bureau of Statistics, and Light-House Board) amounts to $44,544. Rented quarters are now provided, or soon must be provided, for nine of the remaining organizations in the Department of Commerce and Labor.

On July 1 the Department of Commerce and Labor will employ in the city of Washington about 1,300 men and women. The precise number can not be stated until the new bureaus have been organized.

The present needs of the new Department have been briefly mentioned in order to show the importance of early action by Congress to supply them. In any project for the building which Congress may approve it is earnestly recommended that provision be made for the future growth of the Department, which will accompany the development of the commerce and industry of the United States.

The site to be secured should not only suffice for the structure required to house under one roof the branches of the public service to be assembled in July under the Secretary of Commerce and Labor, but should be ample for extensions of the edifice from time to time, in harmony with original plans, and with requirements of the increasing artistic sense of the people. The building for the Department of Commerce and Labor at the national capital, it is suggested, should be so planned in advance as to be not inferior in convenience or beauty to the structures which commercial and financial institutions in the great centers of American trade are erecting for the transaction of their daily business.

It should be designed on a scale large enough to provide for the reasonable growth for some years to come of the various branches of the public service, comprising at the outset the Department, and to supply quarters for such other branches of the service as by creation or transfer may hereafter be brought under its jurisdiction.

It should have at least one hall suitable for conferences or congresses, international or national, which, by invitation of the Government of the United States, have met in this country in the past, and doubtless hereafter will assemble frequently at Washington. To secure light and ventilation inner courts open to the sky are necessary. The edifice should be fireproof.

Such a Department building is needed to meet the requirements of progressive business methods. It is needed to give adequate expression to the country's advance in the art of architecture. It is a proper part of any general project to render more beautiful the national capital. It is in the line, furthermore, of true economy.

The Treasury building cost $7,250,540, but it is already inadequate for the needs of that Department, which this year, according to the estimates, will spend $18,894 in rents for outside offices. The State, War, and Navy building cost $10,071,916, but the Departments it houses will this year spend $25,200 for rented offices, and more offices must be secured for the coming fiscal year. The Patent Office cost $3,652,705, but this year the Interior Department will be required to spend $80,680 for rented buildings (including $26,680 for the Census Office, transferred to the Department of Commerce and Labor). The new post-office cost $3,306,490, but from the beginning was inadequate for the Post-Office Department, which this year will spend $36,406 for rented offices.

Probably none of the Department buildings mentioned could be enlarged without a departure from original plans so radical as to destroy its symmetry and thus to forbid such enlargement. Had the growth of the business of the country and of these Departments been foreseen, doubtless at the outset larger sites and different plans would have been provided. On the other hand, in the case of the Capitol, built and extended for $17,071,849, increased accommodations in consonance with original plans at a cost of about $6,000,000 are now proposed. In the case of the Library of Congress, recently completed at a cost of $6,920,081, such extensions are also possible.

I earnestly recommend, therefore, that Congress provide for the construction of a building for the Department of Commerce and Labor to cost, exclusive of the site, the sum of $7,000,000.

Very respectfully,

GEO. B. CORTELYOU,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF JUSTICE.

The Report of the Attorney-General for the year ending June 30, 1903, sets forth the urgent necessity of providing a new building for the Department of Justice, as follows:

"NEW DEPARTMENT BUILDING.

"During the first session of the Fifty-seventh Congress a bill was introduced in the Senate on January 7, 1902 (S. 2462), 'to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State and a Department of Justice,' which was reported back from the Committee on Public Buildings and Grounds with an amendment, April 12, 1902, but no further action was taken upon it.

"By 'An act to increase the limit of cost of certain public buildings,' etc., approved June 6, 1902, section 23, the act approved March 3, 1899, to provide for the erection of a building for the Department of Justice was repealed and the Attorney-General directed to cover into the Treasury of the United States the balance of the appropriation carried in that act and unexpended.

"The Department has been occupying rented quarters since 1899, when its building on Pennsylvania avenue was condemned and torn down.

"During the past year it became necessary to rent an additional building, and the Department now has its official force distributed in seven buildings, including the quarters occupied by the Spanish Treaty Claims Commission and the space in the Court of Claims building occupied by the library. The total rental now paid by the Department is $25,200 per annum.

"The library of the Department is several squares distant from the main offices. Much inconvenience and annoyance are experienced owing to the lack of room and facilities for proper arrangement of the various offices.

"The buildings are not fireproof. There is not a vault in any of the buildings occupied by the Department, and all office records, documents, papers, and books are exposed to the ravages of a fire. Under the supervision of the chief engineer of the fire department additional appliances for extinguishing fires have been installed, and all possible precautions are being taken to protect the buildings and their contents."

It is obvious that the growth of the business of the great Executive Departments will make additional buildings necessary at no distant day. In the course of time, no doubt, each will require a separate building. For the present, however, the requirements of the three Departments most urgently in need of additional accommodations will be met by the construction of the building contemplated by the pending bill.

Statement of buildings rented within the District of Columbia for the use of the Government, as required by the act of July 16, 1892 (27 Stat., p. 193).

BUILDINGS RENTED BY THE STATE DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

Location of building.	For what purpose used.	Annual rental.
No. 1518 L street NW	Stables for State Department	$720

BUILDINGS RENTED BY THE TREASURY DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

No. 1709 New York avenue NW.	Photographic and other purposes.	$3,000.00
No. 400 Nineteenth street NW.	Treasury stables and storage rooms.	1,200.00
Nos. 920 and 922 E street NW.	Storage of documents and records.	6,800.00
Total		11,000.00

ROOMS RENTED BY THE INTERSTATE COMMERCE COMMISSION IN WASHINGTON, D. C., FOR THE FISCAL YEAR 1904.

No. 1317 F street, Sun Building, fifth, sixth, seventh, and eighth floors, 1 room on first floor, 3 rooms on second floor, 1 room on third floor, 4 rooms on fourth floor; also part of cellar (including heating, watchman, elevator, and water service, estimated as equal to $4,600 per annum).	Interstate Commerce Commission.	$12,840.00

BUILDINGS RENTED BY THE WAR DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

No. 1729 New York avenue NW.	War Department and Bureau Offices.	$7,200.00
No. 532 Seventeenth street NW.	Depot Quartermaster's Office	3,000.00
No. 1744 G street NW	Ordnance and Signal Offices	2,100.00
No. 610 Seventeenth street NW.	Record and Pension Office	1,500.00
No. 1712 G street NW	do	800.00
No. 1814 G street NW	Surgeon-General's Office	1,000.00
No. 601 Eighteenth street NW	Bureau of Insular Affairs	1,200.00
Total		16,800.00

BUILDINGS RENTED BY THE NAVY DEPARTMENT IN WASHINGTON, D. C., FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

Location of building.	For what purpose used.	Annual rental.
Mills Building, corner of Pennsylvania avenue and Seventeenth street NW.	Annex for the purposes of the various bureaus, Hydrographic Office, Naval Dispensary, Navy Pay Office, Headquarters United States Marine Corps, General Board, Board of Inspection and Survey, and the Naval Examining and Retiring Board.	$24,500.00

Statement of buildings rented within the District of Columbia for the use of the Government, etc.—Continued.

BUILDINGS RENTED BY THE DEPARTMENT OF THE INTERIOR IN WASHINGTON, D. C., FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

Building northwest corner Eighth and E streets NW.	Civil Service Commission	$4,500.00
Bulding northeast corner Eighth and G streets NW.	Bureau of Education	4,000.00
Building No. 1328 F street SW	Geological Survey	10,000.00
First and second floors of building in rear of 1310 and 1312 F street NW.	do	2,000.00
Building in rear of Nos. 1320 and 1322 F street NW.	do	3,200.00
Upper two floors of building in rear of sublots 29 and 34, square 254.	do	1,200.00
Basement of building No. 1328 F street NW.	do	1,000.00
Building on right of lot 17, square 254.	do	5,000.00
Five floors of new addition to Hooe Building.	do	6,000.00
Union Building, G street, between Sixth and Seventh NW. (third and fourth floors).	Patent Office models	13,000.00
Union Building, G street, between Sixth and Seventh NW. (basement floor).	Storage of documents and census records.	1,800.00
Building No. 633, New York avenue NW.	Storage of public documents	1,500.00
Citizens' National Bank Building, Fifteenth street NW. (second and third floors).	United States pension agency	2,500.00
McGill Building, 908-914 G street NW., 11 rooms, at $137 per month.	Reclamation division, Geological Survey.	1,644.00
Total		57,344.00

BUILDINGS RENTED BY THE POST-OFFICE DEPARTMENT IN THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR 1904.

Union Building, G street, between Sixth and Seventh streets NW.	Station G, city post-office	*ab* $3,500.00
No. 1413 F street NW	Station C, city post-office	*a* 2,000.00
Fourth and East Capitol streets.	Station B, city post-office	*a* 1,480.00
Nos. 714-716 Four-and-a-half street SW.	Station D, city post-office	*a* 850.00
No. 1413 Park street	Station F, city post-office	*ac* 1,380.00
Anacostia	Station H, city post-office	*ac* 300.00
Twenty-fourth street NE., between Cincinnati and Detroit streets.	Station K, city post-office	*ac* 200.00
Bunker Hill road and Ninth street NE. (Brookland).	Brookland station, city post-office.	*ac* 200.00
Carroll avenue and Blair road (Takoma Park).	Takoma Park station, city post-office.	*ac* 240.00
Nos. 611 and 613 E street NW.	Division of Post-Office Supplies	4,000.00
No. 710 E street NW	Part of Division of Post-Office Supplies and Rural Free Delivery.	7,000.00
No. 1101 Pennsylvania avenue NW.	Rural Free Delivery	*d* 1,800.00
Nos. 918-920 E street NW	Storage of files	*d* 3,000.00
Nos. 479 and 481 C street NW.	Mail-bag repair shop	*a* 5,000.00
Alley, between Four-and-a-half and Sixth streets, C and Louisiana avenue.	Blacksmith shop for mail-bag repair shop.	*a* 96.00
Alley, between L and M, Sixteenth and Seventeenth streets NW.	Stable	300.00
Total		31,346.00

a Paid out of appropriation for postal service.
b Including equipment and heat.
c Including heating and lights.
d Including heat, lights, elevator and janitor service.

BUILDINGS UNDER RENTAL AND OCCUPIED BY THE DEPARTMENT OF AGRICULTURE IN THE DISTRICT OF COLUMBIA DURING THE FISCAL YEAR ENDING JUNE 30, 1904.

No. 200 Fourteenth street SW	Bureau of Chemistry, laboratory and offices.	$2,500.00
No. 1332 B street SW	Bureau of Animal Industry, laboratory and offices.	1,800.00
Nos. 212-214 Thirteenth street SW.	Bureau of Soils, laboratory and offices.	2,000.00
Atlantic Building	Bureau of Forestry, offices	$10,000.00
No. 1306 B street SW	Bureau of Plant Industry, Vegetable Pathology and Physiology, laboratory and office.	3,000.00
No. 224 Twelfth street SW	Botanical investigation, laboratories and offices.	3,000.00
Thirteenth-and-a-half street SW.	Purchase and distribution of valuable seeds, warerooms.	3,000.00
	Grass and forage plant investigations.	1,200.00
No. 1304 B street SW	Division of Publications, document rooms.	1,400.00
Total		27,900.00

Statement of buildings rented within the District of Columbia for the use of the Government, etc.—Continued.

ROOMS RENTED BY DEPARTMENT OF COMMERCE AND LABOR IN WASHINGTON, D. C., FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

Willard Building, 513-515 Fourteenth street NW.	Main building of Department	$11,830.00
Emery Building, northwest corner of First and B streets NW.	Bureau of the Census	26,600.00
National Safe Deposit building, corner of New York avenue and Fifteenth street (in part).	Bureau of Labor	6,750.00
Builders' Exchange Building, 719-721 Thirteenth street, NW. (in part).	Light-House Board, Steamboat-Inspection Service, Bureau of Navigation.	7,600.00
Adams Building, 1333-1335 F street, NW. (in part).	Bureau of Statistics	4,539.84
235 New Jersey avenue SE	Bureau of Standards (laboratory).	840.00
1137-1139 Seventeenth street NW.	Stables	1,200.00
Total		59,359.84

BUILDINGS RENTED BY THE DEPARTMENT OF JUSTICE IN WASHINGTON, D. C., FOR THE FISCAL YEAR ENDING JUNE 30, 1904.

No. 1000 Vermont avenue	For records, offices, and business of the Department.	$6,500.00
Baltic Building, 1433 K street NW.	do	10,000.00
No. 8 Jackson square	do	2,100.00
Bond Building, Fourteenth and New York avenue; rooms 708 to 717 inclusive.	do	1,800.00
No. 1439 K street NW	do	2,400.00
No. 1411 H street NW	For the records, offices, and business of the Spanish Treaty Claims Commission.	2,400.00
Total		25,200.00

RECAPITULATION.

Department.	Amount.	Department.	Amount.
State Department	$720.00	Department of Commerce and Labor	$59,359.84
Treasury Department	11,000.00	Department of Justice	25,200.00
War Department	16,800.00	District of Columbia	49,240.00
Navy Department	24,500.00	Interstate Commerce Commission	12,840.00
Interior Department	57,344.00		
Post-Office Department	31,346.00		
Department of Agriculture	27,900.00	Total	316,240.84

Mr. GALLINGER. Mr. President, I have no disposition to delay a vote on this bill, although I am very strongly opposed to many of its features. I sympathize, Mr. President, very strongly with the view that has been so well expressed to-day in this debate, that before we engage in lavish expenditure for public buildings for Cabinet officers or other officials of the Government we ought to take care of our own membership. I have held to that view every day from the time that I occupied an apartment in the so-called "Senate Annex," and I really believe it would be the part of wisdom for the Senate to stop appropriating money for public buildings until that want is supplied. Whether it should be done by the erection of an independent building as an offset to the building the House of Representatives is to erect or by an enlargement of this Capitol, according to the plans that have been drawn, I am not prepared to say; but that it ought to be done goes without the saying.

Mr. President, I have strong convictions in certain other directions, and one is that we ought to commence (notwithstanding the objection which the Senator from Minnesota [Mr. NELSON] so strongly urged) the erection of buildings, if we are to erect them, on the south side of the Avenue, and that we ought to acquire either in bulk or by piecemeal that triangle between Pennsylvania avenue and the Mall.

The Senator from Minnesota has painted a picture of the conditions that existed in the city of Washington a long time ago. It was a time when no adequate provisions were made to prevent overflow from the Potomac River, and Pennsylvania avenue was sometimes flooded. I have been here for twenty years and have not at any time wet my feet on Pennsylvania avenue except in rain storms. The time the Senator from Minnesota alluded to was when there was no drainage system in the city of Washington. We are now spending hundreds of thousands of dollars for the purpose of securing a proper sewerage system, which is almost completed. Under existing conditions there is no very serious objection to placing buildings on the south side of Pennsylvania avenue. The most beautiful part of the city of Boston, covering miles, was reclaimed from the ocean, and great structures are placed there upon filled ground.

To my mind it is inconsequential to talk about the small amount of money that will be required to make foundations on the south side of Pennsylvania avenue. Of course it will cost something, but that cost is not sufficient to deter any of us from voting to redeem Pennsylvania avenue from the unsightly condition and undesirable environments that are there to be found at the present time. The Southern Railway has erected its great building on the south side of Pennsylvania avenue. We have our magnificent Post-Office building there, and we are about erecting a municipal building at a cost, I think, of nearly $2,000,000 upon that avenue I see no reason why we should not, for the purpose of beautifying this city, take the grounds south of that magnificent avenue as sites for the public buildings which are to be erected during the next twenty or twenty-five years.

Mr. President, we are confronted at the present time in our legislation with some very serious problems so far as the expenditure of money is concerned. We are a rich government; we have to-day a large balance in the Treasury of the United States, and we have been proceeding heretofore upon the assumption, I take it, that we would always have a large balance to our credit. That may not be so in the near future. We have already provided for the construction of a building for the House of Representatives—a very costly structure; we have provided for the construction of a municipal building; we have provided for the construction of a building for the Department of Agriculture and for another building for the National Museum. We have made large contributions from the funds of the Government and from the funds of the District of Columbia toward the construction of a magnificent union station, which is to be a great ornament to the capital of this country.

We have many other projects pressing upon us at the present time—high-pressure fire protection, hospital buildings, and many other measures of expenditure—the friends of which are clamorous for the appropriation of very large sums of money, which we shall have to make in the near future. I am not at all sure, Mr. President, that with the money which we have already appropriated and the money we shall have to appropriate during the next two or three years we ought not to call a halt in the construction of any building in the city of Washington that we can get along without for the next few years.

Mr. President, I turn my attention for a moment to the pending bill. I have objections to it. Those objections I will state, not for the purpose of occupying a single moment of unnecessary time, but to put myself right on the record.

I do not believe that we ought to erect a composite building, a building for three Departments of the Government. We have one building of that kind now, and there has been contention, as I understand, from the day it was erected, so far as the division of room is concerned. If there is an urgent demand for a building for the Department of Justice, let us construct a building for that Department. If there is an urgent demand for a building for the new Department of Commerce and Labor, which I do not think is an urgent matter, let us in due time construct a building for that Department. If there is necessity for a building for the State Department, which I do not think exists, let us at the proper time construct a building for that Department.

So, Mr. President, when the stage is reached where I can offer amendments to this bill I propose to offer two amendments. One is that this commission shall select ground on the south side of Pennsylvania avenue for the building in contemplation, and the other will be that we provide, if we are to provide any building, simply for a structure for the Department of Justice.

If those amendments shall be voted down, then my work will have come to naught, but I shall at least have put myself on record in favor of building on the south side of Pennsylvania avenue and not invade that beautiful part of the city which is already improved by fine buildings, and that we ought to provide for a building for one Department instead of a composite building for three Departments.

Mr. President, there is a great deal of agitation about beautifying this city. If it has any foundation in fact, let us commence to do it now.

The Senator from Colorado [Mr. TELLER] very clearly and earnestly pointed us to the condition at the foot of this Capitol, on the north side of the Avenue. Why, Mr. President, I have been of the opinion for a great many years that the Government ought to take hold of that matter and purchase the north side of the Avenue from First to Third or Fourth or Sixth street; and I am gratified to be able to believe that a private citizen has in contemplation the purchase of those old ramshackle buildings that are a disgrace and a peril to the health of the city and an eyesore to every citizen of the Republic who comes to the capital. The erection of a fine building on the site of those old structures I hope is to come in the near future, and thus the improvements which the Government might wisely have made will be made by an enterprising citizen of the District of Columbia.

Mr. President, I have an opinion that we ought to remove the Supreme Court from this building, and that by an enlargement of the building we should provide adequate accommodations for every member of the Senate. I trust that that very desirable result may be secured in the near future. I know that the Senator from Indiana [Mr. FAIRBANKS] will say, and with propriety, that no such proposition is before the Senate at the present time; and yet I trust that, either through the instrumentality of his committee or some other committee of this body, we may be permitted to vote upon that proposition before many years and before some great fatality shall overtake a portion of our membership in consequence of occupying a building that has been declared unsafe.

With these observations, Mr. President, I am prepared to vote upon this bill. If it is thought desirable to pass it, it ought not to be passed in its present form. If a majority of the Senate shall see fit to vote for the amendment that I shall offer, placing this building on the south side of the Avenue, it will be a personal gratification to me as the chairman of the Committee on the District of Columbia, earnestly desirous to do everything in my power to beautify Washington and to remove from this city some of the unsightly structures that are, in my opinion, a reproach to the Congress of the United States and a reproach to this magnificent capital of this great and rich nation.

Mr. PROCTOR. Mr. President, I agree with what the Senator from New Hampshire [Mr. GALLINGER] has said. I agree heartily with him in his objections to putting up a building and gathering two or three different Departments in it. What little interests I have are in the immediate vicinity of the proposed location, and they would be benefited by such a structure. I wish they were larger; but they are not large enough to tempt me to vote against what I believe to be for the best public interest.

With this structure, five or six of the Departments would be clustered about the White House—the Treasury east of it, the War and Navy Departments west of it, and these three Departments on the square north of the War Department. That square is a very valuable one, and I do not think it is good sense or good judgment to take it. It is too valuable to be put to any use that will mar that location; it is altogether too valuable for any cheap structure, for anything but the very best.

Mr. FAIRBANKS. Would the Senator regard its use for apartment buildings as preferable to this?

Mr. PROCTOR. I think it is altogether too valuable and too expensive for the use of an apartment building.

Mr. FAIRBANKS. I will say to the Senator that one of the property holders advised me a short time ago that within six months speculators have attempted to get a location for an apartment building upon that very block.

Mr. PROCTOR. That is very natural, Mr. President. It is very probable that the owner of the real estate was anxious to stimulate the committee to go on with this project, when of course he could get a much better price for his property than he could from any promoter of an apartment house.

Mr. FAIRBANKS. If the Senator is familiar with the record he will know that a stimulus was not required, because long before that time this bill was brought to the attention of the Senate with a unanimous report of the committee.

Mr. PROCTOR. Mr. President——

Mr. FAIRBANKS. If the Senator will allow me just a word, as I do not want to take the floor again——

Mr. PROCTOR. Certainly.

Mr. FAIRBANKS. The Senator spoke about the number of Departments that will be clustered about this square—the War and the Navy Departments in the building now occupied. Does not the Senator realize that that building will be occupied by either one or the other of those Departments, either wholly by the War or by the Navy Department, and the building now under contemplation will ultimately be occupied not by three Departments, but by one Department?

Mr. PROCTOR. Mr. President, for one I am opposed to massing all the Executive Departments around the Executive Mansion. As I said, this measure would place six Departments there. Then there would be left the three squares fronting on Lafayette Square. The legitimate result of the adoption of this measure would be to take those three squares for the three remaining Executive Departments, one between Sixteenth street and Connecticut avenue; one between Sixteenth street and Vermont avenue, where the Arlington is located, and one east of the square, where the opera house is located. That would just provide for all the Executive Departments, and I think it is a legitimate result to be expected from the passage of this measure.

What should we have in the shape of a city then? We should have a town with two great ends—the executive at one end, and, a mile and a quarter away, the legislative branch at this end, and a most wretched middle separating them. I am afraid, Mr. President, with that massing of the Executive Departments the execu-

tive end would be the heaviest, and this end would tip over in the scale.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. PROCTOR. I do.

Mr. FAIRBANKS. If I may have the Senator's attention for a moment, I wish to say that just exactly what the Senator fears with reference to the grouping of the Executive Departments is what has been recommended by the most eminent architects of the country.

The committee says in its report that this measure is not for the purpose of promoting those plans; it calls attention simply to the fact that it is not in opposition to them. What the committee contemplates does not reach beyond the construction of a building upon one of these blocks.

Mr. PROCTOR. Well, Mr. President, I am neither eminent nor a landscape gardener, but I try to apply what little common sense I have to the decision of this question; and I think it would be a very unwise step to locate at this time any further Department buildings in that locality. I think we have been hurried here in these last days of the session. We are all anxious to get away, and it is, to my mind, the part of wisdom to let this measure rest over until another session. I hope we shall have more light, and I believe we may have different views upon it then.

Mr. GORMAN obtained the floor.

Mr. GALLINGER. Will the Senator permit me to make a single observation?

Mr. GORMAN. Certainly.

Mr. GALLINGER. The Senator from Indiana [Mr. FAIRBANKS] called attention to the fact that eminent architects—and the Senator, I take it, refers to the so-called "park commission"—had recommended the grouping of these buildings around the Executive Mansion. The Senator will remember that they did suggest that block 167, which is one of the three blocks named in this bill, might properly be utilized for that purpose, but they likewise added the suggestion that the south side of Pennsylvania avenue would be equally as desirable for this purpose.

Mr. GORMAN. Mr. President, in the consideration of a question so important as this, not only for the convenience of the public offices, but looking to the beauty of the city, I regret exceedingly, and it is somewhat embarrassing, that we have to discuss it in the form in which it is presented. The Committee on Public Buildings and Grounds having reported this bill as their best judgment as to what ought to be done in the premises, have provided in the bill for a commission to consist of the Secretary of State, the Attorney-General, the Secretary of Commerce and Labor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on Public Buildings and Grounds of the Senate, and the chairman of the Committee on Public Buildings and Grounds of the House of Representatives.

I observe that the distinguished Senator from Indiana [Mr. FAIRBANKS] seemed to be laboring under the impression that it was a matter in which his committee ought to be sustained, and compared the treatment of that committee to another great committee of this body—the Committee on Appropriations. I want to say to the Senator that so far at least as I am concerned—and I have no doubt that it is so universally—it is not at all a question between the committees of this body; and for one I express the opinion that it is unfortunate that the bill should be so framed that we could not altogether divorce the personnel from the subject itself. But notwithstanding that, and believing as I do that in fact there is not a gentleman who is named on this commission who will have any other view of it or attribute to any of us who oppose the proposition any other motive than that which I have stated, first, is it a proper location for a public building, and second, can such a building be constructed and the property acquired with regard to due economy?

Mr. President, the whole idea in laying out the city of Washington was that no public buildings should be located north of G street in this city on the high ground spoken of by the distinguished Senator from Minnesota [Mr. NELSON]. None has been so constructed, except by the unfortunate act which Congress passed permitting the Carnegie Library to be located upon a public square, thereby obstructing the view down three or four of the great avenues of this city. With that exception all are south of G street.

It is unquestionably a fact that the promoters—I mean by that the architects, the landscape gardeners, and the property owners—have been at work for years past trying to induce Congress to select the two squares on either side of the square in front of the President's House—that is to say, the square upon which the Riggs Bank is located and square 167, west of Lafayette Park.

Mr. FAIRBANKS. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Indiana?

Mr. GORMAN. With pleasure.

Mr. FAIRBANKS. Have not those same architects also been eager to have the Government acquire the ground south of Pennsylvania avenue to which I understand the Senator is directing his attention?

Mr. GORMAN. That is true, Mr. President, yet the fact remains that it will be utterly impossible for us to select and acquire both squares at this time, or within any reasonable time in the future. Therefore the question, and the only question—not one as between committees and the personnel of this commission—is which of the two propositions we should begin with, whether south of the Avenue or north of the Avenue.

If the Senator will go back and look at the old records, the correspondence, and the debates in Congress, he will find that the two squares north of the Avenue that are proposed to be taken now were specially designated as the choice residence sites of the District. Upon those two squares have been constructed, or were constructed in the early days, residences that are historic. They have been owned and kept in the families of the original owners, and they are most earnestly opposed to parting with their property.

There are others who have been more fortunate in the affairs of the world, who within the last ten or fifteen years have acquired property elsewhere for their residences in the more fashionable part of the city, as the fashion seems to have moved to the Northwest, who have been anxious to sell those squares, and to sell them to the Government at a very high price.

We began with the square on which the Riggs Bank is located, and the same influences and the same reasons that are now given induced Congress, after the failure of the Freedmen's Bank, to take that building, so that we might acquire a foothold in that square, with a view of taking the entire square at a tremendous cost—$20 a square foot, I believe—for the property, which would make the cost of that entire square two and a half million dollars, if we were to acquire it.

Then, for the purpose of relieving the Corcoran Art Gallery, whose accommodations were insufficient for them, came the proposition that we acquire a corner of the square west of Lafayette Park, which is now proposed to be taken at $18 a square foot. Under condemnation proceedings in this city that will be about what we will pay for that square if it is acquired. That will amount, in round numbers, to $2,000,000 for the square alone. If the Riggs Bank square is taken, at least as much, and possibly half a million dollars in addition, will be required, because the buildings on that square are very valuable.

You can take the same amount of money down on Pennsylvania avenue, beginning with the square immediately east of the Treasury Department, or any other square on the line between the Botanic Gardens and Fifteenth street, and acquire at least three times as much ground for the same money, and at the same time beautify the city.

So, upon the score of economy, as well as of convenience and beauty, Pennsylvania avenue is the place to begin, in my judgment; because, as has been well said by the Senator from Vermont [Mr. PROCTOR], if you acquire the square west of Lafayette Square now, the one north of the Treasury Department must come hereafter, or else you will have a condition of affairs there as unsightly as is the outlook from the east front of this Capitol.

I supposed when we acquired the site for the Congressional Library southeast of the Capitol—and it was the conviction and statement at that time of nearly everybody who discussed it—that under the lead of that very distinguished Senator from Vermont, Mr. Morrill, who so long presided over the committee of which the Senator from Indiana is now chairman, we would acquire the square opposite the Library building and immediately in front of the Senate Chamber for the Supreme Court, and then the plans for public buildings would place them down on the Mall, along the line of Pennsylvania avenue.

We began that by acquiring sufficient ground for the Post-Office Department, and later on for the District municipal building, but there was no system about it. We acquired the squares with streets running not at right angles with Pennsylvania avenue, and, therefore, the building that has been constructed for the Post-Office Department does not look well on the Avenue.

For that reason the Senator from Minnesota [Mr. NELSON] is under the impression, after looking at the old maps, that to secure proper foundations was a matter of great inconvenience, trouble, and expense in that locality. So it is, Mr. President, to some extent; but such difficulties will occur in all cities and in all communities.

Mr. NELSON. May I ask the Senator a question?

Mr. GORMAN. With pleasure.

Mr. NELSON. Does the Senator know how much we paid a square foot for that ground?

Mr. GORMAN. Yes, sir.

Mr. NELSON. How much?

Mr. GORMAN. We bought that entire square for about $600,000.

Mr. NELSON. How much per foot did we pay for it?

Mr. GORMAN. Without being entirely accurate, my impression is that we paid for it about $8 per square foot.

Mr. NELSON. I have understood it was $9 a square foot.

Mr. GORMAN. Well, possibly nine.

Mr. NELSON. If the Senator will bear with me, is it not a fact that that building has been flooded in the basement since it was constructed; that the water has come into the basement?

Mr. GORMAN. I have no knowledge of that, Mr. President; but when I came here as a boy through the whole of the territory running from the foot of the Monument through to the Eastern Branch was a canal, constructed by the Government of the United States or the city of Washington at that time, and running in front of the Capitol, on Third street, where the arch still remains. It was a very comfortable little stream called the "Tiber," heading out beyond the Government Printing Office.

Mr. HOAR. The name of the stream which the Senator calls the Tiber was Goose Creek.

Mr. GORMAN. That was before my time. I think the Senator has in mind another stream, running north and south.

But this entire valley, up to the beginning of 1861 or 1862, was a very unsightly affair, and General Washington and those who had laid out the city of Washington all anticipated that the great structures of the Government would be in front of the Capitol on this high ground. But the high price of land held by the Carrolls and General Washington and others, who held all this property to the eastward, compelled the construction of private buildings in the west and down on Pennsylvania avenue, reaching out to Georgetown, which in the beginning was the great city of the District.

Then the White House was located on its present site, and finally the other buildings were built, all going in that direction. The same rule applies here that applies in every city in the course of its construction. If it is possible to do so, the whole trend is to the northwest and not to the east. So the conditions with respect to the land and the possibility of erecting buildings there have all been overcome in the matter I have recited. There can be no trouble. It is true that in the past we have had floods that passed through this valley before the Potomac River was improved. That condition has passed away. The construction of a building on the Avenue now is a matter of no concern. Private individuals do not hesitate to construct them there. The great Southern Railroad, with its engineers, did not hesitate to select a point at the corner of Thirteenth and Pennsylvania avenue and put up a very fine structure. There has been no trouble about that foundation or any in the vicinity, except that as a matter of precaution they have used piles and cement, as they do now everywhere when the ground is low.

But if the foundation does add to the cost of construction of the building, it is not one-tenth of the additional cost you would have to pay for land upon high ground. You gain nothing whatever by going to the north, while on the other hand you incur additional expense and you destroy the beauty of the town, or, rather, you do not add to the beauty of the town to the extent that you could by removing these unsightly structures down on Pennsylvania avenue.

I want to say again to the Senator from Indiana that I should be delighted to be able to follow him and his committee in their recommendations. Let them have entire charge of the selection of a square if they will agree to select it between Third street and Fifteenth street.

There is no desire on my part or on the part of anybody else with whom I have talked to take it from their hands; but this is a matter as to which each of us must determine what is best, looking to the future of this great city, and I trust that the Senator and his committee after this discussion will agree, as we are now informed by the Senator from Vermont that we are in the closing hours of the session, that the bill may go back to his committee or that he will remodel it now on the floor and permit us to have these structures made—not one, but two or three, if it be necessary, on this avenue front.

I agree with the Senator from New Hampshire [Mr. GALLINGER]. I have had the same experience that other Senators have had, that a building intended and required by law to accommodate three Departments has always produced trouble.

Mr. COCKRELL. There is the Post-Office building.

Mr. GORMAN. Take the Post-Office building down on the Avenue. We spent weeks listening to the contentions of the different persons who were to occupy the building. It was so with the State, War, and Navy building and so with every one we have had to deal with.

I think in addition, that any building you might construct in any one of these squares will not, at the time of its completion, four or five years hence, be more than sufficient for a single one of these Departments, particularly this new Department, which has been described by the Senator from Colorado [Mr. TELLER]. I believe that if the Senator from Indiana, if he will pardon the expression, will take a broader view and remodel his bill and provide for the acquirement of a sufficient number of squares of ground for the three Departments, he will render a great service and end all controversy hereafter as to the sites for public buildings.

I remember perfectly the great debate in the Senate when the new part of the Capitol was being constructed. The distinguished Senator from Illinois, Judge Douglas, who was then a member of the Committee on Public Buildings and Grounds, had a great view of taking all the property extending from here to where the Baltimore and Ohio depot is, and including the land on which are the very houses described by the Senator from Colorado, running to Third street west, and then all the property on the south side of the Avenue to Fifteenth street. But the condition of the Treasury was not such that that great scheme, which ought to have been carried out and which it is manifest to everybody to-day was most desirable, could be carried out. The construction of this building was going on, costing millions and millions.

Now, we have reached a point where a general system should be determined upon, and I should be delighted to cooperate with the distinguished Senator from Indiana in making it broad enough and fixing the policy so that we shall not have any controversy hereafter about this square or that lot when it is necessary to acquire property for a public building. Above all things, I want to see some provision made so that we shall not in the future despoil the city as we have in the matter of the Carnegie Library at K street, New York avenue, and all the other avenues that center at that square, or as we did in Judiciary Square, so well described by the Senator from Colorado [Mr. TELLER]. He will, in my judgment, render a very, very great service if he will only agree to take it up during the recess, if we are to adjourn, as the intimation comes now, without much further delay, for some reason unknown to me, and bring the matter up when we come here, if it is in December, and let us determine it on these broad lines.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. Mr. President, I should like to have read from the desk a brief editorial from the Washington Post of February 24, 1904, which I think discusses this matter as intelligently as it has been discussed by any newspaper or individual.

The PRESIDENT pro tempore. Is there objection?

Mr. COCKRELL. Let it be read.

The PRESIDENT pro tempore. The Chair hears no objection, and it will be read.

The Secretary read as follows:

[From the Washington Post, February 24, 1904.]

AS TO THE NEW PUBLIC BUILDINGS.

There are many reasons why Congress should reject the proposition contained in Senate bill No. 1508. This proposition involves the condemnation of several blocks north of Pennsylvania avenue and immediately adjacent to Lafayette Park for the purpose of erecting thereon a number of much-needed public buildings. The arguments against this plan are so potent as to call for little if any elaboration, but it may be well to point out a few of the more obvious objections, which speak for themselves.

In the first place, the areas in question are already handsomely improved, in some instances very handsomely, indeed, so that their acquisition by the Government would entail an enormous outlay of the people's money.

In the next place, this outlay can not be defended, even on the ground of expediency, since there is abundant space already owned by the nation and quite as conveniently located. Why, then, expend millions to obtain building sites north of the Avenue, when equally available sites south of the Avenue can be utilized without cost other than that of the actual construction of the new offices? It would seem, indeed, and leaving the question of expense entirely aside, that to destroy a great number of useful and ornamental structures, some of them very interesting historical landmarks, for the purpose of replacing them with Government buildings which might be placed elsewhere with much better results, will be unpardonable in every sense. The whole south side of Pennsylvania avenue, for example, from the Capitol to the Treasury is an eyesore. If we are to condemn private property anywhere, we should by all means select localities in dire need of beautification, especially where the result will be quite as satisfactory in a purely practical sense.

It has always hitherto been understood that the south side of the Avenue would eventually be acquired by the Government, cleared of the hideous and ramshackle buildings which now occupy it for the most part, and merged in the general park scheme of which the Mall is an important but somewhat inaccessible feature. With a row of public offices next to the majestic thoroughfare, and with the park brought up to the line thus formed, the beauty of Washington would be wonderfully enhanced and without the smallest sacrifice of utility. To leave this forlorn neighborhood as it is, however, and to destroy blocks of private buildings north of the Avenue and west of Fifteenth street would be to accomplish a minimum of adornment at a maximum of expense, and at the same time to secure no superiority in the matter of convenience. One locality sadly needs improvement. The other is ornamental enough as things already are. Why, then, spend millions unnecessarily, and this while neglecting an opportunity to remove a spot of ugliness—a reproach to the capital and the nation?

It seems to us that there can hardly be two opinions upon this point. Every consideration urges the improvement of the south side of the Avenue and the protection of the north side from undesirable innovations.

Mr. FAIRBANKS. Mr. President, I should like to have the first paragraph read again.

The Secretary read as follows:

There are many reasons why Congress should reject the proposition contained in Senate bill No. 1508. This proposition involves the condemnation of several blocks north of Pennsylvania avenue and immediately adjacent to Lafayette Park for the purpose of erecting thereon a number of much-needed public buildings.

Mr. FAIRBANKS. That is sufficient. The statement made is inaccurate. I do not have frequent occasion to disagree with so carefully an edited paper as the Washington Post. It is very accurate and conservative, as a rule, in its statements. But the statement just read, upon which the editorial is based, is not entirely founded in fact. The bill contemplates the purchase of but one block, the erection of but one building.

Mr. TELLER. Mr. President, while it is true, as the Senator from Indiana [Mr. FAIRBANKS] says, that the bill contemplates but one block, as the Senator from Vermont [Mr. PROCTOR] said very pointedly, it indicates a plan that we all know has been bruited about for a long time, that all of the buildings should be put about that square, and when we have located this important one there, then there will be a demand to put the others there, and so it will go. I shall regard it as substantially a declaration that the Senate want to do that thing if they vote for this bill.

Mr. SPOONER. Ought not that to be done if one building is to be erected there?

Mr. TELLER. There will be great force, anyway, in saying after that building is put there that logically and architecturally, etc., you must put the other buildings around there.

I did not allude to what the Senator from Maryland [Mr. GORMAN] did, although it was in my mind, as I forgot it. I mean the building of the Carnegie Library on Massachusetts avenue. That avenue is a magnificent one, and as it was laid out it was expected to be one of the fine avenues of this city. There was a very handsome little park, which was a part of the plans, where certain streets came together; and when I first remember this city, but long before I came here, there was a market there. When Mr. Shepherd undertook to beautify this city there was a great effort made to get that market removed. It had no legal right there. Finally Shepherd pulled it down one night with a good deal of trouble, with an unusual degree of trouble, I may say, for I believe one man was killed. But it was cleared off, and it was made a park under the original plan.

Now, when the Carnegie gift came to this city it involved the securing of a place to put the building, and Congress deliberately violated all rules of propriety, so far as the original plan was concerned, by determining to put it in that square. I remember very well that I made a very vigorous protest against it. It has been an eyesore to everybody with whom I have discussed it ever since. Plenty of men in this city have said to me that they wish now that the library had never been built. Yet a proper site involved the payment of probably $125,000 or $150,000. The neighborhood was all right. We could have bought a place and put the library there and kept it from Mount Vernon Square, and the cost would not have been very large. I do not believe anybody who will stand up at one end of the avenue and look down it, who has any idea of beauty, will not feel that it was an exceedingly small thing that we did when we failed to buy a lot and keep the library off that square and put it on a lot facing the avenue or some other street.

If we are going on in the way in which we have been going on, we will never have this city built up on any correct plan. While I want adequate buildings for the Departments of the Government, I would rather have the Government pay rent for a few years, and I believe it would be better, more consistent with the character of the Government, to pay it, and wait and put its buildings where they ought to be and where they will beautify and enrich this city. It is not from any objections I have to the character of the building proposed that I make these suggestions. It is to the place where it is to be put. I would not economize in these buildings. I would build fine buildings, if I build any. I would not build a cheap building like the Pension Office. But I would not invade public squares nor would I destroy the beauty of the streets for the sake of saving expense, as we did in the library case.

My experience has been that we talk day after day about beautifying this city, and brag about it, and yet do nothing toward accomplishing it, and go along in the way we have been going on, putting up one building in one place and then another in another; and later, when our children or grandchildren come after us, who will have better æsthetic taste than we have or will have more pride in the country in which they live than we have, they will want to tear down those buildings and get rid of them, and it will be too late then.

The time to do it is right now, and the Government will not suffer one particle if it pays the rent for the present year. There is not a Department of the Government or any branch of any Department in distress because it is in want of houses. They can not be housed for the next four or five years in this building, and we would lose nothing if we waited a little longer until we determine just exactly what ought to be done.

The Senator from Indiana says this is a convenient way of postponing the matter. If the Senator from Indiana will join with us who believe we ought to have a commission, and we get a proper commission, we can get a report here by the next session of Congress on which we can determine what ought to be the plan of public buildings to be put up in the future.

Mr. QUARLES. Mr. President, I am much struck with the suggestion just made by my distinguished friend the Senator from Colorado [Mr. TELLER], and as one of the humble members of the committee that has ventured to present this bill, I want to bring forth what my distinguished friend has said, and that is that if we go on in this way we will never build up or beautify the city of Washington. I quite agree with him in that observation. As soon as anything is presented here in the concrete the theorists of this body begin to object, and the result is that this concrete scheme vanishes into the thin air and there is nothing left but conglomerate and nebulous theories floating around here on the subject of high art.

Mr. TELLER. May I ask the Senator if he will state what the concrete plan is now?

Mr. QUARLES. With great pleasure.

Mr. TELLER. Is it anything more than to put up one building? Has your committee any plan as to how the buildings shall be arranged in the future, and where they shall go?

Mr. QUARLES. It probably is a great misfortune that the Committee on Public Buildings and Grounds should consist simply of practical business men without any of these high ideas regarding art and taste and landscape gardening. We are simply plain business men. We thought we saw the necessity of gathering up the fag ends of the several Departments, as they have been scattered through this city like the lost tribes, and housing them decently somewhere where the public business might be well done, and therefore we proposed the construction of a building, and we left it to a commission of gentlemen who have the confidence of every member of this body to say where that building should be constructed.

But the difficulty is that, without any knowledge of art, we have not been able to adapt our bill to the ideas of these different schools of art which seem to be represented here. There are so many different schools of art here that we can not, any of us, agree upon any given concrete scheme, and I am almost willing to abandon the hope that we may have any practical result, although the needs of another building are very obvious, because we can not reconcile these diverse ideas regarding artistic effect and the beautifying of the city.

Now, we had supposed that the primary proposition, Mr. President, the business proposition, that we should construct a building because it was needed, would not be made subordinate to what we had considered a secondary matter, namely, the effect upon the city at large; but that seems to be the supreme and paramount question here. First, how are we going to beautify the city, and second, are we going to have a building? I confess that our committee would probably be entirely inadequate to make any suggestions along the line of art. If we are to put ourselves in leading strings to the architects and the landscape gardeners, it would be far better, I have no doubt, to appoint a commission who are gifted in that line rather than to leave it to the practical business men of this committee.

The trouble is that no man can present a scheme here to-day which will meet with the diverse views of the members of the Senate, and the result is that we will have no building. The argument that is suggested by my distinguished friend the Senator from Colorado, a repetition of the argument made by the Senator from Maine [Mr. HALE] when he last spoke in opposition to this measure, seems to me the strongest and most cogent argument that has been made in favor of this bill. As I understood the distinguished Senator from Maine, when the Senator from Indiana arrayed the figures here to show that as a business proposition, as a commercial proposition, it was good policy to construct this building and save the rent, the Senator from Maine said, as my good friend the Senator from Colorado now says: "We will be paying rent anyway. Put up this building, and we will still be paying rent." That is, notwithstanding the fact that we construct this large building, as soon as it may be done the needs of the Government will so outrun all its facilities that even then we will be paying a large sum in rent in the District of Columbia.

I have not heard a better argument in favor of this bill than that. And it is true, Mr. President. At least five years must pass before this building can be habited, and in view of the tremendous growth of this Government—so well known to members

of this body—what condition will the public business be in at the end of five years if instead of going to work at it like business men, and putting up a building to house the Departments, we continually postpone everything by this objection and that, artistic consideration, landscape gardening, and all that kind of thing, and never agree on anything?

Mr. President, I do not want to take the time of the Senate. It seems to me we have made you a fair business proposition to meet the needs of the Government, as every man here knows them to exist. Now, let this commission—all of them honorable, experienced men—determine where this building shall be, and if they agree with our friends that it ought to be on the south side of the Avenue, let them place it there. They have abundant power under this bill.

But let us do something to relieve the pressing needs of the Government. If any amendment can be proposed that will make this bill better, let us adopt it; but let us proceed like business men now, and have some building constructed somewhere and at sometime in the near future, and not leave the public business in the sad plight in which we all know it to exist at this time.

Mr. COCKRELL. Mr. President, I am very glad to hear the Senator from Wisconsin [Mr. QUARLES] arguing for harmony. I think we are much nearer agreed than the Senator thinks.

If I have understood the discussion to-day, if you will strike out the block north of the State, War, and Navy Department building there is no objection then to your selection. I think that would be very sensible and practical, and it is the proposition of the committee itself. Why not abandon the selection of a block that would cost probably from three to five million dollars and accept the one that you authorize to be accepted in this bill. You will have harmony, you will have cooperation in that matter?

I beg to indorse most earnestly the appeal the Senator from Maryland [Mr. GORMAN] made to the distinguished chairman of this committee. I can not vote for the bill. In the first place it provides for a building for three Departments. I do not believe that that ought to be done.

Mr. FAIRBANKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield?

Mr. COCKRELL. Certainly.

Mr. FAIRBANKS. The Senator understands, of course, that that provision is temporary. We need not specify any Department, as far as that is concerned. We may construct the building and make such disposition of its space in the future as the interests of the public service may require. The building is needed for the Government business, if not for one Department, then for another.

The architects say that if small buildings classic in style are erected to provide for the present necessities of the several Executive Departments, in the future, when the demands for additional space are made, it will be impossible to add to them without marring the effect in some measure, and that if we are to get a series of buildings large and commodious and of classic architecture it is better to go about it in the way we are now doing.

Of course when this building is constructed others will have to be constructed, and some one of the Departments will move from it to some other until ultimately we shall have a large building for each of the Departments. This, of course, is only a temporary provision for the three Departments. Ultimately but one or two will occupy it.

Mr. COCKRELL. There has always been trouble in adjusting the room in any public building where two or three different Departments have authority to occupy it.

There was a great deal of trouble and friction in regard to the State, War, and Navy building, and there was also much friction in regard to the Post-Office building, where the Auditor for the Post-Office Department had to be housed. But the point is as to the location. Accept the location that you authorize to be selected here——

Mr. FORAKER. Will the Senator allow me to ask him a question there?

Mr. COCKRELL. Certainly.

Mr. FORAKER. It was said here a while ago interrogatively, I believe, that the Post-Office building is now subject to overflow. I think some one ought to answer that suggestion. Nobody asserted that it was a fact, except, I say, by asking some Senator who had the floor if he did not know that the basement of the Post-Office building is subject to overflow. I ask simply for information. I know nothing about it.

Mr. FAIRBANKS. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. COCKRELL. Certainly.

Mr. FAIRBANKS. I have been advised that that is the fact, and I have been informed by a Senator upon the floor this afternoon that his information was to the same effect.

Mr. FORAKER. I should think that would be a very material consideration, and that we ought to be correctly informed about it. If the public building which we put on the south side of the Avenue is subject to overflow, I should think any other public building put there, certainly one of this size and importance, would be very likely to be subject to overflow as to its basement, which would certainly go much under the ground. I should like to know about that, at any rate, before the debate is closed.

Mr. COCKRELL. In response to the Senator from Ohio, I will say that I can only speak from experience during the time, between twenty-eight and twenty-nine years, I have been here, during all the sessions of every Congress. I remember walking down Pennsylvania avenue to the Capitol and discovering water coming out of the sewer about Eleventh street, and by the time I reached the old terrace, the dirt terrace of the Capitol, and got up there and looked back Pennsylvania avenue was covered with water. It was knee deep in some places. As I went home that evening a car was abandoned, standing just east of the Pennsylvania depot, on its track. That happened to be a little lower than some of the other places.

Now, that was an overflow, but it was caused by a blockading of a bridge, and when a span of the bridge was washed away finally the flood disappeared.

Mr. MONEY. It was a gorge of ice.

Mr. COCKRELL. It was an ice gorge. Great masses of ice were carried all over the ground there about the Monument and what were known as the "Babcock lakes," which have since been filled in except the fish lake there.

There was another time when there was a dam. But when the Potomac River has been free to flow through its currents it never has flooded that part of the city. It never has flooded where the houses are built all over southwest Washington, and my understanding is that it has never flooded the basement of the post-office building.

There is no question on earth but that with the present methods of construction they can build houses there the basements of which will not be filled with water; and even if they were, the Senator from Ohio will recall what is occurring here on Pennsylvania avenue. Beginning at the Peace Monument you see holes dug down all along the south side of the Avenue. That will be extended up to about Fifteenth street, and it will be a lower drain than any other part of the city. It is for the low draining of Pennsylvania avenue beyond any possibility of doubt. The work will be constructed this season, and then there will be no danger of flooding.

In very heavy rains the cellars have been flooded there, particularly near this part there on the north side of Pennsylvania avenue; but when that sewer is completed there will be no danger of flooding from anything unless you build a dam across the Potomac out of ice or some other obstacle and the waters are coming down and have to pass away. Then they will go over whatever low land there may be. There will be no danger in the world, in my judgment, not a particle, of flooding. This sewer will be the drainage of the whole thing, and the basements there will be just as dry as anywhere else where you have sewer drainage.

Now, I hope the Senator from Indiana will accept this modification. I believe we ought to have the public building, and if it was to be built on the south side of the Avenue I would be in favor of constructing a large building, and if when it is completed more than one Department can be put in it, so much the better.

Now, just one word about what the Senator from Wisconsin said in speaking about the delay in this matter. I do not know of anyone who is opposing this measure for delay. I am certainly not. I have been advocating the erection of public buildings for the accommodation of the Departments in Washington for a long time. I wanted to have the Interior Department built up. There is a magnificent building only about three stories high. There ought to be three or four stories more put on that building, and it ought to have been done long ago. There is the old post-office building with walls sufficient, and there ought to have been three or four more stories put on that building. I have advocated that.

The Senator from Wisconsin talks about the æsthetic architects. That has been the reason why I could not get those stories on there. It was because they said it would spoil the architecture. I am willing to spoil the architecture, so far as I am concerned, on those buildings if we can get accommodations for our Government service.

If we put this building where we ought to put it, on the Avenue, and commence it now, by the time it is constructed you will not be able to put two of these Departments into it.

I hope the Senator from Indiana will accept the suggestion which has been thrown out by the Senator from Wisconsin, and I believe all of us who have been opposing the bill in its present form will readily accede to it.

Mr. FAIRBANKS. Mr. President, I would be delighted to oblige the honorable and distinguished Senator from Missouri, but

it would be impossible to accept the suggestion eliminating the property north of the Avenue from consideration by the commission.

There are those in the Senate who are strongly opposed to erecting buildings on the south side of Pennsylvania avenue. I think that property both north and south of the Avenue should be fully considered, and under this bill the commission is directed to consider not only the availability of the land described in the bill north of the Avenue, but south of it also.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee, which will be read.

The SECRETARY. In section 3, page 6, line 8, after the word "architects," insert:

The successful architect shall receive compensation in full, for plans, specifications, and detailed drawings, not to exceed 2½ per cent of the total cost of said building, and shall also.

Mr. COCKRELL. Mr. President, I wanted to say one thing further. I think that an examination of the Post-Office building will show that there has never been any water in the basement except once, when the sewers were stopped up, and that during the entire past year, when we have had probably as much rainfall as we have ever had, the whole basement has been just as dry as any basement in the city of Washington.

I wish to say just one word more. The amount which the commission can expend for the purchase of these lots is unlimited. There is no limitation upon it. Whatever amount may be caused by condemnation will have to be paid regardless of it, and $5,000,000 is appropriated by the bill for the building alone.

Mr. FAIRBANKS. Mr. President, since the question asked by the Senator from Ohio [Mr. FORAKER] with respect to the flooding of the basement of the Post-Office building I have telephoned to the Post-Office Department for information on the subject, and I am just advised that the basement has never been flooded by the river.

Mr. TELLER. Mr. President, last night when I was out of the Chamber the Senator from Indiana [Mr. FAIRBANKS] asked unanimous consent that this bill might be considered to-day and finally voted on. I understood there was a reservation that if I objected there should not be a final vote. I notified the Senator yesterday that I did object, but I did not make the notification in the Senate. So I understand we are under no obligation to vote on the bill to-day. Does the Senator from Indiana understand it in that way?

Mr. FAIRBANKS. I will read the agreement, that there may be no misunderstanding about it:

Mr. ALDRICH. I ask the Senator from Indiana if he is willing to go on with his remarks to-morrow, or to have a time fixed for a vote on this bill, and to have a short executive session this afternoon?

Mr. FAIRBANKS. If there could be a time fixed for a vote on this bill to-morrow, it would be entirely agreeable to allow the bill to go over until to-morrow.

Mr. ALDRICH. I suggest that the Senator ask that a vote be taken before adjournment to-morrow.

Mr. FAIRBANKS. That is entirely agreeable. I ask unanimous consent that the vote be taken upon the bill before adjournment to-morrow.

Mr. PATTERSON. I hope the Senator from Indiana will not press that request. My colleague is not in his seat and I know he takes some interest in this bill, and I would rather that he were here when a disposition of this kind is made, unless the Senator from Rhode Island knows——

Mr. ALDRICH. No; I do not know, but I took it for granted that as this bill has been under discussion for some time we might close the discussion on it to-morrow.

Mr. FAIRBANKS. I do not think there is much remaining to be said upon it, if the Senator from Colorado will allow me. I have no doubt that whatever his colleague desires to say can be said before the bill is finally voted upon to-morrow.

Mr. PATTERSON. If the Senator will modify his application for unanimous consent so as to allow the senior Senator from Colorado to object if he desires to do so to-morrow, I will not make any objection.

Mr FAIRBANKS. I did not quite hear the Senator.

Mr. PATTERSON. I said if the Senator from Indiana will so modify his request for unanimous consent as not to make it applicable to the senior Senator from Colorado, but as to all the rest, I will not object.

Mr. FAIRBANKS. I do not quite understand the effect of the Senator's suggestion.

Mr. PATTERSON. The effect would be that if my colleague desires to object in the morning he can do so.

Mr. ALDRICH. I suggest that the Senator from Indiana renew his request in the morning. That will be better, perhaps.

Mr. FAIRBANKS. I am willing to take the unanimous consent with that limitation, if you please, because I believe the Senator's colleague will not be unreasonable.

Mr. PATTERSON. He spoke to me the other day about the bill, and he not being here, I think I ought to make a reservation in his behalf. That is all.

The PRESIDING OFFICER. What is the request of the Senator from Indiana?

Mr. FAIRBANKS. That this bill be voted on before adjournment to-morrow, reserving the right to the senior Senator from Colorado to object to-morrow.

Mr. PATTERSON. Yes.

And consent was given with that limitation.

Mr. TELLER. I was at lunch, and when I returned notified the Senator that I should object—that is, that I would not consent to unanimous consent. Of course that does not interfere with the right of the Senator to get a vote when the discussion is over. So we are not proceeding under any unanimous consent for a vote to-day.

Now, Mr. President, I have only a word or two to say about the commission. The commission is to be composed of the Secretary of State, the Attorney-General, the Secretary of Commerce and Labor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on Public Buildings and Grounds of the Senate, and the chairman of the Committee on Public Buildings and Grounds of the House of Representatives. I do not know, of course, what may be the sentiment of some members of the commission, so called.

Mr. ALLISON. May I call the attention of the Senator to the fact that that relates only to the selection of a site and the purchase of ground, and that the commission for the construction of the building is to consist of the three Cabinet officers who are to occupy it?

Mr. TELLER. That is correct. This is the commission that is to buy the ground. Then the building is to be put under the direction of the three Cabinet officers who are to occupy it.

Mr. President, I was about to say I do not know what the opinion of some of the commission may be, but I know a majority of the commission would be already pledged, I think, to buy this particular block.

Mr. FAIRBANKS. If the Senator will allow me, upon what does he base that assumption?

Mr. TELLER. I can not go into that. I only gave that as my opinion.

Mr. FAIRBANKS. I want to say to the Senator that I only know of the opinion of one member of the commission on that subject. I do not know how any other member except the——

Mr. TELLER. Except its chairman.

Mr. FAIRBANKS. Except the chairman of the Committee on Public Buildings and Grounds of the Senate.

Mr. TELLER. I do not care about going into that very much; but I know very well that this commission will select the block the Senator himself has advocated so earnestly. The authority to select a block on Pennsylvania avenue, I suppose, was a little sop thrown to us who wanted that th ng done, and there is not any probability whatever of its being done.

Now, this bill is vicious in this, that these three Cabinet officers have no business to be made a commission to construct the building. That of itself would be enough to cause me not to vote for the bill. Of course that provision can be easily stricken out. The bill ought to be amended in that particular.

Now, I want to say a word in reply to the junior Senator from Wisconsin [Mr. QUARLES], who seems to think that it is an answer to every suggestion which has been made here about this bill to say that the committee have not reached that high æsthetic state some Senators claim.

Mr. President, they evidently reached a very high æsthetic state, I will admit. That is evident from the proposition we have here. Whether they know anything about landscape gardening or not I do not know. As for myself, I do not pretend to any high art. I leave that for some other Senators here. I do not pretend to know much about landscape gardening, but, Mr. President, I know enough to know what is a handsome city and what is not. I know enough to know what is an incongruity. I know enough to know that an old shanty on the main boulevard of this city, the great thoroughfare, is an eyesore to any intelligent gentleman or lady. It is not any answer for Senators to say that they have or that they have not got high art, or that somebody else is professing to the high art they do not have.

Mr. President, I do not know what the state of the bill is as to amendments. The Senator from New Hampshire [Mr. GALLINGER] has an amendment which I think has not yet been adopted.

The PRESIDENT pro tempore. It has not. The Senator from Maine [Mr. HALE] left a proposed amendment, and there is another amendment——

Mr. TELLER. Did the Senator from Maine offer his amendment or only leave it to be offered?

The PRESIDENT pro tempore. He sent it to the table to have it printed. The Senator from Massachusetts [Mr. LODGE] also had an amendment printed.

Mr. TELLER. The Senator from Massachusetts [Mr. LODGE] is now here.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from New Hampshire, just read.

Mr. PLATT of Connecticut. That relates to fees of the architects.

The PRESIDENT pro tempore. To fees of the architects.

Mr. TELLER. Let it be read again.

The PRESIDENT pro tempore. The amendment to the amendment will be again read.

The SECRETARY. In section 3, page 6, line 8, after the word "architects," insert:

The successful architect shall receive compensation in full for plans, specifications, and detailed drawings not to exceed 2½ per cent of the total cost of said building, and shall also.

Mr. LODGE. Mr. President, I have been detained from the

Senate all day on an appropriation bill. I wish to say in regard to the amendment just read that when it was up before I sustained it, saying that I thought it would be a sufficient amount. I have taken the trouble to investigate the question with some thoroughness, and I am satisfied that the cost to an architect of plans, draftsmen, and all the other incidental expenses amounts to 2½ per cent, and that the regular amount, 5 per cent, that is asked for and which is fixed by the architects throughout the country, is a proper and not an unreasonable amount. I merely wished to make that explanation.

Mr. DRYDEN. Mr. President, a few days ago, when this question was before the Senate, I made a few brief remarks as to the fees of the architects. I am very glad to hear what the Senator from Massachusetts says upon that point.

Mr. LODGE. If the Senator will allow me, I desired especially to make the statement because I took issue with the Senator then. I now think he is quite right in what he then said.

Mr. DRYDEN. I thank the Senator from Massachusetts for saying that. I should like to read a brief extract from a letter, which I have in my hand, bearing upon the subject, for the information of the Senate. I received this letter from a firm of architects of the name of Lord & Hewlett, of New York. I have not the pleasure of a personal acquaintance with those gentlemen, but they write me this letter. In it they make a statement which I think has a special significance with reference to this particular amendment. They say:

> The discussion of this matter in t he Senate is of very special interest to us, as we recently felt obliged to refu seto accept the contract for the architectural services for the new buildin gfor the Department of Agriculture, although we had won the competition for the design of this building against nine of the leading architects of the country, for the reason that the Secretary of Agriculture insisted that the services should be rendered for the inadequate payment of 3½ per cent of the cost of the building, and refused to agree that we should provide the usual and proper architectural superintendence necessary to insure the carrying out of the work in accordance with our plans and specifications.

As I have stated, this letter is from Lord & Hewlett, a firm which, in competition against nine other firms of architects, had won the contract, but upon the Department refusing to pay them a fee in excess of 3½ per cent, and also because they themselves could not have the supervision of the building, they refused to take the contract.

Mr. ALLISON. I ask the Senator from New Jersey to yield to me for a moment.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Iowa?

Mr. DRYDEN. Certainly.

Mr. ALLISON. I understand, though I have not the act before me, that the law authorizing the construction of the Department of Agriculture required that the superintendence of the building should be assigned to an officer of the Army. I do not know whether he was named or not. Therefore the 3½ per cent which the Secretary of Agriculture was willing to pay those architects excluded the idea of the superintendency of the building during its construction. I desire to say that in explanation of what I think is the attitude of the Secretary of Agriculture upon this question. The 5 per cent usually charged as the fee of the architects includes the making of plans, detailed specifications, and the superintendence of the construction of the building, which in this case the law fixed in the control of the Secretary of Agriculture.

Mr. DRYDEN. I think it is altogether probable that the Senator from Iowa is correct about that. The point I am speaking to, however, is that you can not get a responsible and competent firm of architects to take a contract of this kind for less than 5 per cent, and they would want to do all the work connected with the architect's office under the contract which they are willing to make.

We have recently had in the city of New York a specimen of the results which may occur when architects are employed to do a part of a job. I refer to that terrible disaster, the collapse of the Hotel Darlington, I think it was called, in which more than twenty lives were lost. What were the facts in that case? There was done there just what is proposed to be done by this amendment—architects were employed to do a part of the work and the remainder was left to the contractor. The contractor, without supervision, without inspection, of course, did the cheapest kind of a job that he could do and have it passed by the owner. The result was that, the work being insufficiently supervised, the building collapsed, and, as I have said, more than twenty human lives were lost in consequence.

In corroboration of what the Senator from Massachusetts [Mr. LODGE] has stated as to the cost to an architect himself for actual services and work rendered, his own actual disbursements, I have here in my hand a private memorandum made by one of the greatest and largest architects in this country—largest, I mean, in point of the character of his buildings, the magnitude of his buildings, and the extent of the buildings—made for his own purposes, running over a series of years. I shall not read the particulars; I shall not mention his name, for this memorandum is of a confidential character; but it shows the fact that in no single year covered by the memorandum—and it covers a series of years when his business was in the most prosperous state by reason of its magnitude and consequent relative reduction in expense—in no single year, I say, was his own personal disbursement for expenses less than 2½ per cent, and from that up to something like 4 per cent.

I say when you undertake to drive a sharp and hard bargain with architects on a matter of this kind, one of two things is sure to result. You are either going to get a poor architect and poor results or you will be cheated in the quality of your work. No great architect who values his reputation will undertake the work; no man who has an organization competent to carry on a work of this kind will undertake it. It requires an organization; it requires experience; it requires a great corps of competent men, of draftsmen, architects, engineers, practical men. Every great architect has to have such an organization. The thought that the work of an architect consists in merely drawing a picture showing the plan and design of a building is all a mistake, and there can be no greater mistake in connection with this whole subject than that. The last place that Congress should begin to economize is with the architect.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. PLATT of Connecticut. Mr. President, although the amendment is defeated, I wish to say a word about what I understand the real condition to be with reference to architects' fees. I may be mistaken, but I think I am not, as, in connection with the construction of the building which has been authorized for the Smithsonian Institution, I made a good many inquiries.

I understand that there is a national association of architects, embracing the principal architects of the country. I have had occasion to realize that there is such an association from the letters which I have received from architects with reference to the Mall. But I understand that they have what is equivalent to a union, in which they all agree that they will not accept a fee of less than 5 per cent. While that has been determined by a majority vote of the architects, it is by no means the universal sentiment among them. Many of the architects—and there are a good many of them—do not feel that they ought to insist upon 5 per cent upon the cost of every class and character of building.

There is quite a minority who feel that the fees of architects should be fixed with reference to the size of buildings and the localities in which they are to be erected, and a variety of other considerations, but a majority of this association or union insist that all architects shall be disciplined if they do not insist on the 5 per cent fee.

Mr. DRYDEN. Mr. President, I think, if I am correctly informed, that perhaps the Senate might get a wrong impression from the remarks which have been made by the Senator from Connecticut [Mr. PLATT] as to the object of this organization of architects. There is an institution called the American Institute of Architects. The regulation of the fees of the architects is an incident of that organization. They meet for a comparison of views; they meet to show their designs; they meet to discuss the various points of their profession; they meet, as artists meet, to talk over the subject of art; and the establishment of fees for their work, as I have said, is only an incident.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask unanimous consent to make a report from a committee at this time.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. PENROSE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes, to report it with amendments.

I desire to give notice that I shall ask the Senate to proceed to the consideration of the same after the routine morning business to-morrow.

BUILDING FOR DEPARTMENT OF STATE, ETC.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. GALLINGER. I ask unanimous consent to offer a proposed amendment to the pending bill as a substitute for section 1, which I desire to have read and printed.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 1, and in lieu thereof to insert:

That the Secretary of State, the Attorney-General, the Secretary of Commerce and Labor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on Public Buildings and Grounds of the Senate, and the chairman of the Committee on Public Buildings and Grounds of the House of Representatives, be, and they are hereby, created a commission, with authority to acquire, by purchase, condemnation or otherwise, a suitable block or blocks of land south of Pennsylvania avenue, between Third and Fifteenth streets, in the northwest section of the city of Washington, in the District of Columbia, which does not belong to the United States, for a site for the erection thereon of the building hereinafter provided for.

The PRESIDENT pro tempore. The amendment will be printed, and lie on the table.

Mr. FAIRBANKS. Mr. President, it is perfectly obvious to every Senator here that it is not the purpose of some of our friends in opposition to this bill to permit a vote to be had to-night. I think I do violence to no one in making that statement. Is the Senator from Colorado willing we should vote to-night?

Mr. TELLER. I did not understand what the Senator was saying.

Mr. FAIRBANKS. I said it seemed to me there was a manifest purpose to not allow this bill to come to a vote to-night, and I asked the Senator from Colorado whether he was willing that we should vote to night.

Mr. TELLER. Mr. President, I am willing we shall vote on this bill if the Senate wants to stay here all night; but I am not willing to be cut short in any amendments I propose to offer or in any remarks I propose to make.

The Senator has no right to ask me whether I am deferring this discussion. It is hardly a proper thing for him to do or to intimate that I am deferring this discussion to prevent a vote to-night. I shall not be deterred, Mr. President, from fighting this bill by any such insinuations from the Senator from Indiana. If the Senator and the Senate want to stay here and discuss the amendments to-night, so far as I am concerned, I shall not move to adjourn.

Mr. FAIRBANKS. I had no idea of intimating that the Senator himself was opposed to taking a vote upon the bill. I had not heard that he was. I heard that there were other Senators who wanted the bill to go over. The Senator from New Hampshire [Mr. GALLINGER] offered an amendment a moment ago, and asked that it might be printed. Of course it is obvious that that amendment can not be printed and the bill be completed to-night.

Mr. GALLINGER. So far as that is concerned, I will say to the Senator that if he can have a vote on his bill now, without my amendment being printed, I have no purpose to put the bill over by that action of mine.

Mr. FAIRBANKS. I thought that was involved in it. The Senator knows we are nearing the end of this session of Congress, and that there are appropriation bills which will soon engage the attention of the Senate. I think the committee that has reported this bill has a right to the judgment of the Senate upon it.

The committee has no desire to cut short remarks or to abridge in any degree the right of Senators to move amendments to the bill. I think I am not unreasonable when I ask, in view of the long debate that has occurred upon it, that we should dispose of it to-night and put it behind us, and I appeal to the Senators who may disagree with the committee to allow the bill to be voted upon.

Mr. TELLER. Mr. President, I have not refused to allow the bill to be voted on. The Senator has no right to insinuate that I have been unnecessarily delaying it. I have not said a word on this bill that I would not have said if we had had a month ahead of us. I regard this as a pernicious bill, and I regard this as an opportune time to adopt some system—a thing we never have had—in regard to public buildings.

I assert my right, without any criticism from anybody, to express my views on this bill, as I do on every other. If the Senate wants to stay here, I will make my objections to the bill without any unnecessary delay; but I think it is an unreasonable thing for the Senator to insist upon our voting on it to-night. Of course, I do not attach the importance to the bill which he attaches to it, so I have no criticism whatever to make of him.

Mr. FAIRBANKS. The Senator will not understand me as imputing anything that was ungenerous or unfair to him. No such thought entered my mind, nor did I intend to impute anything unfair to any other Senator. I hope the Senator very well understands that.

But we are practical men; we know that this bill is ripe for a vote; that every feature of it has been debated over and over again, and that it would take but a comparatively short time to dispose of it now. If a time could be agreed upon for a vote after to-day, I should be perfectly willing that the bill should go over.

Mr. ALLISON. I understand that the bill in charge of the Senator from Indiana is the unfinished business, and, as such, has the right of way over all other matters except appropriation bills.

Mr. FAIRBANKS. That is true, I understand.

Mr. ALLISON. Now, I submit to the Senator that it seems to me if we could finish this bill in a brief time on some other day it is hardly worth while for us to stay here this evening, and if he will yield to me I will make a motion to adjourn.

Mr. FAIRBANKS. The Senator, of course, is in charge of important appropriation bills which will be reported to the Senate soon, and they, of course, as the Senator says, take precedence of the unfinished business. Would it not be possible to agree that we may vote on this bill before adjournment on, say, Friday next?

Mr. ALLISON. If the Senator can make that arrangement, very well.

Mr. FAIRBANKS. I would ask the Senator from Colorado if he would not be willing that we should vote on this bill before the adjournment of the Senate next Friday? If so, I am perfectly willing that it shall now go over.

Mr. TELLER. So far as I am concerned, I will not express any opinion for or against that proposition.

Mr. LODGE. The chairman of the Committee on Post-Offices and Post-Roads is present, but I was going to suggest that the post-office appropriation bill will be taken up to-morrow, and it is impossible to say how long the debate on it will continue. I think if any unanimous-consent agreement is secured in regard to the pending bill, it ought to be subject to appropriation bills.

Mr. FAIRBANKS. Then it will be of no effect practically.

Mr. LODGE. All unanimous-consent agreements are subject to appropriation bills.

Mr. FAIRBANKS. Unless it should be specifically understood that there should be a vote. I think an agreement to vote before adjournment on Friday would take precedence over an appropriation bill.

Mr. LODGE. I meant that there would be no opportunity to debate this bill further or to discuss any of the amendments or offer amendments if in the meantime the post-office appropriation bill is under discussion.

Mr. ALLISON. Mr. President, I think it will be impossible to adjourn this session with only the appropriation bills and the pending bill completed. The only appropriation bill that I know of, after the post-office bill, to come to the Senate in the near future, is the sundry civil appropriation bill, which will probably pass the House this week, and be considered in the Senate within a week or so after that.

Mr. HOAR. Mr. President, the post-office appropriation bill has just been reported. I understand it has not yet been brought into the Senate in its complete printed form, and it is probable that no Senator will see it in its complete form before 12 or 1 o'clock to-morrow. Would it not be well to get the pending bill disposed of? The Senate has very nearly completed its discussion, and would it not be well to let the discussion on the bill proceed and take a vote on it immediately after the conclusion of the routine business—at 2 o'clock?

Mr. FAIRBANKS. To-morrow?

Mr. HOAR. Yes; and then the post-office appropriation bill could come up an hour later.

Mr. PENROSE. Mr. President, I must object to any agreement which will delay the post-office appropriation bill. I have gone to very great effort to expedite its passage through the committee.

Mr. HOAR. It would only make a difference of an hour or so.

Mr. PENROSE. I shall be compelled to leave Washington on Sunday next, to be gone a week, and the loss of one hour may mean that this bill, if it can be passed at all this week, will not be passed.

Mr. HOAR. I submit to my honorable friend that it is rather a hard use of the powers of appropriation bills to bring them in and knock everything else aside that is going on in the Senate, that has been debated, and is within an hour or half an hour of being finished.

Mr. ALLISON. I sympathize with the Senator, but I am sure——

Mr. HOAR. My suggestion is, as the post-office appropriation bill, which has just been reported five minutes ago, will not come from the printer, so that we can see it, much before the Senate convenes to-morrow, that half an hour or an hour be given to the pending bill to-morrow in order that a vote may be had on it. It will only take a brief time, and we can stay long enough in the afternoon to make up for it. I submit to my friend from Pennsylvania that that is a reasonable suggestion.

Mr. FAIRBANKS. This can be disposed of by that time.

Mr. ALLISON. I think the Senator from Pennsylvania, having the post-office appropriation bill in charge, has given a very good reason, which is one personal to himself, why he can not consent.

Mr. FAIRBANKS. I will not further ask that a date be fixed

for voting upon this bill. I understand it will remain the unfinished business.

The PRESIDENT pro tempore. It will until it is displaced by a motion to proceed to the consideration of some other business.

Mr. FAIRBANKS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 30, 1904, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 29, 1904.*

The House was called to order at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Monday, March 28, 1904, was read and approved.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3867. An act granting an increase of pension to Osmer S. Deming—to the Committee on Invalid Pensions.

S. 1478. An act granting an increase of pension to Leroy R. Hawthorn—to the Committee on Invalid Pensions.

S. 4817. An act granting a pension to Cornelia A. Thompson—to the Committee on Pensions.

S. 4405. An act granting an increase of pension to Emma Thurston—to the Committee on Pensions.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14416, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. BURTON in the chair.

Mr. HEMENWAY. Mr. Chairman, I would inquire as to the time remaining on each side.

The CHAIRMAN. The Chair would state that there is at the disposition of the gentleman from Indiana [Mr. HEMENWAY] two hours and twenty-five minutes and at the disposition of the gentleman from Missouri [Mr. BENTON] fifty-two minutes.

Mr. HEMENWAY. Mr. Chairman, I yield one hour to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, our Government has grown to the extent that it requires in round numbers seven hundred millions to maintain the Departments that are required to operate it. Now, this money must be raised in some way. No plan that falls short of this amount of money will meet the requirements of the Government. It is conceded by our friends on the other side that the money to defray our expenses must be raised through some tariff policy, either a tariff for revenue with incidental protection or a tariff for protection with incidental revenue. If that be true, the policy of the protectionist is the better way of raising the money.

I doubt if there has been a time in our history when the protective policy was more necessary to the welfare and prosperity of the people, and it may be said there have been few times when the policy of strict protection has been in greater danger than it is at this hour. Its friends lulled into a condition of security, some are led to say, "Oh, well, it might not do any harm to yield to those who are demanding a revision."

Upon the other hand, those who are opposed to the protective policy have knitted their sinews and are waging a most aggressive warfare against it. It may be said without fear of successful contradiction that the Democratic party, as an organized body, to-day and forever in the past has been opposed to the protective policy. The gentleman from Missouri [Mr. CLARK] on yesterday delighted his Democratic friends with an assault upon the protective policy. In his speech he adopted as his own the sentiments expressed by the gentleman from Mississippi [Mr. WILLIAMS], the leader of the minority upon this floor. That gentleman, able in his leadership, having under perfect control the minority of this House, has voiced the sentiments of the Democracy of this day upon the tariff question when he says:

> The system is one of legalized robbery. That is the result and that is the effect. It is robbery for the reason that it prostitutes the Government to do what Government has no right to do, viz, to build up or hothouse one man's industry, one man's capital, one man's labor by laying a tax upon the labor and capital of all men.

The gentleman from Mississippi [Mr. WILLIAMS] gives expression to the position of his party.

The last official announcement of his party in the campaign that elected this House said:

> The theory of free trade is that both the seller and the buyer are benefited by the exchange of commodities, and that as all are consumers, the greatest good to the greatest number requires that there be no barriers to trade in order that the goods may be as cheap as possible and the cost of living reduced to the minimum.

That has been the position of free traders at all times and everywhere. The gentleman from Mississippi [Mr. WILLIAMS] in his leadership is consistent. He stands upon the platforms that the Democratic party has made in the past upon this question. For forty years, when that party was in the ascendency, their position upon the tariff question was expressed in these words:

> Justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another or to cherish the interests of one portion to the injury of another portion of our common country.

The Democratic party at one time adopted a constitution, and in the convention which adopted it there were none but Democrats. That constitution was adopted by the Confederate States of America, and in it was inserted this clause:

> Nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry.

Mr. Chairman, I take it from the expressions of the minority of this House that that party has not changed its position on the policy of protection. Every time any gentleman on that side has spoken during this Congress upon this question he has given expression to the sentiments that animated his party in the past and that animate it to-day. Every assault made upon the protective policy has met with round after round of applause from the minority on this floor.

Now, Mr. Chairman, the system or policy of protection is called "legalized robbery," engaged in by the Government to build up or "hothouse" one man's industry, one man's capital, or one man's labor by laying a tax upon the labor and the capital of all men.

It must not be supposed that this allegation is a statement of facts. It is only the declaration of a theory. The fact is that the policy of protection, wherever and whenever practiced, has led to general prosperity, and the abandonment of that policy has led to universal depression and adversity.

Under the policy of protection the British Empire became the greatest commercial power in the world. Its commercial enterprises became a very hive of industry, and its commerce covered the seas.

Alison, in his History of Europe, speaking of the growth of England under the policy of protection, says:

> There is perhaps no example in the annals of mankind of a nation having made such advances in industry, wealth, and numbers as Great Britain has made since the peace.
>
> In the thirty years that have elapsed since the battle of Waterloo, during which it has enjoyed, in Europe at least, almost universal peace, its population has increased more than one-half, having advanced from 18,500,000 to 28,000,000; its imports have doubled, having risen from £22,000,000 to £70,000,000; its exports have more than tripled, having swelled from £42,000,000 to £130,000,000, exclusive of colonial produce; its shipping has doubled, having grown from 2,500,000 to 5,000,000 tons. * * *
>
> During the same period the agricultural industry of the country has been so far from falling short of this prodigious increase in its commercial transactions that it has signally prospered: the dependence of the nation on foreign supplies has steadily diminished until the grain annually imported had come (on an average of five years, ending with 1835) to be more than a two-hundredth part in average years of the annual consumption; and the prodigy was exhibited of a rural industry in an old State possessing a narrow and long-cultivated territory not only keeping pace with but outstripping an increase of numbers and augmentation of food required for the purpose of luxury unparalleled in any age.

This is not an exaggerated picture of England as the nations of the world have known her. But in the midst of her marvelous prosperity she yielded to the siren voice of the free trader and in 1846 adopted that policy. Since that time she has witnessed the growth and prosperity of the commerce of her competitors, while her own has been diminishing year after year.

In a recent article Sir Guilford L. Molesworth has said of England's experiment with the theory of free trade:

> Free trade, so called, has had a patient trial of more than half a century, and it is now time to take stock of the results in order to see how we stand. The results may be briefly summed up as follows: Under our policy of free trade we have lost that commercial and industrial superiority we acquired under the policy of strict protection. Our policy of direct taxation bears heavily upon our industries and reacts on the working classes in reduction of wages and employment. Our agriculture has been ruined and our industries are struggling hard for existence.
>
> Other nations, under a policy of strict protection, are beating us in the race of competition, not only in neutral, but in our own markets. The policy of free trade has not secured for us either the cheap loaf, low prices of provisions, or reduced cost of living; for all of these have been equally secured by nations under a strict protective policy. We have sacrificed the substance for the shadow.

This has been the experience of England. The theorist may exhaust the vocabulary in demonstrating his proposition, but the actual fact of growth under protection and of decay under free trade is clearly set forth in the experience of England.

But, Mr. Chairman, we need not confine experience under the

policy of protection and the theory of free trade to the people of the British Empire. We have had experience of our own.

The protective policy was adopted by the American people by the act of July 4, 1789. We were then a young republic rising from the ashes of a revolution resulting in our independence. Our enterprises had been sacrificed and our resources had been exhausted in the acquisition of that noble and lofty ambition. But six short years after the enactment of our first protective-tariff law, President Washington, in his annual message to Congress in 1795, said, referring to our prosperity:

Our agriculture, commerce, and manufactures prosper beyond former example, with burdens so light as scarcely to be perceived.

The policy of protection was continued through the Administration of President Adams with such splendid results as to call from President Jefferson, the patron saint of the Democratic party, in his first annual message, this utterance:

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption in a ratio far beyond that of population alone; and though the changes in foreign relations now taking place so desirably for the whole world may for a season affect this branch of revenue, yet weighing all probabilities of expense as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excise, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of the Government, to pay the interest of the public debts, and to discharge the principal within shorter periods than the laws or the general expectation had contemplated.

The same policy was continued through the period of President Jefferson's service as President, and in his last message to Congress, speaking of the condition of the country, he said:

The accounts of the receipts of revenue during the year ending on the 30th day of September last being not yet made up, a correct statement will be hereafter transmitted from the Treasury. In the meantime, it is ascertained that the receipts have amounted to near $16,000,000, which, with the five millions and a half in the Treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt $25,500,000, being the whole which could be paid or purchased within the limits of the law and of our contracts, and have left us in the Treasury $8,500,000.

The policy of protection was continued, the people letting well enough alone, and in 1812, on account of the war with England, the tariff schedules were doubled in the act of that year. Under that act the Republic waged a victorious war against the fleets and soldiery of the British Empire, and was richer and more prosperous at its close than when it began.

The act of 1812 provided for its own limitation. One year after the war was over the schedules expired. At that time it was undertaken, by the act of 1816, to establish a tariff upon the protective theory, but the fact is that the schedules in that act were not high enough to meet the conditions in the Old World.

When our manufacturers undertook to compete with the manufacturers of Europe under the act of 1816, they found that their European competitors were able to undersell them in our own markets. The importations of goods from foreign countries flooded our country, swamped our industries, and absolutely ruined manufacture, agriculture, and other industries, so that a condition of almost hopeless despair was apparent on every hand. A period of hard times set in, agriculture was unprofitable, manufactures suspended, labor was without employment, industrial and commercial paralysis existed throughout the land, and revenues were insufficient for the expenses of the Government in a time of peace.

President Monroe in 1819, in his annual message, speaking of the condition of the country, said:

The great reduction in the price of the principal articles of domestic growth which has occurred during the present year and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufacturers, have not shielded them against other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union.

Again, in 1821, referring to the public revenue, he says:

At the close of the last session it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had in the latter year reached its extreme point of depression. It has, however, been ascertained that the point was reached only at the termination of the first quarter of the present year.

In 1820 Henry Clay, speaking of the condition of the country under that revision of the tariff by the Democratic party, said:

Can we plead, sir, ignorance of the general distress and of the ardent wishes of the community for that protection of its industry which this bill proposes? No, sir; daily almost throughout the session have we been receiving petitions, with which our tables are now loaded, imploring us to extend this protection. * * *

Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest by the passage of this bill that Congress does not deserve the reproaches which have been cast upon it, of insensibility to the wants and sufferings of the people.

And again, in 1824, while pleading for the tariff act of that year, Mr. Clay said:

In casting our eyes around us the most prominent circumstance which fixes our attention and challenges our deepest respect is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character.

It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthrashed crops of grain perishing in our barns and barnyards for want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by an universal complaint of the want of employment and a consequent reduction of the wages of labor, * * * and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about 50 per cent within a few years. This distress pervades every part of the Union, every class of society; all feel it, though it may be felt at different places in different degrees.

Mr. Chairman, in 1824, having had eight years under a tariff revised by the Democratic party and seven years of the greatest depression and hard times that had been known to the country, the people returned to the policy of protection for relief; and, Mr. Chairman, they did not return to this policy in vain. With the enactment of the law reestablishing the policy of protection, relief came. This act was supplemented and strengthened by the act of 1828, and under this tariff the country witnesses marvelous prosperity throughout every industry. Agriculture and manufacture revived on every hand; idle labor returned to remunerative employment; revenues poured into the Treasury, and the national debt was paid and the expenses of the Government fully met without resorting to the pawnbroker.

President Jackson in 1830, in his annual message, referring to the prosperous condition of the country, said:

The pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires.

Again, President Jackson, in his message of 1832, said:

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event, the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which a flourishing commerce has supplied and a prudent economy preserved for the public Treasury.

Mr. Clay, in referring to the condition of the country under the policy of protection and the theory of free trade, said:

Eight years ago it was my painful duty to present to the other House of Congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. In short, sir, if I were to select any term of seven years since the adoption of the present Constitution, which exhibited a scene of the most widespread dismay and desolation, it would be exactly the term of seven years which immediately preceded the establishment of the tariff in 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country.

We behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And, if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a sure and salutary degree; a ready, though not extravagant, market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on 10,000 hills and plains covered with rich and verdant grasses; our cities expanded and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public Treasury overflowing.

If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

Now, Mr. Chairman, it might reasonably be expected, with the experiments they already had, the people of that day would have been satisfied to let well enough alone, but the Democratic party said the tariff was "legalized robbery;" that it hothoused one industry into prosperity at the expense of all others, and that party was again given the privilege of revising the tariff and gave the country the act of 1832.

The results that followed that tariff revision by the Democratic party were similar to those that followed the act of 1816. The industries of the country languished, its revenues were insufficient, and the Government became a borrower of money with which to defray the expenses incident to its operation in a time of peace, hawking the Government's bonds through the markets of the country without finding buyers.

Upon that subject President Tyler said, in 1841:

Of the loan of $12,000,000 which was authorized by Congress at its late session only, $5,432,726.88 have been negotiated. The shortness of time which it had to run has presented no inconsiderable impediment in the way of its being taken by capitalists at home, while the same cause would have operated with much greater force in the foreign market. For that reason the foreign market has not been resorted to, and it is now submitted whether it would not be advisable to amend the law by making what remains undisposed of payable at a more distant day.

Now, sir, we have again seen the people rise with prosperity under the policy of protection as established by the act of 1824

and pay off the nation's debt, and we have seen them go down with adversity under the tariff revised by the Democratic party in 1832 and become the borrowers of money with which to pay the ordinary running expenses of the Government.

In 1842 the policy of protection prevailed, and all manner of industry revived, but the people yielded to the demands of the free trader in 1846, when the Democratic party, the friend of free trade, again revised the tariff; and again, sir, a period of depression set in. The industries of the country became inactive, and labor engaged in agriculture and manufacture throughout the land was without remunerative employment. President Fillmore, in his annual message in 1851, referring to the condition of the country, said:

> The value of our exports of breadstuffs and provisions, which it was supposed the incentive of a low tariff the large importations from abroad would have greatly augmented, has fallen from $68,701,921 in 1847 to $26,051,373 in 1850 and to $21,948,653 in 1851, with a strong probability, amounting almost to a certainty, of a still further reduction in the current year.
>
> The policy which dictated a low rate of duties in foreign merchandise, it was thought by those who promoted and established it, would tend to benefit the farming population of this country by increasing the demand and raising the price of agricultural products in foreign markets.

The fact is, Mr. Chairman, in theory we expand our exports under free trade, but in practice they diminish under that policy.

Again, speaking of the disastrous effects upon the country under the last tariff revision by the Democratic party, President Fillmore said:

> In my first annual message to Congress I called your attention to what seemed to me some defects in the present tariff and recommended such modifications as in my judgment were best adapted to remedy its evils and promote the prosperity of the country. Nothing has since occurred to change my views on this important question.
>
> Without repeating the arguments contained in my former message in favor of discriminating protective duties, I deem it my duty to call your attention to one or two other considerations affecting this subject. The first is the effect of large importations of foreign goods upon our currency. Most of the gold of California, as fast as it is coined, finds its way directly to Europe in payment for goods purchased. In the second place, as our manufacturing establishments are broken down by competition with foreigners, the capital invested in them is lost, thousands of honest and industrious citizens are thrown out of employment, and the farmer, to that extent, is deprived of a home market for the sale of his surplus produce. In the third place, the destruction of our manufactures leaves the foreigner without competition in our market, and he consequently raises the price for the article sent here for sale, as is now seen in the increased cost of iron imported from England.

There was no change in the tariff, and conditions became no better. The country was still under the Democratic tariff, revised by that party in 1846, when President Buchanan, in his first annual message in 1857, said:

> We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country in its monetary interest is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.
>
> The revenue of the Government, which is chiefly derived from duties on imports from abroad, has been greatly reduced, whilst the appropriations made by Congress at its last session for the current fiscal year are very large in amount.
>
> Under these circumstances a loan may be required before the close of your present session; but this, although deeply to be regretted, would prove to be only a slight misfortune when compared with the suffering and distress prevailing among the people.

It seems to be a habit for the Government to borrow money to pay running expenses under a Democratic tariff. [Applause on the Republican side.]

Now, Mr. Chairman, we have seen the first half century of our country's history rising under the protective policy to prosperity and falling under tariff revision by the Democratic party to adversity. A condition of prosperity came with the policy of protection and a condition of adversity came when the theory of free trade was yielded to, and this has been without an exception.

It is not strange, then, that among the first laws enacted by the Republican party was a law putting into effect the policy of projection—a policy that was sustained for almost a third of a century after its adoption in 1861.

That period, Mr. Chairman, began with a bankrupt Treasury, with industrial depression on every hand, with civil war and secession—a war that cost billions of treasure and the lives of thousands of the best men in the nation and took four years and more of the nation's time, reducing its energies and its resources and prostrating the whole South so that that section had to begin anew. The great West was a wild unbroken prairie, designated on the maps as a part of the Great American Desert. The West and South at the close of the war had nothing except a determined purpose on the one hand to subdue the prairie and on the other to restore its waste places. Few, if any, implements; less, if any, farm animals, and but few of the merest necessities of life. The people of the South looked out upon desolation and ruin; the home seekers and settlers of the West looked out upon an unbroken prairie that receded to the horizon in every direction. There was nothing to gladden the vision or to cheer the heart of either.

Now, sir, I have drawn that picture for the purpose of showing how impossible it would have been to have robbed the people of the South and West at that time, and for the further purpose of showing that no system of robbery, legalized or predatory, in either case could have made the rich grow richer and them grow poorer. And yet, if we are to believe anything alleged and deliberately declared by the Democratic party, we must believe that the farmers of the South and West have been robbed through all these years to hothouse into prosperity and wealth the industries of others.

Mr. Chairman, the fact is that no like period in the history of this or any other country has ever witnessed such marvelous development of resources and such unparalleled prosperity of industry. Agriculture and manufacture have grown up and prospered together. The farmer has a market at home for his produce. The manufacturer has not had to go abroad with his wares. Both have prospered by practicing the profitable economy of eliminating distances from the question of trade. The policy of protection has preserved the American market for the products of American manufacturers, and American manufacturers have made markets for the products of American farmers, and together they have established the high standard of American living and made possible a high scale of American wages. [Applause on the Republican side.]

The farmer of the West has learned and the farmer of the South ought to learn that when the factory is closed he not only loses customers for his products, but also meets additional competitors in his production. The workman, losing his employment in the factory, settles upon a truck farm and becomes a producer of the products he formerly bought from the farmer. The prosperity of the farmer depends upon the prosperity of those who buy his products.

The West and South experienced a marvelous growth and prosperity during the period I have mentioned, all under the policy of protection, and continue to prosper under that policy. The gentleman from Mississippi [Mr. WILLIAMS] admits this fact for Mississippi.

I make the admission for Kansas, and in addition cite the fact that on the first day of January, 1904, the Kansas bank account contained $73 per capita for the entire State. In the West we have built houses, barns, schoolhouses, churches, colleges, bridges, court-houses, charitable institutions, and magnificent statehouses, and are as well provided with all these as any section of the Union. This growth and prosperity has been gradual, and we may hope that it will continue while the policy that made it possible is maintained. [Applause.]

What has been said of the South and West may be said of the whole Union, and it may be said without fear of successful contradiction that there is no like period in the history of this or any other country anywhere in the world where the people made such marvelous development and progress in all that ministers to the welfare and happiness of a people.

But in 1892, in the midst of plenty, surrounded by unusual conditions of prosperity, the Democratic party raised the old banner of opposition to the protective policy and again asked for an opportunity to revise the tariff. The policy of protection was then called a system of robbery that made the rich richer and the poor poorer, and hothoused into prosperity one industry at the expense of another. The people had forgotten their country's history and said: "We'll try it." The depression and ruin that was inaugurated with that tariff revision by the Democratic party is vivid in the minds of all. It is impossible to exaggerate the condition of devastation that followed upon the ruins of every industry throughout the land. Banks suspended, factories closed, furnaces drew their fires, mills suspended work, agriculture was prostrated, industry of all kinds languished, values of farm products and farm animals went downward, farm values went to a low ebb, values of all commodities went down to the ruin of all industry.

There was little or no incentive to work upon the farm and nothing to do in the factory. This wreck of industry resulted in the loss of employment to more than 3,000,000 of workingmen, and those who were not let out of employment entirely were working upon less than one-half time. Railway employees, except those on scheduled trains, were fortunate if they made one-third of their usual wages; coal miners were fortunate if they made one-fourth of their customary earnings, and factory operatives in all branches fared no better. Revenues were insufficient for expenses, and the Government took its bonds to the money lenders.

There were no complaints about trusts or combines. There was just one great organization brought into being during that period—Coxey's army—an army made up of men without work, who wanted something to do. These honest men had voted for tariff revision by the Democratic party. They were now march-

ing upon Washington, demanding nothing but an opportunity to work.

These men, and all who went out of employment with them under the Gorman-Wilson tariff revision, had been, under the Republican policy of protection, large consumers of the best products in well-supplied markets, but under the Democratic revised tariff they subsisted upon soup provided in large part by public charity. So sudden a change from a condition of employment that made possible a demand for better pay, as was done in 1892, to a condition of no employment at all, could only be repeated by again permitting the Democratic party to revise the tariff. [Applause on Republican side.]

But, Mr. Chairman, it did not take long to get enough of the Gorman-Wilson tariff revision, and the election of 1896 called upon the Republican party to again give the American people the benefits of the protective policy.

The Dingley act restored that policy, and with that restoration came a return of prosperity. The whistle blew, and idle labor found its way to industries that were opening their doors throughout the land. Smokestacks throughout the country began again to emit in ceaseless streams the emblem of a country's prosperity, and the hum of spindles made a song of gladness that echoed throughout the land. The 3,000,000 of men who went out of employment with the revision of the tariff by the Democratic party found employment in the enactment of the Dingley law by the Republican party, and a million and a half have been added to those who have employment in the industries of the country. Agriculture revived; banks rechartered and opened; industry of every kind acquired new life and energy. Every field of industrial life became a field of industrial activity. The railroads of the country added hundreds and thousands of men to their employees, endeavoring to take care of the commerce of the people.

Now, Mr. Chairman, much has been said about the condition of the country immediately preceding the last revision of the tariff by the Democratic party, and it has been declared upon this floor recently that the agricultural interests of the country were in a condition of hopeless bankruptcy during the years immediately preceding the year 1893. Now, sir, the fact is that the value of farm animals for the four years from 1889 to 1892, inclusive, was nine and three-quarter billions of dollars, in round numbers. The value of farm animals from 1893 to 1896, inclusive, was $8,000,000,000, in round numbers—nearly two billions less. The value of farm products from 1889 to 1892, inclusive—that is, corn, wheat, and oats—was five and a quarter billions of dollars, and the value of corn, wheat, and oats from 1893 to 1896 was three and three-quarter billions of dollars; and the value of farm animals for the seven years following the enactment of the Dingley law was twenty and a quarter billions of dollars, and the value of corn, wheat, and oats, nine billions of dollars.

Between March 4, 1889, and March 4, 1893 (Harrison's Administration), we paid $365,500,000 of the national debt. From March, 1893, to March 4, 1897 (Cleveland's Administration), we went in debt $265,000,000. Our exports the last year of the Harrison Administration, under protection, were $334,500,000. Our exports the first year under the Cleveland Administration under the Gorman-Wilson bill were $196,000,000. [Applause on the Republican side.]

But the Democracy now claim that the tariff should be revised, and that that party should again be given the privilege of performing that important work, because it is claimed, first, that the protective policy creates and maintains trusts; second, that the products of manufacture are sold cheaper abroad than at home; and third, that the protective policy keeps us out of foreign markets.

Now, sir, upon the first of these propositions. The people of this country understand the trust question. It is well known to the reading public to-day that free trade England has her full proportion of aggregations of capital known as "trusts;" that every civilized country in the world, whether upon a free trade or protective basis, if there is a prosperous condition of industry at all, is experiencing the same conditions of organization and aggregation we are experiencing in this country. The people also know that many of the trusts in this country do not engage in the production of protected commodities.

Mr. WILLIAMS of Mississippi. Will the gentleman from Kansas submit to an interruption?

Mr. CAMPBELL. Yes.

Mr. WILLIAMS of Mississippi. The gentleman has just made that statement. Now, will the gentleman name one trust—just one trust is all I ask—engaged in the manufacture of a nonprotected product?

Mr. OLMSTED. He might mention the Standard Oil trust.

Mr. WILLIAMS of Mississippi. The product of the Standard Oil trust is taxed, and the gentleman is very ignorant if he does not know it. Some time ago a Republican President and a Republican Secretary of the Treasury said that anthracite coal was not taxed, but found out that they were mistaken, and we have now in the Dingley bill a duty upon oil coming from all countries which tax American oil going into their country, and the only country——

Mr. OLMSTED. From what country does any oil come into this country?

Mr. WILLIAMS of Mississippi. Wait a moment. The only country which produces any oil that would compete with our oil is Russia, and Russia has a high protective tariff, and that clause of the Dingley act therefore puts a tariff upon the only oil that could compete with the oil in this country. Here it is, paragraph 626:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

Mr. DALZELL. Did the gentleman from Mississippi ever hear of a barrel of Russian oil being imported into the United States?

Mr. WILLIAMS of Mississippi. I reckon not, because you could not import it without paying a prohibitive duty—the duty levied by Russia being enormous.

Mr. CAMPBELL. Mr. Chairman, I simply yielded for a question. Now, I will answer the gentleman from Mississippi. Well, beginning with a few of the smaller trusts, I mention the theater trust, the music trust [laughter on the Democratic side], and, then, there is the ice trust, a Democratic trust, organized up in the State of New York. Maybe you have heard about it. [Applause on the Republican side.] Then there is the cotton trust. The Standard Oil trust has been mentioned, and there is the beef trust.

Mr. WILLIAMS of Mississippi. Well, their product bears a duty.

Mr. CAMPBELL. But the duty does not create the trust. Do you object to the duty on beef and beef cattle?

Mr. WILLIAMS of Mississippi. Yes; I object to the beef trust. Do you?

Mr. CAMPBELL. I object to the trust, but not to the duty on beef and cattle. Then there is the Northern Securities trust, which is bursted. [Applause.] There is the railroad trust, the big store trust, the school-book trust, and there are many others not engaged in the manufacture of protected products.

Mr. WILLIAMS of Mississippi. No; but they are built upon protected rails and run with protected machinery, and thereby the cost of the plant is made too high for ready competition.

Mr. CAMPBELL. They pay what you call the tariff tax. They are part of the people who you say are robbed. They are not enriched by it, and upon the theory of the Democracy they would be impoverished by it.

Mr. WILLIAMS of Mississippi. The people pay for the railroad iron.

Mr. CAMPBELL. That is merely a speculative question.

Why, Mr. Chairman, most of the large fortunes that have been accumulated in this country have been accumulated by men who have never engaged in the manufacture of a protected industry. A list of the multimillionaires will disclose the fact that the money has been made in railroading, mining, banking, invention, telegraph, telephone, express company, merchandising, importing, and many out of the increase in real estate values, and a few out of manufacture.

Mr. WILLIAMS of Mississippi. Now, will the gentleman have the kindness to answer one other question? The gentleman cites great fortunes made in mines. Is the gentleman not aware of the fact that coal is protected, that copper is protected, that iron is protected, that mica is protected about one thousand and some odd per cent, and every one of these things he has cited is protected?

Mr. CAMPBELL. I have not said that everyone engaged in mining accumulated great fortunes, nor that all mine industries were not protected.

Mr. WILLIAMS of Mississippi. You did say they made it in mining.

Mr. CAMPBELL. Yes; I said some made it in mining.

Mr. WILLIAMS of Mississippi. And I am calling the gentleman's attention to that fact.

Mr. CAMPBELL. Yes; and many fortunes have been due to discoveries and inventions; the telephone, the telegraph, and many others of that kind go to make up the great fortunes of this country.

Mr. WILLIAMS of Mississippi. One other question.

Mr. CAMPBELL. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman contend that there is a national ice trust in this country?

Mr. CAMPBELL. I do, sir; I understand there is a national ice trust in this country.

Mr. WILLIAMS of Mississippi. I did not know it before, if there is.

Mr. CAMPBELL. I understand there is an ice trust.

Mr. WILLIAMS of Mississippi. And do you know whether Canadian ice has a tariff upon it or not?

Mr. CAMPBELL. I have not heard of any.

Mr. WILLIAMS of Mississippi. Mr. Chairman, a moment ago I understood the gentleman to state that copper was on the free list.

Mr. CAMPBELL. Yes.

Mr. WILLIAMS of Mississippi. I find, on page 13 of the Dingley Act, under the head of "Ware," clause 137, the following:

Round iron or steel wire, not smaller than No. 13 wire gauge, 1½ cents per pound; smaller than No. 13 and not smaller than No. 16 wire gauge, 1¼ cents per pound; smaller than No. 16 wire gauge, 2 cents per pound: *Provided*, That all the foregoing valued at more than 4 cents per pound shall pay 40 per cent ad valorem.

Iron, or steel, or other wire not specially provided for in this act, including such as is commonly known as hat wire or bonnet wire, crinoline wire, corset wire, needle wire, piano wire, clock wire, and watch wire, whether flat or otherwise, and corset clasps, corset steels, and dress steels, and sheet steel in strips, twenty-five one-thousandths of an inch thick or thinner, any of the foregoing, whether uncovered or covered with cotton, silk, metal, or other material, valued at more than 4 cents per pound, 45 per cent ad valorem: *Provided*, That articles manufactured from iron, steel, brass, or *copper* wire, shall pay the rate of duty imposed upon the wire used in the manufacture of such articles, and in addition thereto 1½ cents per pound, except that wire rope and wire strand shall pay the maximum rate of duty which would be imposed upon any wire used in the manufacture thereof, and in addition thereto 1 cent per pound; and on iron or steel wire coated with zinc, tin, or any other metal, two-tenths of 1 cent per pound in addition to the rate imposed on the wire from which it is made.

Again, I find this:

176. *Copper* in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, 2½ cents per pound; sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron ungalvanized, 2 cents per pound.

Mr. CAMPBELL. Is not that a product of copper?

Mr. WILLIAMS of Mississippi. There are two parts of the act that I want to read from. I find in section 193 of the same act the following:

Articles or wares not specially provided for in this act, composed wholly or in part of iron, steel, lead, *copper*, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 45 per centum ad valorem.

Mr. CAMPBELL. I concede all that.

Mr. DALZELL. Now, will the gentleman from Mississippi turn to the free list?

Mr. WILLIAMS of Mississippi. Oh, I do not say that copper ore is not on the free list. Copper is there and copper is protected, but you have got to use copper ore after you get it, and if it is protected in the manufactured state, why, then, the man who makes the money out of it makes money out of it by having the use of it—that is, the use of the ore protected.

Mr. CAMPBELL. The man who made the money out of it is the man who mined the ore—the crude product, the raw material.

Mr. HILL of Connecticut. Mr. Chairman, if the gentleman will permit me to interrupt him——

Mr. CAMPBELL. I yield to the gentleman.

Mr. HILL of Connecticut. The gentleman from Mississippi [Mr. WILLIAMS] read a section, and the first line of it put him down. It said on articles not otherwise provided for, and copper in the ingot form is specifically provided for elsewhere, absolutely free, on page 53—"copper in plates, bars, ingots, or pigs, and other forms not manufactured or specially provided for in this act"—so that it is free, not only the ore, but the manufactured copper if in forms of ingots, pigs, etc., ready for other processes. The part of the law which the gentleman read gave simply things which were manufactured from copper—not copper itself at all.

Mr. WILLIAMS of Mississippi. Well, "the gentleman from Mississippi" read the law and the law speaks for itself. I admit that copper ore is on the free list, but the broad statement was made that copper was on the free list.

Mr. CAMPBELL. But copper ore is on the free list.

Mr. WILLIAMS of Mississippi. Co per ore is, but copper products are not.

Mr. CAMPBELL. I was talking about the large fortunes made out of the mining of copper and I did not speak of copper products in manufacture.

Mr. GROSVENOR. Mr. Chairman, if the gentleman will allow me, the proposition involved in the law that the gentleman from Mississippi [Mr. WILLIAMS] has read is the protection to the labor on American articles, the American laboring man as against the labor abroad, while as against the producer of the raw material there is no semblance of protection at all.

Mr. CAMPBELL. That is true.

Mr. GROSVENOR. You might as well say that because there is a duty on gold jewelry that therefore there is a protective tariff on gold ore.

Mr. WATSON. The gentleman from Mississippi has said that copper was one of the protected industries. Copper is on the free list and has been for some time in this country, and under the law of 1897 copper ore in all its forms is on the free list, and is not a protected article now and has not been for many years.

Mr. SULZER. Is not that because we are are large exporters of copper?

Mr. CAMPBELL. That is not the question. The gentleman from Mississippi implied that fortunes had been built up in mining because, he concluded, mine products were protected.

Mr. WATSON. And I am calling the gentleman's attention to the fact that it is not a protected industry and has not been for many years.

Mr. CAMPBELL. Now, then, I think we may pass that as settled.

Mr. VAN DUZER. Will the gentleman tell me how the price of copper is regulated?

Mr. CAMPBELL. The way the price of things is generally regulated.

Mr. VAN DUZER. Regulated by the copper trust?

Mr. CAMPBELL. Copper is not a protected industry. How can you have a trust without protection? How can you have a copper trust and have copper ore on the free list?

Mr. GAINES of Tennessee. Does the gentleman agree that the protective tariff makes trusts; that you can not have a trust without protection?

Mr. CAMPBELL. The Democratic party says that you can not have a trust without protection; that protection is the mother of trusts, and that she sustains and suckles them.

Mr. HAMLIN. I understood the gentleman to say that you could not have a trust without protection.

Mr. CAMPBELL. That was a mere matter of irony, in answer to the gentleman from Nevada. I contend, on the contrary, that protection neither creates nor fosters trusts.

Mr. POU. Will the gentleman allow me an interruption?

Mr. CAMPBELL. Certainly.

Mr. POU. I want to call attention to the fact that the Republican convention in the State of Iowa also declared that protection was the mother of trusts.

Mr. CAMPBELL. Well there were some up in Iowa who were evidently planning to help the Democratic party get an issue for the campaign of 1904.

Mr. GROSVENOR. In that connection you may as well say that protection and trusts, put in the tail end of the Iowa platform, have been repudiated by the Republicans of the State and fully eliminated out of their next platform.

Mr. CAMPBELL. That is true, and the man who made the contention has abandoned the idea that protection shelters trusts even in Iowa, and has gone to the idea that whatever is done for the theory of free trade must be done through free-trade reciprocity.

Mr. GAINES of Tennessee. You spoke of a great many fortunes having been made recently. Were not great fortunes made during the low-tariff period from 1846 to 1850 when copper, gold, and silver were discovered in California?

Mr. CAMPBELL. The fortunes made in those days and in those States were very rapidly passed over to Europe to buy cheap products of manufactures upon which the people might live. There are few, if any, fortunes now in this country that started in 1846 or 1848.

Mr. GAINES of Tennessee. If the gentleman would go to California—to San Francisco—and some of the great cities out there he would see the effect of the discovery of gold and silver and copper during the low-tariff period of 1846 to 1860, which was dug out of the ground just as we silver men want to do now if you would let us.

Mr. CAMPBELL. I simply yielded for a question, not for a speech on the silver question.

Now, Mr. Chairman, if it were true that the policy of protection made trusts possible in the first place and made their continuance possible in the second place, we must still object to the remedy the Democratic party proposes, to wit: If any trust is engaged in the manufacture of a protected commodity, put that commodity in open competition with the products of the world. This plan of the Democratic party would open the markets of this country to all the world if any of the articles manufactured in whole or in part, produced in whole or in part, by aggregations of capital known as trusts. That would be just like shooting into a chicken coop full of chickens with a double-barreled shotgun with both barrels for the purpose of killing a weasel. [Laughter and applause.]

Twenty furnaces are independent, five furnaces are in a trust, all produce a like product. The products of the whole are put upon the free list for the purpose of destroying the trust. Three hundred factories are independent, 10 are in the trust. The products of all are put upon the free list for the purpose of destroying the 10 in the trust.

When you draw the fire in a furnace or close the door of a factory, whether it is one of a combine or maintains its independ-

ence, you throw the workmen employed by that furnace or in that factory out of employment.

Nothing is truer than that if the people of this country are supplied by the manufacturers and labor of foreign countries, whether the purpose be to destroy trusts or to establish free trade, the manufacturers and laborers of this country will not be called upon for those supplies, and just to the extent that they are not called upon for them will our factories close their doors and our labor go without work. There is no question that the proposed remedy will accomplish its purpose. It will destroy the trusts, but their destruction will take with it the last employment of thousands and tens of thousands of men and darken with despair homes now bright and cherry with prosperity.

The trust question was not a serious one from 1893 to 1896, when industrial paralysis extended into every avenue and industry in our whole country.

Now, Mr. Chairman, it is not the intention of the Republican party to wreck the prosperity of this country in order to control the trusts.

A patriot and a statesman at the White House, conscientiously devoted to the well-being of the whole country, alert alike to the welfare of the rich and the poor, the employer and the employed; with competent and able assistants in all the Departments of Government, is controlling and regulating, rather than destroying, the enterprises of this country, by whatever name they may be known. [Applause on the Republican side.]

Now, as to the charge that the products of manufacture are sold cheaper abroad than at home, et ergo, we should put the country upon a free-trade basis.

It has not been my privilege to see a list of the articles that are sold cheaper in foreign markets than they are in our own, and I do not deny that it is done in some particulars. I have heard it stated, however, upon as good authority that the prices quoted by those who make the charge is the retail price at home and the manufacturer's price to the jobber abroad. It was charged two years ago that sewing machines and reaping machines were selling cheaper in foreign markets than to our own people. It has been stated upon the authority of dealers in Sydney, Australia, that the Deering binder sold there for $155 to $182, while it sells here for $125; that the McCormick binder sold in Sydney for $165 to $194, and sold at home for $125; the New Home sewing machine sold in Sydney, Australia, for $55, in this country for $35.

But, if the allegation is true, it is better that American manufacturers get into foreign markets by that method than that foreign manufacturers come into American markets by the same method. [Loud applause on the Republican side.]

Mr. POU. Will the gentleman allow me a question?

Mr. CAMPBELL. Certainly.

Mr. POU. If the American manufacturer can sell his goods in Europe cheaper than he sells them at home and still make a profit, I ask the gentleman why that particular manufacturer still needs any protection?

Mr. CAMPBELL. Well, we have had experience—our markets have been exploited by foreign manufacturers.

In 1846 iron rails sold in the United States for $50 per ton. As soon as the tariff was removed by the Democratic party in 1846 English manufacturers reduced the price of iron rails to $40 per ton, swamped the American market, then after ruining that industry in this country they raised the price to $75 per ton for iron rails.

And that was not our only experience. Our markets were exploited by the manufacturers of foreign countries at another time when we were under a tariff revised by the Democratic party. As far back as 1819 Monroe says in his message of that year, referring to the way foreign manufacturers ruined our manufactures—

> Their manufactures have been shipped by the manufacturers to the United States and in many instances sold at prices below their current value at the place of manufacture. Although this practice may, from its nature, be considered temporary or contingent, it is not on that account less injurious in its effects.

We were then under the tariff act of 1816. Foreign manufacturers were exploiting our markets, ruining our manufacturing establishments, and establishing the sale of their products here.

Mr. POU. If the manufacturer in this country can make a profit by selling his goods across the water at the prices they there command, why should he be forced to go out of business?

Mr. CAMPBELL. It is not proposed to force him to go out of business. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas [Mr. CAMPBELL] has expired.

Mr. HEMENWAY. I yield to the gentleman ten minutes more.

Mr. CAMPBELL. To whatever extent the products of American manufacture, protected or otherwise, are sold in foreign markets cheaper than they are sold at home, the American consumer could ill afford to exchange places with the foreign consumer. A factory, a shop, a furnace, an industry of whatever nature that is established here becomes a part of the property of the great body of the American people. Taxes are paid, schoolhouses are built, and schools maintained, churches are built and maintained, the institutions of the country are supported by the industries of the country.

The manufacturer who is not engaged in producing articles on the protected schedule could not afford to have a neighboring factory engaged in some other product that is on the protected schedule, transferred, with its employees, to a foreign country. The farmer could not afford to have a manufacturing establishment engaged in producing a protected article that is sold cheaper abroad than it is at home, removed to the place abroad. So I say, to whatever extent the practice is followed, it is better for us that our manufacturers practice it in foreign markets than that the manufacturers of foreign countries should practice it in our markets. [Loud applause on the Republican side.]

Now, sir, as to the objection that our products are kept out of foreign markets by the policy of protection. The most emphatic answer to that objection is that it is only true in theory, and that it is in no sense true in fact.

Why, sir, we have advanced from year to year under the protective policy, from one of the lowest exporters among the great nations of the earth, until to-day we rank first. Our exports last year were one and a half billions in round numbers, while England's exports were one billion four hundred millions; Germany's one billion two hundred thousand, and France's eight hundred millions.

We have extended not only the amount but the variety of our exports from year to year, and the year that has just closed has shown the greatest export from this country that has ever been made by any one country in any one year.

GROWTH OF EXPORTS OF THE UNITED STATES.

In 1875 the exports of domestic products by the world's great exporting nations were as follows:

United Kingdom	$1,087,497,000
France	747,400,000
Germany	593,052,000
United States	497,263,737

In 1885 the domestic exports of these four countries stood as follows:

United Kingdom	$1,037,124,000
Germany	680,551,000
United States	673,593,596
France	596,000,000

In 1895 the domestic exports of the four countries were as follows:

United Kingdom	$1,100,452,000
United States	807,742,415
Germany	789,660,000
France	651,100,000

In 1903 the relative rank of the four countries in the exportation of domestic products was as follows:

United States	$1,457,565,783
United Kingdom	1,415,617,552
Germany	1,200,000,000
France	812,000,000

But we are told that we can not sell our products in the world's markets while we refuse the world the privilege of selling in our markets. But we do. [Applause on the Republican side.] Why, I knew a man once just like the Democratic party. He called every beautiful day a "weather breeder." He never got comfort or satisfaction out of anything. [Laughter.]

It is said the cost of living has increased in a greater proportion than the wage scale has been raised, therefore the tariff should be revised by the Democratic party.

Now, conceding, for the sake of the argument that some of the necessities of life are higher now than they were from 1893 to 1896 under the last revision of the tariff by the Democratic party. Bread and meat were cheap in those days, but people went without food. Clothing was cheap, but people went without raiment. Hardware and lumber were cheap, but men did not build houses. Land was cheap, but people did not buy farms. Live stock was cheap, but farmers did not buy stock. Everything was cheap, but no one could buy.

To-day bread and meat may be a little higher, but no one goes hungry. Clothing may be a little higher, but all are clad. Hardware and lumber may be a little higher, but throughout the whole land people are building houses. Farm lands have doubled in value, but all over the country men are buying farms. Many farm animals have more than doubled in value, but all over the country men are buying stock. Sites for industries are higher and material and labor are higher, but enterprising men are purchasing sites and material and establishing industries. Wages are higher, but employers are employing men. The soup house has disappeared and the market has taken its place. [Loud applause on the Republican side.]

But we are told by the Democratic party that the policy of protection is in no sense entitled to credit for our splendid prosperity. The declaration is made that the beneficence of a kind Creator

has thrust this prosperity upon us, and that our commercial policy has had nothing to do with it.

Now, I have been taught and have always believed that God was invariable in all His purposes and just in all His ways, and I refuse now to believe that the Divine Being would uniformly withhold from His people the blessings of prosperity and visit upon them the hardships of adversity following a revison of the tariff by the Democratic party, and lift the hand of adversity and restore prosperity following an enactment of a tarff law by the Republican party.

You see, Mr. Chairman, that would be a discrimination that could not well be harmonized with the promise that "He maketh His sun to rise on the evil and the good, and sendeth rain upon the just and the unjust." [Applause on Republican side.]

But is it also claimed that our prosperity is the result of the additions of gold to our circulating medium; that the gold which has been gathered from all sources—from the rich mines of Alaska and from the gold fields of the gold-producing States and from trade balances in our commercial transactions with foreign countries—is responsible for it? And it is added, with a nod of warning, that it is fortunate for the Republican party that all this happened so soon after the election of William McKinley, and so immediately followed the passage of the Dingley law.

Upon that question, Mr. Chairman, it may be asserted without fear of successful contradiction that the additions of large quantities of gold to the money of our country was the result rather than the cause of conditions that gave rise to the marvelous prosperity our people have enjoyed. And I submit the proposition to the candid judgment of that portion of the Democratic party upon this floor that is lending its aid to the plan that has for its object a reorganization of that party, eliminating the proposition to coin gold and silver at the ratio of 16 to 1 without waiting for the aid or consent of any other nation on earth, that a dollar worth 100 cents would not, either by voluntary action or by compulsory process, do business with a dollar worth fifty cents in the same market, with the same opportunities and with the same purchasing power. [Applause on the Republican side.]

The truth of this proposition is so convincing that it needs be but stated to carry the conviction of its truth.

And it may be asserted further that if Mr. Bryan had been elected President in 1896, the vast quantities of gold that have been added to the money of our country from the gold fields might still be secure in its mountain fastnesses, untouched by the hand of the gold miner and unadorned by the artist at the mint, and that the additions from the trade balances would be in other coffers than ours, and just a little less than two-thirds of the Democratic party to-day as sincerely believe this as the vast majority of the American people believed it in 1896.

So I say again, Mr. Chairman, that adversity with every variety of hardship has been visited upon the people of this country following every revision of the tariff by the Democratic party, and yet that organization stands for tariff revision to-day if it stands for anything.

Now, it may not be impertinent to ask those who have made tariff revision the issue just what schedules in the Dingley tariff they complain of. What is it that makes revision necessary or even desirable by the Democratic party? Would that party revise all or only a part of the schedules of the Dingley act? If only a part, what portion, and how much?

In what way would the changes proposed by the Democratic party be beneficial to the American people? Is the revision of the Dingley law, now demanded by the Democratic party, a continuance of the opposition of that party to the enactment of the law, or is the revision demanded because it has been discovered that the law has not operated for the benefit of the American people? What will the Democratic party give the people in the place of what we have?

Sound policy and experience forbid that we should sacrifice the employment of a single dollar or the wages of a single workman experimenting with freer trade or reciprocity in competitive products in the delusive hope of gaining wider or better markets than those we have at home. [Loud and continued applause.]

Mr. CAMPBELL. Mr. Chairman, I will now yield back the remainder of my time to the gentleman from Indiana [Mr. HEMENWAY], first asking to revise and extend my remarks in the RECORD.

The CHAIRMAN. If there be no objection, the gentleman from Kansas [Mr. CAMPBELL] will be permitted to revise and extend his remarks in the RECORD.

There was no objection.

Mr. HEMENWAY. Mr. Chairman, I believe there is still some time remaining to the minority.

Mr. BENTON. I yield to the gentleman from Mississippi [Mr. WILLIAMS] two minutes.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the other day the gentleman from New York [Mr. SOUTHWICK] caused to be inserted in the RECORD an article from the New York World, and at that time challenged me to contradict its statements. Some of it I then denied, and I said that I would perhaps later on take notice of it further. I wish now to read a letter written to me by Edward B. Whitney, of New York:

NEW YORK, *March 17, 1904.*

Hon. JOHN SHARP WILLIAMS,
House of Representatives, Washington, D. C.

DEAR SIR: I read with interest this morning your remarks yesterday with reference to the action to be taken by the Administration under the decision in the Northern Securities case. As a Democrat and a member of the Department of Justice during the last Democratic Administration (who was among the counsel for the Government in the Trans-Missouri, Addyston Pipe, and Joint Traffic cases—

Remember, the New York World said the Democratic Administration had never instituted any suits against the trusts at all—

and happened to be present at the oral argument of this Northern Securities case), I take the liberty of addressing you, although a stranger, for the purpose of inclosing a copy of a letter which I sent yesterday to the New York World. If that paper does not soon publish it, I presume that some other paper will do so. I do not understand why it desires persistently to misrepresent leading Democrats.

I also take the liberty of inclosing a copy of two articles of my own, which I believe were among the first published concerning the Northern Securities Company. The dissenting opinions seem to me to contain two plain fallacies—that a corporation is a person and to be treated in all respects as such (whereas in fact it is a combination of persons acting under a license) and that a share of stock is to be treated simply as a piece of property (whereas it is really a membership in an industrial quasi-partnership enterprise).

The New York Times is daily writing editorials based upon these fallacies. The New York World, on the other hand, is calling upon the Attorney-General to attack industrial trusts without showing any fact bringing them within the constitutional sphere of the Federal Government. For eleven years past it has been abusing Richard Olney for the sole reason that he did not bring suits which would have been thrown out by every court for constitutional reasons (based upon the rights of the States over purely productive industries) which every Democrat at least is bound to respect.

Very respectfully, yours,

EDWARD B. WHITNEY.

The following is the letter referred to in the foregoing written by Mr. Whitney to the New York World, disproving absolutely the statements put into the RECORD by the gentleman from New York [Mr. SOUTHWICK]:

EDITOR NEW YORK WORLD.

DEAR SIR: In an editorial to-day you state that the antitrust law "remained a dead letter on the statute books during the entire term of Grover Cleveland," and that the efforts of your paper to have it enforced were met with "contempt from the Democratic Attorney-General, Richard Olney, who pretended that the law was unconstitutional and would do nothing toward prosecuting the violators of it," and that "the first effort to enforce the law" was by President Roosevelt and Attorney-General Knox.

As these statements are absolutely contrary to the facts, which are within my personal knowledge and also a matter of record, I beg to call your attention to them.

"The first effort to enforce the law" was made by Attorney-General Miller, in the Administration of President Harrison. He brought a suit for that purpose against the so-called "sugar trust." He was defeated in both of the lower courts and the case was pending in the Supreme Court when Messrs. Cleveland and Olney came into office. The Government's case was in charge of Hon. S. F. Phillips, a distinguished lawyer, who had been Solicitor-General of the United States for many years under the Administrations of Presidents Grant, Hayes, Garfield, and Arthur. Mr. Olney continued this retainer and also himself joined in the Supreme Court brief. The oral argument in that court was made for the Government by Mr. Phillips and by Lawrence Maxwell, jr., a very able and prominent lawyer, then Solicitor-General. The court held, with only one dissenting vote, that the law was unconstitutional in its application to "trusts" which were engaged in production as distinguished from transportation, and whose operations did not directly restrain interstate commerce. The reason for the decision was not that these "trusts" were innocent, but that the jurisdiction over them belonged to the States, and not to the Federal Government.

This, of course, put an end to all claim that a mere concentration of ownership in an agricultural, manufacturing, or mining industry was within the Federal power of legislation.

I am very familiar with the "efforts of the World to have the law enforced." I read many, and I think all, of the series of articles in which you endeavored to show that certain "trusts" should be prosecuted. I did so because I knew that Mr. Olney desired to bring suit under the law if any case warranting suit should be found. You showed many cases where action by State legislators was called for, but none which would justify action by the Attorney-General of the United States.

In President Harrison's Administration the suit against the Trans-Missouri Freight Association was commenced and brought to a hearing. This suit attacked an association of railroads in the far West. The Government's bill of complaint was dismissed in 1892, prior to the inauguration of President Cleveland. An appeal was prosecuted under the direction of Mr. Olney, and resulted in an affirmance by the circuit court of appeals. He then directed an appeal to the Supreme Court of the United States. The case in many respects was a weak one for the Government and one, therefore, which it was advisable not to hasten to an early hearing in the Supreme Court so long as there seemed to be any chance of finding a better test case. As no better could be found, it was, however, brought on for argument when reached, which was during the Cleveland Administration. It was argued by Attorney-General Harmon for the Government, with great ability, against a combination of the strongest lawyers in the United States, including Messrs. Dillon, Carter, and Phelps, of New York, and Bowers, Kenna, and Wilson, of Chicago, and resulted in a decision for the United States upon all points, the decision having been handed down a few days after the inauguration of President McKinley.

Meanwhile, however, at the direction of Attorney-General Harmon, a similar suit had been instituted in this State against the Joint Traffic Association by Wallace Macfarlane, then United States district attorney. That suit was thrown out by the lower courts upon the authority of the decision of the lower courts in the Trans-Missouri case, but the Supreme Court subsequently reversed these decisions and granted the relief sought by the Government upon the authority of its own former decision.

Attorney-General Harmon also commenced the case against the cast-iron pipe trust, United States *v.* Addyston Pipe and Steel Co. This was the first

case in which the Government was able to secure facts sufficient to sustain suitagainstan "industrial." The bill was dismissed by the circuit judge, and the appeal could not be perfected in time for argument at the circuit court of appeals during the Cleveland Administration; but it was reached a few weeks thereafter, and as a hold-over member of that Administration I was assigned by Attorney-General (now Justice) McKenna to argue the appeal, which resulted in a unanimous decision in favor of the Government, subsequently affirmed by a unanimous decision of the United States Supreme Court.

It is true that after a period of quiet, active work under the antitrust law has been recommenced by President Roosevelt and Attorney-General Knox, but their cases have been won upon the precedents established by the Cleveland Administration. Their job has been comparatively an easy one, since they not only had those precedents behind them, but were furnished by various newspapers and others with large amounts of valuable testimony, finally receiving from Congress an appropriation of $500,000 for this special work, a sum which they have been unable to spend.

As you are a Democratic paper, I respectfully, as a Democrat, request you to give this letter (or, if you prefer, the substance thereof) a prominence in your columns equivalent to that which to-day you have given to the statements which this letter is designed to correct.

Respectfully, yours, EDWARD B. WHITNEY.

NEW YORK, *March 16, 1904.*

Mr. BENTON. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, at the proper time I desire to offer an amendment to the pending bill to provied for continuing improvement on Waccamaw River, South Carolina, between Conway and Bucksville, in Horry County, and appropriating $15,000, to be expended as recommended in report of A. M. Miller, lieutenant-colonel, Corps of Engineers, United States Army.

This appropriation is absolutely necessary to the commercial interests in that section and the proper use of said river as a highway of commerce. Unless the amendment is adopted it seems there will be no sufficient amount of available funds for carrying on this necessary work.

For twenty-five years regular steamboat lines have been operating on the Waccamaw River, furnishing both freight and passenger service between Conway and Georgetown. As the business of the country has increased, traffic on the river has also steadily increased, and its importance as a commercial stream is to-day second to none in the State of South Carolina. But for the existence of a few shoals between Bucksville and Conway seagoing craft could reach the wharves at Conway and not only increase the shipping facilities of the people of that section, but also secure for them an improvement in freight rates. There is located at Conway, on the banks of this river, a large milling plant, turning out millions of feet of lumber every year, and the products of the mill are shipped by rail to northern points, although, as I said, the mill is located immediately upon the banks of this river. River steamers handle from this and other mills on the river lumber and shingles for local trade, but owing to the fact that it is expensive to handle lumber, especially that class intended for shipment to northern ports, it has been found impracticable to the mill owners along the river to ship by local steamers and have the cargo transferred to ocean steamers at Georgetown. With the contemplated improvement of Waccamaw River, large steam vessels could load at Conway for foreign ports, and vessels of large tonnage could bring our merchandise and various articles of commerce in unbroken cargo from markets of the world.

The commercial importance of Waccamaw River has been recognized for a number of years, and Congress has made a number of appropriations for the improvement of this stream. In the report of the Secretary of War made to this Congress for fiscal year ending June 30, 1903, at page 243, we find this reference to Waccamaw River:

Waccamaw River.

In 1880 this stream was navigable for 12-foot boats at all stages of water from Georgetown, 23 miles, to Bull Creek, and at high water 4 miles farther, to Buck's lower mills; thence for 7-foot-draft boats, at high water, 22 miles farther, to Conway; thence it possessed an obstructed channel for 3-foot-draft boats, at ordinary winter water, 68 miles, to Reeves Ferry; thence an obstructed channel, with 3 feet at high water, for 30 miles, to Lake Waccamaw.

The project of improvement, adopted in 1880, provides for a channel 12 feet deep at all stages of water, with 80 feet bottom width from the mouth of the river to Conway, thence a cleared channel to Lake Waccamaw.

The original estimated cost was $29,370, which was revised in 1885 and increased in the annual report of that year to the present figure, $138,400. In the Annual Report of the Chief of Engineers for 1896, page 170, maintenance is estimated at $4,000 per year after completion of improvement.

The total expenditure to June 30, 1903, was $104,422.45. The river had been cleared of snags to a distance of 128 miles above the mouth, and this portion of the river had been frequently resnagged as appropriations permitted, 38,220 snags, etc., having been removed since June 30, 1884. Some work had been done toward increasing the original depth on eight shoals below Conway. As nearly as could be determined from the records, about $75,977.81 had been expended in originally snagging the lower 128 miles of the river and in constructing pile and plank dikes at eight shoals and $28,444.64 in maintenance.

The available depths reported as now existing do not differ greatly from the original depths. At mean low water about 11 feet can be carried to Bucksville, 34 miles above the mouth; about 6 feet to Toddsville, 38½ miles; about 4 feet to Conway, 50 miles; about 2 feet to Wortham's bridge, 97 miles. At high water large side-wheelers can go to Red Bluff, 74 miles, and small boats to Reeves Ferry, 117 miles. The usual variation in water level is about 7.5 feet at Conway, 50 miles above the mouth, and about 12 feet at Star Bluff, 84 miles above the mouth.

The tidal influence at low water extends 97 miles above the mouth.

Commercial statistics.

Year.	Total tons.	Value.	Year.	Total tons.	Value.
1887	----------	$2,129,231.75	1896	203,388	$2,314,175.00
1889	----------	2,308,915.00	1897	241,300	2,406,390.00
1890	67,195	2,317,368.50	1898	258,191	2,666,280.00
1891	76,245	2,231,112.00	1899	376,822	3,135,214.00
1892	83,103	2,178,369.00	1900	467,887	3,481,072.00
1893	70,976	2,095,548.00	1901	302,655	3,855,700.00
1894	99,298	2,120,864.00	1902	141,686	1,844,019.00
1895	128,466	2,063,697.00			

In the river and harbor bill passed in the Fifty-seventh Congress $9,000 was appropriated for Waccamaw River, and a survey was ordered with a view to providing for a 12-foot channel for the portion of the river lying between Bucksville and Conway. It was thought by the local engineer that this could be accomplished by dredging out certain shoals in the river between those points. The survey was completed during the fall of 1903, and estimates have been furnished showing the probable cost of completing the project according to the estimates and plans made from 1880 up to 1886. While there is some difference of opinion among the officers composing the Board of Engineers on Rivers and Harbors as to what depth and width of channel is required, whether a 6-foot channel, a 9-foot channel, or a 12-foot channel, as mentioned in the original project should be undertaken, yet they all agree that the river is worthy of improvement, and in their several reports show by statistics the commerce of the river and its importance as one of the great waterways of the State. I submit now extracts from the report of G. P. Howell, captain, Corps of Engineers, contained in letter of Hon. William H. Taft, Secretary of War, dated February 4, 1904, addressed to the Speaker of the House (Document No. 514):

Survey of Waccamaw River, North and South Carolina.

UNITED STATES ENGINEER OFFICE,
Charleston, S. C., December 8, 1903.

GENERAL: In compliance with instructions contained in letter from Office Chief of Engineers, United States Army, July 22, 1903, I have the honor to submit the following report of survey of the Waccamaw River, South Carolina, below Conway, with estimates of cost for channels 6, 9, and 12 feet deep, respectively:

Allowing for the dredging in the river proper that will be avoided by making the cut-offs, the estimates for a channel 100 feet wide are as follows:

Six-foot depth:	
Dredging in river proper, 14,588 cubic yards, at 12 cents	$1,750.56
Cut-offs, 197,866 cubic yards, at 18 cents	35,615.88
Contingencies, about 10 per cent	2,633.56
Total	40,000.00
Nine-foot channel:	
Dredging in river proper, 124,855 cubic yards, at 12 cents	14,982.60
Cut-offs, 265,426 cubic yards, at 18 cents	47,776.68
Contingencies, about 10 per cent	7,240.72
Total	70,000.00
Twelve-foot channel:	
Dredging in river proper, 397,624 cubic yards, at 12 cents	47,714.88
Cut-offs, 333,706 cubic yards, at 18 cents	60,066.54
Contingencies, about 10 per cent	12,218.58
Total	120,000.00

A 12-foot channel will enable seagoing vessels and barges to load up the river and go to sea without breaking bulk at Georgetown. The original project, made in 1880, provided for a 12-foot channel to Conway, and since then sawmills have sprung up along the bank, sending to market yellow-pine lumber, cypress shingles, etc. Schooners drawing from 8 to 12 feet already ply on the lower stretches of the river, and there is reason to believe that with sufficient water they would go to the mills higher up. The 6-foot channel would enable the side-wheel steamers that now run on the river to have good water at all times, especially in the low water period when cotton is moving.

There is not much necessity for a 9-foot channel, as the river steamers do not require it and it is not enough for seagoing vessels.

It is recommended that the original project for a 12-foot channel to Conway be maintained and that the cost be placed at $120,000.

Attention is invited to the fact that up to mile 13 and a little beyond Bucksville very little dredging is required for a 12-foot channel. Bucksville is the last settlement of any size along the river until Conway is reached. The cost of a 12-foot channel to Bucksville and a 6-foot channel beyond to Conway will be as follows:

12-foot channel from Bull Creek to mile 13	$15,000
6-foot channel from mile 13 to Conway	35,000
Total	50,000

This modified plan is recommended if the 12-foot channel all the way to Conway is not adopted.

It is estimated that the annual cost of snagging on the river above Conway will be $5,000.

G. P. HOWELL,
Captain, Corps of Engineers.

Brig. Gen. G. L. GILLESPIE,
Chief of Engineers, U. S. A.
(Through the division engineer.)

In the letter of Capt. Ried Whitford, assistant engineer, who made the survey and whose letter is referred to in that portion of the report of Captain Howell not quoted, we find this language:

The amount of commerce on the Waccamaw River for the calendar year 1902, as reported and printed, was 141,686 tons, valued at $1,844,019, belonging

to the Waccamaw River proper, without anything from its neighboring river, the Great Pedee, whose entire commerce is carried over the lower part of the Waccamaw.

Now, I would have it understood that in offering the proposed amendment I am not seeking to inaugurate a new scheme or plan for the improvement of this river, neither am I attempting to secure an appropriation to carry out in detail the recommendation of the board of engineers of river and harbor improvement. On the contrary, I am rather in between the two propositions and am asking for this small appropriation because it is absolutely necessary that work should be done at once on the shoals referred to in Captain Howell's report in order that we may have an open channel and that navigation be made as easy as it was a few years ago.

It may be asked why we are now making complaint about the shoals lying between Conway and Bucksville, when no specific appropriation for their removal has heretofore been asked for. The answer is not hard to give. This river is a tidal stream, running through a level section of the country, and the current is, for that reason, necessarily slow. At Conway the tide has a 2-foot rise only. The fact that even that much tide is found so far from the ocean shows that the river passes through a level country, has very little fall and very little velocity. For many years the people of that section of country have given much attention to cutting and marking timber. The banks of Waccamaw River and the country adjacent abound in pine and cypress, and hence great quantities of timber are floated on this stream. In recent years, since lumber has commanded a fair price, there has been unusual activity among timber and lumber dealers and manufacturers, and the river is always more or less full of rafts being carried to market or moored to the banks for safe-keeping. There are considerable drift logs and various kinds of trash in the river and occasionally a raft gets broken up or some of the timbers composing the raft get loose and sink.

During freshets in the river there is much drifting débris carried downstream with the ebb and coming upstream with the flood. These floating derelicts strike on shoal places and oftentimes sink, become embedded in the sand, and thus build up and increase the natural obstruction. Of course in streams where the velocity is great such as this would not occur. So it is apparent that it is necessary to remove the shoals that the action of the water may be free and the channel of the river kept washed out. At low water and low tide steamers plying between Conway and Georgetown are oftentimes much delayed in getting over these shoals. Therefore, I repeat that the amendment which I expect to offer is of vital importance and should be adopted.

It may be suggested, however, that the amendment is subject to a point of order. I do not believe that such a contention could be sustained even under the most technical construction of the rule, for the amendment does not propose to change existing law, nor does it propose the inauguration of any new scheme of river improvement. A casual reference to the report which I have read—and I have not thought proper to encumber the record with the entire series of reports relating to this matter—will show that for a number of years the War Department has had charge of this river, and that practically every river and harbor bill passed in the last twenty years has made some appropriation for its improvement. Indeed, the reports which I have read refer to the "project" as to some well defined and understood plan.

Of course, it can not be truthfully contended that Waccamaw River improvement is under what is called the "continuous-contract system." I think it should be, but it is not. At the same time it is to all intents and purposes being improved under that plan. You will remember that the reports refer to the original plan, and appropriations from time to time have been made in pursuance of the general plan inaugurated years ago. Simply because this river is not under the continuous-contract system, shall it be said that much-needed improvement—work absolutely necessary to allow commerce of the river to be carried on from day to day—shall be left to stand over until another session of Congress?

The estimated cost of the original plan for the improvement of the river was $138,400. (See Annual Report of Chief of Engineers, 1885, p. 1105, and for 1886, p. 1022.) Under that plan, and to carry out the suggestions of the officers in charge, $111,900 have been appropriated, and the project as originally outlined is not yet complete. Still, as I have tried to show, my purpose in asking for the adoption of the proposed amendment is not to carry out the original plan, but merely to secure an appropriation for present relief.

It may be asked again why it is that I offer this as an amendment to the sundry civil appropriation bill rather than to the regular river and harbor bill. My answer is that I have no assurance that there will be any river and harbor bill at the present session. It is true the public prints state that a river and harbor bill, carrying a small appropriation to carry on existing contracts, will be reported at this session, but I would be unwilling to risk getting an amendment incorporated in that bill, if it should be offered. At any rate, I will first take my chances on this bill, and, failing here, make another attempt when that bill is under consideration, providing, of course, that amendments are in order. What assurance have we, however, that such bill, if reported, will not be considered under the drastic rule, sometimes in use in the House, cutting off debate and making it in order to move the previous question without amendment or intervening motion?

"The powers that be" have not seen fit to invoke that rule as to the pending bill, and yet, I repeat, we have no assurance that such will not be applied if the river and harbor bill is reported. I have not taken the trouble to ascertain whether any river and harbor bill has ever been considered under that rule of this House, but we all know that other bills of great importance have been considered under this far-reaching and drastic rule; and if the majority has determined within what limits appropriations at this Congress may go, why it requires no stretch of imagination to see that they will go to any length to accomplish that purpose and apply the rule if it suits their purpose. By way of parentheses, let me say that the far-reaching power of the Committee on Rules is a standing menace to the legislative interest of the country. It would be hard indeed to make our constituents understand that in this great legislative body, under any possible circumstances, a bill could be passed through this House not subject to amendment.

I must confess that to my mind it is a monstrous subversion of the rights of the individual member to the bigoted and arrogant demand of an unscrupulous majority. I care not who is responsible for the first adoption of the rule, the result is the same, and when the Republican party "takes the bit in its mouth" the constituents of the Democratic Members are practically without a voice in the legislation of the country. The popular conception, I apprehend, of the American Congress among the people at large is that any Member may, at any time, rise in his seat and approve or disapprove of a pending measure, or, if so disposed, may offer amendments to it. I believe such should be the rule, and I believe, further, that the extraordinary powers vested in the Speaker of the House and the Committee on Rules have no parallel in any other legislative body in Christendom.

But why is it that we are to have no river and harbor bill at the present session? No person disputes the urgent necessity for liberal appropriations along that line, and such appropriation should be made. As was said by the gentleman from North Carolina [Mr. THOMAS], in a speech in this House a few days ago, the money expended in the building of a single battle ship authorized under the recent naval appropriation bill would go far toward opening up the proposed inland waterway about which he was speaking. Of course I have not quoted his exact language, but I adopt the idea which he advanced and recommend to the Republican party a careful reading of the gentleman's very interesting speech. We hear it said, and we see it in the public prints, that only by cutting down the appropriations can we avoid a deficit for the present fiscal year. Now, this is strange. Have the ordinary, legitimate expenses of the Government been radically increased? Yet we are told that retrenchment is necessary. I say all this is strange, for almost every day some overzealous member on the Republican side takes occasion to felicitate himself and congratulate the country upon the unexampled prosperity (?) that has come to us through the administration of the Republican party. I am not advised that there has been any appreciable shrinkage in revenue, or any sudden and unexpected expenses to be met, for the payment of which it is necessary to divert funds which might otherwise be used in carrying on much-needed internal improvement.

But in spite of this much-landed, much-boasted Republican "golden age," the astute leaders of the Republican party say that river and harbor improvements must, to a great extent, go over to another session, and that no public-building bills can be passed at this time. To one not schooled in the art of dissimulation the position of the Republicans in the instances cited is, to say the least, radically inconsistent. Why can not these important interests receive consideration now as well as at the next session?

If we are at the high tide of our prosperity now, why wait until next winter to pass these bills, and pray tell me why we will be more able then than now to carry on our public improvements?

You gentlemen on the Republican side of the Chamber declare that yours is the party that does things; that your strenuous, purposeful President—so broad minded and so liberal that, like the gentleman from Massachusetts [Mr. GILLETT], who addressed the House on Monday, he does not let a little matter of color affect his ideas of social relations—is preeminently one who does things, and that the country is safe only in the hands of your party.

I have a suspicion that among the conservative members of your party it will be admitted that both your party and the President have done many things which they should not have done, and, as the oft-quoted expression runs, "left undone many things

which should have been done." When this temporary hallucination shall have passed away and the first feeling of exultation and pride at success of our Army and Navy in the Spanish-American war shall have subsided, the great American people will then be able to fully understand the result of the policies inaugurated by the Republican party and, in my judgment, will repudiate the fallacies which that party, especially in recent years, has taught. Instead of being content to cultivate the arts of peace and build up our waste places, you have committed this country to a policy of aggression and spoliation. Contrary to the traditions of the past and the very principles upon which the Republic is founded, you are reaching out for more territory and more responsibility.

To be a world power is an expensive luxury. It means not only to take position, but maintain it; and the imperialistic tendencies of the Republican party if unchecked will still further divert us from the paths of safety and real international greatness, will drain our Treasury to sustain an immense army and navy, and practically indefinitely postpone the system of internal improvement which was inaugurated before the idea of conquests and spoils entered the public mind. It seems to me that if money for needed improvement is lacking it is not because our revenues are not ample, but because our policies are altogether wrong; and when gentlemen tell us that the Government at this time is not able to meet its expenses and appropriate money for internal improvement, I want to remind them that an economical administration of governmental affairs would leave us ample funds for all legitimate purposes, and I would especially remind them further that the $15,000 appropriation which I am asking for Waccamaw River is only one-fourth the amount deemed necessary for the erection of stables at the White House.

The expenses of the Government amount annually to about $740,000,000 in round numbers. About one-fifth of this amount—to wit, $140,000,000—is paid out in pensions for which no present actual equivalent is rendered, and the recent Executive order will increase this amount probably $10,000,000. Out of this pension fund $648,053.04 is paid out to pensioners living beyond the limits of the United States. Where will this "pension grab" stop?

The army and navy expenses are increasing from year to year because of the Republican party's ill-starred and criminal policy of aggression, and amount to nearly a million dollars a day, and only a change of policy will save the country from calamities which naturally follow persistent and continued violation not only of sound economic principles, but the principles of justice and right.

Mr. BENTON. Mr. Chairman, I yield the balance of my time—fifty minutes—to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman, I have observed that some of our Republican friends have been devoting considerable time recently to the preparation of a Democratic platform, and have become very much concerned about Democratic issues for the next election. Even the distinguished Secretary of the Treasury shows considereble anxiety upon that subject.

Now, I am not surprised that Republicans should devote a good deal of time to these harmless exercises, because, as was very truthfully said by a prominent Republican on this floor some time ago, Republicans this year do not have to make new speeches or prepare new platforms, for the reason that the same old speech and the same old platform will answer the same old purpose. And why not? Why should not the Republican platform of 1900 serve them just as well in 1904? What pledge have they kept, what promise have they observed, that would require a single elimination or change? Have they not stood pat on every plank since the time of its adoption?

They declared in favor of reciprocity, and yet the Republican party has not taken a single step in that direction since the election of 1900.

They declared against the trusts, and yet they have made no substantial effort to eliminate those evils.

They declared in favor of statehood for the Territories, and yet no State has been admitted into the Union.

So, Mr. Chairman, I insist that for all practical purposes the Republican platform for 1900 is just as good as new. These gentlemen need not be worried about Democratic issues. There will be plenty of issues to keep the Republican party busy in its own defense. The line between Democracy and Republicanism will be just as clearly defined in the next campaign as in any previous election.

The revision of the tariff is frequently suggested as a very probable issue in the next campaign; and why should it not be? It was upon this question that the Democratic party won such a decisive victory in 1892. What has occurred since then to weaken that issue before the people? I know, Mr. Chairman, that others as well as the distinguished gentleman from Kansas [Mr. CAMPBELL] have often denounced on this floor the Wilson law as a "free-trade" measure; but those who will take the pains to read that law will find what an unjust and untrue criticism that is. I had the honor of being a member of the House when the Wilson bill was considered and passed. I know why it did not represent the full measure of tariff-reform sentiment then existing in the country. It was because the Democrats had such a slender majority in the Senate, and the rules of that body were such that the opponents of the Wilson bill would have been able to defeat it entirely had not their wishes prevailed in amending many of its schedules.

You have often heard the sugar schedule of the Wilson law denounced upon this floor as favoring the sugar trust; and yet in that great fight the sugar trust had no abler or bolder defender upon the floor of the Senate than a prominent Republican member of that body, one who stood high in the councils of his party, and, I might add, one who left many of his impressions upon the Wilson bill before it finally passed the Senate. So the sugar schedule, as many other provisions in the Wilson bill, remained there, not because they met the approval of the tariff reformers then in Congress, but because it was that or no legislation at all. You gentlemen who remember the fate of the Force bill in the Senate can understand just how such things are accomplished as those to which I have referred.

The Wilson law was very unfortunate in another particular, because it went into operation in the midst of a great panic, which began under the Administration of President Harrison and continued under the Administration of Mr. Cleveland. And when it is no longer necessary to use that unfortunate period for partisan purposes, when the time comes for the impartial historian to record that great panic and assign its causes, he will find no act of Congress that contributed more to its origin than the Sherman law, passed by the Republican party, and the McKinley act, then fresh upon the statute books.

I have often thought, Mr. Chairman, how fortunate it would have been for the Republican party if poor old Horace Greeley had been elected in 1872. Then you could have charged his administration with the great panic of 1873. [Applause.] But who has ever heard a Republican in this House, or elsewhere, refer to the panic of 1873; and if he should, he would most certainly charge it up to the mistakes of the Almighty. [Applause.] I allude, Mr. Chairman, to this great panic under the Administrations of Mr. Harrison and Mr. Cleveland not for the purpose of trying to fix its responsibility upon the Republican party; for I know these periods of great depression are often due to natural causes and conditions in other countries over which this Government has no control. But I refer to it for the purpose of showing the unfortunate conditions, the unfavorable circumstances under which the Wilson law went into operation, and the very poor opportunity tariff reform had to test its efficiency as a policy at that time.

The Wilson law was soon repealed by a highly protective measure, because the Republicans, instead of crediting their great victory in 1894 to the real cause, which was the hard times then oppressing the country, accepted their success as a vindication of high protection, became more extreme in their views than ever, and placed upon the statute books the most prohibitory measure ever enacted by Congress. In answer to the Republican demands for better markets abroad, the principle of reciprocity had been incorporated in the McKinley act, but with very little effect upon our exports.

I confess, Mr. Chairman, that after listening to the very eloquent tributes paid to reciprocity under the McKinley law, and the wonderful results of its adoption, I could scarcely belive my own eyes when I came to read the report of our imports and exports with those countries with which we had reciprocal agreements under the McKinley act. The figures from the Government reports, which I shall incorporate with my remarks, will show what a complete failure was reciprocity under the McKinley law so far as having any material effect upon our volume of commerce.

Below I give the countries with which we had reciprocal agreements under the McKinley act, and our imports and exports with those countries for the years therein stated:

Countries with which reciprocity agreements were made under act of 1890.

Year ending June 30—	Guatemala.[a]		Honduras.[b]		Nicaragua.[c]	
	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—
1890	$2,281,681	$1,345,719	$984,404	$552,024	$1,655,690	$1,373,019
1891	2,618,199	1,997,944	1,159,591	640,921	1,705,961	1,692,942
1892	3,182,838	1,851,352	962,329	515,224	1,657,873	1,807,179
1893	2,554,710	1,763,862	684,912	471,695	1,400,236	937,859
1894	2,225,586	1,664,584	765,138	558,511	1,564,472	935,142
1895	2,699,384	2,665,408	872,312	645,781	1,588,792	1,073,467
1896	2,080,027	3,158,059	776,644	610,621	1,268,922	1,269,015

[a] Treaty period May 30, 1892–August 27, 1894.
[b] Treaty period May 25, 1892–August 27, 1894.
[c] Treaty period March 12, 1892–August 27, 1894.

Countries with which reciprocity agreements were made, etc.—Continued.

Year ending June 30—	Salvador.[a]		British West Indies.[a]		Santo Domingo.[b]	
	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—
1890	$1,453,958	$899,546	$14,865,018	$8,288,786	$1,951,013	$950,217
1891	1,783,066	1,150,460	16,293,184	9,779,138	1,610,360	1,023,751
1892	2,330,702	1,294,268	12,440,132	8,130,257	2,263,748	1,019,450
1893	1,355,730	1,138,430	16,028,592	8,044,846	2,396,315	1,143,479
1894	2,926,469	1,071,695	13,017,178	8,512,016	3,200,852	1,768,602
1895	3,174,677	1,260,628	9,777,444	7,764,178	1,514,583	1,361,067
1896	1,106,970	1,608,573	10,800,618	8,734,153	2,895,069	1,064,116

Year ending June 30—	Cuba.[b]		Porto Rico.[b]		Brazil.[c]	
	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—
1889	$52,130,623	$11,691,311	$3,707,373	$2,224,931	$60,403,804	$9,351,081
1890	53,801,591	13,084,415	4,053,626	2,297,538	59,318,756	11,972,214
1891	61,714,395	12,224,888	3,164,110	2,155,234	83,230,595	14,120,246
1892	77,931,671	17,953,570	3,248,007	2,856,003	118,633,604	14,291,873
1893	78,706,506	24,157,698	4,008,623	2,510,607	76,222,138	12,388,124
1894	75,678,261	20,125,321	3,135,634	2,720,508	79,360,159	13,866,006
1895	52,871,259	12,807,661	1,506,512	1,833,544	78,831,476	15,165,079
1896	40,017,730	7,530,880	2,296,653	2,102,094	71,060,046	14,258,187

Countries with which reciprocity agreements were made, etc.—Continued.

Year ending June 30—	British Guiana.[d]		Austria-Hungary.[e]		Germany.[f]	
	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—	Imports into U. S. from—	Exports from U. S. to—
1889	$4,526,181	$1,696,269	$7,642,297	$726,052	$81,742,546	$68,002,594
1890	4,326,975	2,106,345	9,331,378	948,353	98,837,683	85,563,312
1891	4,883,206	1,858,742	11,595,310	1,311,083	97,316,383	92,795,456
1892	4,363,204	1,933,299	7,718,565	1,527,980	82,907,553	105,621,558
1893	5,029,178	2,000,675	10,054,501	571,037	96,210,203	83,578,988
1894	4,223,970	2,414,720	6,896,341	527,509	69,387,905	92,357,163
1895	2,521,704	1,705,631	6,510,319	2,125,772	81,014,065	92,053,753
1896	3,418,578	1,749,193	7,644,154	2,439,651	94,240,833	97,897,197

[a] Treaty period February 1, 1892–August 27, 1894.
[b] Treaty period September 1, 1891–August 27, 1894.
[c] Treaty period April 1, 1891–August 27, 1894.
[d] Treaty period April 1, 1892–August 27, 1894.
[e] Treaty period May 26, 1892–August 27, 1894.
[f] Treaty period February 1, 1892–August 24, 1894.

But what has been the result of reciprocity under the Dingley law? And here we have two kinds of reciprocity, or rather two methods of securing it. One is under the exclusive control of the President and the other is under the control of the President and the Senate.

Countries with which reciprocity agreements were made under act of 1897.

Year ending June 30—	Germany.[a]		France.[b]		Italy.[c]		Portugal.[d]		Switzerland.[e]	
	Imports into United States from—	Exports from United States to—	Imports into United States from—	Exports from United States to—	Imports into United States from—	Exports from United States to—	Imports into United States from—	Exports from United States to—	Imports into United States from—	Exports from United States to—
1896	$94,240,833	$97,897,199	$66,266,967	$47,040,660	$22,142,487	$19,143,606	$2,255,731	$3,156,991	$14,080,033	$32,954
1897	111,210,614	125,246,088	67,530,231	57,594,541	19,067,352	21,502,423	2,234,291	2,520,058	13,849,782	70,871
1898	69,697,378	155,039,972	52,730,848	95,459,290	20,332,637	23,290,858	2,605,370	3,532,057	11,380,855	263,970
1899	84,225,777	155,772,179	62,146,056	60,598,899	24,832,746	25,034,940	2,975,504	4,132,400	14,826,480	267,732
1900	97,374,700	187,347,889	73,012,085	83,335,097	27,924,176	33,256,620	3,743,216	5,896,542	17,393,268	250,477
1901	100,445,902	191,780,427	75,458,739	78,714,927	24,618,384	34,473,189	3,370,430	5,294,240	15,799,400	255,360
1902	101,997,523	173,148,280	82,880,036	71,512,984	30,554,931	31,388,135	3,179,449	3,045,651	17,784,855	217,515
1903	119,772,511	193,841,636	90,050,172	77,285,239	36,246,412	35,032,680	3,483,562	3,652,194	21,183,328	205,697

[a] Treaty period, July 13, 1900—still in force.
[b] Treaty period, June 1, 1898—still in force.
[c] Treaty period, July 18, 1900—still in force.
[d] Treaty period, June 12, 1900—still in force.
[e] Treaty period, June 1, 1898–March 23, 1900.

Under the first provision we have reciprocal agreements with Germany, France, Italy, Portugal, and Switzerland, and our imports and exports with those countries are as stated above for the years therein designated.

It will be observed that while there has been no material increase of our exports to any of the countries above named on account of reciprocity, there has really been a decrease in some cases, and the increases are not as great in proportion as with some countries where we had no reciprocity. This is the full limit of reciprocity under the Dingley act, and the results are entirely too meager to have any material bearing upon our imports and exports.

Now, we have one provision left, and that is the one contained in the fourth section of the Dingley law, which requires the Senate to ratify the reciprocal treaties negotiated by the President. While a number of treaties have been negotiated under that provision and sent to the Senate, yet the highly protected industries of this country so far have been able to defeat them all, and that provision has virtually remained a dead letter upon the statute books, though it was this provision that furnished such an inspiring theme for Republican speeches in the House and the Senate at the time it was under consideration, and upon which such wonderful results were predicted.

So, Mr. Chairman, a careful review of our imports and exports will convince any reasonable mind that Republican reciprocity, neither under the McKinley act nor under the Dingley law, has added any material volume to the commerce of our country. The gentleman from Kansas, just a few moments ago, undertook to attribute to protection and reciprocity our increase in imports and exports, but if you will notice the Government reports for the last few years you will discover that our great increase in imports and exports is due neither to reciprocity nor to protection, because the great bulk of our commerce has been with those countries where we had no reciprocity and in products not protected. [Applause on the Democratic side.]

While the Republican party has had such encouraging conditions to inaugurate reciprocity during the last two Administrations these are the full measure of its accomplishments. These are the puny results of that Republican reciprocity, so often christened in this House as the "twin sister of protection," and, judging from her insignificant achievements thus far attained, this "twin sister of protection" will never become anything more than a Lilliputian in the commerce of our country. [Applause on the Democratic side.] I make these observations, not for the purpose of condemning the general principle of reciprocity, but in order to demonstrate that the reciprocity, which a high protective tariff is willing to tolerate, must be confined within such narrow limits that its results become insignificant in our international trade. If we should have reciprocity broad enough to include any considerable trade between this and other countries I should welcome it as a blessing to our people.

So, Mr. Chairman, it seems to me that the issue of tariff reform is stronger now than in 1892. Since that time some new and very obnoxious features of high protection have developed, or at least have made a stronger impression upon the people. Then it was not so generally understood that American consumers were paying higher prices for American manufactured goods than foreign consumers, nor had these retaliatory measures with which foreign countries have been meeting our prohibitory duties been so keenly felt by our people. We have certainly lived long enough under these trade restrictions for Republicans as well as Democrats to learn that protection high enough to keep out imports will keep in exports; that no country is going to continue to buy where it can never sell; that empty ships are not going to seek our shores in search of American products.

For years I listened to Republicans in this House contending that if we would shut out a certain class of foreign goods and manufacture them in our own country we would thereby give that much more to American labor and keep our money at home, just as though we were paying cash for all our imports; but these zealous advocates of protection have at last recognized the fact that we buy foreign products with American products, and when you shut out the foreign products you shut in the American products; and if you permit an exchange it will never take place except when profitable to both parties. [Applause on the Democratic side.]

While the protectionist has always insisted that a high tariff would build up the home market, it has never been contended that these burdens upon our commerce would in any way improve our foreign markets, and to-day American products have so far

outgrown American markets until the manufacturers and farmers alike are appealing to Congress for freer commerce with other countries in order that their surplus may find a market there. Our power of production has become so much greater than our consumption that we are compelled to compete in the open markets of the world whether we desire to do so or not.

We have reached that stage in our national development when our manufacturers and farmers must depend very largely upon the foreign market for the further growth and success of their business in the future. Then why should we not adopt a national policy that will enable them to place their products in the foreign market at as little cost as possible? That is the way to capture the world's trade, because customers, as a rule, are going to buy where they can secure the best bargains; and I am vain enough, I am American enough, to believe that with all our natural resources, with the inventive genius of our people, the superior skill and efficiency of our labor and its ready adaptability to the use of new machinery, we are able to compete successfully with any country in all those products for which our people and our country are best adapted. [Applause on the Democratic side.]

But in order to do this we must give our manufacturers cheap raw material, and our farmers cheaper machinery, and our people cheaper necessaries of life.

I believe such a policy will be beneficial not only to our manufacturers and farmers, but to all laboring classes, because the cheaper you make farm machinery, the cheaper you make clothing, and other manufactured products, the more will be sold both at home and abroad, and the greater the amount sold the greater will be the demand for American labor in their production.

Mr. Chairman, I am glad to observe that the American manufacturer has at last discovered that he is interested not only in obtaining a etter foreign market for his own surplus products, but he is also interested in securing a good foreign market for agricultural products. Because, when the American farmer fails to find a good market for his own products, he at once becomes a poorer customer for the American manufacturer. [Applause on the Democratic side.] Under our present restrictive policy we are turning some of the best customers of our farmers away to other lands, where new fields of agriculture are being developed to come in competition with the American farmer, and the American farmer will have to compete with these foreign farmers at the great disadvantage of paying a higher price for American machinery than his foreign competitors are paying for the same articles. [Applause.] In other words, American manufacturers are selling farm machinery to our farmers in this country at higher prices than they are to farmers in foreign countries.

And what is true of farm machinery is true of many of the necessaries of life. Now, the contention of the Democratic party is that if the American manufacturer to-day can ship his goods into a foreign market and after paying freight and other charges sell them in competition with the foreign manufactured product without protection, he ought to be able to sell them in our home market with less protection than 40, 60, 80, or 100 per cent without being paralyzed or driven out of business. [Applause on the Democratic side.]

Mr. Chairman, whenever an attempt is made to reduce these high duties the protectionist at once raises the cry of free trade. And yet every person of common sense knows that we are not going to have free trade in this country under the Democratic party or any other party. So long as this Government requires revenue to administer it, so long, in my judgment, will we have a tariff, and so long as we have a tariff so long will we have protection. It is not a question between protection and free trade, it is a question between unreasonably high duties and more moderate ones. The one prohibits trade the other invites it; the one diminishes revenue and the other increases it.

It seems to me that no political party can afford to stand pat for any great length of time on any protective schedule, either in justice to consumers or in justice to the revenues of the Government. Because a rate of duty which may be reasonable this year and yield some revenue to the Government, next year on account of new inventions and new appliances in reducing the cost of production may become prohibitory and yield no revenue whatever to the Government.

Now, Mr. Chairman, I believe the Democratic party is just as patriotic as the Republican party. I believe they are just as anxious for the general welfare of our country, and when they come into power next November they will recognize the fact that many of these great industries have grown up under the protective system and still believe that they are dependent upon it whether true or not, and they will take all these conditions into consideration when they come to revise the tariff schedules.

Mr. STANLEY. The gentleman from Illinois does not mean to say that he thinks the Democratic party is coming into power in November?

Mr. WILLIAMS of Illinois. I have passed beyond the thinking stage; I am about positive, my friend. I say they will take all these things into consideration when they come to revise the tariff. They do not expect to revise it in a reckless or revolutionary way, with an effort to destroy, because they do not believe in the principle of high protection: it will be a gradual revision, but an effective one; not to disturb or destroy business, but to increase it.

The just rights of every industry will be carefully guarded, but the legislation enacted will not be in the interests of any particular class, but for the benefit of the entire country. Mr. Chairman, it seems to me that conditions are much more favorable for a contention for more liberal trade relations now than they were in 1892. Our surplus products for export are much greater now than then, and the demand for foreign markets is constantly increasing, and I believe all classes of our people take a broader view of our trade conditions now than then.

They recognize that our restrictive tariff affects our markets abroad as well as at home, and in the great international struggle now going on for the supremacy of the world's trade they see other nations bending all their energies to secure additional markets, while some of our own are gradually slipping away; and while these rapid changes are taking place and the people are appealing to Congress for better trade arrangements, they see the Republican party standing pat on its glories of the past and its fears of the future, with a President too cowardly to even refer to the subject in his last annual message and a floor leader who openly admits in the House that the Republican party dare not touch the tariff until after the election. I have no doubt, Mr. Chairman, that there are many Republicans in this country favoring a revision of the tariff who would prefer to see it revised by the friends of protection; but when they see them in power in every branch of the Government and refusing to take action, how much longer will they look to them for relief?

One of the most plausible or most catching arguments that I ever heard in favor of protection was that it would build up American industries, which, by competing with each other, would bring down prices to American consumers. Now, when our people who have been taxed so long to protect these home industries see them combining with each other to destroy home competition, they think they are no longer entitled to protection against foreign competition. [Applause on the Democratic side.] That is why so many of our people believe that the duties should be reduced on all those articles controlled by the trust, not as a complete remedy but as a sound one so far as it extends. I do not believe it would do as much injury to the independent producer in this country as the trusts will if allowed to continue unchecked. [Applause on the Democratic side.]

Now, while the Democratic party has no war to make against honest wealth or property accumulated through honest and legitimate methods, and while it recognizes that an aggregation of capital and a consolidation of enterprises may cheapen the cost of production in the interest of consumers, yet it insists that all those vicious combinations formed for the purpose of destroying competition, monopolizing commodities, and forcing from the people unjust and unreasonable profits should be suppressed by proper legislation and a strict enforcement of law. [Applause on the Democratic side.] Has anything occurred to take this question out of politics since the last election?

Why, Mr. Chairman, the Republican party has been in power in every branch of the Government for more than seven years, and during all that time the trusts have continued to increase in numbers and in power as never before, until to-day they control nearly all the necessaries of life: and what have the Republicans done toward effective legislation or a substantial prosecution of the trusts under the law now in force during their last two administrations? While the President and Attorney-General have been exchanging congratulations upon the Supreme Court decision in the recent merger case, the country knows that they were forced into that prosecution by influences outside of the administration, and that the decision had scarcely been announced by the court when the Attorney-General rushed into print to assure all the other trusts of the country that they need not be alarmed: that they were in no serious danger so long as they stood pat on the Republican party. [Applause on the Democratic side.]

Leading Republicans speak of this merger decision as a complete settlement of the trust question, at least, that nothing more should be expected from one administration. Just think how long it would take to wipe out all the trusts in this country if you suppress one every four years. Why, if you are sincere in your opposition, if you mean what you have said, go on with your prosecutions against the hundreds of other trusts organized in this country to destroy competition and rob the people. If you are in earnest, go on with other prosecutions; the courts are with you, the people are with you, and if the law is not with you, amend the law before Congress adjourns, and every Democrat will remain here to vote for the amendment. [Applause on the Democratic side.]

You have seven long months to show your hand and half a million dollars to expend, yet in your puny prosecutions you have been able to use only $25,000. Mr. Chairman, I do not forget what the newspapers said of this "trust buster" before he became President of the United States. I remember that he used some very strong expressions against the trusts, but just as soon as he came into power all his severe indictments against the trusts were at once turned into mere apologies for their existence. And whatever may have been their fear in the beginning, the trusts have long since learned what a harmless agitator he is. And I think, Mr. Chairman, that one of the greatest jokes ever attempted upon the American people was the report that Theodore Roosevelt was to be the antitrust candidate for President in 1904.

If you gentlemen think that the people of this country are going to "stand pat" on the trust question and allow themselves to be robbed in the future as they have been in the past you will find yourselves mistaken.

Again, Mr. Chairman, it seems to me that the Republicans in this House and in the Senate, by opposing an honest, nonpartisan investigation of the corruption that has been going on in the Post-Office Department, make the public scandals of this Administration a very important issue in the next campaign. [Applause on the Democratic side].

No one can read the report of the bribery and larceny that have been going on in the Post-Office Department and the reckless and notorious methods with which it has been allowed to continue for years without fixing some responsibility for those official crimes upon the head of that great Department. Why, sir, the sudden and extravagant increase of expenditures in the very divisions where the stealing was conducted should have been sufficient notice to those in charge that something was going wrong. I admit that occasional malfeasance in office is liable to occur in any Administration; but when it is allowed to continue so long and become so wide-sweeping and notorious, those in charge become responsible.

I do not care whether the scoundrels were appointed by Democrats or Republicans; I do not care what their politics may be, for as a rule they have no politics, but can change as fast as the Administration changes. [Applause on the Democratic side.]

With these serious charges of corruption against the Post-Office Department, the General Land Office, and the Indian Bureau, we find the Republican party on guard at every door that leads into those chambers of public plunder—refusing admittance to the people's representatives to make a full and fair investigation, and report to the country how shamefully its business has been conducted.

The persistent refusal of Republicans in this House and in the Senate to allow such an investigation of the criminal conduct of the Post-Office Department can bear but one construction, and that is, you are afraid a fair and full investigation of that Department would uncover new crimes and cast still greater reflections upon this Administration.

It might be well for you gentlemen to remember that in 1876 a Democratic President was elected on the issue "turn the rascals out."

It is pretty safe to assume that the Democratic convention will again emphasize its opposition to that "strenuous" spirit of military conquest now engaged in blazing out a new and dangerous course for this Republic. [Applause on the Democratic side.] You may also find it reaffirming its devotion to that high standard of national integrity that marked the Administrations of Washington, Jefferson, Lincoln, and other great Presidents, and condemning the more modern methods of tricky diplomacy that subordinates American honor to American greed. [Applause.]

And, Mr. Chairman, if I had to select an issue upon which all Democrats could unite, I think I could name it without any trouble; and that is that Theodore Roosevelt must be defeated. [Applause on the Democratic side.] I expect to see Mr. Roosevelt become the paramount issue with a good many voters in the next election. It is no longer a secret that the business interests of the country, including many supporters of the late President McKinley, do not regard Mr. Roosevelt as a very safe man for the position he is now attempting to fill. By many his administration is looked upon as a continuing experiment—entirely too theatrical for the business interests of the country, without sufficient time between acts to allow the people a good breathing spell. [Laughter and applause.]

There are many incidents in the Administration of Mr. Roosevelt which justify the apprehension that on some "strenuous" occasion he is liable to go off too suddenly and inconsiderately and greatly embarrass the country in some of the graver affairs of Government. And that is why so many of you Republicans would be glad to nominate some other candidate if you had the power to do so. That is why the Republican newspapers in this country until quite recently treated the candidacy of Mr. Roosevelt with so much indifference; and that, in my judgment, is one reason why he will be defeated at the election in November.

Now, Mr. Chairman, I am not much of a prophet; but I do not intend that these Republicans shall do all the prophesying, both for themselves and for the Democratic party also. I want to warn them now not to depend too much upon Democratic differences for their success at the November election. I desire to call the attention of the country to the fact that the Republican press is doing everything in its power to make the people believe that the Democratic party is not going to be united in the next election.

It is to the interest of the Republican party that such an impression should be created. It helps it to retain in its own ranks those Republicans who are dissatisfied with this administration, and as a deliberate part of their purpose they are doing everything possible to induce Democrats throughout the country to line up with some radical candidate at either extreme and disorganize themselves into a hopeless division before our national convention meets. [Applause.] But, Mr. Chairman, I do not believe the great body of the Democratic party is going to be influenced by suggestions from any such source. I know of no better place to test public sentiment throughout the country than right here at the national capital, where the people's representatives are assembled from every State in the Union, and I desire to say that in my judgment there is not only a disposition but a strong determination among the Democrats from every section of the country to unite upon issues now before the people.

They see the weakness of your candidate and the weakness of your cause, and they do not intend to throw away the opportunity. Never in my judgment did political conditions appeal to us more earnestly for a united and successful Democracy than at the present time. [Applause on the Democratic side.] For one, at least, I am not discouraged by discordant notes here and there, magnified in most cases by a Republican press. But I expect to see the commissioned representatives of our party enter the next national convention in the spirit of our illustrious leaders and agree upon a platform and a candidate that will insure us a united and triumphant Democracy in November. [Loud applause on the Democratic side.]

The CHAIRMAN. The Clerk will proceed to read the bill by paragraphs.

The Clerk read as follows:

Baltimore, Md., custom-house: For continuation of building under present limit; $100,000.

Mr. POU. Mr. Chairman, I move to strike out the last word. On yesterday, while the gentleman from Massachusetts [Mr. GILLETT] was making his speech, I asked him a question which involved a statement. The statement was that I had seen in a Boston paper the assertion that a mob there had chased a colored man a considerable distance because he had had a fight with a white man in a base-ball game. The RECORD has me stating that that appeared in the Boston Advertiser. I did not intend to say that it appeared in the Boston Advertiser. I did not intend to specify the paper, because I did not remember what paper contained the article. I think it was in the Boston Herald. It did appear in a paper published in the city of Boston, about the latter days of August, 1902.

The gentleman should be congratulated on his defense of lawlessness. The people of his State are not more opposed to lynching than the people of my State. Wherever you have the negro you have race prejudice, but the best friends of the negro are the southern people. We treat him more kindly than his professed friends in the North, and we do not need any advice as to the way we shall treat him. It is to be deplored that the vicious ones of his race seem to have an ungovernable passion for committing the nameless offense upon white women. When he commits this offense and is caught, he is usually lynched, and lynching for this offense is not confined to the South. I believe it would occur in Massachusetts if the crime were committed there and the offender caught.

The CHAIRMAN. The formal amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Heating apparatus for public buildings: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including quarantine stations and exclusive of marine hospitals, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $250,000; but of this amount not exceeding $1,000 may be expended for personal services of mechanics and others employed outside of the District of Columbia in making repairs or inspecting work done on heating, hoisting, and ventilating apparatus.

Mr. LIND. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend by inserting after line 11, on page 15, the following:

"*Provided*, That it is hereby made the duty of the Secretary of the Treasury to cause to be expended the whole, or so much thereof as may be necessary, of the appropriation of $25,000 for heating, hoisting, and ventilating apparatus, contained in the act of Congress making appropriations to supply urgent deficiencies, etc., approved February 19, 1904, for the installation of adequate elevators in the public building at Minneapolis, Minn."

Mr. LIND. Mr. Chairman, I do not desire to occupy time unless some Member desires me to do so.

Mr. HEMENWAY. Mr. Chairman, in view of the fact that the general deficiency bill carried $25,000, which we sought to have applied for this purpose, the committee have no objection to the amendment.

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks and repairs to the same, for all public buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $10,000; but of this amount not exceeding $3,000 may be expended for personal services of mechanics and others employed outside of the District of Columbia in making repairs and inspecting work done.

Mr. MANN. Mr. Chairman, I should like to inquire of the chairman of the Committee on Appropriations whether this means that putting vaults into ordinary buildings is not included in this item. I do not know what is meant by the words "except for work done by contract."

Mr. HEMENWAY. This appropriation is for putting vaults in old buildings where it becomes necessary, not in new buildings.

Mr. MANN. It has no application to putting vaults in new buildings?

Mr. HEMENWAY. None at all.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, $40,000, of which sum not exceeding $1,500 may be used for rent of building.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. I see in the next section a provision for "observations in high altitudes." I understand that the Board of Ordnance and Fortification have refused further to give money for the investigation of the Langley air ship, or experiments with it. I should like to ask this question: There seems to have been some impression that this bill carries an appropriation for that purpose. I wish to know whether that is not a misapprehension?

Mr. HEMENWAY. That is a mistaken impression. There is no such appropriation in this bill at all.

Mr. ROBINSON of Indiana. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, exclusive of marine hospitals, mints, branch mints, and assay offices, $1,225,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. MANN. Mr. Chairman, I wish to say a word concerning these janitors. In some places, for instance in Chicago and New York, I understand they are paid $50 a month. They may not be paid as much as that elsewhere. There has been a very general complaint that it was almost impossible to get proper people in the city of Chicago to do this work at that pay. The hours are long and the labor is very arduous.

Mr. HEMENWAY. I will say to the gentleman that there is no trouble in securing proper help, so we are informed by the gentleman in charge. The pay is low, but it has been the fixed pay for a number of years, and there has been no trouble in securing men at that sum.

Mr. MANN. I will say to the gentleman that there is trouble in securing any proper kind of help in our city at this pay. Two or three years ago, when the pay was $45 a month, I went to the Treasury Department about it, and they increased the amount to $50 a month; but $50 a month in New York or Chicago, in view of the time and labor involved, is at least somewhat inadequate.

Mr. HEMENWAY. I agree with the gentleman that the pay is very low; but the Secretary of the Treasury has authority to raise it.

Mr. MANN. I understand that. The question is, I suppose, as to the amount of the appropriation.

Mr. HEMENWAY. I think we gave them the estimate. It is an increase of appropriation over last year; I think we gave them the exact estimate.

Mr. MANN. Very likely they did not make an estimate on increasing the pay. The gentleman knows very well it is almost impossible to increase the pay of people of that class. If they were drawing a salary of $2,000 or $2,200 it might be easy to jump them up to $2,200 or $2,400; but this class of people have no influence—have no political influence.

Mr. POWERS of Maine. They seem to have.

Mr. MANN. Oh, no; I know that there has been difficulty in getting the right kind of labor.

Mr. HEMENWAY. I have no doubt that is true, and the Secretary of the Treasury can arrange the matter himself and increase the pay if necessary.

Mr. MANN. I am not so certain that it will be increased that way by the Secretary of the Treasury. The Secretary can not give any attention to a matter of this sort. It seems to be almost beneath the dignity of anybody to consider the case of these men. As suggested by the gentleman from Maine, it is beneath his dignity.

Mr. HEMENWAY. I hope the schedule will be so arranged as to secure competent men.

The Clerk read as follows:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, $3,000; and for actual and necessary expenses, not exceeding $2,000; in all, $5,000.

Mr. MANN. I reserve the point of order upon that, Mr. Chairman, until I can have some explanation.

The CHAIRMAN. The gentleman reserves the point of order on the paragraph on page 30, commencing with line 6 and extending to line 12.

Mr. MANN. I call the attention of the gentleman from Indiana to the fact that a few days ago the House, in considering the post-office bill, provided for a purchasing agent to be appointed by the President and confirmed by the Senate. When brought in, the bill provided for a salary of $5,000. The House finally reduced it to $4,000. You seem to have provided for one here at $3,000. I think it is perfectly self-evident that in the end, with these new offices so created, their salaries will have to be practically the same.

Mr. HEMENWAY. I would suggest to the gentleman that this is not a new office. It is an office that has been running some eight or ten years.

Mr. MANN. Is it necessary to put in here every time that he shall be confirmed by the Senate?

Mr. HEMENWAY. The language of the bill is carried along in that way. I should think it is not necessary to put it in. I think that could be dropped out of the bill.

Mr. MANN. The very fact that you use this language in the bill itself shows that this language is new legislation.

Mr. HEMENWAY. No; this office has been in existence some eight or ten years.

Mr. MANN. If the office is already in existence, very well. This language is new legislation upon its face, providing for an office to be created and the officer to be appointed by the President and confirmed by the Senate.

Mr. HEMENWAY. This is the identical language carried for years. It might have been dropped out.

Mr. MANN. Has there been any difficulty in getting the right kind of a purchasing agent at a salary of $3,000?

Mr. HEMENWAY. There has not.

Mr. MANN. There probably would be no difficulty about getting the same thing for the Post-Office Department.

Mr. HEMENWAY. I take it they can get that kind of a man. This man has been in the position eight or ten years, and I understand the position has been filled by one man.

Mr. MANN. It was stated the other day that it was necessary to have some very broad business man to fill that office. That is the character of this gentleman, I suppose?

Mr. HEMENWAY. I do not know the gentleman, but I know the same man has been in the office for years. I do not know who he is or where he comes from.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric-light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, $367,100. And all furniture now owned by the United States in other public buildings shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I think in buying thousands of dollars' worth, yes, possibly millions of dollars' worth of furniture and electric lighting and machinery, authorized in this paragraph, we will have to buy more or less of copper, and in view of the fact the very interesting speaker from Kansas stated this morning, and I believe several of his colleagues, that "copper" is not on the dutiable list, I desire to read one paragraph to show the gentleman that he is mistaken, and as a result, I contend, that we are necessarily forced, and in view of the fact we all admit copper is controlled by a trust, to pay trust prices for the very articles we now,

under this section, order to be purchased. It will not consume but a moment or two, Mr. Chairman. On page 54, Senate Document, volume 11, Fifty-fifth Congress, first session, 1897, tariff 1897, I read this:

Copper in roll plates, called brasiers' copper, sheets, rods, pipes, and copper bottoms, 2½ cents per pound; sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron, ungalvanized, 2 cents per pound.

Now I will go to another clause.

ART. 168. Articles or wares not especially provided for in this act, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 45 per cent ad valorem.

And so on and so forth. I will not detain the committee to read further, but I show that the gentleman who contended that copper was not on the dutiable list is not correct. I want to tell him this and impress it on the committee that copper is on the "free list," exactly like anthracite coal was slipped on the free list and was free of duty except as otherwise "specially provided in the bill."

The "free list" is away over in the body of the bill, while the taxable paragraphs I have read are over in other sections of the bill, so that if the great Republican party that framed that tariff over the protests of the Democratic party are guilty of placing copper on the free list, when, in fact, they put it on the protected list, it shows that it was done by sleight of hand or somebody did it surreptitiously, just as they did the anthracite coal tax, which taxed that coal until the Democratic party, during the great coal strike, here convinced Congress it was taxed and lashed the Republican party into a repeal of the tax on anthracite coal, that the people of this country might all keep from freezing, that our public institutions might open their doors again that were closed on account of the tax on coal, "held up" by the coal trust. Later, I believe, my distinguished friend from Connecticut this morning said that copper was on the free list. He is on the great Ways and Means Committee, a bright, intelligent man a real statesman, one of the most alert men on that committee or any other committee in this House, and yet he said that copper was on the free list, as I remember, and yet I have read you here from the document published by Congress that it is taxed.

Ah, gentlemen, is that the way you deceive yourselves; is that the way you are led into making tariff laws and protecting the trusts? If so, gentlemen, you had better turn over the making of the tariff to the people on this side of the House or join in putting coal on the free list, as we made you do, and destroy the coal trust, and join us in putting copper on the free list and destroy the copper trust. You said that to put coal on the free list would interfere with the business of the country, yet that is not true, as shown by subsequent events. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired. The Chair understands that the pro forma amendment is withdrawn.

The Clerk read as follows:

For the purchase and construction of a tugboat to be used as a boarding cutter by the immigration officials at New York, $75,000; in all, $84,000, which sum shall be paid from the permanent appropriation for expenses of regulating immigration, and any balance of any sum heretofore specifically appropriated for repairs and alterations to the Government property at Ellis Island shall not continue available for expenditure after June 30, 1904.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order, commencing at line 3, page 36, to the following language

And any balance of any sum heretofore specifically appropriated for repairs and alterations at Ellis Island shall not continue available for expenditure after June 30, 1904.

Mr. MANN. I reserve the point of order to the entire item.

The CHAIRMAN. The gentleman from New York reserves the point of order to the latter part of the paragraph and the gentleman from Illinois to the whole paragraph.

Mr. FITZGERALD. I would like to know what the facts are.

Mr. HEMENWAY. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Indiana.

Mr. HEMENWAY. As to the point made by the gentleman from New York, I will state that in the sundry civil bill for the present fiscal year a direct appropriation or a specific appropriation was made for certain repairs at Ellis Island. The Comptroller held that there being a specific appropriation, no repairs could be made out of the general fund. Repairs at Ellis Island have nearly always been made out of the general fund. In order to avoid having a little balance of this appropriation left over and falling into the same difficulty again, we provide that no portion of the appropriation shall be available after June 30, so that the general fund will become available for repairs.

Mr. FITZGERALD. How much is there available of the special fund?

Mr. HEMENWAY. I don't suppose there is any, but we want to guard against the danger of that construction again.

Mr. FITZGERALD. I understood there was a large appropriation to continue the alterations being made at Ellis Island. That they have enlarged the island, erected new buildings, and what I want to ascertain is whether the language is for the purpose of compelling the expenditure of the money now available by the 1st of July of this year.

Mr. HEMENWAY. Oh, no; that is put in here so as to again avoid falling into the error I have mentioned, so that the general fund may be available for repairs. If there was a hundred dollars balance of the specific appropriation left in the Treasury July 1, the Comptroller would probably hold, there being a specific appropriation available, that no money could be used from the general fund for repairs.

Mr. FITZGERALD. I call the attention of the gentleman to this fact, that in this bill there is no appropriation carried for repairs at Ellis Island.

Mr. HEMENWAY. Certainly not; and that makes the general fund available under the direction of the Secretary of the Treasury.

Mr. FITZGERALD. Is it the intention to carry out the repairs estimated for about $300,000?

Mr. HEMENWAY. No; but this will allow repairs to be made out of the general fund under the direction of the Secretary of the Treasury, which can not be done if this language does not go in the bill.

Mr. FITZGERALD. I will say that I don't quite understand the effect of the language, but I will accept the explanation of the gentleman from Indiana.

Mr. HEMENWAY. Now, Mr. Chairman, I did not catch the point of order of the gentleman from Illinois.

Mr. MANN. I would like to inquire what is the necessity of starting a new navy in this provision for the construction of a tugboat. I assume that the item in reference to the purchase of a tugboat is subject to a point of order. We now have a navy, or propose to have, connected with the Army; we have a navy connected with the Light-house Board; we have a navy connected with the Life-Saving Service; we have one connected with the Revenue-Cutter Service; one connected with the fishery department, and various other departments of the Government, and here is a proposition to start a new one for the immigration service.

Mr. HEMENWAY. I suggest that this service already has a ferryboat from New York to Ellis Island.

Mr. MANN. I will say to the gentleman that I haven't the slightest doubt that the item is subject to a point of order; I may be wrong, but I do not care to insist upon it if there is reason for it.

Mr. HEMENWAY. The reason for putting it on is this: Under the law they have the right to hire a boat from the general fund. This service is self-supporting. The head tax that they collect more than pays the cost of the service.

Mr. MANN. I have no doubt that is often the cause of great extravagance, and that does not appeal to me.

Mr. HEMENWAY. That is true, and we are seeking to avoid the extravagance. Under the law they have the power to hire a boat, and they are hiring a boat at the rate of $75 a day. They have to meet all the incoming vessels, and the immigration officers have to board these vessels and there inspect and take off cases that go to the detention hospital and others that are scattered to different localities.

The diseased emigrants go to one place and the contagious diseases to another. The inspectors have to go aboard the vessels as they come in and make a proper distribution of the emigrants, and the boat that they are hiring costs them $75 a day. They insist, and I think beyond question they are right, that if they had their own boat they could save possibly $25 a day, and the committee, taking the matter under consideration, thought best to provide them with their own tugboat.

Mr. MANN. The gentleman knows that the moment they have a boat they have to have a captain and other officers?

Mr. HEMENWAY. They have them now.

Mr. MANN. And that it will not be long before they will want to go on the retired list.

Mr. HEMENWAY. These are civilian employees.

Mr. MANN. Well, I happen to be on a committee that deals with two or three navies, and the prodigious demand in regard to them is something that passes understanding.

Mr. HEMENWAY. I have no doubt. I will say to the gentleman from Illinois [Mr. MANN], that this will result in saving to the Government considerable money every year.

Mr. MANN. Mr. Chairman, I have very great respect for the gentleman's opinion, but I have no doubt whatever that it will add 50 per cent to the cost to the Government and not add in the

slightest to the efficiency of the service. Still, trusting to the gentleman and thinking he has been more or less—I will not say imposed upon—I will withdraw the point of order.

The CHAIRMAN. The point of order made by the gentleman from Illinois is withdrawn.

Mr. LAMAR of Missouri. Mr. Chairman, one of the most important problems receiving attention and being seriously considered and much discussed by the people of this country to-day is that of the improvement of our public roads and highways. Probably no other nonpartisan question has aroused so great a degree of public interest and been so widely discussed in all sections of the country and by all classes and conditions of our people as has the proposition for national aid in the construction and improvement of our public roads and highways.

However much men may differ on other public questions—the tariff, the trusts, the currency, etc.—all seem to agree that good roads are "a consummation devoutly to be wished," but how to get them, "there's the rub."

Many and varied are the reasons given by those who oppose it why the Federal Government should not extend to the States financial aid for the construction of highways.

It is by some denominated "paternalism;" some say it is beyond the legitimate functions or province of the Government, while others say it is not practical.

If it is within the province of the Government to grant 200,000,000 acres of the public domain to aid in and encourage the construction of transcontinental railways reaching to the Pacific coast and over which only a part of our commerce travels, then why is it not equally legitimate and proper that the public highways of the country, over which more than 90 per cent of all the tonnage of the country is hauled, should receive consideration by the National Government?

If it is within the proper function of the National Government to appropriate and expend, as has been done, over $400,000,000 in the improvement of our rivers, and harbors, and waterways in order to facilitate the means of communication and transportation, is it not equally important that attention be given to the public highways of the country, over which nine-tenths of the country's commerce must take its initial journey and over which the 20,000 rural mail carriers, reaching forty or fifty millions of our people, must travel every day in the year? If the Government is justified in appropriating millions to construct roads and highways in Porto Rico and the Philippines and the general welfare of the country is promoted thereby, surely the roads traveled by our own people are entitled to the same consideration. Surely the same logic which leads to the former would justify the latter.

If we are justified in expending three or four hundred millions of dollars to construct a great waterway across the Isthmus of Panama to connect the two oceans, to promote a commerce which will in an indirect way be of benefit to part of our people, why is not the General Government justified in at least assisting in the improvement of a class of public highways that we are told costs the farmers 25 cents per mile for every ton hauled over them? Much as has been said of the benefits of the Panama Canal, I have no doubt, and it is my deliberate judgment, that an equal amount intelligently expended in improving the roads and highways of the country would be of more practical benefit to all the people of the country, and especially to those who pay the greater share of the taxes to defray the cost of the enterprise.

According to the census of 1900, over 35 per cent—more than one-third—of all those employed in gainful occupations in the United States were engaged in agricultural pursuits, and we are told by good authority that this one-third pays more than three-fifths of all the taxes; that the farmers of the country pay 60 per cent of all the taxes. Last year the farmers of this country raised $950,000,000 worth of corn, $650,000,000 worth of hay, $500,000,000 worth of cotton, and $450,000,000 worth of wheat, and agricultural products furnished 63 per cent of our domestic exports and saved to the country that balance of trade of which we hear so much from some of our orators on the other side of this Chamber; yet our bad roads put a tax of 12½ cents a ton per mile on every ton of those products that was hauled to market, for it now costs 25 cents per ton per mile and can be hauled over even reasonably good roads for 12½ cents a ton per mile. That is all it costs in France. It has been said that every time the sun sets the bad roads of the United States costs the people $1,500,000.

Notwithstanding the fact that the farmers constitute 35 per cent of the whole number engaged in gainful occupations in this country, and furnish 63 per cent of the domestic exports of the country, and bear the burden of paying 60 per cent of all the taxes of the country, yet it is estimated by those who ought to know that 90 per cent of the revenue of the Government of the United States is spent in the great cities on public buildings, the construction of battle ships, in furnishing the munitions of war, and for the improvement of rivers and harbors, etc., and less than 10 per cent is spent in the country, among the people who have furnished more than half the revenues of the Government.

In every nation having good roads that I know anything about the government has either built them or aided in their construction. England, France, Germany, Spain, Italy, and Switzerland all have good roads, and in each the General Government has aided in their construction to a greater or less extent—and we are told that this country stands alone as the only great civilized nation that does not give financial aid for the building of public highways.

Aside from the benefits from expenditure of the money, the employment given labor in their construction, and the markets afforded to those living in the locality, and the increased value of all lands, which would immediately result from such improved highways—for all these considerations are to some extent local—there are other considerations resulting from improved roads more general and more far reaching in their character and of more vital import. There is a sociological side to the question as well as an economic one. The rural population has ever been, is now, and will always be the solid foundation upon which our whole social and political structure rests. I do not remember the exact figures, but I do know that our census reports show that for several decades back the population of our cities has been growing at a much more rapid rate than the country. The isolation of farm life and its separation from the literary, educational, and social advantages of the age is driving our brightest and best young men from the farm into the city.

They go to the already overcrowded cities and seek employment and, under our present complex industrial system, are usually "hewers of wood and drawers of water" for some great corporation, simply a cog in a vast machine, living a life that retards physical and mental development except along one particular line, becoming human automatons, wholly unlike the sturdy, brawny yeoman of the country, and those same glittering attractions are drawing from the isolation of the lonely farmhouse the young women, and the labor problems of the city become more complex by reason of their employment by hundreds and thousands under a remorseless industrial system that knows no chivalry; and meanwhile the old-fashioned home, the unit of our civilization, is disappearing and giving place to the flat and the family hotel—a kind of a misnomer for home—where children are not wanted and are interlopers if they come, and where the old-fashioned family circle is unknown.

With improved highways will come the rural delivery of the mail, the telephone, improved central high schools, and an improved social and intellectual atmosphere that will make farm life more attractive. The loneliness, now so irksome to the young people, will be supplanted by social conditions and advantages which will not only satisfy our young people and make their lot more happy and contented, but will stimulate emigration from the congested centers of population, and will remove the chief causes of that spirit of unrest and dissatisfaction which is driving our young men and women from the rural homes to the already crowded cities.

I can not forbear expressing the thought that in the expenditures of such vast sums in aid of expositions, in the construction and maintenance of public parks, and other works and enterprises for the education and enjoyment of our people, it would be wise to give some consideration to that great class of American farmers who pay the greater part of the taxes in time of peace and fight our battles in time of war and the great majority of whom never use our parks nor see our expositions.

It may be all right to spend annually in time of peace $70,000,000 for an army and $100,000,000 for a navy and to exploit our military and naval prowess in the islands of the Orient, but so far as I am concerned I had rather see it expended in internal improvement among our own people to make their conditions better and their lives happier. I entertain no feelings of especial pride because of our costly dominion over distant islands of the sea, or in the fact that our flag waves there over an unwilling people, the emblem of government by military force, maintained by taxing the American people. I think I have as much patriotism as the average American citizen, but I freely confess that I have no ambition that the time shall ever come when our martial drumbeat shall be heard around the world and when the Stars and Stripes shall inspire, not reverence and respect, but fear and dread in the minds of the peoples of the earth. To quote from Jefferson:

> It is more remunerative, splendid, and noble for the people to spend money on canals and roads that will build up and promote social intercourse and commercial facilities than to expend it on armies and navies.

The picture of a happy, contented, prosperous, and peace-loving people, true to the exalted ideals upon which our Republic was founded, and the adherence to which has made us great and given to us the standing and respect we enjoy of the people of the world; the devotion of our wisest statesmanship and loftiest patriotism to the solution of our domestic problems, and to the development of the untold resources of our forests and fields and mines; the building of more roads, and more schools, and more churches, and the continual cultivation of those virtues which

have made us great is, to me, a vision more alluring and more in harmony with my ideas of our national mission and destiny than all the tinsel and glitter and vain pomp and glory of military conquest.

I desire to insert a few quotations from the early statesmen and founders of the Republic, showing the views entertained by them along this line, and following this a copy of the bill introduced in this House by myself on January 18, 1904.

VIEWS OF STATESMEN PROMINENT IN THE EARLY HISTORY OF THE REPUBLIC.

I can not forbear intimating to you the expediency * * * of facilitating the intercourse between the distant parts of our country by a due attention to the post-office and post-roads. (Washington's first annual address to Congress, 1790.)

The importance of the post-office and post-roads on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the Government, which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. (Washington's third annual address, 1791.)

Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed upon them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads. * * * the General Government is the more urged to similar undertakings requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. (Madison's seventh annual message, 1815.)

We can not fail to entertain a high sense of the advantage to be derived from the facility which may be afforded * * * by means of good roads and canals. (Monroe's first annual message, 1817.)

The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact, and no government, in whatever form constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement. (John Quincy Adams's first annual message, 1825.)

The appropriations for the repair and continuation of the Cumberland road, for the construction of various other roads, * * * may be considered rather as treasures laid up from the contributions of the present age for the benefit of posterity than as unrequited applications of the accruing revenues of the nation. (John Quincy Adams's third annual message, 1827.)

THOMAS JEFFERSON.

In 1786 Jefferson, in a letter to James Ross, said:

I experience great satisfaction at seeing my country proceed to facilitate the intercommunications of its several parts by opening rivers, canals, and roads. How much more rational is this disposal of public money than that of waging war.

During his second Administration he signed the bill providing for the construction of the Cumberland road.

Henry Clay summarized Jefferson's views on this question as follows:

It was the opinion of Mr. Jefferson that, although there was no general power vested by the Constitution in Congress to construct roads and canals without the consent of the States, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road; and how? First, by a compact made with the State of Ohio for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland to apply the fund so set apart within their respective limits.

In 1808, while still President, Jefferson wrote as follows to Mr. Lieper:

Give us peace till our revenues are liberated from debt, and then, if war be necessary, it can be carried on without a new tax or loan, and during peace we may chequer our whole country with canals, roads, etc. This is the object to which all our endeavors should be directed.

In 1813, in a letter to J. W. Eppes, Jefferson made this most significant declaration:

The fondest wish of my heart ever was that the surplus portion of these taxes, destined for the payment of that (Revolutionary) debt, should, when that object was accomplished, be continued by annual or biennial reenactments, and applied in time of peace to the improvement of our country by canals, roads, and useful institutions (literary or others), and in time of war to the maintenance of the war.

JAMES MADISON.

In one of his later messages to Congress President Madison said:

I particularly invite again the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements and by increasing the share of every part in the common stock of national prosperity.

HENRY CLAY.

Clay was always an advocate of internal improvements and was in his generation the ablest and most persistent advocate of the building of national roads. His well-matured opinion on the question of internal improvements was most tersely expressed in a speech made in Congress in 1818, in which he said:

Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

DANIEL WEBSTER.

Speaking in the United States Senate, in 1830, Mr. Webster referred to the Government's right and duty to undertake works of internal improvement in the following language:

Two considerations at once presented themselves, in looking at this state of things, with great force. One was that that great branch of improvement which consisted in furnishing new facilities of intercourse necessarily ran into different States in every leading instance and would benefit the citizens of all such States. No one State, therefore, in such cases would assume the whole expense, nor was the cooperation of several States to be expected. Take the instance of the Delaware breakwater. It will cost several millions of money. Would Pennsylvania ever have constructed it? Certainly never while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey, and Delaware have united to accomplish it at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the General Government. The same may be said of the large inland undertakings, except that in them Government, instead of bearing the whole expense, cooperates with others who bear a part. The other consideration is that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom-houses fill the general Treasury, while the States have scanty resources except by resort to heavy direct taxes.

Under this view of things I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the Government in regard to internal affairs, and I arrived at the conclusion that Government had power to accomplish sundry objects or aid in their accomplishment which are now commonly spoken of as internal improvements.

JOHN C. CALHOUN.

While Secretary of War, in 1819, Mr. Calhoun, in a report to the House on roads and canals, said:

No object of the kind is more important, and there is none to which State or individual capacity is more inadequate. It must be perfected by the General Government or not be perfected at all, at least for many years. No one or two States have a sufficient interest. It is immediately beneficial to more than half the States of the Union, and without the aid of the General Government would require their cooperation. It is at all times a most important object to the nation, and in a war with a naval power is almost indispensable to our military, commercial, and financial operations. It may, in a single view, be considered the great artery of the country, and when the coasting trade is suspended by war the vast intercourse between the North and South, which annually requires 500,000 tons of shipping, and which is necessary to the commerce, the agriculture, and manufactures of more than half of the Union, seeks this channel of communication.

* * * * * * *

Many of the roads and canals which have been suggested are no doubt of the first importance to the commerce, the manufactures, the agriculture, and political prosperity of the country, but are not for that reason less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that, whether we regard its internal improvements in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated which is highly useful for military operations that is not equally required for the industry or political prosperity of the community. If those roads or canals had been pointed out which are necessary for military purposes only, the list would have been small indeed. I have, therefore, presented all, without regard to the fact that they might be employed for other uses, which in the event of war would be necessary to give economy, certainty, and success to our military operations, and which, if they had been completed before the late war [of 1812], would, by their savings in that single contest in men, money, and reputation, have more than indemnified the country for the expense of their construction.

Cooley on Constitutional Law says:

Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State becomes a post-road whenever, by law or by the action of the Post-Office Department, provision is made for the transportation of the mail upon it or over it. Many statesmen and jurists have contended that the power comprehends the laying out and constructing of any roads which Congress may deem proper and needful for the conveyance of the mails and the keeping of them in repair for the purpose.

PROPOSITION IN CONGRESS FOR A NATIONAL SYSTEM OF ROADS.

In 1817 John C. Calhoun, Henry Clay, and others favored the creation of a new fund for internal improvements. A bill was introduced in the House of Representatives by Mr. Calhoun to set aside for roads and canals the bonus and dividends received by the United States from its newly chartered national banks. In supporting this measure Mr. Calhoun, although a stanch believer in the doctrine of State rights, delivered a speech before the House in which he thus expressed himself:

Let it not be said that internal improvements may be wholly left to the enterprise of the States and of individuals. I know that much may justly be expected to be done by them: but in a country so new and so extensive as ours there is room enough for all, the General and State governments and individuals, to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals, and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.

But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals it might indeed admit of some doubt whether they ought not to be left wholly to individual exertions, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

The first great object is to perfect the communication from Maine to Louisiana. This may be fairly considered as the principal artery of the whole system. The next is the connection of the lakes with the Hudson River. The next object of chief importance is to connect all the great commercial points on the Atlantic with the Western States, and, finally, to per-

fect the intercourse between the West and New Orleans. There are others, no doubt, of great importance which will receive the aid of the Government. The fund proposed to be set apart in this bill is about $650,000 a year, which is doubtless too small to effect such great objects of itself, but it will be a good beginning. Every portion of the community—the farmer, the mechanic, and the merchant—will feel its good effects, and, what is of greatest importance, the strength of the community will be greatly augmented and its political prosperity rendered more secure.

On November 8, 1808, in the last annual message Thomas Jefferson ever transmitted to Congress, he used this language:

The account of the receipts and expenditures during the year ending September 30 being not yet made up, a correct statement will hereafter be transmitted from the Treasury.

And after showing that there would be a surplus and that this surplus was accumulating he says:

The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults, shall the revenue be reduced, or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States?

A bill (H. R. 10134) to create in the Department of Agriculture a Bureau of Public Highways, and to provide for national aid in the improvement of the public highways in the various States and Territories.

Whereas it is of the greatest importance that there should be a uniform system of good roads in the forty-five States and four Territories of the United States, to the end that there may be increased facilities for the dissemination of knowledge by means of rural free delivery and more intimate and efficient interstate commerce; and

Whereas the people of the United States demand good roads as part compensation for the burdens of taxation which they bear for foreign commerce: Now, therefore,

Be it enacted, etc., That there shall be established in the Department of Agriculture a bureau to be known as the "Bureau of Public Highways."

SEC. 2. That the object and purpose of said Bureau shall be to cooperate with the various States of the United States and the civil subdivisions thereof in the construction and improvement of permanent public roads according to the provisions of this act; to make inquiries in regard to systems of road building and management throughout the United States; to make investigations and experiments in regard to the best kind of road-making materials; to cooperate with the various States of the United States and the civil subdivisions thereof in building object-lesson roads in the several States and in the education and instruction of those having in charge the building and construction of roads in the several States and civil subdivisions thereof; to employ local and special agents and other labor required in conducting experiments and collecting, digesting, reporting, and illustrating the results of said experiments; to investigate the chemical and physical character of road materials; to purchase necessary apparatus, materials, supplies, and office and laboratory fixtures; to prepare, publish, and distribute bulletins and reports on the subject of road building and improvement; to instruct, and assist, and cooperate with the local authorities in the construction and improvement of public roads and highways in the States, parishes, counties, townships, and districts in the United States; to collect and disseminate information as to the different systems of taxation for road purposes in the various States and the amount collected and expended therein for the improvement and construction of roads; and to bring about, as far as may be, a uniform system for the construction, improvement, and repair of the public roads throughout the United States, and such other objects and purposes as may be consistent with the purposes of this act.

SEC. 3. That the said Bureau shall consist of three Commissioners, to be known as the "Commissioners of Highways," two of whom shall be appointed by the President, by and with the advice and consent of the Senate, in the following manner: One from the political party in control of the executive branch of the Government and one from the largest minority party. Both of the aforesaid Commissioners shall have practical knowledge of road engineering and construction and shall receive a salary of $5,000 per annum each. The President shall detail to serve as the third member of said Commission an officer of the Engineer Corps of the United States Army, of rank not below that of captain, who shall receive, in addition to the pay allowance of his rank in the United States Army, a sum sufficient to make $5,000 per annum. The said Commissioners of Highways shall appoint, subject to the approval of the Secretary of Agriculture, such other engineers, road experts, chemists, clerks, and other officers and servants as may from time to time be required for the purpose of carrying into effect this act: *Provided*, That said Commissioners of Highways shall be under the general supervision of the Secretary of Agriculture, who shall exercise general jurisdiction over all matters and acts coming under their control by virtue of this enactment.

SEC. 4. That the said Commissioners of Highways shall make and promulgate all needful rules and regulations for the conduct and regulation of said Bureau and for the carrying out of the provisions of this act. The said rules and regulations shall be approved by the Secretary of Agriculture and shall have full force and effect of law.

SEC. 5. That there shall be, and is hereby, appropriated for the maintenance of said Bureau and the use thereof and for carrying out the provisions of this act the sum of $50,000,000, out of any money in the Treasury not otherwise appropriated, to be set apart by the Secretary of the Treasury and known as the "good-roads fund:" *Provided*, That the Secretary of the Treasury may, if no money is available unappropriated, sell bonds for the purpose of this act, at a rate not to exceed 2 per cent per annum, under such rules and regulations as he may deem proper.

SEC. 6. That expenditures herein provided for shall be apportioned among the several States and Territories in the proportion which the population of each State or Territory bears to the whole population of the United States. Each county, parish, or other civil subdivision of any State or Territory shall be entitled to receive from the good-roads fund provided in this act an amount equal to the total amount levied or provided by State or local taxation, including poll tax payable in labor, to be expended in the construction, improvement, or repair of the roads, highways, and bridges in such county, parish, or civil subdivision of a State during the year in which such application is made for national aid: *Provided*, That the amount of such national aid shall in no case exceed $1 per capita in any one year for the county, parish, or civil subdivision applying therefor: *And provided further*, That no city or town having a population of more than 6,000 inhabitants, as determined by the census of 1900, shall be entitled to the provisions of this act.

SEC. 7. That whenever the proper officers having jurisdiction and control of the public highways and bridges under the State or Territorial laws in any county, parish, or civil subdivision of such State or Territory shall make application to the commissioners of highways for national aid, and shall accompany such application with official certificates showing the amount provided by State and local taxation for road and bridge construction, improvement, or repair within said county, parish, or civil subdivision during said year, it shall be the duty of said commissioners of highways to make a requisition upon the Comptroller of the Treasury for the amount to be paid such county, parish, or civil subdivision under this act, and such Comptroller of the Treasury shall thereupon issue a warrant upon the Treasury for such amount, which shall be paid to the proper officer or officers having lawful charge of the road funds in such county, parish, or civil subdivision under the laws of the State or Territory where situated, who shall file proper receipts therefor, and which amount so received shall be expended in the construction, improvement, or repair of the public highways or bridges in such county, parish, or civil subdivision.

SEC. 8. That it shall be the duty of the commissioners of highways, upon the request of the proper officers having jurisdiction of public highways and bridges in any county, parish, or civil subdivision of any State or Territory receiving the benefits of this act, to furnish to such county, parish, or civil subdivision a competent and skilled engineer and expert road builder and such other person or persons skilled in road building as may be required, who shall be paid while in the service of such county, parish, or civil subdivision out of the money received by such county, parish, or civil subdivision from the United States under this act, and who shall while so employed be under the direction of the local authorities having in charge the road or roads in relation to which service such engineer or expert may be required.

The Clerk read as follows:

Expenses of buoyage: For expenses of establishing, replacing, and maintaining buoys of any and all kinds, and spindles, and for all other necessary incidental expenses relating thereto, including the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots, $550,000.

Mr. HILL of Connecticut. Mr. Chairman, I understand that a few moments ago, in my absence, attention was called to the fact that an error had been made in a statement by myself as to copper being on the free list, the statement being made by the gentleman from Tennessee [Mr. GAINES]. I desire to state that the gentleman from Tennessee is mistaken, that copper was a dutiable article under the McKinley law, but under the Wilson law it was put on the free list and it is on the free list now. The law not only says it is on the free list, but I will read from Vandergrift's United States Tariff, a book used by the Treasury Department, showing the various forms of copper which are free: Copper alloy; copper bars, black or coarse; copper cement; copper clippings; copper coins; copper composition metal of which copper is the chief value; forms of not manufactured copper; copper in plates; copper ingots or bars; copper matte; copper medals, if prizes or trophies; old copper; old yellow metal; copper ores; copper in pigs; copper in plates, and many others which I will not take the time to read.

The gentleman is entirely mistaken. I think if he will consult the importations of the United States Government he will find that no duty is collected or has been collected since the passage of the Wilson bill in 1894 on crude copper in bars, ingots, or pigs.

Mr. GAINES of Tennessee. Mr. Chairman, I regret that the gentleman from Connecticut [Mr. HILL] began his speech by saying that in his absence I made some statements. I flattered my good friend from Connecticut by presuming he was never absent from his seat. Otherwise I would not have said anything or would have sent for him before speaking. I do not think the gentleman will find anything in my remarks otherwise than possibly something of a complimentary nature that I dare say would make him blush, if that were possible. [Laughter.]

Mr. HILL of Connecticut. Well, there was the error in the statement.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman is the most industrious statesman I ever saw. He has gone off and picked up Vandegrift's tariff compilation, and read something from it in order to prove his case. I was reading from a Senate official document. I read the title of it. I have it now in my hand, and I will again read the title. It is Senate Document, volume 2, Fifty-fifth Congress, first session, 1897. Now, the gentleman from Kansas [Mr. CAMPBELL] did not, as I understood it, confine his remarks to "copper ore." He spoke of "copper." Nor does the gentleman from Connecticut confine his reply to my statement to "copper ore."

Mr. HILL of Connecticut. Will the gentleman pardon me a moment?

Mr. GAINES of Tennessee. Yes.

Mr. HILL of Connecticut. The question came up upon the disadvantages to the country of the copper trust and the great fortunes that had been made. Of course that could mean only the Amalgamated Copper Company and other similar institutions. It does not refer to brass kettles or copper wire or manufactured forms of copper, and nobody thought of such a question when the discussion was going on. At that time the simple question was as to whether or not copper was free. Of course it is free in both laws that have been enacted, in 1894 and in 1897, known as the "Wilson law" and the "Dingley law."

Mr. GAINES of Tennessee. Now, Mr. Chairman, I am not going to take up the time of the committee in trying to convince my friend that he is in error. [Laughter.] I take it that we want

to adjourn Congress some time. [Renewed laughter.] But I am going to crave the indulgence of this honorable committee to try and prove my case by copying the paragraph which I alluded to briefly and to put it in the RECORD and let all the world see that my friend is in error or that he is right, or that I am in error or that I am right.

I think that I am right. I think I quote the best authority, and the gentleman has not quoted an official authority. He quoted from somebody, I do not know who—Vandergrift—a Republican at that. [Laughter.] If my friend would state on oath—no, I will waive that—that copper of all kinds is on the free list, I will be willing to destroy this document and strike out of the RECORD the statement that I have made in reference to this matter; but for the present I will ask the committee to permit me to print these several paragraphs in the RECORD.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to print certain documents and remarks in the RECORD. Is there objection?

There was no objection.

Mr. GAINES of Tennessee. On page 58 of this document—No. 192. Fifty-fifth Congress, first session, Senate, containing a comparison of the tariff acts of 1897, 1894, and 1890—we find in the act of 1897, paragraph 193, this:

Articles or wares not specially provided for in this act, composed wholly or in part of iron, steel, lead, copper, etc., * * * and whether wholly or partly manufactured, 45 per cent ad valorem.

On page 54 of this same document we read this:

SEC. 196. Copper in roll plates, brasiers, sheets, rods, pipes, and copper bottoms, 2½ cents per pound; sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron, ungalvanized, 2 cents per pound.

On page 157 we find this, section 612:

Medals of gold, silver, or copper, and other metallic articles actually bestowed as trophies or prizes, and received and accepted as honorary distinction.

On page 183 we find this, section 12:

That all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership, or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and all such materials necessary for the building of their machinery and all articles which are necessary for their outfit and equipment may be imported in bond, under such regulations as the Secretary of the Treasury may describe, and upon proof that such material has been used for such purposes no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties of which a rebate is herein allowed: *Provided*, That vessels built in the United States for foreign account and ownership shall not be allowed to engage in the coastwise trade of the United States.

The following appears on the free list with a string tied to it, so to speak, something like the string that put anthracite coal on the free list and did not put it on, as I have before stated. That coal section read as follows—section 523:

Coal, anthracite, not specially provided for in this act—

Shall be free. But in another section away off somewhere in the bill, all anthracite coal was taxed unless it had a certain amount of fixed carbon in it (92 per cent), when as a matter of fact practically no anthracite coal has that amount of carbon in it. So, by a process of reasoning and strangulation, anthracite coal that was imported paid a tax because it did not contain the required amount of fixed carbon.

Now, then, right close to this anthracite-coal section, to wit, 523, we find the free-copper section, 532, which reads:

Copper in plates, bars, ingots, or pigs, and other forms, not manufactured, or specially provided for in this act—

Shall be free. But you see, as I read this law, that these pieces of copper are specially provided for in sections that I first read.

Section 629 of the Dingley Act places "ores of gold, silver, copper, or nickel, and nickel matte, sweepings of gold and silver" on the free list. This section appears under the schedule "free list." So that while the raw ore may be on the free list yet the "manufactured article in part or entirely of copper," I say, is taxed, as stated in the paragraphs I read. This clearly shows that free raw material does not destroy our copper manufactures, and that free coal, I may add, we know did not destroy our coal industries, although enormous amounts were shipped in here after we placed coal temporarily on the free list.

The Clerk read as follows:

COAST AND GEODETIC SURVEY.

For every expenditure requisite for and incident to the survey of the coasts of the United States and of coasts under the jurisdiction of the United States, including the survey of rivers to the head of tide water or ship navigation; deep-sea soundings, temperature and current observations along the coast and throughout the Gulf Stream and Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; continuing researches and other work relating to physical hydrography and terrestrial magnetism and the magnetic maps of the United States and adjacent waters, and the tables of magnetic declination, dip, and intensity usually accompanying them, astronomical and gravity observations; and including compensation, not otherwise appropriated for, of persons employed in the field work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of Commerce and Labor; for special examinations that may be required by the Light-House Board or other proper authority; for commutation to officers of the field force while on field duty, at a rate to be fixed by the Secretary of Commerce and Labor, not exceeding $2.50 per day each; outfit, equipment, and care of vessels used in the Survey, and also the repairs and maintenance of the complement of vessels, to be expended in accordance with the regulations relating to the Coast and Geodetic Survey from time to time prescribed by the Secretary of Commerce and Labor, and under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer, or to a civilian chief of party, who shall give bond in such sum as the Secretary of Commerce and Labor may direct.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask leave to make remarks at this point for ten minutes on the subject-matter of the bill.

Mr. HEMENWAY. I suggest to the gentleman from Indiana that this item be passed over without prejudice until to-morrow, so that I may look into it, and that then it be taken up.

Mr. ROBINSON of Indiana. It is proposed that this whole section be taken up to-morrow?

Mr. HEMENWAY. Yes, sir.

Mr. ROBINSON of Indiana. The paragraph extending from line 4 on page 43 to line 12 on page 4 ?

Mr. HEMENWAY. Yes, sir; I understand the gentleman from Indiana wants to move an amendment. I should therefore like the matter to go over until I can look into it.

The CHAIRMAN. Unanimous consent is asked that the paragraph extending from line 4 on page 43 to line 21 on page 44, pertaining to the Coast and Geodetic Survey, be passed without prejudice. Is there objection? The Chair hears none.

Mr. ROBINSON of Indiana. I believe I shall ask to make my remarks at this time.

The CHAIRMAN. Is there objection?

Mr. HEMENWAY. I suggest that it might be well to let the whole matter go over until to-morrow. I shall have no objection at that time to the gentleman occupying ten minutes.

Mr. ROBINSON of Indiana. Very well.

The Clerk read as follows, under the heading, "Salaries, Coast and Geodetic Survey:"

For eight assistants, at $1,200 each.

Mr. MANN. Mr. Chairman, I move to amend by striking out the last word. I notice that this bill carries appropriations for the clerical force in Washington of the Hydrographic Office, the Geological Survey, the Commissioner of Fish, and various other branches of the Government service. One of the things that I have never been able to find out during my somewhat brief experience in Congress has been in what bills to find the various appropriations. It would ordinarily be supposed that the legislative, executive, and judicial appropriation bill, which is understood to carry appropriations for all offices in Washington, would carry the appropriation for the Geological Survey, for the Hydrographic Office, and these various other offices. But when we look into the matter we find that such is not the case. For instance, when the sundry civil bill comes along we find sundry items relating to these bureaus or departments here when we are not expecting them. I suggest to the chairman of the Appropriations Committee that he throw some light upon this question, so that Members of Congress may have some clew by which they may find out where the appropriation items relating to particular offices are to be looked for—in what bill.

Mr. HEMENWAY. Mr. Chairman, I will say to the gentleman that the legislative bill does not carry appropriations for all the service performed at Washington. For instance, provision for all the service in the Agricultural Department is carried in the agricultural bill. Twenty years ago these appropriations for the various Departments of the Government were divided. This item for salaries in the Coast and Geodetic Survey has always been carried upon this bill. It is a service that reaches out into various parts of the country, there being some employees in Washington and some outside of Washington. It has been deemed best to carry them all together on one bill, so that when you seek to find who are employed in this particular service you may find the whole information on this bill.

I do not know but that it might be best if it could be so arranged that the suggestion of the gentleman from Illinois [Mr. MANN] be carried out; but in the division of these bills certain items have been placed on the sundry civil bill, certain other items on the legislative bill, certain others on the fortification bill, certain others on the deficiency bill, etc. We seek to keep particular items on particular bills, to accomplish what the gentleman from Illinois wishes to have done, so that Members may know when they find an item on one of these bills one year that they may expect to find the same item on the same bill the following year. The item now under consideration has been carried on this bill since this service was begun.

Mr. MANN. Mr. Chairman, the chairman of the committee [Mr. HEMENWAY] must know that the average Member of Con-

gress does not stay here twenty years. I dare say there is no Member who knows just where to find all these various items. For instance, for the Revenue-Cutter Service you make a great appropriation in this bill, but for the office at Washington you make appropriation in the legislative bill. So with the Life-Saving Service. Here you make a distinction. Now, the distinction is not that the service reaches throughout the United States, because, although the Naval Committee reports appropriations for naval affairs, the appropriation for the offices of the Navy Department in Washington is made through the Appropriation Committee. A similar thing is true with reference to the War Department.

If there is no good reason—and the reason offered by the chairman of the committee is certainly not a good one, because it would not be true after the first year that a change was made—why is it not possible for the Appropriations Committee, which has jurisdiction of all these bills, where there is any conflict, to arrange and systematize this matter, so that one may readily know where a particular item of appropriation is to be found?

Mr. HEMENWAY. If the gentleman will take the appropriation bills of any year and ascertain what items are carried on that particular bill, he may rest assured that the next year they will be found in just the same place on the bill of that year.

Mr. MANN. My memory does not go back far enough to enable me to remember on what bill or bills particular items have heretofore appeared.

Mr. HEMENWAY. If any Member will take but a short time to inform himself as to the bill on which any particular item is carried, he may know that in the same bill reported the next year he will find that same item.

Now, that is the reason why it is not wise to undertake to switch items from one bill to another, because Members become familiar with these bills and learn to look on the sundry civil bill for this particular service. They learn to look on the legislative bill for the service in the office of the Secretary of the Navy, and upon the naval bill for the greater part of the service outside of Washington. If we go to changing things around, they will not know where to look.

Mr. MANN. Oh, the gentleman knows that the Members of the House do not know where to hunt for most of these items. I dare say the gentleman himself would not be able to tell offhand where they are, scattered around in the way they are.

Mr. HEMENWAY. Oh, no——

Mr. MANN. Let me give the gentleman an instance. I watch these appropriation bills, and not a great while ago I procured the insertion of an amendment in the bill relating to the subtreasury at Chicago. That office is not in Washington and naturally would not be expected to be in the legislative, executive, and judicial appropriation bill.

Mr. HEMENWAY. Yet a great many of them are.

Mr. MANN. My judgment was that it would be in the sundry civil bill, where it would belong. One day I received a telegram from Chicago while the legislative bill was under consideration this winter asking for information on the subject. I wired back that the appropriation for the subtreasury was not carried in the legislative bill, but in the sundry civil bill. Now, my recollection may not be as good as the gentleman's, but the gentleman and myself had agreed at one time upon an amendment which went in. I had watched the matter and I was as well informed on the subject as the average Member of Congress is; but you can not carry these things in your head. I hope the gentleman will see fit in his committee to tear up a few of the old roots there and rearrange the bills so that Members of Congress may not have to rely upon memory to know where each item among these thousands of items is to be found, but can tell where they ought to be, and find them.

Mr. HEMENWAY. The gentleman's suggestions will be given careful consideration, as all his suggestions are.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3456. An act to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes.

S. 3781. An act relating to the payment and disposition of pension money due to inmates of Government Hospital for the Insane.

S. 4248. An act to establish a fish-cultural station in the State of Idaho;

S. 4448. An act for the relief of Central University of the State of Kentucky, and A. R. Burnam and John Bennett; and

S. 5075. An act to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8681. An act to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State;

H. R. 10925. An act directing the issue of a check in lieu of a lost check drawn in favor of the Pittsburg Shear, Knife and Machine Company, now the Heppenstall Forge and Knife Company, of Pittsburg, Pa.; and

H. R. 12833. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1905, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10669) to regulate the issue of licenses for Turkish, Russian, or medicated baths in the District of Columbia.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 7402. An act for the relief of the Indiana State board of agriculture.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Fish hatchery, Manchester, Iowa: For protection of the station against floods, $5,000.

Mr. HEMENWAY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 64, after line 14, insert:

"Fish hatchery, Northville, Mich.: For constructing and repairing bass ponds, improving water supply, sewerage and drainage system, and protecting station against floods, $5,000."

The amendment was agreed to.

The Clerk read as follows:

Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, $900,000, of which sum $1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation: *Provided*, That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article III of the treaty with China of 1894.

Mr. LIVERNASH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend by striking out the period in line 8, page 65, substituting a colon and adding the following:

"*Provided, further*, That $10,000 of this appropriation shall be for enforcement of said laws so far as they prohibit entry and harboring of Chinese as seamen aboard vessels of American register."

Mr. HEMENWAY. Mr. Chairman, I make the point of order that this is new legislation, changing existing law.

Mr. LIVERNASH. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The gentleman from California will be heard.

Mr. LIVERNASH. May I ask the gentleman from Indiana [Mr. HEMENWAY] to restate his point of order? I was unable to hear his statement.

Mr. HEMENWAY. My point of order is that it is not germane, and that it changes existing law.

Mr. LIVERNASH. Mr. Chairman, I submit that the amendment is germane in that it relates to the use of a part of the appropriation carried by the paragraph for a part of the general purpose for which the appropriation as a whole is made; and I submit that it is not open to the objection that it changes existing law, because an examination of its text must convince the Chair that it merely calls for enforcement of the exclusion laws "so far as they prohibit," etc.

It is not within my intention to alter the existing law, but to have the pending bill carry something in the nature of an admonition to the Department of Commerce and Labor that neglect to enforce existing law should cease.

Mr. HEMENWAY. I want to ask the gentleman if the Commissioner of Immigration has in any way failed to perform his duty in enforcing the law?

Mr. LIVERNASH. I disclaim the disposition to criticise the Commissioner of Immigration. Without undertaking to say at whose door the responsibility rests, however, I am certain that the law has not been enforced in the respects covered by the amendment.

The law prohibits Chinese persons of enumerated qualities from entering American territory, and seamen such as those now employed on American ships in our over-sea trade fall within the prohibition. American ships are in contemplation of law American territory, and notwithstanding this it is true that all the trans-Pacific steamships flying our flag and engaged in the China trade are manned by Chinamen. The amendment is offered as an aid to the alteration of this condition. Congress, I think, should make clear to the Department of Commerce and Labor that some of the appropriation for enforcement of the exclusion law is intended for enforcement of that law in so far as it affects this neglected class of violations.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard? If not, the Chair will rule.

Mr. HEMENWAY. I think I have nothing to say.

The CHAIRMAN. The Chair will rule that the proviso here is itself new legislation; and it has been a settled rule, as the Chair understands it, where a paragraph inserted in a bill changes existing law, an amendment may be allowed which is germane to the subject included in the new paragraph. If the point of order had been raised to the proviso itself, it would have been necessary to sustain it.

Mr. HEMENWAY. If the Chair will please permit, the proviso is the provision that has run in the bill for some time, and because the proviso has been running in an appropriation bill for two or three years that changed existing law for the year it was first inserted, certainly that does not open up the scope of changing existing law in another particular. Why, if that is the rule of the House, we can have legislation upon nearly every provision in this bill. It certainly can not be the rule of the House.

The CHAIRMAN. Is the Chair to understand that this proviso in this appropriation bill is settled law? Is it in accordance with established law, or is it merely an item that has gone into appropriation bills year by year?

Mr. HEMENWAY. It is the provision that has been running in the bill:

That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available, etc.

The words "or hereafter appropriated" seem to be new in this bill.

The CHAIRMAN. That would seem to make it a change of law.

Mr. HEMENWAY. I understand, Mr. Chairman, that if it is a change of law it is subject to the point of order. No point of order having been made upon it, another provision which changes existing law is not, for that reason, made in order.

The CHAIRMAN. The question in this case is whether, first, this proviso is in accordance with an established law; second, whether the proviso offered by way of an amendment by the gentleman from California is germane to it.

Mr. HEMENWAY. And is a change of existing law.

The CHAIRMAN. It was held in the Forty-eighth Congress, then in the Fifty-fourth, and still again in the Fifty-fifth and Fifty-seventh Congresses——

Mr. HEMENWAY. Pardon me, before the Chair goes further. The proviso here has not been discussed.

The CHAIRMAN. The Chair would like to hear the gentleman from Indiana.

Mr. HEMENWAY. I desire to make the point of order upon the proviso.

The CHAIRMAN. There has been discussion, and the gentleman from Indiana will recognize that it will be too late to make it now.

Mr. HEMENWAY. Now, as to the point of order as to these words "or hereafter appropriated." I can not understand how, under the rules of the House, the Chair can hold that where a proviso changing existing law has been passed without the point of order being made to that proviso that that makes in order another proviso changing existing law. Why, if that were true, as I say, we could go ahead on this appropriation bill and change the whole law in reference to Chinese exclusion.

The CHAIRMAN. The paragraph having been read, it was not objected to——

Mr. HEMENWAY. I call atttention to the fact that this amendment is directed to line 8 of page 65 of this bill.

The CHAIRMAN. Sixty-six, is it not?

Mr. LIVERNASH. I will say it ought to be 66.

Mr. HEMENWAY. If there is to be a technical ruling, I insist that the amendment shall apply to that particular point; so that we may reach the whole matter.

Mr. LIVERNASH. I mean to amend page 66.

Mr. HEMENWAY. I object to that amendment. Let it go where it is directed in the bill.

The CHAIRMAN. Let us have an understanding about this. Is the amendment to page 65 or 66.

Mr. LIVERNASH. Page 66.

The CHAIRMAN. The mere fact, I take it, that it was stated as page 65 when it is clear 66 was intended should settle that matter.

Mr. HEMENWAY. Well, the amendment states page 65 and I want to be clear——

Mr. ROBINSON of Indiana. I desire to say to my friend that if this amendment is withdrawn there will be a new one presented like it.

Mr. HEMENWAY. If I understood the Chair to interpret the rules to be that this proviso on page 66 makes the proviso in order, then I think it is fair I should have the right to make the point of order to the proviso on page 66.

The CHAIRMAN. What does the gentleman from Indiana say to the fact that the paragraph included in the proviso was read, and that no point of order was raised upon it, and that the amendment was offered to the paragraph as if it were to be perfected by that amendment?

Mr. HEMENWAY. Technically, then, I have no right to make the point of order, but upon the other hand, as it is purely a technical matter, I call attention to the fact that the amendment is directed to page 65. I offer the point of order to the amendment as directed to this page. Now, then, the discussion so far has been upon the amendment offered by the gentleman from California, but I do not concede for a minute that under the rule of this House, this proviso being in, that another provision changing existing law is made in order by the provision that has been passed in the bill without the point of order having been made to it.

The CHAIRMAN. The Chair would state that the rule is clear. When a provision in a bill which is out of order is read and is unobjected to, it becomes a part of the bill. The question whether it is in order or not, whether it is a variation from established law or not, is then foreclosed. The paragraph is settled and passed upon by the committee. Then, if an amendment is proposed here and discussion intervenes no point of order can be allowed to the paragraph; it is beyond that stage.

Mr. HEMENWAY. I concede on that point the Chair is right. This provision is passed; it is foreclosed, and, as far as this bill is concerned, is law. Then I insist that another proviso which changes existing law is not in order, and, by the statement of the Chair, this proviso has been passed: it is part of the bill; it is law, then, as far as this bill is concerned. Then, is another provision changing existing law in order because this proviso has been passed?

Mr. MANN. Will the gentleman allow me?

The CHAIRMAN. The Chair will ask the gentleman from Indiana if this amendment is not germane to this proviso here in the bill?

Mr. HEMENWAY. I should think not. It also changes existing law.

Mr. MANN. Will the gentleman from Indiana permit a suggestion?

Mr. HEMENWAY. Yes.

Mr. MANN. This proviso in the bill only relates to the establishment of the Bertillon system.

Mr. HEMENWAY. Yes.

Mr. MANN. Now, an amendment that relates to that is germane, but the amendment of the gentleman from California is not germane to this proviso, and hence is subject to the point of order that it is not germane.

The CHAIRMAN. On that the Chair would like to hear the gentleman from Indiana, as well as the gentleman from Illinois.

Mr. OLMSTED. Mr. Chairman, may I submit a parliamentary inquiry?

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. OLMSTED. I understood the gentleman from Indiana to say he desired to make a point of order against that proviso; am I right?

Mr. HEMENWAY. Only if I had to do it. As I understand the rules of the House, this proviso, having been passed and having been read, another proviso changing existing law would not be in order; but the Chair, as I understand, started to rule, because this provision was in here and had changed existing law, that another proviso changing existing law was in order.

Mr. MANN. Only if it was germane.

The CHAIRMAN. The point to which the Chair would call the attention of the gentleman from Indiana is to the query whether,

this proviso being here, the whole paragraph does not become an entirety, and the question then is not whether this is a germane amendment to the proviso, but is it a germane amendment to the whole paragraph in which the proviso is included?

Mr. OLMSTED. If the Chairman will permit an inquiry, I submit that——

The CHAIRMAN. If the gentleman from Indiana will yield.

Mr. HEMENWAY. I yield.

Mr. OLMSTED. The gentleman from California offered an amendment which, as written, applied specifically to page 65, another paragraph. Now, before he corrects that or offers a new amendment or asks unanimous consent to change that one, the gentleman from Indiana makes the point of order against the proviso on page 66, a different paragraph that has not been discussed. Now, would not his point of order be in order before the gentleman from California has amended his amendment or qualified it?

Mr. HEMENWAY. Of course.

Mr. ROBINSON of Indiana. Mr. Chairman, a parliamentary inquiry.

Mr. HEMENWAY. Following the suggestion of the Chair——

Mr. ROBINSON of Indiana. Mr. Chairman, if I may interrupt my colleague, I do not want any rights to be lost of putting in a new point of order by reason of germaneness, and I ask for the parliamentary status, so as to make that point if it is necessary at this time, Mr. Chairman.

The CHAIRMAN. What is the parliamentary question?

Mr. ROBINSON of Indiana. As to whether any point of order has been made as to the germaneness.

The CHAIRMAN. To the proviso or to the amendment offered by the gentleman from California?

Mr. ROBINSON of Indiana. Either.

The CHAIRMAN. The point of order has been made to the amendment offered by the gentleman from California—a general point of order.

Mr. ROBINSON of Indiana. If there has been no point of order as to the germaneness of this proposition, I desire to make the point of order that debate has already intervened and that it comes too late.

Mr. MANN. That was made in the beginning.

Mr. OLMSTED. Mr. Chairman, there has been no debate on the paragraph; the debate was on the amendment which was offered to the preceding paragraph, on page 65. My inquiry is whether the gentleman from Indiana was not in order in making the point of order against the proviso on page 66, no amendment having been offered and no debate having been had?

The CHAIRMAN. The Chair would be glad to hear the gentleman from Indiana.

Mr. HEMENWAY. If the Chair will answer the inquiry of the gentleman from Pennsylvania first.

The CHAIRMAN. That is, whether the amendment read belongs to page 65 rather than to page 66? The Chair is of opinion that this amendment having been read immediately after the paragraph on page 66, and having apparently been regarded as appertaining to that paragraph, the mere fact that in the written form of the amendment the figures 65 were used rather than 66 should not be considered. I will hear the gentleman from Indiana first. I desire to hear the gentleman from Indiana and the gentleman from California each particularly upon this point—is this amendment germane to the paragraph as completed by the inclusion of this proviso?

Mr. ROBINSON of Indiana. Mr. Chairman, I make the point that even if it were not germane, that the point came too late.

The CHAIRMAN. The general point of order having been raised, the Chair is inclined to consider the whole subject.

Mr. HEMENWAY. Mr. Chairman, this proviso provides that so much of the amount herein appropriated or hereafter appropriated for similar purposes as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article III of the treaty with China of 1894.

Now, the amendment adds the further proviso that $10,000 of this appropriation shall be for the enforcement of the laws so far as they prohibit the entering and harboring of the Chinese as seamen aboard vessels of American registry.

Now, these provisos have nothing whatever to do with each other. One provides for a system of measurement to identify Chinamen who are entitled to stay in the United States, those who are here being measured by this system and registered. That is the proviso. The other proviso offered by the gentleman from California provides that a certain amount of the appropriation shall be used for another purpose. Certainly one is not germane to the other.

The CHAIRMAN. The second proviso, as I understand the gentleman from Indiana, is not germane to the first proviso.

Mr. HEMENWAY. I think there is no question about that. It is not germane. If the Chair should hold that the whole section must be considered together, then, of course, it is a different question. "To prevent the unlawful entry of Chinese into the United States by the appointment of a suitable officer to enforce the laws in relation thereto, and for the expenses of return of all Chinese found to be unlawfully in the United States, etc., $600,000." I do not believe that even the proviso is germane to the section, taken as a whole. Mr. Chairman, I have nothing further to offer, and I still believe that even if it is germane, that under the statement of the Chair, which is correct, that this proviso having passed without any point of order being made to it that then the proviso changed existing law, is still subject to a point of order, the only amendment in order being one to perfect the section, and this is not such an amendment.

The CHAIRMAN. What does the gentleman from Indiana say as to the allegation that this amendment is in accordance with and in execution of existing law?

Mr. HEMENWAY. I am free to say that I am not thoroughly familiar with the law. I have no desire in the least, by making a point of order, to prevent the strict enforcement of the existing law. I have not the law here. My understanding is that it is a change of existing law. The gentleman from California perhaps has the law.

Mr. LIVERNASH. I regret to say that I have not the text of the law at hand; but I have considerable familiarity with that text, and can state the substance of it.

Mr. HEMENWAY. If the proviso does not change existing law, it is not subject to a point of order.

The CHAIRMAN. The Chair would like to hear the law on that subject.

Mr. LIVERNASH. Mr. Chairman, the point of order as to germaneness I shall not discuss further than to urge that the proviso the amendment is designed to follow is now a part of the paragraph in question here. It ceased to be open to be treated apart from the language of the paragraph proof against points of order when the reading had progressed to the end of the line my amendment follows.

It should be considered, I think, that the amendment is not any more offered to the proviso than to any other part of the paragraph. It amends the paragraph as an entirety, if it amends it at all; wherefore, if it be germane to any part of the paragraph, it is germane within the needs of the hour.

But, even if it were needful, the proviso now in the paragraph having been subject to a point of order as new legislation, that to escape the point of order as to germaneness the amendment should, if new legislation, be germane to the proviso, the amendment should, I feel, be ruled to be good, for it is not new legislation and the question of germaneness can not be narrowed as it is here sought to narrow it. Viewed broadly, certainly the amendment is germane to those provisions of the paragraph calling for enforcement of the exclusion laws.

That the amendment is not new legislation appears when it is pointed out that the law as it stands requires exclusion of the objectionable seamen from American territory, American ships being American territory.

The CHAIRMAN. Will the gentleman from California [Mr. LIVERNASH] suggest when this statute was passed? Does he refer to the latest law upon the subject?

Mr. LIVERNASH. The latest statute—the so-called "Platt Act"—extended the exclusion laws in effect at the time of its passage, with the qualifications required by the provision that those laws were extended only so far as consistent with treaty obligations. It also in terms made the exclusion laws applicable to our colonial possessions.

Now, the laws as they stand prohibit the coming upon our territory and the harboring within our dominion of any Chinese persons of certain classes, and Chinese seamen are within the definition of the classes to be excluded.

It only remains to repeat that in a line of decisions quite unbroken, so far as I know, the courts of this country have held that the deck of an American ship is American territory. It follows that Chinese seamen not eligible to come upon our soil are not eligible to come upon the deck of one of our ships. The amendment takes cognizance of this condition of the law; that is all. It adds nothing, takes away nothing. Its value lies in this: That it might stimulate the Department of Commerce and Labor to enforce the law and so to protect our own seamen.

The CHAIRMAN. The Chair will read the proviso:

Provided further, That $10,000 of this appropriation shall be for the enforcement of said laws, so far as they prohibit the entry and harboring of Chinese as seamen aboard vessels of American register.

Now, the natural inference, I take it, from this phraseology would be that there were specific provisions in the law prohibiting the entry and harboring of Chinese as seamen aboard vessels

of American register. Does the Chair understand that there are such provisions as that?

Mr. LIVERNASH. The laws do not in terms mention seamen, but they cover seamen. A ship carries only two classes of persons—passengers and seamen. The laws do not exclude passengers from our ships. Passengers may come to our ports and there apply for entry, but they do exclude persons who are not passengers, and persons who are not passengers are seamen. Thus, the amendment does not alter the law in the respect suggested.

Mr. PERKINS. Mr. Chairman, it seems to me, if I correctly understand the amendment offered by the gentleman from California [Mr. LIVERNASH], that he is seeking to put into this bill not an enforcement of what has been passed into law, but a declaration of what he claims is the law. Now, if I remember correctly, in the Chinese-exclusion bill that was passed two years ago it was sought to have enacted as law that it should apply to Chinese working upon American ships.

If that was the law, then it was not necessary for us to enact it into law, but this House adopted a provision by which we said that the Chinese should not be allowed to work as sailors upon American ships. That failed of passage and so did not become law. Certainly, Mr. Chairman, if there was a provision to that effect at that time, then the legislation which was sought to be passed was unnecessary, and I think the endeavor of the gentleman from California [Mr. LIVERNASH] is, by guise of an amendment, to declare not what has been enacted as law, but what he seeks to spell out of certain decisions of the courts in reference to the law. Certainly, Mr. Chairman, that is, as it seems to me, new legislation.

Mr. LIVERNASH. The gentleman from New York [Mr. PERKINS] seems to be somewhat in error. The exclusion bill to which he refers carried a paragraph expressly excluding Chinese seamen from our ships; but that was not because the old laws had not gone that length, but because we were codifying and strengthening the old laws and (the Treasury Department having neglected to enforce the law in its relation to Chinese seamen) it was deemed prudent to expressly provide for enforcement with so much clearness that there could be no possible excuse for continued neglect. Besides it was finally thought that the law should contain something permitting ships flying our flag to hire Chinese seamen in foreign ports under certain conditions—distress, for instance. True, some persons thought the laws did not reach to our ships, and they may think so yet; but I have never been in any doubt on the subject, and I am of the impression that the Department of Commerce and Labor is of the belief that the laws are as I have stated them.

The CHAIRMAN. Has the gentleman from California [Mr. LIVERNASH] any specific provision to which he desires to call the attention of the Chair—any provision relating to this subject and making the amendment germane as a provision coming in at the end of the paragraph?

Mr. LIVERNASH. I thank the Chair for the further opportunity, but I have sufficiently expressed my views.

The CHAIRMAN. The Chair will state that the general rule, apparently established, is as stated in the Digest:

> A paragraph which changes existing law being allowed by general consent to remain, it may be perfected by any germane amendment.

Now, it appears that a proviso was included here and passed without objection which would have been subject, the Chair believes, to a point of order. To that an amendment was proposed. There have been, as the Chair is informed, conflicting decisions, and it is desirable that a uniform rule be established. The rule has been applied that where a provision is inserted which changes existing law it may be perfected by an amendment (which is germane), even though not in accordance with existing law.

The Chair, though somewhat doubtful, thinks this the best rule: That if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the further paragraph which is proposed as an amendment carries a further degree of illegality affecting the whole paragraph as amended, then it is not in order.

So if the amendment of the gentleman from California simply pertained to the proviso which was out of order—that pertaining to the Bertillon system of identification, which was allowed to enter the bill—it would be in order; but if it pertains to the whole paragraph relating to the enforcement of the Chinese-exclusion act it is not in order.

It would appear from the reading that this is not an amendment to the proviso, which is in these words:

> *Provided*, That so much of the amount hereby appropriated, or hereafter appropriated for similar purposes, as may be necessary shall be available for the establishment and maintenance of the Bertillon system of identification at the various ports of entry; but this proviso shall not apply to persons embraced in Article III of the treaty with China of 1894.

To this it is proposed to add the amendment of the gentleman from California:

> *And provided further*, That $10,000 of this appropriation shall be for the enforcement of said laws so far as they prohibit the entry and harboring of Chinese as seamen aboard vessels of American register.

This proposed amendment clearly does not refer to the immediately preceding paragraph. It refers to the whole provision, beginning on the preceding page. Such being the case, the Chair sustains the point of order.

The Clerk read as follows:

> Upon payment into the Treasury of the United States by the Washington Terminal Company of the sum of $40,000, and the undertaking of said company at its expense to construct and maintain a siding from a connection with the tracks of the Philadelphia, Baltimore and Washington Railroad Company to a heat, light, and power building intended to be established and maintained at a point on Government Reservation No. 17, near the line of New Jersey avenue extended, in connection with and appurtenant to the fireproof building for committee rooms, folding room, and other offices for the House of Representatives, authorized by act of Congress approved March 3, 1903, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," the said The Washington Terminal Company, its successors and assigns, shall have and be possessed of the right and easement to occupy and use for the location, construction, and operation of its railroad authorized by act of Congress, approved February 28, 1903, entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," a subsurface parcel of land through and beneath square 630 in the city of Washington, recently acquired by the United States as the site for said fireproof building, of such width, not exceeding 70 feet, as shall be required for the location, construction, and operation of said company's railroad on the route thereof as located conformably to the requirements of said last-mentioned act. The said railroad to be located and operated in a tunnel, which shall be constructed in such manner and of such structural strength as to assure the safe and convenient use of said square 630 for the purposes of said building site, in accordance with plan of construction to be approved in duplicate original by the Superintendent of the United States Capitol Building and Grounds, and also by the chief engineer of the Philadelphia, Baltimore and Washington Railroad Company, and one of such duplicates shall be filed with said superintendent and the other delivered to said the Washington Terminal Company.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the the Clerk will read.

The Clerk read as follows:

> On page 71, after line 13, insert:
> "Toward the extension and completion of the Capitol building in accordance with the original plans therefor by the late Thomas U. Walter, with such modifications of the interior as may be found necessary or advantageous, and for each and every purpose connected therewith, $500,000; and the said construction shall be made under the direction of a commission, composed of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives of the Fifty-eighth Congress, to be appointed by the Speaker of the House of Representatives, and the Superintendent of the Capitol Building and Grounds, under the direction and supervision of said commission, is authorized to make contracts for said construction after proper advertisements and the reception of bids within a total sum not exceeding $2,500,000, including the sum herein appropriated, and said Superintendent, subject to the direction and approval of said commission, shall employ such professional and personal services in connection with said work as may be necessary. Any vacancy occurring, by resignation or otherwise, in the membership of the commission hereby created shall be filled by the presiding officer of the Senate or House, according as the vacancy occurs in the Senate or House representation on said commission."

Mr. HEMENWAY. Mr. Chairman, this is the provision put on the bill last year for the extension of the Capitol. I move the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

> Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity. To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $250,000: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Mr. MANN. Mr. Chairman, I make the point of order on that portion of the paragraph just read commencing with the word "*Provided*," in line 77, page 73, down to the end of the paragraph.

The CHAIRMAN. Page 73, lines 17 to 23, inclusive.

Mr. MANN. That is, providing—

> That agents and others employed under this appropriation shall be selected by the Secretary of the Interior.

The CHAIRMAN. Will the gentleman from Indiana, chairman of the Committee on Appropriations, state whether there is any law for thus fixing the appointment and compensation, as stated in this paragraph?

Mr. HEMENWAY. This is a limitation upon this appropriation that has been in the bill for many years. It puts this limitation on it:

> *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior—

and so forth. It is a pure limitation upon the expenditure of the money, and has run in the bill for many years.

The CHAIRMAN. The Chair would state that it does not appear to have the form of a limitation, but of an express, positive, or affirmative provision.

Agents and others employed under this appropriation shall be selected by the Secretary of the Interior.

That does not look like a limitation.

Mr. RODEY. I should like to ask the chairman of the committee how they would be selected if it were not for that limitation?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New Mexico?

Mr. HEMENWAY. Yes.

Mr. RODEY. I should like to ask the gentleman from Indiana how these employees would be selected were it not for this provision?

Mr. HEMENWAY (reading):

To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof——

Mr. MANN. This same point of order was raised several years ago, and sustained by the Chair. I afterwards withdrew the point of order upon the statement that it was proposed to make some permanent law upon this subject, or something of that sort. There is no possible question, in my judgment, about its being subject to the point of order.

Mr. GILLETT of Massachusetts. May I ask the gentleman from Illinois a question?

Mr. MANN. Certainly.

The CHAIRMAN. The gentleman from Indiana [Mr. HEMENWAY] has the floor. Does the gentleman from Indiana yield to the gentleman from Massachusetts?

Mr. HEMENWAY. I yield to the gentleman from Massachusetts.

Mr. GILLETT of Massachusetts. I simply wish to have the gentleman from Illinois state for the information of the Chair how these employees would be appointed if this provision were not in the bill? Of course, if it is simply in furtherance of present law it is not a change of existing law. I suppose it is incumbent on the person making the objection to show that it does change existing law.

Mr. MANN. It shows on its face that it changes existing law, or is new law, one of the two; and in either case it is subject to the point of order. And if I may be permitted to answer the question asked by the gentleman from New Mexico and the gentleman from Massachusetts, of course, if this item goes out these employees will be appointed the same as the other appointees in the Interior Department are appointed.

Mr. HEMENWAY. I did not catch what the gentleman said.

Mr. MANN. The gentleman from Massachusetts asked me a question, and I answered while the gentleman was engaged in inquiring for further information.

Mr. HEMENWAY. I have nothing further to offer on the point. I do not see why my friend should make it.

The CHAIRMAN. The Chair would state that unless there can be something cited which would justify this provision he will be compelled to sustain the point of order. It is clearly creating a law that does not already exist. The point of order is sustained.

Mr. HEMENWAY. I offer the following amendment.

Mr. LACEY. I would like to ask the gentleman making the point of order if he will not withdraw it. The situation there is peculiar. To require that in securing a detective to enter upon a search for robbery the Secretary should be required to select a man on the civil-service list, at the head of the list, I believe would really absolutely prevent securing a suitable man. The Secretary is confronted with a number of frauds. A special and peculiar man, a man specially fitted for that particular work, may be selected by him to perform those duties, but under the civil-service law he must take whoever is at the head of the list, that has passed the necessary satisfactory examination as to his educational qualifications, without adaptation for secret-service work, the class of work required to be done here. I hope the gentleman will withdraw the point of order.

Mr. MANN. There are several other items in the bill that are subject to a similar point of order.

Mr. LACEY. But the gentleman will see the difficulty that the Secretary would labor under in his efforts to enforce this law without having a chance to pick the agent.

Mr. MANN. I do not see any greater difficulty about selecting Government employees in this case than in any other case under the Government. These men, as I know from some information, a great many of them, are not skilled in any way and not detectives by any means. There are several of these items. I am perfectly willing for it to be considered subject to the point of order, but I shall insist on the point of order.

Mr. HEMENWAY. I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 17, page 73, insert:

"*Provided*, That in expending this sum agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares."

Mr. MANN. I make the point of order on that, Mr. Chairman. I would not consider that the gentleman thought I knew anything about parliamentary law if he thought I would make the point of order on one and not on the other.

Mr. HEMENWAY. This makes it within the rule. I believe if the gentleman will investigate these matters that he will not want to insist upon the point of order. So I ask that it may go over without prejudice until to-morrow.

The CHAIRMAN. Unanimous consent is asked that the paragraph go over without prejudice.

Mr. MANN. Down to surveying of public lands, on page 76, then.

The CHAIRMAN. The Chair understands the request of the gentleman to be to include from line 17 to line 23, inclusive.

Mr. HEMENWAY. That is right. After we get through with the other point you want to make the point.

The CHAIRMAN. Then, without objection, the request will be granted and the paragraph from line 17 to line 23, on page 73, will be passed over.

The Clerk read as follows:

Protection and administration of forest reserves: To meet the expenses of executing the provisions of the sundry civil act approved June 4, 1897, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, $375,000: *Provided further*, That forestry agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Mr. MANN. I make the point of order against that.

Mr. HEMENWAY. Let it go over.

The CHAIRMAN. The gentleman makes the point of order on page 74, line 17 to line 22.

Mr. MANN. I am perfectly willing to reserve the point of order, but I want the point of order stated before it goes over. I wish to state the point of order, Mr. Chairman. It is to lines 8 to 16 on page 74.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to make the point of order also to that paragraph?

Mr. MANN. I certainly do make the point of order to lines 8 to 16 of the paragraph on page 74.

The CHAIRMAN. And also to lines 17 to 22?

Mr. MANN. No; I do not make the point of order on lines 17 to 22.

The CHAIRMAN. The Chair will restate the proposition. Lines 17 to 22, being similar to those on the preceding page, in the location of the paragraph, it was understood by the Chair as to these lines that the point of order was raised. Unanimous consent is asked that the consideration of lines 8 to 16 be passed without prejudice. Is there objection?

Mr. OLMSTED. Pending that, I would like to ask the Chairman one question as to the meaning of these words, "in lieu of subsistence, at a rate not exceeding $3 per day." Now, does that mean that these employees are to be allowed $3 a day in lieu of their expenses?

Mr. HEMENWAY. Instead of paying their actual bills on voucher, they give them $3. If paid for subsistence, they would have to have receipts for breakfast, dinner, supper, and so on.

Mr. OLMSTED. Do they get this in addition?

Mr. HEMENWAY. It is in lieu of subsistence.

Mr. OLMSTED. "Not exceeding $3 per day each, and actual expenses for transportation, including necessary sleeping-car fares."

Mr. HEMENWAY. That is their transportation, not subsistence.

Mr. OLMSTED. Does that include compensation also, or is this given in addition?

Mr. HEMENWAY. No; this does not contain their compensation.

Mr. OLMSTED. Is this their traveling expenses?

Mr. HEMENWAY. They get their travel pay, and this $3 is in lieu of subsistence.

Mr. RODEY. Mr. Chairman, I would like to ask the gentleman from Indiana a question. If this matter is passed over until to-morrow, I would ask if that paragraph—as it is permitted to

stand, and not subject to the point of order—is open to amendment?

Mr. HEMENWAY. If the amendment is in order; yes.

The CHAIRMAN. The whole paragraph will come before the committee.

Mr. HOGG. Mr. Chairman, I simply want to ask if one might be permitted to introduce an amendment afterwards to this section?

Mr. HEMENWAY. Yes; of course, if it is in order. Of course I reserve the right to make the point of order.

Mr. ROBINSON of Indiana. Mr. Chairman, inquiry was made in reference to this part of the section which reads "in lieu of subsistence" by the gentleman from Pennsylvania [Mr. OLMSTED]. I am not sure as to the operation of the law embodied in several previous sections, but it is in practically the same language as the other. There is a Department of the Government that makes its regulations under a Congressional enactment not dissimilar to this language, "in lieu of subsistence," and those regulations give a certain per diem allowance. The officer receiving the allowance has a salary to start with. The Government furnishes them certain necessaries not unlike those provided for here, as sleeping-car and railroad expenses, and in addition to that their salary is raised by bureau legislation by the amount of the commutation for sub istence, which is contained in that case in language similar to this, at the rate of $2 a day for every day in the year.

In other words, an officer receives $2,000 salary, we will say, and in lieu of subsistence he receives $2 for each day of the year, which gives him $720 in addition to that salary. And he gets that subsistence lieu, though in great part the Government furnishes it in another manner to him. He gets it twice in part, and in addition to that gets his salary. It is an indirect increase of salary of officers by a bureau legislation of this Government, creating an abuse and discrimination open and flagrant, and is legislation by a bureau without Congressional sanction. Whether it prevails in reference to the Department provided for in this section I do not know, but I thought it well for the gentleman to have this statement made to aid him in his investigation, because that is an objectionable class of bureau legislation that I will try to prevent in reference to another bureau covered in this bill's appropriation, and which was passed over by consent till to-morrow.

The Clerk read as follows:

Examinations of desert lands: To enable the Secretary of the Interior to examine, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section 4 of the act of Congress approved August 18, 1894, $1,000: *Provided*, That if such examinations be made by detailed clerks or employees of the Department, they shall be entitled to actual necessary expenses of transportation, including necessary sleeping-car fares, and not exceeding $3 per day in lieu of subsistence.

Mr. HOGG. Mr. Chairman, I would like have that section passed also.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the paragraph on page 75 beginning on line 9 and extending down to and including line 19 be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ROBINSON of Indiana. Mr. Chairman, I ask unanimous consent that on page 72, beginning with line 14, down to line 5 on page 73, be likewise passed without prejudice. It is embraced in the same general class, and if anything develops to-morrow we ought to have it in with the same general proposition.

Mr. HEMENWAY. Mr. Chairman, it has no relation to this item, and I shall have to object.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

Transcripts of records and plats, General Land Office: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, $18,720: *Provided*, That persons employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of $2 per day while actually employed, at such times and for such periods as the exigencies of the work may demand: *Provided further*, That not more than one-twelfth of this appropriation shall be expended in any one month of the year for which it is available.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I raise the point of order.

The CHAIRMAN. The gentleman from Illinois desires to raise the point of order.

Mr. MANN. I desire to raise the point of order to that portion of the paragraph commencing with the word "*Provided*," in line 24, page 75, and ending with the word "demand," in line 3, page 76.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the portion of the paragraph beginning with the word "*Provided*," in line 24, page 75, and ending with the word "demand," in line 3, page 76.

Mr. HEMENWAY. That is in line with the other request made.

Mr. OLMSTED. I wish to ask the gentleman from Indiana the purpose of this appropriation, which seems to be for making copies of papers in the Land Office. Why can they not be made without this appropriation of $18,720 by the clerks already employed at fixed salaries for that Department?

Mr. HEMENWAY. I will say to the gentleman that this lot of clerks have been employed for many years. The general appropriation has been $10,000 per annum, but before the end of the year rolls up they would have to have an additional appropriation of anywhere from $6,000 to $10,000. The Government gets paid for this work, and the receipts amount to more than the expenditures. There is so much work it would be impossible for the clerks in the office to do it without the aid of this additional force.

Mr. OLMSTED. Why not, then, give them more clerks that come under the usual civil-service regulations rather than appoint continually, and for all time to come apparently, clerks from the outside, to be selected at the will of the Secretary at a cost of from eighteen to twenty thousand dollars?

Mr. HEMENWAY. Well, the only reason I can give is this, that the Government has no trouble in getting these clerks at this price. So far as I understand, they are ladies employed who are thoroughly competent, and they are anxious to have this employment, and this item has run in the bill for a long while; I think ever since I have been in Congress. This was and is simply one little lot of employees who are not under civil service and can be employed by the Secretary of the Interior without regard to civil-service rules.

Mr. OLMSTED. I do not see why they shouldn't all be employed in that way if a part are.

Mr. HEMENWAY. It results in saving the Government annually a great deal of money, for these clerks employed at $2 a day do the work of clerks receiving larger salaries under the classified service. As far as I can learn these people are glad to get the employment and do the work for the price received.

Mr. OLMSTED. Does not that indicate that you could get clerks to do the whole work at this rate?

Mr. HEMENWAY. I think so.

Mr. HOGG. Does the gentleman think he could get men out West in the forest reserves that will do any considerable work for $2 a day?

Mr. HEMENWAY. Oh, this has nothing to do with the West. These are young or old ladies—I do not know which—employed here in the Department.

Mr. HOGG. I think the execution of the laws heretofore in regard to western affairs has been in the hands of old ladies. [Laughter.]

Mr. HEMENWAY. This is not a western affair; this is a force employed in Washington making transcripts of records.

Mr. HOGG. I understand that; but doesn't the gentleman think that you ought to have clerks in the Interior Department that know what they are about?

Mr. HEMENWAY. Has the gentleman ever heard anyone complain that this work was not well done?

Mr. HOGG. Yes.

Mr. HEMENWAY. I never heard of it.

Mr. HOGG. Well, I can tell the gentleman that it isn't done satisfactorily. The trouble in the West is you get women in Washington to do the work for the West and we get the result of it.

Mr. HEMENWAY. I do not think the gentleman understands the paragraph. These people are not doing work for out West, they are at work in the Interior Department.

Mr. HOGG. And when they get through with their copying, although they remain in the Department, we get the result of it.

Mr. HEMENWAY. The gentleman is mistaken. They are simply copyists who sit down and copy records and afterwards compare them and see that they are correct.

Mr. HOGG. And we get the results of these matters that are determined by the Interior Department by this class of employees.

Mr. HEMENWAY. These services are performed in the Interior Department; they are only to copy records, and they have nothing whatever to do with the West.

Mr. HOGG. If you will just say that they are for mere clerical duties, we will be content. The trouble out West is that we have suffered from the people who make reports to the Interior Department, who take those reports as absolute verity.

Mr. HEMENWAY. Well, this force has nothing to do with that; they are purely copyists.

Mr. GROSVENOR. Is there objection to this item?

Mr. HEMENWAY. The gentleman from Illinois, I understand, asks that this portion of the proviso which provides that these persons employed under this appropriation shall be selected by the Secretary of the Interior, at a compensation of $2 a day, may be passed over. He reserves the point of order to it.

Mr. GROSVENOR. I hope that will not be objected to, because this is the last vestige of the spoils system in our Government. [Laughter.]

Mr. MANN. The gentleman from Ohio might bring in a rule to preserve it.

Mr. HEMENWAY. The gentleman from Illinois wants it to go over until to-morrow.

Mr. TAWNEY. Does the gentleman from Ohio know that even if these people are not under the classified service that when he goes to secure the appointment of some one he finds that they have to pass an examination?

Mr. GROSVENOR. I leave that to the apostles of civil-service reform to ask for those places. I never have asked for one.

Mr. LACEY. If the gentleman from Indiana will permit, I would like to make a suggestion. This work is irregular. Sometimes the demand is very large and sometimes very small. If you employed a permanent force by the year, adequate to make the copies at all times, you would have an excessive force. This force, as it it now constituted, can be diminished or increased as necessity dictates.

Mr. MANN. Has the gentleman from Iowa read this paragraph?

Mr. LACEY. I have.

Mr. MANN. Does the gentleman know that the paragraph provides that no more than one-twelfth shall be expended in any one month?

Mr. LACEY. That makes no difference.

Mr. MANN. I should think it would make a difference whether the force was permanent or not.

Mr. LACEY. When more force is demanded they can increase it by paying $2 a day, and when it is not demanded they can decrease it by discharging them.

Mr. OLMSTED. Doesn't the gentleman know that they pay $2 a day for every day in the year?

Mr. ROBINSON of Indiana. Mr. Chairman, the rights of the people to peaceably assemble and petition Congress is guaranteed by the Constitution. This extends not only to petitions for legislation not pending, but to protests against legislation threatened and for legislation for which no action has been taken. I desire to read a petition at this time. It is as follows:

HEADQUARTERS STANSBURY POST, No. 125,
DEPARTMENT OF INDIANA, GRAND ARMY OF THE REPUBLIC,
Ligonier, Ind., March 25, 1904.

Resolved, (1) That the new ruling of E. F. Ware, Commissioner of Pensions, does not meet the wishes of Stansbury Post, No. 125, Grand Army of the Republic, Department of Indiana, in the matter of service pensions and is not acceptable as a substitute for a service-pension bill.

(2) That if the said ruling was made to prevent enactment of pending pension legislation, we consider it a direct slap in the face of the old soldier.

(3) That we have no fault to find with the ruling itself so far as it goes.

(4) That, considering the difference in point of length of service, battles fought, territory marched over, and consequent exposure and endurance suffered, the usual comparisons of the veteran of 1861-1865 with the Mexican war veteran is hardly fair; and if discrimination is had, it should be in favor of the former and not against them.

C. R. GRAVES, *Commander.*
I. SIMMONS, *Adjutant.*

Hundreds of petitions like this from Grand Army posts and old soldiers have been received by Members of Congress and thousands more are on the way. These prayers should be heard and published in the RECORD.

Mr. HEMENWAY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

LEWIS AND CLARK EXPOSITION.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I shall send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That during the remainder of this session the bill (S. 276) entitled "An act to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country," etc., shall have the privilege of bills reported from committees having leave to report at any time.

The SPEAKER. Is there objection to the present consideration of the resolution.

Mr. ROBINSON of Indiana. Mr. Speaker I reserve the right to object.

Mr. RODEY. Mr. Speaker, I would like to ask the gentleman if that cuts out the privileged report——

Mr. TAWNEY. It does not cut out a privileged report and does not affect the privilege of any other bill. The Committee on Industrial Arts and Expositions has stricken out of the Senate bill all after the enacting clause, and has reported a bill to the House which provides simply for governmental participation in the exposition which is to be held in Oregon next year for the purpose of commemorating this event. It is merely for governmental participation. It does not authorize the exposition, it does not appoint a commission, it does not invite foreign governments, but is simply such participation as the Government has heretofore taken in the matter of expositions authorized by the States. This resolution is simply for the purpose of affording an opportunity to have the bill considered at some time before the close of the session.

Mr. ROBINSON of Indiana. Will it interfere with the Territorial bill on the subject of statehood?

Mr. TAWNEY. It does not interfere with the statehood bill or any other bill.

Mr. ROBINSON of Indiana. I should want to be satisfied of that proposition.

Mr. TAWNEY. If the gentleman will make a parliamentary inquiry, I think the Speaker will satisfy him that this privilege will not conflict with any privileged matter in the House.

Mr. OLMSTED. How much more money does it appropriate?

Mr. GAINES of Tennessee. Mr. Speaker, I don't understand exactly what the bill is. The gentleman has told us what it is not, but I should like to know what it is.

Mr. TAWNEY. The bill authorizes governmental participation in the State exposition at Oregon, known as the "Lewis and Clark Centennial Exposition," in 1905. The Senate bill appropriated $1,775,000 and the substitute proposed on the part of the House committee appropriates for a Government building, an exhibit only, $475,000.

Mr. GAINES of Tennessee. How much money does the bill carry in all?

Mr. SMITH of Kentucky. Four hundred and seventy-five thousand dollars.

Mr. TAWNEY. The substitute proposed by the House appropriates $475,000 instead of $1,775,000, as the bill came to the House from the Senate.

Mr. GROSVENOR. Mr. Speaker, I would like to ask the gentleman what his purpose is. Is it to prevent other legislation, to block other legislation and prevent other resolutions?

Mr. TAWNEY. Not at all.

Mr. GROSVENOR. When does the gentleman propose to take it up?

Mr. TAWNEY. Whenever there is an opportunity for taking it up. It is not privileged, and there is no way by which it can be gotten up, except by a rule, unless by unanimous consent.

Mr. GROSVENOR. I have made some efforts to get some legislation heard myself, but have thus far been unable to do it.

Mr. TAWNEY. This proposition simply saves the necessity of applying to the Committee on Rules for a rule providing for the consideration of the bill.

Mr. DALZELL. If I understand it, this order does not do anything more than give an opportunity for this particular bill to receive consideration.

Mr. TAWNEY. That is all.

The SPEAKER. The Chair understands that this proposed order would give this bill the same privileges, for instance, as a resolution from the Committee on Accounts; that is to say, it will be within the power of the House, if this order be adopted, to consider this bill as a privileged matter whenever a majority may choose to consider it. It will enable the gentleman from Minnesota [Mr. TAWNEY] and his committee to have the bill considered at any time, if a majority of the House should desire to consider it. Is there objection?

Mr. ROBINSON of Indiana. Reserving the right to object, I want to ask the gentleman from Minnesota whether he desires that some day this bill shall be considered and immediately passed, or does he desire to use it as a "buffer" to keep out other legislation?

Mr. TAWNEY. I desire to have the bill considered on its merits and passed whenever a majority of the House may decide to take it up.

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. I am opposed to the appropriation, but will not object to the consideration of the order.

Mr. MANN. I think that a request of this kind ought to be submitted when there are more Members present than there are now.

Mr. TAWNEY. I am as sorry as the gentleman that there are not more here.

Mr. MANN. If the proposition is pressed, I must object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11612. An act granting an increase of pension to George H. Abney;

H. R. 3642. An act granting an increase of pension to James H. Martin;
H. R. 11838. An act granting an increase of pension to William H. Mann;
H. R. 12134. An act granting an increase of pension to Albert Haldeman;
H. R. 11615. An act granting an increase of pension to Socrates Moore;
H. R. 3149. An act granting an increase of pension to John S. Mavity;
H. R. 6706. An act granting an increase of pension to James Bliss;
H. R. 8462. An act granting an increase of pension to James Walts;
H. R. 8713. An act granting an increase of pension to Elam Allen;
H. R. 9562. An act granting an increase of pension to Warren R. Herrell;
H. R. 4980. An act granting an increase of pension to Thomas E. Connor, alias Darius B. Smith;
H. R. 2929. An act granting an increase of pension to Benjamin F. Gates;
H. R. 4120. An act granting an increase of pension to Henry R. Guss;
H. R. 3832. An act granting an increase of pension to Eli T. Hoyt;
H. R. 744. An act granting an increase of pension to George W. Carr;
H. R. 732. An act granting an increase of pension to John L. B. Thompson;
H. R. 9504. An act granting an increase of pension to Augustus Johns;
H. R. 3733. An act granting an increase of pension to Robert H. McIlroy;
H. R. 1568. An act granting an increase of pension to James V. Tabor;
H. R. 4949. An act granting an increase of pension to George L. Bixler;
H. R. 11610. An act granting an increase of pension to Alexander S. Hill;
H. R. 8180. An act granting an increase of pension to William Smith;
H. R. 8220. An act granting an increase of pension to Edward B. Nugent;
H. R. 11177. An act granting an increase of pension to George Manypenny;
H. R. 728. An act granting an increase of pension to Benjamin F. Evans;
H. R. 11846. An act granting an increase of pension to David Kinsey;
H. R. 5700. An act granting an increase of pension to Christopher C. Richards;
H. R. 2922. An act granting an increase of pension to George W. Ford;
H. R. 2041. An act granting an increase of pension to James W. Adams;
H. R. 12434. An act granting an increase of pension to Rebecca McKinney;
H. R. 7482. An act granting an increase of pension to Jennie Pettit Morrison;
H. R. 12326. An act granting an increase of pension to Matthew Curran;
H. R. 3171. An act granting an increase of pension to George N. Crawford;
H. R. 10845. An act granting an increase of pension to John C. Webb;
H. R. 11498. An act granting an increase of pension to William A. Porter;
H. R. 4877. An act granting an increase of pension to Mathias C. Mills;
H. R. 725. An act granting an increase of pension to Alexander M. Ballou;
H. R. 1267. An act granting an increase of pension to D. Miller Gordon;
H. R. 4892. An act granting an increase of pension to Elias Veatch;
H. R. 12965. An act granting an increase of pension to William H. Dailey;
H. R. 4718. An act granting an increase of pension to Thomas Ballard;
H. R. 10478. An act granting an increase of pension to William T. Hayter;
H. R. 6087. An act granting an increase of pension to Anthony Bracklin;
H. R. 4928. An act granting an increase of pension to Jason H. Masterson;
H. R. 11606. An act granting an increase of pension to Caleb J. May;
H. R. 4565. An act granting an increase of pension to Carrie Keefer; and
H. R. 544. An act granting an increase of pension to Luther St. John.

The SPEAKER announced his signature to enrolled joint resolutions and bills of the following titles:

S. R. 34. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Alfonso Zelaya, of Nicaragua:

S. R. 28. Joint resolution authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah;

S. 870. An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak:

S. 3430. An act to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia; and

S. 4142. An act granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5075. An act to authorize the board of commissioners of Vigo County, Ind., to construct and maintain a wagon, foot, and trolley-car bridge across the Wabash River at the foot of Wabash avenue, in the city of Terre Haute, in said county and State—to the Committee on Interstate and Foreign Commerce.

S. 4448. An act for the relief of Central University of the State of Kentucky, and A. R. Burnam and John Bennett—to the Committee on Claims.

S. 4248. An act to establish a fish-culture station in the State of Idaho—to the Committee on the Merchant Marine and Fisheries.

S. 3781. An act relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane—to the Committee on Invalid Pensions.

S. 3456. An act to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes—to the Committee on the District of Columbia.

REPRINT OF SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. Speaker, I ask unanimous consent that House bill No. 14416, the sundry civil appropriation bill, be reprinted.

There being no objection, it was ordered accordingly.

And then, on motion of Mr. HEMENWAY (at 5 o'clock and 15 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for compensation for damages done to private property by gun firing—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11518) to authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Bigstone Gap, Va., reported the same without amendment, accompanied by a report (No. 1970); which said bill and report were referred to the House Calendar.

Mr. GILLETT of California, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 7289) to extend to citizens of the United States who were owners, charterers, masters, officers, and crews of certain vessels registered under the laws of the United States, and to citizens of the United States whose claims were rejected because of the American citizenship of the claimants, or of one or more of the owners, by the

international commission appointed pursuant to the convention of February 8, 1896, between the United States and Great Britain, the relief heretofore granted to and received by British subjects in respect of damages for unlawful seizures of vessels or cargoes, or both, or for damnifying interference with the vessels or the voyages of vessels engaged in sealing beyond the 3-mile limit and beyond the jurisdiction of the United States, in accordance with the judgment of the fur-seal arbitration at Paris, in its award of August 15, 1893, and so that justice shall not be denied to American citizens which has been so freely meted out to British subjects, reported the same without amendment, accompanied by a report (No. 1971); which said bill and report were referred to the House Calendar.

Mr. BROWN of Wisconsin, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 1974) amending the act of Congress approved January 26, 1895, entitled "An act authorizing the Secretary of the Interior to correct errors where double allotments of land have erroneously been made to an Indian, to correct errors in patents, and for other purposes," reported the same with amendment, accompanied by a report (No. 1972); which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3725) to establish a light-house and fog-signal station at the entrance to Bellingham Bay, State of Washington, reported the same without amendment, accompanied by a report (No. 1973); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11132) to establish a light and fog signal at or near Black Ledge, New London Harbor, Connecticut, reported the same with amendment, accompanied by a report (No. 1974); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 39) for a light-house and fog signal on Rock of Ages, Lake Superior, reported the same without amendment, accompanied by a report (No. 1975); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14500) to ratify and confirm the present right of way of the Oahu Railway and Land Company through the military reservation of Kahauiki, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 2031); which said bill and report were referred to the House Calendar.

Mr. SHACKLEFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 12386) to authorize W. Denny & Co. to bridge Dog River, in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 2032); which said bill and report were referred to the House Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 9055) providing for rank and pay for certain retired officers of the Navy, reported the same without amendment, accompanied by a report (No. 2038); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1860) for the relief of certain enlisted men of the Twentieth Regiment of New York Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 1969); which said bill and report were referred to the Private Calendar.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 122) permitting Maj. Thomas W. Symons, Corps of Engineers, to assist the State of New York by acting as a member of an advisory board, reported the same with amendment, accompanied by a report (No. 1976); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4936) granting an increase of pension to Emma J. Smith, reported the same without amendment, accompanied by a report (No. 1977); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13178) granting a pension to Julius H. Rogge, reported the same with amendment, accompanied by a report (No. 1978); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4773) granting a pension to Juliette Nunez, reported the same without amendment, accompanied by a report (No. 1979); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4891) granting a pension to Julia R. Braxtun, reported the same with amendment, accompanied by a report (No. 1980); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5032) granting an increase of pension to Charles H. Edick, reported the same without amendment, accompanied by a report (No. 1981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5077) granting an increase of pension to Agnes Harmon, reported the same without amendment, accompanied by a report (No. 1982); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5110) granting a pension to Cornelia K. Smith, reported the same without amendment, accompanied by a report (No. 1983); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4139) granting an increase of pension to John D. Henderson, reported the same without amendment, accompanied by a report (No. 1984); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13381) granting an increase of pension to John Calloway, reported the same with amendment, accompanied by a report (No. 1985); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9788) granting an increase of pension to George W. Blanchard, reported the same with amendment, accompanied by a report (No. 1986); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10708) granting an increase of pension to Alfred A. Burrell, reported the same with amendment, accompanied by a report (No. 1987); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10699) granting an increase of pension to Henry J. Brockway, reported the same with amendment, accompanied by a report (No. 1988); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7366) granting an increase of pension to Thomas J. Cannon, reported the same with amendment, accompanied by a report (No. 1989); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4777) granting an increase of pension to Thomas McCormick, reported the same without amendment, accompanied by a report (No. 1990); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6307) granting a pension to Elizabeth Hopper, reported the same without amendment, accompanied by a report (No. 1991); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8464) granting a pension to Susan T. Bunch, reported the same with amendment, accompanied by a report (No. 1992); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3385) granting an increase of pension to John A. Blair, reported the same without amendment, accompanied by a report (No. 1993); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 908) granting an increase of pension to Charles A. Tarbox, reported the same with-

out amendment, accompanied by a report (No. 1994); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2569) granting an increase of pension to John W. Allen, reported the same without amendment, accompanied by a report (No. 1995); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13935) granting an increase of pension to John F. Cummins, reported the same without amendment, accompanied by a report (No. 1996); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2582) granting an increase of pension to Harry M. Sherman, reported the same without amendment, accompanied by a report (No. 1997); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11662) granting an increase of pension to John H. Brodrick, reported the same with amendment, accompanied by a report (No. 1998); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4695) granting an increase of pension to Horatio P. Abbott reported the same without amendment, accompanied by a report (No. 1999); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9127) granting an increase of pension to Chester H. Buck, reported the same with amendment, accompanied by a report (No. 2000); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 460) granting an increase of pension to Mary C. Nicholson, reported the same without amendment, accompanied by a report (No. 2001); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4480) granting an increase of pension to Jane E. Fuller, reported the same without amendment, accompanied by a report (No. 2002); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3485) granting an increase of pension to Elizabeth Bedford, reported the same without amendment, accompanied by a report (No. 2003); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8213) granting an increase of pension to Thomas Murray, reported the same with amendment, accompanied by a report (No. 2004); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6962) granting an increase of pension to Pauline N. Pearson, reported the same with amendment, accompanied by a report (No. 2005); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2194) granting an increase of pension to Phoebe Buch, reported the same without amendment, accompanied by a report (No. 2006); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2508) granting an increase of pension to Morris H. Jones, reported the same without amendment, accompanied by a report (No. 2007); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4363) granting an increase of pension to Eli Veazie, reported the same without amendment, accompanied by a report (No. 2008); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6916) granting an increase of pension to Alexander Hardy, reported the same with amendment, accompanied by a report (No. 2009); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6502) granting a pension to Onslow N. McIntire, reported the same with amendment, accompanied by a report (No. 2010); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2636) granting an increase of pension to Alvin D. Lane, reported the same without amendment, accompanied by a report (No. 2011); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 25) granting an increase of pension to Amanda J. Frybarger, reported the same without amendment, accompanied by a report (No. 2012); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2380) granting a pension to Jane Smith, reported the same without amendment, accompanied by a report (No. 2013); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4275) granting a pension to Nancy Noxon, reported the same without amendment, accompanied by a report (No. 2014); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9021) granting an increase of pension to Joseph Whitman, reported the same with amendment, accompanied by a report (No. 2015); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7752) granting a pension to William L. Rutter, reported the same with amendment, accompanied by a report (No. 2016); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7064) granting an increase of pension to Charles Von Lukowitz, reported the same with amendment, accompanied by a report (No. 2017); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2657) granting an increase of pension to Robert T. Wood, reported the same without amendment, accompanied by a report (No. 2018); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2372) granting an increase of pension to David M. Davis, reported the same without amendment, accompanied by a report (No. 2019); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5867) granting a pension to Ina D. Burdick, reported the same with amendment, accompanied by a report (No. 2020); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3084) granting an increase of pension to Helen F. Nichols, reported the same without amendment, accompanied by a report (No. 2021); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2567) granting an increase of pension to Alexander D. Ramsey, reported the same without amendment, accompanied by a report (No. 2022); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4731) granting an increase of pension to John A. Brown, reported the same without amendment, accompanied by a report (No. 2023); which said bill and report were referred to the Private Calendar.

Mr. SNOOK, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4056) granting an increase of pension to Wilson Snider, reported the same with amendment, accompanied by a report (No. 2024); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4511) granting an increase of pension to James L. Porter, reported the same without amendment, accompanied by a report (No. 2025); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3227) granting an increase of pension to James F. Mears, reported the same without amendment, accompanied by a report (No. 2026); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12607) granting an increase of pension to John M. Savoree, reported the same with amendment, accompanied by a report (No. 2027); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13485) granting an increase of pension to William Glasgow, reported the same

with amendment, accompanied by a report (No. 2028); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11989) granting a pension to Emma C. Dougal, reported the same with amendment, accompanied by a report (No. 2029); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4514) granting an increase of pension to John P. Whitehouse, reported the same without amendment, accompanied by a report (No. 2030); which said bill and report were referred to the Private Calendar.

Mr. TATE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1476) to amend the naval record of John W. Thompson, and secure for him an honorable discharge, reported the same with amendment, accompanied by a report (No. 2033); which said bill and report were referred to the Private Calendar.

Mr. BRICK, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 6826) for the relief of Creighton Churchill, an ensign on the retired list of the Navy, reported the same with amendment, accompanied by a report (No. 2034); which said bill and report were referred to the Private Calendar.

Mr. BRANDEGEE, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12582) for the relief of George F. Phillips, of Galveston, Tex., late chief machinist, United States Navy, one of the crew of the *Merrimac*, reported the same with amendment, accompanied by a report (No. 2035); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13483) for the relief of Lewis Poessel, reported the same without amendment, accompanied by a report (No. 2036); which said bill and report were referred to the Private Calendar.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 2650) to transfer Capt. Seth Mitchell Ackley from the retired to the active list of the Navy, reported the same without amendment, accompanied by a report (No. 2037); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9673) granting an increase of pension to James Pollard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4459) granting a pension to Catharine W. Stoops—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PEARRE: A bill (H. R. 14534) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company"—to the Committee on the District of Columbia.

By Mr. BONYNGE: A bill (H. R. 14535) to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 14536) to create a recording district in the Indian Territory and to establish a United States district court at Okemah, Ind. T.—to the Committee on the Judiciary.

By Mr. LOVERING: A bill (H. R. 14537) to provide for the temporary government of the territory or zone of land to be occupied and controlled by the United States for the construction of an interoceanic canal and other works necessary and convenient for the operation and protection of said enterprise, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr RUCKER: A bill (H. R. 14538) to provide for the education of the blind—to the Committee on Education.

By Mr. OTIS: A bill (H. R. 14539) to prevent the desecration of the American flag—to the Committee on the Judiciary.

By Mr. OLMSTED: A bill (H. R. 14540) to establish a fish hatchery and fish-culture station in the county of Cumberland, in the State of Pennsylvania, for the propagation of trout, bass, and other game and food fishes—to the Committee on the Merchant Marine and Fisheries.

By Mr. COCKRAN of New York: A resolution (H. Res. 278) of inquiry as to authority for issuing Executive Order No. 78 by the Department of the Interior—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BONYNGE: A bill (H. R. 14541) granting an increase of pension to Azaria S. Elwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14542) granting an increase of pension to William J. F. Barcus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14543) granting an increase of pension to Harry M. de Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14544) granting a pension to David L. Finch—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 14545) granting a pension to Felix G. Stidger—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 14546) granting a pension to Anna Horine—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14547) for the relief of the widow and children of Milton S. Thompson, deceased, late railway postal clerk, of Uniontown, Pa.—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: A bill (H. R. 14548) for the relief of the Eureka Insurance Company, of Pittsburg, Pa.—to the Committee on Appropriations.

By Mr. DARRAGH: A bill (H. R. 14549 granting an increase of pension to Edward Creech—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 14550) to correct the military record of Martin L. Cupples—to the Committee on Military Affairs.

Also, a bill (H. R. 14551) granting a pension to Ellen Drass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14552) granting a pension to Samuel Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14553) granting a pension to Susan J. McDermitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14554) granting a pension to Louisa V. Bowers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14555) granting an increase of pension to Rudolph Ralle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14556) granting an increase of pension to Joseph S. Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14557) granting an increase of pension to Peter Kinsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14558) granting an increase of pension to William H. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14559) granting an increase of pension to Samuel T. Askey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14560) granting an increase of pension to Asbury W. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14561) granting an increase of pension to John F. Welch—to the Committee on Invalid Pensions.

By Mr. GILLET of New York: A bill (H. R. 14562) granting a pension to Frances W. Graves—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 14563) granting an increase of pension to Adolphus Bump—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 14564) granting a pension to Frazier Ward—to the Committee on Pensions.

Also, a bill (H. R. 14565) granting a pension to Frank M. Strickland—to the Committee on Pensions.

By Mr. HILDEBRANT: A bill (H. R. 1456) granting an increase of pension to George M. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14567) granting an increase of pension to H. C. Johnson—to the Committee on Invalid Pensions.

By Mr. JACKSON of Maryland: A bill (H. R. 14 68) granting a pension to John W. Jones—to the Committee on Invalid Pensions.

By Mr. JACKSON of Ohio: A bill (H. R. 14569) granting a pension to Maggie Weygandt—to the Committee on Invalid Pensions.

By Mr. LESTER: A bill (H. R. 14570) for the relief of the estate of Sarah S. Maner—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 14571) to correct the military record of George H. Keating—to the Committee on Military Affairs.

By Mr. MARSH: A bill (H. R. 14572) granting an increase of pension to Alexander P. Nelson—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 14573) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank—to the Committee on War Claims.

By Mr. MORGAN: A bill (H. R. 14574) granting a pension to Eliza J. Ross—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 14575) granting an increase of pension to Laura P. Swentzel—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 14576) granting a pension to Evelyn M. Dunn—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 14577) granting an increase of pension to John P. Roberts—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 14578) granting a pension to Edward Taylor—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 14579) granting an increase of pension to Elizabeth J. Moore—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 14580) granting a pension to Harriet A. Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14581) granting a pension to Lucy Caswell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Alexander Hessler, of New York City, and J. H. Cyrus, of Watseka, Ill., favoring increased salaries for letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: Resolution of Post D, Travelers' Protective Association, of Macon, Ga., against passage of bill to create the southwestern division of the northern district of Georgia—to the Committee on the Judiciary.

By Mr. BOUTELL: Resolutions of the Illinois Farmers' Institute; the Lewisburg Chair Company and the D. M. Nesbit Company, of Lewisburg, Pa.; the Newman Brothers Company; the Illinois Metal Bed Company, of Chicago, Ill.; the Victor Electric Company, and the W. W. Kimball Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the Illinois Farmers' Institute, in favor of an annual appropriation of $15,000 for the advancement of farmers' institute work—to the Committee on Agriculture.

By Mr. CALDERHEAD: Resolution of the Western Retail Implement and Vehicle Dealers' Association, in favor of bill S. 2861—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Western Retail Implement and Vehicle Dealers' Association, against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Local Union, No. 10948, American Federation of Labor, of Salina, Kans.; the National Union of Railway Trackmen, No. 235; the United Brotherhood of Carpenters and Joiners, No. 1571, and other organizations, in favor of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

Also, petition of citizens of Abilene, Kans., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of veterans of the civil war of Manhattan, Pratt, White Cloud, Lucas, Kingman, Tonganoxie, Ada, Attica, Lone Elm, Conway Springs, and Milford, Kans., and citizens of Emporia, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolution of Rock River District, No. 2, Independent Order of Good Templars, of Wisconsin, in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ESCH: Resolution of a convention of Virginia Republicans, indorsing the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. FLOOD: Petition of J. W. Kelly and 18 others, of Nace, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. FULLER: Resolution of the Republican convention of Virginia, indorsing the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Loren L. Morrison, of Rockford, Ill., against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents

Also, resolution of the Chicago Board of Trade, in favor of the enactment of bill H. R. 4483—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of West Virginia: Petition of citizens of Charleston, W. Va., against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Alfred E. Wait and 9 others, of Quinnimont, W. Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany bill granting a pension to James D. Smith—to the Committee on Invalid Pensions.

By Mr. HEDGE: Petition of the Methodist Episcopal Church of Milton, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. HOWELL of New Jersey: Petition of the Amalgamated Sheet Metal Workers of Orange, N. J., in favor of an eight-hour law and an anti-injunction bill—to the Committee on Labor.

By Mr. HUFF: Resolution of a mass meeting of Pittsburg and Allegheny, Pa., favoring certain legislation regarding public lands—to the Committee on the Public Lands.

Also, petition of the Citizens' Committee of San Miguel, Cal., relative to the purchase of military camps—to the Committee on Military Affairs.

Also, resolution of the Patent Law Association of Chicago, against passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

Also, resolution of a convention of Virginia Republicans, indorsing the Jamestown exposition—to the Select Committee on Industrial Arts and Expositions.

Also, resolution of the Philadelphia Board of Trade, in favor of bill S. 4505—to the Committee on Military Affairs.

Also, resolution of the Philadelphia Board of Trade, in favor of bill S. 2641—to the Committee on Naval Affairs.

Also, resolution of Philadelphia Chapter, American Institute of Architects, Edgar Seeler, president, favoring a width of 890 feet for the Mall—to the Committee on Public Buildings and Grounds.

By Mr. JACKSON of Maryland: Petitions of Rev. H. C. Myerly and others, of Royal Oaks, Md.; L. I. McDougle and 44 others, of Oxford, Md.; W. W. White and 19 others, of Royal Oaks, Md., and George W. Covington and 42 others, of Still Pond, Md., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. JACKSON of Ohio: Petition of the Columbus Buggy Company, of Columbus, Ohio, relative to the tariff on hickory timber—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Maggie Weygandt—to the Committee on Invalid Pensions.

By Mr. LILLEY: Resolution of the Central Labor Union of Waterbury, Conn., in favor of bills H. R. 4064 and 89—to the Committee on Labor.

By Mr. LITTAUER: Petition of Local Union No. 7, International Brotherhood of Paper Makers, of Palmer Falls, N. Y., in favor of the enactment of an eight-hour law—to the Committee on Labor.

By Mr. LITTLEFIELD: Petition of residents of Knox County, Me., relative to the extermination of dogfish—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of John W. Shaw, of Woburn, Mass., and Charles S. Randall, of Bedford, Mass., against the passage of the Grosvenor bill relating to launches—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Eastport, Me., relative to charges against Senator REED SMOOT—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. MACON: Petitions of the Woman's Christian Temperance Union, and Richard Jackson and others, of Paragould, Ark., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MAHON: Petition of Local Union No. 1031, United Mine Workers of America, of Robertsdale, Pa., in favor of an eight-hour bill and an anti-injunction bill—to the Committee on Labor.

By Mr. MILLER: Petition of veterans of Eldorado, Kans., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Papers to accompany House bill granting a pension to Enlyn M. Dunn—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: Papers to accompany bill H. R. 9614, granting an increase of pension to David Palmer—to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: Petition of the Keller Grocer Company (Limited) and others, of Monroe, La., against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RIDER: Resolution of the Denver Chamber of Commerce and Board of Trade, relative to the management of forest reserves—to the Committee on Agriculture.

By Mr. SMALL: Petition of E. K. Wallis and others, of North Carolina, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Petition of citizens of Mount Pulaski, Ill., in favor of bill H. R. 10008—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLIVAN of New York: Petition of A. M. Finlayson and others, of New York, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of Katie Mance and members of the Woman's Christian Temperance Union of Tottenville, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petitions of Victor News & Adtt, Austin Nichols & Co., George Kessler & Co., and Luyties Brothers, all of New York City, in favor of bill H. R. 9050—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Faulkner, Page & Co., of New York, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, resolution of the Denver Chamber of Commerce and Board of Trade, relative to the management of forest reserves—to the Committee on Agriculture.

Also, petition of Austin, Nichols & Co., of New York City, in favor of bill H. R. 9050—to the Committee on Ways and Means.

By Mr. THAYER: Petition of John F. Kilton, of Boston, Mass., relative to the erection of buildings on the Mall, Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND: Petition of Egbert Webb, of Monroe, Mich., indorsing bills H. R. 5760 and 9313—to the Committee on Invalid Pensions.

Also, resolution of Ypsilanti Post, No. 180, Grand Army of the Republic, of Ypsilanti, Mich., in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of John J. Spangler and 10 others, of Detroit, Mich., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. ZENOR: Petition of Pharaoh Chrisney and 54 others, of the Indiana Legion, of southern Indiana, in favor of the enactment of bill H. R. 14499 or some similar measure—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *March 30, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President pro tempore:

A bill (S. 270) authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.;

A bill (S. 3015) to provide for an additional judge for the district court of the United States for the eastern district of Pennsylvania;

A bill (S. 3430) to authorize the Buckhannon and Northern Railroad Company, a corporation under the laws of the State of West Virginia, to build a bridge across the Monongahela River near the town of Rivesville, in the State of West Virginia;

A bill (S. 4142) granting to the Davenport Water Power Company rights to construct and maintain a canal, power station, and appurtenant works in the Mississippi River, in Scott County, Iowa;

A bill (H. R. 544) granting an increase of pension to Luther St. John;

A bill (H. R. 725) granting an increase of pension to Alexander M. Ballou;

A bill (H. R. 728) granting an increase of pension to Benjamin F. Evans;

A bill (H. R. 732) granting an increase of pension to John L. B. Thompson;

A bill (H. R. 744) granting an increase of pension to George W. Carr;

A bill (H. R. 1267) granting an increase of pension to D. Miller Gordon;

A bill (H. R. 1568) granting an increase of pension to James V. Tabor;

A bill (H. R. 2041) granting an increase of pension to James W. Adams;

A bill (H. R. 2922) granting an increase of pension to George W. Ford;

A bill (H. R. 2929) granting an increase of pension to Benjamin F. Gates;

A bill (H. R. 3149) granting an increase of pension to John S. Mavity;

A bill (H. R. 3171) granting an increase of pension to George N. Crawford;

A bill (H. R. 3533) granting an increase of pension to Robert H. McIlroy;

A bill (H. R. 3642) granting an increase of pension to James H. Martin;

A bill (H. R. 3832) granting an increase of pension to Eli T. Hoyt;

A bill (H. R. 4120) granting an increase of pension to Henry R. Guss;

A bill (H. R. 4565) granting an increase of pension to Carrie Keefer;

A bill (H. R. 4718) granting an increase of pension to Thomas Ballard;

A bill (H. R. 4877) granting an increase of pension to Mathias C. Mills;

A bill (H. R. 4892) granting an increase of pension to Elias Veatch;

A bill (H. R. 4928) granting an increase of pension to Jason H. Masterson;

A bill (H. R. 4949) granting an increase of pension to George L. Bixler;

A bill (H. R. 4980) granting an increase of pension to Thomas E. Connor, alias Darius B. Smith;

A bill (H. R. 5700) granting an increase of pension to Christopher C. Richards;

A bill (H. R. 6087) granting an increase of pension to Anthony Bracklin;

A bill (H. R. 6706) granting an increase of pension to James Bliss;

A bill (H. R. 7482) granting an increase of pension to Jennie Pettit Morrison;

A bill (H. R. 8180) granting an increase of pension to William Smith;

A bill (H. R. 8220) granting an increase of pension to Edward B. Nugent;

A bill (H. R. 8462) granting an increase of pension to James Walts;

A bill (H. R. 8713) granting an increase of pension to Elam Allen;

A bill (H. R. 9504) granting an increase of pension to Augustus Johns;

A bill (H. R. 9562) granting an increase of pension to Warren R. Herrell;

A bill (H. R. 10478) granting an increase of pension to William T. Hayter;

A bill (H. R. 10845) granting an increase of pension to John C. Webb;

A bill (H. R. 11177) granting an increase of pension to George Manypenny;

A bill (H. R. 11498) granting an increase of pension to William A. Porter;

A bill (H. R. 11606) granting an increase of pension to Caleb J. May;

A bill (H. R. 11610) granting an increase of pension to Alexander S. Hill;

A bill (H. R. 11612) granting an increase of pension to George H. Abney;

A bill (H. R. 11615) granting an increase of pension to Socrates Moore;

A bill (H. R. 11838) granting an increase of pension to William H. Mann;

A bill (H. R. 11846) granting an increase of pension to David Kinsey;

A bill (H. R. 12134) granting an increase of pension to Albert Haldeman;

A bill (H. R. 12326) granting an increase of pension to Matthew Curran;

A bill (H. R. 12434) granting an increase of pension to Rebecca McKinney;

A bill (H. R. 12965) granting an increase of pension to William H. Dailey;

A joint resolution (S. R. 28) authorizing the printing of additional copies of Agricultural Bulletin No. 124, being a report on irrigation in Utah; and

A joint resolution (S. R. 34) authorizing the Secretary of War

to receive for instruction at the Military Academy, at West Point, Alfonso Zelaya, of Nicaragua.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of Robert S. Stephenson, of New York City, and of the National Arts Club, of New York City, in the State of New York, and of sundry architects of New Britain, Conn., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were referred to the Committee on Appropriations.

He also presented petitions of Piermont Grange, No. 219, of Piermont; of Warner Grange, No. 90, of Warner; of Somersworth Grange, of Somersworth; of Saco Valley Grange, No. 285, of Conway; of North Hampton Grange, No. 250, of North Hampton; of Pembroke Grange, of Pembroke, all of Patrons of Husbandry; of the Woman's Club of Concord; of the Granite Club of Manchester; of the Woman's Club of Somersworth; of the Woman's Club of Dover; of the Tourist Club of Keene; of the Woman's Club of Milford, and of the New Century Club of Manchester, all in the State of New Hampshire, praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FAIRBANKS presented a petition of Frank Baldwin Circle, Department of Indiana, Ladies of the Grand Army of the Republic, of Indiana, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Typographical Union No. 1, American Federation of Labor, of Indianapolis, Ind., and a petition of Local Union No. 281, United Brotherhood of Carpenters and Joiners, of Indianapolis, Ind., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

He also presented a petition of Friendship Lodge, No. 28, Brotherhood of Boiler Makers and Iron-ship Builders, of Huntington, Ind., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Ministerial Association of Richmond, Ind., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Long-Knight Lumber Company, of Indianapolis, Ind., remonstrating against the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry architects of New York City; Philadelphia, Pa.; Boston, Mass.; San Francisco, Cal.; Huntington, Ind.; El Paso, Tex.; St. Louis, Mo.; Marquette, Mich.; Green Bay, Wis.; Louisville, Ky.; Cincinnati, Ohio; Providence, R. I.; Chicago, Ill.; St. Paul, Minn.; New Haven, Conn., and Seattle, Wash., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which were referred to the Committee on Appropriations.

Mr. SCOTT presented a paper to accompany the bill (S. 773) for the relief of the heirs of William A. Gum; which was referred to the Committee on Claims.

Mr. ANKENY presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to prevent the overflow of flood waters at the confluence of the Missouri and Kaw rivers, in the States of Missouri and Kansas; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the passage of the so-called "Lovering drawback bill;" which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of St. Helen Grange, No. 123, Patrons of Husbandry, of St. Helen, Wash., praying for the passage of the so-called "Currier good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation providing for the reclamation of the semiarid lands in eastern Washington; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. FOSTER of Washington presented a petition of McKinley Circle, No. 11, Department of Washington and Alaska, Ladies of the Grand Army of the Republic, of Seattle, Wash., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying that an appropriation be made for the improvement of the Kaw and Missouri rivers; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation providing for the completion of the Palouse River project of irrigation in the State of Washington; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of St. Helen Grange, No. 123, Patrons of Husbandry, of St. Helen, Wash., praying that an appropriation be made providing for the construction and maintenance of a permanent highway system; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to encourage the export trade; which was referred to the Committee on Finance.

Mr. ELKINS presented a petition of Local Lodge No. 104, International Association of Machinists, of Huntington, W. Va., and a petition of Local Lodge No. 249, Brotherhood of Boiler Makers and Iron-ship Builders, of Huntington, W. Va., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of the congregation of the Bland Street Methodist Episcopal Church, of Bluefield, W. Va., and a petition of the congregation of the Methodist Episcopal Church of Nicholas County, W. Va., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the League of American Sportsmen, West Virginia Division, of Morgantown, W. Va., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

Mr. BURROWS presented a petition of Local Union No. 26, International Union of Steam Engineers, of Saginaw, Mich., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of the Trades and Labor Council of Hancock, Mich., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

He also presented a petition of the Trades and Labor Council of Hancock, Mich., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented petitions of the Fortnightly Club of Lead, the Woman's Literary Society of Sturgis, and of the Mothers' Union of Lead, all in the State of South Dakota, praying for the passage of the so-called "pure-food bill;" which were ordered to lie on the table.

Mr. BARD presented a petition of the Los Angeles County Christian Endeavor Union, of California, praying for the enactment of legislation to prohibit the transmission in the mails of matter referring to prize fighting; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Watsonville, Cal., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange No. 2, Patrons of Husbandry, of Sacramento, Cal., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange No. 2, Patrons of Husbandry, of Sacramento, Cal., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Los Angeles County Christian Endeavor Union, of California, praying for the enactment of legislation to prohibit gambling, etc.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Los Angeles County Christian Endeavor Union, of California, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Los Angeles County Christian Endeavor Union, of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Soldiers' Homes; which was referred to the Committee on Military Affairs.

Mr. PROCTOR presented a petition of the congregation of the Christian Church of Woodstock, Vt., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. NELSON presented a petition of sundry citizens of Winnebago City, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. QUAY presented a petition of the Society of the Friendly Sons of St. Patrick, of Philadelphia, Pa., praying that an appropriation be made for the erection in the city of Washington of a statue to Commodore John Barry; which was referred to the Committee on the Library.

Mr. MILLARD presented a petition of S. V. Brewer Post, No. 323, Grand Army of the Republic, of Gordon, Nebr., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of the Centralia Baptist Association, of Beaver Creek, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Local Union No. 409, United Mine Workers of America, of Westville, Ill., praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Effingham County, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. PLATT of Connecticut presented a petition of the Woman's Christian Temperance Union of Ansonia, Conn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Woman's Christian Temperance Union of New Britain; of the congregation of the Trinity Methodist Episcopal Church of New Haven; of the congregation of the Methodist Episcopal Church of Hazardville; of the congregation of the Congregational Church of Litchfield; of the congregation of the First Methodist Episcopal Church of Windham; of the congregation of the First Universalist Church of New Haven; of the congregation of the First Presbyterian Church of New Haven, and of sundry citizens of Windham, all in the State of Connecticut, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the enactment of legislation providing for a board of arbitration for the settlement of all questions between the United States and Great Britain; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the Board of Trade of Auburn, Me., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 982) amending the act of January 26, 1897, entitled "An act for the relief of telegraph operators who served in the war of the rebellion," reported it without amendment, and submitted a report thereon.

Mr. MCCUMBER subsequently said: I move that Senate bill 982, relating to telegraph operators who served in the war of the rebellion, be recommitted to the Committee on Pensions. I understand that the report is not complete.

The motion was agreed to.

Mr. MCCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 5243) granting an increase of pension to Benjamin F. Ross, reported it without amendment, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 1456) to carry out the findings of the Court of Claims in the case of James H. Dennis, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the amendment submitted by Mr. GORMAN on the 8th instant, providing for the payment to Andrew Gleason and Patrick Maloney of interest due upon a judgment rendered by the Court of Claims, etc., intended to be proposed to the general deficiency appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 12685) for the reappraisement and sale of the undisposed lands within the Fort Walla Walla Military Reservation, in the State of Washington, reported it without amendment, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (H. R. 2010) for the relief of the heirs of John A. Dolan, reported it without amendment, and submitted a report thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 4401) to grant to the State of Minnesota certain lands for forestry purposes, reported it without amendment, and submitted a report thereon.

Mr. FOSTER of Louisiana, from the Committee on Claims, to whom was referred the bill (S. 5172) for the relief of the heirs of D. C. McCan and Edward Conery, sr., reported it without amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (H. R. 3393) for the relief of the Columbia Brewing Company, of Shenandoah, Pa., reported it without amendment, the committee adopting the House report thereon.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (S. 4334) for the relief of the administrator of the estate of Gotlob Groezinger, reported it without amendment, and submitted a report thereon.

SETTLERS ON WISCONSIN CENTRAL RAILROAD LANDS, ETC.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 987) for the relief of certain settlers upon the Wisconsin Central Railroad and The Dalles military road land grants, to report it favorably without amendment, and I submit a report thereon. I call the attention of the Senator from Wisconsin [Mr. SPOONER] to the bill.

Mr. SPOONER. I ask the unanimous consent of the Senate for the present consideration of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That all qualified homesteaders who, under an order issued by the Land Department, bearing date October 22, 1891, and taking effect November 2, 1891, made settlement upon and improved any portion of an odd-numbered sect on within the conflicting limits of the grants made in aid of the construction of the Chicago, St. Paul, Minneapolis and Omaha Railway and the Wisconsin Central Railroad, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wisconsin Central Railroad Company against Forsythe (159 U. S., p. 46); and all qualified homesteaders who made settlement upon and improved any portion of an odd-numbered section within the conflicting limits of the grants made in aid of the construction of the Northern Pacific Railroad and The Dalles military wagon road, under orders issued by the Land Department treating such lands as forfeited railroad lands, and were thereafter prevented from completing title to the land so settled upon and improved by reason of the decision of the Supreme Court in the case of Wilcox against Eastern Oregon Land Company (176 U. S., p. 51), shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence upon and the amount of their improvements made on the lands for which they were unable to complete title: *Provided*, That no such person shall be entitled to the benefits of this act who shall fail to make entry within two years after the passage of this act: *And provided further*, That this act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands as aforesaid settled upon and improved by him.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9331) to extend the time for completion of the East Washington Heights Traction Railroad Company, to report it favorably with amendments, and I submit a report thereon. As this is a brief bill and there are special reasons for its consideration, I ask that it be now considered.

The Secretary read the bill.

Mr. ELKINS. I should like the Senator to state what road that is. Is it the Capital Traction?

Mr. GALLINGER. It is a little railroad chartered to run across the Eastern Branch of the Potomac River. They have constructed the line across the bridge, and they want to get a short distance up the hill. It is simply an extension of their charter.

Mr. ELKINS. Who owns the road?

Mr. GALLINGER. I confess I do not know who owns it. The

rails are on the ground, I will say to the Senator. There has never been any opposition to the road, and it is a convenience to that section.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on the District of Columbia was, in line 6, before the word "months," to strike out "twelve" and insert "eighteen;" so as to read:

That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same hereby is, extended for the term of eighteen months from the passage of this act.

The amendment was agreed to.

The next amendment was to strike out the proviso in the following words:

Provided, That if said railroad is not completed and in operation within the time herein limited said company shall be subject to a penalty of $50 for each and every day that said road is not constructed and in operation, with cars running thereon; said penalty to be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

And to insert a new proviso, as follows:

Provided, That failure to complete any portion of the routes as provided in the charter of said company within the time herein limited shall operate to repeal the authority to build such portion, and shall not repeal the charter of said company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WESTERN ALASKA CONSTRUCTION COMPANY.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 13740) for the relief of the Western Alaska Construction Company's Railroad, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT ON PAN-AMERICAN RAILWAY.

Mr. ELKINS. I am directed by the Committee on Printing, to whom was referred the resolution submitted by myself on the 25th instant relative to printing the report of the commissioners on the Pan-American Railway, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed, with the accompanying map, 7,000 additional copies of the report of the commissioners appointed under the sundry civil appropriation act of March 3, 1903, to carry out the recommendations of the Second International Conference of American States with regard to the Pan-American Railroad, 2,000 for the use of the Senate, 2,000 for the House of Representatives, 2,000 for the Bureau of American Republics for distribution at the Louisiana Purchase Exposition, and 1,000 for the permanent Pan-American Railway committee.

The PRESIDENT pro tempore. Ought not this to be a concurrent resolution?

Mr. ELKINS. No, sir; the cost is less than $500. That is the understanding. The committee had an estimate made.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. McENERY introduced a bill (S. 5308) for the relief of the legal representatives of Henry Fassman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5309) for the relief of the estate of Henry Ware, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 5310) to create a recording district in the Indian Territory, with its office at Lindsay, Ind. T., and to establish a United States district court at Lindsay, Ind. T.; which was read twice by its title.

Mr. CARMACK. I ask that the bill be referred to the Committee on Territories.

Mr. PLATT of Connecticut. I think the bill should be referred to the Committee on Indian Affairs. It has all such bills.

Mr. CARMACK. I do not know why it should go to the Committee on Indian Affairs. It has nothing to do with Indians.

Mr. PLATT of Connecticut. It has nothing to do with Territories, either.

Mr. CARMACK. It has something to do with creating a court in the Indian Territory.

Mr. PLATT of Connecticut. Questions with regard to recording districts in the Indian Territory have been dealt with, I think, by the Committee on Indian Affairs.

Mr. CARMACK. Has that been the practice?

Mr. PLATT of Connecticut. I think that has been the universal practice.

Mr. CARMACK. I think a number of bills of this kind have been referred to the Committee on Territories. I am under that impression.

Mr. PLATT of Connecticut. I do not care anything about it if the Senator desires it to go to the Committee on Territories.

Mr. CARMACK. I should rather it would go to the Committee on Territories, although I do not make any particular point on the reference.

Mr. PLATT of Connecticut. There are a dozen of those applications, more or less.

Mr. CARMACK. Yes; I believe so.

Mr. PLATT of Connecticut. I do not make any point on it if the Senator desires the bill to go to the Committee on Territories.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Territories.

Mr. TELLER introduced a bill (S. 5311) granting an increase of pension to William Pore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 5312) for the relief of W. H. Bucklin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MARTIN introduced a bill (S. 5313) for the relief of Lonisa J. Grau; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 5314) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights; which was read twice by its title, and referred to the Committee on Patents.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5315) granting an increase of pension to William C. Gardiner (with an accompanying paper); and

A bill (S. 5316) granting a pension to Thomas Pickford (with an accompanying paper).

Mr. DILLINGHAM introduced a bill (S. 5317) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903; which was read twice by its title, and referred to the Committee on Immigration.

Mr. ALGER introduced a bill (S. 5318) granting a pension to Sarah E. Hatch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 5319) providing for right of way for irrigation and other purposes upon the public lands and reservations; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ELKINS introduced a bill (S. 5320) granting a pension to William Gurnett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5321) granting an increase of pension to William Klingensmith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 5322) granting an increase of pension to Perley B. Dickerson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5323) granting an increase of pension to William Geyser; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FOSTER of Louisiana submitted an amendment proposing to appropriate $50,000 for building an annex to the United States court-house and post-office at Shreveport, La., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PLATT of Connecticut submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment proposing to appropriate $30,000 for establishing a light and fog-signal station at or near Black Ledge, entrance to New London Harbor, Connecticut;

An amendment authorizing the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., adopted in the river and harbor act of March 3, 1899; and

An amendment authorizing a modification of the project for the improvement of New Haven Harbor, New Haven, Conn., adopted in the river and harbor act of March 3, 1899.

Mr. CLARK of Wyoming submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-culture station on Blacks Fork of Green River, in the State of Wyoming, etc., intended to be proposed by him to the sundry civil appropri-

ation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

Mr. PERKINS submitted the following amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed:

An amendment to appropriate $40,000 for the construction of a wharf, the dredging of a slip, and the erection of suitable buildings for use as a depot for the Revenue-Cutter Service in the harbor of Oakland, Cal.;

An amendment proposing to appropriate $15,000 for a keeper's double dwelling at Point Bonita, California; and

An amendment proposing to appropriate $15,000 for establishing at Point Conception, California, a double set of quarters for the accommodation of four light-house keepers with their families.

Mr. PENROSE submitted an amendment proposing to appropriate $250,000 for establishing light-houses and fog signals on Brown Shoal, Delaware; on Miah Maull Shoal, New Jersey; on Elbow of Cross Ledge, New Jersey; on Joe Flogger Shoal, Delaware; on Arnold Point Shoal, New Jersey; on Goose Island Flats, New Jersey; on Horseshoe Shoal, Pennsylvania, and for establishing range lights on Old Man's Point, New Jersey, and Seventeen-Foot Knoll and Marcus Hook, Delaware, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for the construction, equipping, and outfitting, complete for service, of a new steam tender, for service in the fourth light-house district, for buoyage, supply, and inspection service, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WARREN submitted an amendment changing the amount of compensation to be received by persons employed in the Land Office for furnishing transcripts of records and plats from $2 per day while actually employed to $60 per month, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BARD submitted the following amendments, intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed:

An amendment proposing to appropriate $208,750 for the purchase and making free of any or all of the four toll roads which lead into and pass over the Yosemite National Park; and

An amendment proposing to appropriate $80,000 for the construction of a wagon road within the boundary of the Yosemite National Park.

Mr. CULLOM submitted an amendment proposing that the thirty days' annual leave to the employees of the Government Printing Office shall be exclusive of Sundays and legal holidays, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MERMENTAU RIVER (LA.) IMPROVEMENT.

Mr. FOSTER of Louisiana submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Mermentau River, from its headwaters at the junction of Bayous des Cannes and Nez Pique (including those portions of Lake Arthur, Grand Lake, and White Lake lying directly across its course), to a point in the Gulf of Mexico beyond the bar at its mouth, with a view of ascertaining the cost of securing a permanent channel to a depth of at least 20 feet.

HEARINGS BEFORE IRRIGATION COMMITTEE.

Mr. BARD submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. PENROSE. I make the usual request in regard to action on the amendments of the committee.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee shall first receive consideration. Is there objection? The Chair hears none.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Wyoming?

Mr. PENROSE. I yield.

EMMA MORRIS.

Mr. WARREN. I ask the Senate to proceed to the consideration of the bill (S. 4234) for the relief of Emma Morris.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Emma Morris, widow of Frank H. Morris, late Auditor of the Treasury for the War Department, who lost his life on the 22d day of December, 1900, while in the discharge of his official duties in the Winder Building, $2,097.83, the balance of the salary which would have been due said Frank H. Morris June 30, 1901.

Mr. COCKRELL. I should like to ask one question in regard to the precedents in this matter. Is it a rule when any executive officer of the Government dies to make that kind of a provision?

Mr. WARREN. I do not understand that there is any rule of that kind. The circumstances connected with this case, as the Senator will remember, were very peculiar. The Secretary of the Treasury asked that such a measure might be passed, and it was the opinion of the Committee on Claims that the bill should be passed.

Mr. COCKRELL. In other words, it is purely an exceptional case?

Mr. WARREN. It is.

Mr. COCKRELL. And it is not to be considered as a precedent in cases of ordinary death.

Mr. WARREN. Oh, no; this is very exceptional. Such a case never occurred before, and I hope no such will ever occur again.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUILDING LINE ON THE MALL.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Nevada?

Mr. PENROSE. I will yield to the Senator from Nevada.

Mr. NEWLANDS. I ask the Senate to proceed to the consideration of the bill (S. 4845) regulating the erection of buildings on the Mall in the District of Columbia.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, in line 4, after the words "four hundred," to insert "and forty-five."

The amendment was agreed to.

Mr. COCKRELL. Now let the bill be read as amended.

The PRESIDENT pro tempore. The bill will be read as amended.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That no building shall be erected on the Mall of Washington, D. C., within 445 feet of a central line stretching from the center of the Dome of the Capitol to the center of the Washington Monument.

Mr. COCKRELL. Now, let me understand it. How wide is that space to be?

Mr. NEWLANDS. The vista will be 890 feet wide. That is the width which was prescribed by the park commission, and was in itself a reduction of the original width designed by L'Enfant, which was over 1,000 feet.

Mr. COCKRELL. The bill comes from the Committee on the District of Columbia?

Mr. NEWLANDS. Yes; that committee has reported it favorably.

Mr. COCKRELL. I do not concur with the committee in the views they have expressed in the matter. I shall not make any objection, however. I should like to ask if this measure will cause the removal of any buildings?

Mr. NEWLANDS. No; it will not cause the removal of any buildings. It simply makes provision as to buildings hereafter constructed. I will state, however, to the Senator from Missouri that the Smithsonian Institution and the present Agricultural Department building are within this line. The testimony of the experts who appeared before the District Committee was that at any time in the future, if it should be deemed desirable, the Smithsonian Institution could be moved back. This bill, however, does not contemplate that.

Mr. COCKRELL. Does the Senator mean that the original building there could be moved back?

Mr. NEWLANDS. It could be; but, as I said, there is nothing in the bill affecting it.

Mr. COCKRELL. That is, by tearing down and rebuilding?

Mr. NEWLANDS. No; it could be moved back; and all the engineers' testimony was that it could be done without any injury to the structure. But this bill does not contemplate that at all. That question may arise a great many years hence, but it is not before the Senate now.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION OF OVERFLOWED LANDS.

Mr. HEYBURN. I ask that the Senate proceed to the consideration of the bill (S. 3788) to provide for an examination to determine the feasibility of reclaiming the overflowed lands of the Kootenai River in northern Idaho and Montana.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $10,000, under the direction of the Secretary of the Interior through the Director of the Geological Survey, for survey, reconnoissance, and engineering investigations to determine upon a plan of reclamation, for agricultural purposes, of the overflowed lands in the valley of the Kootenai River in northern Idaho and Montana. For this purpose the Director of the Geological Survey shall examine the entire drainage area of the Kootenai River and such adjacent country as may be necessary. The Secretary of the Interior shall withdraw from entry any public lands which may be reclaimable or which may be required for the necessary reclamation work. The result of the work herein provided for shall be reported to Congress at its next session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ALASKAN LEGISLATION.

Mr. MITCHELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Oregon?

Mr. PENROSE. I will yield to the Senator from Oregon.

Mr. MITCHELL. I ask unanimous consent for the consideration of the bill (S. 3035) to amend an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Territories with an amendment, to insert the following after line 2, page 3:

The Secretary of the Interior shall, in the month of November, 1904, and from time to time thereafter, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in the district of Alaska, and thereafter, in behalf of the United States, shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in said district of Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid, until otherwise provided by law, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the Secretary of the Interior.

Mr. SPOONER. On page 2, line 3, of the bill occurs this language, concerning which I wish to interrogate the Senator from Oregon [Mr. MITCHELL]:

He—

That is, the governor—

may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known.

Mr. MITCHELL. I will state to the Senator from Wisconsin that this is in the main a recital of existing law. The only change made in the law is this: Under existing law the governor of the Territory has the power, with the approval of the Secretary of the Interior, to contract for the keeping of the insane in Alaska for a term not exceeding one year. This changes that provision so that the Secretary of the Interior may contract for more than one year, if he desires to do so. That is the only change. The other portion of the bill is a recital of existing law.

The bill has been reported by the Senator from Indiana [Mr. BEVERIDGE], the chairman of the Committee on Territories, and he understands it, I believe, as I do.

Mr. SPOONER. Mr. President, I have no question whatever as to the part of the bill which deals with the care of the insane in Alaska. My question is, whether there is not an insane provision in the bill? It may be the existing statute.

Mr. MITCHELL. It is, I assure the Senator.

Mr. SPOONER. I know it may be the existing statute, but we are called upon here to reenact it. The Constitution lodges in the President of the United States the power to grant reprieves and pardons for offenses against the United States and violations of the laws of the United States. My inquiry of the Senator is, whether Congress can confer that power upon anybody else?

Mr. MITCHELL. That is a question I have not considered at all; this is simply a recital of the law as it stands to-day on the statute book.

Mr. SPOONER. That does not make it any better.

Mr. NELSON. If the Senator from Wisconsin [Mr. SPOONER] and the Senator from Oregon [Mr. MITCHELL] will allow me a moment, I can explain the merits of the bill.

Mr. MITCHELL. I yield to the Senator for that purpose.

Mr. NELSON. This bill came from the Committee on Territories, of which I am a member. The only change in existing law is found in the section which is amended, which is taken from the act of 1900 establishing a civil government for Alaska. That act, among other things, provides that the governor of the Territory, under the direction of the Secretary of the Interior, may make contracts for a sanitarium or asylum in which the insane of Alaska may be maintained. The only change in the law in that respect is a provision which permits such contracts to be made for a longer period than one year. All the other sections are in the existing law.

Mr. SPOONER. If my friend from Minnesota will permit me, I have no objection whatever to that provision or to the amendment to which he alludes. But the Senator from Minnesota is a very able lawyer and a member of the Committee on the Judiciary, and, although that may be an enactment of the law as it now exists, I ask him whether he regards as constitutional the provision of the bill to which I have referred?

Mr. NELSON. What provision of the bill?

Mr. SPOONER. The provision which reads:

He—

The governor—

may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known.

What challenged my attention was this: The Constitution confers upon the President the power to grant reprieves and pardons. That means, of course, for offenses committed against the laws of the United States. How can that power be lodged in any degree by act of Congress in the governor of a Territory?

Mr. NELSON. I will say to the Senator that that may possibly be a debatable question, but that provision has been in the statutes since 1900.

Mr. SPOONER. I know it.

Mr. NELSON. And while the term "reprieve" is used, I think it simply amounts to this, that the governor may grant a stay of proceedings until the President can be heard from.

Mr. MITCHELL. That is all it amounts to.

Mr. NELSON. Yes; that is all it amounts to. The Senator must bear in mind the great distance of Alaska from this capital, and the fact that during most of the year communication is tied up and closed with that country so that it can not be reached. A man may be convicted in the interior of Alaska of a serious offense and have no means of reaching the President of the United States immediately. The bill is simply intended to allow the governor to grant a temporary stay of proceedings until the President can act. It does not interfere with the power of the President beyond that.

Mr. HOAR. The Senator will allow me to suggest to him that I believe the exercise of that power by the courts has never been held to be in conflict with the constitutional power of the President.

Mr. SPOONER. Of course Congress may provide for a supersedeas, and Congress may require a sufficient time to elapse in capital cases before execution of sentence.

Mr. BACON. None of us on this side can hear what the Senators on the other side are saying. It is not the fault of the Senators who are speaking, I presume; but still I wish to call attention to the fact that we can not hear.

Mr. SPOONER. Congress might provide——

Mr. HOAR. A little more than that. The reprieving power is simply a stay of proceedings founded on additional reasons, or reasons wholly connected with the desirability of delaying the carrying out of a particular sentence, and that power is lodged in the courts everywhere. I suppose it is not anywhere regarded as in conflict with the constitutional function conferred on the President. So the exercise of the power, as it is intended to be limited by the Senator from Minnesota, is no violation of the constitutional function of the Executive.

Mr. SPOONER. Mr. President, I agree entirely with the Senator from Massachusetts.

Mr. HOAR. The Senator from Wisconsin, of course, does not suppose that I am undertaking to inform him of anything that I thought he did not know. I was only reminding him of what he knew very well—better, in fact, than I did.

Mr. SPOONER. I do not think anybody knows anything about

the Constitution better than the Senator does. But I agree entirely—if I may be permitted to speak in this hubbub—with the Senator from Massachusetts that the extension of time by the court, a stay of proceedings, has never been held, never could be held, and it never was suggested that it could be held, a violation of that provision of the Constitution.

I think, moreover, it would be entirely competent for Congress to provide that a sufficient time should elapse after the sentence of a man to death in Alaska before that sentence is carried into execution for communication with the President, so that an opportunity might be afforded him to either pardon or reprieve. That is one thing.

Mr. PENROSE. Mr. President——

Mr. SPOONER. I am about through, and I hope the Senator will not interpose just yet.

Mr. PENROSE. I do not wish to interrupt the Senator from Wisconsin, but I shall object to the further consideration of the bill when he has concluded, if it leads to any more debate.

Mr. SPOONER. I shall be through in a moment.

The word "reprieve" used here is a technical word, a word with a technical signification, and a word the meaning of which is well understood. "Reprieve" means "stay;" it does not mean "pardon." Where the Constitution lodges in the President the power to grant reprieves and pardons for violating the law of the United States, it is perfectly plain to me that it is not within the constitutional capacity of Congress to lodge that power in the governor of a Territory. The locus penitentiæ, if I may use that phrase, may be provided for otherwise. It may be provided for in the manner I have suggested.

It ought to be given on account of the distance between Washington and Alaska; it ought to be provided for by the lapse of time before the sentence can be carried out, which will enable the President to act; but distance has nothing to do with this question of constitutional power. If we have the right to confer this power to grant reprieves for a violation of the laws of the United States, which includes the whole gamut of crime, upon the governor of Alaska, we have the right to confer it upon the governor of Arizona; but I do not believe it is within the power of Congress to do that thing.

If the Senator will allow this bill to go over, I will draw an amendment which I think will safeguard it by restriction as to the carrying into effect of a sentence, the danger of which the Senator from Minnesota suggests, and which has great force. It is with me only a question of how it shall be done. That is all. As to the remainder of the bill, I have no objection to it.

Mr. MITCHELL. If the Senator from Pennsylvania will allow me just one word, then the bill can go over. As has been before stated, the law which has been in existence in Alaska for the last four years is reenacted by this bill. That is all.

Mr. SPOONER. I propose to offer an amendment to it.

Mr. MITCHELL. If the Senator desires to submit an amendment I will allow the bill to go over to a later date; but, as I have stated, this bill is merely a reenactment of existing law.

Mr. SPOONER. That is no reason why it should not be amended.

Mr. MITCHELL. That is true; but I am simply stating the fact that this bill does not interfere with the law as it stands, except in one particular.

I ask that the bill may go over without losing its place.

The PRESIDENT pro tempore. It will go back to its place on the Calendar.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. PENROSE. I do.

Mr. FOSTER of Washington. Will the Senator from North Dakota yield to me in order that I may secure the consideration and passage of a bill in relation to a light station in my State? I am sure it will not lead to debate.

Mr. McCUMBER. I yield for that purpose.

ROBINSON POINT LIGHT STATION, WASHINGTON.

Mr. FOSTER of Washington. I ask unanimous consent for the present consideration of the bill (S. 3983) providing for additional employees' quarters at the Robinson Point post light station, State of Washington.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $5,000 for additional employees' quarters at the Robinson Point post light, in the State of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL GRAIN INSPECTION.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill (S. 199) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes, on which the Senator from North Dakota [Mr. McCUMBER] gave notice that he desired to address the Senate this morning. The Senator from North Dakota is entitled to the floor.

Mr. McCUMBER. Mr. President, in the latter part of the Fifty-seventh Congress I introduced a bill for Government grading and inspection of grain in the leading grain terminal markets of the United States. This bill provides in substance as follows:

First. That the Secretary of Agriculture shall organize in his Department a bureau of grain inspection, and shall appoint a chief, whose duty it shall be to report upon the condition of interstate trade and commerce in grains, their grading, weighing, and inspection; to inquire into and suggest means for the prevention of defects in the present system of weighing, grading, and inspection, and to collect such information on the subject as shall be valuable to the agricultural interests of the country. Also that he shall employ a sufficient force to be known as "grain inspectors," one to be stationed at each of the leading centers of interstate grain trade in the United States, and that the inspectors are authorized to appoint deputy inspectors having the same qualifications as inspectors, to be paid from fees collected for the inspection of grain at the place where the duties of such inspector are to be performed.

Second. That it shall be the duty of said inspectors and deputies to inspect and grade all grain which has been shipped from any other State or Territory, or is intended for shipment into any other State or Territory or foreign country, before the same is unloaded from the car, vessel, or other vehicle in which the same is being transported, and to collect therefor such fees for inspection as may be deemed reasonable and be fixed by the Secretary of Agriculture; provided, that the inspection of any consignment of grain may be waived when the grain is consigned to the owner thereof or his authorized agents or to a mill or private storehouse; or, for deposit in a special bin, to a public warehouse; or, if consigned to a market where the usages of trade recognize sales of grain by sample, when the consignor shall direct its sale by sample.

Third. That no inspector or deputy inspector of grain shall, during the term of his service, be interested directly or indirectly in handling, storing, shipping, or purchasing or selling of grain, nor shall he be in the employment of any person or corporation interested therein.

Fourth. That the Secretary of Agriculture is authorized, as soon as may be after the enactment of such bill, to determine and fix, according to such standards as he may prescribe, such classification and grading of wheat, flax, corn, rye, oats, barley and other grains as in his judgment the usages of trade warrant and permit, having reference to the standard classification and grades now recognized by the several chambers of commerce and boards of trade in the United States; provided, however, that the reference to such various classifications shall serve only as a guide and suggestion in the matter of determining and fixing the United States standard provided for in the bill; and that he shall fix and determine such standard and such classification and grades as will, in his judgment, best subserve the interest of the public in the conduct of interstate trade and commerce in grain.

Fifth. That when such standard is fixed and the classification of grades determined upon, record shall be made thereof and public notice given, and thereafter such classification and grades shall be known as the "United States standard."

Sixth. That it shall be the duty of any railroad company, steamship company, or other firm or corporation or private individual engaged in the interstate transportation of grain to notify the United States grain inspector at the place of destination of any consignment of grain within twenty-four hours that a shipment or cargo is in its or their hands at the place of destination of said grain, and requesting inspection and grading of the same, which shall be done before the same is unloaded.

These, Mr. President, are the principal features of the bill. It contains many other provisions, but all relate to and are connected with these main provisions which I have mentioned.

It was not my intention to press this bill during the Fifty-seventh Congress, but to get the subject-matter of national inspection and grading of grain fairly before the public, that it might be discussed by both farmer and wheat dealer and receive such commendation or criticism as its provisions would warrant. I hoped thereby to secure such additional information as would enable me to perfect it in case I should find that it was deficient in any respect. Knowing the necessity and great demand for a reform in the present system of grain grading and inspection, I wished to secure the passage of a bill which would meet that demand, and which would produce only just and beneficial results.

Mr. President, my expectation that the bill would receive attention by the public has been fully realized, and I have been gratified with the amount of discussion which it has evoked both by organizations of wheat buyers and organizations of wheat

growers. Without a single exception, so far as I know, the representatives of the grain trade, who have grown fat under the present system, have declared emphatically against the propriety of this proposed law, and, so far as I know, every organization of wheat growers and every farmers' organization which has passed on the subject, and whose members have grown lean under the same system, has declared emphatically in its favor.

The following resolutions, which were unanimously adopted by the representatives of the grain-trade organizations of the United States in convention assembled, at the New York Produce Exchange, New York City, January 6, 1904, and followed by other like organizations in other parts of the country, will show the attitude of the buyers.

This resolution provides:

Whereas a bill having been introduced into the United States Senate "to provide for the fixing of a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes:"

Whereas the passage of any measure disturbing the present system of boards of trade inspection, under which the present grain trade of the country has been built up, would be injurious to the best interests of the producer, dealer, and foreign buyer:

Resolved, That the delegates representing the larger portion of the grain markets of the United States, convened at the New York Produce Exchange, January 6, 1904, hereby declare their belief that the inspection of grain by the National Government at terminal markets would be detrimental to the agricultural interests and the grain trade of the country; that we are absolutely and unalterably opposed to any attempt to exercise Government inspection of grain, and having from past experience found the supervision of inspection under political bodies to be entirely unsatisfactory we are opposed to any attempt to exercise such supervision. We also declare in favor of having the inspection in all terminal markets under the supervision and control of the commercial organizations of such markets.

I especially call attention to the second paragraph, which recites that the passage of any measure disturbing the present system of boards of trade inspection under which the present grain trade of the country has been built up would be injurious to the best interests of the producer, dealer, and foreign buyer, and, in the resolution part, "that the inspection of grain by the National Government at terminal markets would be detrimental to the agricultural interests." I also call attention to the further fact that not a single reason is given or attempted to be given why national grading of our grain and a national inspection would be detrimental to the interest of anyone, and I assert, Mr. President, that none can be given.

These were the resolutions of men engaged in buying grain under the present system, which they do not wish to modify. Now, let us hear from the other side.

In one of the great wheat-growing counties of my State the wheat growers and farmers who sell their wheat met in convention. They are intelligent farmers; they know just as much about the wheat business as does this association which met in New York, or any other like association, and they unanimously passed these resolutions:

We, the farmers of the county of Barnes, State of North Dakota, meeting and assembled in Farmers' State Institute, held in Valley City, N. Dak., the 25th and 26th days of January, 1904, deeply feeling the wrong and injustice of the present system of grain grading and inspection, manifestly conducted for the benefit of the millers and grain buyers of Minnesota and at the expense and serious loss to the farmers and grain growers of this State, and believing in the unjust and unbusinesslike arrangement whereby and through which the grain buyer and miller fixes the grade and quality of the grain produced by us, and in the absence of any law or means by which said grain can now be graded and inspected by the producers, and that depriving the buyer and miller of such rights and privileges and clothing the Federal Government with the sole power to weigh, grade, and inspect the grain will be a great and lasting benefit to all agricultural interests of this and other States.

Now, therefore, we do hereby resolve that the bill introduced * * * in the United States Senate, now pending, known as the "McCumber grain-inspection bill," which provides generally for the Federal inspection of grain at terminal points, meets our most hearty approval, and we recommend that the utmost efforts be taken by our Representatives in Congress and all honorable means employed to effect its passage.

Mr. President, that is the sentiment of practically every farmer in the State. That is the unanimous conviction of every producer in western Minnesota, South Dakota, and North Dakota.

On the 21st day of January, 1904, there was a meeting in the city of Fargo, State of North Dakota, of representative wheat growers of the States of Minnesota, North Dakota, and South Dakota. They have an association which meets annually, and which I think is known as the "Tri-State Grain-Growers' Association." At this meeting there were several hundred—I am informed by the press 1,500—representative wheat growers from these three States. Among the matters considered by that convention was the question of Federal inspection of grain, and incidentally this bill was referred to a committee for report. With their usual modesty and diffidence they selected for this committee men permeated more or less with the ideas of the great elevator syndicates. Well, the result was they brought in a report to this convention of farmers and wheat growers following out the lines laid down by the association in New York which I have mentioned.

The discussion which immediately followed would be interesting reading in this body. I regret the time will not allow me to reproduce it. It is sufficient to say that such a storm of dissent arose that not even this committee had the courage to attempt to sustain their report. A motion that this adverse report be tabled forever was carried with an enthusiasm and unanimity that showed keenly and strongly that the North and South Dakota farmers and that the Minnesota farmer took decidedly a different view from the New York convention of wheat dealers on the desirability of a change in the present system.

The rather strange feature of the resolutions of the grain-trade organization is that their objection has for its foundation their great solicitude for the interest of the wheat producers. The wheat producers say that this bill enacted into a law will protect them from the frauds practiced upon them under the present system of inspection in vogue not only in the State of Minnesota but in other great wheat centers, and imposed upon them by these wheat buyers.

The wheat buyers, on the other hand say that the bill would be a calamity, because it would be injurious to the interest of the wheat producers. The position of the latter is that the producers or farmers of our country do not know what is for their own interest, and that these wheat dealers' associations, who have but the one thought in mind, namely, the happiness and prosperity of the producer, should have the power placed wholly in their hands to determine what system of grain grading is for the real interest of the latter.

Every man in the State of North Dakota who raises wheat for sale is deeply concerned in the grade and price which he will receive for his product. What he wants is, first, the very best grade that his grain will bear and, second, the best price that grade will bring. He wants not only the right grade, but the right price, and he is entitled to both; and any system which denies him those just rights is a legalized crime which demands speedy abatement.

Every great elevator company which buys this wheat and sells it again, and every speculator who buys and sells it, is interested, first, in buying as cheaply as he can and selling at as great an advance as he can, and second, in buying in at as low a grade as he can and selling out at as high a grade as he can secure.

Now, with every reason of self-interest actuating these associations, they have the audacity to say to our farmers that a system of grain grading and inspection which allows them not only the power to a certain extent to fix the prices, but also to determine the grades and to manipulate grades in such a manner as to beat the producer out of the honest grade to which his grain is entitled, is the best system for the producer and that a law which would deprive these elevator companies or these dealers of that power would not be for his interest. Before I am through with these remarks I propose to probe into the deep and unselfish concern of the grain-trade organizations and other like associations for the welfare of our grain producers.

Nearly every bushel of wheat raised in North Dakota and sold is transferred either to Minneapolis or to Duluth, Minn., or Superior, Wis. Not only that grain destined for Minneapolis and Duluth, but also that shipped to Superior, Wis., is inspected and graded by persons appointed under the Minnesota grading and inspection laws. The legislature of Wisconsin has tried to get around this. The legislature of Minnesota has attempted to act in conjunction with the legislature of Wisconsin to avoid the difficulties which have arisen by these methods.

The farmers of our State have no voice whatever in determining, directly or indirectly, the personnel of the force which passes upon the grade and quality of every bushel of wheat which they sell. They have no means of securing any redress in case of combination or corruption in any manner which affects their grades, and therefore affects the amount which they will receive for their products, being without power to shield themselves. Let us see how the terminal elevators, so deeply concerned in their welfare that they would protect them against the pernicious effect of Federal inspection, do in fact safeguard their interests.

On December 12, 1903, there was published in the Evening Telegram, of Superior, Wis., a very interesting article under the title, in large headlines, "Did the grain ring make $300,000 on grade manipulation?" The writer of this article, among other things, says:

In order to give an example of what is being done I have compiled from the official records on file in my office, the office of the secretary of the Superior Board of Trade, the following statement of receipts, shipments, and grades at the Great Northern Elevator A in Superior for three months from September 3, to December 3, 1903, the first quarter of the new crop year. At the beginning of this period the elevator was practically empty, the unusually high premium on old wheat having the effect of emptying the elevators at that time. I do not understand that there is any scouring or drying machinery in Elevator A, so it is fair to assume that the grain was in the same average condition when shipped out that it was in when received. The very noticeable raising of grades could not, therefore, have been a result of cleaning, and the net increase of 192,000 bushels in quantity is not accounted for in the records. I use an approximate uniform price per bushel for each grade, both in receiving and shipping, so that the exact discrepancies may appear without introducing the confusion of the varying prices from time to time. These profits are in addition to the legitimate elevator charges, which would amount to $33,919.60.

The following is the prepared table, which I ask to be inserted in my remarks:

	Bushels.			
	Gross.	Net, less 1.4 pounds dockage.	Price.	Value.
Received.				
No. 1 northern	2,511,937	2,435,325	$0.80	$1,902,660.00
No. 2 northern	2,088,754	2,040,016	.77	1,570,812.32
No. 3	307,752	300,752	.74	222,556.48
Rejected	299,284	292,301	.73	212,379.73
No grade	1,675,266	1,636,177	.73	1,194,409.21
Western	62,816	61,350	.75	46,012.50
Total	6,945,995	6,783,921		5,209,830.24

	Bushels, net.	Price.	Value.
Shipped.			
Hard	22,312	$0.81½	$18,184.28
No. 1 northern	6,080,339	.80	4,864,371.20
No. 2 northern	585,639	.77	450,942.03
No. 3		.73	
Rejected	93,000	.73	68,990.00
No grade			
Western			
On hand.[a]			
No. 1 northern	30,000	.80	24,000.00
No. 2 northern	60,000	.77	46,200.00
Rejected and no grade	94,000	.73	68,620.00
Total	6,975,290		

[a] About.

Value as shipped	$5,540,207.51
Value as received	5,209,830.24
Profits on account of manipulation of grades and weights	330,377.27

Now, let us observe for a moment the metamorphosis in grades, quality, and quantity of this grain from the time it entered into the elevator until it was shipped out.

First, it will be observed that no No. 1 hard wheat was taken in this elevator during this time. No. 1 hard is the highest grade of grain raised in t' e Northwest and brings the highest price. In fact, it is the best grain raised in the world. There were, however, shipped out 22,312 bushels. Where did it come from? There were taken in, No. 1 northern, 2,511,937 bushels; there were shipped out, No. 1 northern, 3,080,330 bushels, and there still remained in the elevator on hand 30,000 of No. 1 northern. Where did this extra amount of No. 1 northern come from? It is evident, therefore, that of wheat taken in graded lower than No. 1 northern, 598,402 bushels became No. 1 northern while lying in the elevator. How was this made up? Let us see: There were taken in 2,088,754 bushels of No. 2 northern, there were shipped out but 585,639 bushels of No. 2 northern, and there remained in the elevator 60,000 bushels of No. 2 northern, or a total of 645,639 bushels. That leaves 1,442,815 bushels of No. 2 northern to be accounted for, and this is accounted for to a great extent by the increase of No. 1 northern.

There were 307,753 bushels of No. 3 northern taken in; that is what they paid the farmers for. Now, what has become of it? Looking over the amount shipped out, we find No. 3—none. All of this 307,752 bushels changed into a higher grade after it got into the elevator. There were 299,284 bushels of rejected taken in, nearly 300,000. There were shipped out only 93,000 bushels of rejected. What became of that low grade? There were taken in of wheat without grade 1,675,266 bushels. There were none shipped out, and but 94,000 of rejected and no grade on hand. Now, it must be remembered in addition, as I understand it, that this grain was inspected into and inspected out of the same elevator by the same system and the same inspectors. Now, the value of this grain as shipped in, even after the dockage had been taken out, was $5,209,830.24. The value of this grain as shipped out, at the same price for each grade, was $5,540,207.50, leaving a clear profit by manipulation of grades and weights of $330,377.27. Under this statement this was the amount by manipulation of grades only. In addition to this, as stated before, the elevator charges amounted to $33,000. It is important to note, in addition to this, that after docking the farmer 172,074 bushels, the amount shipped out, together with the amount on hand, was nearly 30,000 bushels more than the gross amount received in the elevator before its dockage. So that, while the farmer was docked 172,000 bushels, the elevator sold about 30,000 more than the gross amount received without the dockage. This is the system which so many grain men think par excellence.

Now, after this grain trade organization in New York, which was so much interested in the wheat grower of North Dakota, had resolved that Government inspection would be detrimental to the interest of the farmer, it would have been a fitting close to the resolutions to have inserted the report which I have just read, and then resolved that this system which makes it possible to make more than $300,000 out of every 6,000,000 bushels of the farmers' wheat is for the real interest of the farmer and producer. I wish to quote here from an article written by H. C. Stivers in the Superior Evening Telegram of May 2, 1903. In this he says:

> I wish here to state the astounding fact that the official reports of the Minnesota grain-inspection department, together with the reports of the Duluth Board of Trade, show that during the past ten years the amount of wheat shipped out of the grain elevators at the head of Lake Superior was 26,868,000 bushels more than the total amount received during the same period by the same elevators. The amount of wheat in store at the beginning of this period was about the same as the amount in store at the end of the period. That is, the wheat received in Superior and Duluth during the past ten years weighed 26,868,000 bushels more when it was weighed out of the elevators than it did when it was weighed in, all of which surplus of wheat, worth, at 75 cents per bushel, more than $20,000,000, was net profit, clear, unearned gain, for the elevator companies. As the elevator people have to give full weight when they sell grain, the presumption is that the grain growers of the Northwest were robbed in the weight of their grain in a manner that would make Dick Turpin green with envy. Twenty million dollars is enough to lay a dollar on every foot of the distance of 3,787 miles. It is not difficult to see the reason why the elevator people insist that the day for changes has gone by and that the permanent and unchangeable manner of weighing, inspecting, and handling grain has been fixed for all time to come.

Now, of course I do not pretend to speak with personal knowledge of these published facts. We do know that a public record is kept of the kinds and grades of grain which are received into a public elevator and the quantity and kinds and grades that are shipped out, so it is easy enough for anyone having facilities to do so to get the requisite information on this subject. The editorial and the statements mention in detail a particular elevator, and I have no doubt of the substantial truth of the statements. All the information which I obtain must necessarily be obtained second hand, as I can not personally examine these records. I call attention to another fact which has come to me from Superior, and which I believe was published in one of the papers there, although I am not certain of this. This statement, which is given to me as absolutely correct, is as follows:

> In 1898 a Duluth firm, with offices in Minneapolis, sold to Joseph Leiter, or his representative at Duluth, 200,000 bushels of No. 1 northern wheat. When the time for delivery drew near the selling firm was unable to obtain the necessary wheat of that grade at Duluth. It shipped from Minneapolis this amount—that is, 200,000 bushels—of wheat out of the Peavey elevators at Minneapolis, where it was inspected by the Minnesota grain-inspection department as No. 1 northern. The cars arrived here, but the deputy inspectors refused to put a grade of No. 1 northern on the wheat, on account of the poor quality. The receiving firm called for reinspection, but the chief inspector at Duluth also refused to mark the grade No. 1 northern, as also did the board of appeals, which is supposed to be the highest court as far as inspection at the head of the lake is concerned. The difference in price at the time between No. 1 northern and No. 2 northern was in the neighborhood of 60 cents a bushel, making the difference in price of 200,000 bushels of No. 1 northern and No. 2 northern $120,000. Through the influence of the grain ring, of which the selling firm was a leading member, they succeeded in having the Minnesota inspection department send a special inspector from Minneapolis with instructions to grade this lot of wheat of 200,000 bushels No. 1 northern. This was done and the grain ring made a profit of the above difference in price.

If this statement be true, or anything near it be true, then certainly there is great ground for a change in the method of inspection and grading.

In a letter from a member of the Superior Board of Trade I have the following statement, which I have been authorized to use:

> We had another interesting deal here recently. A dealer of Duluth sold 500,000 bushels of wheat for December delivery. It was reported that he would have difficulty in filling the contract. It proved to be very easy. He had about 350,000 bushels of off-grade No. 2, No. 3, and rejected, and no grade in Elevator A. By a system of "Presto, change!" in vogue, at the request of the Minnesota grain ring he transferred the grade into No. 1 in the twinkling of an eye, and delivered warehouse receipts for No. 1 northern. Of course this scandalous business has ruined the reputation of Dakota wheat. A year or two ago it was selling at from 2 to 3 cents over Manitoba wheat. It is now worth 1 cent under Manitoba, although Manitoba wheat is somewhat damaged by frost. Reference to any market report will convince you that Manitoba wheat is now worth the most. Of course there are instances, in the case of an attempt to corner, when Manitoba wheat is of no avail and our wheat gets a premium.

The writer of this letter says the car numbers and the names of all parties in connection with this transaction are obtainable. The farmer has a right to complain when 60 cents per bushel is made upon his grain by false reports for speculative purposes. He knows that ultimately this profit means his loss.

And yet a system of grain grading permitting such frauds, or under which such frauds are possible, the boards of trade and grain buyers' associations earnestly declare to be to the interest of the producer. The Dakota wheat producer is not alone relying upon these extrinsic facts and circumstances. Unlike most farmers of the Middle and Eastern States, the Red River Valley wheat grower does not sell the bulk of his grain to the local elevator. He ships directly to the great wheat markets at the time of thrashing.

He is, therefore, brought into direct contact with the wheat grader and inspector, that important personage whose act of grad-

ing or inspection, carelessly or deliberately done, is to measure the value of his entire season's labors. He knows that the office of chief inspector is a political office, and that the appointee receives his position through the powerful influence of these wheat buyers, the elevator men; he knows that the chief inspector appoints his deputies. One deputy may have a hundred cars to inspect in a single day. He opens the car, takes out a handful of grain, determines what grade and what dockage should be made, and passes on to the next. If his grading or the amount allowed for dockage is not too rank it is generally accepted, rather than to go through all that is necessary in time and trouble in securing a reinspection. The chief inspector generally sustains his deputies on appeal. If he overruled them too often it would be publishing to the world the fact that he had appointed incompetent persons. After several ineffectual attempts to secure justice the owner of the wheat generally gives up trying to correct errors, although he knows that they are committed either through carelessness or incompetency or intent.

In my own personal experience I have known a special bin in an elevator to be filled with wheat from a single field, wheat that I knew was absolutely uniform in character, quality, weight, and cleanliness. This grain was thoroughly mixed in that bin and loaded into two cars, and yet, when it was inspected, one car was graded No. 1 northern, with very little dockage, and the other car, of identically the same kind, was graded No. 2 northern, with about three times the amount of dockage. Every bushel of this grain was No. 1 northern in quality. It had never had a drop of rain on it from the time it was harvested until it was graded, and therefore there could not have possibly been this difference. I ascribe this failure rather to incompetency than intent, and this is the experience of every shipper of wheat in the State of North Dakota.

Here is another thing that our Dakota farmers have learned: In the early part of the season for wheat shipments extreme caution is adopted by all the inspectors lest they should possibly grade too high before they become thoroughly acquainted with the real condition of the crop, lest by some possibility a greater grade would be allowed the producer than might be secured by the elevator man. In other words, every doubt is resolved against the wheat producer. The result of this is that after most of the wheat has been marked at a low grade it is found that this grain will stand a higher grade, and the elevators which have been filled with Nos. 2 and 3 wheat find that they have on hand Nos. 1 and 2 grades. Just to the extent that they gain by this the producer loses.

We have in our State an agricultural college. It is a good college—one of the very best in the United States. All the skill, science, and education of the professors of this college have been directed toward securing higher standards of farm products. Notwithstanding that fact; notwithstanding all of the assistance that is given by the Agricultural Department of the Government in securing the best possible grain; notwithstanding the fact that we absolutely do raise in the Dakotas and Minnesota a better quality of wheat than in any other place on earth; still our grain when sold abroad is regarded as inferior, and as it lands there it is inferior and brings a less price than the product of the Russian peasant, where no skill, no science, has been called in for the purpose of enhancing the quality of his product. Why is this? Why does not our good No. 1 hard and No. 1 northern, regarded by our own millers in this country to be grain which will make the best flour, bring such an inferior price in the markets of the world,-when the flour which is made from that grain brings the highest possible price in the United States and higher than any other?

The reason is this: The shipper of wheat will take, say, a million bushels of No. 1 northern and will add to this and mix with it three or four million bushels of No. 2 or No. 3 northern, have it all graded No. 1 northern and send it to the markets of Europe. When it reaches Liverpool the British miller examines the certificate of grading made at Minneapolis or Duluth and finds that it is officially designated as No. 1 northern, but an analysis of this wheat shows that it is of a poor grade; and not always observing the distinction in this country between a State government and the State official's certificate and the certificate of one of the Departments of the United States, he concludes that all No. 1 northern American wheat is a cheap and poor quality, and on account of this manipulation our good North Dakota grain must suffer.

I want to call attention to a few sentences from a statement made by a Prof. H. L. Bolley, of the State agricultural college, discussing the very bill under consideration. He says:

> As a teacher of agricultural botany I am not often interested in legislative features, bills in Congress, etc., but in regard to this matter of grain inspection, every year since I have been in the Northwest it has been becoming clearer and clearer to me that the manner in which the cereal products of the farm are graded and handled on the market is on a most simple and childish basis for a Government which professes to have such an educated farming public and such an efficient Department of Agriculture to oversee matters. Our agricultural colleges and experiment stations are spending an immense amount of energy in instructing the farmer just how to raise the cleanest and most perfect type of each of the cereal grains, and they are meeting with success. The great majority of our farmers are actually doing this type of work, viz: Producing a type and quality of these grains far more perfect than that to be found in any other country in the world. * * * The facts are that no region of the world produces a quality of flaxseed equal to the output of these three Northwestern States, but upon the foreign markets we find the American seed product always spoken of as "extremely inferior." Regardless of the praise that may be bestowed upon our present system of flaxseed grading and inspection, it can not be said that one could intelligently think of said grading, inspecting, and storing being accomplished in a much worse way. Good flax and bad flax, wet flax and dry flax, all jumbled together, eventually reach the consuming market.

Colonel Benton, an extensive wheat grower, in an address made before the Tri-State Grain Growers' Association, which I have mentioned, dealing with the subject of the present inspection, says:

> I have watched with some interest the grading of grain for the last twenty-six years in the State of North Dakota. The reason that I have watched this grading is because I have more or less grain to sell every year. The first few years that we grew grain in North Dakota we could get the grades that were offered, according to the rules that were to govern that grade. They finally established the rule that where grain weighed 58 pounds to the bushel and had 75 per cent of No. 1 hard wheat, that it was No. 1 hard wheat. Two years ago the inspectors from Minnesota sent word to the elevator at Wheatland, the place where I market my wheat, that they would give the No. 1 hard grade for no wheat. They told me that they could not give No. 1 for any wheat. I have seen wheat this year weigh 61 pounds, pure Scotch Fife wheat, graded as No. 2 and sold for the No. 2 price.

As everyone knows, the Scotch Fife is the hardest of all of our hard wheats, and even under the Minnesota rules, when grain having 75 per cent of Scotch Fife, weighing 58 pounds per bushel, is graded, that wheat should grade No. 1 hard; and yet here is wheat 100 per cent Scotch Fife, of a quality that weighs 61 pounds per bushel, graded as No. 2, because the inspectors at the great markets receive their orders to grade no wheat whatever No. 1.

Further on, Colonel Benton says:

> I have seen but one car of wheat this year sold in Wheatland as No. 1 hard wheat, and it was from the same field and threshed the same way that another car was that went No. 2. For the last ten years the grading of the wheat we have raised in North Dakota has been governed by Minnesota inspection. Last year an attempt was made to pass a grain-inspection law in Wisconsin. We got no relief from it. We have trusted to the Minnesota legislature for the last ten years. * * *
>
> If you go to the North Dakota legislature and pass any law that you want to, you can not enforce it, for when it comes to Duluth it is out of the jurisdiction of North Dakota and her laws. You can not establish State laws for the inspection of grain that will apply to all of the States. You can make a move like this (a national inspection law), which is in the right direction, and have a universal authority for the grading of grain, and then in Minneapolis they will only have to pay what the grain is worth. They need not be afraid of paying too much for the wheat so long as the Government says that the wheat is worth so much—and I want to say here that the raising of grain, and the growing of wheat that is No. 1 hard, and having to sell it for No. 2 or No. 3, and rejected, is getting played out. This is plain talk, but we are right at a crisis here.

These views of Colonel Benton are shared in by every North Dakota farmer and every South Dakota farmer and every Minnesota farmer. Anyone who has had anything to do with wheat raising in the State of North Dakota in the last ten years knows the absolute truth of this statement. I have hundreds of letters from all over the State, each one making this general complaint. Here is an extract from a letter of a member of our State legislature, and one extensively engaged in farming and shipping of grain. He says:

> I want to congratulate you upon the bill you are working to get through with reference to securing a national system for the grading of wheat. I regard it as one of the most important measures that affect the agricultural interests in the Northwest. Under the present system the farmers are being robbed every year of at least one grade of their wheat, and in this way: In the fall of the year, when they have to market their grain, the inspection at Minneapolis and Duluth is very rigid, and for the last two years it has been almost impossible to secure a better grade than No. 2 or 3 northern, and usually at a pretty heavy dockage. Now, were it not for the fact that as soon as the grain is out of the farmers' hands this damnable inspection loosens upon the grades, and the elevator people who have graded the grain 2 or 3 northern are allowed to deliver this wheat for No. 1 northern on contract sales.

I have given a few of these expressions of North Dakota wheat growers to meet the assertion of this National Wheat Dealers' Association that national inspection would be detrimental to the interest of the producer.

Smarting under these wrongs, our State has been for years trying to find some avenue of escape. In 1903 a committee of our State legislature, in conjunction with a committee from the Wisconsin legislature, sought by their combined efforts to find some source of relief. They were forced to fall back on Federal inspection and grain grading. This committee made a thorough investigation of the subject of wheat inspection and grading, and officially found conditions about as I have mentioned. I quote from the report of Hon. George M. Young, a member of this committee:

> That such abuses exist is a matter of almost universal knowledge among our farmers, who have been systematically robbed; but in addition to the facts presented by our farmers and in corroboration thereof I call to your attention the official report of the chief inspector of grain of the State of Minnesota, showing the total receipts and shipments of grain for the year ending August 31, 1901, from which I quote.

Now, from this table alone and from the official report that is given by the inspector there will be seen the robbery that is going on in the present system of State grain grading at the terminal markets at Duluth, Superior, and Minneapolis.

No. 1 hard—receipts, 341,567 bushels; shipments, 1,000,438 bushels.

More than three times as much No. 1 hard was shipped out in those three years as was taken in.

No. 1 northern—

That is a very good grade of grain—

receipts, 10,970,414 bushels; shipments, 16,900,917 bushels.
No. 2 northern—receipts, 7,341,594; shipments, 3,978,311.
No. 3 spring—receipts, 1,335,830; shipments, 444,041.

It will be seen that of the higher grades the amount shipped out always exceeds by two or three times the amount taken in, while of the lower grades the amount taken in exceeds from two to three times the amount shipped out.

I will make this table a part of my remarks without quoting further from it.

The table referred to is as follows:

No. 1 hard—receipts, 341,567; shipments, 1,000,438.
No. 1 northern—receipts, 10,970,414; shipments, 16,900,917.
No. 2 northern—receipts, 7,341,594; shipments, 3,978,311.
No. 3 spring—receipts, 1,335,830; shipments, 444,041.
Rejected—receipts, 256,963; shipments, 134,471.
No grade—receipts, 1,335,521; shipments, 344,823.

Mr. McCUMBER. The quotation proceeds:

A study of these figures can not fail to show that the practice of raising grades and mixing the grain prevails under the Minnesota inspection to a very large and alarming extent. The practice has been to give lower and more rigid grades early in the season, while the bulk of the grain is being received, and higher and more liberal grades thereafter. The investigating committee of the Minnesota legislature—appointed in 1899 to investigate the charges made of unjust and inaccurate inspection made under the Minnesota law—concludes its review of the testimony taken with the following serious charge:

Remember, Mr. President, this was a committee of the legislature of the State of Minnesota dealing with their own laws:

"From this it appears that nearly one-third of the crop has been marketed each year before the farmer is enabled to get the grade that his crop merits."

Again, this same investigating committee in seeking for the cause of these hardships to the producer made the following charge: "That early in the season the inspection made by your inspectors was very severe against the producer, and that subsequently—later in the season, somewhere about the middle of October, and from that on—much more liberal grades were given."

The defense made by the chief inspector when called to the witness stand was in his words: "We take the benefit of the doubt until we get started, because we don't know what we are getting into." Another of his reasons was: "In order to have a little margin, one which we can carry our crop through on without exercising apprehension on the part of eastern buyers."

From the foregoing it will appear that the ills which our farmers complain of are not imaginary.

All of this is quoted, as I have suggested, from the report of Hon. George M. Young.

Now, Mr. President, what will be gained by a national inspection of grain? Generally I believe that it will rectify all of these abuses which have grown up under the present system. This bill proposes that the Secretary of Agriculture shall appoint experienced men to inspect and grade the grain. These men will not owe any debt of gratitude for their appointment to the grain men of the country. There will be no inducement for them to favor either the shipper or the producer. The producer of grain is only asking for his honest grades. He is content with that, but he insists that he has the right to these grades. He asks for honest weights and for honest dockage. I believe that under a national inspection it would not be a rule that in the early fall all doubts in reference to grade should be resolved against the producer. I believe that under a national inspection of grain it would be impossible for any man or set of men to say to inspectors: "You are to make no No. 1 grades this season."

I believe that under a national system of inspection of grain it would be impossible to buy in the product of the producer as No. 3 northern and at No. 3 northern prices, mix this product with one-quarter as much No. 1 or No. 2, and by this manipulation, and having it all graded as No. 1 or No. 2, make one grade clear off the farmer's grain. Under a national inspection system I believe it would be impossible to make up a shipload of wheat for Liverpool one-third No. 1, two-thirds No. 2, and receive a Government certificate that the whole, when mixed, is good No. 1 hard.

Under a national system of grain inspection I believe it would be impossible for the elevator man in handling 6,000,000 bushels of wheat to make a clear profit of $300,000 on manipulation of grades alone. Under a national inspection I believe it would be impossible for this same company in the handling of this same amount of wheat to make a net gain in bushels alone of nearly 200,000.

If Federal inspection were enforced I believe that it would be impossible that about three times as much No. 1 wheat would be shipped out of Duluth and Minneapolis elevators as is shipped into them. If we had Federal inspection I believe it would be impossible that in ten years' time these great terminal elevators could ship out 27,000,000 more bushels of wheat than they received during the same time. And this means much to the people of my State. If we raise 90,000,000 bushels of wheat and lose one grade, at 3 cents per bushel, that would mean $2,700,000. That would go a long way in paying all the expenses of State and county and city government.

These are all valid reasons for a change in the present system. It will be noticed that the Grain Dealers' Association gave no reasons why it would be injurious to the best interests of the producer, dealer, and foreign buyer to have national inspection. I have given reasons why it would be for their interest. Now, let the grain dealers meet those reasons. We have had national inspection of our meats for several years. The same reasons that could be urged against a national inspection of grain could also be urged against a national inspection of meat, and yet our meat-inspection laws have been the greatest possible blessing to the stock growers and packers and other men interested in American meats. It has given our meats a status which they never had before in the markets of the world. The certificate of the proper officer from the Department of Agriculture that this meat has been inspected and found to be pure is accepted in every market of the world. The same beneficial results would ensue from national inspection of grain.

The next important question is whether national inspection is feasible. Can the duties be performed by the National Government through the Department of Agriculture? The very fact that it is now done by the State answers the question. If under State laws grain can be graded and inspected by officials, certainly it can be done as well under a national law. If it can be done by the officers of the State, what reason on earth is there for saying that the same duties can not be performed by officers of the Government? There are only a few markets where it would be necessary to have inspectors; probably not any more than twenty-five cities in the United States. There would be no extra cost to the Government, because the small fee charged for each carload would cover the cost of inspection. The farmer pays for this now under the present system. I do not think that it will require but very little more force than is at the present time required for the inspection of meats. Judging from the reports of some of these grain-buying associations, they have a fear lest the present system of grades should be demolished by a single edict and a chaotic condition ensue. But these fears are entirely groundless, as will be seen by an inspection of the bill, which provides that the Secretary shall be guided by present commercial usages of the present system of grading. There are approximately eight distinct classes of wheat grown throughout the United States, three distinct classes of corn, two distinct classes of barley, and only one of rye, buckwheat, and oats.

Here I have prepared the classes showing where these several grades of wheat are grown and are marketed:

Class 1 is a red spring wheat grown in eastern Wisconsin, northern Minnesota, North and South Dakota, and Canada. The grades of this class are No. 1 hard, No. 1 northern, No. 2 northern, No. 3, rejected, and no grade. Class 2 is a hard winter wheat composed almost exclusively of the variety known as "Turkey wheat," grown in Kansas, Oklahoma, Iowa, southern Minnesota, southern Wisconsin, and to some extent in Illinois. Its commercial grades are No. 1 hard winter, Nos. 2 and 3, and rejected. Class 3 consists of a soft red winter wheat grown in Missouri, certain portions of Kansas, Oklahoma, northwestern Texas, and eastward. It is composed of the varieties, Little May, Mediterranean, Northern Fife, and an endless variety of local names. It comprises the larger class of the northern wheats, and is grade No. 1 red winter, usually prefixed by the term "soft." Class 4 is a white winter wheat, raised east of the Rockies, composed of Jones's Amber and Michigan White, and other local names.

This grain is grown to some extent in northern Indiana, Maine, eastern Pennsylvania, and southwestern New York. Class 5 is of relatively small importance, being a white spring wheat. It is grown in western portions of Nebraska, in California, and to some extent in Wyoming and Montana. Class 6 is grown west of the Rockies, in the Sacramento River Valley, also in the Colorado River Valley, as blue-stem wheat. It is the highest grade of white wheats in the Pacific region, selling from 3 to 5 cents above the other wheats grown there, and is sold under the grades of "high milling" and when mixed with other classes as "No. 1 milling." Class 7 is grown in the San Joaquin Valley, throughout Oregon, Washington, and Idaho. It is a club wheat.

This comprises the important classes of what we know for convenience as grade wheats, used for bread, pastry, etc. We have also another class of wheat raised in the corn belt, known in trade as "macaroni" wheat, composed of Russian red and all varieties of bright red and amber, and grown as spring wheat in the North and winter wheat in the South. These comprise the eight standards of American-grown wheat.

The PRESIDENT pro tempore. The Senator from North Dakota will please suspend one moment while the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 1508) to provide for the purchase of a site and the erection thereon of a public building to be used for a Department of State, a Department of Justice, and a Department of Commerce and Labor.

Mr. FAIRBANKS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Indiana asks that the unfinished business be temporarily laid aside in order that the Senator from North Dakota may conclude his speech. The Chair hears no objection, and that order is made.

Mr. McCUMBER. Mr. President, looking at the subject from the standpoint of the producer, I absolutely fail to see wherein any injury can be inflicted upon the trade by a national grain-inspection system; on the contrary, I believe it would be a great blessing to both the producer and to a great number of wheat buyers. A system that will give confidence in our products not only to the producer but to the foreign purchaser can not but enhance the value of our product. A system that allows any kind of juggling or mixing of grains whereby any company or corporation secures more than legitimate returns for its investment must ultimately come out of the pockets of the producer. Under ordinary conditions, or at least conditions which were ordinary a quarter of a century ago, I myself would be averse to turning over to the Government the performance of any duty which could be done by private individuals as well. In all branches of business and trade I feel that the Government has no right to be a competitor with private individuals. Her power to levy a tax on this same individual for her own support gives her an advantage which could drive to the wall all competition.

But I do not regard this as a business or enterprise of the Government. It can not be considered in that sense. Under this bill the Government does not conduct the business of wheat selling any more than it conducts the business of wheat growing. It simply fixes the grades and classifications. It does the weighing, inspecting, and the grading, and gives the stamp of verity to all its acts. The Government does not make the gold or silver that comes to its mints; it simply weighs, coins, and stamps it and has its certificate written upon every coin, which carries with it absolute confidence and shields it from counterfeit. So would the certificate of the Government—national certificate upon every cargo of grain—carry with it a confidence in the character of that grain which would insure its easy sale in the markets of the world for what it is actually and truly worth.

Conditions have changed within the last twenty years. Combination—combination everywhere crushing the weak, combination cornering the markets, combination overriding and destroying the law of competition, combinations of great elevator companies, which fix our grades, determine what our prices shall be, place us entirely at their mercy. These are conditions requiring legislative action. We can not meet them as in days gone by. The great commercial interests are so closely bound together that there are no longer competitive channels to which we can go for relief. More than one-half of the population of the United States are agricultural. The Government, therefore, is interested and deeply concerned in their welfare from a national standpoint. There is no one single blessing which will give greater happiness, longer life, or higher character to the American people than the perpetuation of the rural home. Without this blessing no nation has ever remained long a progressive nation. With it no people have ever failed to become great and progressive. It is the pride and strength of our people to-day. It is the hope, and I believe I am justified in saying the one hope, of our people in the future.

A strong, healthful, country life must ever be maintained to check the disintegrating and deteriorating influence on the character of the people of our great and densely populated cities. The tendency of the latter is ever toward socialism, a condition where the scales of justice must always be held in a spasmodic grasp. The idea of law, order, and individual right grows naturally from the soil of our free homes. This proposition no one will deny; and if it be true, then any act which will benefit more than half of our population, which will tend to make wheat growing and farming successful, which will build up and make prosperous our American farms, from which we are to develop and supply the demand for the highest standard of American manhood and character, ought not to go begging for favorable consideration in an American Congress awake to the demands of our own interest and desirous of doing justice to all the people.

I have in the main discussed the inefficiency of the grading system as applied at the three great markets of Duluth, Minneapolis, and Superior. I am, however, informed—not only by those who have made a special investigation of the whole subject, but from the trade itself—that equally bad conditions prevail everywhere, and that the same abuses which I have enumerated are practiced in every section of the country, and that the same necessity exists for a national-inspection system.

While the association which met at New York condemned national inspection because of its political character, I do not know that they have ever condemned the political feature of the Minnesota inspection laws. I find that those, however, who believe that this Minnesota system is beneficial, by their association, also object to a national-inspection system, and those outside, who condemn the Minnesota system, say that the same abuses would follow a national grading and inspection of grain.

This is not true. Political strength would have nothing to do with the appointment by the Secretary of Agriculture. Failure to favor the wheat buyer would not be political death to the inspector appointed by the Secretary of Agriculture. Under the bill the appointee must not be interested by employment or otherwise in the grain business. If an inspector fails to do his duty, the wheat raisers of every State can have a voice in bringing him to account. Inspectors could be moved from one place to another section of the country whenever the interest of just and perfect grading and inspection demanded it. A rule could be made prohibiting the mixing of a lower grade cargo with a higher grade and claiming the high grade for the whole. This would be a death-blow to this abuse, as there would be no object in mixing grades unless there was a grade to be gained thereby.

I believe that the great bulk of wheat buyers—the small concerns of the country—would be greatly benefited by this bill and are actually in favor of it. It is true that many who are opposed to national inspection nevertheless see the evils and abuses of the present system all over the country and are exerting their influence and learning to secure greater proficiency and more uniform standards of grading.

Among these are Mr. John O. Foering, president National Grain Inspectors' Association, Bourse Building, Philadelphia, Pa., and Mr. George F. Reed, representing the executive committee of the Grain Dealers' National Association, Chamber of Commerce, Boston, Mass. These gentlemen are laboring diligently to secure a reform in the present system. I am indebted to them for much information furnished. The Secretary of Agriculture for the last two years has been making a special study of the subject to secure reforms and uniformity of grades, and I know they share with me the sincere hope that conditions may be bettered, even though we may differ as to the means of securing the same end.

The question here might be asked how this would affect anything but grains exported from or imported into another State or grains to be exported to a foreign country. In answer to that I may say that nearly all of our grain sold on the market enters into interstate commerce, and the small remainder would not seek to hold a grade of its own differing from the general grades. In other words, if the Government establishes a United States grade for grain, all grain will come into that list.

Now, Mr. President, I have not appeared before the Senate Committee on Agriculture and Forestry in favor of this bill. I have thought that I could better discuss it at length before the Senate, and then after they had seen all of the points that could be brought out, both against it and in favor of it, they would be able better to consider it. I know that it affects one-half of the population of the United States, not only those who produce the grain, but those who are interested in it. I know that the system which is in vogue at present throughout the United States is one of great hardship to the entire agricultural people of the country. I believe a system very much like this affects the cotton growing States in the South, and that the farmer there suffers much in the same way the farmer suffers in the Northern States.

I believe, Mr. President, that we could meet this condition fairly by a system of Government inspection at the terminal centers where nearly all of the grain is sold, and I sincerely hope that the Committee on Agriculture and Forestry will take this matter under consideration. I know that it receives the concurrence of all the associations in the United States which actually represent the wheat-growing industry of the country.

Mr. President, when we have done this we have done for one-half of the population of the United States a favor and produced a condition which will benefit them more than all the legislation that has been enacted in the last fifty years.

COURTS IN MISSOURI.

Mr. CARMACK. I move that the House of Representatives be requested to return to the Senate the bill (H. R. 8661) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State. I make this motion at the request of the junior Senator from Missouri [Mr. STONE].

The motion was agreed to.

Mr. CARMACK. I enter a motion to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

POST-OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask that the post-office appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read to line 6 on page 1.

Mr. GORMAN. Mr. President, the Senator from Pennsylvania [Mr. PENROSE], the chairman of the Committee on Post-Offices and Post-Roads, has called up for consideration the bill making appropriations for the Post-Office Department. This bill carries an immense appropriation. As it passed the House the gross amount contained in the bill was over $170,000,000, the largest appropriation that has ever been made in the history of this Government for this service.

This bill reached the Senate on March 26, was read twice that day and referred to the Committee on Post-Offices and Post-Roads, and on March 29, which was yesterday, after a consideration of only a few hours, it was reported to the Senate. It is taken up for consideration to-day, when there is not a member of the Senate who could possibly have had opportunity to examine the measure, to study the new provisions affecting the administration of the Post-Office Department, or to ascertain the necessity for the large increases in the amount of appropriations for the postal service.

I have had considerable experience, Mr. President, in the consideration of appropriation bills, and I confess I have never known such haste in the presentation of these great measures as we have witnessed at the present session, and particularly in the appropriations for the Post-Office Department. For some reason, more fully known, I take it, to gentlemen on the other side than to those on this side, there has been a mysterious influence pressing from day to day, from the very beginning of this Congress until now, to hurry through, without due consideration, matters affecting this Department.

I am very far from saying, Mr. President, and I do not intend to be understood as saying, that I believe the Postmaster-General or any one of his present principal assistants has been unfaithful to his trust; but I do believe—and I think the evidence that has been permitted to ooze out shows—that there has been a laxity of discipline, a want of careful administration in the affairs of the Post-Office Department.

Mr. President, we have in all fairness, and not with simply partisan feeling, as has been stated in the debate, attempted to get at the real facts connected with the administration of the Post-Office Department; and for the first time to my knowledge, in the history of this body, the majority has seen proper to suppress and prevent proper inquiry into the conduct of a department. In my judgment, it is beyond all considerations of party, and the change from the policy pursued by the Republican party in the last twenty years is so radical that I think it will astonish the country.

It may be in the consideration of appropriation bills by this body—and I am rather inclined to that opinion—that the rule adopted within the past four or five years of distributing such bills to various committees and taking them away from the Appropriations Committee has prevented the same careful, earnest, and patient consideration which those bills heretofore received, and I know the change has greatly increased the expenses of the Government.

Now, when the Post-Office Department, the President of the United States, and both Houses of Congress have recognized the fact that the extravagant appropriations heretofore made have given opportunity to dishonest men to misuse and squander the money of the people, the time should be taken in this body and in the Committee on Post-Offices and Post-Roads to ascertain the facts in order to make provision which will prevent further robbery and thievery in that Department. But this privilege has been denied.

Mr. President, let me call the attention of the Senate and of the country to what we have attempted to do and have been thwarted in on every occasion by the majority of this body. The fact of corruption in the Post-Office Department, brought to our attention by the public press, induced the junior Senator from Tennessee [Mr. CARMACK] on the 23d day of November, during the extraordinary session, to introduce a resolution of inquiry into the conduct and expenditures of the Post-Office Department by the Committee on the Organization, Conduct, and Expenditures of the Executive Departments. The resolution is as follows:

Resolved, That the Committee on Organization, Conduct, and Expenditures of the Executive Departments of the Senate be, and it is hereby, instructed to make inquiry into the conduct and expenditures of the Post-Office Department, and especially with respect to any charges of corruption, extravagance, and violations of law in the administration of the affairs of said Department.

Said committee is authorized to send for persons and papers, to administer oaths, to compel the attendance and take the testimony of witnesses, and to examine all books, papers, and documents that may be needed for the purpose of such inquiry.

The Postmaster-General shall detail from time to time such officers and employees as may be requested by said committee in its investigation.

Upon the completion of said inquiry, and on or before the 1st day of May, 1904, the committee shall make report to Congress, which report shall embrace the testimony taken in the course of the investigation, the conclusions reached by said committee on the matters examined, and any report said committee may see proper to make, by bill or otherwise, with a view to correcting any abuses, defects, or illegalities that may be found to exist in the administration of the affairs of said Department.

That resolution went over for the day, and the next day it was laid before the Senate. The distinguished Senator from Pennsylvania [Mr. PENROSE] asked that the resolution lie over, keeping its place on the Calendar. The Senator from West Virginia [Mr. SCOTT] objected, and the resolution was referred to the Committee on Post-Offices and Post-Roads, to remain there until this hour, to sleep the sleep of death, and thus to prevent inquiry into the conduct of the Post-Office Department.

On the 1st day of December, 1903, the Senator from Pennsylvania, the chairman of the Committee on Post-Offices and Post-Roads, feeling the responsibility more acutely than did any Senator in this body on the other side of the Chamber, offered a resolution calling for the production by the Postmaster-General of all the papers regarding the recent investigation in his Department, and giving the Committee on Post-Offices and Post-Roads authority to make further inquiry, if necessary, into the administration of that Department. Upon that Senator's request the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

On December 7, 1903, the resolution offered by the Senator from Pennsylvania was favorably reported by the Senator from New Jersey [Mr. KEAN] from the Committee to Audit and Control the Contingent Expenses of the Senate, and he asked for its present consideration. I asked that the resolution lie over one day, with the view of offering amendments to it; but later in the same day the Senator from Pennsylvania asked and obtained unanimous consent for the immediate consideration of his resolution, whereupon I offered sundry amendments, which the Senator from Pennsylvania agreed to accept. My amendments changed his resolution from a mere permission to the Post-Office Committee to investigate to a requirement that they should investigate and report, as I recall it, early in May, so that we might have the desired information by that time.

Mr. SPOONER. They were to report in May.

Mr. GORMAN. By the 1st day of May.

The resolution offered by the Senator from Pennsylvania [Mr. PENROSE], with the amendments proposed by me, is as follows:

Resolved, That the Committee on Post-Offices and Post-Roads, in view of the charges of corruption, extravagance, and violations of law in the administration of the affairs of the Post-Office Department, is hereby instructed to direct the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department, and said committee shall make further inquiry into the administration and expenditures of the said Department, and make report thereon to the Senate upon completion of said investigation on or before the 1st day of May, 1904.

Resolved, That said committee shall have power to send for persons, books, and papers, examine witnesses under oath, employ a stenographer, and sit, by subcommittee or otherwise, during the sessions of the Senate, at such times and places as the committee may determine; and the actual and necessary expenses of said investigation shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the committee.

I doubt whether, in the history of this body, a mere resolution of inquiry or a resolution for investigation, under conditions such as admittedly existed in this case, was ever fought so vigorously or with such determination by Senators on the other side, with the exception of the Senator from Pennsylvania, the chairman of the committee. No inquiry was to be allowed, and no further information given beyond that already furnished the public by the press and the Post-Office Department and the statements of the attorneys employed by the President of the United States.

The Senator from Minnesota [Mr. NELSON] immediately moved to refer the resolution, with the amendments which I had submitted, to the Committee on Post-Offices and Post-Roads, stating that the committee should consider the propriety of making the investigation and frame the resolution as they saw proper. A long debate ensued, which ran until the 8th of December, when the Senator from Pennsylvania again, by unanimous consent, called up the resolution introduced by him, and the junior Senator from Massachusetts [Mr. LODGE] moved to refer it to the Committee on Post-Offices and Post-Roads.

After debate, which was participated in by the Senator from Minnesota [Mr. NELSON], the Senator from Georgia [Mr. CLAY], the Senator from Pennsylvania [Mr. PENROSE], the Senator from Massachusetts [Mr. HOAR], the Senator from South Carolina [Mr. TILLMAN], the Senator from Texas [Mr. BAILEY], the Senator from Maine [Mr. HALE], and by myself, the motion went over, the Senator from Illinois [Mr. CULLOM] calling the atten-

tion of the Senate to the fact that the bill to carry into effect the Cuban treaty then under consideration had, by unanimous consent, the right of way. As is always the case, the unanimous-consent agreement was complied with, and the resolution again went over, which sent it to the Calendar.

On December 16 the junior Senator from Tennessee [Mr. CARMACK], becoming impatient at the delay and knowing that under the rules of the Senate it would require a majority vote to take up a resolution which had gone to the Calendar, speaking for all on this side of the Chamber, offered another resolution, asking for all the papers in the recent investigation made by the Fourth Assistant Postmaster-General, further directing the Committee on Post-Offices and Post-Roads to inquire into the expenditures of the Department, and to report by the 1st day of May next, and giving the power to examine witnesses under oath.

The following is the resolution:

Resolved, That the Committee on Post-Offices and Post-Roads, in view of the charges of corruption, extravagance, and violations of law in the administration of the affairs of the Post-Office Department, is hereby instructed to direct the Postmaster-General to send to the committee all papers connected with the recent investigation of his Department, and said committee shall make further inquiry into the administration and expenditures of the said Department and make report thereon to the Senate upon completion of said investigation on or before the 1st day of May, 1904.

Resolved, That said committee shall have power to send for persons, books, and papers, examine witnesses under oath, and sit, by subcommittee or otherwise, during the sessions of the Senate at such times and places as the committee may determine.

Objection being made by the junior Senator from Massachusetts [Mr. LODGE], the resolution went over.

On December 19, three days afterwards, I submitted a resolution instructing the Postmaster-General to send to the Senate the reports of the investigation of the irregularities in the Post-Office Department made by Assistant Postmaster-General Bristow, together with the reports of Messrs. Holmes Conrad and Charles J. Bonaparte, special attorneys engaged by the President. That simple direction to the Postmaster-General to forward to this branch of the Government a document already in print, which had been given to a committee of another branch of the Government, and which the newspapers had published extensively and commented on, was immediately objected to by Senators on the other side, and we were denied the right even to have printed an official document, for that was all that was embraced in the request.

The resolution is as follows:

Resolved, That the Postmaster-General be, and he is hereby, instructed to send to the Senate the reports upon the investigation of the irregularities in the Post-Office Department, by Assistant Postmaster-General Bristow, together with the reports of Messrs. Holmes Conrad and Charles J. Bonaparte, special counsel for the Government, on the charges made by S. W. Tulloch, formerly cashier of the Washington City post-office.

Mr. President, I never could understand why so much sensitiveness should be shown and such extraordinary desire manifested to prevent this body from having facts which even the Post-Office Department, I will not say were compelled, but which they found it necessary, to make public.

Mr. SPOONER. My attention was diverted for a moment. To what resolution does the Senator refer in that connection?

Mr. GORMAN. The resolution offered by myself on the 19th of December, instructing the Postmaster-General to send to the Senate the report of the investigation of the irregularities in the Post-Office Department made by the Fourth Assistant Postmaster-General, together with the reports of Messrs. Conrad and Bonaparte, the special counsel employed by the President of the United States, a report, as I have said, that had been made public and printed elsewhere.

I do not know of any other case in the history of this body where such a request was ever before denied; but that resolution was antagonized, Senators on the other side insisting that such a resolution should not be passed. It was finally referred to the Committee on Post-Offices and Post-Roads, to lie there for how long a time I will show as I proceed. Finally every member of that committee recognized that the request was proper and that the facts ought to be in the possession of the Senate officially, so the Committee on Post-Offices and Post-Roads reported the resolution. It is the only resolution they have reported relating to the investigation of the Post-Office Department, and we have been given the poor privilege of having the Bristow report printed as a public document.

These resolutions were debated at various times until the 6th day of January. On that date the resolution submitted by the junior Senator from Tennessee [Mr. CARMACK] came up for consideration, when the Senator from Massachusetts [Mr. LODGE] promptly moved to refer it to the Committee on Post-Offices and Post-Roads. After debate, the Senator from Pennsylvania [Mr. PENROSE] moved that the resolution be referred to the Committee on Post-Offices and Post-Roads, together with the resolution offered by himself and the other resolutions pending looking to the investigation of the Post-Office Department. After debate, this motion again went over until the 8th day of January.

On that day I again asked unanimous consent of the Senate for the printing of the document to which I have referred—the report of Mr. Bristow, with accompanying papers—but immediately the Senator from Pennsylvania [Mr. PENROSE] renewed his motion to refer this resolution and all others relating to the post-office investigation to the Committee on Post-Offices and Post-Roads.

On the 11th day of January the President of the Senate laid before the Senate the several resolutions to which I have called attention, and the Senator from Massachusetts [Mr. LODGE] said that he understood the Senator from Wisconsin [Mr. SPOONER] desired to discuss the resolutions, so they went over again without prejudice.

On the 14th day of January the Senator from Maine [Mr. HALE] asked unanimous consent that the resolutions be postponed until the following Monday, as other Senators desired to discuss them. So on the 18th of January the Chair again laid before the Senate the resolutions, and, after debate, upon the request of the Senator from Pennsylvania [Mr. PENROSE], the chairman of the Committee on Post-Offices and Post-Roads, the resolutions again went over.

On January 19 the several resolutions were referred to the Committee on Post-Offices and Post-Roads, as we believed with a distinct understanding that they would be reported back to the Senate. The statement made by the chairman of the committee in the course of the debate justified the belief, and was as follows:

Mr. PENROSE. Mr. President, I am as earnestly in favor of the passage of a resolution to investigate the Post-Office Department as is the Senator from Georgia [Mr. CLAY], a distinguished member of the Committee on Post-Offices and Post-Roads. The resolution which was offered by me was offered in good faith. I cheerfully accepted the amendment of the junior Senator from Maryland [Mr. GORMAN] fixing a date prior to which that resolution called for a report, and directing the committee to make it. There seems, however, to be some diversity of opinion as to the phraseology and details of such a resolution. I therefore move that the resolution of the Senator from Tennessee [Mr. CARMACK], the resolution offered by myself, the amendment offered by the junior Senator from Maryland, and those which may have been offered by any other Senator pertaining to this subject, be referred to the Committee on Post-Offices and Post-Roads, and, as chairman of that committee, I pledge myself to call the committee together at an early date and to make a prompt report on this subject.

To which I made the following reply:

Mr. GORMAN. Mr. President, to the suggestion made by the Senator from Pennsylvania [Mr. PENROSE], the chairman of the Committee on Post-Offices and Post-Roads, that these various resolutions for an investigation shall be referred to that committee, I shall not object, in view of the Senator's statement that the committee will act upon the resolutions promptly and report them back to the Senate. I know the earnestness of that Senator and his very great desire that this investigation shall be proceeded with under a proper resolution.

It is now the 30th day of March, and the only action taken by the Committee on Post-Offices and Post-Roads was in reporting a resolution for the printing of a document that had already been made public and printed at the other end of the Capitol. There has been no attempt to investigate; there has been nothing but suppression, and the resolutions still remain in the committee, where they will continue to sleep until the end of this session of Congress.

In the meantime this bill appropriating practically $170,000,000, and making radical changes in the provisions as to offices and the distribution of the work of the Post-Office Department, comes here from the other branch of Congress, and yet every item of information except that which has been permitted to ooze out has been denied us.

As a rule, Mr. President, it is highly improper to speak of what has occurred in a committee, but I can properly deal with the results of its labors. The post-office appropriation bill came to the attention of the members of the Committee on Post-Offices and Post-Roads at half past 10 o'clock on Monday morning. There were no data accompanying it, except that contained in the reports of the Postmaster-General and the statements made before a committee elsewhere, and there was not sufficient time for any member of the commitee to read all that had been said or to examine every provision of the bill. It was reported to the Senate yesterday when we were about to adjourn, and it is now brought up to-day at 2 o'clock, to be considered immediately.

Why this haste, Mr. President, if there is nothing to conceal? Why not deliberate as we have always deliberated in the consideration of a bill of this kind? I have never known in my service in this body, even in a short session of Congress, such haste as is here manifested.

It is said, Mr. President, that Congress must adjourn speedily. It is also said this suggestion emanates from a source outside of the halls of Congress, and, it seems, has the force of an order. The only intelligent explanation for such a decree is that it is inconvenient for one branch of the Government to have Congress on its hands; that if we investigate disagreeable facts may be brought to light and discussions may arise which will embarrass other branches of the Government.

I know not, Mr. President, whether these suggestions be accurate in every particular, but the bright men connected with the

press in Washington, who ascertain quicker than ourselves the occurrences of Congress, of courts, and of the Departments, are seldom mistaken in statements so important as those to which I have referred. Every action of the majority in Congress indicates there is some great motive never before exhibited in the two Houses of Congress that makes them surrender to this mysterious power.

I have never been, Mr. President, in sympathy with the conduct of the Republican party, but, in common with all fair men in the party to which I belong, I have great admiration for the courage and independence the Republican party in Congress has heretofore shown. Never until now has it surrendered to the dictation of a power located at any other place, and I have watched that party since its infancy. When it first came in possession and control of both Houses of Congress, the country was shaken from one end to the other. A man was President who had the greatest task to perform that has ever fallen to any one since General Washington's time. He had an army under his command of a million of men, with which he could have made himself the dictator of every department of the Government and every branch of it.

The writ of habeas corpus was suspended, and the courts were practically under his control. And yet in the midst of the conduct of that great conflict the Senate never forgot its rights or the rights of Congress, and upon the suggestion that some of the Departments were not honestly conducted and not efficiently managed it appointed a committee on the conduct of the war, with power to examine into the expenditures and inquire into the management of the Army and Navy. Mr. Lincoln's power was almost unlimited, confidence in his integrity was supreme, and yet the Senate of the United States insisted upon having the facts, exposing the rascals, and advising the Administration in the conduct of the war. So with every Administration that has followed.

Mr. President, President Grant's Administration furnished another notable instance of the independence of Congress. The untold millions appropriated and the unusual conditions attending the restoration of the States south of the Potomac brought into high place men who proved unfaithful to their trusts, and corruption seemed to permeate the entire public service. The Republican majority did not hesitate to act and to investigate. No request for information made on this side of the Chamber by Thurman, Hendricks, Bayard, and other Democratic Senators was denied by the Republican majority.

Mr. President, through every Administration—that of Hayes, of Harrison, and of McKinley—this privilege has been granted. President McKinley did not think of denying information. He was only too glad to have a healthy opposition to inquire into the conduct of the men under him and the expenditures made. When conflict with Spain became inevitable, knowing we were unprepared in some departments of the Government, we placed in his hands for expenditure, after consultation with the representatives of both sides of this Chamber, $50,000,000. And I think it is not violating any confidence when I say that he insisted, notwithstanding the confidence of Congress in not making provision for a report, that every item should be subjected to an inspection by Republicans and Democrats on the Committee on Appropriations. He was a wise and patriotic man with nothing to conceal. He had served in Congress and he loved his Government. He knew that the purse strings must be with Congress, and that the question of the honesty of his Administration and its fair dealing ought to be subject to proper examination.

But, sir, we have reached a time when we hear honesty preached, and listen to splendid declarations for purity in government and in the service; and yet corruption exists. It came like a fog which has not yet lifted: but by some influence, great but unseen, investigation has been stifled. "No further data than that which we have seen proper to give you shall you have."

Mr. President, a most extraordinary scene took place in another body that assembles in this building, they resenting—and properly so—the suggestion that over 100 Members had in some way participated in the corrupt practices of the Post-Office Department. Honest men of both parties demanded that the facts should be furnished. Resolutions of inquiry were introduced, asking for reports covering all the details of the departmental investigation. Some power was sufficient to thwart a thorough investigation of all phases of the question: but they were graciously permitted by the Post-Office Department to have certain information in a form and substance which seriously reflected upon Members of Congress. The answer of the executive branch to Congress is in short. "We have investigated our own Department. A few men have been indicted. The courts have tried some. While it is true none have yet reached the confines of the prison, it is not desirable that Congress shall investigate further."

The Post-Office Department did, however, transmit to that body a report which, it is believed, was intended to transfer public attention from the men who have filched the money of the Government and abused their trust to Members of both Houses of Congress, who, in nearly every case, so far as I have been able to ascertain from this document, were simply engaged in the performance of their official functions as Senators and Members. But it has had its effect. The investigation, except so far as it relates to their own personal affairs, was instantly suppressed. It has also had its effect, however, in my judgment, in the country.

There is a school of very worthy men, men of education and fortune, whose business and mission in life it seems are to make the country believe that members of the Senate and House and of every legislative body in all the States of the Union are corrupt politicians, not to be trusted by the people. An impression has been made, and the public press, I am sorry to say, or at least a large part of it, is responsible for the belief by a large number of people that nearly all the corruption of government and its mismanagement come from the elected bodies in the States and from the Senate and House of Representatives. The men who propagate this idea do not believe in representative bodies. Their idea is to concentrate in the hands of some one man the power of a czar. Will we reach the point, have we reached the point, where another branch is ready to usurp all the power? Is it not a fact that legislation at this session of Congress is practically a farce? Mr. President, heretofore Congress, no matter which party has been in power, after deliberation, determined the character and scope of measures and then submitted the result of their labors for the approval or disapproval of the Executive. But, sir, who will deny that now in nearly every important matter Executive approval is sought before Congress is permitted to act?

Mr. President, the office of President of the United States is one that commands and should have the respect of every American citizen, and the occupant of that high position should not be lightly criticised. But, sir, there should be no hesitation on the part of any of us to resent any encroachment by the Executive upon the legislative branch of the Government. Recent occurrences in that direction have greatly disturbed the thoughtful men of all parties and have created a well-grounded fear that unless it is checked most disastrous results will follow. Mr. President, we can not allow acts of Congress to be changed by a simple order of the Executive or permit him to declare war. That is the duty of Congress.

Sir, I will not now attempt to recount all of the Executive acts which many of us regard as assumptions of power not warranted by the Constitution. But the Panama affair will plague us for all time as an unfortunate precedent in our dealings with the governments of South America.

Mr. President, the recent order of the Secretary of the Interior and the Commissioner of Pensions is a bold attempt at executive legislation and is an assumption of a power conferred solely and exclusively upon Congress. Mr. President, that great body of patriotic men who served their country so loyally and well from 1861 to 1865 deserve and have received special care and generous treatment from the Government. You and I sir, have always voted for the most liberal pensions and have ever stood ready to do justice to the old soldiers. They were not content with the act of 1890 as administered during the terms of President Cleveland and President McKinley, and up to the date of the recent order. For more than ten years they have petitioned Congress for the passage of an act creating a service pension.

At the beginning of this Congress bills were introduced in both Houses of Congress for the end desired, and were being considered by the Committees on Pensions. The committees, as constituted, are friendly disposed, and are anxious to grant any relief that the condition of the Treasury would warrant. In the midst of the consideration of this question the Secretary of the Interior issued his order putting a new construction upon the act of Congress of June 27, 1890, which construction practically grants a service pension. Until the date of this order few, if any, members of either House of Congress supposed that such a construction could be given to the present pension laws, and it is now regarded as purely a piece of executive legislation, and is so interpreted by the leading beneficiaries.

Mr. Dalzell, known as "Private" Dalzell, an earnest advocate of service pensions, has said in a public statement:

> The recent order of the Pension Office is quite equivalent to the passage of the service-pension bill. * * * When the present Congress turned down and refused to pass this righteous and long-promised measure to put us all on the rolls, Commissioner Ware stepped in, redeemed the promise, and, by a fair construction of the act of 1890, decided that age is one of the infirmities contemplated, if not expressly named, by that act.

He (Mr. Dalzell) further says that:

> True, if it is the law now, it was the law in June, 1890.

His plain intimation is that all claimants will be entitled to the increase from that date.

Further on in his statement he refers to the amount of money involved in the increase, and says with great force that the talk of the cost to the Government being three millions is "nonsense." He says it will be "nearer three hundred millions, or will amount to that or more inside of the next eight years, when the lowest pension drawn by any soldier or his widow, if this decision stands, will be $12 per month."

Here, Mr. President, is another significant statement by Mr. Dalzell. He says "Congress was slow to see its opportunity to redeem its promise to do for us precisely what Mr. Ware does, and the honor and the thanks belong to him, and to him alone, *unless it shall appear, as many claim, that Mr. Ware merely carried into effect the order of the President.*"

The "order of the President" makes it unnecessary for Congress to further consider this question except to record the Executive decree by appropriating whatever sum may be estimated for by the Department.

Mr. President, in this condition we are informed by the distinguished Senator from Vermont [Mr. PROCTOR] and by others that the party in power in both Houses of Congress has determined that we shall speedily adjourn. Little time will be devoted to the consideration of important measures, as it is only considered necessary to submit to or approve any act or order of the President.

Congress must adjourn as soon as possible. Something might happen which would embarrass the situation. The Democrats, although in a hopeless minority in both branches, may have an opportunity in some way now unknown to bring forth some fact that would prove damaging to the party in power.

Mr. President, there are matters pending in Congress of great importance to commercial interests. Nevertheless we are ordered to disband, to leave Washington.

The senior Senator from Ohio [Mr. FORAKER], a man of distinguished ability and of great familiarity with the interstate-commerce law, convinced that some modification of that law is necessary to prevent the grave possibility of embarrassing a considerable part of our foreign commerce originating in the central and western section of the country, brought to the attention of Congress the fact that existing legislation, although not being enforced, would, if enforced, have that effect. He therefore introduced a bill with a view of correcting the condition of affairs.

What was the case the Senator had in mind? He knew that under the interstate-commerce law every railroad in the United States, if the law were enforced, would be compelled to publish its tariff rates on every bill of lading, not only on inland transportation, but on bills of lading to foreign countries, which included the charges by the steamship lines on the Pacific and on the Atlantic. Whether his bill is the one that ought to be passed is a question for consideration and discussion. But the object he had in view was quite as important as any that has ever been brought to the attention of Congress. He is a leader in his party, one of its most distinguished members, independent enough to act on his own judgment. And he was met how?

The introduction of the bill by him excited a good deal of interest throughout the country, but the moment it became public and was a subject of discussion, then occurred a most extraordinary interference with the legislation of Congress, but in keeping with all else that I have referred to. The Attorney-General of the United States immediately publicly repudiated the bill—I do not know whether of his own accord or by suggestion—and said that in no way was the Administration responsible for the action of the Senator from Ohio.

Now, think of it, Mr. President! A distinguished Senator, a member of the President's party, introduces a measure, and, before the committee to which it was referred could consider it, Congress and the public are informed by the Attorney-General that the Executive branch would not favor it.

Mr. President, I regret to be compelled to add that the honorable committee having charge of this measure has graciously submitted to the Executive decree, and the Senate will thus be prevented from considering it at this session.

This is an authoritative interview, as I understand, taken from the Washington Post of February 2, 1904, and written, as I believe, by the Attorney-General, so there can be no question as to its authenticity:

In response to a question as to his views on the wisdom of such an amendment to the law, he replied:

"Just one year ago it was proposed to offer, as an amendment to one of the pending bills in Congress, exactly this same measure. At the same time the President requested an expression of my views as to the proposed amendment, with the remark that its proponents claimed that it was in harmony with the suggestion made by me in an address at Pittsburg. I then prepared and submitted to the President an expression of my views. I then said and still think:

"'The scope of the proposed amendment is so broad that one ought not to attempt to define its limits without long reflection.'"

I will insert in the RECORD the interview, without stopping to read it:

[Washington Post, February 2, 1904.]

KNOX ASSAILS BILL—ATTORNEY-GENERAL REPUDIATES FORAKER MEASURE—NOT AN ADMINISTRATION BILL.

Attorney-General Knox, in answer to inquiries as to whether the Foraker bill was introduced with the knowledge and approval of the Administration, replied, "Absolutely, no."

In response to a question as to his views on the wisdom of such an amendment to the law, he replied:

"Just one year ago it was proposed to offer as an amendment to one of the pending bills in Congress exactly this same measure. At that time the President requested an expression of my views as to the proposed amendment, with the remark that its proponents claimed that it was in harmony with a suggestion made by me in an address at Pittsburg. I then prepared and submitted to the President an expression of my views. I then said and still think:

"'The scope of the proposed amendment is so broad that one ought not to attempt to define its limits without long reflection. At first glance, however, it seems to me that it would have the effect of repealing section 5 of an act to regulate commerce, which is popularly known as the "antipooling clause." That section makes it unlawful for railroads to pool their earnings or divide their traffic. As such pools were always held to be violative of public policy, they were held to be unlawful at common law. But as the States had committed to Congress alone the regulation of interstate commerce, the rule of the common law could not be applied to that commerce until Congress acted, which it did in the act to regulate commerce.'

SUBJECT WAS THOROUGHLY CONSIDERED.

"That act was the result of most prolonged agitation, chiefly in the States lying west of the Alleghenies. Measures covering what is now the fifth section were under consideration in both Houses for years. Volumes of testimony were taken respecting the subject and the most thorough debate resulted, after which the antipooling clause was adopted.

"The amendment also proposed to repeal the interstate-commerce law and the antitrust law so far as foreign commerce is concerned. This would result in giving foreign commerce an advantage over domestic commerce. By means of such a power the tariff protection will be largely nullified. It is well known that the steamship companies and railroads have in instances combined, so that foreign traffic has been carried from Berlin to Chicago at rates of 60 per cent lower than similar goods made in this country could be transported from New York to Chicago. Tin has frequently been carried from Wales to Chicago at a lower rate than the railroads would carry tin manufactured in Pittsburg to Chicago. Boots, clothing, hardware, etc., from Germany have been carried through to San Francisco at rates 66 per cent lower than was charged by the railroad carrier on similar manufactures of our own country from Atlantic ports to San Francisco.

"While it may be a wise policy to incorporate a rule of reasonableness into the regulation by law of contracts between individuals and contracts of industrial corporations which are private corporations, that rule has never been applied to what are known as 'quasi-public corporations'—railroads, for example—which exercise public functions and employ public rights.

"They owe duties to the public as the consideration of the grant to them of public franchise, among which is the duty to refrain from restraining competition in rates, service, and facilities. This amendment would tend to relieve them from many of their most important duties to the public. Its enactment, instead of being a protection to commerce, would be to effect an undoing of very much of the most important remedial legislation of the past fifteen years. If this proposed amendment shall be regarded as wise legislation, it ought not to be done secretly, but openly, with full knowledge of the public and full opportunity to it to be heard on the subject. Such an amendment as is now proposed ought not to be attached to any bill in the closing hours of a moribund Congress.

"The statement that the proposed amendment is in line with the suggestion I made in an address at Pittsburg in October, 1902, is a great mistake—a mistake based upon a misconception of the rule of the common law and the difference between the application of the rule to undertakings that are strictly private and those that are public or quasi public. In that address (the main purpose of which was to show that the power of Congress was not exhausted by the Sherman Act), in discussing the exercise of that power over the industrial trusts, I said:

WHAT MR. KNOX SAID AT PITTSBURG.

"'The extent to which legislative control over commercial activities should be exercised is, of course, a question for legislative wisdom. * * * Primarily it is for the Congress to decide whether it has the power, and whether and to what extent it will execute it, what character of restraints, whether all or those only which are unreasonable and injurious, shall fall under the ban, whether legislation in the first instance shall extend to all commerce or only to commerce in articles of vital importance to the public.' * * *

"I stated if the common law were incorporated into a Federal statute the rule for its interpretation would be as laid down by the Supreme Court of the United States, namely:

"'Public welfare is first considered, and if it be not involved and the restraint upon any party is not greater than protection to the other party requires, the contract may be sustained.'

"The proposed amendment overlooks the fact that the public welfare is involved in any restraint that public corporations may impose upon themselves, and therefore the amendment does not propose to introduce the rule of the common law, but its enactment would be a legislative grant of power to restrain commerce, prohibited by the common law, as all restraints which affect the public welfare injuriously are void at common law.

"The above are a few of the objections to the proposed legislation which immediately occur to me."

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Maryland yield to the Senator from Ohio?

Mr. GORMAN. Certainly; with great pleasure.

Mr. FORAKER. I rose merely to interject into the Senator's speech a statement which it seems to me should be made in fairness to the Attorney-General. He did not make those statements until he was challenged to do so by the public press of the country. A number of newspapers—Democratic newspapers, if you please—proceeded to charge, as soon as the bill had been introduced, that it was the work of the Administration; that I had introduced the bill at the instance of the President, and assigned

reasons why that should be the case. It was under such circumstances that the Attorney-General, I thought with perfect propriety, stated the truth, that the Administration was not consulted about it; did not have anything to do with it, and had no responsibility for it.

It never occurred to me that it was necessary for me to consult the President or the Attorney-General or anybody else when I desire to introduce a bill in the Senate. I introduced that bill acting on my own judgment, and at the proper time I shall bring the matter, if I can do so, before the Senate for consideration.

The situation has changed somewhat, however, since that bill was introduced. I have been studying with a great deal of diligence the latest decision of the Supreme Court with the hope that I may reach the conclusion that it is not so necessary now as I thought it was at that time. But whether I regard or shall regard the legislation as absolutely necessary in the sense I then thought it was, I shall bring the matter before the Senate in due time in order that we may have a full discussion of the whole subject.

I have no opinions about it that I want to conceal. I do not share at all the opinion expressed by the Attorney-General as to the unwisdom of the legislation. But he had a right to entertain the opinion he expressed, and if he saw fit I suppose he had a right to express it, though ordinarily it would be regarded, I think, as a better practice for an official of a coordinate branch of the Government to wait until he was reached in due course before expressing himself about somebody else's action. But as to all that, if the Senator will excuse me for another word, I shall hope to do justice to it at the proper time.

Mr. GORMAN. Now, Mr. President, that is the speech and statement of a very able and a very loyal soldier in the Republican party. At this juncture of affairs for him to have said less would have been unwise.

I am delighted, however, at the concluding sentence of the Senator's statement, that he does not believe the practice of the officers of the executive branch in commenting upon the conduct of Senators or of the Senate is wise, and he thinks it ought to be abstained from. I hope at that later period, after December 1, to which the Senator refers, when this matter will come up, we may be able on both sides to discuss it with more freedom and with a firmer determination to resent and resist and stop this interference which has grown up on the part of executive officers.

Now, how important was the great interest which the Senator from Ohio desired to promote? It was the development of our trade to the Orient through the most extraordinary action of the transportation lines that has ever occurred. It was done under the immediate direction, I think, of one of the greatest men in the transportation interests in the United States, Mr. James J. Hill. The grain from the central West along the Red River and in the Dakotas, the corn from Iowa, and the cotton from Mississippi and Texas, the manufactured goods from North and South Carolina, under the action I have referred to, were being shipped to the Orient at a rate lower than that charged for inland points and on the ocean at a less rate than that charged by any other ships that float. It is claimed that it is due to that phenomenal low rate that we have increased our shipments of cotton, grain, and other products.

The law, as the Senator from Ohio knew perfectly well, requires a publication of those rates and the filing of them with the office in Washington. Merchants, as well as the transportation interests, claim that a compliance with the law would put in jeopardy this new trade, as the publicity of rates would give to our competitors, the German and English merchants, an advantage which would be destructive to American interests.

The Senator from Ohio proposed that Congress should deal with the question—Congress alone having the right to modify existing law—and, after considering all the facts, make such modifications as might be deemed proper, not necessarily, however, in the form or to the extent proposed by the Senator. As I understand, his suggestion was only tentative, and for the purpose of bringing the attention of the Senate to the matter; but, as I have before said, the Attorney-General's instant condemnation has resulted in suspending all consideration by the Senate.

Prior to the introduction of the bill of the Senator from Ohio the question had been raised, and was then pending before the Interstate Commerce Commission, as to the proper construction of the present law, commercial bodies and the transportation interests holding that the filing and publication of tariffs on the import and export trade was not required.

The Interstate Commerce Commission held public hearings in December, 1903, and in January, 1904, at which hearings appeared before it representatives of export associations in the foreign trade, manufacturers, and gentlemen representing the transportation interests. It was regarded as one of the most important questions that had arisen before the Commission

On the 5th day of February, 1904, after patient hearings and long consideration, the commission held that the interstate-commerce law "now requires the publication of import and export tariffs in the same manner as domestic tariffs."

The commission also held that—

there may be cases in which a modification of the rule would be of service to the carrier without detriment to the public, and perhaps other instances in which such modifications should be granted in the interest of both the carrier and the public. This can only be accomplished by an amendment of the act, since the provisions of that statute are mandatory, and the Commission has no power to modify their requirements.

Mr. President, the concluding decree of the Interstate Commerce Commission is a very remarkable one. It practically suspends the present act of Congress until Congress should have reasonable time to modify the law.

Here is the exact language:

The carriers will be afforded an opportunity to adjust their tariffs and arrangements, and, if so advised, present the subject to Congress: *Provided, however*, That in the meantime all carriers which do not publish and maintain import and export tariffs shall file with the Commissioners as promptly as possible a statement of the rates actually charged. If the act is not amended within a reasonable time, it will be the duty of the commission to enforce the publication of import and export rates in a manner now provided by law.

So, Mr. President, the commission informs us that "the carriers will be afforded an opportunity * * * to present the subject of modification of the law to Congress." It further says, "If Congress fails to act within a reasonable time, it will be its duty to enforce the law."

But, Mr. President, we understand the decree has gone forth that Congress must dissolve before this matter is even considered. Conditions affecting trade and commerce must wait for adjustment. It is inconvenient; it may become troublesome for Congress to remain in session. It is now the latter part of March, and Congress is expected to adjourn within a month, when July is the usual time for the termination of a long session. But then, it is feared, political conditions may be affected if the question of an amendment to the interstate-commerce law should be considered now.

"We will wait a reasonable time for Congress to act," says the commission.

What is a "reasonable time," in the opinion of the executive branch? I suppose the answer will be, "Until after the next general election."

Mr. President, the country will understand that this supreme disregard of the rights and duties of the legislative branch of the Government can not, in safety to our institutions, be long tolerated. And yet there is little hope that the party in power will permit Congress to remain in session for the consideration of these grave questions. That party seems to be content to give to the executive branch full opportunity to execute or suspend the law, or, by Executive order, practically ordain new legislation.

Mr. President, the American people believe in obeying the law. The security of their lives and property depends upon it. They have always resented the one-man control in anything. They believe that the conduct of commissions and of the President must be in strict conformity with the laws of Congress.

It may be, Mr. President, that this conduct will be tolerated during this year. It may be that we can condone, for the time being, many things which have occurred. I would have great concern for the future of our country if I believed such a state would continue.

It is no answer to our criticisms to say the President is honest. No one questions that; but honesty is not a rare virtue. You rarely find any but honest men in public life. States do not trust gentlemen upon this floor who are dishonest. One may occasionally creep in, but he soon passes away. The members of both Houses of Congress occupy high positions, and are as honest and patriotic as any President. I have said nobody questions the President's honesty; but his judgment, his actions, his conduct of public affairs are open and ought always to be subject to criticism, no matter how much and how often he or any man proclaims his superiority.

Sir, in private life I have never known any gentleman, acting as a trustee, conscious of his own rectitude, believing the trust under him was honestly administered, who would for a moment hesitate to open the books to anyone in interest. Therefore I can not understand why we have been denied the same privilege by the Departments of this Government. I am loath to believe the charge that, when facts were presented as to alleged peculations in the Post-Office Department, an investigation was refused. Yet, sir, in a recent publication, one of the attorneys selected by the President to examine into the Tulloch charges made that statement against ex-Postmaster-General Smith.

Mr. Bonaparte, the attorney referred to, is an intense civil-service reformer, and for some years past seems to have reveled in an opportunity to make disagreeable statements in regard to gentlemen in public life. Yet Mr. Bonaparte's statements have

considerable force from the fact that the President honored him by associating him with Mr. Holmes Conrad in an investigation of the charges against the administration of the Post-Office Department. Both of these gentlemen have insisted that there should be further investigation, and, under the circumstances, it seems to me, Mr. President, it is due to the former Postmaster-General and his assistants, as well as the present officials, that an impartial inquiry should be instituted.

What we desire, and what I think the country has a right to expect, is that the books of the Departments shall be open to the examination of both parties in Congress. And if there is additional fraud, rascality, or extravagance let it be exposed. If men holding responsible positions in the public service have been unfaithful to their trusts, turn them out. That is all we have asked and is all we desire. From November until now we have insisted upon this right, and it has been as persistently denied.

Mr. PENROSE. Mr. President, I do not intend to get into any controversy with the Senator from Maryland [Mr. GORMAN] upon the subject of the resolutions pending before the Committee on Post-Offices and Post-Roads relative to an investigation of the Post-Office Department. That matter clearly does not belong to a bill making appropriations for the year 1905 for the expenses of the Department of the Postmaster-General.

The resolution offered by myself, to which the Senator from Maryland has referred, was offered after deliberation and in good faith. I had reached the conclusion that it would not be amiss for the Senate of the United States to order an investigation of the abuses alleged to have existed in the Post-Office Department. I reasoned that if on investigation, it turned out that nothing was found requiring further investigation, it would do no harm and would tend to establish public confidence in the investigation, exhaustive in character, which had been made by the Postmaster-General and by the Department of Justice.

I anticipated and felt confident that that investigation, being exhaustive, would leave little or nothing for the Senate committee to do. I felt that the passage of that resolution, or of a similar resolution, and some performance under it, might perhaps have been the means of relieving the Senate from the oratorical and political pyrotechnics which have been indulged in upon the other side of the Chamber upon this subject. Perhaps, however, that wish might have been vain, and some other occasion would doubtless have been found to give vent to the flood of oratory here and at the other end of the Capitol.

Therefore, having watched the progress of events, I have reached the conclusion that it is not of very great importance whether the Committee on Post-Offices and Post-Roads act on any resolution or not. In that belief I think most of my Republican colleagues, and perhaps some of my Democratic colleagues upon the committee, share.

There seems to be a disposition to believe that at this time it is unnecessary and impracticable for any committee of the Senate, with any advantage to the public service, to enter upon even the form of an investigation. I have, however, steadily voted upon the floor of this Chamber and in the committee in favor of the resolution providing for an investigation.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. PENROSE. Certainly.

Mr. CLAY. Does the Senator from Pennsylvania contend that any Senator on this side of the Chamber has voted against the resolutions of investigation?

Mr. PENROSE. No, Mr. President; I believe they have invariably voted for those resolutions, and upon numerous occasions have been insistent upon their consideration by the committee and upon early action and report one way or the other.

Mr. President, I shall not say any more upon the subject of the so-called "resolutions of investigation." I believe that the American people have entire confidence in the fact that the Administration has made every effort, and has made an exhaustive effort, to expose and to punish every person in the Government employment connected directly or indirectly, in such manner as to be open to indictment, with the various frauds contemplated in the Post-Office Department.

The resolutions not being pertinent to the appropriation bill, and no effort having been made to insert them by way of amendment to the bill, a discussion of them is hardly necessary at this time.

But there is one part of the remarks of the Senator from Maryland which, as chairman of the Committee on Post-Offices and Post-Roads, I can hardly permit to pass unchallenged; and if their inaccuracy is any proof of the inaccuracy of the Senator's other statements, it should go far toward making the Senate consider carefully the statements which he has made upon the vast range of political subjects hardly pertinent to the appropriation bill under discussion.

The Senator has stated that extraordinary haste has been exercised and exhibited in the preparation of this bill. It is true, Mr. President, that the bill was received by the Senate on Saturday last and was then referred to the Committee on Post-Offices and Post-Roads of the Senate. Immediately the clerks of the committee were put to work, the bill properly prepared and annotated, as is usual, the committee called on Monday morning, and, sitting continuously on Monday and Tuesday, on Tuesday afternoon at a late hour their labors were completed.

But, Mr. President, since last December the Committee on Post-Offices and Post-Roads has had the preparation of that bill under consideration. While the bill was not formally before the Senate or before the committee, various amendments were before this body and various matters were anticipated. I do not recall that a single stated meeting of the committee occurring, as its regular meeting does, on Wednesday, has been omitted since the committees were organized by the Senate and their announcement made by the presiding officer of this body.

I have before me on my desk the hearings which have been taken by the committee. I happen to see, from the first that I take up, that almost one month was devoted by the Senate Committee on Post-Offices and Post-Roads to the consideration of the question of the rural carriers; one month, always on the stated meeting days, and sometimes on other days, the committee, with a quorum usually present, heard representatives of the rural carriers and representatives of the Post-Office Department upon the various complicated questions involved in the issue presented in the paragraph referring to the compensation, the duties, and the privileges of the rural carriers.

I hold in my hand the testimony, amounting to many pages, of representatives of the newspapers throughout the United States, for and against, some advocating a prohibition and some an extension of privilege in connection with the activities of the rural delivery carriers in relation to the circulation of daily newspapers.

I have here reports of testimony taken at other hearings, which it is unnecessary for me to mention, but dating back, as is shown by the one I hold in my hand, to December 10 last, indicating that the Post-Office Committee of the Senate has gone to very great pains and has been willing to hear everyone—citizen and Senator or Representative—upon the questions pending before it.

If the Senator from Maryland has not received his notice of the meetings of the committee, or has failed to respond thereto, or has forgotten the same, I regret that he has felt called upon to cast any reflection upon the deliberation which the committee has exercised.

In all my experience in a membership upon that committee, extending over the whole period of my service in the Senate, I can say, without any charge of egotism because I happen to be chairman, that never has the Committee on Post-Offices and Post-Roads of the Senate devoted more care, more work, or more deliberation and painstaking to the preparation of the bill.

As a matter of fact, the post-office appropriation bill is one of the shortest appropriation bills that comes before this body. It is one of the simplest, being largely an appropriation for clerical force, well defined in the estimates of the Department, and well understood.

The bill contains only thirty-four pages, being, I believe, the shortest appropriation bill that comes up for the consideration of the Senate, and containing, as I have said, a simpler character of matter than almost any other appropriation bill.

In fact, I do not recall in the three Congresses preceding this one, in which I have been a member of the Post-Office Committee, that more than two sessions of that committee, not averaging more than two or three hours on each occasion, were ever required to perfect the appropriation bill, and I believe the Journals of this Senate will bear out the fact that the bill has generally been completed by the Senate in a day.

Mr. President, not only has the Senate committee proceeded with an extraordinary deliberation and a very great effort to give everyone the fullest hearing, but it has in no wise been guilty of that extravagance which was also suggested by the Senator from Maryland.

If, in his opinion, the appropriations for the Post-Office Department bear a character of lavish extravagance, his criticisms are more applicable to the Post-Office Department and to the other end of this Capitol than to any action of the Senate committee.

In the post-office appropriation bill as it comes to the Senate from the House there is an appropriation of $170,466,400. With two exceptions, Mr. President, the committee of the Senate has made practically no increase of any moment in this bill.

In the absence of a report from the committee, it may not be amiss for me to state for the information of the Senate that there were but two large items added to this bill which involve any considerable increase.

In the one case the proposition was accepted for the purchase of a site for a post-office building in the city of New York after the

proposition had been passed by the Senate Committee on Public Buildings and Grounds, by the Secretary of the Treasury, and by the Postmaster-General, and being recommended by them all as more advantageous to the Government.

Being a question of emergency which had to be met, and an opportunity which might be lost, it was considered wisest and best, I believe by a unanimous vote, that this item should be inserted in the appropriation bill, rather than a provision for rental as presented in the bill as it came from the House.

The only other point in which any considerable increase was made was in the addition of 600 clerks to the Railway Mail Service over and above the number allowed by the House. The Department had requested an increase of 1,200 clerks in the clerical force of this rapidly growing branch of the Post-Office service.

The House had granted 600, and, at the request of the Department, the Senate committee reported in favor of the additional 600, making the full amount of the original request, which was 1,200 clerks.

With these two exceptions, Mr. President, an examination of the bill will disclose that the Senate committee has made but few increases—a few thousand dollars in each case in the offices of the Second and Third Postmasters-General, not amounting in all to more than two or three hundred thousand dollars, if that much. Therefore, so far as any a tion of this committee is concerned, or so far as any probable action of this Senate is concerned, the charges of inconsiderate extravagance are hardly fitting to the case.

That the expenditures of the postal service for the approaching fiscal year are extraordinary is shown to be not the fact by an examination of the enormous growth of the public postal business of the country. The Postmaster-General says, on page 2 of his annual report:

> It will be seen that the gross revenues for the fiscal year ended June 30 last are nearly $1,500,000 in excess of the estimates, which attests the wonderful business activity of our people, and also indicates that the extension of postal facilities and the improved methods of doing postal business result in largely increased receipts, and were it not for the very large expenditures on account of the introduction of rural free delivery there is no question but that the Post-Office Department would be more than self-sustaining at the present time.

As showing the astounding progress and great growth of the Post-Office Department there is, on page 3 of the report of the Postmaster-General, a table showing the receipts, etc., of the Post-Office Department from 1792 down to 1903. That table shows the following to have been the receipts, expenditures, etc., of the Post-office Department at each decade from 1792:

Statement of receipts and expenditures of the Post-Office Department, by decades, 1792–1903.

Year.	Number of offices.	Receipts.	Expenditures.	Surplus.	Deficit.
1792	195	$67,443	$54,530	$12,913	
1802	1,114	327,044	269,866	57,178	
181	2,610	649,208	540,165	109,043	
1822	4,709	1,117,490	1,167,572		$50,082
1832	9,205	2,258,570	2,265,171		7,601
1842	13,733	4,546,849	5,674,752		1,127,903
1852	20,901	6,925,971	7,108,459		182,488
1862	28,875	8,209,821	11,125,364		2,825,543
1872	31,863	21,915,436	26,658,192		4,742,766
1882	46,231	41,883,065	40,482,021	1,400,984	
1892	67,119	70,930,475	76,980,846		6,050,371
1902	75,924	121,848,047	124,785,697		2,937,649
For the year 1903	74,169	134,224,443	138,784,487		4,560,044

As will be observed, in each of those decades, with one exception, from 1812 down to the present time, there has been a deficit, greater or less, at the end of each fiscal year. The Postmaster-General says:

> The postal service is growing with great strides. A large post-office may have sufficient clerical force at the beginning of the fiscal year, July 1; on October 1 it may need 100 additional regular clerks; on January 1, 50 more, and so on.

It is the best evidence, Mr. President, of the prosperity of the country that the present increase is commensurate with the increase in previous years.

Probably in no case does a single item of appropriation in this bill exceed the estimates of the Department, and in most cases it falls considerably below the estimates. Therefore it seems to me that the charges of inconsiderate action and of extravagant action are absolutely devoid of any basis.

In addition to the amendments to which I have referred, the committee struck from the bill some half dozen matters in the character of general legislation, as to the wisdom of which the committee was in very great doubt. With these exceptions the bill stands as it came from the House, and it was the wish of the committee and its purpose to make as few alterations in the House bill as were possible under the circumstances.

I will leave to others, Mr. President, any discussion as to the status of the resolutions of investigation. I have nothing further to say about the measure at this time; but of course I shall be prepared, when we proceed with the reading of the bill, to explain any items or furnish any information which may be desired.

LOUISIANA PURCHASE EXPOSITION.

During the speech of Mr. PENROSE,

Mr. ELKINS. I ask the Senator from Pennsylvania to yield to me at this time that I may offer a resolution.

Mr. PENROSE. I yield to the Senator.

Mr. ELKINS. I offer the resolution which I send to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate a copy of the report filed in the Department of State by Thomas W. Cridler, commissioner for Europe of the Louisiana Purchase Exposition.

Mr. TELLER. I want to suggest to the Senator from West Virginia that the word "requested" in that resolution is not the proper word in such a case. It should be "directed to transmit," etc.

Mr. LODGE. If this resolution is going to occasion discussion, to be injected in the middle of the speech of the Senator from Pennsylvania [Mr. PENROSE], I shall have to object to it.

Mr. PENROSE. I ask that the resolution may go over. I shall be very brief.

The PRESIDING OFFICER. The resolution goes over.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13521) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, and for other purposes.

Mr. LODGE. Mr. President, there is no need of my endeavoring to add anything of the clear and vigorous explanation that has been given by the chairman of the committee in regard to the conduct of the appropriation bill in committee. He has shown beyond peradventure not only that there has been no unusual haste in dealing with this bill, but that the committee has been occupied with different phases of it throughout the winter, has held many hearings on different portions of the bill, and was thoroughly prepared to take the bill up when it reached us from the House.

The bill, as the chairman stated, is a very short bill. The items are large, and the appropriations are grouped under comparatively few heads. It is not a bill which takes a very long time to go through. The committee was occupied two entire days upon it, working as industriously as possible, and I think thoroughly considered every suggestion that was made.

That the committee was diligent in getting the bill ready there can be no question, and that they pressed the work upon it is equally true. They did so because they were anxious to do all that lay in their power and that came within their jurisdiction to advance an early adjournment. The majority of this Senate, the party responsible for the conduct of business here, has deemed it best to bring about an early adjournment if they could; but, so far as I am aware, no instructions have been received by anybody from any quarter in this Senate in regard to adjournment.

It was not to this side of the Senate that the Senator from Alabama [Mr. MORGAN] on a certain occasion applied the term "cuckoos," which afterwards became more or less famous. No instructions have been received here, but the majority of the Senate have deemed it best to secure an early adjournment and for what seemed to them good and sufficient reasons. When the Senator from Maryland refers to a President desiring "to get Congress off his hands," he mixes up his Presidents. That was the phrase of an Administration which enjoyed the support of the Senator, and not one of ours. No Republican Administration that I am aware of ever used the phrase, but I remember very well that President McKinley and President Roosevelt have both on proper occasions expressed their pleasure at the assembling of Congress. Let the phrase "getting Congress off his hands" rest with the distinguished President who discovered it.

Mr. President, our friends on the other side seem hard to please. When we came together here in November Senators will remember that great fault was found by members of the minority with the assembling of Congress in extra session. We were told it was totally unnecessary, and the profound scheme was invented of demonstrating this fact to the country by postponing the vote upon the Cuban tariff bill until the regular session. It was believed at the time, I think, by those who invented that notable scheme that it would demonstrate to the people what a failure the extra session had been. I doubt, Mr. President, if to-day there is a man in this country, outside of Congress, who can recall just when the Cuban bill actually passed.

Now, Mr. President, we find from the distinguished Senator from Maryland that the Democratic party, the minority, are opposed to adjournment, as at the beginning of the session they

were opposed to our meeting; and the Senator charges us with a readiness to go away and leave a great deal of important public business unattended to. I think that the record of legislative activity since the Government has been in control of the Republican party will compare favorably with the record of Democratic activity from 1893 to 1897, in the way of affirmative and positive legislation. It is not necessary for me to go through all the measures and contrast what was done during those two periods, respectively. I do not recall at this moment a single important measure passed from 1893 to 1897 except the Wilson bill, which was subsequently repealed.

The Democratic Administration did not find time even to enforce the Sherman Act, and since the recent decision of the Supreme Court the eminent gentleman who was President of the United States at that time has deemed it necessary to come forward in an apology and an explanation and in his own terse and lucid style tell the country why it was they did not find time to enforce the law; that he and his friends were as hostile to trusts as anyone could possibly be. I do not think it is necessary for me or anyone else to defend the Republican party against the charge of not being sufficiently active in legislation as compared with our opponents. The statute book of the United States and the history of the country tell the story.

Then, when it comes to a practical suggestion of what we ought to stay here for, the only one that I gleaned from the very interesting speech of the Senator from Maryland was that we ought to remain in session in order to amend the Sherman Act, with a view to making it less effective than it now is. It seems to me that to open up a debate on that subject, affecting the business interests of the country, with every kind of scheme offering, without proper opportunity to consider them, and on the eve of a Presidential election, would be as injurious a thing for the business of the country as Congress could possibly engage in.

But the truth is, Mr. President, the Democratic attitude of dislike to the meeting of Congress, followed now by an equal dislike of the adjournment of Congress, result from unhappy restlessness like that of a fever-stricken patient tossing and turning in the vain hope of finding a more comfortable place. I suppose that the idea is that we ought to remain here in order to give our friends upon the other side further opportunity to seek an issue. I should not think that their efforts in that direction this winter had been so encouraging as to make them desire to stay longer looking for issues. Recall briefly the record.

The first point selected for attack was Panama. It has passed into history, and as an issue it does not seem to have been a very glittering success or to promise much for the Presidential campaign.

The next object of assault was the Navy. That also, when leaned upon, turned out a broken reed, which pierced the hand. The next was pensions, and there we are met with the same protestations which we were met with on Panama—that they approve of pensions to the soldiers; they would give the most ample pensions to all, but they disapprove of the method. They approved the canal, but they disapproved of the method. The position is not a very stable one, nor does it invite an enthusiastic popular support. Mr. President, I think if the objects in these cases were good, the methods are easily defensible.

And now, last of all, we come to the Post-Office and to the charge that we have been suppressing information and preventing an investigation. The Senator from Maryland contrasted those who now have the honor to sit on this side of the Chamber with their predecessors, greatly to the disadvantage of those who are now here. He represented that our attitude was something entirely new, and yet in the same breath he told us that far back in the time of General Grant the Democratic party was loudly demanding that "the books should be opened," just as they are now doing.

Mr. President, the Democratic party have no doubt many virtues, but inventiveness is not one of their best points. The cry of "suppression," of "open the books," of "stifling investigation," I have heard from my friends on the other side ever since I have been in public life.

I heard it in the other House. I have heard it continually here. I have heard it here I think every year that the Republican party has been in power, and I suppose it is the natural if not novel cry which the opposition must always attempt to raise against the party in control, especially if that party has had a long tenure of power. But a well-worn political cry of this kind is not proof and is always appraised at its true value. When a party is distressed for an issue, a sham outcry must serve.

Now, as to this particular case. The post-office investigation was begun last spring. It was started by the present Postmaster-General, a member of a Republican Administration, acting with the approval and under the direction of a Republican President. That investigation was pushed with the utmost thoroughness as all the world knows, pushed relentlessly into the remotest corners of the service.

There was not a portion of the service which was not examined. There was no office too small to escape examination. There was not the slightest effort to shield anyone or cover anything up. Everything was laid bare. No investigation, I venture to say, was ever made more thoroughly, more relentlessly than that investigation carried on by the Postmaster-General and his Fourth Assistant. All the results of their investigation have been laid before Congress. Masses and masses of testimony were taken; reports on every part of the Post-Office Department were furnished.

There was nothing shown in the committee to give, in my opinion, any reason for opening a Congressional investigation keeping the Department in a further state of disorganization, and going imperfectly over ground which had been already well gone over. There could be no object in entering upon such a proceeding except some possible campaign or political benefit.

I did not think, Mr. President, I do not think now, that there was any reason why the Senate should enter upon such an investigation. Members on the other side were invited to bring forward any specific charges. If they have been brought forward here or elsewhere, I have not been aware of them. The committee was entirely ready to investigate any specific charge against any portion of the postal service, but the committee was not ready to go to work and do over again and do badly and clumsily what had already been very well and thoroughly done by Mr. Bristow and a corps of trained detectives. It seemed to the majority of the committee to be wholly needless—a mere waste of public time and public money.

Moreover, Mr. President, the other House have taken up the matter. They have investigated it. They have had a report which it seems to me was a very useless report and about which, I think, a great deal was said that was quite needless and in regard to which many false impressions were spread abroad. At this moment they have a committee of very distinguished men of both parties who are looking into the question of the post-office administration.

Now, why should we go to work and engage in duplicating what the House is doing and try to do over again what Mr. Bristow has done and done well? It seems to me, as I have said, that it would be a sheer waste of the public time and of the public money; that it would not promote good service in the Post-Office Department, but would hold up the reorganization and reforms which have been undertaken as the consequence of the investigation of last summer.

Mr. President, the resolution of investigation was debated here. It was not delayed by us. There never was a day, I can say for myself, from the time I made the motion to refer until it was voted upon that I was not ready to vote. I think that all resolutions of investigation of that character ought to go to the committee which is to be charged with the work, if the work is to be undertaken, and through that organ the Senate should learn whether in the opinion of the committee specially charged there is any reason for an investigation. The committee has discussed this matter again and again, and no new, specific matters were brought forward, nothing but an attempt, as I have already said, to revise work already done. Against that a majority of the committee voted.

Mr. President, that is all I desire to say about the resolution of investigation. The facts in the investigation are before the public. They have all been published. The public know precisely what has been done. They know the number of men who have been indicted—not a few, as the Senator from Maryland said. They know the number who have been brought to trial. They know that in every trial thus far, with one exception, a conviction has been obtained. They are aware that the work has been thoroughly done and the punishment meted out and that the other prosecutions are being pushed.

The Senator from Maryland seems to be very much afraid lest the Democratic party, with insufficient knowledge at their command, shall misrepresent us before the people in the ensuing campaign. I do not think that the amount of testimony which they may get together will affect the total sum of Democratic misrepresentation in a political campaign. It is sure to be ample. At all events I am quite ready to take my chance on that.

The majority in this Chamber have decided not to give their time to what they consider a needless and a useless investigation where all the facts are known. There is nothing to conceal, because the facts have all been brought out into the light of day by a Republican Administration. We are willing to leave that question to the people of the United States. We are also willing to leave to the people the question whether an early adjournment is not in the interest of the public business and the business of the country. We are entirely ready to leave all these questions, as the Senator from Maryland suggests, to the people of the country,

and we are not feeling at all disturbed as to what the verdict will be.

Still less are we disturbed by the attacks made upon the President, upon whom the opposition seem to center all their assaults. Personal campaigns of that kind always end in failure. You can not successfully assail a President for violating the law when your chief objection, as made by the Senator from Maryland, is that he enforced the law in the merger case. The high character and distinguished public services, the courage, and honesty of President Roosevelt are known to the American people. On those, too, we await the verdict of November with entire confidence.

Mr. CLAY. Mr. President, I do not desire to make a set speech this evening, but I wish to say a few words in regard to the statements made by the junior Senator from Massachusetts [Mr. LODGE]. It is not my purpose to speak against this appropriation bill. The bill, with the exception of a few items in it, has my approval. I wish to say, however, that I do not agree with the junior Senator from Massachusetts in some of the statements he has made.

Now, in regard to the extra session of Congress, if any member on this side of the Chamber opposed that extra session of Congress, I have never heard of it. But if the newspapers speak correctly, the leaders of the Republican party on the other side of the Chamber labored day in and day out with the President to prevent the extra session of Congress.

The Senator also states that when the Cuban bill was pending before the Senate, this side of the Chamber objected to taking a vote at the extra session of Congress on that measure. I believe that the junior Senator from Massachusetts will find that that statement is incorrect.

Mr. LODGE. I am perfectly certain the statement is not incorrect.

Mr. CLAY. I am certain the Senator from Massachusetts is incorrect. I think it can be demonstrated that the proposition came from the other side of the Cnamber that we adjourn and that we vote on a certain day in the regular session of Congress, and there is a Senator on this floor who knows it is absolutely correct. The proposition came from the other side of the Chamber that they desired to adjourn and go home at once; and the proposition was made that if this side of the Chamber would consent to it, there would be a vote on a certain day in the regular session of Congress, and it prevailed.

Now, my friend the junior Senator from Massachusetts also tells us that the Democratic party is very restless. He says we did not want any extra session of Congress and that now we are anxious to stay here. Personally I would be glad to get away, but if we have a duty to perform we ought to stay here and perform it. The Senator says that we want to stay here for the purpose of getting up an issue. I could reply and say that Senators on the other side desire to get away in order to keep down an issue, to keep the books from being opened and the truth from being known. I could say that with as much propriety as the other statement was made by the junior Senator from Massachusetts.

Mr. President, I did not rise upon this occasion for the purpose of making a speech. Yet, in regard to the investigations which have been referred to, let us be frank and honest with each other. When that resolution was introduced by my friend the senior Senator from Pennsylvania [Mr. PENROSE], asking Congress to make an investigation, it came back here, and the amendment offered by the junior Senator from Maryland met with his hearty approval, and he accepted it. That resolution was debated on this floor for four or five days, and the statement was made on the floor of the Senate that there had been an agreement to let the resolutions go to the Committee on Post-Offices and Post-Roads and they would receive favorable consideration. These resolutions have been there since December, and it has been impossible to get them back into the Senate.

Let us see whether or not there ought to be any further investigation. I do not hesitate to say it is the duty of Congress to keep in touch with all the Departments of this Government and to know how every dollar that is appropriated to carry on this Government is expended. We ought to know whether or not the Government of the United States is building her ships as cheaply as private parties can build them. We ought to know whether the Post-Office Department in purchasing supplies is buying them as cheaply as private parties can buy them.

We ought to know whether or not the $70,000,000 spent for the War Department every year is spent for the best service of our country. This applies to a Republican Administration; it applies to a Democratic Administration. It is the duty of Congress to investigate at least every two years the Departments of the Government to see if we have economical and honest service. I maintain, Mr. President, that nothing produces more economy than vigilance upon the part of Congress to see that the public expenditures are economically made.

Now, let us see whether or not the Fourth Assistant Postmaster-General thought there ought to be further investigation. You take the First Assistant Postmaster-General, Mr. Heath, and I do not intend to do him injustice. I have never in my life intentionally done a man injustice. What are the charges that are made against him? If they are false, he ought to have the privilege of showing it; if they are true, he is a guilty man and deserves the fate that Mr. Machen has received.

Mr. MALLORY. Will the Senator from Georgia permit me?

Mr. CLAY. With pleasure.

Mr. MALLORY. The Senator refers to the ex-First Assistant Postmaster-General.

Mr. CLAY. I refer to the ex-First Assistant Postmaster-General—not Mr. Wynne, for I esteem him most highly as an honest and upright man. Let us get at what the ex-Assistant Postmaster-General was charged with:

(1) A printed circular from the office of the First Assistant Postmaster-General required all post-office employees to give bonds, to be furnished by a single surety company designated in the circular.

Named by Mr. Heath.

I lay down the proposition that the Post-Office Committee ought to know why this particular company was named and why all the employees were required to go to this company for the purpose of giving security. The employees of that company ought to be brought before the committee, and Mr. Heath ought also to be brought before the committee, and we ought to know whether any employee of the Post-Office Department received anything from this surety company by reason of this special favor. I say the Senate ought to take three months, if it is necessary, to go to the bottom of every fraud connected with his office.

Now, that is not all.

(2) By order from the First Assistant Postmaster-General the cashier of the Washington City post-office was required to pay to one J. Holt Livingston the price of furniture said to have been purchased for use in Cuba and Porto Rico, although Livingston admitted to the postmaster that he had not even yet begun to manufacture the furniture.

Again:

(3) Mr. Heath ordered the employment of one Oliver H. Smith as "laborer" in the Washington City post-office, and yet caused him to be paid as though for clerical services, and to be promoted to the position of "finance clerk" at $1,700 a year.

That is not all.

(4) Mr. Heath ordered the employment of eight females as charwomen, or cleaners, in the Washington City post-office, but instructed the postmaster that their names should not appear on the pay rolls, and that they were not expected to report for duty.

Also:

(5) Mr. Heath caused the transfer from other post-offices of many clerks to the Washington City post-office, without request from the Washington City postmaster and without need for their services in that post-office, and instructed the postmaster to "consult" with one of these clerks, a Mr. D. G. Miller, and arrange hours of duty which would be "satisfactory" to him—Miller.

Again:

(6) Similar favoritism was shown, by Mr. Heath's orders and for personal reasons on his part, to one George C. Clavis, jr., another clerk in the post-office.

(7) Mr. Heath secured the appointment to office or promotion as "finance clerks" and "auditors," in several cases at salaries of $1,600 and $1,700 per annum, of a number of persons whose names are given and who at no time performed duties appropriate to such offices, in direct violation of the law and rules relative to classification of clerks.

Again, if you will take this report and read it through, and I do not desire to discuss it at length this evening, you will find that the Fourth Assistant Postmaster-General, Mr. Bristow, says:

First. The discussion of the "Tulloch charges" has revealed the existence of deplorable and gravely discreditable abuses during the years 1898, 1899, and 1900 in the Washington post-office and the office of the First Assistant Postmaster-General.

Now, what else does Mr. Bristow say? The inference to be drawn is that Mr. Heath has escaped indictment because of the statute of limitations, if you will read the report.

Mr. SCOTT. Will the Senator from Georgia yield to me a moment?

Mr. CLAY. Certainly.

Mr. SCOTT. Mr. President, I hold in my hand a letter dated March 2, from the Assistant Attorney-General for the Post-Office Department. A part of it is as follows:

What I intended to say this morning was that if the evidence had warranted the indictment of Mr. Heath owing to his former high position in the Department I would have been glad to have seen him take his medicine like the others, but that it was my deliberate judgment then, as it is now, that the evidence did not warrant his indictment. In other words, that all the evidence before the Department amounted to a suspicion only, and was not of such a nature as to warrant the finding of an indictment against Mr. Heath. There was certainly no disposition on the part of anyone connected with the Department to shield Mr. Heath or anybody else, and had there been a case against him he would have taken his medicine along with the rest.

Mr. CLAY. The Senator from West Virginia is the only champion thus far the ex-Assistant Postmaster-General has had on the floor of the Senate.

Mr. SCOTT. I ask the Senator to kindly correct that. This is from the Assistant Attorney-General for the Post-Office Department.

Mr. CLAY. Then I correct it, and I say that the ex-First Assistant Postmaster-General has not a single champion on the floor of this Chamber. There is no one to come to his rescue and defend him under the facts and charges in this case.

Mr. SCOTT. He does not need any defense according to the Assistant Attorney-General for the Post-Office Department.

Mr. CLAY. He does not need any defense! He does not need any defense, when this report shows that the First Assistant Postmaster-General had appointed a man by the name of Louis chief of the supply division, a division to purchase all the supplies, at a salary of $1,700 per year. No, he was not appointed to that position.

Mr. SCOTT. Why did they not indict him, then, if that is true?

Mr. CLAY. One minute. Listen to me, if you please. I want to say to the Senator that this report shows that the First Assistant Postmaster-General was exceedingly anxious to have in control of the division that supplied the Post-Office Department a man in perfect sympathy with him. He could not appoint Mr. Louis to that office because he was not under civil service. What did he do? He went immediately and appointed him cashier of the post-office in Kansas City, at a salary of $2,000 per year. He never did go there. He never spent a day in the post-office in Kansas City. He stayed here in Washington and purchased supplies, on a salary of $2,000 per year, when it appears that he was cashier in the post-office in Kansas City. He stayed here for some time. Mr. Heath said to the postmaster in Kansas City that the Civil Service Commission knew of this appointment. This report says so. This statement was not true.

If you will turn to these contracts you will find that Mr. Louis changed many of the contracts for supplies after he got charge of this office, and increased the rate from 20 to 75 per cent.

Now, it is a very interesting story. I tell you you may jump on Bristow, and some of us have been very angry with him, but he has done a work that I appreciate. But the work ought to be carried on.

It appears from his report that the Department was paying 16 cents a pound for ink. They were buying good ink from a responsible firm. This man Louis came, and he was working under Mr. Heath. He was Heath's appointee. He knew that when the bids were received the same company tried to furnish good ink at 16 cents. Another company bid 20 cents. He let a contract for that ink at 30 cents a pound.

I maintain that the Post-Office Committee ought to have sent for the firm that furnished the ink at 30 cents a pound. They ought to have sent for Mr. Heath and all the employees, and we ought to have known why the price of the ink was advanced from 16 to 30 cents per pound.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. CLAY. With pleasure.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

Mr. CLAY. With pleasure.

Mr. BEVERIDGE. Does the Senator believe that the statements which he is now quoting from Mr. Bristow's report are true?

Mr. CLAY. Why, I say this——

Mr. BEVERIDGE. Of course the Senator can accommodate me by answering that question.

Mr. CLAY. I have no reason to doubt the report being true. I do not know anything about it, because I have not had anything to do with it.

Mr. BEVERIDGE. Does the Senator doubt it?

Mr. CLAY. I have read what the report says from the beginning to the end, and I have taken it for granted that the statements were true. I will say this to the Senator: If they are not true, they utter a malicious and gross slander against Mr. Heath, and he ought to have the right to defend himself before the committee.

Mr. BEVERIDGE. Does the Senator have any doubt about their correctness? He has been quoting from them pretty copiously.

Mr. CLAY. I have stated to you my views.

Mr. BEVERIDGE. The Senator said he had no doubt of it. It therefore appears that what the Senator wants us to do is to investigate an investigation which he admits to be correct.

Mr. CLAY. In answer to that let me say to the junior Senator from Indiana that the report shows that Louis took the highest priced ink and paid 30 cents for it, but there is no proof going to show why he did it.

Mr. BEVERIDGE. Mr. President——

Mr. CLAY. One moment.

Mr. BEVERIDGE. I want to ask a question right there. Does the Senator deny that?

Mr. CLAY. Do I deny what?

Mr. BEVERIDGE. The statement he has just quoted.

Mr. CLAY. I do not.

Mr. BEVERIDGE. Does the Senator admit it?

Mr. CLAY. I do admit it.

Mr. BEVERIDGE. Very well. As I said, that leaves the Senator in the position of wanting us to investigate an investigation which he now admits to be correct.

Mr. CLAY. If the junior Senator from Indiana had just kept quiet there would have been no trouble to answer.

Mr. BEVERIDGE. Go ahead.

Mr. CLAY. In the first place, the report shows that he paid 30 cents for ink when the Department had been getting practically the same ink for 16 cents. It stops there. I maintain that we ought to send for the men who furnished the ink at 30 cents a pound and their clerks, and that we ought to send for the employees of the Post-Office Department, and we ought to ascertain why it was that the contract price was increased from 16 to 30 cents per pound, and find out whether or not anything was paid to any of the employees by reason of increasing the price of the ink nearly 100 per cent.

Mr. SCOTT. Will the Senator from Georgia allow me to ask him a question?

Mr. CLAY. With pleasure.

Mr. SCOTT. Is it not currently reported that the reason for changing the ink was that the ink at a lower price when used on the stamps could be washed off and the stamps reused; so that ink was put out and the other ink purchased?

Mr. CLAY. I will state to the Senator from West Virginia that Mr. Bristow says in his report that really the ink he bought at 16 cents a pound was superior to the ink he bought at 20 cents and 30 cents a pound.

Mr. BEVERIDGE. Mr. President——

Mr. CLAY. In one moment. I will say also that Fourth Assistant Postmaster-General Bristow charges in his report that in order to buy a large quantity of ink even the First Assistant's employees burned up and destroyed a large quantity of ink on hand.

Mr. BEVERIDGE. Now, I hope it will not interrupt the Senator if I ask him a question.

Mr. CLAY. Not at all. I am always glad to hear the Senator.

Mr. BEVERIDGE. I ask the Senator again as to this particular statement which he makes from the Bristow report, whether he believes it to be true or not true.

Mr. CLAY. I do not see the point.

Mr. BEVERIDGE. Well, perhaps the Senate does, or I think it will. Does the Senator admit that the statement which he quotes from the Bristow report about ink and every other item is correct?

Mr. CLAY. Well, I say this to the Senator: If Mr. Heath's office purchased ink at 30 cents a pound and at 26 cents a pound, believing it was a superior ink and that the other ink was unfit for use, then that would free him from any dishonorable conduct. If, on the contrary, he purchased the same kind of ink, paying 30 cents for it when they had been paying only 16 cents, it is the very highest evidence that there was something improper in the transaction.

Mr. BEVERIDGE. If the Senator will pardon me a moment, he is quoting statements from an investigation which he indorses. Therefore I put the question to him again that I put twice before, whether or not he believes the statements which he quotes from the report to be true? If he does, then his position is the position of a Senator asking the Senate to investigate an investigation which he himself indorses.

Mr. CLAY. I will state to the Senator my position. Admit that the report as far as it goes every word of it is true, and of course you are bound by it. I say the report ought to go still further. It ought to probe to the bottom, and we ought to be permitted to show why we paid out in one year $100,000 more for the same supplies than we paid the previous year, and of the same quality. Now, I say to my friend from Indiana that your friends, Conrad and Bonaparte, special counsel appointed to make this investigation, were just as well satisfied of the guilt of the First Assistant Postmaster-General from their standpoint as they were of the guilt of anyone else.

I do not know whether Mr. Heath is guilty or not. I simply read the charges made against him by your appointee, the Fourth Assistant Postmaster-General, and the evidence furnished. Your special committee of lawyers to investigate this case say:

> We very respectfully recommend that a thorough investigation be ordered, if it has not been already ordered, of the administration of the Washington post-office, of the administration of the New York post-office, and of the administration of the office of the First Assistant Postmaster-General within the past three years.

Mr. Bristow said he ought to be investigated further; Conrad and Bonaparte said likewise; the President of the United States said likewise; the testimony shows that he ought to be investigated. But no one on the other side of the Chamber will vote to have him investigated.

My friend the junior Senator from Pennsylvania [Mr. PENROSE] corrected a statement made by him. He did not intend to make it. It is true that every member of the minority of that committee has insisted that this investigation ought to be made.

Now, I do not think we ought to make the investigation simply for political purposes; but I insist that if we want to perpetuate our free institutions, we must have honest and economical government. I was taught fifteen years ago—nay, twenty—when a member of the legislature of my State, that an investigation annually into our receipts and expenditures was in the interest of good government.

I believe in an investigation by Congress of the Post-Office Department, of the Navy Department, of your Land Department, of Indian affairs every two years. Let a committee take months and make such investigation and report to Congress, and such work will always result in good government.

My friend from Maryland [Mr. GORMAN] said a man with clean books, a man with clean hands, ought never to refuse to have his books investigated. I want it distinctly understood that much of the valuable information I have been able to obtain leads me to believe that hundreds of thousands of dollars were paid to employees who were representing the Government and who purchased supplies at unreasonable prices. Much of that valuable information came to me by the efforts of the Fourth Assistant Postmaster-General.

I tell you these investigating resolutions have a most peculiar history. We began here in December for the purpose of investigating the Post-Office Department. I do not know whether or not it is true, but I have been informed by the newspapers that instead of Congress investigating the Post-Office Department that Department is having Congress investigated. We were then about to investigate the Post-Office Department, and we are told that the charges had been made up against Congress long before we had ordered this investigation.

I say if Mr. Heath has been wronged we ought to right the wrong. I stand here to-day and say if Mr. Heath vindicates himself Mr. Bristow is a slanderer and ought to be turned out of office. I do not know whether or not Mr. Heath is guilty. I make no charges. I repeat what has been said and say that we ought to have the truth, the whole truth, and nothing but the truth.

Mr. President, it applies to Democrats as well as Republicans. I stand here and announce to-day that fraud is just as liable to take place in one Administration as in another. It often does. It is the duty of the Republicans to watch the Democrats and see that they do no wrong. It is the duty of the Democrats to watch you. In a government like ours political parties are absolutely essential to honest government. I have no patience with a public man who is simply investigating to find charges to advance his own political party. A man who will stand upon this floor and denounce another as guilty of theft and as guilty of fraud simply for the purpose of advancing his own political interest or the interest of his party is unworthy of holding this high position.

But these investigations ought to be had with a view of finding out the truth. They ought to be made fearlessly. They ought to be made vigilantly. They out to be made honestly, with a desire to find nothing but the truth.

I beg the pardon of the Senate. I had not the remotest idea of occupying more than a few minutes. Some time later I will address the Senate again in regard to the post-office bill. There are only a few items in the bill that I shall desire to discuss. I will do it when we get to them in the reading of the bill.

Mr. SCOTT. Mr. President, I should like the attention of the Senator from Georgia just a moment. It has never been my purpose to regard a man as being guilty until he has been proven so by a jury of his countrymen. Mr. Heath may be all that the Senator from Georgia pictures him to be or says that Mr. Bristow pictures him to be. I quote here from a part of the record of Mr. Beach, a well-known attorney. I have no doubt the Senator from Georgia knows him. Mr. Beach says:

> That the evidence had all been before the grand jury, such as it was, and that no member of the grand jury had said anything to him about indicting Perry S. Heath, and that he would not again bring it to their attention.
>
> * * * * * * * * *
>
> It should be borne in mind that all the evidence in this case in any way involving Mr. Heath had been presented to the grand jury; and had that body been so disposed, an indictment might have been voted and the district attorney requested to prepare it.

Now, Mr. President, it appears that all the evidence was before the grand jury, that the foreman of the grand jury was a lawyer, and that these attorneys decided that they had no case against Mr. Heath; and until Mr. Heath has been proven by a jury of his countrymen to be a scoundrel and a thief I shall regard him, as I always have in the past, and in an association of twenty years, as being an honest man.

Mr. CULLOM. By leave of the Senator from Pennsylvania who has charge of the bill before the Senate, I will move that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator from Illinois withhold that motion for a moment?

Mr. CULLOM. Certainly.

CONDUCT OF IMPEACHMENT TRIALS.

Mr. HOAR. I ask unanimous consent to make a motion for an amendment to the rules. The rule requires that notice of such a motion shall be given the day beforehand, but I should like to make a motion now in order that it may be printed—the motion is in writing—and referred to the Committee on Rules.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent to present at this time a motion to amend the rules. Is there objection?

Mr. COCKRELL. Let it be read.

The PRESIDENT pro tempore. The motion will be read.

The Secretary read as follows:

Mr. HOAR proposes to amend the rules for the conduct of impeachment trials by adding after Rule XI the following:

"In all cases of the impeachment of any officer other than the President of the United States, or the Vice-President of the United States, or any officer upon whom the powers and duties of the office of President of the United States shall have devolved, the trial shall proceed as follows:

"The Senate will hear an opening statement from one of the managers of the impeachment on behalf of the House of Representatives, who may be designated for that purpose either by the House or by a majority of the managers, if it shall be desired by either.

"It will then hear an opening statement on behalf of the accused by himself or one of his counsel, if he shall so desire it.

"The case shall then be referred to a committee of nine Senators, to be appointed by the Chair, who shall proceed to take all the testimony on both sides as soon as may be, and report the same to the Senate. The times and places of sitting shall be such as ordered by the Senate.

"Said committee may sit during the sessions of the Senate or in vacation, and the regular sessions of the Senate shall not be interrupted by its procedure. The committee shall cause all the testimony by them heard to be reduced to writing and reported to the full Senate. It shall determine all questions of the admissibility of testimony and shall report all objections thereto and its determination thereon when the testimony is complete.

"The Senate shall thereupon proceed to the determination of the case after hearing both sides. If it shall be claimed that any testimony was improperly excluded, the Senate shall first determine such question, and in such case may recommit the case to the committee, that it may hear and report such testimony, or may direct the testimony to be received at the bar of the Senate, if it shall see fit. If it shall determine that any testimony was improperly received, it may order the same to be stricken from the record before the final argument of the case. The trial shall thereafter proceed as heretofore provided."

The proposed amendment modifies Rules VII, XV, XVII, and XX of the rules concerning impeachments so far as they require all the proceedings to be before the Senate itself, and the purpose is to shorten such proceedings and make them more convenient.

Mr. HOAR. Mr. President, if I may be permitted to add one word in explanation, the design of this amendment of the rules is to provide that all testimony may be taken before a committee of the Senate instead of being taken before the Senate itself, reserving the right to submit to the Senate on a report questions of the admissibility or exclusion of witnesses; that if testimony be improperly excluded, then to send the case back to the committee to hear it at the bar, but that all arguments shall be before the full Senate, and in other respects the proceedings to go on as now provided.

Now, Mr. President, if I may be permitted to add one word, which I did not intend when I rose, I will say that it is evident the Senate is in danger of being confronted by a very great public inconvenience hereafter. Suppose, for instance, that some President of the United States should direct half a dozen marshals in different parts of the country to do something that would be regarded by the two Houses of Congress as unlawful. Perhaps the evidence of the order could not be produced so that the President himself could be impeached. We might have half a dozen impeachment trials coming on at the same time, breaking up for an entire year the legislative business of this country. We might have an officer in a court whom it was desirable to get rid of so promptly that we might break up the whole of a short session of the Senate. As things are now in this great country we might have two or three officials guilty at the same time. There has already been a time when four judges of the United States courts were reported for impeachment in the same year, but they all resigned. That was after the war.

Mr. SCOTT. I will suggest that I have no doubt what the Senator from Massachusetts is saying is very interesting, but we can not hear a single word of it here.

Mr. HOAR. I think it is perhaps better that the Senator from West Virginia did not hear it, for if he had I fear he would not have thought it so interesting. [Laughter.]

I only wish to add one other statement. This suggestion comes from the practice of the law committee of the House of Lords, from whom we get all our precedents in judicial proceedings before this body. I am not aware that any impeachment trial in the House of Lords has ever been committed to a committee, although I am not sure whether that be the case; but, as everybody knows, all the great questions of law which that great court decides—coming up from all the courts, coming from Scotland, and all the cases that come from the colonies, except those which go to the privy council—are referred to the law committee of the House of Lords, usually consisting of perhaps three or four lords only.

I do not feel sure that an examination of this whole plan by the lawyers of the Senate may not disclose some difficulty or defect in it which would make it impracticable; but it seems to me that it is worthy of careful consideration by the Committee on Rules of the Senate, and now is an especially opportune time to change our rules on the subject, if we are ever going to do so, for reasons which it is unnecessary to suggest.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the presentation of his motion to amend the rules may be made now and referred to the Committee on Rules. Is there objection? The Chair hears none, and the motion will be received and so referred.

Mr. TELLER. And printed.

Mr. HOAR. Yes; and printed.

The PRESIDENT pro tempore. The order to print will be made, in the absence of objection.

EXECUTIVE SESSION.

Mr. CULLOM. If the Senator from Pennsylvania, the chairman of the Committee on Post-Offices and Post-Roads, does not object, I will move that the Senate proceed to the consideration of executive business.

Mr. PENROSE. I will yield to the Senator for that motion.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 31, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 30, 1904.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) George L. Smith to be a lieutenant in the Navy from the 1st day of January, 1904, to fill a vacancy created in that grade by an act of Congress approved March 3, 1903.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 28th day of January, 1904, having completed three years' service in their present grade:

Herbert G. Sparrow.
Joseph K. Taussig.
John W. Greenslade.
James H. Tomb.
James R. Combs.

COLLECTOR OF CUSTOMS.

Stephen W. Church, of Rhode Island, to be collector of customs for the district of Bristol and Warren, in the State of Rhode Island, to succeed Charles Henning, resigned.

POSTMASTERS.

COLORADO.

James L. Moorhead to be postmaster at Boulder, in the county of Boulder and State of Colorado, in place of James L. Moorhead. Incumbent's commission expires March 31, 1904.

FLORIDA.

Lawrence Brown to be postmaster at Milton, in the county of Santa Rosa and State of Florida. Office becomes Presidential April 1, 1904.

GEORGIA.

John F. Jenkins to be postmaster at Ashburn, in the county of Worth and State of Georgia, in place of John W. Evans, deceased.

ILLINOIS.

John F. Mains to be postmaster at Stronghurst, in the county of Henderson and State of Illinois. Office becomes Presidential April 1, 1904.

INDIANA.

John A. Hall to be postmaster at Cicero, in the county of Hamilton and State of Indiana, in place of John A. Hall. Incumbent's commission expired January 23, 1904.

KANSAS.

Charles T. Dallam to be postmaster at Hoxie, in the county of Sheridan and State of Kansas. Office becomes Presidential April 1, 1904.

MISSOURI.

C. M. Harrison to be postmaster at Gallatin, in the county of Daviess and State of Missouri, in place of David H. Gilchrist, resigned.

NEBRASKA.

Thomas J. Taylor to be postmaster at Wilber, in the county of Saline and State of Nebraska, in place of Thomas J. Taylor. Incumbent's commission expired March 20, 1904.

NEW YORK.

Richard H. McIntyre to be postmaster at Saranac Lake, in the county of Franklin and State of New York, in place of Charles S. Gay. Incumbent's commission expired March 3, 1903.

OHIO.

Charles H. Ellsworth to be postmaster at Hudson, in the county of Summit and State of Ohio, in place of Charles H. Ellsworth. Incumbent's commission expired February 24, 1904.

PENNSYLVANIA.

Harry B. Clary to be postmaster at Grampian, in the county of Clearfield and State of Pennsylvania. Office becomes Presidential April 1, 1904.

Charles A. Straesser to be postmaster at Martinsburg, in the county of Blair and State of Pennsylvania. Office becomes Presidential April 1, 1904.

SOUTH CAROLINA.

Alonzo M. Folger to be postmaster at Easley, in the county of Pickens and State of South Carolina. Office becomes Presidential April 1, 1904.

Charles J. Mulkey to be postmaster at Westminster, in the county of Oconee and State of South Carolina. Office becomes Presidential April 1, 1904.

VIRGINIA.

Beverly A. Davis to be postmaster at Rockymount, in the county of Franklin and State of Virginia. Office becomes Presidential April 1, 1904.

WISCONSIN.

William Vanzile to be postmaster at Crandon, in the county of Forest and State of Wisconsin. Office becomes Presidential April 1, 1904.

WYOMING.

Andrew M. McAnally to be postmaster at Saratoga, in the county of Carbon and State of Wyoming, in place of Gustave Jensen, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1904.

SECRETARY OF ARIZONA.

William Francis Nichols, of Arizona, to be secretary of Arizona.

CONSUL.

Samuel H. Shank, of Indiana, to be consul of the United States at Winnipeg, Manitoba, Canada.

POSTMASTERS.

INDIANA.

Winfield S. Hunter to be postmaster at Jasper, in the county of Dubois and State of Indiana.

MICHIGAN.

Montague W. Ripley to be postmaster at Montague, in the county of Muskegon and State of Michigan.

PENNSYLVANIA.

Joseph A. Buchanan to be postmaster at Ambler, in the county of Montgomery and State of Pennsylvania.

Daniel M. Bennett to be postmaster at Bridgeville, in the county of Allegheny and State of Pennsylvania.

WISCONSIN.

Frederick A. Hollman to be postmaster at Green Bay, in the county of Brown and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 30, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. HEMENWAY, the House resolved itself into the Committee of the Whole on the state of the Union (Mr. BURTON in the chair) and resumed the consideration of House bill No. 14416, the sundry civil appropriation bill.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, $400,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the acts approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and, second, to surveying under such other acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture and lines of reservations, except forest reservations, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not ex-

ceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township, and $20 for section lines; the provisions of section 2411, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district.

And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, at such compensation not exceeding $6 per day, and such per diem allowance in lieu of subsistence not exceeding $3, while engaged in field examinations, as he may prescribe, said per diem allowance to be also made to such clerks who are competent surveyors who may be detailed to make field examinations, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making by such competent surveyors fragmentary surveys, office examination of surveying returns, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. RODEY. Mr. Chairman, I move to amend by inserting, after the word "States," in line 18, page 76, the words "and Territories." I think these words have been omitted inadvertently.

Mr. HEMENWAY. I make a point of order against the amendment.

Mr. RODEY. I understand that a point of order applies only to a provision changing existing legislation, and I do not understand that a mere appropriation bill making appropriations from year to year is existing legislation in the sense of the rule, because one appropriation only takes effect at the end of a fiscal year, after the previous bill has died a death of limitation.

Mr. HEMENWAY. I call the attention of the gentleman to this fact——

Mr. LACEY. Before the gentleman from Indiana [Mr. HEMENWAY] proceeds, will he allow me to make an explanation?

Mr. HEMENWAY. I yield to the gentleman.

Mr. LACEY. The gentleman from Indiana, as I understand, bases his point of order upon the fact that there have been no land grants to the Territories. That is true as to every Territory except New Mexico. Owing to the long time that elapsed before New Mexico was admitted to the Union, a special act was passed making the land-grant provision applicable to New Mexico, notwithstanding its Territorial character. I think, therefore, that the words "and Territories" ought to go in there to meet the situation in that particular Territory.

Mr. RODEY. I move the same amendment in line 19, after the word "States."

Mr. LACEY. The language might be amended so as to read "States and the Territory of New Mexico." That is the only Territory to which the provision need be applied.

Mr. HEMENWAY. Mr. Chairman, I make the point of order that this amendment changes existing law. I submit that there is no law authorizing surveys under the act which provides land grants to the Territories.

The CHAIRMAN. The Chair would suggest that the question what is the existing law may have an important bearing as to the proper ruling in this case. As the Chair understands, this provision for surveys is in furtherance of a public work or object now in progress. Does that include for surveys the Territories as well as the States?

Mr. HEMENWAY. I understand not. It might include the Territory of New Mexico, but it does not include the Territories in general.

Mr. RODEY. In my amendment I had in view only the case of New Mexico. If the word "Territories" be used, it will not affect the other Territories, because no other has a land grant. That is my information—that there is no other Territory having a specific land grant such as New Mexico has. There are land laws applying to Arizona, and perhaps Oklahoma as well, but not of the scope of the act of 1898, granting lands to New Mexico.

The CHAIRMAN. Can the gentleman from New Mexico [Mr. RODEY] state whether the Territory of New Mexico is now excluded from the operation of the law?

Mr. RODEY. The language of this paragraph as reported by the committee would exclude New Mexico because it refers only to "States." I will say to the Chair and to gentlemen of the House that on June 21, 1898, New Mexico had a very extensive grant of land given it by Congress, and more of the character of work described is to be done there than in many of the States.

Mr. HEMENWAY. I will ask the gentleman if there has been any difficulty in having the work done heretofore?

Mr. RODEY. I do not know that there has been any particular difficulty, save that we have not had it done as fast as we want it, because the States have had the work done to our exclusion, every time, for lack of funds, and I thought I would have it affirmatively appear in this act if possible, so that we could not be left out, as the Territories always are when their necessities conflict with those of the States.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HEMENWAY] desire to be heard further?

Mr. HEMENWAY. I have nothing further to offer.

The CHAIRMAN. The question seems to be in some doubt as to what is existing law; but this provision merely gives a preference, in the carrying on of this public work, to certain localities, and it would not seem that a provision in the nature of this amendment would do any harm, unless there are land grants or other classes of lands to which this provision will apply. The Chair overrules the point of order.

Mr. HEMENWAY. I think there is no objection to the amendment.

Mr. RODEY. I suppose there is no objection to the other amendment; it is in the same line.

The CHAIRMAN. Without objection, the two amendments will be considered as adopted.

There was no objection.

The Clerk read as follows:

That all the powers now exercised by the Court of Private Land Claims in the approval of surveys executed under its decrees of confirmation shall be conferred upon and exercised by the Commissioner of the General Land Office from and after the 30th day of June, 1904.

Mr. RODEY. Mr. Chairman, I suppose that paragraph just read is subject to the point of order as being new legislation, but if it is going to stay in the bill I wish to offer the following amendment.

Mr. HEMENWAY. Mr. Chairman, before the discussion begins I reserve the point of order myself.

The CHAIRMAN. The gentleman from Indiana reserves the point of order on the paragraph.

Mr. RODEY. I will ask to have my amendment read, if the Chair please.

The CHAIRMAN. The gentleman from New Mexico will understand that if the amendment is now presented it can be read for information merely.

Mr. RODEY. Yes, sir; I so understand.

The CHAIRMAN. Pending the decision on the point of order.

Mr. RODEY. Yes.

The Clerk read as follows:

Page 79, line 13, after the word "four" add:

"*Provided*, That after such date all the books, records, plats, papers, and archives of said Court of Private Land Claims shall be deposited by said court in the office of the surveyor-general of the Territory of New Mexico, from which official duly certified copies of any portion of the same may be obtained on payment of the legal fees therefor."

Mr. RODEY. Mr. Chairman, the reason for that amendment is this: The Court of Private Land Claims will die a death of limitation on the 30th day of next June. The paragraph inserted here, which my amendment or addition is offered to, justly and properly confers the duties of that court upon the Commissioner of the General Land Office after that date, so that he, with equal authority, may wind up any little business that may remain to be done in the way of approving surveys, etc., within the purview of the jurisdiction of that court.

I have a bill, sent me from home within two or three days, which I was about to introduce, to provide that the records of that court be left at Santa Fe with the surveyor-general.

Gentlemen will appreciate that nearly all of the business of that court relates to land grants in the Territory of New Mexico, and that the records consist not only of the court dockets, but also of all sorts of Spanish archives and muniments of title, on which the court acted when it confirmed the claims or dismissed the applications for these grants. Therefore people from New Mexico will want continually to examine these records and to consult them from day to day, and many of them are of such a character that it would cost this Government a large amount of money to make translations and transcripts of them, while if citizens living in the vicinity can go and examine them they will not need either translations or transcripts, and can avoid the consequent cost and get what they want in much less time.

Mr. GILLETT of Massachusetts. Where are they now?

Mr. RODEY. They are now in the court of private land claims at Santa Fe, in quarters provided by this Government, in a Government building. This amendment provides that they shall be placed with the surveyor-general of New Mexico, from whose office most of the records originally came, and which now has custody of the Spanish and other archives of the Territory. When this land court was organized, the archives of the surveyor-general were by act of Congress made evidence to be used before it, and they were filed there. Then plats and surveys were made, evidence was taken, records made, etc., and the land was segregated from the public domain after decree of confirmation. All of that procedure is valuable and indispensable information to

the people in that vicinity and to the owners of the grants and others. Of course these records will still be in the custody of the Government, in the office of its Surveyor-General, subject to his control, and it can be considered that they will be, in fact, in the control of the Land Department of the United States.

There are transcripts already in the General Land Office here of nearly everything done in the Court of Private Land Claims; but these records mentioned in this amendment are the original papers, under which the title to land has been given to individuals, and they are continually necessary for examination by our people and for use in our courts. If you carry them away and bring them to Washington there will be transcripts required, with all the concomitant expenses necessary in securing them again in the Territory. I submit to the House that this amendment ought to carry, and these records ought to remain where they actually belong and where they can be used and are mostly needed.

Mr. HEMENWAY. Mr. Chairman, of course if the amendment is offered I will make the point of order. My judgment is that all papers in regard to these land claims should be filed at the proper place, with the Commissioner of the General Land Office. If duplicate sets of these papers are necessary, they should be filed with the surveyor-general of New Mexico; but certainly it would be a great mistake to allow these original papers to be filed with the surveyor-general of the Territory of New Mexico. They all belong to the office of the Commissioner of the General Land Office here in the city of Washington.

It would be strange if we were to divide up our papers on public lands and scatter them around in the different Territories and States. We do not know what kind of a building they are kept in out there. They may be destroyed by fire. If they want a duplicate, the duplicate can be furnished from the office of the Commissioner of the General Land Office in the city of Washington.

Mr. OTJEN. Will the gentleman allow me to ask him a question?

Mr. HEMENWAY. Certainly.

Mr. OTJEN. Were they originally kept here in the Land Department?

Mr. RODEY. No; they have always been kept in Santa Fe, and originally in the surveyor-general's office. This is the first effort to take them away.

Mr. HEMENWAY. These papers were transferred to the court of private land claims that has been out there deciding these cases. That court goes out of existence by limitation on the 30th day of June, and of course these papers must be disposed of.

Now, the proper place for them to come is the Land Office in Washington, and then if it is necessary to file duplicate sets in the Territory of New Mexico they can be filed there. It certainly would not be proper to allow the original papers to remain there. They belong in the Land Office. I shall not discuss the merits of the case, and I shall insist on the point of order.

The CHAIRMAN. Does the Chair understand the point of order is asserted to the paragraph and the amendment of the gentleman?

Mr. HEMENWAY. No; I do not want to get into the trouble that we experienced yesterday. I reserved the point of order. I do not oppose the provision because this legislation is in here, which all concede to be good and necessary legislation, but I do not propose to let it stay in if there is to be attached the amendment offered by the gentleman from New Mexico.

Mr. RODEY. I will not insist on my amendment if the gentleman will let the remainder stay. I want the rest of it to stay. It is proper legislation; but I ask the gentleman to allow the amendment to be considered too.

The CHAIRMAN. The first question to decide is the point of order raised to the paragraph.

Mr. HEMENWAY. If the gentleman will withdraw his amendment, I will not insist on the point of order; but if the amendment is to be offered, I shall insist on the point of order.

Mr. RODEY. I will withdraw my amendment if the gentleman will not insist on his point of order, as the paragraph without my amendment is proper and necessary legislation for our Territory.

The CHAIRMAN. The point of order and the amendment are both withdrawn. The Clerk will proceed with the reading.

The Clerk read as follows:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, $6,000.

Mr. BARTLETT. I move to strike out the last word.

Mr. Chairman, I desire to ask that I may proceed for ten minutes, as I may not conclude what I desire to say in five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none.

[Mr. BARTLETT addressed the committee. See Appendix.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. GILLETT of Massachusetts. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not think a five-minute debate is any time to discuss outside subjects. I think we ought to confine ourselves to the bill, and therefore I simply wish to contradict the misrepresentation which the gentleman from Georgia [Mr. BARTLETT] makes and which, it seems to me——

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BARTLETT. The gentleman uses the word "misrepresentation." I desire to know what the gentleman means by that.

Mr. GILLETT of Massachusetts. I am going to explain it.

Mr. BARTLETT. But the gentleman ought not to use such a word as requires explanation.

Mr. GILLETT of Massachusetts. I do not use the word in any offensive way.

Mr. BARTLETT. Mr. Chairman, the gentleman must not use the word in an offensive way.

Mr. GILLETT of Massachusetts. I must tell the truth.

Mr. BARTLETT. But, Mr. Chairman, I would not insist upon it, but the gentleman can not say it is the truth that I made any misrepresentation.

Mr. GILLETT of Massachusetts. Oh, Mr. Chairman, the gentleman is a friend of mine. I do not wish to use language which is offensive to him. I do not mean at all that he intended to misrepresent me. I will say this, that the gentleman does not fairly represent what I said—unintentionally, I have no doubt.

Mr. BARTLETT. That will do.

Mr. GILLETT of Massachusetts. If that is any better.

Mr. BARTLETT. That will do.

Mr. GILLETT of Massachusetts. I wish to be courteous always.

The CHAIRMAN. The gentleman from Massachusetts will proceed.

Mr. GILLETT of Massachusetts. Mr. Chairman, I shall explain why he did not. The gentleman stated that I said the Caucasian race was no better than the negro race. If the gentleman will read my language, he will find that I never uttered any such sentiment.

Mr. BARTLETT. Mr. Chairman, may I read what the gentleman said?

Mr. GILLETT of Massachusetts. No; the gentleman can not at this time.

The CHAIRMAN. The gentleman from Massachusetts declines to yield.

Mr. GILLETT of Massachusetts. I never intimated—I think the gentlemen who listened to me will bear me out in the statement—and I certainly never would intimate that I do not believe the Caucasian race is superior to the negro race. Of course, I recognize the superiority of the Caucasian race; I suppose everybody does. All I said was—and I think any gentleman of fairness who will take the trouble to read what I said will acknowledge this—that what is to determine the relative grade of any class of people, if distinctions are to be made, is merit, not race. Of course, I believe, as everybody knows, the Caucasian race as a whole is vastly superior to the colored race; but I do not believe it follows that every white man is superior to every colored man. I think there are some colored men who are superior morally, intellectually, and physically to some white men, and in such cases I think it is preposterous to contend that the white man is still superior just because he is white. The statement which the gentleman made that I said——

Mr. BARTLETT rose.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Georgia?

Mr. GILLETT of Massachusetts. Not now. The statement which the gentleman put in my mouth I do not suppose was intended to misrepresent me; but he did say that I declared that the Caucasian race is not superior to the negro. I wish to deny having made that statement. The gentleman certainly misunderstood me if he thought I made any such statement.

Mr. BARTLETT. May I read what the gentleman said?

Mr. GILLETT of Massachusetts. I do not want to take up the time of the House in that way. I certainly believe that anyone who heard my remarks or has read them as published knows that the tenor of my remarks was not in accordance with what the gentleman has stated. I have just repeated what I intended to say and what I believe I did say, and what is now and always has been my view on this question.

As to the statement of the gentleman that there was some mob in Massachusetts, I remember something about it, now that he

reads the statement from a newspaper; but I think I said the other day what I repeat now, that I denounce just as thoroughly any such incident in Massachusetts as I do in the South. I stated, and I repeat now, that one of the reasons for my regret at the frequency of such occurrences in the South is that they do stimulate similar occurrences all over the country. If I allowed myself to imitate the gentleman from Georgia and occupy ten minutes here in order that every such incident in the South might be put in the RECORD, I am afraid the session of this Congress would have to be much prolonged.

Mr. CRUMPACKER and Mr. BARTLETT rose.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] is recognized.

Mr. BARTLETT. I wish that I may be permitted for just a few minutes——

The CHAIRMAN. The gentleman from Indiana has been recognized. The Chair will recognize the gentleman from Georgia later, when it may be in order to do so.

Mr. CRUMPACKER. Mr. Chairman, I believe it is the sentiment of all thoughtful people throughout the length and breadth of the country that the law is supreme. But during the last twenty-five years there have been over 3,000 mob executions in this country. More than 3,000 citizens of the United States, entitled to the protection of the Constitution and laws of the country, have been seized by lawless mobs and put to death.

Mr. MADDOX rose.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Georgia?

Mr. CRUMPACKER. I do not feel that I ought to.

Mr. MADDOX. I am not asking the gentleman to yield. I rise to a parliamentary inquiry.

The CHAIRMAN. The Chair will hear the gentleman's parliamentary inquiry.

Mr. MADDOX. I want to know whether this discussion is to go on. If so, I want to take a hand in it.

The CHAIRMAN. The Chair will say that whether the discussion shall proceed depends upon the disposition of the committee. The question of the gentleman from Georgia is not strictly a parliamentary inquiry.

Mr. MADDOX. If this thing is to go, I shall insist on occupying some time upon it. I would not care myself to bring up this question or to say anything about it. But I make the point of order now that the debate should be confined to this bill.

The CHAIRMAN. The point of order must be sustained.

Mr. BARTLETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. BARTLETT. To make a request. I desire that I may incorporate in my printed remarks the articles referred to in my speech. I do not propose to insert anything in relation to anything else. I simply desire to quote in my published remarks the statement of the gentleman from Massachusetts in his former speech and also to call attention to these different occurrences in the States.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to extend his remarks in the RECORD by the insertion of certain papers or articles. Is there objection? The Chair hears none.

Mr. CRUMPACKER. Mr. Chairman, I understand that a point of order was made upon this discussion.

The CHAIRMAN. The point of order was made that the discussion was out of order; and the Chair sustained the point of order.

Mr. MADDOX. I want to withdraw that point of order, inasmuch as my colleague [Mr. BARTLETT] precipitated the matter here; but I will make it on the next speech of this kind.

Mr. CRUMPACKER. Mr. Chairman, it is not my intention to indulge in the discussion of this question more than to say that I believe the best people of the country are a unit in desiring to have the law enforced everywhere. Mob law is not sectional. I confess with regret that the record of the last twenty-five years will show that my own State has had its full share of these disgraceful exhibitions of a lack of self-control on the part of the people. It simply illustrates to some extent a weakness in human nature. Human nature is a good deal the same throughout the whole country.

Now, my purpose, Mr. Chairman, was to have read in my time an editorial from the Nashville American, one of the ablest papers in the South, denouncing mob violence. I do this for the purpose of justifying the statement of the gentleman from Massachusetts [Mr. GILLETT] and the statement of the gentleman from Georgia [Mr. MADDOX] that mob violence is contrary to the prevailing sentiment in all parts of the country. I send the editorial to the Clerk's desk to be read. It should be heard by every Member of the House.

The editorial referred to, from the Nashville American, Wednesday, March 16, 1904, is as follows:

THE BRUTAL WHITE.

Not long ago Governor Vardaman succeeded in preventing the lynching of a negro in Mississippi. But there was a lynching in that State that for fiendish brutality has not yet been surpassed, even when the victims have been roasted at the stake. It occurred at Doddsville recently, and these are the circumstances as related by local newspapers: Luther Holbert, a negro, had a quarrel with a white man, and, following the usual Mississippi method, they exchanged shots, the negro escaping and the white man being killed. The negro, knowing the penalty for killing a white man in that section, fled, of course accompanied by his wife, who had had no part in the quarrel. They were captured by the mob, and this is what was done to them according to the statement of an eyewitness in the Vicksburg Herald:

"When the two negroes were captured they were tied to trees, and while the funeral pyres were being prepared they were forced to suffer the most fiendish tortures. The blacks were forced to hold out their hands while one finger at a time was chopped off. The fingers were distributed as souvenirs. The ears of the murderers were cut off. Holbert was severely beaten, his skull was fractured, and one of his eyes, knocked out with a stick, hung by a shred from the socket. Neither the man nor woman begged for mercy nor made a groan or plea. When the executioners came forward to lop off fingers, Holbert extended his hand without being asked. The most excruciating form of punishment consisted in the use of a large corkscrew in the hands of one of the mob. The instrument was bored into the flesh of the man and the woman in the arms, legs, and body and then pulled out, the spirals tearing out big pieces of raw, quivering flesh every time it was withdrawn."

After these tortures the mutilated bodies were burned. Had this negro outraged a white woman? Oh, no; he had merely killed a white man who was shooting at him. His wife had committed no crime, but simply fled with her husband. Yet she was made to share his fate and with him to suffer the most cruel and brutal tortures the devilish ingenuity of the degraded savages could devise. The Vicksburg Herald truly says: "If there is any hell, and if it is the abode of devils, they must have turned green with envy of the genius of their brethren on earth."

"White men," the members of this mob call themselves. They were brutal, cowardly curs who are a disgrace to civilization, a dishonor to the human race. These miserable savages doubtless regard themselves as respectable citizens in their community. Perhaps they are. Then what a community it must be! Think of any State in the Union in this twentieth century containing a community of white men capable of producing such brutes, such barbarians, such savages as these.

The red Indians, whom we dispossessed of this country, in all the bloody history of cruelty and torture, were never guilty of more savage cruelty than this. The negroes, in their most bestial state of voodooism, could be guilty of nothing more savage and brutal. The white man is given to much boasting, but in many instances he is but a thinly veneered savage who shows his capacity and his disposition to descend rapidly to the depths. But for the restraining influence of organized society and the law this class of whites would soon descend to savagery. The conduct of mobs shows this. The more frequent the mob the more brutal becomes its conduct, the more savage its excesses, the nearer the general approach to anarchy and barbarism.

It would seem that even men of dull and muddy minds, men who have no high thoughts or worthy conceptions, who read little and think less, could see this and appreciate the fact that in observance of the law lies safety for individuals and for society. The mob feeds upon its own brutal instincts. Yesterday it sought only to hang negro ravishers of white women, and organized society, moved by intensity of sentiment rather than guided by clear, cold judgment, rather winked at it. To-day the mob mutilates, dismembers, hacks to pieces, bores into their bodies with corkscrews, and burns the bodies of negroes for offenses which, in some cases, do not amount to a misdemeanor. In this instance the negro man had killed a white man in a fight, and the negro woman had done nothing except to stand or to flee with her husband. It is high time for thoughtful, decent people to ask, Where is this thing to end?

The Southwestern Christian Advocate, published at New Orleans, says of this latest exhibition of unrestrained savagery in Mississippi: "We believe firmly that the Vardaman gubernatorial canvass is at the bottom of this heart-sickening affair. Mr. Vardaman wanted to be governor, and in order to attain his wish he went in to convince his fellow-citizens that the negro is, if anything at all, less than human. Many who heard him were too glad to have him say it. They turned from the speaker convinced that the negro is unworthy of consideration, and has no rights which they need respect."

Governor Vardaman can not escape the terrible responsibility for his utterances. He may be sincere in his views. So also were the New England witch burners. Vardaman took an easy method of popularizing his candidacy for governor among the cheap whites by inflaming them against the negro, and this was made easier by Roosevelt's action in the Indianola post-office affair. Vardaman as governor will find it difficult to suppress mobs which he encouraged as a candidate, and which he still encourages as a mouthing politician. It is such men as he, mere surface skimmers of logic, who deeply stir the brutal passions which find expression in such sickening and savage conduct as that of the Doddsville horror.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 13740. An act for the relief of the Western Alaska Construction Company's Railroad.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 63.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Mermentau River, from its headwaters at the junction of Bayous des Cames and Nez Grand Lake (including those portions of Lake Arthur, Grand Lake, and White Lake lying directly across its course), to a point in the Gulf of Mexico beyond the bar at its mouth, with a view of ascertaining the cost of securing a permanent channel to a depth of at least 20 feet.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5188. An act for the relief of the L. S. Watson Manufacturing Company, of Leicester, Mass.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For the reestablishment, by permanent and conspicuous monuments, of the west boundary line of the State of South Dakota, the same being the boundary line between the State of South Dakota and the States of Wyoming and Montana, an estimated distance of 206 miles, at a rate per mile to be fixed by the Secretary of the Interior, $20,000.

Mr. HEMENWAY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana proposes an amendment, which the Clerk will read.

The Clerk read as follows:

On page 80, at the end of line 8, insert ", to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of the Interior, including $2,500 for maintenance of buffalo, $7,500.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the committee.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word of line 8, page 84.

Mr. ROBINSON of Indiana. I notice that these various parks of the United States generally have but one executive head, but when we come to Washington the Rock Creek Park is under a commission. The head of the Rock Creek Park Commission is the Chief of Engineers of the United States Army, and receives the salary of that station in the Army. It is so with reference to the Yellowstone Park, where Maj. John Pitcher, United States Army, is in charge, receiving the salary of that station in the Army.

The Yosemite Park is in charge of Maj. Joseph Garrard, United States Army, who receives the salary of his station in the Army. The same is true with reference to the parks in California, which are in charge of Capt. Charles Young, United States Army; the Mount Rainier Park, which is in charge of Grenville F. Allen; the Crater Lake Park, which is in charge of William F. Arant, and the Hot Springs Reservation, in charge of Martin A. Eisele, the superintendent.

But when we come to the city of Washington we find the Rock Creek Park Commission. The chairman of that commission is the Chief Engineer of the United States Army. The Engineer Commissioner of the District of Columbia is a member of the Commission, and in addition to these two executive heads we have three additional gentlemen, and the point of my inquiry is directed to them.

Why is it that you have here three additional commissioners for Rock Creek Park, in opposition to the general organization of our national parks? We find Samuel P. Langley, at $10 a day, a member of the Rock Creek Commission; Henry V. Boynton, at $10 a day, a member of the Rock Creek Commission; R. Ross Perry, at $10 a day, a member of the Rock Creek Commission—a useless commission in Washington to take care and custody of this park, where it is not needed; a commission highly expensive and purely ornamental, not provided for any of the other national parks throughout the country. Why this favoritism? Why this lavish waste, wholly indefensible? Why does Rock Creek require, in addition to an executive chairman and vice-chairman, three commissioners, except to provide a soft sinecure at $10 a day for three men? Will Congress longer submit to this imposition? Are the siren voices of place holders to weigh against duty with the Appropriation Committee or with Congress? Are the legislators charged with protecting the public interest to be seduced from their duty because perchance some one loses a place that he draws two or three thousand a year salary for and for which he renders no service? If glaring frauds like this system are to be perpetuated because officeholders want to continue to draw public pay for no equivalent, we had better close up the session of Congress and go back and find out how the taxpayers feel about it.

Mr. HEMENWAY. I will state to the gentleman from Indiana that the Rock Creek Park Commission is created by law. The bill passed Congress some years ago creating that Commission. Of course the Committee on Appropriations have nothing to do with the passing or amending of that law, and we appropriate in compliance with it. I understand the gentlemen mentioned, General Boynton and others, are men of high character and of special information——

Mr. ROBINSON of Indiana. There is nothing against the character of these men, but it is a useless expenditure, and Congress should repeal the law. No doubt the gentleman is correct in stating the fact as to the existence of the law, but the onus is upon Congress and upon the Committee on Appropriations to strike out this useless appropriation, a waste of $ 0 a day of the people's money.

Mr. HEMENWAY. I would say rather it is the duty of the gentleman from Indiana [Mr. ROBINSON] to introduce a bill to repeal this law, if he thinks the law is wrong.

Mr. ROBINSON of Indiana. But under the peculiar system of the House it is in the power of the Committee on Appropriations to strike out useless appropriations, even although the Commission is authorized by act of Congress.

Mr. HEMENWAY. If the gentleman will permit, the Committee on Appropriations can not undertake to determine what is good law and what is bad law. If we did we would have a great job on our hands.

Mr. ROBINSON of Indiana. But the gentleman puts items into the appropriation bills sometimes subject to points of order, and in many instances abuses are corrected and reforms accomplished.

Mr. HEMENWAY. We appropriate as nearly as we can in compliance with the law. Now, if the gentleman thinks the law is not a good law it would be proper and right for him to undertake in the regular way to bring about its repeal.

Mr. ROBINSON of Indiana. But the gentleman with his colleagues do provide for new laws in the interest of reform in appropriation bills, and if he should make one at this time this is one that will not be objected to, in my judgment, nor the point of order be made, if he should deem it proper to put it in this appropriation bill. I present this inviting field for reform to the gentleman.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn, and the Clerk will proceed.

The Clerk read as follows:

Sequoia National Park: For the protection and improvement of the Sequoia National Park and the construction and repair of bridges, fences, and trails, and extension of roads, to be expended under the supervision of the Secretary of the Interior, $10,000.

Mr. BAKER. I move to strike out the last word.

Mr. Chairman, two days ago a very interesting colloquy took place on this floor between the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Missouri [Mr. CLARK].

Mr. HEMENWAY. May I interrupt, Mr. Chairman, so as to inquire as to what is pending?

Mr. BAKER. I moved the formal amendment, which is customary.

Mr. HEMENWAY. I would suggest to the gentleman that inasmuch as notice was served that no discussion would be permitted except the discussion allowed under the five-minute rule, after the gentleman from Georgia [Mr. MADDOX] addressed the committee, I hope the gentleman will not undertake to bring in matters not pending in the bill. I will say to the gentleman that after this bill is passed there will be several measures before the House upon which there will be ample opportunity to discuss such questions as he may desire to discuss upon this bill. I do not like to make the point of order, and I hope the gentleman will not offer any matter except something that is pertinent to the pending bill.

Mr. BAKER. It is a singular thing that the "gentleman from New York" seems to be the only person on this floor that never can get an opportunity to speak under the five-minute rule. It is the most remarkable thing, Mr. Chairman, ever experienced by the "gentleman from New York."

Mr. HEMENWAY. Why, I would suggest to the gentleman that I had to make the point on my colleague [Mr. CRUMPACKER] just a few moments ago.

Mr. BAKER. I was not present and was not aware of that fact. The purpose for which I rose was to insert in the RECORD a communication I have received from the Interstate Commerce Commission this morning which bears directly on the colloquy between the gentleman from Pennsylvania and the gentleman from Missouri, and to make a few words of comment thereon.

Mr. HEMENWAY. Why not insert it in the RECORD by unanimous consent?

Mr. BAKER. I will, if the chairman of the committee will permit me to make some little comment on it.

Mr. HEMENWAY. Does the gentleman want about two minutes?

The CHAIRMAN. Does the gentleman from Indiana insist upon the point of order?

Mr. HEMENWAY. I think I had better.

Mr. BAKER. May I ask the chairman of the Committee on Appropriations whether he will object to my putting in the RECORD the communication I received from the Interstate Commerce Commission and a little comment of my own?

Mr. HEMENWAY. I have no objection.

The CHAIRMAN. The Chair will state that under general leave permission is granted.

Mr. BAKER. I wish to make some comment on the matter.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD certain reports and comments thereon. Is there objection? [After a pause.] The Chair hears none, and leave is granted.

Mr. BAKER. The report in the RECORD is as follows:

Mr. OLMSTED. The gentleman is aware, doubtless, that steel rails are higher now than before the present tariff bill was passed.

Mr. CLARK. Well, I suppose they are.

I should hardly have thought that the gentleman from Pennsylvania would have been so anxious to thus call attention to the effectiveness of the steel trust, which, sheltered behind the exorbitant schedules of the Dingley bill, is thus able to extort higher prices for its steel rails. The report continues:

Mr. OLMSTED. And wages are higher.

Mr. CLARK. Yes.

Mr. OLMSTED. And yet the railroad rates are lower.

Mr. CLARK. The volume of business is greater and, therefore, the profits are greater. What have you got to say to that? [Laughter.]

Mr. OLMSTED. There is an increase in the price of rails, an increase of wages, but notwithstanding all that your farmer pays a lower rate of transportation by about 12½ per cent than he did before.

The trouble with the statement of the gentleman from Pennsylvania [Mr. OLMSTED] is that he has transposed the facts. Instead of wages being higher, they are certainly lower than they were during the heyday of these so-called "prosperous" times, while so far from the farmer paying 12½ per cent less transportation charges to the railroads he is paying very much more, as I will show, according to the statement which I have this day received from the auditor of the Interstate Commerce Commission.

This statement shows that Mr. CLARK's claim that the volume of business of the railroads is greater is correct. But more than that, it shows that freight rates have also been increased, so that the people paid to the railroads in 1901 $81,600,000 more for the transportation of freight than they would have paid if the same rate had been charged as was charged in 1899.

In 1902 they paid sixty-four and one-half millions more, while in 1903 they paid one hundred and fifty-five and one-half million dollars more. Or, in other words, instead of freight rates being 12½ per cent less, as the gentleman from Pennsylvania claims, through increased freight rates the railroads charged $300,000,000 more, the excess for the year ending June 30, 1903, being about 13⅛ per cent over what would have been collected if the total tonnage of that year had been carried at the same average freight rate as was charged in 1899. These have, indeed, been "prosperous" years, but, as the House will see, the prosperity has been absorbed by the gentlemen who control the great railroads and the trusts of the country.

The gentleman from Pennsylvania says that the farmers have paid a lower rate by 12½ per cent, and yet, according to this statement of the Interstate Commerce Commission, on hay carried within the territory to which the official classification refers there has been an average increase of about 80 cents per ton. This increased charge on that very important farm product has amounted to something over $9,000,000. Will the gentleman contend that that $9,000,000 of increased transportation charges benefits the farmer, or does it benefit the gentlemen who ontrol the great railroads, who are, as everybody upon this floor knows, the same men who control the leading trusts in the country and who have been so lavish in their contributions during recent years to Republican campaign funds? Another item of freight in which the farmer is certainly vitally interested is that of the transportation of bituminous coal, in which, according to this statement, there has been an increase in charges of 10 cents per ton, the railroads thus securing an increased revenue of over $10,000,000.

Take, again, the item of lumber, in which there has been an average increase of 2 cents per hundred pounds, or 40 cents per ton, on which the railroads have collected in these increased freight charges some $8,000,000. Is that for the benefit of the farmer?

As the reports show, the apparent slight reduction of the average rate per ton for 1902 as compared with 1901 is really no reduction at all, but is due to the heavy increase in low-grade tonnage, 30,000,000 tons more of coal, coke, and ores being carried than during 1901. But even then the excess of freight charges over 1899 netted the railroads $64,500,000. In common with other prices, freight rates increased from 1897 to 1900. Since 1900 they have, as I have shown, still further increased.

As to the question of wages being higher than they were at the time of the passage of the Dingley bill, it may be technically true that there is a slight nominally higher wage paid to-day than at that time, but their purchasing power is lower, and that increase, whatever it is, is very small and is but a very small proportion of the enormous increase in the cost of living, brought about by the trusts sheltered by the Dingley bill.

Dun's Review, the recognized authority on this subject, recently published comparative prices based upon quotations of 350 articles, with due allowance of the relative importance of each. From which it will be seen that the increase in price from July 1, 1897, to February 1, 1904, was from $72,455 to $102,028. During February of this year there has been a further increase, so that the figures on March 1 were $103,615. In other words, the cost of the necessities of life have been increased 43 per cent.

Here are the figures for the periods stated:

January 1, 1890	$99,191
July 1, 1897	72,455
January 1, 1900	102,289
May 1, 1902	95,295
March 1, 1903	101,067
October 1, 1903	97,378
February 1, 1904	102,028
March 1, 1904	103,615

Not even the most enthusiastic protectionist will claim that there has been an increase of wages during that period of half 43 per cent, while since January 1, 1904, there have been marked reductions in wages of all classes of employees, not excepting those employed by the railroads, who are charging these greatly increased freight rates.

As I showed to the House on December 14, 1903, very general reductions in wages had taken place all over the country during the previous three months. These have been continued since January 1, not a week passing without prominent newspapers recording reductions. I will only cite a few.

[From the New York Times, December 30, 1903.]

Report current Jones & Laughlin Steel Company, employing several thousand men, notified employees reduction in wages from 33 to 50 per cent and an increase of from eight to twelve hours.

[From the New York Times.]

PITTSBURG, *January 1.*

Three thousand employees of Edgar Thomson Steel Works accepted reduction in wages. Tonnage men receive the heaviest cut, i. e., from 12 to 22 per cent.

[From the Philadelphia Inquirer, January 4, 1904.]

Reduction by Carnegie Steel Company of rollers' and heaters' wages from $2.72 per hundred tons to $1.74. Men willing to accept reduction to $2.

[From the New York Times.]

PITTSBURG, *January 5.*

The reduction in wages average 42 per cent and is greater than the reduction made in 1892. Shearmen from $2 cut to $1.10.

[From the Washington Star, January 14.]

The Illinois Steel Company notified skilled steel workers of cut in wages from 25 to 45 per cent.

[From the Washington Star.]

CHICAGO, *January 18.*

Three thousand five hundred employees Illinois Steel Company returned to work to-day. Men accept a reduction in wages from 10 to 28 per cent.

[From the Brooklyn Eagle.]

PITTSBURG, *March 19.*

American Sheet and Tin Plate Company issued an ultimatum, unless 20 per cent reduction agreed to mills will be run on nonunion basis, and demand of manufacturers reduction conceded by Amalgamated Iron, Steel, and Tin Workers. New scale for reduction averages 8 per cent, in addition to 10 per cent cut on January 1, equal to 18 per cent in scale 1903-4.

[From the Washington Post.]

INDIANAPOLIS, *March 21.*

United Mine Workers and operators signed new scale to-day. No change from original proposition of operators. Reduction, 5.55.

The reduction in wages of the steel workers is interesting in view of what Judge E. H. Gary, chairman of the executive committee of the steel trust, said on November 20, 1902:

Speaking for the greatest corporation in the world, I can say that, in spite of the thousand questions of economical production and distribution which press upon us, our first concern is the welfare of our workingmen.

I can say that honestly. Never for a moment do we lose sight of the interests of the men who work our steel mills, mines, railways, or boats. We have more than once advanced wages. It is to our interest to be just to our employees.

In my opinion there are good times and good conditions in prospect for them.

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE AUDITOR,
Washington, March 30, 1904.

Hon. ROBERT BAKER, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to telephone conversation of yesterday, I inclose herewith statement and copy of my letter of December 19, 1903, addressed to Mr. E. P. Bacon, Milwaukee, as requested. The statement is not precisely the same as the one sent to Mr. Bacon, owing to recent revision. The only difference, however, is that the tonnage and revenue for the year ending June 30, 1899, have been included in the inclosed statement, and the increase for the subsequent years based on the average rate per ton for the year ending June 30, 1899, instead of for the year ending June 30, 1900, the latter being the basis used for statement sent to Mr. Bacon. The difference in the average rate per ton for these two years, however, is very small, that for 1899 being 95.20, and for 1900 95.24 cents per ton.

Respectfully, yours, J. M. SMITH, *Auditor.*

Statement showing the total number of tons of freight carried by the railroads of the United States for the fiscal years ending June 30, 1899, 1900, 1901, 1902, and 1903, with the total revenue accruing therefrom; also the revenue which would have accrued at the average rate of 95.2 cents per ton for the years ending June 30, 1900, 1901, 1902, and 1903, this being the average rate for the year ending June 30, 1899, and the increase in the revenue for the years 1900, 1901, 1902, and 1903, resulting from the increase in the average rate per ton for those years.

[Prepared by Interstate Commerce Commission.]

Year ending June 30—	Number of tons of freight carried.	Total freight revenue as charged.	Amount of freight revenue at average rate per ton of 95.2 cents, being the average rate for year ending June 30, 1899.	Increase.
1899	959,763,583	$913,737,155	$913,737,155	----------
1900	1,101,680,238	1,049,256,323	1,048,799,587	$456,736
1901	1,089,226,440	1,118,543,014	1,036,943,571	81,599,443
1902	1,200,315,787	1,207,228,845	1,142,700,629	64,528,216
1903	1,221,475,948	1,318,320,604	1,162,845,102	155,475,502

The figures given for the year 1903 represent about 98 per cent of the total mileage.

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE AUDITOR,
Washington, December 19, 1903.

Mr. E. P. BACON, *Milwaukee, Wis.*

DEAR SIR: Referring to our conversation when you were in Washington in November last, regarding advances in freight rates, I very much regret that I have been unable to furnish you the information desired at an earlier date.

I inclose herewith a revised statement intended to take the place of the one sent you with Commissioner Clements's letter of September 15. This statement is based on the actual tonnage carried for each of the years shown, and, I think, makes a more correct showing than the previous statement. The actual tonnage and revenue are shown, and also what the revenue would have been for the years ending June 30, 1901 and 1902, at the average rate per on charged for the year July 1, 1898, to June 30, 1899.

It will be seen that the increase for the year ending June 30, 1901, on this basis is $81,163,753. For the year ending June 30, 1902, while the tonnage and revenue were both greater than for the previous year, the difference is not so great, being $64,747,890. This is due to the fact that the average rate per ton for this year ($1.0458) was a little over 2 cents per ton less than the preceding year ($1.0693). This falling off in the average rate per ton appears to be due to a heavy increase in low-grade tonnage over the previous year. For instance, in the items of coal, coke, and ores alone there was an increase for this year over the preceding year of nearly 30,000,000 tons.

As I understand it, what you desire most is an estimate as to the increased revenue on a few important articles, such as hay, sugar, iron and steel articles, and coal, resulting from advances in rates.

In the official classification, which governs the class rates in the territory north of the Ohio and Potomac rivers and east of the Mississippi River and Lake Michigan (not including Wisconsin and a small portion of the extreme northern part of Illinois), both hay and sugar in carloads were advanced January 1, 1900, from sixth to fifth class. Between New York and Chicago this advance amounts to 5 cents per 100 pounds, or $1 per ton. Between New York and the territory lying between that point and Chicago the advance would be less—in some cases as low as 40 cents per ton—while in the territory west of Chicago and east of the Mississippi River the advance would be in some cases as high as $1.40 or $1.50 per ton. An average advance of 80 cents per ton on these two commodities in official classification territory, I think, is a fair estimate.

When here, I believe you mentioned that the report and opinion of the Commission in the case of the National Hay Association gave total tonnage of hay for the entire country for the year ending June 30, 1900, as something over 7,000,000 tons. I find that this report (p. 284) gives the figures as follows:

	Tons.
Reported by originating roads	4,112,092
Reported received from connecting roads	3,721,714
	7,833,806

It is clear that the tonnage reported by originating roads constitutes the total tonnage, and that reported as received from connecting lines is part of the same tonnage, carried over two or more roads.

The total tonnage of hay reported by originating roads for the years ending June 30, 1900, 1901, and 1902 was as follows:

	Tons.
1900	4,112,092
1901	4,086,700
1902	4,981,509

It is calculated from the statistical reports of the Commission that of the total tonnage carried by the railroads of the United States about 65 per cent is carried in the territory governed by the official classification above described. Taking the total tonnage of hay for the last year mentioned, 1902, viz, 4,681,509 tons, 65 per cent, or the amount carried in official classification territory, would be 5,042,980 tons. Taking 80 cents per ton as the average increase in rate would make the increase in revenue for that year $2,434,384, and for the four years (nearly) during which the advanced rates have been in force no thing over $9,000,000. There was no advance in the classification of hay in the southern and western classifications.

The total tonnage of sugar originating on reporting roads for the years in question was as follows:

	Tons.
1900	2,050,578
1901	2,301,932
1902	2,254,571

Sugar was advanced at the same time as hay (January 1, 1900) and to the same extent, viz, from sixth to fifth class, the increase between New York and Chicago being 5 cents per 100 pounds or $1 per ton. Taking 65 per cent as the proportion of the total tonnage carried in official classification territory, we have for the year ending June 30, 1902, 1,465,571 tons. Taking the average advance to be 80 cents per ton, the increase in revenue for that year would be $1,172,456, and for the four years (nearly) during which the advanced rates have been in force about $4,500,000. In the western classification no advance was made in the classification of sugar, while in the southern classification it was advanced from sixth to fifth class. In the latter territory, however, sugar shipped from the regular shipping points, such as New Orleans and Mobile, is almost invariably carried at commodity rates. It does not appear that any general advance has been made in these rates, and recently material reductions have been made.

At the time the carload rating of hay and sugar was advanced (January 1, 1900) the carload rating on about seventy other articles was also advanced from the sixth to the fifth class in the official classification, but there is no way of arriving at even an estimate of the tonnage of these articles, and no estimate can, therefore, be made as to the increased revenue resulting from the advance in classification of such articles.

At the beginning of the present year all iron and steel articles were advanced 10 per cent in the territory governed by the official classification. The statistical reports of the Commission do not appear to include all iron and steel articles in the table, which gives the separate tonnage for particular commodities. The report for the year ending June 30, 1902, gives the following articles of iron and steel, and tonnage of same, originating on reporting roads:

	Tons.
Iron, pig and bloom	14,714,989
Iron and steel rails	4,849,255
Other castings, and machinery	9,6 6,433
Bar and sheet metal	10,624,712

Machinery is not included in the list of iron and steel articles and does not take same rates. The third item as given above must, therefore, be eliminated. The total of the other three items is 30,188,356 tons. Taking 65 per cent of this as the tonnage carried in official classification territory, we have 19,622,821 tons. The advance ranged from one-half to 1½ cents per 100 pounds. The average was probably about 1 cent per 100 pounds, or 20 cents per ton. Assuming the tonnage for 1903 to be about the same as for 1902, the increased revenue for the present year on these commodities will be about $4,000,000.

The total tonnage of bituminous coal for the year ending June 30, 1902, was 134,402,501 tons. There appear to have been few changes in the rates on this commodity in southern and western territory. In the territory of the official classification advances have been made which probably will average 10 cents per ton. Again taking 65 per cent of the entire tonnage as the amount carried in this territory, we have 100,361,625 tons. As will be seen, an advance of 10 cents per ton gives an increased revenue of a little over $10,000,000.

In June of the present year the rates on lumber and other forest products from all lumber-producing points in the southern territory east of the Mississippi River to Ohio River points and points north thereof, also from points in Arkansas, Louisiana, and Texas to the same territory, were advanced 2 cents per 100 pounds. For the year ending June 30, 1902, the total tonnage of lumber and other forest products was 67,700,050 tons, of which about 20,000,000 tons originated in the territory above described. An advance of 2 cents per 100 pounds, or 40 cents per ton, would, therefore, be $8,000,000.

The above estimates are made from the best information at hand, but would probably vary considerably from the actual figures were they obtainable. As I understand it, however, you merely wish to get a fair idea as to the effect of the advances in rates on principal commodities, and I think the estimates given will answer this purpose.

If there is any further information I can furnish you, I shall be glad to do so.

Respectfully, yours, J. M. SMITH, *Auditor.*

The Clerk read as follows:

For improvement and ordinary care of Lincoln Park, $2,000.

Mr. MANN. I move to strike out the last word. May I ask the gentleman from Indiana a question? As the gentleman himself knows, the beauty of the grounds around the Capitol has been considerably increased by reason of the fact that the trees are now labeled. Now, the city of Washington probably has the greatest and finest collection of trees that are to be found anywhere in the world outside, possibly, of some special gardens or grounds devoted particularly to the purpose. I think if all the trees in the city of Washington could be named, so that visitors here who are interested in such subjects might be able to tell the names of the trees they are looking at, it would be a very valuable and interesting thing.

I understood a short time ago, from Doctor Galloway, of the Agricultural Department, and also from the superintendent of public buildings and grounds, that these trees in the parks and in the Mall, and so forth, were to be named. Can the gentleman tell whether there is any possibility of that under the bill as it stands?

Mr. HEMENWAY. I have heard about the proposition to name the trees. The gentleman in charge of public buildings and grounds spoke about the matter of improving the parks. I agree with the gentleman that it would be a very proper thing to do, and I have no doubt they can do it under this provision.

Mr. MANN. You think the matter covers it now, do you?

Mr. HEMENWAY. I do not know whether the matter did cover it. [After a pause.] The Chairman will pardon me, on page 92, in line 17, I see a provision for "labels," so they can put labels on the trees.

The Clerk read as follows:

Executive Mansion: For care, repair, and refurnishing of Executive Mansion, $35,000, to be expended by contract or otherwise, as the President may determine.

Mr. BENTON. Mr. Chairman, I desire to ask the chairman of the committee if that appropriation is sufficient? The estimate was $60,000, and I would like to ask him if $35,000 will fill the necessities of the White House?

Mr. HEMENWAY. Mr. Chairman, the President advises me that the estimate of $60,000 was sent down without his knowledge or approval by the officer in charge. The President thinks $35,000 is ample for the purpose, and I desire to state that the President does not ask for any new stable of any kind or description.

The Clerk, proceeding with the reading of the bill, read as follows:

Improving channel in Gowanus Bay, New York: For continuing improvement of Bay Ridge and Red Hook channels, $175,000.

Mr. BASSETT. Mr. Chairman, I move to strike out the last word. I wish to speak about the improvements in New York Harbor. I had hoped that this appropriation would be somewhat larger, but the most striking decrease of an estimate is the sum granted for continuing the work on Ambrose Channel, a few lines farther on. The estimate was $600,000 and the appropriation is $50,000. Careful inquiry has elicited the information that the reason for this enormous cut is because considerable unexpended money is on hand. But it is plain that either the word has gone out to retrench to make a show of saving or else the Government has allowed gross and wasteful delay in pushing this work. The truth is that this work, as well as the work on the Bay Ridge and Red Hook channels, has progressed far too slowly. Not only is this unfair to the harbor, but it is uneconomical to the country, because it is a very great interest loss on the capital already invested.

In the long run the best economy for all is in following the lines of least resistance. When a country is the fortunate possessor of the most magnificent port in the world, natural, capacious, midway between the icebound waters of the north and the tropical heat of the south, it is right for the whole country to see that the small expense necessary to maintain it is ungrudgingly given. New York receives and exports about two-thirds of all the goods that come into and go out of the United States, to say nothing of its being the terminus of nearly all the coastwise trade. The chief engineer in charge of the harbor work says in his last report:

The entire cost of improvement of New York Harbor up to date is less than 1 per cent of the increase in annual value of foreign commerce of the port since the improvement began, and is less that one-quarter of 1 per cent of the value of the present foreign commerce per year.

This harbor and the metropolis that surrounds it is one of the great arms of power of this nation. Nature made it great, because nature placed this unusual harbor opposite the lowest grades leading from the Atlantic into the interior. Every State is helped by its progress. It grows as the country grows. There should be no jealousy. New York desires the prosperity of every State and is not lacking in generosity. It only asks for itself a modicum of the nation's aid. But some things it can not do, some functions it can not perform. Chief among these are harbor improvements, which must be done by the National Government or else not done at all. To maintain the usefulness of this harbor the State of New York is beginning the expenditure of more than $100,000,000, nearly as much as the completion of the Panama Canal is estimated to cost. New York is not lying back or trying to induce the Government to do anything that it can do itself. Proportionately to its commerce and to its usefulness to the country, its demands are most modest and should, when r ea sonable, be cheerfully complied with.

Cheaper dockage facilities are the present need. Freight is running more and more to big ships. Manhattan Island is already lined with docks, most of them much too small for the big ships on account of the contracted pierhead line. The whole country is interested in seeing lower dockage charges in New York Harbor. In my district, opposite the South Brooklyn shore, are some of the largest piers in the world and more are building. They abut on the channels here referred to. They mean low dock charges. To make this great area, now only partly utilized, properly available for commerce, a breakwater on a shoal about one-third of a mile off shore is requisite. I have introduced a bill looking to the construction of this breakwater, which I trust will receive favorable consideration by this House. These improvements are all in the same line, and that is to make the harbor available for the largest ships and by spreading out to reduce the cost of wharfage.

France has been taxed for centuries to embellish Paris; modern Germany has poured money into Berlin, its beautiful capital; but New York, the metropolis of America, asks and receives nothing except a moderate improvement of her waterways, which under the law are under the sole control of the Federal Government, and suitable buildings, not for her own use, but for the Government to transact its local business. [Applause.]

The Clerk read as follows:

Improving harbor at Toledo, Ohio: For continuing improvement, $70,000.

Mr. SCARBOROUGH. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read:

Amend line 6, page 100, by inserting:
"Improving Waccamaw River, South Carolina: For special improvement of Waccamaw River, South Carolina, between Conway and Bucksville, in Horry County, $15,000.

Mr. HEMENWAY. Mr. Chairman, I make the point of order that it is new legislation.

The CHAIRMAN. What does the gentleman from South Carolina say with reference to this being work that is authorized by existing law?

Mr. SCARBOROUGH. Mr. Chairman, I call the Chairman's attention to the fact that the amendment which I offer stands as an independent proposition and is not designed to be an amendment to that section relating to river and harbor improvements under the act of 1899.

The CHAIRMAN. I understand the gentleman from South Carolina to say that this improvement is included in one of the river and harbor bills for which there is an authorization?

Mr. SCARBOROUGH. The Waccamaw River is not under the contract system, but the amendment which I offer stands as an independent section.

The CHAIRMAN. The Chair would state that under those circumstances there is no question but that the amendment is out of order.

Mr. SCARBOROUGH. Mr. Chairman, I would like the Chair to state on what ground it is not in order.

The CHAIRMAN. The river and harbor bill alone provides for authorizations of appropriations for rivers and harbors. The sundry civil bill simply makes provision for such improvements as are authorized and placed under contract by the river and harbor bill.

Mr. SCARBOROUGH. I understand that to be the rule, but I understand also, Mr. Chairman, that the sundry civil bill does also sometimes carry independent propositions.

The CHAIRMAN. At no time, at least as far as any action of the House is concerned. The point of order is sustained.

Mr. CLARK. Mr. Chairman, I would like to ask a question.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. CLARK. I think the Chair can answer the question better than anyone else. Is there going to be any river and harbor bill reported this session? [Laughter.]

The CHAIRMAN. The Chair will say that there is a diversity of duties devolving upon him, one as Chairman of this present Committee of the Whole House and the other as chairman of the committee having something to do with legislation of the House, the Committee on Rivers and Harbors. The Chair will answer the question of the gentleman from Missouri some time when he is on the floor acting as chairman of the Committee on Rivers and Harbors. [Laughter.]

Mr. CLARK. It seems to me, Mr. Chairman, that the two chairmen are mighty close of kin.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving harbor at Boston, Mass.: For continuing improvement by providing channels 35 feet deep, and of authorized widths, from the navy-yard at Charlestown and the Chelsea and Charles River bridges to President Roads, and thence by route designated as No. 3 through Broad Sound to the ocean, $350,000.

Mr. McNARY. Mr. Chairman, I offer the following amendment, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 100, line 14, strike out the word "three" and insert the word "six;" so that it will read "$650,000."

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The gentleman from Indiana reserves the point of order.

Mr. McNARY. Mr. Chairman, I desire on this paragraph, to which I have offered the amendment, to say that I find the original estimate offered by the Engineer's Department is $650,000. I have failed to get any information from any quarter as to why that estimate was cut down. I desire to call the attention of the House to the fact that on June 13, 1902, two years ago, there was appropriated $600,000, and a provision continuing contracts for $3,000,000 in addition, for the harbor of Boston to make a channel 35 feet deep.

Though Boston is the second commercial city in this country, its harbor at the present time is incapable of accommodating the largest steamers, and on the basis of the appropriation laid down by this committee, instead of that channel 35 feet deep being finished in some three years it will not be finished for some ten years from now, and by that time our harbor will not be able to accommodate the steamers of the depth which will be building at that time.

As a matter of fact, if this system of dragging work is continued we might as well abandon the improvements altogether and allow Boston to be relegated to the position of an inferior port.

I should like to have some gentleman from the Committee on Appropriations or from any other committee explain to me why it is that the engineering department of the United States, when it has money appropriated for the work of doing this great and necessary improvement in a harbor of a great commercial city such as Boston, can not speedily carry on that work and do it in accordance with the wishes of the business and commercial com-

munity. I call attention to the fact that the gain in the export trade of Boston during the past ten years is very small and that proportionally to the other ports we are losing. One of the reasons undoubtedly is the neglect of Congress in the past in not increasing the depth of the harbor to keep pace with the great increase in the tonnage and displacement of the great trans-Atlantic steamers, and as many of the largest steamers of the present can not enter our harbor owing to an insufficient depth of water, they have naturally gone to the port which can accommodate them—New York.

The figures just published by the Department of Commerce and Labor tell the story. They show that during the calendar year 1903 the exports from the port of New York were $516,000,000, which is an increase in exports of $158,000,000 over 1893. Boston, during the calendar year 1903, had exports of but $86,000,000, this being an increase of but $3,000,000 over 1893. The comparative showing made by Boston is pitiable. No doubt many explanations of this condition of affairs can and will be made, but the fact remains that one of the main causes is the inadequate depth and facilities of our harbor. Our condition in this respect is even worse than is generally believed. We are supposed to have a depth in our present main ship channel of 27 feet, but only last year a vessel took ground in this channel a little outside of Fort Warren at 24 feet. Probably by this time this shoal or ledge has been removed.

While we are making our tortoise-like progress toward improvement, we find that New York has a depth at present of 35 feet in her ship channel, and within a few years will have a ship channel with a depth of 40 feet. At our rate of progress we will only secure a depth of 35 feet some eight or ten years from now. The tendency in ocean shipbuilding is toward larger and deeper ships, as with the increase in cargo capacity comes a proportionate decrease of expenses. Boston now gets only the second-class ships and New York gets the first class. Meanwhile, during the slow progress of the work in our harbor, New York will continue to attract the first-class boats, and, at the present rate of progress, by the time our 35-foot channel is finished the best boats will demand a greater depth of water and Boston will continue to get only the second-class boats. In other words, the object of the improvement of the channel, which was to give facilities to the largest and best boats, will not be realized, owing to the slowness of the work and the small amounts expended from year to year.

Boston, in order to be in the race at all for the export trade, or for the import trade either, should have a depth of water in her main ship channel equal to that of New York. Anything less will make our port inferior and will keep it so. Boston is slow in demanding its rights. The engineers of the War Department recognize this fact and treat the port accordingly. The truth of this statement can be shown by an examination of the different treatment given Philadelphia and Boston since 1902.

The present bill is an instance in point. It carries an appropriation of but $350,000 for the improvement of Boston Harbor channels, while for the improvement of the Delaware River at Philadelphia the pending bill carries an appropriation of $1,000,000. The estimate of the engineers for Boston, I understand, was $650,000, and this has been cut down to $350,000; but I fail to find that there has been any cut down on the engineers' estimates for Philadelphia. Why this difference? The reason is that the engineers are pushing the work on the Delaware River and are lagging on the work at Boston.

An examination of the appropriations for the past two years shows that the work at Philadelphia is being pushed forward with about twice the speed of the work in Boston. Here are facts. The appropriations for the making of a 35-foot channel in Boston Harbor and 30-foot channel in the Delaware River at Philadelphia were made by the river and harbor bill of June 13, 1902. This act appropriated for B ston the sum of $600,000 for immediate use, and provided in addition $3,000,000 to be expended by the Secretary of War in continuing contracts. The same act appropriated for Philadelphia $600,000 for immediate work, and provided in addition $2,400,000 to be expended by the Secretary in continuing contracts.

It is extremely difficult to ascertain the exact status of any continuing appropriations from any of the appropriation bills brought into this House, as the facts are never clearly stated.

I have ascertained, however, from the Engineer's Department that there has been appropriated for Boston since June 13, 1902, only $1,025,000, which, with the $350,000 carried in this bill, will make the total $1,375,000 to date, and that there has meanwhile been appropriated for Philadelphia $1,400,000, which, with the $1,000,000 carried in this bill, will make the total $2,400,000 to date. In other words, there will be expended on the Delaware River in improvements $2,400,000, as against an expenditure of only $1,375,000 in Boston Harbor for the same time.

What is the reason for this difference? The reason is that the interests of Boston in the last Congress were not pushed by our Massachusetts Congressional delegation as were the interests of Philadelphia by the Pennsylvania delegation. The engineering department was slow in Boston, and was allowed to remain so; in Philadelphia it was pushed, and has continued to be pushed.

Since the appropriation of $3,600,000 for Boston was secured in June, 1902, nobody has lifted a hand to push the work. Every effort should have been made to rush the completion of the improvement and to demand a deeper channel, no less than 40 feet. The Philadelphians have not been idle. They have caused the engineers to push the improvement, and in this session of Congress we find them demanding more. The Pennsylvania delegation have introduced bills to have the Delaware River channel deepened to 25 feet, and they have sought the aid of the New Jersey and Delaware delegations for that purpose. The Philadelphia commercial and business bodies have met and passed resolutions in favor and have submitted them to Congress. The Philadelphia papers have taken hold enthusiastically, and each Member of Congress receives daily a Philadelphia paper which keeps constantly before his mind the desire of that port for a deeper channel.

The result will be that when the short session of Congress convenes in the winter the Pennsylvania delegation will claim and probably obtain an additional appropriation, as their money will be used up, while the Massachusetts delegation will be told to wait, as they have a good unexpended balance. The Pennsylvania delegation, backed as it will be by the New Jersey and Delaware delegations, will get the additional appropriation, in all probability, and, at the present rate of progress in Boston Harbor, will obtain a 35-foot channel before Boston. Unless the Massachusetts delegation does far more energetic work and are backed up by the business associations and the press, Boston, with one of the finest natural harbors in the world, will not only remain behind New York as regards facilities for the handling of the great steamships of the future, but will fail to maintain her present superiority over Philadelphia.

In other words, we will fall behind in the race. Boston has yielded more in revenue to the United States Government than any other port, with the exception of New York, and has received less in Government appropriations than even the ports of Savannah, Ga., or Galveston, Tex.

Now, in this bill we find Boston cut down to $350,000. I should like to ask some gentleman of this House why the appropriation is cut down, and why the Engineer Department can not use the money which is available for its use, and if that department makes an estimate of $650,000, why is not that amonnt granted by the committee?

Mr. HEMENWAY. Mr. Chairman, in this bill for every single river and harbor improvement the committee has given the exact amount recommended by the Chief of Engineers. When the original estimates were made for the information of Congress in advance of the time when this bill was to be reported to the House large amounts were inserted, as is customary. Later the committee asked the Chief of Engineers to tell them what amount of money was necessary for each of these improvements, and the Chief of Engineers sent in his estimates, which we follow to the letter.

For the improvement now under discussion there will be on June 30, 1904, $306,000. To that we add an appropriation of $350,000, making $656,000 in round numbers available for improvements at Boston Harbor during the next fiscal year. The Chief of Engineers has advised us that this is all the money that will be necessary, all the money that can be expended there during the next fiscal year.

Mr. McNARY. Will the gentleman kindly explain to this House where that sum of $306,000 which he mentions comes from? Does it come from money appropriated last year which the Engineer Department did not expend in Boston?

Mr. HEMENWAY. There have been appropriated at different times for this improvement, which is limited in the aggregate to $3,000,000, different sums of money. Out of the sums heretofore appropriated there will be remaining on June 30 of the present year $306,000. To that we add $350,000, making alt gether $656,000.

Mr. McNARY. As a matter of fact that is not so. The gentleman surely knows that the document which he has in his hand shows that about $1,800,000 remains on hand somewhere for Boston.

Mr. HEMENWAY. The gentleman from Massachusetts says that "the gentleman from Indiana" knows that th at is not so. "The gentleman from Indiana" knows that it is so.

Mr. McNARY. I reiterate that the gentleman knows that it is not a fact that there is no more than $306,000 on hand.

Mr. HEMENWAY. Oh, I am talking about the amount of money that will be on hand June 30 that has been appropriated. Of course the Chief of Engineers can not tell to a cent what will

be on hand, but he can estimate. Of course there is money on hand now to continue this work up to June 30; and there will remain on hand at that time, according to the estimate of the Chief of Engineers, $306,000.

Mr. McNARY. If the gentleman will permit me——

Mr. HEMENWAY. I do not yield to the gentleman. As I was remarking, there will be on hand June 30 next $306,000. We add to that, following the recommendation of the Chief of Engineers, $350,000, making the available fund on hand, all told, at that date, $656,000, which the Chief of Engineers says is all the money that can be expended on that improvement during the next fiscal year. Now, then, under the continuing contract system this work is limited to $3,000,000. Those in charge of the work may contract to the full extent of $3,000,000, and we appropriate the money as necessary. We have provided in this bill every dollar that the Chief of Engineers says will be necessary for the next fiscal year.

Mr. McNARY rose.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. HEMENWAY. I yield.

Mr. McNARY. The question that I asked the gentleman from Indiana, and from which he has wandered away, was this: Where does that $306,000 of which he speaks come from? Is it the amount of money which was reported unexpended, having come over from last year's appropriation in consequence of the work not being done? Is it to be added to the $1,800,000? In other words, have we available for the port of Boston now $1,800,000? I repeat, where does the $306,000 which the gentleman says will be available on June 30 come from? I have been unable to find that out; and I would like to have the gentleman state it.

Mr. HEMENWAY. The $306,000 that will be on hand June 30 is the unexpended balance of appropriations heretofore made. In other words, the Department has not expended and will not expend the amount of money heretofore appropriated, so that there will remain on June 30 of this fiscal year, according to the estimate of the Chief of Engineers, $306,000 of the appropriations already make and not yet expended.

Now, to-day we add $350,000, making altogether available $656,000 for the work of the next fiscal year.

Mr. McNARY. Mr. Chairman, I desire to call the attention of the gentleman from Indiana to the fact that he says "appropriations already made." That is a convenient term. He does not state when the appropriations were made, whether last year or when.

Mr. HEMENWAY. If the gentleman will permit me, the appropriations already made by Congress——

The CHAIRMAN. The Chair will state that the time of the gentleman from Indiana has expired.

Mr. HEMENWAY. I move to strike out the last word, just to answer the question.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. HEMENWAY. On January 1, 1904, there was unexpended, of moneys heretofore appropriated, $665,000. The Chief of Engineers estimates that from January 1, 1904, to June 30, 1904, he will expend $359,000 on this work, which will leave a balance, on June 30, of $306,000. To that, I say, we add $350,000, which will make, June 30, $656,000 to continue the work during the next year. I am sure there is provided for that improvement every dollar that can be expended during the next fiscal year.

I ask for a vote, Mr. Chairman.

The amendment was rejected.

The Clerk read as follows:

UNDER THE MISSISSIPPI RIVER COMMISSION.

Improving Mississippi River: For continuing improvement of Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,000,000.

Mr. CLARK. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after word "dollars," at end of line 19, page 103, the following:

"Improving the Missouri River: For continuing improvement of the Missouri River by cleaning out and deepening the harbors of Hermann and Washington, and by cleaning, deepening, and confining the channel and by doing revetment work on the banks between the mouth of said river and Booneville, $250,000, or so much thereof as may be necessary, to be expended under the direction, orders, and superintendence of the Secretary of War, and to be immediately available."

Mr. HEMENWAY. Mr. Chairman, I make the point of order that that is new legislation and a change of existing law.

Mr. CLARK. Will the gentleman reserve his point of order?

Mr. HEMENWAY. I reserve the point of order.

The CHAIRMAN. The Chair would like to hear the gentleman from Missouri upon what theory this is a proper amendment.

Mr. CLARK. On the theory that the work on the Missouri River ought to be continued.

The CHAIRMAN. The Chair will state to the gentleman that that is a question to be decided by another committee, and the appropriation for it should be included in another bill.

Mr. CLARK. Now, Mr. Chairman, if I knew you were going to report a river and harbor bill, I would not offer this amendment. [Laughter.] But I must offer it either on this bill or on the river and harbor bill.

Mr. SHACKLEFORD. What leads my colleague to hope that he would get any appropriation on the river and harbor bill?

The CHAIRMAN. The Chair will state that the better course for the gentleman from Missouri is to postpone offering his amendment.

Mr. CLARK. I do not want to take the time of the House, but I want to make one remark about this situation. As a matter of fact, if the Government engineers had let the river alone in the neighborhood of Hermann, the harbor would have been all right; but they went to work and did certain things on the north side of the river—put in certain improvements, so called—that threw the sand and silt that ought to have gone down the north side over onto the south side, and filled up the harbor. Hundreds and thousands of acres of the richest land in the world are falling into the river every year, thereby filling up the channel and impeding navigation.

Here is a petition which states the case very clearly:

To the Congress of the United States:

The petitioners, the undersigned residents of Warren and Franklin counties, in the State of Missouri, represent and show to the Congress of the United States that the Missouri River is a navigable stream and a common highway of the United States; that its length is about 2,900 miles from its source to its junction with the Mississippi, and to the Gulf of Mexico 4,200 miles; that it is navigable at high water about 2,500 miles from its said junction with the Mississippi toward its fountain head; that said Missouri River is a turbid, rapid stream, bordering or flowing through seven States of the Union, with a vast number of tributaries, the chief of which are the Gasconade, the Osage, the Kansas, the Platte, the Cheyenne, and the Yellowstone.

That from neglect, inattention, and other causes there are numerous obstructions to navigation in and along the Missouri River, so much so that instead of being confined to a narrow channel at ordinary stage, as was the case generally in former times, the waters thereof now spread out over a far greater area of land, forming many sandbars and islands, which have the effect of diverting and separating the waters into two or more smaller channels, so that the river in its present condition is not only diminishing and destroying the commerce between the several States, but also hundreds of thousands of acres of very rich and valuable farming lands along the banks thereof. An instance is here given where said river has within the past two decades washed away about 15,000 acres of such valuable bottom lands in said Warren and Franklin counties, and the river is threatening to destroy about 15,000 acres more of such land yet remaining, as will more fully appear from the survey published by the Missouri River Commission, hereto annexed.

That the instance given above is an aggravated case, but there are other instances along said river equally distressing. The result is that a great public necessity exists for the regulation and improvement of the channel of the Missouri River and the preservation and protection of its banks and lands adjoining in the above-named counties for the purposes of commerce.

Wherefore, the premises considered, the petitioners hereby respectfully petition the Congress of the United States to take such steps and to make such appropriations of money for the regulation and improvement of the channel of the Missouri River, and the preservation and protection of its banks and the lands adjoining in the above-named counties of Warren and Franklin, in the State of Missouri, together with other places of like character, as will aid and promote commerce along said river for the general welfare of all.

Dated, Marthasville, Warren County, Mo., August 15, 1902.

That petition is signed by Hon. Edward G. Busch, mayor of the city of Washington, Franklin County, Mo., as well as president of the Missouri River Improvement Association; also by Jesse H. Schaper, secretary, and Alton Reuther, treasurer of that society, and by several hundred citizens of the great counties of Warren and Franklin.

I filed that petition in the House in December, 1902, and it has been among the archives of the Committee on Rivers and Harbors ever since; likewise other petitions, from Hermann and elsewhere. Recently I received the following letter from Mr. Busch, which explains itself:

WASHINGTON, MO., *March 22, 1904.*

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

DEAR SIR: After receiving your letter of recent date I ventured to refer the matter of Missouri River improvement to President Roosevelt direct, and the President has ordered an inspection and report on the river at this point to be made, asking that the report be returned to the White House.

Mr. W. R. Dewitt, United States engineer, was here yesterday and has inspected the river and surrounding conditions and will make his report to Major Chittenden at once.

I would be very thankful to you if you would call on the President for Major Chittenden's report in a few days from now. I feel that the report will be that revetting the river banks is very much needed here in order to retain a wharf at our city, and in order to retain to river at our city this work must be done within the next six months, and possibly that will be too late, as the chances are that the next June rise will cut a channel through the bottom opposite here and throw a sand bar in front of our city.

Therefore, I would ask it as a special favor of you to get the report from the President, and then get an appropriation for river work at this point out of the sundry civil bill under the emergency clause during the present session of Congress. The "emergency" in this case warrants your immediate and best efforts.

You will remember that in the fall of 1902 we sent you a large petition asking for river improvements. Would you please call up this petition and have it duly considered at this session of Congress, so that it will be ready for action in the next session of Congress? Hoping that our case will appeal to you favorably, I am,

Very respectfully, yours, EDW. G. BUSCH.

The Globe-Democrat says:

Talk of abandoning the Missouri River is nonsense. That great river has a big future in irrigation, navigation, and sanitation.

And again the Globe-Democrat says:

It is a mistake on the part of the Government to abandon the Missouri River Commission. It should rather be strengthened for engineering work. The Missouri has an important future in irrigation, and its navigable uses are by no means to be regarded as ended. In building the great irrigation dam on the Nile the British Government has aided the craft that regularly navigate the river.

Missouri's delegation in Congress ought to work together to induce the Government to study the possibilities of the broad stream that winds through so many States and is destined to be of untold advantage to all. Continuous investigations ought to be carried on by engineers, under the direction of the national authorities, until the best comprehensive plan for its improvement is fixed upon. A river of continental magnitude can not be abandoned as unmanageable. What the Missouri River needs is to be fully and scientifically interpreted.

Recently the Post-Dispatch contained this very sensible editorial:

The two little stern-wheel packets *Kennedy* and *Grapevine*, which plied between St. Louis and Hermann, Mo., have been withdrawn from the service. The Missouri River is deserted. There is not as much traffic left on it as it bore at the beginning of the century. Not even an Indian canoe vexes its muddy surface.

It is an unnatural condition which must be corrected. Here is a great natural highway, inviting the enterprise of business men, costing nothing, demanding no tolls, open to the freest competition, yet it is abandoned and the country's trade is forced into the narrow channels of monopoly.

An enlightened public policy requires the reopening of these free routes. The National Government has a duty in the matter which it can not shirk. With comparatively trifling expense the great rivers—Missouri, Mississippi, Ohio, and Illinois—can be made fit for competitive enterprise. If Congress actively intervenes in aid of such a cause, all these streams will once more be crowded with boats carrying freight and passengers. They will become, as before, the source of profit and pleasure to millions of American citizens.

Thomas Hart Benton, "the great Missourian," once said:

The river navigation of the great West is the most wonderful on the globe, and since the application of steam power to the propulsion of vessels it possesses the essential qualities of open navigation. Speed, distance, cheapness, magnitude of cargoes, are all there, and without the perils of the sea from storms and enemies. The steamboat is the ship of the river and finds in the Mississippi and its tributaries the amplest theater for the diffusion and display of its power.

Wonderful river! Connected with seas by the head and the mouth; stretching its arms toward the Atlantic and the Pacific; lying in a valley which is a valley from the Gulf of Mexico to Hudson Bay; drawing its first waters, not from rugged mountains, but from the plateau of the lakes in the center of the continent and in communication with the sources of the St. Lawrence and the streams which take their course north to Hudson Bay; draining the largest extent of the richest land; collecting the products of every clime, even the frigid, to bear the whole to market in the South, there to meet the products of the entire world. Such is the Mississippi! And who can calculate the aggregate of its advantages and the magnitude of its future results?

Of course it is a long time since Colonel Benton uttered those glowing words, but they are as true and as wise to-day as when he spoke them to the Senate. The Globe-Democrat is correct when it says that "talk of abandoning the Missouri River is nonsense."

The towering fabric of De Witt Clinton's fame is bottomed on the Erie Canal. Last year the people of New York, by an overwhelming majority, voted $101,000,000 to broaden and deepen that canal. That much money spent on improving the Missouri River would enable the inhabitants of seven States to ship their products direct to Europe, Asia, Africa, South America, Central America, and all the islands of all the seas without breaking bulk or reloading, thereby saving vast sums of money, with much toil and much time.

It is safe to say that if the Missouri River belonged to any European country it would be improved thoroughly from its mouth to Fort Benton; its channel would be deepened, cleared out, and confined, and its banks revetted so as to prevent its constantly filling up. Revetment work would protect the channel and at the same time prevent the destruction of thousands of acres of the richest agricultural land in the world. It is an old and accepted saying that an ounce of prevention is worth a pound of cure.

The Hollanders have rescued nearly their whole country from the sea, and at this very moment are engaged in the stupendous undertaking of draining and reclaiming the Zuider Zee by building an immense granite wall or dike at an expense of $99,000,000. Suppose they had such a stream as the Missouri River! Those sturdy and industrious people would so improve it that ocean steamers could and would float upon it.

The facts which the petition states as to Warren and Franklin counties apply equally to the great counties of St. Charles, Montgomery, Callaway, Boone, St. Louis, Gasconade, Osage, Cole, Moniteau, Cooper—in fact, to every county, great or small, bordering the Missouri River in the seven States through which it rushes toward the sea.

In all the history of the world there is not another instance to be found of any other country abandoning such a great natural waterway, and I do not believe that the American people have made up their minds to abandon it, though Congress appears to have so made up its mind.

If my amendment is not germane to this bill, as the Chairman has stated, I will try it again when a river and harbor bill is reported.

Mr. HEMENWAY. Does the Chair sustain the point of order?

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Fort Crawford Military Cemetery, Wisconsin: For the improvement and repair of the military cemetery on the Fort Crawford Reservation at Prairie du Chien, Wis., and for the purpose of purchasing a suitable approach to said cemetery, the sum of $3,000 heretofore appropriated is reappropriated and made available for the fiscal year 1904.

Mr. HEMENWAY. Mr. Chairman, on page 105, line 14, I move to amend by striking out "four" and inserting "five" at the end of the line.

The CHAIRMAN. Without objection, the amendment will be made.

There was no objection.

The Clerk read as follows:

Bringing home the remains of civil employees of the Army who die abroad and soldiers who die on transports: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army who have died, or may hereafter die, while in the employ of the War Department in Cuba, Porto Rico, Hawaii, China, Alaska, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport, and who die while on said transport, $5,000.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, after line 16, as a new item, insert:

"CONFEDERATE MOUND, OAKWOOD CEMETERY, CHICAGO.

"For care, protection, and maintenance of the plot of ground known as 'Confederate Mound,' in Oakwood Cemetery, Chicago, $250."

Mr. HEMENWAY. I reserve the point of order on the amendment offered by the gentleman from Illinois, so that I may ask him a question. I understand the gentleman got through legislation, or that legislation was enacted, authorizing this appropriation.

Mr. MANN. Yes.

Mr. HULL. I will ask the gentleman if there was not a provision in the law authorizing a continuing appropriation?

Mr. MANN. The gentleman will pardon me; I think it is proper to read the law. Section 2 of chapter 516 of the laws of the Fifty-seventh Congress provides:

SEC. 2. That the Secretary of War be, and he is hereby, authorized from time to time to enter contract with the Oak Woods Cemetery Association for the proper care, protection, and maintenance of the said plot of ground known as "Confederate Mound," and described in section 1 of this act: *Provided, however*, That the annual expense thereof shall not exceed the sum of $250.

Mr. HEMENWAY. That is all right. I withdraw the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Military posts: For the construction and enlargement of buildings at such military posts as, in the judgment of the Secretary of War, may be necessary; for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, $900,000: *Provided*, That hereafter in acquiring sites for fortifications it shall be the duty of the Secretary of War, in every case of such acquirement, to purchase or otherwise procure at the same time, under this and future appropriations for this purpose, sufficient land for necessary barracks and quarters for the artillery troops required in connection with each of such fortifications.

Mr. HULL. Mr. Chairman, before making any motion I want to call the attention of the chairman of the Committee on Appropriations to the fact that the estimates for military posts, the same thing as we call barracks and quarters in the army bill, was $1,500,000. Now, in this item we have an appropriation of $900,000. On page 108 there is a special appropriation for Indianapolis of $523,900, making a total of between $1,400,000 and $1,500,000.

Now, Mr. Chairman, I hope the gentleman in charge of the bill will consent to increase this amount, say, to $1,400,000, and strike out, on page 108, lines 8, 9, 10—down to and including line 14.

I want to explain my reason for asking this, by a statement to the committee that under this bill all the large buildings in the different posts of the United States are constructed, while in the army bill, so called, many buildings costing not over $20,000 are constructed from that appropriation. If you take one-third of all that is appropriated in the sundry civil bill and apply it to one post you will likely cripple all the other posts in the United States in these appropriations.

I do not doubt the fact that at Indianapolis there should be expended about $500,000. It is the commencement of a post; but if you consolidate these two items you can use more than $200,000 at Indianapolis on the officers' quarters and the noncommissioned

officers' quarters and on the small buildings out of the army appropriation bill. You will have between $400,000 and $500,000, and leave a larger sum out of this appropriation in this bill to be apportioned to the different posts of the country. I believe it is bad policy to segregate the appropriations for army posts. It is better for the War Department to apportion it than it is to segregate it. If you commence segregating they are certain to use that amount and then stop. It is bad policy and bad administration.

Now, I am not, as I say, antagonizing the proposition that Indianapolis ought to have $522,000. That is the estimate for that post. But they would get it just the same if the two are consolidated, and, in addition to that, it will leave a balance of $300,000 or more in this bill that can be apportioned out to posts where the buildings cost more than $20,000. I hope that my friend from Indiana will consent to that kind of an amendment without any controversy, as I do not desire to make a motion.

Mr. SLAYDEN. I would like to ask the gentleman if it is not true that if the bill is passed in the shape that it has been reported that the probabilities are that other posts, which are urgently needed, and which will probably cost more than $20,000, may be knocked out of an opportunity to get them?

Mr. HULL. I should say that is altogether likely, and just what I am afraid of. That is why I ask the question of the gentleman from Indiana to modify this provision.

Mr. SLAYDEN. All posts ought to stand on equality as to distribution.

Mr. HULL. We meet another difficulty. This bill gives an appropriation of $1,200,000 and maybe more than $1,300,000, and you do injustice to every post in the United States. Under a ruling of the Comptroller, when a special appropriation is made for one place you can not use any other fund than that. In other words, you deprive the War Department of the power to use $200,000, if necessary, out of the army appropriation bill, and compel them to take it out of this appropriation. I am sure my friend did not intend to do that, and I hope this can be arranged without any vote of the House. I do not believe it would delay the work at Indianapolis.

The War Department wants the post at Indianapolis, and I find, by experience, when they want to build a post they generally give a very liberal amount; and if it is put in the two bills, it can be taken without doing injustice to any of the posts in the United States, while if you have this $900,000 and appropriate $520,000 to Indianapolis, the balance out of this bill, you may do injustice to every other post in the United States.

Mr. HEMENWAY. I do not think there is any danger of doing injustice to any post in the United States by making such appropriation as suggested by our committee.

One reason the committee reduced the estimate was that for purchase of land at Fort Niagara, N. Y., they ask about $225,000. Now, there is no reason why there should be any land purchased at Fort Niagara, N. Y. I think the chairman of the Committee on Military Affairs will agree with me when I say that we ought not to expend $225,000 for the purchase of land at that point at this time. There is another item for Fort Wadsworth, N. Y., $100,000. I was over there last summer, in company with the gentleman from Massachusetts [Mr. GILLETT] and others, and I know there is no necessity for the purchase of land at Fort Wadsworth, N. Y.

The Government has ample land there, and there is no reason why they should purchase this high-priced land in the harbor of New York when the Government has ample land. Going through the different items the Committee on Appropriations has reduced only along this line, and as far as the repairs of any posts in the United States are concerned there is ample appropriation to repair them all.

Now, as to the Indianapolis post, as the gentleman will remember, that is completely new. By legislation enacted at the last session of Congress a provision was inserted authorizing the sale of the old arsenal grounds at Indianapolis, which I think contained 80 acres, and which the Government bought many years ago for a song. The city of Indianapolis had grown up around it, and the land had become of great value. A provision was placed on the bill authorizing the sale of this arsenal ground and reinvesting the money near Indianapolis for an army post. The Secretary of War said that Indianapolis being centrally located, was a great point for an army post, and that there ought to be an army post there.

So this legislation was enacted, this arsenal was sold, and the money was reinvested, and the Government now has title to the land. This being a completely new post, a separate appropriation ought to be made for this particular post.

Now, then, why did we make a separate appropriation? What was the additional reason? So that they could not take this money that was known to be for this new post and apply it upon the purchase of land where the Government does not need land; so that they could not take the money and divert it to the purchase of land where the Government does not need any land.

I am sure that the chairman of the Committee on Military Affairs will agree that we do not need to buy land when the Government has plenty of land, just to please somebody who would like to have quarters in a more prominent position.

Mr. HULL. Will the gentleman yield right there for a question?

Mr. HEMENWAY. Certainly,

Mr. HULL. You have not kept them from using any part of the $900,000 to buy land, although I do not believe they have a right to buy land under that appropriation.

Mr. HEMENWAY. I do not believe they ever had the right. They undertook to buy land, and did buy land, and got their accounts passed by the accounting officer.

Mr. HULL. I hope the chairman will extend the provision so that no land can be bought out of the $900,000. In my judgment, it is a violation of law to do so.

Mr. HEMENWAY. They have got to buy land for the fortifications——

Mr. HULL. That is provided for in the proviso, and I think it is admirably done. But they have been buying land out of an appropriation made for buildings, and some provision of law ought to be put in that will prevent them from doing it.

Mr. HEMENWAY. We have changed the language in this bill so that I think it will prevent that abuse in the future.

Mr. WILLIAMS of Mississippi. Has the committee considered the possibility of punishing, by impeachment or otherwise, whomever it was in the Department that was responsible for taking money appropriated by a legislative branch of the Government for "the construction and enlargement of buildings" and devoting that money to the purchase of land?

Mr. HEMENWAY. We have not. I will say that I think it is a practice that ought to be stopped.

Mr. WILLIAMS of Mississippi. Does the gentleman know of any way that he can stop it except by punishing somebody for it?

Mr. HEMENWAY. I will say to the gentleman——

Mr. WILLIAMS of Mississippi. I would like to suggest that it would be a good idea for the committee having charge of this matter to draw up a resolution, if for no other purpose than to call it to the attention of the President and ask that it be investigated, or that whoever was responsible may be removed from the public service.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HEMENWAY. I move to strike out the last word, Mr. Chairman. In this case I understand it was done under a mistaken construction of the law, but how any one could have made the mistake I do not understand.

Mr. WILLIAMS of Mississippi. Was it not done under this language?

> For the construction and enlargement of buildings at such military posts as in the judgment of the Secretary of War may be necessary; for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters.

Mr. HEMENWAY. That is the way we make it read now in this bill, but it read before "for the construction and enlargement of buildings at such military post." They construed this to mean not only the enlargement of the buildings but the enlargement of the posts.

Mr. WILLIAMS of Mississippi. My sole object in calling attention to that is to call the attention of the House to this plain abuse by executive legislation that is going on in all the Departments, except Agriculture, all the time, to such an extent that if it proceeds much further it will not be necessary to call upon Congress to make laws at all. All that will be necessary will be to get some executive head, or some little fellow, some official in the Department totally unknown and irresponsible, to say, "I thus construe something," which construction has no possible reference to the thing construed. It seems to me the committees of this House ought, by resolution, to call the attention of the President to these things, and to have men in the Executive Departments who are guilty of palpable, plain, and obvious legislation removed from the public service. Then if the President does not act we should proceed, by impeachment, or refusal to appropriate, or otherwise, to act ourselves.

Mr. HEMENWAY. Mr. Chairman, if the gentleman from Iowa [Mr. HULL] has no amendment to offer, I think we better continue the reading.

Mr. HULL. Mr. Chairman, I have an amendment. I offer an amendment to strike out of lines 10 and 11 the words "nine hundred thousand" and insert in lieu thereof the words "one million four hundred and twenty-three thousand nine hundred and ninety."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 107, in lines 10 and 11, strike out the words "nine hundred thousand" and insert in lieu thereof the words "one million four hundred and twenty-three thousand nine hundred and ninety."

Mr. HULL. Mr. Chairman, I desire to insert the exact amount found on page 108, and on that proposition I want to say just one or two words more. I want to make it very clear to this committee that it is not with any desire to cripple the work at Indianapolis, as I believe they are entitled to the amount appropriated here, and that if my amendment prevails they will get that amount.

It is simply for the purpose of preserving the rights of the other posts of the United States, which are compelled to come to this appropriation for whatever buildings costing more than $20,000 each they may need and must have, in many cases, or else they are deprived of them until another appropriation is made. It is bad legislation, Mr. Chairman, to segregate these items. The Committee on Military Affairs have at least for eight years refused to segregate these appropriations. There is never a session that we are not called upon to make a specific appropriation for some particular place, but in every instance we compel them to come to the Department and make their showing as to the amount they ought to have for the benefit of the service. When you once begin to segregate, where are you going to stop? The safer legislation is to make your appropriation, and then the people who have the whole field before them can figure out the amount necessary. If I believed for a moment that it would cripple the work at Indianapolis, I would not make the motion that I now do, but it will not do that. I know it is bad legislation to segregate items, and I appeal to the committee to not depart from the uniform practice of Congress in these matters in this appropriation bill.

Mr. OVERSTREET. Mr. Chairman, I am greatly surprised at the argument which has just been made by the gentleman from Iowa [Mr. HULL], insisting on appropriations in lump sums. We concluded a few days ago a bill for one of the great Departments, carrying more than $170,000,000, in which the contest from beginning to the end was against appropriations for lump sums and in favor of appropriations in segregation. There is every argument in favor of the segregating of appropriations, in order not only that the House, not only that the Department controlling an appropriation, but that the country may understand directly where the money has gone. Taking this particular instance wherein the gentleman from Iowa [Mr. HULL] seeks to give authority to one man to expend all of the money wherever he may desire to expend it at any post, without limitation, and comparing it with the principle of requiring such segregation of the appropriation as will at the conclusion of the expenditure disclose exactly what has been done with the money, I believe this committee will recognize and appreciate the justice of the segregated appropriation.

Again calling attention to this particular item for the Indianapolis post, there is a bare tract of land which is yet to be improved, upon which barracks, officers' quarters, etc., are to be constructed. Will you take out of a lump-sum appropriation, authorized by this Congress, of a million and a half of dollars whatever amount they may see fit to expend there, or will you through certain limitations fix within reasonable bounds such an amount as the estimates of the Quartermaster-General may indicate may be necessary and proper for that particular construction? When the $522,000 have been expended, then the reports of the accounting officers should disclose in detail by bills of particulars how that money has been expended, under whose direction, for what purposes, and with what economy it has been expended.

I challenge the statement that lump-sum appropriations are put into the hands of officers of any Department in order that they, viewing the entire field, as the gentleman from Iowa [Mr. HULL] says, may be in better position than the Congress to determine the method and minuteness and accuracy of such expenditure. It would be better if all of the various military posts thus far constructed had been appropriated for in segregated items in order that the books to-day might disclose just what has been expended, under what methods, and under what directions of the Department.

Mr. HULL. Do not the books disclose that?

Mr. OVERSTREET. They ought to. I don't know whether they do or not. This is the beginning of a post. Do not cover it up into a lump sum, but put it into an item so that we can know what it costs, and it will be entirely satisfactory.

Mr. WILLIAMS of Mississippi. Mr. Chairman, just in corroboration of what the gentleman is saying, I desire to call attention to another part of the bill, which was gone over while I was not present.

I find here, for example, among the appropriations for the Interstate Commerce Commission a general lump-sum appropriation in this form: "For all other necessary expenditures, etc., $234,000." I am informed that under this appropriation $ 2,000 a year is paid for rent of a building which ought to be procured for $8,000 or $9,000. I do not know whether that statement is true or not, but if Congress had been faced with that specific appropriation—so much for rent—it never would have been authorized until we had known whether it was true or not. A similar remark might be made in reference to all these lump-sum appropriations.

Mr. OVERSTREET. Mr. Chairman, I think the chairman of the Committee on Military Affairs [Mr. HULL] is manifesting too much jealousy in regard to the jurisdiction of his own committee. He is afraid that segregated items might prevent that committee from knowing whether all the posts receive equal appropriations. But I insist that in the beginning where a new post is being started, where an appropriation for the construction of the building is first to be made, it is entirely proper both as to the Department and to Congress to define the amount for that specific purpose, which can be followed from the inception to the conclusion of the work.

Mr. HULL. Do I understand the gentleman from Indiana [Mr. OVERSTREET] to claim that the appropriations for the erection of buildings, construction of roads, etc., all come out of this sum of $522,000?

Mr. OVERSTREET. Whatever is necessary for the construction of that post.

Mr. HULL. I will state that generally the amounts necessary for construction of roads, preparation of ground, etc., are taken out of the appropriation for the transportation of the Army and supplies—not a dollar out of this.

Mr. OVERSTREET. If that is the general practice, I think it ought to be changed.

Mr. HULL. I do not.

Mr. OVERSTREET. We ought to be able to know the different sums expended at each one of these posts.

Mr. HULL. Does not the gentleman know that the War Department takes all these posts, makes out a statement of the sums to be allowed to each, and then publishes the list, so that the country does know exactly the proportion that comes out of each appropriation for each locality?

Mr. OVERSTREET. Then what objection can there be to segregating each of these appropriations where it is possible to do so?

Mr. HULL. There are 175 posts in the United States; and if what the gentleman suggests were done, this bill would have to be much longer than it is.

Mr. OVERSTREET. That may be as to maintenance; but the case is different as to construction.

Mr. HULL. I am speaking about construction. The gentleman does not seem to have caught my point—that if you make the appropriation here in a reduced amount, you can not use the appropriation in the army bill, which would give you at least $200,000 for your buildings. You leave that much more to come out of this bill for fifty, sixty, or seventy thousand dollar buildings at these various posts.

Mr. OVERSTREET. That does not disprove the advisability of the segregation of these appropriations.

Mr. STEVENS of Minnesota. Mr. Chairman, I much regret that the gentleman from Indiana [Mr. OVERSTREET], who has just spoken, did not quite understand the situation relative to army posts throughout the country, and the various matters that must be considered by the appropriate committees in making appropriations for the support of these posts, or I am sure he would not have made the statements he did. The chairman of the Committee on Military Affairs has just stated that there are about 175 posts in the United States. About three years ago a board was appointed by the Secretary of War to take into consideration the general military situation of the United States, to recommend where posts should be established, what posts then existing should be increased, and what other posts in existence should be abandoned. That report has been filed, has been acted upon by the War Department, has always been considered by the Committee on Military Affairs, and I have no doubt up to this time by the Committee on Appropriations.

If we attempt to segregate these items in the army appropriation bill and in this bill, the inevitable result will be that every increase that was recommended will be made, that every post recommended to be established will be established, and that none of these posts recommended to be abandoned will be wiped out. Personal influence here and in the other House will bring about such a condition. This will mean a vast increase in the expenditures for establishment and maintenance of posts and for the enlargement of the posts, and if the policy of segregation be pursued

to the end it will cost many additional millions for the support of the Army.

We have found from experience that the very best and most economical method of proceeding is to make these appropriations in bulk, and then require the strictest accounting for the expenditures from the officers of the War Department. Such accountings have been made. There will be found in the last report of the Quartermaster-General statements—itemized to a cent—of the expenditures of amounts carried in the sundry civil bill and of the amounts carried in the military appropriation bill. The result is that any person who wants to see the amounts expended on any post can find an exact statement on file in the office of the Quartermaster-General or in the room of the Committee on Military Affairs, and, I have no doubt, too, in the room of the Committee on Appropriations.

Mr. GARDNER of Michigan. The Quartermaster-General has to do with the maintenance of the posts, not with the construction of the buildings.

Mr. STEVENS of Minnesota. The gentleman is entirely mistaken. The Quartermaster-General has charge of the construction of all these posts.

Mr. GARDNER of Michigan. Under the direction of the Secretary of War.

Mr. STEVENS of Minnesota. Well, the Quartermaster-General is the officer who does the work. He is the one who makes the expenditures; he makes the contracts, and a statement of all these things which are done can be found in his report.

I agree with the chairman of the Committee on Military Affairs that this amount should be appropriated to the Indianapolis post. Congress has considered this matter; it has established this post, and the buildings ought to be erected just as quickly and just as well as it can be done.

In order to do it I think it is not necessary to infringe on the necessities of any other post in the Army. The amount matters not. I do not doubt this amount is needed. As I informed the gentleman from Indiana a moment ago, the reports of the Quartermaster-General last year showed that at least three, and I think four, posts of the Army received larger amounts than this amount from these various funds scattered though these different bills. I think Fort Riley, Fort Leavenworth, I think Fort Sheridan, I know Fort Snelling, all received larger amounts, because the War Department found it necessary to expend those amounts there.

The committee should understand that the buildings constructed from this appropriation are, as a rule, the buildings for the common soldiers, the privates of the Army. They are the barracks and quarters for the private soldiers. All the buildings costing more than $20,000 are constructed from this fund, and all barracks now built cost more than that amount.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask that the gentleman have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Minnesota be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. STEVENS of Minnesota. Mr. Chairman, as I said, the larger buildings for the various posts of the Army are constructed out of this fund, the buildings for the common soldiers, the barracks and quarters, the large buildings for the posts, while the smaller buildings, the officers' quarters, the storehouses, stables, the inferior buildings like that, costing less than $20,000, are taken from the fund for barracks and quarters appropriated in the regular army appropriation bill.

Now, it is in the interest of economy, it is in the interest of good public service, that the War Department should have a free hand in this matter; that they should build as many of the smaller buildings as possible out of the item in the army appropriation bill. When it is necessary to come to this fund, then they should have the right to come to it and take the money from the appropriation for the larger buildings of the Army, which are greatly needed when needed at all. The purposes of smaller buildings can be cared for in some other way; those for large buildings can not be.

It is evident from what I have said, and the committee must realize, that there are quite a number of posts in the Army that have been enlarged in the last few years. Some of them have had some smaller buildings, some of them have had some larger buildings, but they are not quite complete. Some of them need additional barracks; some of them need additional quarters for the officers. Now, if the War Department is limited in its expenditures from this item, it can not construct the buildings that ought to be constructed during the next year. It will be hampered in constructing the large buildings; it will have more money than is needed for constructing the small buildings. Now, I think, when the officers of the Department appeared before the Committee on Military Affairs it was stated that there were quite a number of troops for which there were no quarters ready. Some infantry, some cavalry, that were brought home from the Philippines, were obliged to be tented out somewhere or quartered in insufficient and insanitary places, because the money was not available to construct barracks for those troops; and those are some of the things which are needed from this item.

Mr. HEMENWAY. Will the gentleman permit a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. HEMENWAY. How many troops have we quartered in the United States now, in round numbers?

Mr. STEVENS of Minnesota. We have about 40,000.

Mr. HEMENWAY. How many had we prior to 1900?

Mr. STEVENS of Minnesota. About 25,000.

Mr. HEMENWAY. Prior to that time we only appropriated $200,000 to $225,000 and similar sums for this purpose. Now, in 1901 we had $1,000,000; in 1902 we had $1,000,000 again; in 1903 we had $2,000,000. Certainly, with all that money expended, we can take care of 15,000 more troops than we had prior to 1900.

Mr. STEVENS of Minnesota. The best answer to that is that there are not sufficient quarters available. The troops are exposed.

Mr. HEMENWAY. Right there I suggest that if this lump sum is appropriated here, it will not be done now, but the money will go to some favored post, and the money that ought to go to the post at Indianapolis, which is a new post established by law, will not be expended there.

Mr. WILLIAMS of Mississippi. It will be used in buying land.

Mr. STEVENS of Minnesota. When the chairman of the Committee on Appropriations [Mr. HEMENWAY] and the chairman of the Committee on the Post-Office and Post-Roads [Mr. OVERSTREET] exert their eloquence and influence in behalf of the post at Indianapolis, I do not think it is likely to suffer, and it ought not to suffer. The War Department will have a free hand in giving them all that is necessary. The Adjutant-General of the Army has stated that there are not sufficient quarters right at hand to house and accommodate and take care of the troops and officers of the Army; that they do need money and need it at once to construct proper barracks for the housing of these troops; that that is fully as important as taking care of the post at Indianapolis.

But I want it distinctly understood that there is no antagonism to the post at Indianapolis. If I believed it necessary, I would reinforce the words of the chairman of the Committee on Military Affairs. I would be willing to do anything I could do to expedite the work at Indianapolis; but I know it is not necessary.

Mr. OVERSTREET. What do you propose to do with this money when you cover it into the lump sum?

Mr. STEVENS of Minnesota. The War Department has full jurisdiction. They can start a large building at Indianapolis under this, and they can start the smaller buildings from the fund for barracks and quarters.

Mr. OVERSTREET. Do you expect if this particular segregation of the appropriation should be covered into a lump sum, that still they would spend just as much money at Indianapolis, taken together with another sum? Do you not think that it would be better to segregate it this way and that you would get better supervision in one item?

Mr. STEVENS of Minnesota. No. I agree that all the appropriations for these posts ought to come in on one bill. I do agree with that; but there is one accounting for it all. There is one accounting that the War Department makes, and that accounting can be had by any gentleman who wishes to investigate it in five minutes. He can find how much was taken for each post out of this fund, and how much out of the army appropriation bill, and how much for transportation. All of it can be found in five minutes. The general proposition is this: That at the present time, where construction is nearly completed in so many of these posts, with some of them without barracks for the common soldiers, it is wise to allow the War Department to do what it thinks best under all the circumstances. If a segregation should be deemed necessary, a proper amount for the buildings costing more than $20,000 could be taken from this item, and the amount for the other buildings could be taken from the item for barracks and quarters of the army bill. It is unfair and injurious to the public service to take large and small amounts both from this particular item intended only for the construction of large buildings. That is what we object to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. As I said, last year I know that at least three posts the War Department expended more money

than provided by the controverted clause: and I have no doubt the War Department would expend this amount and more on this particular post. If it should be done in the way suggested by the amendment, it will not cripple the oth r posts of the country: and I hope the ge tleman from Indiana will consent to this amendment or modification.

Mr. BENTON. Mr. Chairman, my judgment is that we ought not to delegate our own right of legislation to any other department of the Government. You may say that the War Department knows better than this House where this money should be expended. That is probably true. If true, we ought to require the War Department to make its estimates and present them to Congress and let Congress pass upon th m. My judgment is that we ought not to appropriate a dollar of this money in a lump sum and deliver it over to the War Department. On the contrary, we ought to force the Department to say where they need the money, for what they need it, and appropriate it specifically. I call your attention and the attention of this full committee to the Coast and Geodetic Survey. The head of that Survey sets out in specific figures each amount, for what he wants his money, when he wants it and for how many clerks he wants and what each gets. He then gives Congress a knowledge of where the money that we appropriate is going, and, in my opinion, we ought to insist upon this as presented in this bill, and follow it up next winter with the other Departments, and compel them to tell Congress where they want a certain appropriation, why they want it, and when it is to be used.

Mr. SLAYDEN. Mr. Chairman, I do not believe there is any Member of this House who wants to see the money of the Government honestly expended and fairly appropriated who will not agree with the suggestion of the gentleman from Missouri, which has also been made by other gentlemen here, and which is probably heartily concurred in by all, that there should be a specific segregation in each appropriation for each item where it is at all possible to have it. But you can not always have that.

Mr. HEMENWAY. May I ask the gentleman there, is it not possible, where Congress has authorized this new post, without having anything but the bare land, is it not possible to make a specific appropriation for that particular work?

Mr. SLAYDEN. Mr. Chairman, I have no desire to interfere at all with the immediate, complete, and satisfactory construction of the post near Indianapolis. But I do not believe that it will be crippled or delayed in the least by the adoption of the motion made by the chairman of the Committee on Military Affairs. There are, unhappily and unwisely, I believe, two bills which come in here bringing appropriations for the support of the military establishment of the Government. I never believed that was a wise division of the labor and duty of this House, and I believe that if one committee or the other were clothed with the exclusive power of preparing and perfecting these bills they could compel the segregati n of items and could compel specific and clear statements of the purpose of each appropriation in a much better way than to have two committees appropriate for the same branch of the Government.

I do not believe it is wise at this time to begin the segregation by the selection of this one item and the stopping there. I do not think the purpose of the law which ordered the establishment of the post at Indianapolis will be interfered with in the least, but I do believe under the peculiar system of appropriation and dispensation of appropriations given to them that it may imperil the prosperity and delay the needed improvement at other posts, as has been so clearly shown by the gentleman from Minnesota.

Mr. MIERS of Indiana. I understand the gentleman to say that he thinks that it will not imperil or cripple the Indianapolis post, that the same amount of money will be appropriated and used. If that is true, how can it possibly interfere with the improvements at other posts?

Mr. SLAYDEN. Just as has been explained by the gentlemen who have pr ceded me, the gentleman from Minnesota [Mr. STEVENS] and the chairman of the committee.

Mr. MIERS of Indiana. Will it take any greater sum of money from the amount appropriated than it would if the War Department was to make it? Why could it be crippled any more by this bill than if the War Department should make it?

Mr. SLAYDEN. It will not be crippled, for at the same time it has two funds to draw from—one in the bill presented by the Committee on Military Affairs, wherein there is no authority for the construction of buildings at a post that costs over $20,000, and in this other where there is. They could proceed with the construction of such buildings as is warranted under the general appropriation like barracks and quarters, and the construction of the post in Indiana would be in no wise delayed.

Mr. PARKER. Mr. Chairman, I desire to make my appeal on a general principle to the gentlemen of the Appropriation Committee, almost more than to the other Members of this House, in favor of the present system. Division in appropriation bills is right—the division is of the business: so many clerks, so much for supplies, so much for building, so much for repairs. Division by localities, as we have unfortunately found out whenever we got to any such thing as the necessity for public building or river and harbor appropriation, is so tempting to Members from the various localities that, if we begin by paying to Indianapolis so much, to Des Moines so much, or to Newark, my own city, so much, each man comes in for his particular item, and all want their particular items in the bill, until no man can know where the total of the bill will go. As it is now, when the War Department hands us specific estimates amounting to a certain sum of money, the committee says: "We will give you so much; take care you do not go beyond it." And the House says: "You had fifteen hundred thousand dollars last year, and you shall not have any more this year." And therefore they estimate for the same amount this year.

If the bill once begins to name specific places if specific localities once get into the bill, how, with the courtesy of the Senate, will this House ever get them out of the bill if the S nator of that particular State objects? I am not speaking of Indianapolis: its building is going to be paid for, but the only control that we have over this question of building (for building is to go on at one post after another all over the Union), the only control, gentleman of the House, that we have over any such appropriation is to say: "You shall expend so much money this year for this general purpose." Oth rwise there will be logrolling for many localities into one great big stream of appropriations in every bill, so that the House will have no sort of control over the total.

Now, let me suggest one other matter. If an appropriation be made of fifteen hundred thousand dollars for buildings costing over $20,000 each, and through some strike in Indianapolis or some difficulty in expending the money the estimate of $523,000 is not expended this year, Indianapolis will be able next year to get the benefit of that same general appropriation of fifteen hundred thousand dollars. If, on the other hand, the bill makes a separate appropriation and it is not spent this year, the next year the gentleman from Indiana will have to come before the House again for a special reappropriation of that amount for building at Indianapolis. He is much better without a special item, for he can draw the funds this year or next year or the year after from these two general appropriations until the amount estimated for by the War Department is expended.

Whereas if it be put in a special item of this sort it must be reappropriated. Now, the Committee on Military Affairs of the House has suffered, I remember, from various items. One was the maintenance of a hospital at Hot Springs, Ark., which happened to be in the bill and which the Secretary of War said at that time was unnecessary, and our endeavor to be rid of it almost defeated the whole military appropriation bill, because we could not get the consent of one Senator to have it stricken out. I appeal to the House not to adopt that system of local appropriation.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. GARDNER of Michigan. Mr. Chairman, the system that the gentleman from New Jersey [Mr. PARKER] has just inveighed against is a system that is very generally practiced, certainly by the Appropriations Committee. Any other system measurably abrogates and abolishes the power of this House, and in effect says to a bureau: Here is a million and a half, or two millions, or three millions of dollars: expend it as you see fit. To illustrate by a specific instance, the Geodetic Survey has been cited, and that furnishes a clear and concise statement of the opposition to the theory of the gentleman from New Jersey [Mr. PARKER]. The Fish Commission is another. They had a given amount, but there are twenty or thirty or forty different places where the needs of the several hatcheries are brought in detail before the committee, and that committee determines how much out of the general appropriation shall be expended in each particular instance. Then, when these specific appropriations have been provided for, there may be a lump sum to cover certain contingencies. Otherwise you will leave to one man, and oftentimes to a subordinate——

Mr. WILLIAMS of Mississippi. I would suggest to the gentleman from Michigan that that lump sum ought to be for emergencies.

Mr. GARDNER of Michigan. Certainly.

Mr. WILLIAMS of Mississippi. And for things that can not be foreseen.

Mr. GARDNER of Michigan. Yes. The gentleman from Mississippi [Mr. WILLIAMS] says that that lump sum ought to be to provide for certain emergencies that can not be foreseen. I agree with him perfectly, and that is the theory of this committee. I tell you, gentlemen, we do not want to turn over to a Department—and that often means to an ambitious subordinate

rather than his chief—the expenditure of hundreds of thousands, and it may be a million or more, of dollars. [Applause.]

Mr. HULL. Mr. Chairman, before the gentleman closes the debate, I would like to say just one word.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. HULL. The gentleman from Michigan [Mr. GARDNER] has said that we ought not to appropriate lump sums, and that the Appropriations Committee is opposed to that system. Will the gentleman from Michigan point me to the bill and the year when we have segregated this item before?

Mr. GARDNER of Michigan. What item?

Mr. HULL. For military posts. That has always been appropriated for in lump sums.

Mr. HEMENWAY. Mr. Chairman, I will answer the question of the gentleman, if the gentleman from Michigan will permit. Last session we did it, and I hope at the next session of Congress to segregate all these items. [Applause.] Why, we have appropriated in the last four years something like $5,500,000 to add to these posts.

Mr. HULL. Mr. Chairman, I hope this is not to come out of my time.

Mr. HEMENWAY. Oh, the gentleman will have his full five minutes. I am answering the question as to the segregation of these items. Mr. Chairman, we could build palace hotels in which to house this Army in the next few years at the rate we are going ahead here. [Applause.]

Mr. HULL. Mr. Chairman, I do not believe a word of that, because in this bill the estimates are submitted for buildings to cost more than $20,000. They could not build any such thing as palace hotels, because every session of Congress knows what they have appropriated. The gentleman does not give information on segregation. He dodges that. Now, there is one line of thought that was advanced by the gentleman, I think, from Texas [Mr. SLAYDEN] that is true, that two committees having jurisdiction of substantially the same thing cause trouble, but the line of demarcation is made when appropriation bills were taken from one committee and distributed as now under the rules. The Military Committee has jurisdiction only over buildings that do not cost more than $20,000, while the other committee has jurisdiction for buildings that do cost more than $20,000. Mr. Chairman, the point I made in the beginning was this, that in the army appropriation bill there was something over $4,000,000 appropriated for barracks and quarters.

Under this bill there will be $1,400,000 appropriated. Five hundred thousand dollars of that, in round numbers, will go to one post and $900,000 to the other one hundred and seventy four or five posts in the country. The point I wanted to make was that no harm would result to anyone if they would take $200,000 out of the fund appropriated in the army bill for officers' quarters and for the quarters of noncommissioned officers and for the buildings that cost less than $20,000, and let the $200,000 saved out of this appropriation go to Fort Sam Houston or any other fort in the country where they need barracks for the troops or riding halls or buildings that cost more than $20,000. If you could separate all these items, gentlemen of the committee, I would not object to it in the least; but what I do object to in this bill, or the army bill or any other bill, is to segregating one item out of one hundred and seventy five or six items.

That is what I do not believe is right. I do not believe it to be good administration. To be very brief, my whole contention is this: In this appropriation the Department has now submitted its estimate of $522,000 for Indianapolis. The amount ought to be expended there, but it ought to be expended in the way in which appropriations at other posts are expended. The larger buildings should be built out of the appropriations carried in the sundry civil bill and the smaller buildings out of the appropriations carried in the bill for the support of the Army. Let all be put on the same basis.

Mr. ZENOR. I should like to inquire of the chairman of the Military Committee, having charge generally of appropriations for barracks, what is the average cost of establishing these posts in the United States?

Mr. HULL. That depends upon the locality, the price of building materials, and the price of labor. All such matters would regulate the price of officers' quarters.

Mr. ZENOR. Is there not some general rule by which the average cost for the establishment of these posts might be determined?

Mr. HULL. That would depend upon the size and character of the post. A cavalry post will cost in the neighborhood of $1,800,000; an infantry post about $1,400,000. That is the average.

Mr. ZENOR. Take a post such as this proposed to be established at Indianapolis——

[Here the hammer fell.]

Mr. PIERCE. Mr. Chairman, I desire to express my hearty indorsement of the principle announced by the chairman of the Committee on Appropriations, the gentleman from Indiana [Mr. HEMENWAY]. All these appropriations, whether in the form of lump sums or otherwise, are based upon estimates from the proper Departments—the estimates of the officers having in charge the determination of the proper cost of the proposed improvements.

I submit that this House should adopt the policy now announced by the gentleman as our future policy in measures of this kind. These items can just as readily be carried in the different appropriation bills as not, and if such a system were adopted the House and the country could know exactly what items were carried in these bills and for what purposes. Why should these appropriations be lumped? There is not any reason for it.

I repeat, the presumption is that the different Departments know upon what their estimates are based; the officers by whom these estimates are made are presumed to know the different sums required, and it is right, therefore, that the House and the country should understand the particular work contemplated and the proposed cost of it. I hope this House will stand by the Committee on Appropriations in the policy now enunciated by the distinguished chairman of that committee.

Mr. PRINCE. Mr. Chairman, I do not desire to have the impression go out either to the Members of the House or to the country that the entire Military Committee is opposed to this item. I am frank to say, from what I gather from the expressions of the chairman of the committee and from my associates on that committee, that we are in favor of segregating items in appropriation bills. We have sought to do this in the bill we have presented to the House. We are in favor of segregating the items with reference to military posts.

The chairman of the Military Committee has stated that there are 175 or 176 military posts. There has been a segregation as to one post out of 176. That one is the post at Indianapolis. But there are 175 other posts. I should like to have the Committee on Appropriations segregate the appropriations for these other posts, specifying the amount that is wanted for the general expenditures at each one of these posts. If that be done, we will agree to assent to the segregation with reference to Indianapolis.

Mr. HEMENWAY. I want to occupy about three minutes, and then I hope to secure a vote. Let us get at the pith of this thing if we can.

The Secretary of War asks for $1,500,000 for military posts. When that proposition was made before the committee, I promptly put the question, "Where do you want to spend that money?" The Secretary of War now gives a list of the places where this money is to be expended, and the different amounts foot up $1,500,000. Indianapolis is not mentioned in the list.

Mr. HULL. Will the gentleman allow me a question? I know he wants to state the facts.

Mr. HEMENWAY. Certainly I do.

Mr. HULL. Is it not true that afterwards supplementary estimates came in for Indianapolis?

Mr. HEMENWAY. Yes, sir.

Mr. HULL. So the Secretary of War told you afterwards what was wanted there?

Mr. HEMENWAY. Yes; but if we give them the $1,500,000, they will spend it as laid down in the first list, which includes Fort Niagara, N. Y., for land, $225,000, and Fort Wadsworth, N. Y., for land, $100,000, unless we have prevented such expenditures by the provision in our bill forbidding further expenditures at these different places for land. The bill formerly read:

For construction of buildings at, and enlargement of, such military posts, etc.

Now, they construed that language to mean that they could enlarge a military post by buying land. We changed the language, so that it reads:

For the construction and enlargement of buildings at such military posts—

Leaving no opportunity to put the construction on it that was put on before. Now, when we take from the $1,500,000 the cost of the land at Fort Niagara and the land at Fort Wadsworth, that makes $325,000 of this money they can not spend, if we have done what we have sought to do by the language that is put into the bill.

Now, this current fiscal year we have on the army bill an appropriation of $5,225,000; we had in the sundry civil bill an appropriation of $2,000,000, or all told for this fiscal year an appropriation of $7,225,000 for army posts. We have been appropriating since 1900 at such a rapid pace for these army posts that I say again we could build palace hotels in which to quarter our Army of 50,000 men with the appropriations we have made in the last few years. The Committee on Appropriations seek to cut this item of $1,500,000 to $900,000, nipping off $600,000 of it. Three hundred and twenty-five thousand dollars of it comes by stopping the purchase of this land. That leaves only a net reduction of $175,000. But what we hope to do is to get to a point where we can appropriate specifically for these posts and stop this expendi-

ture of six or seven million dollars every year at the army posts all over the country, not to quarter the Army of the United States, but to ornament some particular locality.

I had an experience the other day. The gentleman from Minnesota [Mr. LIND] came before our committee. He made it appear beyond question that an elevator in a building at Minneapolis was necessary. The Government did not have much ground to build on, and they were building up in the air until they had six stories, I believe, and they needed an elevator. It took $25,000 to construct that elevator. We said to the chief architect, "If this money is appropriated, when can you commence this work?" He answered, "Immediately." A few weeks after the appropriation was made the gentleman from Minnesota [Mr. LIND] came down to me with a letter saying, "We can not do this work. We can only take one-fourth of the $25,000 and apply it for this particular purpose," when that Government official knew that the Committee on Appropriations appropriated that $25,000 for that specific purpose; and we would have them coming back to us with the same proposition here.

Now, as to the military post at Indianapolis, I do not care any more about it because of its being located at Indianapolis than I would if it had been in some other place. The fact that the post is at Indianapolis cuts no figure with me. But it is a peculiar matter. Here is a new post started. Here is land purchased, all ready to put new buildings upon. We want to say how much money they can spend there. We do not want to take the suggestion of the gentleman from Iowa [Mr. HULL] and say they can take a little off of this bill and they can take a little off of that bill and put it together and can do so much work over there. We want to say in specific terms, "You can spend so much money there," and appropriate it for that purpose.

Now, gentlemen, this is good legislation, and I hope the amendment of the gentleman from Iowa [Mr. HULL] will be voted down, as I believe it ought to be voted down. I hope that within the next two years or three, and possibly in the next fiscal year, we can come to the end of this building of military posts. Why, we are spending such large sums of money for the quartering of such few people! I believe it developed in our hearings that at posts where only one company was stationed, 100 people, where the average of sickness would be 2 per cent, or 2 persons sick, that they are spending $20,000 for a hospital at such a post as that.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HEMENWAY. I ask for three minutes longer.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may proceed for three minutes. Is there objection?

There was no objection.

Mr. HEMENWAY. It developed that at such points, as I have stated, where the average number of men sick would be only two they spent $20,000 for a hospital and put in a full complement of hospital surgeons, and so forth, to take charge of it, and on the conference report that has come from the Senate on the army bill, and that will be considered in this House later on, they ask to increase that limit to $40,000 in place of $20,000. I hope the House will stand by the Committee on Appropriations in an effort to bring this thing to an end sometime.

I ask for a vote.

Mr. ZENOR. I would like to ask the gentleman a question. In view of the fact that we are engaged in making a very large appropriation of money, is it not an excessive appropriation for all legitimate purposes at Indianapolis?

Mr. HEMENWAY. Oh, no. That post has been authorized by this House and will be one of the great posts of the country. It is centrally located, and this is not an excessive appropriation. I ask for a vote.

The question was taken, and the amendment was lost.

Mr. HULL. Now, Mr. Chairman, in view of the statement of the gentleman from Indiana as to the misappropriation of funds, I shall offer the following amendment, to come in at the end of the proviso: At the end of line 17, page 107, make the period (.) a semicolon (;), and after that "no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specifically provided."

The CHAIRMAN. The amendment will be reported from the desk.

Mr. HEMENWAY. I do not see that it changes the bill, and I have no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 107, line 17, after the word "fortifications," strike out the period and insert a semicolon, and insert the following: "but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specifically provided."

Mr. HULL. Now, I simply want to say to my friend the language of the bill covers it, so that generally under the language it is not necessary; but having substantially this same language heretofore, the Department has gone on, the gentleman states, and purchased land. Let us make it so that they can not possibly do it in the future.

Mr. WILLIAMS of Mississippi. Let me suggest to the gentleman that if his amendment would come in after the word "dollars," in line 11 on page 107, and strike out in his amendment the words "except," etc., then the subsequent proviso would strictly apply to sites and not to buildings. It will take care of itself, and his amendment will qualify the words preceding it, and render it utterly impossible to expend any of this money for land. "Hereafter in acquiring sites for fortifications it shall be the duty." The word "sites" means land.

Mr. HULL. It states what shall be the duty of the Secretary in connection with sites. I think the language where it is is better, for the reason that it permits them to acquire sites of sufficient amount. Now, I am informed that in acquiring sites for seacoast artillery posts they bought only a few acres and placed the buildings on them and then were compelled to pay greatly advanced prices for the ground made necessary for them to acquire on account of having the buildings there. Now, I want to make it plain to the War Department that, except in coast fortifications, Congress wants it understood that they are to use the full appropriation for the building, and that they must not take any money appropriated for a building for the purchase of land.

Mr. HEMENWAY. Mr. Chairman, I think the amendment simply reiterates what we put in the bill, and I have no objection.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

The Clerk read as follows:

For the purchase of about 84 acres of land adjoining the military post at Fort Sheridan, Ill., and lying between that post and the Chicago and Northwestern Railroad, the same being required for sites for the additional buildings necessary for the accommodation of the increased garrison and for drill ground, $280,000, or so much thereof as may be necessary.

Mr. MAHON. I offer the following amendment.

The Clerk read as follows:

Insert at end of line 7, page 1808: "For the purchase of about 1,200 acres of land on field of battle of Gettysburg, Pa., included in General Sickels's maps for garrison, drill ground, and barracks for United States troops, $190,000, or so much as may be necessary to purchase said land."

Mr. HEMENWAY. I make the point of order on that amendment that it is new legislation.

Mr. MAHON. I will ask the gentleman to reserve the point of order.

Mr. HEMENWAY. I reserve the point of order.

The CHAIRMAN. The gentleman makes the point of order on this amendment, but reserves it.

Mr. MAHON. Mr. Chairman, it is conceded by all that the battlefield of Gettysburg is the great battlefield of our country. I notice in this section that for 84 acres of land we are paying $3,313 per acre. This amendment provides for the purchase of land, as shown in the Sickles map 1,200 acres of land, adjoining Confederate avenue, which can be purchased by the Government to-day at its actual cost, $160 an acre.

On that piece of ground General Dudley lost his leg. It was there where General Reynolds was killed. It is there where Archer's brigade was captured. The most important and decisive events of that great battle happened on this 800 acres of land during the first day's battle. Now, Mr. Chairman, this land has been held since that battle was fought, not a tree has been cut off it, none of its conditions have been changed, and if the Government wants to acquire this land on that great battlefield, where there are over a million dollars' worth of monuments; where every regiment and brigade, both Union and Confederate, have thoroughly marked the greatest battlefield of the world, now is their time to do it. There is no place like it. Now, for the small sum of $190,000, probably a little less, these 1,200 acres can be purchased by the Government, and if it is not purchased now these people can not hold it longer.

It will be sold into building lots, into farms, and the United States Government will lose control of it. I hope the gentleman from Indiana will not insist on his point of order, but will allow the Secretary of War to purchase this land, not at $3,300 an acre, but 1,200 acres of the finest land in the great Cumberland Valley for about $160 an acre.

I hope the chairman will withdraw his point of order and allow this amendment to go in, so that the Secretary of War can get this big tract of land.

The CHAIRMAN. The Chair thinks this is clearly an expenditure not previously authorized by law, and therefore sustains the point of order.

The Clerk read as follows:

To enable claims to the ownership of land which has been gained from the Detroit by natural accretion to be adjusted the Secretary of War is hereby authorized to enter into an agreement with the owner of the premises adjoining the military reservation at Fort Wayne, Mich., to determine a location for the western boundary of said reservation and to give a quitclaim deed to all land west of the line so determined upon receiving from said owner a proper quitclaim deed to all land east of said line.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 108, line 16, after the word "Detroit," insert the word "River."

The amendment was agreed to.

The Clerk read as follows:

The Secretary of War is hereby authorized to accept from the citizens of Missoula, Mont., deeds donating to the United States the following-described lands for the enlargement of the military reservation of Fort Missoula, namely: The south half of the southwest quarter of section 25; the northeast quarter of section 35; the northeast quarter, the north half of the southeast quarter, and the north half of the northwest quarter of section 36, all in township 13 north and range 20 west, in Missoula County, Mont.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 108 strike out lines 24 and 25, and on page 109 strike out lines 1 to 8, inclusive.

Mr. HEMENWAY. The legislation has passed Congress authorizing the acceptance of this land, and for that reason I move to strike out this paragraph.

The amendment was agreed to.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, in accordance with the approved project, including maintenance and repair of existing improvements, to be expended by and under the direction of the Secretary of War, $250,000, to be immediately available and to remain available until expended.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 111, at the end of line 12, after the words "until expended," add a new paragraph, as follows:

"Mount Rainier National Park: For continuing the construction of the wagon road into said park heretofore surveyed and commenced under the direction of the Secretary of War, $30,000, of which $5,000, or so much thereof as may be necessary, shall be used by the Secretary of War in surveying and estimating the cost of a wagon road along the most practicable route from the eastern boundary of the Mount Rainier Forest Reserve into said park."

Mr. CUSHMAN. Mr. Chairman, in rising to support the amendment which I have just offered for consideration I feel impelled to state that I am very anxious for its adoption. This is one of the great national parks of the United States, and in my judgment—and I hope without undue personal pride in the matter—it is the greatest of the national parks. However, I must confess at the outset that this particular park seems to have been born or created under an unlucky star. This park was created by act of Congress of March 2, 1899. This act which created the park made no appropriation for its improvement or protection. For the next four years after its creation I engaged in a yearly struggle trying to secure a small appropriation upon the annual sundry civil appropriation bill to begin the work of building a road into this park. My efforts to secure the first appropriation for this park were doubtless amusing to other people, but not to me.

When I first asked for an appropriation for this park the Appropriation Committee of the House told me that before they could make any appropriation for me for this park that I must first secure an official survey of the proposed work and an estimate of its probable cost. I then went to the Executive Department of the Government having control and jurisdiction of this park—the Interior Department—and asked them to make me a survey and an estimate for this proprosed wagon road into the park. That Department informed me that before they could make me a survey and estimate that I must first secure an appropriation to pay for the same. So, Mr. Chairman, you will see that I could not get the appropriation because I hadn't secured the survey, and I couldn't get the survey because I hadn't secured the appropriation. [Laughter.]

As I now recollect, it seems to me that I spent a large part of the first three years of my public service chasing myself around the outside of that legislative circle trying to break through. It would have been lost time except for the fact that during those efforts I learned a number of the occult mysteries that surround the operations of this legislative body. I have merely mentioned this circumstance in proof of my assertion that this park was created under an unlucky star.

Finally, on the 11th day of February, 1903, I secured the passage by the House of the first appropriation of any kind that was ever made for this park. It was an amendment to the sundry civil appropriation bill, and read as follows:

Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for a wagon road into said park, and toward the construction of said road after the survey herein provided for shall have been made, $10,000.

You will notice by the language of this amendment just quoted that the survey and construction of this wagon road are to be under the jurisdiction of the War Department and under the control of the Secretary of War. I call attention to this because we have in relation to this park two Departments of this Government each of which possesses a certain jurisdiction therein. In the first place, section 2 of the act of March 2, 1899, creating this park, placed it "under the exclusive control of the Secretary of the Interior." That provision has never been changed or modified in any particular except in relation to the building of this proposed wagon road into the park. The survey of this wagon road and the building of the same, by virtue of the language of this provision making this $10,000 appropriation, are left within the jurisdiction of the War Department. I desired to make this matter of joint jurisdiction clear to the Members of the House before proceeding to the consideration of my amendment asking for $30,000 additional for further work on this wagon road.

I will also insert at this point in my remarks a copy of an official letter from the Secretary of the Interior to the chairman of the Senate Committee on Forest Reservations and the Protection of Game, in which the Secretary states that his Department has no objection to the appropriation of $50,000 for the purpose of improving this park. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1904.

Hon. J. R. BURTON,
Chairman Committee on Forest Reservations and the Protection of Game, United States Senate.

SIR: Your letter of the 9th instant has been received, inclosing, with request for report thereon, Senate bill 342, for the improvement of the Mount Rainier National Park, in the State of Washington. The bill, in terms, is as follows:

"*Be it enacted, etc.*, That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $50,000, to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads."

In response thereto I have the honor to state that I have no objections to interpose to the passage of this bill, provided that the moneys therein authorized to be expended are made available until used.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

Of course, it will be understood that this letter from the Department of the Interior is entirely separate and distinct from the recommendations of the War Department in relation to this park. Before I close my remarks I will show you that these two Departments in substance ask for $50,000 each for improvements in this park. The War Department asks for $30,000 to continue work upon this wagon road which has been surveyed, and the $50,000 which the Secretary of the Interior mentions is for the general improvement of the park and the construction and repair of bridges, fences, roads, and trails, and also for the general protection of the park.

Now, after this appropriation of $10,000 was made, a year ago, I called in person at the office of the Corps of Engineers of the War Department and asked that the survey of this wagon road be made as soon as possible and an estimate of the cost of the same be prepared as soon as the survey was completed, and that the same be forwarded from the local office in the State of Washington to Washington City in time for consideration by the Appropriation Committee this winter. My reason for being very anxious to have this estimate returned before the Appropriation Committee finished the consideration of this bill was that I had learned that in all cases of this kind where there was a proper estimate before the committee they usually made an appropriation of some amount, whether it was the full amount of the estimate or not.

Now, then, when I asked the War Department a short time ago to forward to the Appropriation Committee the estimate of money needed during the next year for work on this wagon road, you may imagine my surprise when that Department informed me that certain maps and estimates had been forwarded from the State of Washington to the War Department, but by reason of the sickness of one of the employees who made the survey that the detailed estimate had not yet been forwarded to the War Department, and that pending the receipt of such detailed report no estimate for this work during this present year had been forwarded to the Secretary of War for transmission to Congress. I attach hereto the letter of the Chief of Engineers to me upon this subject.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 21, 1904.

Hon. F. W. CUSHMAN,
House of Representatives of the United States.

DEAR SIR: 1. In compliance with your telephonic request, I take pleasure in furnishing you the following statement as to the status of the work on the survey of Mount Rainier National Park.

Work was authorized by sundry civil bill approved March 3, 1903. It was assigned by the Secretary of War to Maj. John Millis, Corps of Engineers. The work was begun July 9, 1903, and the field work of the survey completed late last fall. Maps and estimates were prepared during the winter, and on February 9, 1904, were forwarded to the Chief of Engineers.

2. Owing to the illness (typhoid fever) of the civilian employee who made the survey, the plans and estimates were not accompanied, as is usual, by a detailed report. Pending the receipt of such detailed report the estimates have not been forwarded to the Secretary of War for transmission to Congress. A telegram of Maj. John Millis, dated March 15, 1904, stated that the illness of the above-mentioned employee still continued, but that it was hoped to forward the detailed report in the near future.

3. The approximate cost of the survey, as made, amounted to about $5,000,

and that, under the terms of the act providing for the survey, leaves $5,000 to be applied toward the construction of said road. This amount, however, is so small that in the absence of any additional appropriation by Congress it will hardly be worth while to begin work.

4. Major Millis's estimate of the cost of constructing the road is $183,000.50, which covers a road extending from the west boundary of the reserve via Longmire Springs, Cristino Falls, and Upper Paradise Valley to Camp of Clouds, a total distance of about 24½ miles. Of this amount it is estimated that $50,000 can be profitably expended in the fiscal year 1905.

5. For your information I also send a series of tracings, showing plan of the road, and a book of photographs taken during the progress of the survey. Please return the tracings and photographs when they have served your purpose, as they form part of the files of this office.

Very truly, yours,

A. MACKENZIE,
Brigadier-General, Chief of Engineers,
United States Army.

Mr. Chairman, when I read that letter stating that no formal estimate for this work had been forwarded, I was confirmed in my belief that this park is indeed unfortunate as far as securing appropriations for its improvement is concerned. However, I called immediately in person upon the Chief of Engineers and explained this matter to him and the urgency thereof, and under the circumstances and having really sufficient data at hand he kindly consented to send a preliminary report and estimate on this proposition to Congress for consideration. This he did under date of March 22—six days ago. I will include that report in my remarks, it being as follows:

[House of Representatives, Document No. 631, Fifty-eighth Congress, second session.]

ROAD INTO MOUNT RAINIER NATIONAL PARK.

WAR DEPARTMENT,
Washington, March 22, 1904.

SIR: I have the honor to transmit herewith a letter of this date from the Chief of Engineers, United States Army, submitting a preliminary report on the survey of a road into Mount Rainier National Park, as authorized by the provisions of an item contained in the sundry civil act approved March 3, 1903, as follows:

"Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for a wagon road into said park, and toward the construction of said road after the survey herein provided for shall have been made, $10,000."

Very respectfully,

WM. H. TAFT,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 22, 1904.

SIR: I have the honor to submit herewith, for transmission to Congress, a preliminary report on the survey of a road into Mount Rainier National Park, as authorized by the following provision of the sundry civil act, approved March 3, 1903:

"Mount Rainier National Park: To enable the Secretary of War to cause a survey to be made of the most practicable route for a wagon road into said park, and toward the construction of said road after the survey herein provided for shall have been made, $10,000."

By authority of the Secretary of War the work provided for in the above act was assigned to the charge of Maj. John Millis, Corps of Engineers. Work was begun July 9, 1903, and the field work of the survey completed late last fall. Maps and estimates were prepared on February 9, 1904, and forwarded to this office. Owing to the illness (typhoid fever) of the civilian employee in charge of the survey party it has not been practicable as yet to submit a detailed report.

The route selected by Major Millis and covered by the survey extends from the west boundary of the reserve via Longmire Springs, Christine Falls, and upper Paradise Valley to Camp of Clouds, a total distance of about 24½ miles.

A detailed estimate of the cost of the work is as follows:

West boundary of reserve toward Longmire Springs, 5½ miles:		
42 acres, clearing, at $150	$6,300.00	
18 acres, grubbing, at $170	3,060.00	
31,000 cubic yards earthwork, at 30 cents	9,300.00	
54,000 square yards surfacing, at 5 cents	2,700.00	
Drainage	465.00	
5½ miles, at about $3,800		$21,825.00
Continuing to Longmire Springs, 4 miles:		
30 acres, clearing, at $150	4,500.00	
12 acres, grubbing, at $170	2,040.00	
35,000 cubic yards earthwork, at 30 cents	10,500.00	
1,000 cubic yards rockwork, at 60 cents	600.00	
37,600 square yards surfacing, at 5 cents	1,880.00	
Drainage	580.00	
4 miles, at $5,050		20,100.00
Total to Longmire Springs, 9½ miles, at $4,300		41,925.00
Longmire Springs to Christine Falls, 4.4 miles:		
32 acres, clearing, at $150	4,800.00	
14 acres, grubbing, at $170	2,380.00	
35,000 cubic yards earthwork, at 30 cents	10,500.00	
1,200 cubic yards rockwork, at 60 cents	720.00	
330 cubic yards retaining wall, at $1.25	412.50	
41,400 square yards surfacing, at 5 cents	2,070.00	
Drainage	678.00	
4.4 miles, at $4,900		21,560.50
Christine Falls to Glacier, 1 mile:		
7 acres, clearing, at $150	1,050.00	
4 acres, grubbing, at $160	640.00	
18,000 cubic yards earthwork, at 30 cents	5,400.00	
2,700 cubic yards rockwork, at 60 cents	1,620.00	
1,700 cubic yards retaining wall, at $1.25	2,125.00	
9,400 square yards surfacing, at 5 cents	470.00	
Drainage	195.00	
1 mile, at $11,500		11,500.00
Glacier to upper Paradise Valley, 7.1 miles:		
57 acres, clearing, at $120	$6,840.00	
25 acres, grubbing, at $140	3,500.00	
80,000 cubic yards earthwork, at 30 cents	24,000.00	
49,400 cubic yards rockwork, at 60 cents	29,640.00	
8,600 cubic yards retaining wall, at $1.25	10,750.00	
66,740 square yards surfacing, at 5 cents	3,337.00	
Drainage	1,453.00	
7.1 miles, at $11,200		$79,520.00
Upper Paradise Valley to Camp of Clouds, 2.3 miles:		
14 acres, clearing, at $100	1,400.00	
9 acres, grubbing, at $100	900.00	
23,000 cubic yards earthwork, at 30 cents	6,900.00	
2,000 cubic yards rockwork, at 60 cents	1,200.00	
21,600 square yards surfacing, at 5 cents	1,080.00	
Drainage	480.00	
2.3 miles, at $5,200		11,960.00
Van Trump Creek bridge	2,000.00	
Nisqually River bridge	1,500.00	
Paradise River bridge, first crossing	1,200.00	
Paradise River bridge, second crossing	700.00	
Paradise River bridge, third crossing	600.00	
Other bridges	2,000.00	
Total for bridges		8,000.00
Engineering, superintendence, and contingencies		8,535.00
Total for road from west boundary of reserve to Camp of Clouds		183,000.50

Of this amount Major Millis estimates that $50,000 can be profitably expended in the fiscal year 1905.

Very respectfully, your obedient servant,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

Hon. WILLIAM H. TAFT,
Secretary of War.

Now, Mr. Chairman, of course it was in entire harmony with the unfortunate financial history of this particular park that this report and estimate should reach the Appropriation Committee just about six hours after they had reported this sundry civil appropriation bill to the House—without any item of appropriation contained therein for this park.

Now, that in brief is the history of this matter. If this report and estimate had reached the Appropriation Committee six hours earlier I am convinced that they would have either appropriated $50,000, as recommended, or some portion of it for the continuation of the construction of this wagon road. As neither myself nor my colleagues on this floor were to blame for that delay I hope the Committee of the Whole will agree to this amendment which I have offered asking for $30,000. I desire in this connection also to state that I am not blaming any officer of the Government for this delay. It was a delay that was occasioned by the sickness of an employee, and no blame is properly attachable to anyone.

Now, out of this $10,000 heretofore appropriated for the survey of this wagon road the survey only cost $5,000. Therefore, we have now on hand $5,000 of this original amount, which we can apply on the cost of the construction of this wagon road. Now, if you will give us the $30,000 additional asked for in this proposed amendment, that will give us $35,000 with which to commence the real work of the improvement of this park. Of this amount $6,000 can be used by the Secretary of War in making a survey and estimate for a wagon road from the eastern boundary of the Mount Rainier Forest Reserve into said park. I certainly trust this amendment proposed by me will be adopted. With this statement I submit the amendment.

The CHAIRMAN. The Chair understands that no point of order has been made against the amendment.

Mr. HEMENWAY. Mr. Chairman, I understand it is not subject to a point of order. It is work in progress. The estimate came to the committee after the bill had been reported. The Government has heretofore expended $10,000, or $10,000 was appropriated in the last sundry civil bill. Five thousand five hundred dollars has been expended, and therefore there is nearly $5,000 available for the construction of this road. They have commenced the construction of the road, and it is now up to Congress to determine whether they will continue it.

Mr. JONES of Washington. Mr. Chairman, there are two propositions in this amendment. One is to continue work already commenced on a road from the west into this park, under an appropriation made in the last sundry civil bill, and a proposition for a survey and estimate of the cost of a wagon road from the east.

This park is on the summit of the Cascade Mountains and is approximately 18 miles square. Its scenic beauties must be seen to be realized or appreciated. Aside from the geysers and Grand Canyon, the beauties of the Yellowstone sink into insignificance beside the grandeur of this park. Beautiful streams, primeval forests, grand cataracts, eternal glaciers, and awe-inspiring mountains are found here as nowhere else in this country. No one can behold the scenes that here greet the eye and not be made better.

Standing on a mountain top within 10 miles of lofty Rainier, one seems to feel the presence of that mighty hand which molded the universe. You see a vast field of hills and hollows, dells and vales, fringed with evergreen and veined with threads of silver, while here and there are lofty mountains capped with eternal snows. Mount Rainier, Mount Adams, Mount Hood, Mount St. Helens, Three Sisters, and Mount Baker rise in majestic beauty above the crest of the Cascade range and stand like sentinels, guarding the priceless treasures of nature.

For ages the beauties which no words can portray delighted the eye of Omnipotence. It is a wise policy that will make them accessible to the people, and the more easily accessible the better. To visit them is to receive an inspiration that makes one a better man and a better citizen.

We want to get into this park: we want the people of the country to get into it. We want you people of the East to visit the Yellowstone and view its wonders, and then we want you to come and see the grandeur and beauty of a section far surpassing Switzerland.

I am glad the chairman of the committee does not oppose this amendment, and I trust it will be adopted.

The amendment was agreed to.

The Clerk read as follows:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park: for the compensation and expenses of two civilian commissioners, maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, inclosing Point Park; in all, $40,000.

Mr. MADDOX. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 111, line 21, after the word "dollars," insert:

"*Provided further*, To enable the Secretary of War, through the Commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Ga., through the Widow Davis crossroads and Baileys crossroads to Stevens Gap, a distance of 12 miles, $25,000.

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order on that amendment.

The CHAIRMAN. The Chair would ask the gentleman from Georgia [Mr. MADDOX] whether this road is outside of the park?

Mr. MADDOX. A good portion of it is. I will say that I would just as soon the gentleman from Indiana [Mr. HEMENWAY] would make the point of order at this time.

Mr. HEMENWAY. Then, Mr. Chairman, I make the point of order that this is new legislation, as it is the construction of a road not on Government property.

The CHAIRMAN. The Chair feels compelled to sustain the point of order.

Mr. MADDOX. I realize that this has been ruled out before on a point of order, Mr. Chairman. I felt, however, impelled to offer it now. At this time I shall move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. MADDOX. Mr. Chairman, I notice that $40,000 is here appropriated for Chickamauga Park. I will ask the chairman of the Committee on Appropriations what is the amount of fixed expenses of that park, how much money is left, after the salaries of the officers down there have been paid, to expend on that park? That is what I want to find out.

Mr. HEMENWAY. Salaries of commissioners and clerks, $16,836; completion of forest roads, $15,000; McFarland Gap road, one-half mile, $3,000; regulating Point Park, including wall and gateway, $9,600; guttering of 5 miles of important roads, $5,000; general maintenance of roads, painting tablets and gun carriages, foundations, monuments, stationery, printing, and miscellaneous supplies, $4,000. There is a total there expended of $39,936, of which the sum of $16,836 was expended for salaries of commissioners and clerks.

Mr. MADDOX. Now, Mr. Chairman and gentlemen of the committee, I wanted to draw out that fact. Is it not a ridiculous proposition? Here are three commissioners and a whole lot of salaried officers down there who are paid $16,000 in order that they may expend $40,000. We had this question up some two or three years ago, and the gentleman from New Jersey [Mr. PARKER], whom I do not now see in his seat, then said that he had a bill which, I think, had been favorably reported by the Committee on Military Affairs, in which bill it was intended to put all of these national parks under one commission. That can be readily done.

Mr. HEMENWAY. Mr. Chairman, if the gentleman remembers, the Committee on Appropriations last year reported a provision doing away with all these commissions and put them in charge of a single officer, and the Committee on Military Affairs, I think, scolded us for it, made the point of order against our provision, and it went out.

Mr. MADDOX. Well, it does seem to me as though we ought to take this matter in hand ourselves. I remember that when our present Speaker was chairman of the Committee on Appropriations we had this same little debate about this subject, and he then expressed himself as favoring just what I am declaring now, that it is an outrage on this Government. Three commissioners can take charge of all these parks scattered all over this land, and then we will have an abundance of commissioners, so far as that is concerned. We have three commissioners at Chickamauga, two from civil life and one from military life, and I dare say that with the exception of General Stuart, who is now at Chattanooga, not one of them has spent twenty days in twelve months on that park. This money we are expending is supposed to be for the building up and beautifying of the park. I say, is it not time to call a halt? Three commissioners in the city of Washington can take charge of Gettysburg, Chickamauga, Shiloh, and all the other parks, if necessary, and then we can appoint a superintendent.

I believe we have only a superintendent up here at Gettysburg. He represents this Government on that great battlefield, and yet we have these three commissioners down there at Chickamauga, together with an engineer, an assistant superintendent, and a superintendent, and a whole lot of other officers doing absolutely nothing, and this continues from year to year. Everyone agrees with me, at least most of the Members do, yet we can not do anything in the matter.

Mr. HEMENWAY. I suggest that the Committee on Appropriations tried to do something along that line, but we can not legislate on an appropriation bill, and so the matter went out on a point of order.

Mr. MADDOX. I understand that, but I want to know what has become of the bill introduced by my friend Mr. PARKER? He promised to fix this thing three years ago.

Mr. SMITH of Kentucky. Mr. Chairman, I suggest to the gentleman from Georgia that he ask unanimous consent to incorporate that kind of a provision in this bill.

Mr. MADDOX. I will, if they will allow me and give me some time in which to draw it. I think we ought to abolish all these commissioners for these parks and establish one centrally located in the city of Washington with jurisdiction over all of them, and then let them appoint a superintendent, if necessary.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HEMENWAY. Mr. Chairman, in view of the statement of the gentleman from Georgia [Mr. MADDOX], I ask unanimous consent to later on offer a provision here, and would ask in that connection unanimous consent that in passing this item I may have the privilege to later recur to it and at that time offer the provision which was upon the sundry civil bill last year.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may be permitted to offer, at a later time, an amendment to the paragraph just read. Is there objection?

Mr. MANN. Mr. Chairman, does that mean that the amendment would be subject to a point of order?

Mr. HEMENWAY. Oh, my amendment would be subject to a point of order.

Mr. MANN. Then I suppose the gentleman means to ask unanimous consent to pass the item?

Mr. HEMENWAY. I do not mean to prevent anyone from making a point of order. I simply wish to offer the amendment.

The CHAIRMAN. The Chair understands that the gentleman simply asks unanimous consent to return to this item.

Mr. HEMENWAY. Anybody would have the right to make the point of order.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Indiana [Mr. HEMENWAY]; and permission is given.

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tenn.; for the compensation of three civilian commissioners and the secretary, clerical and other services, labor, land, and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, $20,000.

Mr. MADDOX. Can the chairman of the Committee on Appropriations tell us the expenses of maintaining this Shiloh National Military Park?

Mr. HEMENWAY. The items as I have them before me are as follows:

SHILOH NATIONAL MILITARY PARK.

Salaries	$12,000
Office expenses	1,500
Traveling expenses	300
Three concrete bridges to replace wooden structures	3,000
Labor on clearing land and extending roads and on State monument foundations	10,000
House for office and headquarters of the Commission	5,000
Incidentals	2,000
Total	35,000

The Clerk read as follows:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $60,000.

Mr. MAHON. I move to amend by striking out at the end of the paragraph just read "$60,000" and inserting "$100,000." In connection with this amendment I ask the chairman of the committee to state the various expenses, including salaries of commissioners, etc., for the maintenance of this park.

Mr. HEMENWAY. The expenses, according to the statement which I have before me, are—

GETTYSBURG NATIONAL PARK.

Salaries: Commissioners, etc	$18,000
Miscellaneous expenses of establishment	1,500
Land and legal expenses	9,000
Road construction	10,000
Bridges and fencing	6,000
Monuments, tablets, towers, etc	500
Stationery and printing	300
Labor	11,000
Rent	340
Fuel, ice, forage, and miscellaneous	3,000
Road repairs	360
Total	60,000

Mr. MAHON. Mr. Chairman, I live within a few miles of this great battlefield; I am thoroughly familiar with every portion of it. We have there three commissioners, whose salaries and expenses amount to $18,000 a year. Now, I do not think anyone would object to a proper expenditure for the building of roads in connection with this Gettysburg National Park. In this bill we appropriate in the aggregate for this park $60,000. We have there 40 miles of the finest macadamized roads in the country. A few miles are built every year. The method of the commissioners is about this: They go upon a man's farm and start condemnation proceedings, taking possibly half an acre, an acre, or 3 or 4 acres, as the case may be, right in the middle of the farm. The result is that the people owning land in that part of the country are in many cases practically denied the right to sell their property. Speaking for myself, I would not be willing to buy one of those farms within a certain radius of the battlefield, because of its liability to that sort of proceedings. I should not feel at liberty to put up any improvements, lest that any time condemnation proceedings might be started.

When such proceedings have been started the commissioners go away up to Scranton, 200 miles distant, and have a jury appointed to come down and fix the value of the land. Then the landowner takes an appeal. By the time the proceeding is finished an acre of land when finally condemned has probably cost $300 to $400.

I think the chairman of the committee will agree with me in my reasons for asking an increase of this appropriation. These roads have been projected. The avenues have been named after generals who were engaged in the battle there—for instance, there is Hancock avenue and Slocum avenue. Then, too, there is Confederate avenue, a mile long. Now, I say, let us complete these roads and be done with the matter. This commission can easily expend $100,000 there next year. In the course of a few years the whole system of roads can be completed.

I remember, Mr. Chairman, that some years ago—it was since I have been a Member of this House—the Military Committee, I believe it was, proposed an appropriation of $75,000 for the completion of these roads and avennes; and that commission asked that the appropriation be made $50,000. All these commissiors are simply twiddling and diddling along, expending as little money as they can and holding on to their positions. This policy is costing this Government thousands of dollars.

Now, let us be a little liberal. Let us give this commission $100,000 for the construction of these roads. I have no doubt that they will spend it properly. What is the use of making an appropriation of simply $60,000 for roads on this great battlefield, while something like $18,000 is spent for salaries and other incidental expenses connected with the commission? Let this system of road construction be completed promptly.

Mr. HEMENWAY. Mr. Chairman, we have already expended $715,000 on the Gettysburg Park. We propose to appropriate in this bill $60,000 more. I do not believe there is any necessity for expending a larger sum during the next fiscal year. There is no recommendation from the Department for a larger appropriation.

Mr. MAHON. We shall never get such a recommendation.

Mr. HEMENWAY. I repeat there is no recommendation from the Department in favor of a greater expenditure than $60,000.

Mr. MADDOX. I dare say now you have given every cent that these park commissioners have asked.

Mr. HEMENWAY. We have.

Mr. MADDOX. The gentleman over there is exactly right. They do not intend to ask for anything to finish this job. They want to hang on.

Mr. HEMENWAY. If the gentleman will permit me, my judgment is that it was finished long ago, if they will just quit. I hope the amendment will be voted down.

Mr. MAHON. The gentleman says there have been $720,000 expended.

Mr. HEMENWAY. Seven hundred and fifteen thousand dollars have been appropriated since 1896 for this park.

Mr. MAHON. How much of that has gone into the park?

Mr. HEMENWAY. Well, I can only judge by this report here. In one year we appropriated $82,000; in another, $75,000; in another, $80,000; and in another, $75,000. This last fiscal year we appropriated $60,000. Of that, $18,000 went for expenses of the commission, and so forth.

Mr. DALZELL. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Pennsylvania for a question?

Mr. HEMENWAY. I yield.

Mr. DALZELL. Is there not a resident superintendent on the ground at Gettysburg?

Mr. MAHON. No; only at the cemetery.

Mr. HEMENWAY. No doubt the gentleman from Pennsylvania knows more about it than I do—I understand there is a superintendent.

Mr. MAHON. No; they have the commission, and then they have men guarding the park.

Mr. DALZELL. If there is a superintendent over there—and there used to be—I should like to know what these commissioners are for? What do they do?

Mr. MAHON. I will answer the gentleman.

Mr. ROBINSON of Indiana. They are for ornamental purposes.

Mr. MAHON. There is a superintendent of the cemetery, but not of the park.

Mr. HEMENWAY. I will say to the gentleman from Pennsylvania that he will have to get that information from the gentleman from Georgia.

Mr. DALZELL. I should like to know what duties are performed by the commissioners?

Mr. MADDOX. They are in this for the salary.

Mr. MAHON. I want to say one word. There is a superintendent of the cemetery, but not of the park. He takes care of the cemetery and has nothing to do with the battlefield. There are three commissioners. Now, gentlemen talk about the expenditure of $720,000. Mr. Chairman and gentlemen of the committee, do you know that there are $1,400,000 worth of monuments on that battlefield that have not cost this Government one cent? The State of Pennsylvania purchased land, and associations formed by the regimental and brigade divisions of the Army from New York, Pennsylvania, and some of the Western States that fought the battle have purchased the land on which to erect their monuments. Some years ago the State of Pennsylvania and all these monumental associations conveyed to the United States Government all the land without the cost of one dollar to the United States. It belongs to the Government to-day.

Now, as I said before, that is the great historic battlefield of the country. You can not inscribe on any one of those monuments any sentiment of any kind. You merely have the name of the colonel or the general commanding the brigade and the number of men who were killed and wounded in action. It is to be an historic field and nothing else. We have preserved all lines. There is not a regiment on the Confederate side, there is not a brigade of the Confederate army, there is not a division whose location has not been marked with iron tablets, so that, in the future, if you gentlemen from the Southland want to put monuments to your brave men who fought and died on that field, you can put them there. We made that rule, that no sentiment should go onto a monument, in order to open the way for you, so that you can erect your monuments on that field.

Now, that battle was fought more than forty years ago. This commission has been in existence for about twenty years, I believe, and still we are making appropriations of $60,000 a year, to build those great avenues. Why, Confederate avenue alone is a mile long—a magnificent road. Every gun that was used on that line on the second day's battle, every cannon, is there in place to-day, with the name of the captain and the name of the officer who commanded it.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. MAHON. Yes.

Mr. PAYNE. Was not all that matter of the location of the guns and the different points upon the battlefield done by these

commissioners after hearing evidence on both sides, of Confederate and Union generals?

Mr. MAHON. Yes; it is all finished now. The only thing we are doing now is to construct these great avenues, to make macadamized roads. I ask this House to appropriate $100,000, so that this work may be completed and done with without having the Commission around from year to year.

Mr. SOUTHARD. Will the gentleman permit me to interrupt him?

Mr. MAHON. Certainly.

Mr. SOUTHARD. That may be true as to Gettysburg, but is it true as to the Vicksburg park?

Mr. MAHON. I do not know anything about that. There is no recommendation for over $60,000. The Battlefield Commissioners of Gettysburg sent in their estimate for $60,000. That estimate is sent here from the War Department, and you never get it above $60,000.

Mr. HEMENWAY. We appropriated $75,000 for the fiscal year 1903, $80,000 for the fiscal year 1902, and $75,000 for the fiscal year 1901. They have not laid out work that will cost more than $60,000 for the next fiscal year.

Mr. MAHON. As an individual, if I had a contract to do $60,000 worth of work, if I had to pay a foreman $18,000 there is not a man in this House but what knows I would become bankrupt. Why should we pay this man $18,000? I ask that this amendment may be agreed to, making it $100,000.

Mr. MANN. Mr. Chairman, the gentleman from Indiana, the chairman of the Committee on Appropriations, states that he proposes to offer an amendment, which will be subject to a point of order, in reference to these commissioners. I suggest to the gentleman that there is a much easier way to get at it by striking out this appropriation for these three commissioners.

Mr. HEMENWAY. Oh, no! I do not believe in legislating in that way. Of course they could go ahead and sue the Government in the Court of Claims and get a judgment for their salary. The only way to stop these commissioners is to meet it square in the face by legislative enactment on an appropriation bill.

Mr. MANN. And the gentleman proposes to oppose this item and insert an item in the appropriation bill which would be in conflict with another item of the appropriation bill.

Mr. HEMENWAY. No; I propose by legislation to abolish these commissioners.

Mr. MANN. The gentleman proposes to abolish the commissioners in one part of the bill, while there is another item appropriating for them.

Mr. HEMENWAY. Oh, no.

Mr. MANN. But there are other items that we have already passed as to some of these. If these commissioners ought not to be in existence we will give the committee a chance to vote on it.

Mr. HEMENWAY. If the gentleman will permit me for a moment.

Mr. MANN. Always.

Mr. HEMENWAY. If these commissioners were abolished there would be no necessity for the payment of their salaries.

Mr. MANN. If this item remains in the bill, making appropriation for these commissioners, they probably will still be appropriated for. The item would be contrary to another item of the bill. Now, if the gentleman proposes to offer his amendment that it go out of the bill, then there is another item to strike out the compensation of the three commissioners, and I shall make a motion, if the gentleman will not, and give the committee a chance to vote upon it.

Mr. HEMENWAY. If the amendment I offer is adopted, why, by unanimous consent, we can strike out all of these items.

Mr. MANN. I do not know whether that can be done by unanimous consent.

Mr. HEMENWAY. We will dispose of the amendment of the gentleman from Pennsylvania first, and then I will offer an amendment.

The CHAIRMAN. The Chair suggests that the presentation of the amendment be deferred until debate on the pending amendment is closed and the vote is taken. The gentleman from Illinois has the floor.

Mr. MANN. I have said all I care to say, and I yield the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. GROSVENOR. I would like to know what the pending amendment is.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. GROSVENOR. I only rose to say that if an attempt is made to abolish the commissioners of these parks, I shall then want to have something to say about that.

The CHAIRMAN. The question is on the pending amendment, offered by the gentleman from Pennsylvania.

The question was taken; and the amendment was rejected.

Mr. HEMENWAY. Now, I offer the following amendment, Mr. Chairman, which I think will do just as well to come in after the word "available," on page 113.

The CHAIRMAN. We have not as yet reached that point.

Mr. HEMENWAY. Then let it go in right where it is—on page 112, after the words "sixty thousand dollars," in line 17.

The Clerk read as follows:

Insert in line 17, page 112, after the word "dollars," the following:

"The Secretary of War is authorized and directed to prepare and submit, in the annual estimates, at the next session of Congress, a proposition providing for the consolidation of the existing commissions having charge of the several national military parks, or substituting therefor a commission, consisting of one or more members, to have charge and direction, under the War Department, of the future improvement, care, and maintenance of all of said military parks. The Secretary of War shall also submit estimates for each of said parks in accordance with the proposition herein required to be submitted."

Mr. HULL. Mr. Chairman, to that amendment I reserve the point of order.

Mr. GROSVENOR. I want to be understood that the point of order will be renewed if it is withdrawn.

Mr. HULL. If it is withdrawn, anybody else will have the right to make it at once. I want to say, Mr. Chairman, that during the last Congress the Committee on Military Affairs took up this question, and after considering it for some time came to the conclusion that when the parks were finished it would be a good idea to consolidate the commission; but I do not believe it is possible for any one commission to properly look after the interests of the Government. Take, for instance, Vicksburg; they are just commencing practically the main part of their work, and to abolish that commission and put it into the hands of a fewer number of men would, in my judgment, be unwise for the Government.

Mr. WILLIAMS of Mississippi. Was the gentleman from Iowa in a moment ago when it was disclosed that $16,000 salary was being paid at Chickamauga for the purpose of expending $40,000, of which this $16,000 was a part?

Mr. HULL. It is a little more than the expenditure of money. It is looking after the whole interests of the park in addition to the money appropriated. I am very free to confess that if these works were completed, it would be in the interest of economy to consolidate all of the commissions in one commission and under one head.

Mr. BURLESON. Is it not a fact that all of the work has been completed except the Vicksburg Park?

Mr. HULL. Practically; there is some work going on at Shiloh.

Mr. BURLESON. Then there is only one to look after, and that is Vicksburg.

Mr. HULL. No; the Vicksburg commissioners have had for the last year a constant study as to the lines and as to the proper marking of them. They have been hearing testimony from my State as to what time the regiments went into action, what should be inscribed on the monuments erected to mark the places for each regiment, and all those details. They have got together a vast amount of information at the expense of the Government. Now, not more than one of that commission could be placed on a consolidated commission, and none might be placed on it, and so it seems to me that the House would be doing a wrong at this time to arbitrarily consolidate all these commissions.

I think it will come in the next three years, and I think it ought to come, but I do not think the time has come yet to make that change. Mr. Chairman, I make the point of order.

Mr. SMITH of Kentucky. Mr. Chairman, I want to ask the gentleman what will be the objection to getting this information called for in the amendment for the next session of Congress and then enact legislation to take effect at a future date?

Mr. HULL. Well, I think it would be all right to make it take effect in 1907 or possibly in 1906.

Mr. SMITH of Kentucky. What is the objection to getting the information called for by the amendment and having it available at the next session of Congress and legislate acordingly?

Mr. HULL. I will state that that is what the Military Committee is trying to do—to pass a bill to consolidate the commission at a time when it will do no injury to the Government.

Mr. HEMENWAY. This amendment of mine simply provides that the Secretary of War shall secure the information and report to the next session of Congress a recommendation stating as to whether or not in his judgment these commissions can be abolished, and the whole work go into the hands of one man or a commission. It does not bind Congress to follow the recommendation at all, but simply asks that the Secretary of War shall get together the facts and make a recommendation to the next session of Congress.

Mr. HULL. We had that information from the Department at the close of the last session, and I think the Department believes that it can be done, and we expect to continue the hearing and report a bill at the next session. Mr. PARKER, of New Jersey, has gone into this subject very fully. If this amendment only calls for information, I am not particular about it, but the Mili-

tary Committee is doing the very line of work suggested by the amendment of the gentleman from Indiana.

Mr. HEMENWAY. The House has not had the information.

Mr. HULL. Some information has been submitted by the gentleman from New Jersey in a report on this very subject, and his report was made to the Fifty-seventh Congress. The gentleman from New Jersey [Mr. PARKER] and the gentleman from Minnesota [Mr. STEVENS] have given this subject much time, and during the next year I think the Committee on Military Affairs will report a measure to bring about a proper consolidation of all these commissions.

Mr. GARDNER of Michigan. Mr. Chairman, it is true these various military park commissions involve a relatively large expense, but I hope the House will heed the suggestions made by the gentleman from Iowa [Mr. HULL] looking to their abolition next year. These commissioners are more than mere caretakers of the grounds. I speak particularly of Chickamauga, because as a boy in the ranks I was in that battle, and several years ago I was there again with General Stuart, of the Confederate army, and General Boynton, of the Union Army, and noted their critical knowledge of the relative positions of the lines of the two armies at various stages of the battle, and with what care they endeavored to locate the positions occupied by different commands during the engagement, in order that the monuments and markers should be properly placed. The commissioners are presumed to be thorough students of the battlefields with which they have to do.

They know, or are supposed to know, from the best data obtainable, except possibly the men who were on the ground, the relative and absolute positions occupied by batteries, regiments of infantry and cavalry during an engagement, where general officers fell, and where crucial points in the battle were contended for. They have not only made a thorough study of the field and of official reports, but have gone with surviving participants time and again seeking to locate the position of various commands. This is all important for the truth of history, and can only be determined by those who were there.

Those who visit these fields of strife in the great war will want to feel that the position of the troops are correctly marked. The main point, as I understand it, of the duties of these Commissioners is to see that the lines of battle are properly indicated and that the markers and monuments are so situated as to correctly represent the positions occupied by the troops at the time the battles were fought, not at Chickamauga alone nor at Gettysburg, but in all the military parks owned and cared for by the Government.

I perfectly agree with the gentleman from Iowa that when this has been done, and it will be done very soon, then it will be well to pass a law limiting the amount that the Government shall pay out for general supervision and care. This is now too much except for the reasons I have just stated. These battlefields for a thousand years to come will be the Mecca of patriotic Americans, and from them they will drink in common lessons of patriotism, of fidelity, and devotion to the Union. Let us now, while men live who can mark the positions, complete this work we are engaged in and then make retrenchments.

Mr. SOUTHARD. Mr. Chairman, it seems to me that something ought to be done to decrease or do away with the cost of caring for these national parks. I would be in favor of this amendment offered by the gentleman from Indiana [Mr. HEMENWAY], but it seems to me that it covers something which obviously ought not to be done. I notice in the report of the committee that the appropriation for Chickamauga Park last year was $40,000. The estimated appropriation for 1905 is also $40,000; for Gettysburg last year it was $60,000, and the estimated appropriation for 1905 is also $60,000. The appropriation for Shiloh was $10,000. The estimated appropriation for 1905 is also $10,000. When we get to Vicksburg, the appropriation for 1904 we find was $50,000, while the estimated appropriation for 1905 is $100,000.

I happen to know something about what the commission in charge of the Vicksburg Park is doing. I know they have just commenced a great work at that place. I know enough about it to know that no new commission could take up that work and go on with it as advantageously as the present commission. Obviously no new commission could be appointed to take the place of that commission, and the amendment which the gentleman from Indiana has offered ought to be such as to preclude the possibility of any change in the commission at Vicksburg Park at this time. It seems to me that is obviously true. The gentleman from Michigan [Mr. GARDNER] has stated that part of what the work of this commission consists of is the laying out of the park, determining the great historical points in the park, and that that is a great study. It is something that requires not only critical study, but study for a considerable period of time. I think that the situation at Vicksburg Park is such that no amendment or proposition to consolidate these different boards ought to interfere with.

Mr. MADDOX. Mr. Chairman, as I said before, this subject has been under discussion for some time, and some two years ago—I believe exactly two years ago, in the Fifty-seventh Congress—the present Speaker of the House and the gentleman from New Jersey [Mr. PARKER] and myself had some controversy about the matter. The Speaker of this House, then chairman of the Committee on Appropriations, replying to the gentleman from New Jersey, said:

> Now, I want to say to my friend from New Jersey that of all these commissions, so far as I know and believe, the Chickamauga Commission has done its work most promptly, and I was gratified when General Boynton, one of these commissioners, in the examination and hearings before the subcommittee, stated that after this year there was no further use for that commission; that he was satisfied that one commissioner could do the work, or it could be done without a commissioner. That is a little extraordinary when somebody that belongs to a commission should suggest that at some time it may be dispensed with.

Now, this is from one of the oldest Commissioners that we have and probably one of the most experienced. I take it for granted that if we were to appoint a national committee, he, General Boynton, would be at the head of it. According to our present Speaker, at that time he made the statement that that commission had served its usefulness, and that there is now no further necessity for it. Who knows better than he? The gentleman on my right here said that we ought to finish this work. The difficulty about most of these Commissioners is that they do not ask for appropriations large enough to ever finish the work. That is not the thing they are after. They do not want to finish the job. General Boynton says that his is finished, practically; that one Commissioner can look after it, or even no Commissioner at all. What I have contended for all the time is that three Commissioners located in the city of Washington can attend to all this business and do it just as well and better, perhaps, because then they will have enough to keep them busy—that is, if they take charge of all of the military parks.

The Chickamauga battlefield is in my district. These points that gentlemen are talking about are all located. They have all been surveyed and marked out. Any State that wants to erect a monument will find the space for it already determined. Parties wanting to locate these monuments can go there and will find everything in readiness for them. One commissioner, if necessary, sitting here in Washington, can give directions to any State or organization of troops as to where its monuments belong, because there is a map prepared of the whole battlefield showing where all the troops were engaged. But in addition to that we have here the evidence of General Boynton, given before the committee—and he is one of the most experienced men in this business that I ever knew—that so far as Chickamauga is concerned the necessity for commissioners no longer exists. Instead of paying one-half of the appropriation of every year for officers' salaries, let it be spent on the park under the supervision of a superintendent, who can do the work better than forty high-priced commissioners.

Mr. GROSVENOR. Mr. Chairman, I rose originally to make a point of order against this amendment because, as I understood, it proposed at once to dispense with these commissions. I want only to say now that I recognize the time will come when there will be no necessity for these commissions, and certainly their abolition will be a matter of retrenchment that every member of the committee would like to vote for whenever it is the proper thing to do.

The suggestion made by the chairman of the committee, as I understand, is simply to call upon the Secretary of War for a report to be furnished next December taking into consideration the proposition to consolidate these boards into one general central authority. Members of this Committee of the Whole must see how widely members of the committee differ upon this point.

Some think that at present we might abolish these commissions and trust to the formation of a single central authority. Others seem to be opposed to any change and want to keep these commissions right along. It seems to me that a middle course and a fair ground to stand upon would be to adopt the amendment offered by the chairman of the committee, and let us secure the information which his proposition contemplates.

I do not quite agree with the gentleman from Georgia [Mr. MADDOX] that the work at Chickamauga is entirely accomplished. He will bear in mind——

Mr. MADDOX. The gentleman will allow me to say that in stating that the work there was finished I did not give that statement as my own conclusion. I quoted it from General Boynton himself.

Mr. GROSVENOR. He was speaking of Chickamauga proper. But under the present arrangements, as I understand, the title of that park is now Chattanooga and Chickamauga National Park——

Mr. MADDOX. It always has been.

Mr. GROSVENOR. Which takes in a series of monuments—quite a number of them not yet erected—one proposed to be put on

Orchard Knob by the State of Ohio, and another at another point, and there is a very bitter controversy among gentlemen now as to where a certain brigade ascended Missionary Ridge at the battle of that name. Those are things which as yet seem to be unfinished.

As to the battlefield of Chickamauga proper, everything, it seems to me, is done. The monuments are there. My friend from Michigan [Mr. GARDNER] has commented upon the fact that the monument of my regiment is there, one which Ohio builded long ago. Before I was a Member of Congress 153 monuments were erected under the supervision of a commission of which I was a member. The most active member of that commission was the present postmaster of the House, Captain McElroy, who knows more about the battlefield of Chickamauga in all its details than any other living man—more than the men who made official reports of the battle; for Captain McElroy has had the benefit of a thorough study not only of the reports, but of the physical features of the field itself, and was a gallant soldier in the battle.

I agree, therefore, there is no occasion for a commission so far as the completion of Chickamauga is concerned, and I have no doubt that next December we shall have a report, backed up by the unanimous voice of the commission itself, that the purpose of this amendment may be carried into effect. I quite concur in what the gentleman from Michigan [Mr. GARDNER] has said, that these commissions ought to complete their work, and I believe that the time has come when, by obtaining such information as this amendment contemplates, we shall be ready to act intelligently at the proper time.

Mr. HULL. I make a point of order on the amendment, and ask for a ruling.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk read as follows:

California Débris Commission: For defraying the expenses of the Commission in carrying on the work authorized by the act of Congress approved March 1, 1893, $15,000.

Mr. OLMSTED. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend by adding at the end of line 22, page 114, the following words, viz: "No part of the said sum shall be expended except in the reimbursement of the commission or members thereof for expenses actually incurred in the performance of their duties in carrying on said work, which said expenses shall not have been paid nor be payable from any other fund."

Mr. OLMSTED. I will ask the chairman of the Committee on Appropriations if there is any objection to that amendment?

Mr. HEMENWAY. Mr. Chairman, I reserve the point of order. The California Members, who are particularly informed about this item, are not here, and I hope the gentleman will not offer the amendment.

Mr. OLMSTED. The act authorizing the commission says the commissioners shall be officers of the United States Engineer Corps. This is simply for the expenses of the commission.

The CHAIRMAN. The Chair would like to hear this discussion.

Mr. HEMENWAY. I was simply asking the gentleman if he would not withdraw the amendment.

Mr. HULL. What is the object of it?

Mr. OLMSTED. I do not want them to get pay out of two or three funds, that is all.

Mr. HEMENWAY. Here is what occurred in the committee:

STATEMENT OF MAJ. F. H. HODGES, CORPS OF ENGINEERS, UNITED STATES ARMY.

Mr. GILLETT. "For defraying the expenses of the Commission in carrying on the work authorized by the act of Congress approved March 1, 1893, $15,000." Last year you also had $15,000, and for several years preceding?

Major HODGES. Yes, sir.

Mr. GILLETT. Is it to do the same work?

Major HODGES. Yes, sir; it is simply clerical work. It is looking after hydraulic mining, and regulating hydraulic mining, in the State of California. The gold mining has brought down a large amount of silt and gravel, where the mining is carried on, into some navigable rivers; and it is a question of impounding that débris in order to protect the navigable rivers. This Commission is authorized to regulate that in this way, in that it passes upon permits. The law requires that any person desiring to enter into the business of hydraulic mining must first obtain a permit of a certain character; and this Commission passes upon these permits.

Mr. GILLETT. What are they?

Major HODGES. They are engineers stationed in San Francisco. When it is actual construction work that is to be done—as it is, for instance, in the Yerba—the commission works in conjunction with the State of California. A large sum was appropriated in the last river and harbor act for construction work in the Yerba River; and half of the amount for supervision and regulation by the commission was appropriated for by the State of California and half by the Government. This, however, is simply for the expenses of maintaining the office and in visiting localities and the issuance of permits, etc.

I am afraid the gentleman's amendment will work the destruction of this commission, and I hope he will not press it.

The CHAIRMAN. The Chair understood the gentleman from Indiana to reserve the point of order.

Mr. OLMSTED. I do not think the amendment is subject to a point of order. It is simply a limitation upon the appropriation which is for the expenses of this commission.

Mr. HEMENWAY. I hope the gentleman will not press the amendment. I am pretty sure that if adopted it will destroy the value of this commission. I understand they are doing valuable work. I am not very familiar with it.

Mr. OLMSTED. Mr. Chairman, if I may be heard upon the amendment——

Mr. HEMENWAY. I reserve the point of order, so that the gentleman can be heard.

Mr. OLMSTED. This commission was appointed by act of 1893 for the purpose of preventing the accumulation of débris in the rivers in California, resulting from mining. The commission is composed of three officers of the United States Engineer Corps. I know of no reason why such a commission should have been appointed for California more than for any other State. In Pennsylvania we have mountains of débris, resulting from mining, washed down into the rivers by every flood, doing damage to property, obstructing navigation, and so forth. But this commission has been appointed. These commissioners are paid their salaries as officers of the United States Army, and the act of 1893 provides that they shall receive no other compensation. The same act provides for the levying of a tax of 3 per cent upon the gross receipts of certain hydraulic mining, and that constitutes a fund from which some of the expenses of this commission are paid.

I assume also that provision is made in the army appropriation bill for traveling and other expenses of these army officers, the same as for other army officers of like grade. Now we have this third appropriation of $15,000 for the expenses of this commission, and my amendment simply provides that no part of it shall be paid except in reimbursement of actual expenses which have not been paid and are not payable out of any other fund. In other words, I do not desire that this appropriation shall constitute an additional compensation of $5,000 per annum to each of these commissioners.

Mr. HEMENWAY. I have nothing further to say on the point of order.

The CHAIRMAN. The amendment seems to provide, first, that nothing shall be paid from this appropriation except the expenses of the commission or members thereof; second, that no expenses shall be paid except those which have not been paid or provided for from some other fund. Both these branches of the amendment would seem to be a limitation on the appropriation, and the point of order is overruled. The question is on agreeing to the amendment.

Mr. HEMENWAY. I hope the committee will vote down the amendment. There is much work connected with this commission that has got to be paid for that can not be paid if the amendment of the gentleman should prevail.

Mr. OLMSTED. If there is any work that has to be done, this amendment does not prevent the payment for it. It simply seeks to prevent two payments for the same work.

Mr. HEMENWAY. The book which the gentleman read from did not disclose the necessity for this amendment. I think if the amendment is put in here at all it would hamper and possibly destroy this commission.

Mr. OLMSTED. It simply provides against two payments for the same service.

Mr. HEMENWAY. I think not.

Mr. OLMSTED. I ask to have the amendment again reported, so that it may be understood.

The amendment was again reported.

The question was put upon agreeing to the amendment.

The CHAIRMAN. The Chair is in doubt.

Mr. OLMSTED. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 48.

So the amendment was rejected.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $10,500.

Mr. OTJEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting after line 9, page 119, the following:
"For the construction of a new barrack, $35,000."

Mr. HEMENWAY. I hope the gentleman will let this go as it is.

Mr. OTJEN. Do you make the point of order?

Mr. HEMENWAY. No; it is not subject to a point of order.

Mr. OTJEN. I would like to make a brief statement.

Mr. Chairman, the Northwestern Branch for Disabled Volunteer Soldiers is situated in the Fourth Congressional district of Wisconsin, the district which I have the honor to represent. During

last summer and last fall I paid several visits to this Home and inspected every part of it. From those visits I became thoroughly convinced that it was the duty of the Government to build an additional barrack—a two-story building that would accommodate about 150 men, one that is light, airy, warm, comfortable, and cheerful, such a building as they already have upon the grounds. That which struck me most unpleasantly in going over the Home was to see men housed in basements. One of these basements is known at the Home as the "gopher hole," and I am credibly informed that if they leave their shoes or clothing undisturbed for a few days they become moldy and musty.

Now, Mr. Chairman, the management can not be blamed for this condition of things, because the Home is filled from cellar to garret. Away up in the cupola in the main building men have been placed. The hall that was built for their amusement and recreation has been used and cots put in. Now, Mr. Chairman, I fully indorse the committee in its policy of economy in all things that are reasonable, but I do not believe we can economize in a matter of this kind. I do not believe where the health and comfort of these old men are at stake that we have a right to economize. It will probably be said that we are building a new Home in the South, known as the "Mountain Home," and we are building a sanitarium in South Dakota, which will relieve the condition of this and other Homes. I am of the opinion that this view is an error. I believe that the Home in the South will be practically filled by men living within a radius of 200 miles of that Home, and the sanitarium in South Dakota will take care of but a few hundred men. I venture the assertion that not for ten years to come will the demand for admission to these Homes be lessened.

These old men, over whose lives the shadow of night is so rapidly falling, and who are old and worn and have lost their vitality, who have not the vital force to resist disease, ought not to be housed in basements. We ought to place them in a light, airy, cheerful barracks, where they can spend the closing days of their lives with reasonable comfort. We ought to take care of these old veterans, the surviving heroes of that great civil strife, I think carefully and properly or not at all. I believe if this honorable committee which prepared this bill could go through this Home and make an examination and see these men in these basements there would be no opposition to inserting this amendment. I hope the amendment will be adopted. [Loud applause.]

Mr. HEMENWAY. Mr. Chairman, with all that the gentleman from Wisconsin has said as to the care of the old veterans I agree. There is no question about that; we all agree that they should be well cared for. But I do not think any man can truthfully say that this great Government is not taking care of them, as far as Soldiers' Homes are concerned, and taking care of them well. This is one of the oldest Homes we have. We have appropriated at different times for improvements there, and in this bill we provide, for elevators in the different barracks, $7,500. The buildings are only three stories high; but the inmates are getting old, and we put in elevators, so that they will not have to walk up the stairway. We put in for repairs at this Branch $35,000.

Now, we have constructed the Danville Branch, which takes care of many soldiers; we are constructing the Mountain Branch, which takes care of many soldiers; we are constructing the new Home at Hot Springs, N. Dak., which takes care of many more. In fact, we now have in course of construction barracks and quarters that will take care of about 1,200 additional inmates, and it was demonstrated beyond question that when the new Homes are completed, which will be during this fiscal year, we will take care of a great many more soldiers than we ever have had at any one time in these Homes.

Mr. OTJEN. May I ask the gentleman a question?

Mr. HEMENWAY. Certainly.

Mr. OTJEN. It is true, is it not, that the Board of Managers of the Soldiers Homes recommended barracks built at this point?

Mr. HEMENWAY. They recommended that barracks be built in a number of places, but when the question was put as to the necessity of these buildings, in view of the construction that was going on at the Mountain Home and at the sanitarium in North Dakota, and in view of the additional building at Danville, they admitted that we were correct and that there were places enough. Then they went further and agreed that hereafter all construction at Homes shall be of a temporary character.

Mr. GARDNER of Michigan. Mr. Chairman, there is another point I wish to emphasize in connection with what the chairman of the committee has said touching this matter. We have in the country a large number of State and Territorial Homes. In the hearings it was ascertained that these Homes, or at least a number of them, are not taxed nearly to their maximum capacity. There is a system of transfer existing between the National and State Homes, and vice versa, and the Government can have any soldier maintained in a State Home for $100. I can not say whether that is economy for the General Government or not, and yet, counting all the circumstances attending the National Home, I presume that it is.

The committee believe that we have reached or nearly reached the maximum of demand for our disabled soldiers of the civil war, and that we ought not, unless it seems really necessary, to expend more money in permanent improvements if our veterans, old and decrepit as they are, can be properly cared for without.

The case made by the gentleman from Wisconsin [Mr. OTJEN] may be true at every point, and yet we have in sight accommodations for 1,200 additional soldiers within a few months outside of the State Homes where many can be cared for, in addition to what we have now, as well as they are in the National Homes.

Mr. OTJEN. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Certainly.

Mr. OTJEN. The gentleman means that there will be accommodation afforded in the Southern Home, in the Mountain Home?

Mr. GARDNER of Michigan. There are at least three Homes where permanent improvements are being made that will accommodate in the aggregate about twelve hundred. Am I right?

Mr. HEMENWAY. That is about right.

Mr. OTJEN. Does not the gentleman think that in the vicinity of the Southern Home there will be a great many applicants right directly around the Home that will very nearly fill it?

Mr. GARDNER of Michigan. I learned on inquiry that men from that section of the country are in all our National Homes; that they are all asking to be transferred to the Home in East Tennessee, and to that extent it will relieve the congestion in the other Homes and provide for additional ones that may come.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For repairs, including the same objects specified under this head for the Central Branch, $26,000.

Mr. HEMENWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 120, after line 2, insert: "For extension and alteration of the hospital, $25,000."

Mr. HEMENWAY. Mr. Chairman, I will state that since the bill has been reported to the House it has been demonstrated by the board that they had to have additional hospital room at Togus, Me., and I am directed by the committee to offer that amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

State or Territorial Homes for disabled soldiers and sailors: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $950,000: *Provided*, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Mr. CRUMPACKER. Mr. Chairman, I desire to make the point of order against the proviso on the ground that it changes existing law. Congress, on the 27th day of August, 1888, passed a general law providing for the payment to the various States of $100 a year for each soldier or sailor admitted and maintained in Homes erected and supported by the States. There is absolutely no condition or qualification attached to the provisions of that bill. Acting under the authority of that law, and perhaps prompted in some degree by the provision it contained, twenty-seven States have established Soldiers' Homes, and twenty-one of the twenty-seven State Homes withhold or take from the soldiers a portion of the pensions which they draw from the Federal Government.

There is no law of Congress prohibiting States from availing themselves of this source of revenue. The State of Indiana has a Home in the district which I have the honor to represent, and it takes from every unmarried member all the pension above $8 a month, and from married members all pension above $12 a month, but that Home admits the wives and widows of soldiers, and for their support and maintenance it receives nothing from the Federal Government. Now, the point I make against the proviso is this, that it changes existing law in that it provides for the extinguishment of the liability of $100 each for the members of State Soldiers' Homes upon the payment of a less sum. I concede that Congress would have the right to appropriate for only a portion of the Federal liability under the act of 1888.

I concede that the House would have the right, under its rules, to impose limitations upon the appropriation. It might say that no part of the appropriation shall be used in the payment of the per capita support to any State Home where certain things were

done, but that sort of a limitation would not extinguish the liability. The act of 1888 creates a liability on the part of the Federal Government of $100 a year for each soldier or sailor maintained in a State Home, and under the rules of the House no provision which undertakes to cancel and extinguish that liability for a less amount than $100 is admissible upon an appropriation bill. This is not a limitation. The Chair is familiar with the fact that the precedents of the House in relation to the question of limitations upon appropriations are in hopeless conflict, but there are certain principles which are pretty generally accepted and understood.

The difficulty has not been in relation to the principles, but in their application to the facts in the particular case when the Chair made the decision. A proper limitation upon an appropriation is a restriction to a use that already is authorized by law, and if the appropriation bill contains a less appropriation than that provided for by law it is in order, but it does not extinguish the liability, and when it goes so far as to extinguish the liability then it is new legislation: it is in contravention of existing law. There can be no question that this provision does cancel and extinguish the liability of the Federal Government to the various State Homes. On an examination of the reports of the various State Homes I find that the Federal Government takes from the Homes on this account upward of $43.000 a year.

If this proviso did not extinguish the liability, it might be in order as a limitation, but it does extinguish the liability. It makes the appropriation for the full amount provided by Congress and then proceeds to require the managers of the State Homes to be charged with certain funds in their possession in making the payments. The law might as well say that the managers of the State Homes should be required to credit upon the liability a portion of any other legitimate fund in possession of the Home.

Of course, if it be the judgment of Congress that State Homes ought not to withhold from members of the Homes any portion of their pensions, Congress has the power to say so. It has not said so. Congress has declared, in its management of National Homes, that every member of a Home who leaves a wife in dependent circumstances on the outside, or a family in dependent circumstances, must deposit for their support one-half of all the pension he receives. The State Home of Indiana, instead of doing that, admits the wives of the soldiers and their widows, and it takes a small pittance of the pensions of the soldiers in order to accumulate a fund for the promotion of the comfort and welfare of all the members.

Now, Mr. Chairman, I have no doubt that this is new legislation, that it changes existing law in the fact that it undertakes to extinguish or cancel a liability with an appropriation of less than the full amount. It undertakes to legislate that a fund which legitimately belongs to the State Home shall not be used by the managers of that Home in its maintenance, but that it shall be credited upon the per capita contribution under the law of 1888. Therefore I insist that it is a change of existing law.

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana a question, the answer to which may perhaps throw some light on this subject. Does the gentleman say that Congress must make no distinction in the amount granted between those States which reserve a large part of the pension and those which reserve none?

Mr. CRUMPACKER. Congress may do that by proper legislation; but in order to do it it would be necessary to go back and amend the law of 1888. It can not be done on a general appropriation bill. That law makes no distinctions at all. In order to accomplish that purpose regularly under the rules of the House there must be an amendment of the law of 1888. It can not be done on an appropriation bill under the rules of this House.

I think I have noticed in the last few years a growing disposition to enact legislation on appropriation bills. Rule XXI is one of the most wholesome rules in the code of rules that govern this body; and I believe that if the rule were enforced strictly and every bit of new legislation cut off from appropriation bills, the result in the long run would be beneficial. And I believe that no Member of the House can do a greater service to the country than to insist upon an enforcement of that rule.

Such legislation as that suggested by the Chair is entirely competent to be adopted by the House. Under the guise of a limitation, the House might distinguish and provide no part of an appropriation shall be paid to a State Home that withholds any portion of the pensions from the members that it admits and supports; because that would not cancel the liability. The managers of the Home would still have a claim against the Federal Government for the unpaid balance. But when the provision is put in such form that it cancels and extinguishes the liability, then it enters into the domain of legislation. It changes existing law. And that is exactly what this proviso does.

Suppose the proviso had said that a part of a fund received from local taxation by a municipality in which a Home is situated shall be credited upon the Federal contribution. Would it not be new legislation? And can the pending proviso be distinguished in principle? It would be giving a fund to the Soldiers' Home upon the condition that they take money belonging to them legitimately and give the Federal Government credit, canceling thereby and extinguishing absolutely and unequivocally a liability fixed by existing law.

The CHAIRMAN. As stated by the gentleman from Indiana, this statute was passed in 1888. It provided that payment be made to the respective States and Territories having Soldiers' Homes at the rate of $100 per annum for each soldier who was an inmate. There is a limitation, however, that "the number of such persons for whose care any State or Territory shall receive the said payments under this act shall be ascertained by the Board of Managers of the National Home for Disabled Volunteer Soldiers, under such regulations as they may prescribe." Several years later an amendment was made in the appropriation as it appeared in the sundry civil bill, providing for payment under this statute with the limitation which appears as a proviso:

Provided, That one-half of any sum or sums retained by State Homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

That proviso has appeared in every sundry civil bill for now more than ten years. That act, however, it must be conceded, is only effective as a change of law for the year for which the appropriation is made.

The question arises, Is this a limitation? It will be admitted that the appropriation bill could create a limitation by refusing the whole amount or a part of it. The question which then arises is, Can a limitation be effected by means of a classification of any kind?

Perhaps there might be a classification that $100 should be given to a soldier who was 70 years old, or more, and a sliding scale granting lower amounts for those of lesser age. Possibly a classification might be made in accordance with the service of each inmate of the Home.

But it is unnecessary to decide these questions in order to reach a decision in this case. It is perfectly evident that this $100 was specified because that was regarded as a proper compensation, or donation—for it is more a donation than a compensation—to the State for the care of each soldier.

Now, certain of the States—twenty-one out of twenty-seven, it is stated by the gentleman from Indiana—reserve a share of any pension of a soldier who is an inmate of one of these State Soldiers' Homes; and in view of the fact that it was thought that $100 for each was fixed by the statute as a fair amount to be assigned to these respective States, it was considered equitable to make a distinction. If any State received a part of that $100 from any other source—namely, a pension paid by the United States Government—at least a part of the amount received might be deducted.

It seems to the Chair that this furnishes ground for a proper classification, and that it is a proper ground for a classification which creates a limitation under the rule. It would seem to be hardly fair to pay the full amount of $100 to States which reserve a very considerable share of the pension, and pay only the same amount to those States which reserve no share of the pension. They are certainly on a different footing, and if no other ground existed the fact would afford a reason why this is a proper limitation.

The Chair overrules the point of order.

Mr. CRUMPACKER. May I ask the Chair if, in his opinion, this extinguishes the liability of the Federal Government?

The CHAIRMAN. It would seem that that is not a question of parliamentary law; it is rather one of policy for the committee to consider.

Mr. CRUMPACKER. Now, I desire to move, for the purpose of having this question standing in the morning, to strike out the proviso. There will be other amendments offered, and I understand the chairman of the Committee on Appropriations [Mr. HEMENWAY] desires to make a motion that the committee rise. This will be in order in the morning.

Mr HEMENWAY. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] may make his motion now.

Mr. CRUMPACKER. I desire it to be entered now. I move to strike out the proviso.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] moves that the proviso on page 127, lines 12 to 14, be stricken out. Pending that motion, the gentleman from Indiana [Mr. HEMENWAY], chairman of the Committee on Appropriations, moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURTON, Chairman of the Committee of the

Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14416, the sundry civil appropriation bill, and had come to no resolution thereon.

LINN COUNTY, MO.

The SPEAKER laid before the House the following request from the Senate:

IN THE SENATE OF THE UNITED STATES,
March 30, 1904.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 8681) to detach the county of Linn, in the State of Missouri, from the western and attach it to the eastern judicial district of said State.

The SPEAKER. Without objection, this request of the Senate will be granted.

There was no objection.

MARY H. CORNELL.

By unanimous consent, on motion of Mr. SULLOWAY, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 76) granting a pension to Mary H. Cornell, and the same was referred to the Committee on Pensions.

HOUSE RESOLUTION NO. 278.

By unanimous consent, on motion of Mr. JENKINS, the Committee on the Judiciary was discharged from the further consideration of House resolution No. 278, and the same was referred to the Committee on Rules.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 1268. An act granting an increase of pension to John B. Hart;

H. R. 8836. An act granting an increase of pension to Benjamin Pitman;

H. R. 1882. An act granting an increase of pension to James Durkee;

H. R. 9815. An act granting an increase of pension to Ephraim O. Gilbert;

H. R. 11655. An act granting an increase of pension to James Lynch;

H. R. 5952. An act granting an increase of pension to William H. Kent;

H. R. 6859. An act granting an increase of pension to William A. Sheridan;

H. R. 10912. An act granting an increase of pension to Leonard J. Whitney;

H. R. 12050. An act granting an increase of pension to David R. Luttrell;

H. R. 9807. An act granting an increase of pension to Hugh S. Smith;

H. R. 1877. An act granting an increase of pension to George H. Suits;

H. R. 11894. An act granting an increase of pension to Jeremiah Sheldon;

H. R. 2572. An act granting an increase of pension to George W. Steffey;

H. R. 10822. An act granting an increase of pension to Andrew Smith;

H. R. 4353. An act granting an increase of pension to George Brown;

H. R. 9576. An act granting an increase of pension to Eli M. McElwain;

H. R. 5373. An act granting an increase of pension to Moten M. Pitts;

H. R. 1861. An act granting an increase of pension to James Wilkinson;

H. R. 11629. An act granting an increase of pension to Nannie J. McDowell;

H. R. 12457. An act granting an increase of pension to Nannie J. McGuckin;

H. R. 4943. An act granting an increase of pension to Thomas Morgan;

H. R. 4230. An act granting an increase of pension to Jasper M. Griggs;

H. R. 10901. An act granting an increase of pension to John Quinn;

H. R. 6024. An act granting an increase of pension to Calisto Castro;

H. R. 11175. An granting an increase of pension to Isaac S. Drummond;

H. R. 10919. An act granting an increase of pension to Susan E. Oliver;

H. R. 10586. An act granting an increase of pension to Joseph Longberry;

H. R. 2767. An act granting an increase of pension to John E. Neary;

H. R. 11649. An act granting an increase of pension to Malinda A. Myers;

H. R. 11141. An act granting an increase of pension to John B. Keller;

H. R. 8742. An act granting an increase of pension to Jason Robinson;

H. R. 6416. An act granting an increase of pension to Anna S. Dunn;

H. R. 7470. An act granting an increase of pension to Isaac B. Goforth, alias Napoleon B. Gordon;

H. R. 7244. An act granting an increase of pension to Williamina R. Allenbaugh;

H. R. 3288. An act granting an increase of pension to Nathan L. Meands;

H. R. 6848. An act granting an increase of pension to John W. Plattenburg;

H. R. 11692. An act granting an increase of pension to Mary J. Neeley;

H. R. 7698. An act granting an increase of pension to Benjamin R. W. Mockabee;

H. R. 6365. An act granting an increase of pension to John W. Hay;

H. R. 11939. An act granting an increase of pension to Charles C. Fisher, alias John C. Pickerell;

H. R. 5330. An act granting an increase of pension to Robert D. Gardner;

H. R. 2144. An act granting an increase of pension to Minerva A. Pool;

H. R. 3434. An act granting an increase of pension to Samuel Parmley;

H. R. 11597. An act granting an increase of pension to Amanthus P. Joyner;

H. R. 7487. An act granting an increase of pension to Francis Knapp;

H. R. 9834. An act granting an increase of pension to Elizabeth McL. Haughey;

H. R. 12053. An act granting an increase of pension to James Large;

H. R. 5262. An act granting an increase of pension to Irving Holcomb;

H. R. 2557. An act granting an increase of pension to James Carr;

H. R. 11066. An act granting an increase of pension to Joshua D. Griffith;

H. R. 9082. An act granting an increase of pension to Chester F. Kimball;

H. R. 6611. An act granting an increase of pension to Austin Murphy;

H. R. 1352. An act granting an increase of pension to Samuel McClure;

H. R. 10847. An act granting an increase of pension to James O. Knowles;

H. R. 7079. An act granting an increase of pension to John J. Fleming;

H. R. 4114. An act granting an increase of pension to Robert S. Carns;

H. R. 12191. An act granting an increase of pension to Henry D. Filkins;

H. R. 10531. An act granting an increase of pension to George W. Farr; and

H. R. 5008. An act granting an increase of pension to Henry McCord.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5188. An act for the relief of L. S. Watson Manufacturing Company of Leicester, Mass.—to the Committee on Claims.

Senate concurrent resolution No. 63:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey to be made of the Mermenton River from its headwaters at the junction of Bayous Des Cannes and Nez Pique (including those portions of Lake Arthur, Grand Lake, and White Lake lying directly across its course) to a point in the Gulf of Mexico, beyond the bar at its mouth, with a view of ascertaining the cost of securing a permanent channel to a depth of at least 20 feet—

to the Committee on Rivers and Harbors.

LEWIS AND CLARK EXPOSITION.

Mr. TAWNEY. Mr. Speaker, I renew my request for the consideration of the resolution which I offered last evening. I understand the gentleman who objected yesterday will not now object.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the consideration at this time of a resolution which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That during the remainder of this session the bill S. 276, entitled "An act to provide for the celebration of the one hundredth anniversary of the exploration of the Oregon country by Capts. Merriwether Lewis and William Clark, in the years 1804, 1805, and 1806, and for other purposes," shall have the privilege of bills reported from committees having leave to report at any time.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. CRUMPACKER. Mr. Chairman, I know of some legislation of general importance that is not privileged legislation, relative to the Philippine Islands. I do not believe that I ought to permit or consent to giving this legislation such privilege over legislation of that importance.

Mr. TAWNEY. I will say to the gentleman from Indiana this will not affect that question in the least. If we can get it up, we can dispose of it in half an hour. In its modified form I do not think the House will have any serious objection or will require any considerable time for its consideration.

Mr. CRUMPACKER. Do you believe you could get it through in half an hour?

Mr. TAWNEY. We could pass it in half an hour.

Mr. CRUMPACKER. If I had any idea that you could, I would not make any objection. I do not like the policy of advancing legislation of this character to the position of privileged legislation under these circumstances.

Mr. TAWNEY. If the gentleman will pardon me just a moment, this legislation is of just as high character as that which comes from the Committee on Appropriations. We provide $475,000 instead of $1,500,000. Of course the gentleman knows that legislation coming from this committee stands in the same position as that from the Committee on Appropriations relative to this character of legislation. If the bill should be considered and the House agrees to the amendment proposed by the House committee, it goes into conference and can be disposed of right away.

Mr. WILLIAMS of Mississippi. Why did not the gentleman include the Jamestown celebration?

Mr. CRUMPACKER. For the present I object.

The SPEAKER. The gentleman from Indiana objects.

ADJOURNMENT.

Mr. HEMENWAY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting, with a copy of a communication from the Commissioner of the General Land Office, a draft of a bill for the disposal of lots in the Fort Crawford military tract at Prairie du Chien, Wis.—to the Committee on the Public Lands, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CANDLER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13674) to amend an act approved December 16, 1878, and to authorize the Secretary of the Interior to grant additional water rights to hotels and bath houses at Hot Springs, Ark., and for other purposes, reported the same without amendment, accompanied by a report (No. 2039); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 44) as to the provisions of "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commission paid on void entries of public lands," approved June 16, 1880, reported the same without amendment, accompanied by a report (No. 2045); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BIRDSALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2259) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, submitted the views of the minority of said committee (Report No. 1904, part 2); which said views were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4648) granting an increase of pension to John T. Rader, reported the same without amendment, accompanied by a report (No. 2040); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4765) granting an increase of pension to Adrian Terry, reported the same without amendment, accompanied by a report (No. 2041); which said bill and report was referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4776) granting an increase of pension to Jesse Maurer, reported the same without amendment, accompanied by a report (No. 2042); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4915) granting an increase of pension to Daniel Taylor, reported the same without amendment, accompanied by a report (No. 2043); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14152) granting an increase of pension to John Middleton, reported the same with amendment, accompanied by a report (No. 2044); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 5028) granting an increase of pension to Charles W. Chargo, reported the same without amendment, accompanied by a report (No. 2046); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 556) granting an increase of pension to William Stall, reported the same without amendment, accompanied by a report (No. 2047); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2727) granting an increase of pension to Alice M. Stafford, reported the same without amendment, accompanied by a report (No. 2048); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2075) granting a pension to Claude C. Swafford, reported the same without amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3236) granting a pension to John McDermid, reported the same without amendment, accompanied by a report (No. 2050); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3352) granting an increase of pension to Mary M. Nash, reported the same without amendment, accompanied by a report (No. 2051); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4308) granting an increase of pension to Mary E. Pillow, reported the same without amendment, accompanied by a report (No. 2052); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4405) granting an increase of pension to Emma Thurston, reported the same without amendment, accompanied by a report (No. 2053); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4528) granting an increase of pension to Amanda M. Hand, reported the same without amendment, accompanied by a report (No. 2054); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4529) granting an increase of pension to Jesse N. Jones, reported the same without amendment, accompanied by a report (No. 2055); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 4531) granting an increase of pension to Julia C. Vanzant, reported the same without amendment, accompanied by a report (No. 2056); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4618) granting an increase of pension to William Varnes, reported the same without amendment, accompanied by a report (No. 2057); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4708) granting an increase of pension to Samuel Baily, reported the same with amendment, accompanied by a report (No. 2058); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4727) granting an increase of pension to William M. Tanner, reported the same without amendment, accompanied by a report (No. 2059); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4817) granting a pension to Cornelia A. Thompson, reported the same without amendment, accompanied by a report (No. 2060); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4919) granting an increase of pension to William C. Griffin, reported the same without amendment, accompanied by a report (No. 2061); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4935) granting a pension to John Waarsteson, reported the same without amendment, accompanied by a report (No. 2062); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 701) granting a pension to W. C. Montgomery, reported the same with amendment, accompanied by a report (No. 2063); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4110) granting a pension to Antoinette R. Smith, reported the same with amendment, accompanied by a report (No. 2064); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10824) granting an increase of pension to Capt. John B. Calhoun, reported the same with amendment, accompanied by a report (No. 2065); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11058) granting a pension to Mary Apple, reported the same with amendment, accompanied by a report (No. 2066); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11308) granting an increase of pension to Silas T. Overstreet, reported the same with amendment, accompanied by a report (No. 2067); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12297) granting a pension to James P. Hurst, reported the same with amendment, accompanied by a report (No. 2068); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13190) granting a pension to Eveline Crouch Dunbar, reported the same without amendment, accompanied by a report (No. 2069); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13363) granting an increase of pension to B. L. Commons, reported the same with amendment, accompanied by a report (No. 2070); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14149) granting an increase of pension to David Wills, reported the same with amendment, accompanied by a report (No. 2071); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (R. R. 14270) granting an increase of pension to Lucinda M. Thompson, reported the same with amendment, accompanied by a report (No. 2072); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOON of Tennessee: A bill (H. R. 14582) to create a recording district in the Indian Territory, with its office at Lindsay, Ind. T., and to establish a United States district court at Lindsay, Ind. T.—to the Committee on the Judiciary.

By Mr. ROBINSON of Arkansas: A bill (H. R. 14583) to create a new division of the eastern judicial district of Arkansas, and to provide for terms of court at Hot Springs, Ark., and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

By Mr. SLEMP: A bill (H. R. 14584) to provide for the improvement of the headwaters of Big Sandy River, in Virginia—to the Committee on Rivers and Harbors.

By Mr. DAYTON: A bill (H. R. 14585) to increase the efficiency of the personnel of the Navy and Marine Corps of the United States—to the Committee on Naval Affairs.

By Mr. LITTLEFIELD: A bill (H. R. 14586) to amend section 1 of "An act providing that plaintiff" may sue as a poor person, and so forth—to the Committee on the Judiciary.

By Mr. RODEY: A bill (H. R. 14587) providing for the disposition and safe-keeping of the records and archives of the United States Court of Private Land Claims—to the Committee on Private Land Claims.

By Mr. BREAZEALE: A bill (H. R. 14588) to authorize the Shreveport Bridge and Terminal Company to construct and maintain a bridge across Red River, in the State of Louisiana, at or near Shreveport—to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 14589) to provide for terms of the United States district and circuit courts at Washington, N. C.—to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 14590) to authorize the courts of county commissioners of Houston and Dale counties, Ala., to construct a bridge across the Choctawhatchee River between Houston and Dale counties, Ala.—to the Committee on the Judiciary.

By Mr. LOVERING: A bill (H. R. 14591) to provide for the temporary government of the territory or zone of land to be occupied and controlled by the United States for the construction of an interoceanic canal and other works necessary and convenient for the operation and protection of said enterprise, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. OTIS: A joint resolution (H. J. Res. 139) to provide for a survey of Echo Bay, New York, with a view to the removal of Long Rock—to the Committee on Rivers and Harbors.

By Mr. KYLE: A resolution (H. Res. 279) for the relief of Richard T. Corbin—to the Committee on Accounts.

By Mr. DE ARMOND: A resolution (H. Res. 280) that the Speaker appoint a committee of five Members of the House to fully investigate the Post-Office Department and report to the House at as early a date as may be practicable—to the Committee on Rules.

By Mr. GROSVENOR: A resolution (H. Res. 281) providing for the consideration of Senate bills 2261, 3118, and 2259—to the Committee on Rules.

Also, a resolution (H. Res. 282) providing that bill H. R. 7056 shall have the same privilege as bills reported from committees—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 14592) granting an increase of pension to Alfred B. Scovill—to the Committee on Invalid Pensions.

By Mr. BADGER: A bill (H. R. 14593) to correct the military record of James D. Ross—to the Committee on Military Affairs.

Also, a bill (H. R. 14594) granting an increase of pension to Mary E. Williams—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 14595) granting a pension to Joseph F. Hathaway—to the Committee on Pensions.

By Mr. DOVENER: A bill (H. R. 14596) granting an increase of pension to John L. Smith—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 14597) for the relief of Charles Beers, sole surviving partner of the firm of Strauss, Bianchi & Co., of New York City—to the Committee on Claims.

By Mr. HAY: A bill (H. R. 14598) for the relief of Joseph Otis—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 14599) granting a pension to John Byroads—to the Committee on Invalid Pensions.

By Mr. MARSH: A bill (H. R. 14600) granting an increase of pension to Joseph Woods—to the Committee on Pensions.

By Mr. NEVIN: A bill (H. R. 14601) granting an increase of pension to William Schrall—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 14602) for the relief of Daniel Smith—to the Committee on War Claims.

Also, a bill (H. R. 14603) for the relief of Margaret M. Groves—to the Committee on War Claims.

By Mr. POWERS of Maine: A bill (H. R. 14604) granting an increase of pension to Alonzo Thompson—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 14605) granting an increase of pension to Frederick Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14606) granting an increase of pension to John McCaslin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14607) granting an increase of pension to Peter Sumner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14608) granting a pension to Susannah Dunlop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14609) to extend the term of patent No. 168558—to the Committee on Patents.

By Mr. STANLEY: A bill (H. R. 14610) granting an honorable discharge to Nathaniel Cobb—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 14611) granting a pension to William L. Beverly—to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 14612) granting an increase of pension to Myron Imas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14613) granting an increase of pension to Samuel E. Rumsey—to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 14614) removing the charge of desertion from the record of George Senior—to the Committee on Military Affairs.

Also, a bill (H. R. 14615) removing the charge of desertion from the record of Peter P. Hommes—to the Committee on Naval Affairs.

Also, a bill (H. R. 14616) granting a pension to Charles F. Pereira—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Cincinnati, Ohio, against the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. BOWERSOCK: Resolution of Western Implement and Vehicle Dealers' Association, in favor of the enactment of bill S. 2861, relative to interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Western Implement and Vehicle Dealers' Association, against passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Denver (Colo.) Chamber of Commerce and Board of Trade, relative to the management of forest reserves—to the Committee on Agriculture.

By Mr. CONNELL: Petition of Casey Brothers, of Scranton, Pa., against the passage of the Hepburn pure-food bill—to the Committee on Agriculture.

By Mr. COUSINS: Petition of citizens of Cedar Rapids, Iowa, in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolution of Lodge No. 110, Brotherhood of Boiler Makers and Iron-ship Builders, of Cedar Rapids, Iowa, in favor of bill H. R. 7056—to the Committee on the Merchant Marine and Fisheries.

By Mr. DANIELS: Petition of citizens of Imperial Valley, San Diego County, Cal., in favor of the passage of bill H. R. 14417—to the Committee on Irrigation of Arid Lands.

By Mr. HERMANN: Petition of various organizations in Oregon, for legislation to protect the salmon industry—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pomona Grange, Oregon, in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pleasant Hill (Oreg.) Grange, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. HUFF: Resolution of Denver Chamber of Commerce and Board of Trade, relative to the management of forest reserves—to the Committee on Agriculture.

By Mr. LILLEY: Petition of prominent citizens of New Britain, Conn., relative to the erection of buildings within the Mall, in Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. LIND: Paper to accompany bill granting an increase of pension for Thomas Maher—to the Committee on Invalid Pensions.

By Mr. MAHON: Petition of the legal representatives of the estate of J. C. Lipscomb, praying reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Petition of the Ritter Dental Manufacturing Company, in favor of bill H. R. 9302—to the Committee on Ways and Means.

Also, petition of the Bainard & Simonds Company, of Rochester, N. Y., in favor of bill H. R. 9302—to the Committee on Ways and Means.

By Mr. REEDER: Resolution of the Western Retail Implement and Vehicle Dealers' Association, in favor of the passage of bill S. 2861—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Western Retail Implement and Vehicle Dealers' Association, against the passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. RUPPERT: Resolution of the Denver Chamber of Commerce and Board of Trade, relative to the management of forest reserves—to the Committee on Agriculture.

Also, resolution of the Patent Law Association of Chicago, against the passage of bills H. R. 11585 and S. 4062—to the Committee on Patents.

By Mr. SPERRY: Resolution of citizens of New Britain, Conn., relative to public buildings on the Mall, in Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. STANLEY: Papers to accompany bill H. R. 12499, for the relief of Mrs. Mary E. Bronaugh—to the Committee on Pensions.

By Mr. THAYER: Petition of the Indian Industries League, relative to the landless Indians of northern California—to the Committee on Indian Affairs.

By Mr. WILLIAMS of Illinois: Paper to accompany bill granting an increase of pension to John Lamb—to the Committee on Invalid Pensions.

By Mr. ZENOR: Paper to accompany bill H. R. 8423, for the relief of Joseph Hepworth—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March 31, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

JACINTHA STROTHER.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Jacintha Strother for herself and as administratrix of Joseph T. Strother, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FORT CRAWFORD MILITARY TRACT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office submitting a draft of a bill for the disposal of lots in the Fort Crawford military tract at Prairie du Chien, Crawford County, Wis., not heretofore sold, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1268) granting an increase of pension to John B. Hart;

A bill (H. R. 1352) granting an increase of pension to Samuel McClure;

A bill (H. R. 1861) granting an increase of pension to James Wilkinson;

A bill (H. R. 1877) granting an increase of pension to George H. Suits;

A bill (H. R. 1882) granting an increase of pension to James Durkee;

A bill (H. R. 2144) granting an increase of pension to Minerva A. Pool;
A bill (H. R. 2557) granting an increase of pension to James Carr;
A bill (H. R. 2572) granting an increase of pension to George W. Steffey;
A bill (H. R. 2767) granting an increase of pension to John E. Neary;
A bill (H. R. 3288) granting an increase of pension to Nathan L. Meands;
A bill (H. R. 3434) granting an increase of pension to Samuel Parmley;
A bill (H. R. 4114) granting an increase of pension to Robert S. Carns;
A bill (H. R. 4230) granting an increase of pension to Jasper M. Griggs;
A bill (H. R. 4353) granting an increase of pension to George Brown;
A bill (H. R. 4943) granting an increase of pension to Thomas Morgan;
A bill (H. R. 5008) granting an increase of pension to Henry McCord;
A bill (H. R. 5262) granting an increase of pension to Irving Holcomb;
A bill (H. R. 5330) granting an increase of pension to Robert D. Gardner;
A bill (H. R. 5373) granting an increase of pension to Moten M. Pitts;
A bill (H. R. 5952) granting an increase of pension to William H. Kent;
A bill (H. R. 6024) granting an increase of pension to Calisto Castro;
A bill (H. R. 6365) granting an increase of pension to John W. Hay;
A bill (H. R. 6416) granting an increase of pension to Anna S. Dunn;
A bill (H. R. 6611) granting an increase of pension to Austin Murphy;
A bill (H. R. 6848) granting an increase of pension to John W. Plattenburg;
A bill (H. R. 6859) granting an increase of pension to William A. Sheridan;
A bill (H. R. 7079) granting an increase of pension to John J. Fleming;
A bill (H. R. 7244) granting an increase of pension to Williamina R. Allenbaugh;
A bill (H. R. 7470) granting an increase of pension to Isaac B. Goforth, alias Napoleon B. Gordon;
A bill (H. R. 7487) granting an increase of pension to Francis Knapp;
A bill (H. R. 7698) granting an increase of pension to Benjamin R. W. Mockabee;
A bill (H. R. 8742) granting an increase of pension to Jason Robinson;
A bill (H. R. 8836) granting an increase of pension to Benjamin Pitman;
A bill (H. R. 9082) granting an increase of pension to Chester F. Kimball;
A bill (H. R. 9576) granting an increase of pension to Eli M. McElwain;
A bill (H. R. 9807) granting an increase of pension to Hugh S. Smith;
A bill (H. R. 9815) granting an increase of pension to Ephraim O. Gilbert;
A bill (H. R. 9834) granting an increase of pension to Elizabeth McL. Haughey;
A bill (H. R. 10531) granting an increase of pension to George W. Farr;
A bill (H. R. 10586) granting an increase of pension to Joseph Longberry;
A bill (H. R. 10822) granting an increase of pension to Andrew Smith;
A bill (H. R. 10847) granting an increase of pension to James O. Knowles;
A bill (H. R. 10901) granting an increase of pension to John Quinn;
A bill (H. R. 10913) granting an increase of pension to Leonard J. Whitney;
A bill (H. R. 10919) granting an increase of pension to Susan E. Oliver;
A bill (H. R. 11066) granting an increase of pension to Joshua D. Griffith;
A bill (H. R. 11141) granting an increase of pension to John B. Keller;
A bill (H. R. 11175) granting an increase of pension to Isaac S. Drummond;
A bill (H. R. 11597) granting an increase of pension to Amanthus P. Joyner;
A bill (H. R. 11629) granting an increase of pension to Nannie J. McDowell;
A bill (H. R. 11649) granting an increase of pension to Malinda A. Myers;
A bill (H. R. 11655) granting an increase of pension to James Lynch;
A bill (H. R. 11692) granting an increase of pension to Mary J. Neeley;
A bill (H. R. 11894) granting an increase of pension to Jeremiah Sheldon;
A bill (H. R. 11939) granting an increase of pension to Charles C. Fisher, alias John C. Pickerell;
A bill (H. R. 12050) granting an increase of pension to David R. Luttrell;
A bill (H. R. 12053) granting an increase of pension to James Large;
A bill (H. R. 12191) granting an increase of pension to Henry D. Filkins; and
A bill (H. R. 12457) granting an increase of pension to Nannie J. McGuckin.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of sundry citizens of Mount Vernon, N. Y., and a petition of the Westchester Woman's Club, of Mount Vernon, N. Y., praying for the enactment of legislation to purchase a national forest reserve in the White Mountains of New Hampshire; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Subordinate Lodge No. 388, Boiler Makers and Iron-ship Builders, of Mechanicsville, N. Y., and a petition of Local Lodge No. 188, Boiler Makers and Iron-ship Builders, of Geneva, N. Y., praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

He also presented a petition of Charles H. Grant Circle, No. 28, Department of New York, Ladies of the Grand Army of the Republic, of New York, praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented a petition of Gansevoort Grange, No. 832, Patrons of Husbandry, of Saratoga Springs, N. Y., praying for the passage of the so-called "Brownlow good-roads bill;" which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Lorenzo Hulbert, of Hornellsville, N. Y., praying for the establishment of a Bureau of Public Highways in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Elmira, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Central Trades and Labor Assembly of Elmira; of Local Union No. 7, of Port Richmond; of the Central Labor Union of Brooklyn; of Local Union No. 31, of Syracuse; of the Trades Assembly of Port Edward; of Local Union No. 7, of Palmer Falls, and of the Trades Assembly of Ilion, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called "eight-hour bill" and also the anti-injunction bill; which were referred to the Committee on Education and Labor.

Mr. DRYDEN presented the petition of Harry A. Maconet, of Merchantville, N. J., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was ordered to lie on the table.

He also presented the petition of Charles Cooper & Co., of Newark, N. J., and a petition of the Keratol Company, of Newark, N. J., praying for the repeal of the revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Young People's Society of Christian Endeavor of the Methodist Protestant Church of Glassboro, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOTH, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. BURROWS presented a petition of the Woman's Relief Corps of Detroit, Mich., praying for the enactment of legislation to increase the pensions of army nurses; which was referred to the Committee on Pensions.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Niles, Mich., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented the petition of Clarke & Howe, ar-

chitects, of Providence R. I., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Newport Lodge, No. 219, Brotherhood of Boiler Makers and Iron-ship Builders, of Newport, R. I., praying for the enactment of legislation to develop the American merchant marine; which was referred to the Committee on Commerce.

Mr. CLAPP presented a petition of the Young Men's Christian Association of Duluth, Minn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of C. N. Johnston, architect, of St. Paul, Minn., praying for the enactment of legislation regulating the erection of buildings on the Mall in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of Local Union No. 15, International Union of Steam Engineers, of Duluth, Minn., praying for the passage of the so-called "anti-injunction bill" and also the eight-hour bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Hamline Methodist Episcopal Church, of St. Paul, Minn., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a petition of the Fall River Gas Works Company, of Fall River, Mass., and a petition of Sutton & Weeks, architects, of San Francisco, Cal., praying for the enactment of legislation regulating the erection of buildings on the Mall, in the District of Columbia; which were ordered to lie on the table.

Mr. PENROSE presented a petition of J. K. Taylor Post, No. 182, Department of Pennsylvania, Grand Army of the Republic, of Bethlehem, Pa., praying for the enactment of a service-pension law; which was referred to the Committee on Pensions.

He also presented petitions of Monroe Helpers' Division, No. 98, Brotherhood of Boiler Makers and Iron-ship Builders, of Susquehanna; of Local Lodge No. 141, Brotherhood of Boiler Makers and Iron-ship Builders, of Sayre, and of Lycoming Lodge, No. 386, Brotherhood of Boiler Makers and Iron-ship Builders, of Jersey Shore, all in the State of Pennsylvania, praying for the enactment of legislation to develop the American merchant marine; which were referred to the Committee on Commerce.

Mr. SCOTT presented a memorial of the Master Plumbers' Association of West Virginia, remonstrating against the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (H. R. 4570) to provide an American register for the steamer *Beaumont*, reported it with an amendment, and submitted a report thereon.

Mr. ALGER. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1399) to amend section 1225 of the Revised Statutes so as to provide for detail of retired officers of the Army and Navy to assist in military instruction in schools, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

The Secretary proceeded to read the bill.

Mr. ALDRICH. What is the request concerning this measure? Does some one ask for its consideration?

The PRESIDENT pro tempore. The bill has been reported from the Committee on Military Affairs, and the Senator reporting it asked that it might be considered now.

Mr. ALDRICH. It strikes me that it is rather too important a measure to be considered by unanimous consent.

Mr. GORMAN. Let it go over.

Mr. ALDRICH. I think the bill had better go over.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to the present consideration of the bill, and it goes to the Calendar.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 3216) for the relief of James S. McDonogh, Harry A. Hegarty, and James A. Toomey, of the District of Columbia, asked to be discharged from its further consideration, and that it be referred to the Committee on the District of Columbia; which was agreed to.

Mr. GALLINGER, from the Committee on Commerce, to whom were referred the following amendments, submitted by Mr. PLATT of Connecticut on the 30th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations, and printed; which was agreed to:

An amendment proposing to appropriate $30,000 for establishing a light and fog-signal station at or near Black Ledge, entrance to New London Harbor, Connecticut.

An amendment authorizing the modification of the project for the improvement of Bridgeport Harbor, Bridgeport, Conn., adopted in the river and harbor act of March 3, 1899; and

An amendment authorizing a modification of the project for the improvement of New Haven Harbor, New Haven, Conn., adopted in the river and harbor act of March 3, 1899.

Mr. QUARLES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 29th instant, proposing to appropriate $75,000 for establishing at or near the city of Milwaukee, Wis., a depot for the engineer of the ninth light-house district, including the purchase of a site therefor, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5169) making Lewes, Del., a subport of entry, reported it without amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. MCCOMAS on the 29th instant, proposing to appropriate $30.000 for acquiring a suitable site for a depot for the Revenue-Cutter Service, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PROCTOR on the 25th instant, proposing to appropriate $50,000 for furnishing and equipping United States revenue cutters with Ingersoll self righting and bailing steel lifeboats, intended to be proposed to the sundry civil appropriation bill, reported adversely thereon; and the amendment was postponed indefinitely.

Mr. NELSON, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 29th instant, proposing to appropriate $130,000 for construction of a light-house and buoy tender for use in the eleventh light-house district, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 29th instant, proposing to amend section 4670 of the Revised Statutes of the United States, relating to the division of the coasts of the United States into light-house districts, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. ALLEE, from the Committee on Claims, to whom was referred the bill (S. 2171) for the relief of Laura A. Wagner, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 5094) to promote the efficiency of the reserve militia and to encourage rifle practice among the members thereof, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PERKINS on the 29th instant, proposing to appropriate $50,000 for the improvement of the grounds within the Presidio Military Reservation, at San Francisco, Cal., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 22d instant, proposing to appropriate $9,000 for rent, furniture, stationery, and printing for the offices of United States shipping commissioners, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CLAY, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 29th instant, proposing to appropriate $90,000 for constructing, equipping, and outfitting a light-ship to be placed off the outer bar of Brunswick, Ga., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by himself on the 29th instant, proposing to appropriate $25,000 for the establishment of a station on the Pacific coast for the investigation of problems connected with the marine fishery interests of that region, intended

to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the Committee on Commerce, to whom were referred the following amendments submitted by himself on the 30th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to:

An amendment to appropriate $40,000 for the construction of a wharf, the dredging of a slip, and the erection of suitable buildings for use as a depot for the Revenue-Cutter Service in the harbor of Oakland, Cal.;

An amendment proposing to appropriate $15,000 for a keeper's double dwelling at Point Bonita, California; and

An amendment proposing to appropriate $15,000 for establishing at Point Conception, California, a double set of quarters for the accommodation of four light-house keepers with their families.

He also, from the same committee, to whom were referred the following amendments submitted by himself on the 29th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to:

An amendment proposing to appropriate $15,000 to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California;

An amendment authorizing the establishment of a life-saving station at or near Halfmoon Bay, south of Point Montara and near Montara Reef, California;

An amendment proposing to appropriate $225,000 for the construction of a steam vessel for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii;

An amendment proposing to appropriate $200,000 for the construction of buildings necessary for an immigrant station at the port of San Francisco, Cal.;

An amendment providing for the establishment of a life-saving station at Nome, Alaska, and extending the thirteenth life-saving station district to include the coast of Alaska;

An amendment proposing to appropriate $5,500 for the construction of quarters for a light keeper at Cape Mendocino, California;

An amendment providing that the light vessels now being built in New York and New Jersey shall be delivered to the inspector of the twelfth light-house district at San Francisco, and providing for the payment of the unexpended balances for building the same; and

An amendment proposing to appropriate $12,000 for establishing a fog-signal station at Quarry Point, Angel Island, Bay of San Francisco, California.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. CLARK of Wyoming on the 30th instant, proposing to appropriate $25,000 for the establishment of a fish-culture station on Blacks Fork of Green River, in the State of Wyoming, etc., intended to be proposed by him to the sundry civil appropriation bill, reported it with amendments, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 4367) to establish a fish-hatching and fish station in the State of Utah, reported it with amendments, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 30th instant, proposing to appropriate $250,000 for establishing light-houses and fog signals on Brown Shoal, Delaware; on Miah Maull Shoal, New Jersey; on Elbow of Cross Ledge, New Jersey; on Joe Flogger Shoal, Delaware; on Arnold Point Shoal, New Jersey; on Goose Island Flats, New Jersey; on Horseshoe Shoal, Pennsylvania, and for establishing range lights on Old Man's Point, New Jersey, and Seventeen-Foot Knoll and Marcus Hook, Delaware, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 5306) to amend certain sections of Title 52 of the Revised Statutes of the United States, entitled "Regulation of steam vessels," and acts amendatory thereto, and for other purposes, reported it without amendment, and submitted a report thereon.

PROCEEDINGS IN MERGER CASE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 60) providing for the printing of the proceedings in the case of The United States *v.* The Northern Securities Company, to report it favorably with amendments, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendments of the Committee on Printing were, in line 2, before the word "printed," to insert "compiled, indexed;" in line 4 to strike out "records" and insert "record;" and in line 5 to strike out the words "the opinions of the lower courts;" so as to make the joint resolution read:

That there be compiled, indexed, printed, and bound, under the direction of the Joint Committee on Printing, 12,000 copies of the record, briefs, arguments of counsel, including the appendixes thereto, and the opinions of the justices of the Supreme Court of the United States in the case recently decided by said court, and popularly called The Northern Securities Company Case; the statute of the United States known as the Sherman antitrust law, and any amendments thereof; of which 7,500 copies shall be for the use of the House of Representatives, 3,500 copies for the use of the Senate, 500 copies for the use of the Department of Justice, and 500 copies for distribution by the clerk of the Supreme Court of the United States.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INDEX TO GOVERNMENT PUBLICATIONS.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. NELSON on the 24th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to bind in two volumes, instead of one, the comprehensive index to Government publications, 1881 to 1893, the preparation of which is authorized by joint resolution of March 3, 1897.

REPORTS OF DIRECTOR OF THE MINT.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution of the House of Representatives providing for printing reports of the Director of the Mint, to report it favorably without amendment, and I ask for its present consideration.

The Senate by unanimous consent proceeded to consider the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 3,000 additional copies of the Report of the Director of the Mint on the Production of the Precious Metals for the calendar year 1902, bound in cloth and wrapped, for the use of the Director of the Mint.

Resolved, That there also be printed 3,000 additional copies of the Report of the Director of the Mint Covering the Operations of the Mints and Assay Offices of the United States for the fiscal year ended June 30, 1903, to be bound in cloth and wrapped, for the use of the Director of the Mint.

Mr. COCKRELL. Let the first part of the resolution be read again.

The Secretary again read the first paragraph.

Mr. COCKRELL. I should like to ask the Senator if any copies of that report have been printed for distribution by the Senate and House?

Mr. PLATT of New York. None whatever.

Mr. COCKRELL. Then I do not think 3,000 copies ought to be given to the Director of the Mint and no copies furnished to the Houses. It is a valuable document. These reports have been published for a great many years, and we have always, I think, been furnished with some copies for distribution. It seems to me there ought to be some provision that the Senate and House should have some copies of the publication.

Mr. PLATT of New York. I thought there had been heretofore provision made for printing copies for the two Houses. If the Senator will offer an amendment, I will accept it.

Mr. COCKRELL. I then move to add after the word "Mint," at the end of the first paragraph, the words:

And that an additional fifteen hundred copies of said report be printed and so bound, 1,000 for the use of the House of Representatives and 500 for the use of the Senate.

Mr. PLATT of New York. I accept that amendment.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

Mr. COCKRELL subsequently said: I enter a motion to reconsider the vote by which the concurrent resolution providing for printing reports of the Director of the Mint was agreed to. I move that the House be requested to return the concurrent resolution to the Senate.

The motion was agreed to.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

DISTRIBUTION OF DOCUMENTS.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the bill (H. R. 10866) to amend section 68, chapter 23, of volume 28 of the United States Statutes at Large, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its considera-

tion. It proposes to amend section 68, chapter 23, of volume 28 of the United States Statutes at Large so that it shall read as follows:

Whenever in the division among Senators, Representatives, and Delegates of documents printed for the use of Congress there shall be an apportionment to each or either House in round numbers, the Public Printer shall not deliver the full number so accredited at the respective folding rooms, but only the largest multiple of the number constituting the full membership of each or either House, including the Secretary and Sergeant-at-Arms of the Senate and Clerk, Sergeant-at-Arms, and Doorkeeper of the House, which shall be contained in the round numbers thus accredited to each or either House, so that the number delivered shall divide evenly and without remainder among the members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the superintendent of documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of such sets, and, lastly, by sale to other persons; said libraries to be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as practicable an equal allowance is made to each Senator, Representative, and Delegate.

Mr. PLATT of New York. The effect of the bill is to give to the Sergeant-at-Arms of the Senate and House the same allowance that other officers of the Senate and House receive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOARD OF MANAGERS NATIONAL SOLDIERS' HOME.

Mr. QUARLES. I am instructed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 136) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers, to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment of the Committee on Military Affairs was, in lines 4 and 5, to strike out "William R. Shafter" and insert "Henry H. Markham;" and in line 14, to strike out "Gen. William R. Shafter" and insert "Henry H. Markham;" so as to make the joint resolution read:

That Martin T. McMahon, of New York; John M. Holley, of Wisconsin; William Warner, of Missouri; Henry H. Markham, of California; Henry E. Palmer, of Nebraska, and Franklin Murphy, of New Jersey, be, and the same are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States—Gen. Martin T. McMahon to succeed himself, his term of service expiring April 21, 1904; William Warner to fill a vacancy caused by the resignation of Col. Sidney G. Cooke, whose term of service expires April 21, 1906; Henry H. Markham to succeed Maj. William H. Bonsall, whose term of service expires April 21, 1904; Capt. Henry E. Palmer to succeed himself, his present term of service expiring April 21, 1904; Franklin Murphy to fill a vacancy caused by the death of Gen. Alfred L. Pearson, whose term of service expires April 21, 1906.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

CUMBERLAND RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5259) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," to report it favorably, without amendment.

Mr. CARMACK. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901, is hereby revived and declared to be in full force and effect, and that section 5 of the act is hereby amended so to read as follows:

That this act shall be null and void if said bridge is not commenced within one year and completed within three years from the 1st day of April, 1903.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GREAT PEEDEE RIVER (SOUTH CAROLINA) IMPROVEMENT.

Mr. BERRY, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. LATIMER on the 29th instant, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and required to cause to be made forthwith a survey of that portion of Great Peedee River, in the State of South Carolina, lying between the Atlantic Coast Line Railroad bridge, in Marion County, and the city of Cheraw, with a view to improve the navigation of that part of said river by cutting across several bends or loops, thereby shortening the length and deepening the channel at those points, and that report be made as to the practicability of said work and its probable cost.

HEARINGS BEFORE IRRIGATION COMMITTEE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. BARD, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

LIGHT-HOUSE TENDER.

Mr. PENROSE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5146) to provide for the construction of a light-house tender for use in the fourth light-house district, to report it favorably without amendment, and I submit a report thereon. I ask for its present consideration.

The Secretary read the bill.

Mr. COCKRELL and Mr. GORMAN. From what committee does it come?

The PRESIDENT pro tempore. From the Committee on Commerce.

Mr. COCKRELL. Let it be read again.

The Secretary again read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of Commerce and Labor to contract for the construction of a tender for light-house service in the fourth light-house district; and he is hereby authorized to provide for the construction, equipping, and outfitting, complete for service, said new steam tender for buoyage, supply, and inspection service, at a cost not to exceed $130,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BATTLE MOUNTAIN SANITARIUM PARK.

Mr. GAMBLE. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5242) to set apart certain lands in the State of South Dakota as a public park, to be known as the "Battle Mountain Sanitarium Park," to report it favorably with an amendment, and I submit a report thereon. I ask unanimous consent for its present consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. TELLER. Mr. President, before the bill is disposed of, I should like to make some inquiry about it. I wish to know from some one what area of land is included in the so-called "park?"

Mr. GAMBLE. There are about 2,700 acres. The proposed park is immediately adjoining the National Sanitarium for Disabled Volunteer Soldiers at Hot Springs, S. Dak. The object of the bill is to establish this park in connection with the above sanitarium, which is under construction. The sanitarium is under the control of the Board of Managers of the National Homes. The grounds of this institution now embrace an area of about 250 acres. The lands proposed to be included cover Battle Mountain and the table-lands adjoining. The mountain is an object of great natural beauty and of considerable historic interest. This enlargement of the grounds would form an interesting and important adjunct to the sanitarium.

The matter was referred to the Interior Department, and its views are submitted as a part of the report of the committee. The Board of Managers, I understand, are anxious these lands should be reserved and set apart for the purposes indicated.

Mr. TELLER. As this is a limited amount of land, I am not going to object to the bill. I wish to say that I am very much opposed to the establishment of Government parks. I do not believe it is a part of the province of the Government of the United States to be establishing parks. This is in connection with a Soldiers' Home or something of that kind, I understand.

Mr. GAMBLE. Yes, sir.

Mr. TELLER. That being the case, I am not going to object. If the area was as large as is usually proposed to be included, I should object.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The amendment of the Committee on Public Lands was, in section 3, on page 2, line 18, after the word "That," to strike out down to and including the word "and," in line 17, on page 3, in the following words:

In all cases of unperfected bona fide claims lying within the said boundaries of said park, which claims have been properly initiated prior to September 2, 1902, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, etc., in the same manner in all respects as claims are perfected to other Government lands: *Provided*, That to the extent that the lands within said park are held in private ownership the Secretary of the Interior is hereby authorized, in his discretion, to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of convey-

ance, surrender to the Government a full and unincumbered right and title to the private lands included in any exchange before patents are issued for or any rights attach to the public lands included therein, and no charge of any kind shall be made for issuing such patents. Upon completion of any exchange the lands surrendered to the Government shall become a part of said park in a like manner as if they had been public lands at the time of the establishment of said park. Nothing herein contained shall be construed to authorize the issuance of any land scrip, and.

So as to make the section read:

That the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section 16 included within said park as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OMAHA NORTHERN RAILWAY.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 3611) to amend an act entitled "An act to amend an act entitled 'An act granting the right to the Omaha Northern Railway Company to construct a railway across and establish stations on the Omaha and Winnebago Reservation, in the State of Nebraska, and for other purposes,' by extending the time for the construction of said railway" by a further extension of time for the construction of said railway, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONFIDENTIAL DOCUMENTS AND PAPERS.

Mr. HOAR. I am directed by the Committee on Rules to report favorably a proposed amendment to the rules.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read the resolution submitted by Mr. HOAR November 16, 1903, as follows:

An amendment intended to be proposed to Rule XXXVI of the Senate.

Resolved, That the rules of the Senate be amended by adding at the end of Rule XXXVI the following:

"V. Whenever by the request of the Senate, or any committee thereof, any documents or papers shall be communicated to the Senate by the President or the head of any Department relating to any matter pending in the Senate, the proceedings in regard to which are secret or confidential under the rules, said documents and papers shall be considered as confidential and shall not be disclosed without leave of the Senate."

Mr. HOAR. I do not think there is any possible objection to that amendment of the rules, and if there be none I should like to have it acted upon now. If the Senate wants further time, I will not press it.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the resolution be considered now. Is there objection? The Chair hears none. It has been read in full to the Senate.

Mr. CULBERSON. Let it be read by title again.

The proposed amendment was read by title.

Mr. HOAR. I may perhaps make a statement in a single word. It has been the practice of the Executive Departments, when they are asked by the various committees of the Senate for the papers relating to any nomination, to send all sorts of confidential communications bearing on the character of the appointee. Very often they are communications from active politicians in various parts of the country about the effect of certain appointments on political parties, and some of them are written in a very free and easy manner.

In President Cleveland's time the Judiciary Committee used to have a good many communications setting forth the demerits of various divisions of the Democratic party and the merits of others; and such papers come here under all Administrations. I suppose probably those papers are confidential under the rules now; but there has been some little doubt in the minds of some Senators whether they are or not, and it has been thought best to make it clear.

This is a unanimous report from the Committee on Rules. It merely provides that when any communications are sent to committees of the Senate in regard to matters which are themselves confidential by the President or any Department, those communications shall be treated as confidential unless the Senate shall order otherwise.

The PRESIDENT pro tempore. Will the Senate agree to the resolution?

The resolution was agreed to.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 5324) for the relief of the Russellville and Logan County Agricultural and Mechanical Association, of Logan County, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DRYDEN introduced a bill (S. 5325) granting an increase of pension to Seeley Earnest; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BALL introduced a bill (S. 5326) granting an increase of pension to George G. Kerns; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 5327) for the relief of Catharine Neitzey, administratrix, and so forth, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5328) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes; which was read twice by its title, and referred to the Committee on the Philippines.

Mr. BURROWS introduced a bill (S. 5329) granting an increase of pension to Henry J. Patterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 5330) granting a pension to John Downing; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 5331) granting an increase of pension to Emeline C. Sewell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5332) granting an increase of pension to Nicholas Vautier; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5333) granting an increase of pension to Cecile O. Hamill; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5334) granting an increase of pension to Austin Drake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 5335) granting an increase of pension to Garret Rourke; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5336) granting a pension to John McCaughen; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5337) for the relief of Jacob Lyon; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 5338) for the relief of the estate of Adele Rixner Lanaux, widow of Davis Lanaux; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 5339) granting an increase of pension to Sidney B. Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 5340) for the relief of the heirs of R. H. Montgomery, of Holmes County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5341) granting an increase of pension to James M. Anderson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KITTREDGE introduced a bill (S. 5342) to provide for the temporary government of the canal zone at Panama, the protection of the canal works, and for other purposes; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FOSTER of Washington submitted an amendment proposing to make available for the fiscal year 1905 the unexpended balance of the appropriation of $30,000 for the construction of additional suitable buildings, prison wall, additional lands, including clay deposits, and wharf for United States penitentiary at McNeils Island, Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment providing that in the clause

for continuing aid to State or Territorial Homes for the support of the disabled volunteer soldiers, etc., there shall be included the survivors of Indian wars who are pensioned under the act of June 27, 1902, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $10,000 for a survey, reconnaissance, and engineering investigation to determine upon a plan of reclamation for agricultural purposes of the overflowed lands of the valley of the Kootenai River, in northern Idaho and Montana, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIRBANKS (for Mr. PLATT of New York) submitted an amendment proposing to appropriate $250,000 for acquiring, under the direction of the Secretary of War, additional land for the enlargement of Fort Niagara in accordance with the recommendation of the Army Board, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, announced that the President had on the 28th instant approved and signed the following joint resolutions:

A joint resolution (S. R. 53) authorizing the reprinting of certain documents to be sold by the superintendent of documents; and

A joint resolution (S. R. 55) to authorize the Secretary of the Interior to print an extra edition of the map of the United States for 1904, and making the appropriation for maps made in the acts of April 17, 1900, and of March 3, 1901, available for that purpose.

The message also announced that the President of the United States had on the 29th instant approved and signed the act (S. 4640) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road," approved February 28, 1903.

The message further announced that the President of the United States had on the 30th instant approved and signed the act (S. 2323) relating to ceded lands on the Fort Hall Indian Reservation.

PAYETTE-BOISE IRRIGATION PROJECT.

Mr. HEYBURN. I offer the resolution which I send to the desk, for which I ask present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, authorized and directed to furnish to the Senate a copy of the proceedings of the committee on organization of the landowners of the Boise and Payette valleys, Idaho, in matters relating to the securing of Government aid in support of Payette-Boise irrigation project, under the provisions of the reclamation act approved June 17, 1902, addressed to the Secretary of the Interior on March 4, 1904, by the general committee on organization of the landowners of the Boise and Payette valleys.

The PRESIDENT pro tempore. Is there objection to the resolution?

Mr. HEYBURN. Mr. President, I should like to say a word about the resolution in order that it may be understood.

After a great deal of labor the Department of the Interior has finally formulated a model or a method of procedure for taking advantage of the irrigation law. The matter came to me through a representative of the Department, and I present it to the Senate so that it may take such action in regard to it as it may think proper. I believe it is well to have a model of procedure in order to secure uniformity in the Department.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HANSBROUGH. Let the resolution be again read, Mr. President.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

Mr. HANSBROUGH. I have no objection.

The resolution was considered by unanimous consent, and agreed to.

LOUISIANA PURCHASE EXPOSITION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read the resolution submitted yesterday by Mr. ELKINS, as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit to the Senate a copy of the report filed in the Department of State by Thomas W. Cridler, commissioner for Europe of the Louisiana Purchase Exposition.

Mr. ELKINS. I ask for the passage of the resolution.

The PRESIDENT pro tempore. The word "requested" in the resolution will be changed to "directed."

Mr. ELKINS. Yes; I have inserted the word "directed." The resolution was objected to yesterday because the word "requested" was used.

Mr. LODGE. To whom is the resolution addressed?

Mr. ELKINS. To the Secretary of State.

Mr. LODGE. I did not catch the reading of the last part of the resolution. I desire to know what is the request.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

Mr. LODGE. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

REPEAL OF DESERT-LAND ACT, ETC.

Mr. CLARK of Wyoming. I rise, Mr. President, to what I understand is the unfinished morning business. I ask to call up Senate bill 5168, which, I think, is upon the table.

The PRESIDENT pro tempore. The bill is on the table awaiting its second reading.

Mr. CLARK of Wyoming. I desire to speak to that bill for ten or fifteen minutes.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill, on which the Senator from Wyoming desires to address the Senate.

The SECRETARY. A bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act.

Mr. FULTON. I ask the Senator from Wyoming if he has any objection to yielding to me to call up a small bill, which is very meritorious?

Mr. CLARK of Wyoming. If the bill is short and will not lead to debate, I shall not object to yielding to the Senator for a few moments.

Mr. SPOONER. Has the bill anything to do with salmon?

Mr. FULTON. No; it has nothing to do with salmon.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. CLARK of Wyoming. If the bill does not lead to debate, I shall not object.

Mr. FULTON. I do not think it will.

Mr. CLARK of Wyoming. Very well.

VOID ENTRIES OF PUBLIC LANDS.

Mr. FULTON. I ask unanimous consent for the present consideration of the bill (S. 278) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands."

The bill was read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LODGE. Mr. President, I should like to ask the Senator how much money the bill involves?

Mr. FULTON. I do not know the exact amount; but the passage of the bill is recommended by the Department of the Interior and has been recommended by several Secretaries.

Mr. LODGE. I do not think we ought to pass a bill appropriating money without knowing what the amount of the appropriation is to be.

Mr. ALDRICH. Or approximately.

Mr. LODGE. Or approximately.

Mr. FULTON. If the Senator will allow me, I will briefly state; but if the bill is going to involve any discussion, I will ask to have it laid aside, because I do not wish to interfere with the Senator from Wyoming [Mr. CLARK], who has the floor.

Mr. ALDRICH. I will suggest to the Senator, before the bill comes up again, that he either have a report from the Committee on Public Lands or from somebody else regarding it. There should be a statement as to how much money is involved, and what is the exact purpose of the bill.

Mr. FULTON. Before yielding the floor to the Senator from Wyoming, I wish simply to explain briefly what the bill is, and, it seems to me, when it is once understood there will be no objection to it, no matter what the amount involved may be.

Provision was made in the law that where persons entered lands within the limits of a railroad land grant they should be required to pay double the usual or minimum price.

It was provided in the law that if it should be afterwards discovered that the lands were not within the railroad-grant limits one-half of the price paid by them should be returned, but there was no provision for the repayment in case a grant should be forfeited because the railroad could not be built. This bill simply provides for the repayment to them of one-half in case the railroad has not been built and the land grant has been forfeited. That is all the bill amounts to and the only change it makes.

But I shall not ask to have the bill further considered at this time in view of the fact that the Senator from Wyoming has the floor.

Mr. NELSON. Mr. President, I desire to make a statement about the bill. I think the bill should be recommitted to the Committee on Public Lands and be referred to the Interior Department. It involves a great expenditure of money; it involves all cases where any of these particular land entries—timber-culture entries, homestead entries, or desert-land entries—have been made and have been canceled for some reason. It involves the restoration of the fees paid to the Land Office. To pay back all those fees in all those cases would involve an enormous amount, and I do not think the bill ought to pass.

Mr. FULTON. If the Senator will allow me, I will call his attention to a fact which he has evidently overlooked, which is that he himself reported this bill from the Committee on Public Lands in the Fifty-seventh Congress, and recommended its passage.

Mr. NELSON. The Senator is entirely correct. I did report such a bill at that time, but I did it through a mistake, which I have ever since regretted. I am not too old to learn. I feel it my duty here to protect the Government. When it is proposed to restore all these fees, for instance, in the case of homestead entries; when a man makes a homestead entry he is obliged to pay $4 to the Land Office and that goes in as a part of the fees. In the timber-culture entries—I do not remember just exactly how many fees there are—and the desert-land entries, you will find that this bill will involve over a million dollars. I should like to have the bill recommitted to the Committee on Public Lands and referred to the Interior Department, in order that we may ascertain approximately what it will involve.

The PRESIDENT pro tempore. The bill is not before the Senate.

Mr. FULTON. I have no objection to the bill going back to the committee so long as the Senator from Minnesota apologizes for the report he has made.

Mr. ALDRICH. I suggest that an order be entered that the bill be recommitted to the Committee on Public Lands. Both Senators are willing that that shall be done, as I understand.

The PRESIDENT pro tempore. Is there objection to recommitting the bill to the Committee on Public Lands? The Chair hears none, and it is recommitted.

REPEAL OF DESERT-LAND ACT, ETC.

The PRESIDENT pro tempore. The Chair again lays before the Senate the bill on which the Senator from Wyoming desires to address the Senate, the title of which will be stated.

The SECRETARY. A bill (S. 5168) to repeal the desert-land act and the commutation provision of the homestead act.

Mr. CLARK of Wyoming. Mr. President, I feel that I owe something of an apology to the Senate for attempting to make remarks upon a bill which is not really before the Senate for its definite action. The bill to which I wish to call attention for a few moments is one which was introduced by the Senator from Montana [Mr. GIBSON], and has not yet been sent to a committee. I had intended, if that bill should go to the committee and be reported therefrom, to address myself at length to it and to conditions generally in regard to our public-land laws. I think, however, that in justice to myself, and in justice to the State which I in part represent, I ought not to allow the occasion to pass without calling attention to some of the features of our public-land laws, lest it be charged that I acquiesce in the sentiments which were expressed by the Senator from Montana a few days ago in favor of this bill, and in regard to the provision for the administration of our public-land laws.

Mr. President, I have lived in public-land States all my life. For the last twenty-five years I have lived in the arid region, that portion of the country over which the public-land laws at this time most usually operate. In all that time I have never seen it to my profit or interest to take advantage, under the laws of the United States, of my right as a citizen to enter upon one acre of land. Therefore I do not consider that I can be charged with having any personal or ulterior motive in the position which I take on this question. It is for the purpose of giving the observation which I have had, and my opinion as to what will work best, that I now address myself to this bill. Of course, I could not attempt in a limited time and without the data at hand to reply to the very elaborate speech of the Senator from Montana—probably I should be unable to do so in any event; but there are certain general statements made not only by the Senator from Montana, but by others, in favor of this proposed legislation, which I think call for some statement of fact.

I believe that whatever there is bad—and there are some things bad—in our public land laws and their operation comes from the fact that Senators and Representatives many times are not fully acquainted with the local conditions existing in parts of the country where those laws operate. I believe if this proposed repeal shall be carried out it will be because of a lack of understanding of the existing laws and of their operation. So far as I am concerned, I have no hesitation in saying that if this bill should become a law it would absolutely stop the development of the whole arid and semiarid country, which even now labors under many and serious disadvantages.

Many laws, good in themselves, when locally applied work a great disadvantage in the development of communiti s in the States. The forest-reserve acts, which had their inception in what was thought to be the good of the whole country, have been found to work badly in places, and by reason of their administration have set back progress in the very regions which they were designed to benefit. This is not the fault of the law. It has simply been because the law has not adjusted itself to the conditions as it has found them.

You would be surprised to know the amount of land that has been withdrawn from settlement, withdrawn from improvement, withdrawn from taxation in the States of the West because of the operation of the forest-reserve acts. In my own county, containing ten to twelve thousand square miles, as large as many individual States of the Union, the forest-reserve and the other reservation acts have operated to withdraw from settlement more than two-thirds of the entire area of that county. It is not the fault of the law. Everybody believes in forest reserves. Everybody believes in their utility. It is not the fault of the preemption clause of the homestead act; it is not the fault of the timber and stone act; it is not the fault of the desert-land act that the frauds, or some of them at least, of which the Senator from Montana complains have been allowed to go on.

I do not agree with the Senator from Montana that these acts were conceived in fraud and were passed through a gullible Congress for the purpose of despoiling the public domain. I do not believe, further, with the Senator from Montana that the extensive frauds which he cites are all frauds in fact. I believe in the operation of any law, whether it be the desert-land law, the timber-culture law, or the preemption clause of the homestead law, that will wrest one acre of ground from the arid condition where it has been profitless and make it taxable and producing prop rty.

Of course, it is possible for frauds to exist under any act; and I understand perfectly well that this is an opportune time to press this bill under the cry of fraud, because the air is surcharged with suspicion; but I am not yet ready to believe, nor am I yet ready to acknowledge, that our Western States are engaged in the one sole operation of stealing the lands of the United States from the public domain.

An instance from my own State was cited by the Senator from Montana in his speech, where 48,000 acres of land had passed into one ownership by virtue of the operation of the desert-land act. Very likely that is true, and, if I am not mistaken, I can say that the case he has cited is true, and there was no fraud nor attempted fraud in it. He intimates that 48,000 acres were taken from the public domain and taken for the purposes of the cattle barons, the sheep lords, and the land grabbers.

Those 48,000 acres, Mr. President, were taken to form homes for what now constitutes the most prosperous colony and farming community in the State of Wyoming. It was taken under a ditch company that was controlled by a former member of this body, and an honester man never drew the breath of life nor one more competent to tell what is for the good of his State, and, knowing what is for its good, to pursue it.

That company went to the expense of hundreds of thousands of dollars tunneling the mountains to bring water from the Big Laramie River into this tract of desert land, and the tract of 48,000 acres to which the Senator points as a monument of these land frauds the people of Wyoming point to with the greatest pride as one of the most prosperous agricultural communities in the State, and no farm there, so far as I know, has over 160 acres, and every farm supports a family.

Mr. President, it was only possible by the operation of the desert-land act that that colony could be established, and the purposes of this bill, if they had been carried out before the colony was established and before the entries had been made—that colony to-day, which is as fair as the Greely colony in Colorado, would have lain untouched by the plow or tree or drain.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. With pleasure.

Mr. PATTERSON. The Senator from Wyoming paints a very glowing and a very interesting picture of the colony to which he refers, admitting, at the same time, as I understand him, that this 48,000 acres of land is in one ownership. Will the Senator tell the Senate by what process it got into one ownership?

Mr. CLARK of Wyoming. I will.

Mr. PATTERSON. And then by what process it became distributed out among a colony?

Mr. CLARK of Wyoming. If I can give any information to the Senator from Colorado or anybody else, I shall be very glad to do it.

This land, as I understand, was taken under the desert-land act, which formerly allowed 640 acres and now allows 320 acres to every citizen of the United States and every citizen of a State or Territory who will reclaim it under the provisions of the law. I can not better answer the Senator's question, I think, in a general way, than by reading from the report of the Secretary of the Interior, Secretary Vilas, in 1888, which was also cited by the Senator from Montana. It is the same report from which the quotation was made in his speech a few days since, in referring to the land district at Cheyenne, Wyo., which was the particular district to which the Senator from Montana referred; and while I am not altogether sure that this tract that I speak of is this tract to which he referred, I am unable to find any other tract of like acreage that fits the description.

The Senator from Montana well stated that the Secretary of the Interior recommended the modification or the repeal of the desert-land act. The report from the Cheyenne office reads as follows—and to this I call the attention of the Senator from Colorado:

> Much desert land is so situated as to be almost impossible to reclaim by men of moderate means, but this difficulty is largely obviated by the organization of companies, which, by a recent Territorial law—

This was while Wyoming was still a Territory—

> are required to furnish water at reasonable rates, while the corporations, formed under the old statute, are enabled to dominate large areas by granting water or refusing it at will.

Mr. President, this land passed into private ownership just as any other land passes into private ownership, and with just as much legality. There was no question of fraud raised in regard to this land being in private ownership.

Mr. PATTERSON rose.

Mr. CLARK of Wyoming. If the Senator will wait just a moment, I wish to say that this land passed into the private ownership of this company—what it was I do not know—but the land was then divided up into 80 and 160 acre tracts, to be sold the same as other private land is sold, with the water rights, which water rights were sold at not to exceed the price fixed by the legislature of the Territory of Wyoming.

Mr. PATTERSON. Then, Mr. President, if the Senator will permit me, according to his statement, a private corporation was formed, which succeeded by some process in securing enough of desert-land entries under the desert-land law to aggregate 48,000 acres of land.

Mr. CLARK of Wyoming. The Senator must not understand me as saying 48,000 acres of land. It is a large body of land.

Mr. PATTERSON. Very well; there or thereabouts.

Mr. CLARK of Wyoming. Yes.

Mr. PATTERSON. Then this company, having put water upon the land and having got title, commenced to sell it to such purchasers as it could find at the price that it could get. If that is the fact, I want to ask the Senator from Wyoming whether a proceeding of that kind does not entirely frustrate the basic principle of our public-land laws—namely, that the lands shall be divided into small parcels among actual settlers?

Mr. CLARK of Wyoming. Not at all, Mr. President; it exactly carries out the principle of our public-land system, because there are upon that 48,000 acres to-day 160-acre farms which would be a credit to any agricultural State in the Union. The result has been that this great tract of land, which would have lain there uncultivated until time should be no more, is now populated by farmers and reputable citizens, with their schoolhouses and churches. If that is fraud, we want some more of it in my State.

Mr. PATTERSON. Mr. President, I want to submit to the Senator from Wyoming, if that is the way in which our public lands are to be disposed of, whether we ought not to change the system and create land laws by which corporations can get possession of tracts of land in any quantity to speculate upon, they investing their own money in ditches and then selling the land to small owners at such prices as the corporation can get from them. Is it possible to proceed in that way even under the desert-land law without fraud, expressed or implied, of a very grave character to be committed against the Government?

Mr. CLARK of Wyoming. The Senator's question is answered by his own knowledge. I was simply calling attention to the fact that was illustrated by the Senator from Montana [Mr. GIBSON]. The Senator from Colorado [Mr. PATTERSON], who is an able lawyer and who is familiar with all these laws, knows that under the present desert-land act no such body of land could be assembled, whether for good or ill.

Mr. PATTERSON. I know to the contrary.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the senior Senator from Colorado?

Mr. TELLER. Will the Senator yield to me for a moment?

Mr. CLARK of Wyoming. Certainly.

Mr. TELLER. I do not know that I can locate the tract of land that the Senator from Montana referred to.

Mr. CLARK of Wyoming. I will say to the Senator that I refer to the Wheatland tract, the one the Senator from Montana referred to, or I understand it is the one referred to by him.

Mr. TELLER. I understand that he referred to the same tract that the Senator from Wyoming is now referring to. If he did not refer to that tract, there is no other tract of that kind in the State of Wyoming.

I pretend to know something about this identical piece of land. That piece of land was taken up by an association of people who took up whatever the law allowed them to take and made assessments on themselves for the purpose of bringing it within the provisions of the law as to irrigation. When hard times came they found themselves unable to go on, and the enterprise practically broke down. Thereupon some people who had already put money into it took an assignment of the inchoate claims and completed the enterprise. Having completed it, they put the land on the market for sale.

If that is the company, as I understand it is, there never was any reason to suppose that it was an attempt to aggregate a lot of land in the hands of any one man; and if it turned out that it was aggregated finally into the hands of a number of men, a corporation which finally took it, it was because the original parties could not carry out the original enterprise, and no public service has suffered. On the contrary, as the Senator said, it has been the means of opening up that section of country for farming purposes as it never would have been opened up otherwise.

Mr. STEWART. Will the Senator allow me one word in this connection?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. PATTERSON. I want to remind the Senator from Wyoming that if he allows too many interruptions, he will be compelled to surrender a little time to me to reply to those gentlemen.

Mr. STEWART. I will not take up much time.

I wish to say a word in regard to the desert-land law. The desert-land law, whatever may be its evils, has one virtue, and that is that there has not been and can not be any monopoly of land under it, because it requires too much constant labor to take care of the land. If the work was completed, you could not give the land to a cattle company to keep it up, because they could not afford to keep it up. Desert land, when water is put upon it, and that has to be done, is the most productive of any land in the world. It can probably produce several crops in the same year, and it will produce a maximum crop every year without regard to the weather. It is most productive, but it requires a great many people and great care in distributing the water. A monopoly can not make any use of the land in that way. Wherever they have desert lands in large quantities, my experience in every instance is that they have been compelled to sell it to other people in order to make it profitable. It is not profitable to hold any large quantities, because there is too much detail, and a stock company can not irrigate it and raise stock in large quantities. I think it is the best antimonopoly law we have ever had upon the land subject. I want to give that testimony from experience.

Mr. CLARK of Wyoming. I thank the Senator from Nevada, and I was about to mention that feature of the desert-land law, because I am free to confess that the desert-land law, of all the laws mentioned in this bill, is the one in which the people of my State are most concerned. Upon the desert lands of Wyoming, have arisen, by virtue of the operation of this law, three-quarters of all the farm homes in that State. I doubt if there has been 1 per cent of what even the Senator from Montana with his liberal construction would call "fraudulent desert-land entries" in that State. It has been under that law that our greatest advancement has been made. It has been under that law that the most taxable property has been put upon the rolls.

Now, it is true, as the Senator from Nevada says, that the desert-land law is the one law of all the laws that we have upon the statute book which is not, if any are, an incentive to fraudulent entries. It costs too much in time and money and brain and brawn and hardship to get title from the United States under the desert-land act for a man to use it for a fraudulent purpose.

I believe many Senators do not understand what that law means. People have been given to understand by the Senator from Montana and others that all a man has to do is to invoke that law and to go out and take unlimited quantities of the public domain wherever he can find it. I will tell you what he can do under the desert-land act, and I will tell you what he must do to obtain title from the Government of the United States under the desert-land act. If he is a citizen of Wyoming to-day, he can go and select 320 acres upon the public domain, by metes and bounds, provided it is arid land. He can not take that land under the desert-land act if it produces even a good crop of native

grass. He can not select it under the desert-land act if it produces cottonwood trees upon the bottoms. It must be absolutely desert land, unfit for cultivation in its present condition.

Then, if he wants to take that, he can go to the land office of the United States and file upon it, provided he shows to the land office of the United States that under the laws of the State of Wyoming, or Montana, or wherever he is operating, he has obtained from the State engineer a permit to take a sufficient amount of water out of some of the living streams properly to irrigate that land and raise crops. Then he pays 25 cents an acre as a starter.

Within a year from that time he must go to the land office of the United States and show by proof absolute and abundant that he has expended a dollar per acre for his 320 acres in the reclamation of that land and in applying water to it; and he must do that same thing the second year and the third year; and if he fails in any one year his title is gone and his claim has vanished. And at the end of that time, if he can comply with all the rules of the land office and all the rules of the engineer's office, he can go up and by paying a dollar an acre more to the Government of the United States obtain a final certificate for his 320 acres of land.

Four dollars and a quarter an acre and three years of his life must be spent to take 320 acres of land upon the public domain. There is no law upon our statute books that is so guarded as is the desert-land law, and yet it seems to be the pivotal point of attack of this bill.

It was urged by the Senator from Montana and others that we were not wise in our day and generation; that the people who live in the Western States have not a just appreciation of what we have and ought to have. It is urged that the Secretaries of the Interior and the Commissioners of the Land Office from 1881 down have united in agreeing that all our land laws are vicious save one, the original homestead act.

Mr. President, I would not detract one iota from that splendid piece of constructive statesmanship which graced the birth of the Republican party—the homestead act—which gave 160 acres to every man, a citizen of the Republic, who wanted it as a place to build a home and to rear his children. Notwithstanding the Secretaries of the Interior, the experience of western men in the arid region now is that of all the laws upon our statute book the five-year homestead act is the one least calculated to secure homes and least calculated to be honestly administered.

Where, I ask the Senator from Montana or any other Senator, will he go to find 160 acres upon the public domain in the arid regions where a man, unaided by any other land law and without money, can live for five years? Nowhere in all that arid country. The desert-land act and others were passed to aid the settler. They have aided the settler.

Right here I call the attention of the Senate to the fact that the homestead law, which everybody concedes was a good law, has itself been the vehicle for some fraud. Had the Senator from Montana searched long enough through the records of my State and of the land office he would have found that the homestead law has been the medium for fraud there, and I will explain what I mean.

The homestead law as amended provides that any soldier who has served in the armies of the United States may take a homestead upon the public domain, and that he need not reside thereon five years, but that he can have deducted from his five years' residence such length of time as he served in the armies of the United States. Many soldiers did not take advantage of that provision. Many soldiers of our armies did not take homesteads upon the public domain. The law was extended to embrace their widows and their orphans; but the law does not require, as it has been interpreted, that they are to live one day upon the homestead. The law permits the guardian to enter for the orphan, but the law does not require him to live one day upon the homestead. The consequence is that some shrewd, sharp lawyer, finding out how he could collect a lot of land available for his purpose, conceived the idea of getting assignments of these widows' claims. It is true they had to be upon the land. They had to designate somewhere the land which they wished to take.

The consequence was that carload after carload of widows of soldiers from Iowa, from Illinois, from Missouri, and other places came in there and were taken by the agents out to the land and set up a sign, "I, the wife of So-and-so, take this as a homestead." She had complied with the law. Under the rulings of the Interior Department and under the homestead law the 160 acres became hers at that time, to dispose of as she saw fit. It required no residence to hold it. She could lease it; she could sell it; she could do as she chose with it. That is the only case I know of and the only law that I know of which in my State has been made a medium for fraud.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from North Dakota?

Mr. CLARK of Wyoming. Certainly.

Mr. HANSBROUGH. I wish to call the attention of the Senator from Wyoming to the fact that the bill now before the Senate does not provide for the repeal of that law.

Mr. CLARK of Wyoming. No; that condition of affairs can still continue under the homestead law.

The Senator from Montana, as I started to say, urged that we repeal these laws because the Interior Department, from time to time, has urged its repeal and the others. Mr. President, I have the greatest admiration for the men who have filled the office of Secretary of the Interior. I believe it is the greatest Department under the Executive of this nation.

I sometimes wonder that they are able to get along as well as they do under the vast amount of business that crowds upon them. Especially is this true in regard to the Land Commissioner. One can hardly imagine that one officer, with a few clerks provided for him, could dispose of the immense amount of business that comes before him. As a rule, we have had men at the head of that Department who were intelligent, capable, businesslike men. Too often, Mr. President, we have had there at times men whose lines of training had run in different directions—men who were able to deal with vast business propositions, but men who, unfortunately, were ignorant of the true situation and of the proper application of the land laws.

It is not strange, then, that from time to time, under the hue and cry that has been raised among certain classes for the repeal of the laws, that they should be brought to recommend their repeal.

But the one man above all others who has administered the affairs of that great Department with a full knowledge of the situation with which the Department was called upon to deal, the man above all others who dealt in that Department in a way to preserve the integrity of the public domain, in a way that none who knew of the operation of the Land Office or the general Department at that time failed to speak of in the highest praise—that one man now living will not be found, I apprehend, upon the floor of the Senate Chamber to-day urging the repeal of these land laws. Their modification may be necessary, but their repeal, as I stated in the beginning, would retard beyond redemption the advancement of those States.

Mr. President, speaking of the matter of repeal, I think it is but fair to say in connection with the recommendations of the Interior Department and the Executive that the last utterances of the executive department have come here within thirty days.

The Interior Department and all the other Departments of the Government, when they are shown a condition that exists, can well modify their former opinion in deference to the good of the public service. The commission was appointed by President Roosevelt to deal with the question of the public lands. From somewhere, from all over, springing up like a gourd in the night—where it came from we can not any of us exactly tell; where it came from we all of us think we pretty well know—came a demand and pressure upon the Administration for the repeal of the desert-land act and for the repeal of the commutation clause of the homestead act.

The President of the United States has been declared in some quarters to be an unsafe man. The President has been declared a rash man, who acts upon impulse; but in this thing, which concerns such a vital interest in our country, the whole arid region, he acted with a consideration, with a definite purpose, with a deliberation that have put him far away from the characterization which was given him on the floor of the Senate yesterday.

The President appointed a commission to visit this country where the laws operate, to see what should and what should not be done. That commission consisted of the Hon. W. A. Richards, the Commissioner of the General Land Office, than whom no man has known more about the public lands; F. H. Newell, and Mr. Gifford Pinchot, of the Forestry Bureau of the Agricultural Department. These three men undertook no investigation, except to find things as they existed. If anything, I think it is safe to say that they were prejudiced in favor of the repeal proposition. They did not make their investigation in the General Land Office in Washington. They took the train and went from place to place over the western country.

I happened to be present at one of their meetings in the city of Cheyenne, and there were gathered there in the house of representatives representative men from every part of the State—cattlemen, sheep men, farmers, ranchers—everybody interested in any way in the public-lands question. Their investigation was minute in detail and intelligent. Now, this is the last utterance of the Interior Department upon the proposition of repeal:

The commission is of the opinion—

This was sent to the Senate in a message from the President March 7, 1904—

The commission is of the opinion that the desert-land law should, for the present at least, be allowed to stand, with a few changes in detail. With the experience of the past for guidance, it is possible to enforce this law so that

its essential provisions shall be complied with. When this is done it is evident that the entrymen will have earned a patent at an expense too great for speculative purposes.

That is the present recommendation of the Secretary of the Interior after a careful study on the ground of the operation of these laws.

Now, if there have been difficulties in the past, if there have been frauds in the past, I undertake to say that it has been the fault not of the law, but of the administration of the law. We can pass laws providing the punishment of hanging for murder, but murders will be committed. We can pass the most beneficent law under the shining sun, and culprits will still be found. You can have the best land laws that it is possible for the wisdom of man to conceive, and there will now and then be a rascal.

But with these land laws, as I say, it is a question of administration, of enforcing the law, and I undertake here and now to say that no man can take an acre of land under the desert-land act and make it the means of fraud if the law is executed as it is written. And the Commissioner of the General Land Office and the Secretary of the Interior, through the President of the United States, say in the last utterance of their Department that it is now possible so to enforce the law.

Then, Mr. President, who is it demanding its repeal? Who is it that says the waters of our streams in the West should still run between the banks? Who is saying that the waters shall not be diverted under the desert-land act to make homes? Is it the settlers in those States? Show me anybody or any association of homebuilders in the West who are demanding the repeal of these laws. Is it those who are concerned principally with the upbuilding of their individual localities? They know full well that 640 or 320 acres of land redeemed from the desert become at once an asset of prosperity.

Mr. President, the only people who can possibly profit from the repeal of this law must be the men who are urging it. It seems to me if there ever was a logical statement on the face of the earth, that is it—the men who are urging it are the men who will profit from it. I do not believe with some Senators that these laws were put upon the statute books at the behest of any lobby. I do not believe that this desert-land act was passed because certain people in California wanted it enacted for a nefarious purpose. Neither do I now believe that any member of this body or of any other legislative body is seeking this repeal from ulterior motives. But I do say that the men who will make something out of its repeal are the ones who naturally want it repealed.

Now, who are they? What would be the effect upon our public lands if this bill should become a law? It would at once take out of the operation of the public-land laws of the United States every acre of land in the western country, because I undertake to say here and now that the possibilty of a homestead entry under the old law without the commutation clause is practically an absurdity in the arid region at this time. The water courses have long since been taken up. As I say, it would then practically wipe out the opportunity of any man to obtain public lands under any of the land laws of the United States. But the public land would still be sold. How? It is familiar to us all. We all know that the Congress of the United States has from time to time donated vast tracts of land to transcontinental railways, and I for one believe that that is one of the wisest actions the Congress ever took.

I am not one of those who decry the land grants to the great railways. We would not have had them without the grants. But every alternate section for miles and miles became the property of these land-grant roads. By and by the forest-reserve policy came in, and forest reserves were created without reference to the ownership of the land over which they were thrown. The consequence was, especially with reference to one of our great northern transcontinental roads, that hundreds and hundreds and hundreds of thousands of acres of railway land fell within the forest reserves.

The railway, finding its land grants within the forest reserves, immediately took pains to protect itself, and under the provisions and operations of law for every acre within a forest reserve it could take an acre outside of the forest reserve by surrendering the former. The consequence is that this exchange scrip or these exchange certificates, whatever you may be pleased to call it, are to-day in the hands of parties who formerly owned the land or had purchased it. That man can lay his 160 acres of scrip upon the public domain where he pleases, land law or no land law. If he has 40,000 acres of scrip, he can lay 40,000 acres in a chunk wherever he pleases, land law or no land law.

The great scrip holders to-day, the men who have lieu-land scrip, who have forest-reserve scrip, which has a certain marketable value always, are the ones who are pushing most adroitly and most effectively this legislation, because it means that every acre of their scrip, if we wipe out the United States of America as a land giver, will be worth twice as much to-morrow as it was before the law was passed, and why should they not be in favor of the repeal?

Mr. President, I undertake to say, and I say it with a full knowledge and with responsibility for my words, that never in the history of public-land legislation has there been such a determined and such an insistent lobby as has been behind this proposition for the last three years to repeal the land laws of the United States.

It is no secret that they have a bureau established here in this city for that purpose. It is no secret that they maintain a weekly organ of publication devoted to this and to this alone. It is no secret that one of the greatest of these holders boasted in a public speech at a banquet within the last two months that his company alone had contributed $25,000 to this propaganda.

Now, Mr. President, it is not the settler, it is not the man who is building up by hard knocks and hot summer work——

Mr. GIBSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. Certainly.

Mr. GIBSON. Will the Senator from Wyoming state what railway man he has reference to, or what company he has reference to?

Mr. CLARK of Wyoming. I do not think it is necessary. I will tell the Senator in private. I do not think it is necessary to exploit that upon the floor of the Senate.

Mr. PATTERSON. It seems to me that a thing of that kind ought to be made public. We ought to mark it.

Mr. CLARK of Wyoming. As long as the Senator from Colorado and the Senator from Montana are not charged, I do not think there is any need of bringing in any particular name.

Mr. GIBSON. It should be given for the information of the Senate.

Mr. PATTERSON. Yes.

Mr. CLARK of Wyoming. If any Senator desires the name I will give it to him with pleasure, but I shall not make public that name upon the floor of the Senate.

Mr. PATTERSON. The name of the man or of the company ought to be made known and branded, so that he or it would be known wherever he or it went from one end of the country to the other.

Mr. CLARK of Wyoming. I apprehend the Senator from Colorado will find no difficulty in ascertaining the name of the man and in reading the speech, because it has been published.

Mr. PATTERSON. I do not know——

Mr. CLARK of Wyoming. I shall be very glad to give both Senators the name of the man.

Mr. PATTERSON. I do not know the extent of the Senator's knowledge. I only know that I have no knowledge of a lobby.

Mr. CLARK of Wyoming. I will say to the Senator from Colorado that I speak with a good deal of warmth and perhaps a definiteness that I ought not to use, but I state all I know about it. I did not hear the speech. I read the newspaper report of the speech. It has never been denied in any form, although reference has been made to it.

Mr. PATTERSON. The Senator speaks of a lobby. Who constitute the lobby?

Mr. CLARK of Wyoming. Oh, the Senator must not ask me to go into those things. The Senator himself knows who constitute the lobby.

Mr. PATTERSON. I want to say to the Senator——

Mr. CLARK of Wyoming. He knows this propaganda, too, as well as I. I am not going to be drawn into any personal allusions whatever in any part of my remarks.

Mr. PATTERSON. I want to say to the Senator from Wyoming——

Mr. CLARK of Wyoming. I am only speaking of lobbying in connection with this bill, because it was charged in the speech that the desert-land act originally had its conception in the wishes of such a lobby.

Mr. PATTERSON. I want to say to the Senator from Wyoming, Mr. President, that when he says I know the lobby or know anything at all about it, he speaks a little hastily and without justification.

Mr. CLARK of Wyoming. I will withdraw that statement.

Mr. PATTERSON. There is not a word of truth in that.

Mr. CLARK of Wyoming. I intended to say that I thought the Senator must have observed what was going on.

Mr. PATTERSON. Oh, yes; I know there is quite a feeling in the country at large in favor of the repeal of these laws. I want to say that I sympathize very deeply with the effort, and it is because I live in an arid State that I do; and it is because I live in an arid State that the fact has been brought to my attention that in Colorado and Wyoming eight acres of land out of ten to which title has been given in the last twenty years have been obtained fraudulently and not for agricultural purposes at all.